LAWS
OF THE
STATE OF ILLINOIS
NINETY THIRD
GENERAL ASSEMBLY

2004

PUBLIC ACT 93-664
THRU
PUBLIC ACT 93-1102
The Session Laws of Illinois are compiled, printed and distributed annually by the Secretary of State pursuant to Sections 10(f) and 10(g) of an Act entitled, "General Assembly Operation Act", effective September 6, 1990. (25 Illinois Compiled Statutes, 10/10(f) and 10/10(g))

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JESSE WHITE  
Secretary of State

(PRT3390714-750-01/06)

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

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**1970 CONSTITUTION, ARTICLE IV**

"§ 10. Effective Date of Laws

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

**5 ILLINOIS COMPiled STATUTES CHAPTER 75**

75/1. Effective Date of Laws

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

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

75/2. Special Effective Dates

"§2 A bill passed after June 30 of a calendar year shall become effective on July 1 of the next calendar year unless the General Assembly by a vote of three-fifths of the members elected to each house provides for an earlier effective date in the terms of the bill or unless the General Assembly provides for a later effective date in the terms of the bill; provided that if the effective date provided in the terms of the bill is prior to the date the bill becomes a law then the date the bill becomes a law shall be the effective date."
## HOUSE BILLS
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**VIP** - Approved with appropriation items vetoed.

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

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

**P** - General Assembly action pending.

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

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

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

***** - Generally effective this date, some sections other dates.
# HOUSE BILLS
## 2004 SESSION
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IR - Approved with appropriation items reduced.
AV - Amendatory veto (returned to G.A. with recommendations for change.)
P - General Assembly action pending.
O - Governor’s action overridden by General Assembly.
CERT - AV accepted by the G.A. and certified by the Governor.
NPA - No positive action by the G.A.
* - Generally effective this date, some sections other dates.
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xx
AN ACT making appropriations.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 1

Section 1. "AN ACT making appropriations", Public Act 93-92, approved July 3, 2003, is amended by changing Section 10 of Article 1 as follows:

(P.A. 93-92, Art. 1, Sec. 10)
Sec. 10. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance:
FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from General Revenue Fund:
For Physicians.............................. 513,590,700
For Dentists................................. 88,590,800
For Optometrists............................ 11,319,800
For Podiatrists.............................. 2,367,200
For Chiropractors........................... 1,300,600
For Hospital In-Patient, Disproportionate Share and Ambulatory Care.......... 2,256,723,200
For Skilled, Intermediate, and Other Related Long Term Care Services......... 901,304,000
For Community Health Centers.......... 109,485,500
For Hospice Care........................... 35,202,300
For Independent Laboratories.......... 25,364,100
For Home Health Care, Therapy, and Nursing Services......................... 49,940,300
For Appliances............................ 54,936,000
For Transportation......................... 78,392,700
For Other Related Medical Services
and for development, implementation, and operation of managed care and children's health

New matter indicated by italics - deletions by strikeout.
programs including operating
and administrative costs and
related distributive purposes.............. 65,654,700
For Medicare Part A Premiums............... 8,700,000
For Medicare Part B Premiums.............. 121,300,000
For Medicare Part B Premiums for
Qualified Individuals under the
Federal Balanced Budget Act of 1997....... 6,633,700
For Health Maintenance Organizations and
Managed Care Entities..................... 182,223,600
For Division of Specialized Care
for Children.................................. 51,620,900
Total $4,566,300,100

In addition to any amounts heretofore appropriated, the following
named amounts, or so much thereof as may be necessary, are appropriated
to the Department of Public Aid for Medical Assistance under the Illinois
Public Aid Code and the Children's Health Insurance Program Act for
Prescribed Drugs, including costs associated with the implementation and
operation of the SeniorCare program:
Payable from:
General Revenue Fund..................... $1,042,258,000
General Revenue Fund.......................... 915,258,000
Drug Rebate Fund......................... 405,000,000
Tobacco Settlement Recovery Fund.......... 298,652,900
Medicaid Buy-In Program Revolving Fund...... 100,000
Total $1,647,010,900

The following named amounts, or so much thereof as may be
necessary, are appropriated to the Department of Public Aid for the
purposes hereinafter named:

FOR MEDICAL ASSISTANCE
Payable from General Revenue Fund:
For Grants for Medical Care for Persons
Suffering from Chronic Renal Disease........ 1,214,300
For Grants for Medical Care for Persons
Suffering from Hemophilia.................. 4,553,600
For Grants for Medical Care for Sexual
Assault Victims................................. 657,800
For Grants to Altgeld Clinic................ 400,000
Total $6,825,700

New matter indicated by italics - deletions by strikeout.
The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total General Revenue Fund appropriations in Section 2 above among the various purposes therein enumerated.

In addition to any amounts heretofore appropriated, the amount of $8,507,300, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the General Revenue Fund for expenses relating to the Children's Health Insurance Program Act, including payments under Section 25 (a)(1) of that Act, and related operating and administrative costs.

Section 2. "AN ACT making appropriations", Public Act 93-92, approved June 3, 2003, is amended by changing Section 3 of Article 5 as follows:

(P.A. 93-92, Art. 5, Sec. 3)
Sec. 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT ANNA
Payable from General Revenue Fund:
For Personal Services........................... 142,500
For Employee Retirement Contributions
  Paid by Employer................................. 5,700
For State Contributions to the State
  Employees' Retirement System................ 19,200
For State Contributions to
  Social Security................................ 10,900
  For Contractual Services...................... 806,900
For Contractual Services........................ 1,606,900
For Travel......................................... 0
For Commodities................................. 0
For Printing..................................... 0
For Equipment.................................. 0
For Electronic Data Processing............... 0
For Telecommunications Services.............. 0
For Operation of Auto Equipment............. 0
Total $1,785,200

In addition to any amounts heretofore appropriated, the amount of $1,400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the

New matter indicated by italics - deletions by strikeout.
ordinary and contingent expenses of operating the Illinois Veterans' Home at Anna.

Payable from the Anna Veterans' Home Fund:

- For Contractual Services: $1,993,700
- For Travel: $2,100
- For Commodities: $500
- For Printing: $100
- For Equipment: $9,600
- For Electronic Data Processing: $100
- For Telecommunications Services: $10,400
- For Operation of Auto Equipment: $1,800
- For Refunds: $13,000

Total: $2,031,300

Section 3. "AN ACT making appropriations", Public Act 93-62, approved June 30, 2003, is amended by changing Section 3 of Article 11 as follows:

(P.A. 93-62, Art. 11, Sec. 3)

Sec. 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Savings and Residential Finance Regulatory Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Illinois Residential Mortgage Board and the Illinois Board of Savings Institutions in the Office of Banks and Real Estate:

**MORTGAGE BANKING AND THRIFT REGULATION**

- For Personal Services: $2,534,410
- For Personal Services: $2,416,300
- For Personal Services:
  - Per Diem: $1,000
- For Employee Retirement Contributions
  - Paid by Employer: $100,468
  - Paid by Employer: $96,700
- For State Contributions to State
  - Employees' Retirement System: $340,573
  - Employees' Retirement System: $324,700
- For State Contributions to Social Security:
  - Social Security: $184,800
  - Social Security: $193,835
- For Group Insurance: $484,000

New matter indicated by italics - deletions by strikeout.
For Group Insurance ................................................. 451,000
For Contractual Services ....................................... 571,900
For Contractual Services ....................................... 550,300
For Travel .......................................................... 148,900
For Travel .......................................................... 134,500
For Commodities ................................................. 27,800
For Commodities ................................................. 25,400
For Printing ......................................................... 42,100
For Equipment ..................................................... 106,300
For Equipment ..................................................... 76,300
For Electronic Data Processing ................................. 258,300
For Electronic Data Processing ................................. 228,300
For Telecommunications Services .............................. 49,280
For Telecommunications Services .............................. 45,500
For Operation of Automotive Equipment ..................... 3,500
For Refunds .......................................................... 500

Total $4,580,900

Section 4. "AN ACT making appropriations", Public Act 93-587, approved August 22, 2003, is amended by adding new Sections 17, 18, 19 and 20 (also new section) to Article 1 as follows:

(P.A. 93-587, Art. 1, Sec. 17, new)

Sec. 17. In addition to any funds heretofore appropriated for such purposes, the sum of $2,650,000 is appropriated from the Capital Development Fund to the Capital Development Board for the Secretary of State for planning and design, providing a study, historical analysis, asbestos abatement and all other costs associated with the upgrade of the HVAC system in the Capitol Building.

(P.A. 93-587, Art. 1, Sec. 18, new)

Sec. 18. The sum of $2,500,000 is appropriated from the Capital Development Fund to the Capital Development Board for the Office of the Architect of the Capitol for equipment, remodeling and all other costs related to the maintenance, renovation or restoration of areas located in the Capitol Building.

(P.A. 93-587, Art. 1, Sec. 19, new)

Sec. 19. The sum of $7,500,000 is appropriated from the Capital Development Fund to the Capital Development Board for the Office of the Architect of the Capitol for all costs related to asbestos and environmental abatement in the Capitol Building.

New matter indicated by italics - deletions by strikeout.
Sec. 20. In addition to any funds heretofore appropriated for such purposes, the sum of $1,000,000 is appropriated from the Capital Development Fund to the Capital Development Board for the Secretary of State for all costs related to the planning and design of life safety and fire protection system improvements, hazardous material abatement, historical restoration and construction in the Capitol Building.

Section 5. "AN ACT making appropriations", Public Act 93-587, approved August 22, 2003, is amended by changing Section 30 of Article 2 as follows:

Sec. 30. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made in Article 1, Section 14 and Article 2, Sections 24, 24.1, 28, 33, 43, 45, 96, 97 and 108 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

CHICAGO STATE UNIVERSITY
(From Article 1, Section 14 of Public Act 92-717)
For roof replacement projects................. 4,400,000
For the construction of a conference center....................................................... 5,000,000
For the construction of a day care facility......................................................... 4,982,104
For the construction of a student financial outreach building.......................... 5,000,000
(From Article 2, Section 28 of Public Act 92-717)
For constructing a new library facility, site improvements, utilities, and purchasing equipment, in addition to funds previously appropriated........... 15,021,338
For technology improvements and deferred maintenance................................. 1,792,800
For remodeling Building K, in addition to funds previously appropriated.......... 9,127,174
(From Article 2, Section 33 of Public Act 92-717)
For planning and beginning to remodel Building K and improving site............. 1,005,474

New matter indicated by italics - deletions by strikeout.
For planning, site improvements, utilities, construction, equipment and other costs necessary for a new library facility.............. 10,946,401
(From Article 2, Section 96 of Public Act 92-717)
For a grant to Chicago State University for all costs associated with construction of a Convocation Center......................... 8,623,383
(From Article 2, Section 33 of Public Act 92-717)
For upgrading campus infrastructure, in addition to the funds previously appropriated.......................... 1,052,466
For renovating buildings and upgrading mechanical systems........................ 679,179

EASTERN ILLINOIS UNIVERSITY
(From Article 2, Section 28 of Public Act 92-717)
For renovating and expanding the Fine Arts Center, in addition to funds previously appropriated........................ 39,705,500
For planning and beginning to renovate and expand the Fine Arts Center - Phase 1, in addition to funds previously appropriated........................ 1,621,559
(From Article 2, Section 33 of Public Act 92-717)
For planning and beginning to renovate and expand the Fine Arts Center.............. 1,824,490
For upgrading campus buildings for health, safety and environmental improvements............. 386,432
For constructing an addition and renovating Booth Library.......................... 164,611

GOVERNORS STATE UNIVERSITY
(From Article 2, Section 28 of Public Act 92-717)
For constructing addition and remodeling the teaching & learning complex, in addition to funds previously appropriated........................ 15,979,731
(From Article 2, Section 97 of Public Act 92-717)
For costs associated with establishing a campus-wide fire alarm system at Governor's State University....................... 865,796

New matter indicated by italics - deletions by strikeout.
(From Article 2, Section 33 of Public Act 92-717)
For constructing a child development center
and an addition to the main building
and remodeling Wings E and F.................. 354,731
For planning and beginning the
main building renovations,
a child development center, and
faculty offices...................................... 7,464
For upgrading and replacing cooling
and refrigeration systems and
equipment.......................................... 260,036
For remodeling the main building............. 171,802

ILLINOIS STATE UNIVERSITY
(From Article 2, Section 28 of Public Act 92-717)
For the upgrade and remodeling
of Schroeder Hall............................. 17,345,093
(From Article 2, Section 33 of Public Act 92-717)
For planning and beginning to rehabilitate
Schroeder Hall................................... 527,176
For planning, site improvements, utilities,
construction, equipment and other costs
necessary for a new facility for the
College of Business......................... 10,814,323
For remodeling Julian and Moulton Halls..... 1,355,468

NORTHEASTERN ILLINOIS UNIVERSITY
(From Article 2, Section 28 of Public Act 92-717)
For renovating Building "C" and
remodeling and expanding Building "E"
and Building "F"............................... 9,064,300
(From Article 2, Section 33 of Public Act 92-717)
For planning and beginning to remodel
Buildings A, B and E....................... 3,718,870
For remodeling in the Science Building
to upgrade heating, ventilating and air
conditioning systems....................... 2,021,400
For replacing fire alarm systems, lighting
and ceilings................................. 1,871,089
For renovating the auditorium in
Building E................................. 2,345,730

New matter indicated by italics - deletions by strikeout.
For renovation of Buildings E, F, and the auditorium, and demolition and replacement of Buildings G, J and M, in addition to amounts previously appropriated............................... 102,848
For remodeling the library.......................... 84,571

NORTHERN ILLINOIS UNIVERSITY
(From Article 2, Section 28 of Public Act 92-717)
For renovating the Founders Library basement, in addition to funds previously appropriated............................. 768,745
(From Article 2, Section 33 of Public Act 92-717)
For planning a classroom building and developing site in Hoffman Estates.......... 1,314,500
For completing the construction of the Engineering Building, in addition to amounts previously appropriated for such purpose................................. 3,777,651
For renovating Altgeld Hall and purchasing equipment.............................. 1,853,450
For upgrading storm waterway controls in addition to funds previously appropriated...... 1,265,161

SOUTHERN ILLINOIS UNIVERSITY
(From Article 2, Section 24.1 of Public Act 92-717)
For planning, construction and equipment for a cancer center....................... 14,314,690

SOUTHERN ILLINOIS UNIVERSITY – CARBONDALE
(From Article 1, Section 14 of Public Act 92-717)
For renovating and constructing an addition to the Morris Library, in addition to funds previously appropriated................................. 25,690,000
(From Article 2, Section 108 of Public Act 92-717)
For planning a renovation and addition to the Morris Library......................... 1,523,552
(From Article 2, Section 28 of Public Act 92-717)
For renovating Altgeld Hall and Old Baptist Foundation, in addition to funds previously appropriated......................... 4,924,540

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0664

(From Article 2, Section 33 of Public Act 92-717)
For upgrading and remodeling Anthony Hall.............. 0
For site improvements and purchasing
   equipment for the Engineering and
   Technology Building.................................... 11,190
(From Article 2, Section 43 of Public Act 92-717)
For construction of an engineering building
   annex.................................................... 61,448

SOUTHERN ILLINOIS UNIVERSITY - EDWARDSVILLE
(From Article 2, Section 24.1 of Public Act 92-717)
For planning, construction and equipment
   for an advanced technical worker
   training facility........................................ 1,029,729
(From Article 2, Section 33 of Public Act 92-717)
For construction of the Engineering Facility
   building and related site improvements............. 24,511
(From Article 2, Section 43 of Public Act 92-717)
For replacement of the high temperature water
   distribution system.................................... 168,709

SIU SCHOOL OF MEDICINE – SPRINGFIELD
(From Article 2, Section 24 of Public Act 92-717)
For constructing and for equipment for
   an addition to the combined laboratory,
   in addition to funds previously
   appropriated........................................... 12,368,319

UNIVERSITY OF ILLINOIS AT CHICAGO
(From Article 1, Section 14 of Public Act 92-717)
Plan, construct, and equip the Chemical
   Sciences Building........................................ 57,600,000
(From Article 2, Section 24.1 of Public Act 92-717)
For planning, construction and equipment
   for a chemical sciences building.................... 6,400,000
To plan and begin construction of
   a medical imaging research/clinical
   facility.................................................. 3,326,338
(From Article 2, Section 33 of Public Act 92-717)
For remodeling the Clinical
   Sciences Building...................................... 1,906,902
For the renovation of the court area and

New matter indicated by italics - deletions by strikeout.
Lecture Center, in addition to funds previously appropriated... 1,571,369

UNIVERSITY OF ILLINOIS AT CHICAGO
(From Article 2, Section 45 of Public Act 92-717)
For remodeling Alumni Hall, Phase II, including utilities... 22,874

UNIVERSITY OF ILLINOIS AT CHAMPAIGN-URBANA
(From Article 1, Section 14 of Public Act 92-717)
Expansion of Microelectronics Lab... 18,000,000
(From Article 2, Section 24.1 of Public Act 92-717)
For planning, construction and equipment
for a biotechnology genomic facility... 67,500,000
For planning, construction and equipment
for a supercomputing application facility... 24,713,878
For planning, construction and equipment
for a technology transfer incubator facility... 130,165
To plan and begin construction of a
biotechnology/genomic facility... 3,224,471
To plan and begin construction of a
supercomputing application
facility... 868,928
To plan and begin construction of a
technology transfer incubator
facility... 179,276
(From Article 2, Section 33 of Public Act 92-717)
For remodeling the Mechanical Engineering Laboratory Building... 125,428
(From Article 2, Section 45 of Public Act 92-717)
For initiating a campus flood control project... 75,852

UNIVERSITY CENTER OF LAKE COUNTY
(From Article 1, Section 14 of Public Act 92-717)
For constructing a university center and purchasing equipment, in addition to funds previously appropriated... 8,000,000
(From Article 2, Section 33 of Public Act 92-717)
For land, planning, remodeling, construction and all costs necessary to construct a

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0664

facility...................................... 11,000,000
facility...................................... 10,622,467

WESTERN ILLINOIS UNIVERSITY – MACOMB
(From Article 1, Section 14 of Public Act 92-717)
Plan and construct performing arts center................................. 4,000,000
(From Article 2, Section 28 of Public Act 92-717)
For improvements to Memorial Hall........................................... 11,931,823
(From Article 2, Section 33 of Public Act 92-717)
For constructing a utility tunnel system, in addition to funds previously appropriated....... 113,118
For remodeling Horrabin Hall and beginning to convert Simpkins Hall gymnasium and adjacent areas into a performing arts facility........................ 56,564
Total $495,841,044

Section 6. "AN ACT making appropriations", Public Act 93-62, approved June 30, 2003, is amended by adding new Section 5 to Article 12 as follows:

(P.A. 93-62, Art. 12, Sec. 5, new)
Sec. 5. The amount of $15,000, or so much thereof as may be necessary, is appropriated to the Prisoner Review Board from the General Revenue Fund for expenses relating to the victim notification units.

Section 7. “AN ACT making appropriations”, Public Act 93-91, approved July 3, 2003, is amended by changing Section 5 of Article 7 as follows:

(P.A. 93-91, Art. 7, Sec. 5)
Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF ADMINISTRATION
Payable from General Revenue Fund:
For Personal Services................................. 7,239,000
For Personal Services................................. 7,364,000
For Employee Retirement Contributions
Paid by Employer................................. 306,900
For State Contributions to State Employees' Retirement System............................ 989,600

New matter indicated by italics - deletions by strikeout.
For State Contributions to
  Social Security................................. 496,300
  For Contractual Services....................... 4,208,200
  For Travel........................................ 86,100
  For Commodities................................. 416,200
  For Printing...................................... 99,800
  For Equipment.................................... 121,700
  For Telecommunications Services............... 231,900
  For Operation of Auto Equipment............... 232,400
  For Repairs and Maintenance and
  Permanent Improvements........................... 54,000
  For Expenses of Apprehension of
  Fugitives............................................. 0
  For Contractual Services:
    For Payment of Tort Claims....................... 60,500
    For Refunds........................................ 7,400
  For Expenses regarding implementation
  of the Juvenile Justice Reform
  provisions........................................... 548,000
  For Expenses associated with the
  Videotaping of Interrogations................ 1,000,000
  Total.......................................... $16,223,000

Payable from Missing and Exploited Children
Trust Fund:
For the Administration and fulfillment
of its responsibilities under the
Intergovernmental Missing Child
Recovery Act of 1984................................. 0

Payable from the State Police Wireless
Service Emergency Fund:
For costs associated with the
administration and fulfillment
of its responsibilities under
the Wireless Emergency Telephone
Safety Act............................................. $500,000

Payable from the State Police Vehicle Fund:
For equipment:
  Purchase of Police Cars - FY04................. $50,000

New matter indicated by italics - deletions by strikeout.
Section 8. “AN ACT making appropriations”, Public Act 93-65, approved July 1, 2003, is amended by changing Section 1 of Article 7 as follows:

(P.A. 93-65, Art. 7, Sec. 1)

Sec. 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the State Police Merit Board:

For Personal Services...........................                                           344,900
For Employee Retirement Contributions
  Paid by Employer...............................             13,800
For State Contributions to State
  Employees' Retirement System...............             46,400
For State Contributions to
  Social Security...............................             27,700
For Contractual Services.......................... 447,800
For Contractual Services.......................... 322,800
For Travel.........................................             5,000
For Commodities.....................................             8,000
For Printing.........................................             6,000
For Equipment.....................................             8,100
For Electronic Data Processing.......................             8,000
For Telecommunications Services....................             12,000
For Operation of Automotive Equipment..............             2,700
Total                                                                                   $805,400

Section 9. Item and reduction veto not restored. Nothing in this Article shall be construed to restore an item or reduction veto.

ARTICLE 2

Section 1. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

  No. 99-CC-0134, Home Care Medical Services Inc and Behavioral Service Providers, Inc.
  Contract, against the Departments of Human Services and Public Aid...................... $660,316.46

  No. 93-CC-0554, Aubrey Volious. Tort, against Chicago State University.................. $13,500.00

  No. 93-CC-0556, Ronald Eskridge. Tort,

New matter indicated by italics - deletions by strikeout.
against Chicago State University.................. $33,000.00
   No. 01-CC-2609, Kimberly Colbert.
Personal injury, against the Department of Corrections...................... $22,000.00
   No. 02-CC-3662, Lawrence Hayes.
Medical Malpractice, against the Department of Corrections................ $6,250.00
   No. 03-CC-2701, Steven Linscott. Illegal Incarceration, against the Department of Corrections........ $60,150.00
   No. 03-CC-2702, Paula Gray. Illegal Incarceration, against the Department of Corrections........ $120,300.00
   No. 03-CC-3105, Melinda Erickson.
Discrimination, against Northeastern Illinois University....................... $85,000.00
   No. 03-CC-4017, Leroy Orange. Illegal Incarceration, against the Department of Corrections.... $161,005.24
   No. 03-CC-4227, Franklin Thompson. Illegal Incarceration, against the Department of Corrections... $138,004.49
   No. 03-CC-4364, Gary Dotson. Illegal Incarceration, against the Department of Corrections... $120,300.00
   No. 03-CC-4365, Gary Gauger. Illegal Incarceration, against the Department of Corrections... $60,150.00
   No. 03-CC-4566, Madison Hobley. Illegal Incarceration, against the Department of Corrections... $161,005.24
   No. 03-CC-4655, Miguel Castillo. Illegal Incarceration, against the Department of Corrections... $127,786.76
   No. 03-CC-4899, Oscar Walden Jr. Illegal Incarceration, against the Department of Corrections... $120,300.00

New matter indicated by italics - deletions by strikeout.
Section 2. The following named amounts are appropriated from the Road Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 91-CC-0927, Commercial Union Insurance Co.

Personal Injury and Property Damage, against the Department of Transportation...... $205,144.66

Section 3. The following named amounts are appropriated to the Court of Claims from State Fund 218, Professional Indirect Cost Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $13,878.01

Section 4. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 03-CC-0509, Computer Associates Intl. Inc., Debt, against the Department of Central Management Services................................. $154,420.00

Section 5. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $23,019.17

Section 6. The following named amounts are appropriated to the Court of Claims from State Fund 344, Care Provider Fund for Persons with Developmental Disability, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $65,028.38

No. 03-CC-4509, Shore Community Services, Inc, Debt, against the Department of Central Management Services................................. $62,388.49

Section 7. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed

New matter indicated by italics - deletions by strikeout.
appropriation claims less than $50,000........ $16,363.76

Section 8. The following named amounts are appropriated to the Court of Claims from State Fund 523, Department of Corrections Reimbursement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $22,466.56

Section 9. The following named amounts are appropriated to the Court of Claims from State Fund 528, Domestic Violence Abuser Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $16,568.01

Section 10. The following named amounts are appropriated to the Court of Claims from State Fund 718, Community Mental Health Medicaid Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $127,274.88

No. 03-CC-4203, Human Service Center of Illinois, Debt, against the Department of Human Services............................... $76,467.18

Section 11. The following named amounts are appropriated to the Court of Claims from Federal Fund 726, Federal Industrial Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $21,000.00

Section 12. The following named amounts are appropriated to the Court of Claims from State Fund 828, Hazardous Waste Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $7,961.00

Section 13. The following named amounts are appropriated to the Court of Claims from Federal Fund 911, Juvenile Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $7,961.00

New matter indicated by italics - deletions by strikeout.
Section 14. The following named amounts are appropriated to the Court of Claims from State Fund 920, Metabolic Screening and Treatment Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........                             $35,137.51

Section 15. The following named amounts are appropriated to the Court of Claims from State Fund 944, Environmental Protection Permit and Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........                              $5,532.00

Section 16. The following named amounts are appropriated to the Court of Claims from State Fund 997, Insurance Financial Regulation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..........                             $14,577.50

Section 17. The following named amounts are appropriated to the Court of Claims from State Fund 323, Motor Vehicle Review Board Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-0082, William Collins & Bax, P.C. Contract, against the Secretary of State........                               $24,562.50

ARTICLE 3

Section 1. "An Act regarding appropriations", Public Act 93-91, approved July 3, 2003, with certain items vetoed or reduced is amended by changing Sections 5 and 15 of Article 15 as follows:

(P.A. 93-91, Art. 15, Sec. 5)

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

For Personal Services:
  Judges' Salaries........................................ $126,750,800
For Judges appointed after December 1, 2003.............................. 190,200
For Travel: Judges of the Supreme Court......................... 28,500
               Judges of the Appellate Court...................... 143,400
               Judges of the Circuit Court......................... 737,900
               Judicial Conference and Supreme Court Committees........ 699,800
For State Contributions to Social Security....................... 1,871,100
   Total, this Section $130,231,500

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

   Administration of the First Appellate District
   For Personal Services............................... $6,455,400
   For State Contributions to State Employees' Retirement........ 666,200
   For State Contributions to Social Security..................... 493,900
   For Contractual Services.............................. 426,300
   For Travel............................................. 2,100
   For Commodities......................................... 56,000
   For Printing............................................. 39,800
   For Equipment........................................... 84,000
   For Telecommunications............................... 122,000
   Total $8,345,700

   Administration of the Second Appellate District
   For Personal Services............................... 2,629,900
   For State Contributions to State Employees' Retirement........ 271,400
   For State Contributions to Social Security..................... 201,300
   For Contractual Services.............................. 618,700

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Travel...........................................</td>
<td>4,800</td>
</tr>
<tr>
<td>For Commodities.....................................</td>
<td>25,800</td>
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<tr>
<td>For Printing........................................</td>
<td>12,900</td>
</tr>
<tr>
<td>For Equipment......................................</td>
<td>159,200</td>
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<tr>
<td>For Operation of Automotive Equipment...............</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications..............................</td>
<td>52,300</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$3,977,100</strong></td>
</tr>
</tbody>
</table>

**Administration of the Third Appellate District**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services...............................</td>
<td>$1,971,100</td>
</tr>
<tr>
<td>For Extra Help.......................................</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement</td>
<td>209,000</td>
</tr>
<tr>
<td>For State contributions to Social Security........</td>
<td>150,800</td>
</tr>
<tr>
<td>For Contractual Services...........................</td>
<td>486,000</td>
</tr>
<tr>
<td>For Travel...........................................</td>
<td>4,600</td>
</tr>
<tr>
<td>For Commodities.....................................</td>
<td>23,900</td>
</tr>
<tr>
<td>For Printing........................................</td>
<td>20,600</td>
</tr>
<tr>
<td>For Equipment......................................</td>
<td>268,900</td>
</tr>
<tr>
<td>For Telecommunications..............................</td>
<td>58,700</td>
</tr>
<tr>
<td><strong>For Operations of the Third Appellate District upon the appointment of Judges following December 1, 2003</strong></td>
<td>$276,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,193,600</strong></td>
</tr>
</tbody>
</table>

**Administration of the Fourth Appellate District**

<table>
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<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services...............................</td>
<td>1,993,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement</td>
<td>205,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security........</td>
<td>152,500</td>
</tr>
<tr>
<td>For Contractual Services...........................</td>
<td>500,000</td>
</tr>
<tr>
<td>For Travel...........................................</td>
<td>5,800</td>
</tr>
<tr>
<td>For Commodities.....................................</td>
<td>12,200</td>
</tr>
<tr>
<td>For Printing........................................</td>
<td>9,400</td>
</tr>
<tr>
<td>For Equipment......................................</td>
<td>125,600</td>
</tr>
<tr>
<td>For Telecommunications..............................</td>
<td>53,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,058,200</strong></td>
</tr>
</tbody>
</table>

**Administration of the Fifth Appellate District**

New matter indicated by italics - deletions by strikeout.
For Personal Services........................... 2,017,700
For Extra Help........................................... 0
For State Contributions to
State Employees' Retirement...................... 208,200
For State Contributions to
Social Security.................................. 154,300
For Contractual Services....................... 390,600
For Travel........................................... 5,200
For Commodities..................................... 23,100
For Printing........................................ 15,700
For Equipment...................................... 168,600
For Telecommunications....................... 40,000
For Operation of
Automotive Equipment............................. 1,200
Total $3,024,600

Section 2. "An Act making appropriations", Public Act 93-91, approved July 3, 2003, is amended by changing Sections 5, 10, and 15 of Article 20 as follows:
(P.A. 93-91, Art. 20, Sec. 5)
Sec. 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Elections for its ordinary and contingent expenses as follows:
The Board
For Contractual Services....................... $17,600
For Travel........................................... 15,600
For Equipment...................................... 500
TOTAL........................................... 33,700
Administration
For Personal Services........................... 526,200
For Employee Retirement Contributions
Paid By Employer...................................... 21,000
For State Contributions to State Employees'
Retirement System................................... 54,300
For State Contributions to
Social Security.................................... 38,300
For Contractual Services....................... 347,300
For Travel........................................... 13,300
For Commodities................................... 16,200
For Printing........................................ 10,500

New matter indicated by italics - deletions by strikeout.
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<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Equipment</td>
<td>1,900</td>
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<tr>
<td>For Telecommunications</td>
<td>81,200</td>
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<tr>
<td>For Operation of Automotive Equipment</td>
<td>2,900</td>
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<td><strong>TOTAL</strong></td>
<td><strong>1,113,100</strong></td>
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<tr>
<td><strong>Elections</strong></td>
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<tr>
<td>For Personal Services</td>
<td>1,231,700</td>
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<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid By Employer</td>
<td>49,300</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>127,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>93,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>20,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>42,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>28,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,800</td>
</tr>
<tr>
<td>For Software Development and</td>
<td></td>
</tr>
<tr>
<td>implementation of the Statewide</td>
<td></td>
</tr>
<tr>
<td>Voter Registration System</td>
<td>550,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>2,146,300</strong></td>
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<tr>
<td><strong>General Counsel</strong></td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>221,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid By Employer</td>
<td>8,900</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>22,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>16,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>138,400</td>
</tr>
<tr>
<td><em>For federal litigation regarding the punch-card</em></td>
<td>$61,000</td>
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<tr>
<td>voting system in Illinois</td>
<td></td>
</tr>
<tr>
<td>For Travel</td>
<td>4,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>500</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>413,700</strong></td>
</tr>
<tr>
<td><strong>Campaign Financing</strong></td>
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<tr>
<td>For Personal Services</td>
<td>650,400</td>
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<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid By Employer</td>
<td>26,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
  Employees' Retirement System.................. 67,100
For State Contributions to
  Social Security................................. 49,800
For Contractual Services......................... 11,200
For Travel........................................ 11,600
For Printing....................................... 16,900
For Equipment..................................... 12,800
  TOTAL........................................... 845,800
  EDP
For Personal Services............................. 312,700
For Personal Services............................. 285,700
For Employee Retirement Contributions
  Paid By Employer................................ 12,500
  Paid by Employer................................ 11,400
For State Contributions to State
  Employees' Retirement System.................. 43,200
  Employees' Retirement System.................. 29,500
For State Contributions to
  Social Security................................. 23,900
  Social Security................................. 21,900
For Contractual Services......................... 314,300
For Travel........................................ 11,300
For Commodities.................................. 14,000
For Printing....................................... 700
For Equipment..................................... 94,500
  TOTAL........................................... 783,300
(P.A. 93-91, Article 20, Section 10)
Sec. 10. The following amounts, or so much of those amounts as
may be necessary, respectively, are appropriated to the State Board of
Elections for grants to local governments as follows:
For Reimbursement to Counties for increased
  Compensation to Judges and other
  Election Officials, as provided in
  Public Acts 81-850, 81-1149, and 90-672..... $1,419,100
  Public Acts 81-850, 81-1149, and 90-672..... $1,364,100
For Payment of Lump Sum Awards to County
  Clerks, County Recorders, and Chief Election Clerks as
  Compensation for Additional Duties required

New matter indicated by italics - deletions by strikeout.
of such officials by consolidation of elections law, as provided in Public Acts 82-691 and 90-713.............................. 812,500

For Payment to Election Authorities for expenses in supplying voter registration tapes to the State Board of Elections pursuant to
Public Act 85-958............................... 19,500
Public Act 85-958............................... 12,400

(Total, this Section $2,189,000)
(P.A. 93-91, Art. 20, Sec. 15)

Sec. 15. In addition to all other amounts appropriated in fiscal year 2003, the amount of $75,000,000, or so much of that amount as may be necessary, is appropriated from the Help Illinois Vote Fund to the State Board of Elections for the purposes provided in the Election Code for that Fund.

Section 3. "An Act regarding appropriations", Public Act 93-92, approved July 3, 2003, with certain items vetoed or reduced is amended by changing Section 55 and Section 65 of Article 4 as follows:
(P.A. 93-92, Art. 4, Sec. 55)

Sec. 55. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the General Revenue Fund:
For Grants for Vision and Hearing Screening Programs......................... 690,300
For a Grant to SIU Parkinson Disease Center for Research, Treatment, Diagnostic Services and Counseling......................... 375,000
For a Grant to Robert Morris College Hygiene Program......................... 100,000
For Grants Associated with Donated Dental Services......................... 75,000
For a Grant to the Amyotrophic Lateral Sclerosis (ALS) Association for research into discovering the cause and cure for Amyotrophic Lateral Sclerosis................................. 1,000,000

New matter indicated by italics - deletions by strikeout.
For a Grant to Study the Increase of 
Asthma among African-Americans in 
the City of Chicago......................... 200,000
Total $2,440,300

(P.A. 93-92, Art. 4, Section 65)

Sec. 65. In addition to any amounts previously appropriated, the sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recover Fund for the research, evaluation, and assessment of tobacco control programs.

Payable from the Prostate Cancer Research Fund:
For Grants to Public and Private 
Entities in Illinois for Prostate 
Cancer Research......................... $100,000 $300,000

Section 6. "An Act regarding appropriations", Public Act 93-115, approved July 9, 2003, with certain items vetoed or reduced is amended by changing Section 25 of Article 1 as follows:

(P.A. 93-115, Art. 1, Sec. 25)

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

From the General Revenue Fund:
For orphanage tuition claims
and State-owned housing 
claims as provided under Section
18-3 of the School Code...................... $14,651,000
For tuition of disabled children 
attending schools under 
Section 14-7.02 of the School Code........ $59,423,000
For reimbursement to school 
districts for extraordinary special 
education and facilities 
under Section 14-7.02a of 
the School Code......................... $229,502,000
For reimbursement to school 
districts for services 
and materials used in programs 
for the use of disabled 
children under Section 14-13.01 
of the School Code......................... $314,860,000

New matter indicated by italics - deletions by strikeout.
For reimbursement on a current basis only to school districts that provide for education of handicapped orphans from residential institutions as well as foster children who are mentally impaired or behaviorally disordered as provided under Section 14-7.03 of the School Code................................. $97,370,000
For financial assistance to Local Education Agencies with over 500,000 population to meet the needs of those children who come from environments where the dominant language is other than English under Section 34-18.2 of the School Code............................................. $34,896,600
For financial assistance to Local Education Agencies with under 500,000 population to meet the needs of those children who come from environments where the dominant language is other than English under Section 10-22.38a of the School Code............................................. $27,655,400
For reimbursement to school districts qualifying under Section 29-5 of the School Code for a portion of the cost of transporting common school pupils......................... $242,424,000
For reimbursement to school districts for a portion of the cost of transporting disabled students under

New matter indicated by italics - deletions by strikeout.
subsection (b) of Section 14-13.01 of the School Code.............. $263,081,000
For all costs associated with the supplementary payments to school districts as provided in Section 18-8.2, Section 18-18.3, Section 18-8.5, and Section 18-8.05 (I) of the School Code........ $1,669,400
For reimbursement to school districts and for providing free lunch and breakfast programs under the provision of the School Breakfast and Lunch Program Act................................ $19,565,000
For Tax-Equivalent Grants pursuant to Section 18-4.4 of the School Code........ $222,600
For grants associated with the School Breakfast Incentive Program.................. $723,500
For the Regional Offices of Education, including, but not limited to, ROE, School Bus Driver Training, ROE School Services, and ROE Supervisory Expense.................................. $6,500,000
For a grant to the South Cook Intermediate Service Center for ordinary and contingent expenses........................................ $300,000
For grants associated with Reading for Blind and Dyslexic Persons, and for programs and services in support of Illinois citizens with visual and reading impairments.............................. $168,800
For Grants to the Local Education Agencies to Conduct Agricultural Education Programs................................ $1,881,200
For grants associated with the Metro East Consortium for Child Advocacy.................. $217,100
For financial assistance to Local

New matter indicated by italics - deletions by strikeout.
Education Agencies for the purpose of maintaining an educational materials coordinating unit as provided for by Section 14-11.01 of the School Code.......................... $1,121,000
For grants associated with the Transition of Minority Students............... $578,800
For Residential Services Authority (RSA) for Behavior Disorders and Severely Emotionally Disturbed Children and Adolescents:
*For Personal Services.................. $320,100
*For Personal Services.................. $352,100
For Employee Retirement Paid by Employer........ 15,500
For Retirement Contributions.................. 20,000
For Social Security Contributions................. 16,400
*For Other RSA Operations................. 100,700
*For Other RSA Operations................. 68,700
Total........................................ $472,700
For financial assistance to Local Education Agencies for the Philip J. Rock Center and School as provided by Section 14-11.02 of the School Code................................... $2,855,500
For supplementary payments (General State Aid - Hold Harmless) to school districts under subsection (J) of Section 18-8.05 of the School Code............... $38,600,000
For summer school payments as provided by Section 18-4.3 of the School Code............... $6,370,000
For costs associated with Teach for America..... $450,000
For transitional assistance.................... $5,200,000
For Reading Improvement Block Grant........... $79,221,100
For Early Childhood Block Grant............... $213,405,700
For the Charter Schools Program:
*For Personal Services.................. $159,200
*For Employee Retirement Paid by Employer........ 6,800

New matter indicated by italics - deletions by strikeout.
For Retirement Contributions.......................... 12,100
For Social Security Contributions.................... 8,700
For Other Charter Schools Operations.............. 319,600
For Grants........................................... 3,693,600
Total.................................................. $4,200,000

For all costs associated with providing
the loan of textbooks to Students
under Section 18-17 of the School Code......... $29,126,500

From the Common School Fund:
For compensation of Regional
Superintendents of Schools
and Assistants under Section
18-5 of the School Code.......................... $8,500,000

From the Common School Fund: For general apportionment
(General State Aid)
provided by Section
18-8.05 of the
School Code..................................... $2,763,700,000

From the School District Emergency Financial District Assistance Fund:
For emergency financial assistance
pursuant to Section
1B-8 of the School Code.......................... $5,333,000

From the Education Assistance Fund:
For general apportionment
(General State Aid) as provided
by Section 18-8.05 of the School Code........ $681,900,000

From the Temporary Relocation Expenses Revolving Grant Fund:
For temporary relocation
expenses as provided in Section
2-3.77 of the School Code...................... $1,130,000

From the Illinois Future Teacher Corps Scholarship Fund:
For grants to the Golden
Apple Foundation............................... $10,000

Total, Section 25................................. $5,156,984,900

Section 7. "An Act regarding appropriations", Public Act 93-0091,
approved July 3, 2003, with certain items vetoed or reduced is amended by
changing Section 10 of Article 16 as follows:
(P.A. 93-91, Art. 16, Sec. 10)

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

For Personal Services............................. $500,604
For Employee Retirement Contributions
  Paid by Employer.................... 20,024
For State Contributions to State
  Employees' Retirement
  System............................ 67,276
For State Contributions to
  Social Security................................. 38,296
For Contractual Services........................... 547,500
For Model Illinois Government Activities............. 3,000
For Travel........................................... 5,000
For Commodities...................................... 3,200
For Equipment.......................................... 100
For Electronic Data Processing......................... 500
For Telecommunication Services....................... 9,000

Total $1,198,000

Section 8. "An Act making appropriations", Public Act 93-68, approved July 1, 2003, is amended by changing Section 4 of Article 1 as follows:

(P.A. 93-68, Art. 1, Sec. 4)

Sec 4. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER RELIEF, PUBLIC

Whenever it becomes necessary for the State or any governmental unit to furnish in a disaster area emergency services directly related to or required by a disaster and existing funds are insufficient to provide such services, the Governor may, when he considers such action in the best interest of the State, release funds from the General Revenue disaster relief appropriation in order to provide such services or to reimburse local governmental bodies furnishing such services. Such appropriation may be used for payment of the Illinois National Guard when called to active duty in case of disaster, and for the emergency purchase or renting of

New matter indicated by italics - deletions by strikeout.
equipment and commodities. Such appropriation shall be used for emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.

Payable from General Revenue Fund: 220,200
Payable from General Revenue Fund: 420,200
Payable from General Revenue Fund:
For costs incurred in prior years: 250,000
Payable from General Revenue Fund:
For costs incurred in prior years: 50,000
Total: $470,200
Payable from the Federal Aid Disaster Fund:
For Federal Disaster Declarations:
In Prior Years: 45,000,000
Federal Disaster Declarations:
In Fiscal Year 2004: 30,000,000
For State Administration of the
Federal Disaster Relief Program: 1,000,000
For State Administration of the
Hazard Mitigation Program: 1,000,000
Disaster Relief - Hazard Mitigation: 8,000,000
Disaster Relief - Hazard Mitigation in Prior Years: 35,000,000
Total: $120,000,000

Section 9. "An Act regarding appropriations", Public Act 93-90, approved July 3, 2003, with certain items vetoed or reduced is amended by inserting new Section 30 immediately after Section 25 of Article 12 as follows:

(P.A. 93-90, Art. 12, Sec. 30, new)
Sec. 30. The amount of $200,000, or so much thereof of that amount as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for all costs associated with the Illinois Commission of the 50th anniversary of Brown v. Board of Education.

Section 10. "An Act making appropriations", Public Act 93-93, approved July 3, 2003, is amended by changing Sections 12 and 13 of Article 1 as follows:
(P.A. 93-93, Art. 1, Sec. 12)

New matter indicated by italics - deletions by strikeout.
Sec. 12. The sum of $437,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 71, Section 12 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for costs associated with the acquisition or improvements of Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark boundary.

(P.A. 93-93, Art. 1, Sec. 13)

Sec. 13. The sum of $460,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 71, Section 13 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for support facilities, acquisition, or improvements for Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark boundary.

Section 11. "An Act making appropriations", Public Act 93-90, approved July 3, 2003, is amended by changing Section 35 of Article 2 as follows:

(P.A. 93-93, Art. 2, Sec. 35)

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

Grants and Scholarships
For payment of matching grants to Illinois institutions to supplement scholarship programs, as provided by law.......................... $950,000
For payment of Merit Recognition Scholarships to undergraduate students under the Merit Recognition Scholarship Program provided for in Section 31 of the Higher Education Student Assistance Act......................... 5,400,000
For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are dependents of correctional officers killed or permanently disabled in the line of new matter indicated by italics - deletions by strikeout.
duty, as provided by law.......................... 275,000
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law.......................... 4,500,000
For payment of military Veterans' scholarships at State-controlled universities and at public community colleges for students eligible, as provided by law...................... 19,250,000
For college savings bond grants to students eligible to receive such awards................... 650,000
For payment of Minority Teacher Scholarships.. 3,100,000
For payment of ITEACH Teacher Shortage Scholarships....................................... 2,900,000
For payment of Illinois Incentive for Access grants, as provided by law...................... 7,200,000
For payment of Illinois Scholars Scholarships..................................................... 3,514,300
Scholarships........................................... 2,914,300
Total $47,139,300

Section 12. "AN ACT making appropriations", Public Act 93-76, approved July 1, 2003, is amended by changing Section 5 of Article 1 as follows:

(P.A. 93-76, Art. 1, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Military Affairs:

FOR OPERATIONS
OFFICE OF THE ADJUTANT GENERAL
Payable from General Revenue Fund:

For Personal Services.......................... 1,269,600
For Employee Retirement Contributions Paid By Employer.............................. 50,800
For State Contributions to State Employees' Retirement System....................... 170,600

New matter indicated by italics - deletions by strikeout.
<table>
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<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Social Security</td>
<td>97,100</td>
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<tr>
<td>For Contractual Services</td>
<td>19,000</td>
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<tr>
<td>For Travel</td>
<td>15,400</td>
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<tr>
<td>For Commodities</td>
<td>6,200</td>
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<tr>
<td>For Printing</td>
<td>4,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>24,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>39,200</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>32,000</td>
</tr>
<tr>
<td>For State Officer's Candidate School</td>
<td>800</td>
</tr>
<tr>
<td>For Lincoln's Challenge Stipend Payments</td>
<td>3,248,800</td>
</tr>
<tr>
<td>Total</td>
<td>$5,511,400</td>
</tr>
</tbody>
</table>

Payable from Federal Support Agreement Revolving Fund:

- Army/Air Reimbursable Positions: 6,951,050
- Army/Air Reimbursable Positions: 6,613,300
- Lincoln's Challenge: 4,889,700
- Lincoln's Challenge Stipend Payments: 1,200,000

Total: $12,703,000

FACILITIES OPERATIONS

Payable from General Revenue Fund:

- For Personal Services: 4,760,200
- For Employee Retirement Contributions
  - Paid by Employer: 190,400
- For State Contributions to State Employees' Retirement System: 639,700
- For State Contributions to Social Security: 364,200
- For Contractual Services: 1,959,300
- For Commodities: 89,400
- For Equipment: 17,600

Total: $8,020,800

Section 13. "An Act regarding appropriations", Public Act 93-91, approved July 3, 2003, with certain items vetoed or reduced is amended by adding Section 96 of Article 3 as follows:

(P.A. 93-91, Art. 3, Sec. 96, new)

Sec. 96. The amount of $500,000 is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for the purpose of funding Public Act 93-46.

New matter indicated by italics - deletions by strikeout.
Section 14. "An Act regarding appropriations", Public Act 93-98, approved July 3, 2003, with certain items vetoed or reduced is amended by adding Section 80 as follows:

(P.A. 93-98, Sec. 80, new)

Sec. 80. The sum of $150,000, or so much thereof as may be necessary, is appropriated to the Attorney General to meet the ordinary and contingent expenses for the Office of Inspector General.

Section 15. "An Act regarding appropriations", Public Act 93-91, approved July 3, 2003, with certain items vetoed or reduced is amended by adding Section 75 of Article 17 as follows:

(P.A. 93-91, Art. 17, Sec. 75, new)

Sec. 75. The sum of $150,000, or so much thereof as may be necessary, is appropriated to the General Assembly’s Office of the Inspector General to meet their ordinary and contingent expenses.

Section 16. "An Act regarding appropriations", Public Act 93-91, approved July 3, 2003, with certain items vetoed or reduced is amended by adding Section 6 of Article 11 as follows:

(P.A. 93-91, Art. 11, Sec. 6, new)

Sec. 6. The sum of $150,000, or so much thereof as may be necessary, is appropriated to the Office of the Comptroller to meet the ordinary and contingent expenses for the Office of Inspector General.

Section 17. "An Act making appropriations", Public Act 93-587, approved in part and item-vetoed in part on August 22, 2003, is amended by changing Section 27 of Article 2 as follows:

(P.A. 93-587, Article 2, Section 27)

Sec. 27. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 14 and Article 2, Sections 25 and 110 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

ILLINOIS MATHEMATICS AND SCIENCE ACADEMY - AURORA (From Article 1, Section 14 of Public Act 92-717)
For constructing a mezzanine level in east gymnasium and purchasing equipment, in addition to funds previously appropriated.............................................. $5,943,800
(From Article 2, Section 110 of Public Act 92-717)

New matter indicated by italics - deletions by strikeout.
To plan and begin construction of a

*space for the delivery of teacher training and development and student enrichment programs*

mezzanine level in the east gymnasium........... 1,996,393

(From Article 2, Section 25 of Public Act 92-717)

For replacing carpeting, constructing storage building and various site improvements, including extending communications conduit system................................. 188,823

For the purchase, renovation and improvement of the North Campus High School site of the Aurora West School District 129, including construction of four dormitories, equipment purchases and other expenses for use by the Illinois Mathematics and Science Academy........................................ 185,532

Total $8,314,548

Section 18. "An Act regarding appropriations", Public Act 93-0091, approved July 3, 2003, with certain items vetoed or reduced is amended by changing Section 5 of Article 6 as follows:

(P.A. 93-91, Art. 6, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Property Tax Appeal Board:

Payable from the General Revenue Fund:

For Personal Services........................... $1,325,300

For Employee Retirement Contributions

Paid by Employer................................. 51,300

For State Contributions to State Employees' Retirement System.................................... 179,300

For State Contributions to Social Security..................................................... 102,100

For Contractual Services......................... 44,000

For Travel......................................... 32,000

For Commodities................................. 10,000

For Printing........................................ 1,000

New matter indicated by italics - deletions by strikeout.
For Equipment........................................ 8,000
For Electronic Data
    Processing......................................... 50,000
For Telecommunication
    Services........................................... 44,500
For Operation of Auto
    Equipment........................................ 11,300
For Refunds........................................... 200
For the purpose of reestablishing the
Cook County Office................................. 220,000
Total                                                                 1,862,000

Section 19. "An Act regarding appropriations", Public Act 93-72, approved July 1, 2003, is amended by adding Section 30 of Article 1 as follows:

(P.A.93-72, Art. 1, Sec. 30, new)

Sec. 30. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for the purpose of providing grants and related operational expenses.

Section 20. "An Act regarding appropriations", Public Act 93-90, approved July 3, 2003, with certain items vetoed or reduced is amended by adding Section 125 of Article 3 as follows:

(P.A.93-90, Art. 3, Sec. 125, new)

Sec. 125. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Illinois Community College Board for a grant to Kishwaukee College for technology and computer related equipment.

Section 21. "An Act regarding appropriations", Public Act 93-91, approved July 3, 2003, with certain items vetoed or reduced is amended by adding Section 27 of Article 8 as follows:

(P.A.93-91, Art. 8, Sec. 27, new)

Sec. 27. The sum of $320,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for traffic signalization and road construction improvements for Illinois Route 57 at Radio Road.

Section 22. Item and reduction veto not restored. Nothing in this Article shall be construed to restore an item or reduction veto.

ARTICLE 4

New matter indicated by italics - deletions by strikeout.
Division FY 01. This Division contains appropriations initially made for the fiscal year beginning July 1, 2000, for the purposes of the Illinois FIRST Program.

Section 26. The amount of $228,836, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY01, Section 26 of Public Act 92-0717, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Chicago Zoological Society for development and improvements at Brookfield Zoo.

Section 2-81. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-81 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Downers Grove for the Nigas bikeway in Woodbridge and Downers.

Section 2-83. The sum of $87,574, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY 00, Section 2-83 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Glenview for a bike trail extension from Lake Avenue to Metra Station.

Section 2-103. The sum of $141,727, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-103 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Antioch for a bike path at Longview and Deep Lake Road.

Section 2-104. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-104 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Hanover Park for a bike path.

New matter indicated by italics - deletions by strikeout.
Division FY87a. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1986, for the purposes of the Build Illinois Program set forth below.

ARTICLE 5

Section 66. The sum of $750,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 66 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs associated with the acquisition, development, renovation, repair or construction, and equipment for a regional indoor youth athletic facility.

Section 67. The sum of $53,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 67 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs associated with acquisition, construction, development, and purchase of equipment for the planned park at the corner of Roscoe and Racine.

Section 67a. The sum of $21,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 67a of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Lakeview Citizens Council for all costs associated with infrastructure improvements at Gil Park.

Section 68. The sum of $300,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 68 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs of developing, planning, and constructing recreational facilities at Fosco Park.

Section 94. The sum of $100,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 94 of Public Act 92-538, as amended, is reappropriated from the General

New matter indicated by italics - deletions by strikeout.
Revenue Fund to the Department of Natural Resources for a grant to the Deerfield Park District.

Section 99. The sum of $75,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 99 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the City of East Moline for the park garage and ravine flood repair in the City of East Moline.

Section 113. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 113 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Arlington for the purpose of improving parks and creating recreational opportunities.

Section 115. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 35, Section 115 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the City of Chicago for the purpose of redeveloping Burton Place Park.

Section 117. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 117 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Chicago Park District for the purpose of landscaping and restoration of a field house at McKiernan Park.

Section 118. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 118 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Chicago Park District for the purpose of landscaping and restoration of a field house at Palmer Park.

Section 127. The amount of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2003, from a reappropriation heretofore made in Article 35, Section 127 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Orland Park for the purpose of connecting bike paths.

Section 128. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 128 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Chicago for the purpose of redeveloping a bus turnaround into a public park at Clark and Wisconsin in the 43rd Ward.

Section 129. The amount of $55,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 129 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to F.P.D. of Cook County for the purpose of capital improvements for Edgebrook Community Center.

Section 136. The sum of $1,100,786, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 136 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to Bronzeville Children's Museum for land acquisition and construction of a new museum.

Section 138. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 138 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Pekin for Pekin Lake.

Section 140. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 140 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Dolton Park District for the purpose of a playground and maintenance equipment.

New matter indicated by italics - deletions by strikeout.
Section 141. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 141 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Illinois Valley YMCA to construct a walking/biking path, toboggan run, ice hockey rink and rollerblade park.

Section 147. The sum of $635,629, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 147 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for grants to units of local government for infrastructure improvements including but not limited to park and recreational projects, facilities, bike paths, and equipment.

Section 149. The amount of $4,214,737, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 149 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for grants to units of local government and not-for-profit entities for park and recreational projects, museums, facilities, infrastructure improvements and equipment.

Section 161. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 161 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the purpose of a grant to the Village of Cahokia for the Lewis and Clark Visitors Center.

Section 164. No contract shall be entered into or obligation incurred or any expenditure made from a appropriation herein made in Sections 31, 32, 33, 34, 39, 41, 52, 59, 61, 66, 67, 68, 109, 115, 153, 156, 160 and 161 until after the purpose and amount of such expenditure has been approved in writing by the Governor.

Section 167. The sum of $700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-101 of Public Act 92-8, as amended, is

New matter indicated by italics - deletions by strikeout.
reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources, Office of Water Resources for construction of the Rand Park Flood Control Project in the City of Des Plaines and for costs associated with the rehabilitation of Farmers and Prairie Creeks.

ARTICLE 6

Section 1. "AN ACT making appropriations", Public Act 93-97, approved July 3, 2003, is amended by changing Sections 10, 20, 35, 65, 90, 130, 135, 145, 200, 215, 240 and 270 of Article 1 as follows:

(P.A. 93-97, Art. 1, Sec. 10)

Sec. 10. The sum of $5,400,000, new appropriation, is appropriated, and the sum of $5,182,982 $4,688,500, less $2,929,000, to be lapsed from the unexpended balance, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made in Article 35, Section 2 of Public Act 92-538, as amended, are reappropriated from the Conservation 2000 Fund to the Department of Natural Resources for the Conservation 2000 Program to implement ecosystem-based management for Illinois' natural resources.

(P.A. 93-97, Art. 1, Sec. 20)

Sec. 20. The sum of $11,575,646 $7,645,400 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such purposes in Article 35, Sections 3 and 4 of Public Act 92-538, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition, planning and development of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

(P.A. 93-97, Art. 1, Sec. 35)

Sec. 35. The sum of $7,087,237 $3,725,800, less $1,000,000, to be lapsed from the unexpended balance, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 6 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly

New matter indicated by italics - deletions by strikeout.
erodible areas of the Illinois River Basin; and to fund the monitoring of
long term improvements of these conservation practices as required in the
Memorandum of Agreement between the State of Illinois and the United
States Department of Agriculture.

(P.A. 93-97, Art. 1, Sec. 65)

Sec. 65. The sum of $820,389 $476,800, less $150,000 to be
lapsed from the unexpended balance, or so much thereof as may be
necessary and as remains unexpended, at the close of business on June 30,
2003, from appropriations heretofore made in Article 35, Sections 12 and
13 of Public Act 92-538, as amended, is reappropriated from the Plugging
and Restoration Fund to the Department of Natural Resources for plugging
and restoration projects.

(P.A. 93-97, Art. 1, Sec. 90)

Sec. 90. The sum of $1,651,800, new appropriation, is
appropriated, and the sum of $3,974,832 $2,324,800, or so much thereof
as may be necessary and as remains unexpended at the close of business
on June 30, 2003, from appropriations heretofore made in Article 35,
Section 8, on page 277, lines 2-5 and Section 9, on page 277, of Public Act
92-538, as amended, is reappropriated from the Wildlife and Fish Fund to
the Department of Natural Resources for wildlife conservation and
restoration plans and programs from federal funds provided for such
purposes.

(P.A. 93-97, Art. 1, Sec. 130)

Sec. 130. The following named sums, or so much thereof as may
be necessary, and is available for expenditure as provided herein, are
appropriated from the Park and Conservation Fund to the Department of
Natural Resources for the following purposes:

The sum of $500,000, new appropriation, is appropriated and the
sum of $5,056,610 $4,056,600, or so much thereof as may be necessary
and as remains unexpended at the close of business on June 30, 2003, from
appropriations heretofore made in Article 35, Section 25 on page 298,
lines 10 and 11 of Public Act 92-538, as amended, is reappropriated for
land acquisition, development and maintenance of bike paths and all other
related expenses connected with the acquisition, development and
maintenance of bike paths.

The sum of $65,300 or so much thereof as may be necessary and as
remains unexpended at the close of business on June 30, 2003, from an
appropriation heretofore made in Article 35, Section 25, on page 298, lines
19-25 of Public Act 92-538, as amended, is reappropriated for land

New matter indicated by italics - deletions by strikeout.
acquisition, development and grants, for the following bike paths at the approximate costs set forth below:

Great River Road/Vadalabene Bikeway through Grafton.............................. $1,700
Super Trail between the Quad Cities and Savannah..................................... 52,000
Illinois Prairie Path in Cook County....................................................... 11,700

The sum of $2,500,000, new appropriation, is appropriated, and the sum of $14,593,202 $11,593,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 25, on page 298, lines 32-33 and page 299, lines 1-6 of Public Act 92-538, as amended, is reappropriated for grants to units of local government for the acquisition and development of bike paths.

The sum of $56,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 25, on page 299, lines 7-13 of Public Act 92-538, as amended, is reappropriated for land acquisition, development, grants and all other related expenses connected with the acquisition and development of bike paths.

No funds in this Section may be expended in excess of the revenues deposited in the Park and Conservation Fund as provided for in Section 2-119 of the Illinois Vehicle Code.

(P.A. 93-97, Art. 1, Sec. 135)
Sec. 135. The sum of $1,500,000, new appropriation, is appropriated, and the sum of $4,582,508 $2,482,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 26 of Public Act 92-538, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

(P.A. 93-97, Art. 1, Sec. 145)
Sec. 145. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such

New matter indicated by italics - deletions by strikeout.
purposes, are reappropriated to the Department of Natural Resources for
the objects and purposes set forth below:
Payable from General Revenue Fund:
(From Article 35, Section 28, on page
300, lines 28-33 and on page 301, lines 1-3,
and Section 29 on page 303, lines 5-13 of
Public Act 92-538)
For multiple use facilities and programs
for conservation purposes provided by
the Department of Natural Resources,
including construction and development,
all costs for supplies, material,
labor, land acquisition, services,
studies and all other expenses required
to comply with the intent of this
appropriation, less $65,100 to be lapsed
from the unexpended balance..................                                   1,903,032
from the unexpended balance..................                                   1,021,700
Payable from State Boating Act Fund:
(From Article 35, Section 28 on
page 301, lines 9-16, and Section
29 on page 303, lines 15-23 of
Public Act 92-538)
For multiple use facilities and programs
for boating purposes provided by the
Department of Natural Resources including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies and all
other expenses required to comply with
the intent of this appropriation..............                                     1,941,452
the intent of this appropriation................                                      741,500
Payable from the Illinois Beach Marina Fund:
(From Article 35, Section 28 on
page 301, lines 21-25, and Section 29
on page 303, lines 25-28 of Public Act 92-538)
For rehabilitation, reconstruction,
repair, replacing, fixed assets,
and improvement of facilities at

New matter indicated by italics - deletions by strikeout.
North Point Marina at Winthrop Harbor.......................................... 178,600
Payable from Natural Areas Acquisition Fund:
(From Article 35, Section 28 on page 302, lines 12-18, and Section 29 on page 303, lines 30-34, and on page 304, line 1 of Public Act 92-538)
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities, less $8,000,000
to be lapsed from the unexpended balance..... 10,896,169
to be lapsed from the unexpended balance..... 5,496,200
Payable from the State Parks Fund:
(From Article 35, Section 28 on page 302, lines 24-31, and Section 29 on page 304, lines 3-10 of Public Act 92-538)
For multiple use facilities and programs for park and trail purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies, and all other expenses required to comply with the intent of this appropriation.............. 501,422
the intent of this appropriation............... 368,900
Total $16,116,500

(P.A. 93-97, Art. 1, Sec. 200)
Sec. 200. The sum of $725,000, new appropriation, is appropriated and the sum of $2,840,308 $2,115,300 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 60 of Public Act 92-538, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the administration

New matter indicated by italics - deletions by strikeout.
and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

(P.A. 93-97, Art. 1, Sec. 215)

Sec. 215. To the extent federal funds including reimbursements are available for such purposes, the sum of $100,000, new appropriation, is appropriated, and the sum of $237,058 $437,100 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 71 of Public Act 92-538, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

(P.A. 93-97, Art. 1, Sec. 240)

Sec. 240. The sum of $120,000, new appropriation, is appropriated and the sum of $181,648 $120,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 77 of Public Act 92-538, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

(P.A. 93-97, Art. 1, Sec. 270)

Sec. 270. The sum of $6,000,000, new appropriation, is appropriated and the sum of $10,472,502 $6,415,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 83 of Public Act 92-538, as amended, is reappropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

ARTICLE 7

Section 1. "AN ACT making appropriations", Public Act 93-91, approved July 3, 2003, is amended by changing Section 20 of Article 4 as follows:

(P.A. 93-91, Art. 4, Sec. 20)

New matter indicated by italics - deletions by strikeout.
Sec. 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Working Capital Revolving Fund to the Department of Corrections:

ILLINOIS CORRECTIONAL INDUSTRIES
For Personal Services............... 10,185,200
For Employee Retirement Contributions
Paid by Employer...................... 560,100
For the Student, Member and Inmate Compensation...................... 2,800,000
For State Contributions to State Employees' Retirement System............ 1,074,600
For State Contributions to Social Security.......................... 779,200
For Group Insurance.................... 1,979,200
For Contractual Services.............. 3,900,000
For Travel............................. 154,500
For Commodities....................... 35,000,000
For Printing........................... 51,000
For Equipment.......................... 3,200,000
For Telecommunications Services........ 75,000
For Operation of Auto Equipment.......... 800,000
For Repairs, Maintenance and Other Capital Improvements............... 750,000
For Refunds............................ 20,000
Total $61,328,800

Section 2. "AN ACT making appropriations", Public Act 93-91, approved July 3, 2003, is amended by changing Section 45 of Article 3 as follows:

(P.A. 93-917, Art. 3, Sec. 45)
Sec. 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS GRANTS-IN-AID
Payable from General Revenue Fund:
For the Job Training and Economic Development Grant Program Act of 1997, as amended, including grants, contracts, and administrative expenses, including prior year costs.......... 1,450,000

New matter indicated by italics - deletions by strikeout.
For Grants, Contracts and Administrative Expenses for the Industrial Training Program, Pursuant to 20 ILCS 605/605-800 and 20 ILCS 605/605-802,
Including Prior Year Costs.......................... 9,521,500
For Grants and Administrative Expenses Pursuant to the High Technology School-to-Work Act, Including Prior Year Costs.......................... 981,500
For Grants and Administrative Expenses for the Illinois Technology Enterprise Corporation Program, including prior year costs........... 454,000
For all costs relating to the Center for Safe Food for Small Business at the Illinois Institute of Technology........ 200,000
For Current Workforce Training Grants............ 2,300,000
For Grants for the Workplace Skills Enhancement Program.......................... 400,000
For a grant to match private funds available to the Higher Education & Business Partnership Initiative.......................... 2,200,000
Total........................................ 2,200,000
Payable from the New Technology Recovery Fund:
For Grants, Loans, Investments, and Administrative Expenses Pursuant to the Technology Advancement and Development Act, Including Prior Year Costs.......................... 3,155,400
Payable from the Workforce, Technology, and Economic Development Fund:
For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/605-420, Including Prior Year Costs............ 11,400,000
Payable from the Tobacco Settlement Recovery Fund:
For Grants and Administrative Expenses
For the Illinois Technology Enterprise Corporation Program, Including Prior

New matter indicated by italics - deletions by strikeout.
Year Costs................................... 1,500,000
Payable from the Illinois Equity Fund:
For Grants, Loans, and Investments in Accordance with the Provisions of Public Act 84-0109, as amended............. 2,850,000
Payable from the Digital Divide Elimination Fund:
For Grants, Contracts, and Administrative Expenses Pursuant to 30 ILCS 780, Including Prior Year Costs............... 4,250,000
Payable from the Federal Workforce Training Fund:
For Grants, Contracts and Administrative Expenses and refunds Associated with the Workforce Investment Act and other workforce training programs including prior year costs................................. 240,000,000

Section 3. "AN ACT making appropriations", Public Act 93-92, approved July 3, 2003, is amended by changing Section 100 of Article 2 as follows:

(P.A. 93-92, Art. 2, Sec. 100)
Sec. 100. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:
For costs related to Developmental Disability Community Transitions, Including Operations and Administration...... 2,450,000
For a Grant to the Autism Project for an Autism Diagnosis Education Program for Young Children:
Payable from the General Revenue Fund....... 2,500,000
For Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs in fiscal year 2004 and in all prior fiscal years:
Payable from the General Revenue Fund...... 336,614,900
Payable from the Care Provider Fund for Persons With A Developmental Disability .. 36,000,000
For Costs Associated with Mental Health Services for Youths in the Juvenile Justice System:

New matter indicated by italics - deletions by strikeout.
PAYABLE FROM THE GENERAL REVENUE FUND........  1,864,300

TOTAL                                      $379,564,900

SECTION 4. "AN ACT MAKING APPROPRIATIONS", PUBLIC ACT 93-76, APPROVED JULY 1, 2003, IS AMENDED BY CHANGING SECTION 60 OF ARTICLE 1 AS FOLLOWS:

(P.A. 93-76, ART. 1, SEC. 60)

SEC. 60. NO CONTRACT SHALL BE ENTERED INTO OR OBLIGATION INCURRED FOR ANY EXPENDITURES MADE FROM AN APPROPRIATION HEREIN MADE IN SECTIONS 20, 45, 50 AND 55 UNTIL AFTER THE PURPOSE AND AMOUNT HAVE BEEN APPROVED IN WRITING BY THE GOVERNOR.

SECTION 5. "AN ACT MAKING APPROPRIATIONS", PUBLIC ACT 93-91, APPROVED JULY 30, 2003, IS AMENDED BY CHANGING SECTION 30 OF ARTICLE 8 AS FOLLOWS:

(P.A. 93-91, ART. 8, SEC. 30)

SEC. 30. NO CONTRACT SHALL BE ENTERED INTO OR OBLIGATION INCURRED OR ANY EXPENDITURE MADE FROM AN APPROPRIATION HEREIN MADE IN

SECTION 2 PERMANENT IMPROVEMENTS
SECTION 16b2 SERIES A ROAD PROGRAM
SECTION 18b1 SERIES B (AERONAUTICS)
SECTION 18b1a SERIES B LAND ACQUISITION THIRD AIRPORT SECTION 18b2 GRF CAPITAL (AERONAUTICS)
SECTION 18b3 AIRPORT LAND LOAN REVOLVING FUND
SECTION 19b GRF REDUCED FARES DOWNSTATE
SECTION 19b1 GRF REDUCED FARES RTA
SECTION 19b2 SERIES B (TRANSIT)
SECTION 19b4 SCIP DEBT SERVICE I
SECTION 19b5 SCIP DEBT SERVICE II
SECTION 19b9 GRF CAPITAL (TRANSIT)
SECTION 20a GRF RAIL PASSENGER
SECTION 20a1 GRF RAIL FREIGHT PROGRAM
SECTION 20a2 STATE RAIL FREIGHT LOAN REPAYMENT
SECTION 20a3 FED RAIL FREIGHT LOAN REPAYMENT
SECTION 20a4 GRF RAIL FREIGHT MATCH
SECTION 20a5 FED HIGH SPEED RAIL TRUST
SECTION 20a6 SERIES B RAIL OF THIS ARTICLE UNTIL AFTER THE PURPOSE AND THE AMOUNT OF SUCH EXPENDITURE HAS BEEN APPROVED IN WRITING BY THE GOVERNOR.

NEW MATTER INDICATED BY ITALICS - DELETIONS BY STRIKEOUT.
Section 6. "AN ACT making appropriations", Public Act 93-91, approved July 30, 2003, is amended by changing Sections 3a1, 5b9, 5b16, 5b17, 8b3, 9a, and 64 of Article 8A as follows:

(P.A. 93-91, Art. 8A, Sec. 3a1)

Sec. 3a1. The sum of $13,483,052 $10,757,102, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriations and reappropriations heretofore made for Local Traffic Signal Maintenance Agreements and City, County and other State Maintenance Agreements in Article 51, Section 4b1 and Article 52, Section 3a1 of Public Act 92-538, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

(P.A. 93-91, Art. 8A, Sec. 5b9)

Sec. 5b9. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriations heretofore made in Article 51, Section 16b1 16b2 of Public Act 92-538, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1, Schaumburg</td>
<td>$134,821,328</td>
</tr>
<tr>
<td>District 2, Dixon</td>
<td>19,623,072</td>
</tr>
<tr>
<td>District 3, Ottawa</td>
<td>12,028,771</td>
</tr>
<tr>
<td>District 4, Peoria</td>
<td>9,045,128</td>
</tr>
<tr>
<td>District 5, Paris</td>
<td>11,151,855</td>
</tr>
<tr>
<td>District 6, Springfield</td>
<td>20,617,417</td>
</tr>
<tr>
<td>District 7, Effingham</td>
<td>14,081,835</td>
</tr>
<tr>
<td>District 8, Collinsville</td>
<td>28,335,330</td>
</tr>
<tr>
<td>District 9, Carbondale</td>
<td>10,883,805</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Sec. 5b16. The sum of $121,264,868, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 5b13a 5b13 of Public Act 92-538, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Sec. 5b17. The sum of $12,782,973, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 5b13 5b13a of Public Act 92-538, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Sec. 8b3. The sum of $12,931,527, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from the appropriation and reappropriation concerning Public Transportation heretofore made in Article 51, Section 19b9 and Article 52, Section 8b3 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Sec. 9a. The sum of $4,405,523, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriation and reappropriation concerning Rail Freight Service Assistance Program heretofore made in Article 51, Section 20a1 and—Article 52, Section 9a of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Sec. 64. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in

Section 2 Permanent Improvements
Section 3a Rail Relocation - Federal
Section 3a2 Rail Relocation - State
Section 5b6 CDB - Enhancement
Section 5b7  CDB - Enhancement  
Section 5b8  CDB - Enhancement  
Section 5b13  Series A (Road Program)  
Section 5b15  Series A (Road Program)  
Section 5b16  Series A (Road Program)  
Section 5b17  Series A (Road Program)  
Section 6a1  Series B (Aeronautics)  
Section 6a2  GRF Capital (Aeronautics)  
Section 6b  Series B (Land Acquisition Third Airport)  
Section 8b  Series B (Transit)  
Section 8b1  Series B (Transit)  
Section 8b2  Series B (Transit)  
Section 8b3  GRF Capital (Transit)  
Section 9a  GRF Rail Freight Program  
Section 9a1  State Rail Freight Loan Repayment  
Section 9a2  Federal Rail Freight Loan Repayment  
Section 9a3  GRF Rail Freight Match  
Section 9a4  GRF High Speed Rail - Federal  
Section 9a5  FHSRTF High Speed Rail - Federal  
Section 9a6  GRF High Speed Rail - State  
Section 9a7  Series B (Rail)  
Section 32  Canadian National Railroad Tracks  
Section 47  Reconstruction of Industrial Drive  
Section 48  Reconstruction of Airport Rd and Chartres St  
Section 49  Traffic signal at 51st St West in Rock Island  
Section 53  Various Improvement Projects  
Section 55  Reconstruction of Towanda-Barnes Road  

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Section 7. "AN ACT making appropriations", Public Act 93-62, approved June 30, 2003, is amended by changing Section 2 of Article 4 as follows:

(P.A. 93-62, Art. 4, Sec. 2)

Sec. 2. The sum of $2,980,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations hereinafter made for such purposes in Article 62, Section 1 2 of Public Act 92-538, is reappropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund to the

New matter indicated by italics - deletions by strikeout.
Environmental Response Trust Fund Council for use in accordance with 
the Drycleaner Environmental Response Trust Fund Act.

Section 8. "AN ACT making appropriations", Public Act 93-587, 
approved August 27, 2003, is amended by changing Section 80 of Article 
4 as follows:

(P.A. 93-587, Art. 4, Sec. 80)

Sec. 80. The amount of $40,139, or so much thereof as may be 
necessary and remains unexpended at the close of business on June 30, 
2003, from a reappropriation heretofore made for such purpose in Article 
12, Section 45 55 of Public Act 92-538, is reappropriated to Southern 
Illinois University from the Capital Development Fund for digitalization 
infrastructure for WUSI-TV (Olney).

Section 9. "AN ACT making appropriations", Public Act 93-95, 
approved July 3, 2003, is amended by changing Section 10 of Article 2 as 
follows:

(P.A. 93-95, Art. 2, Sec. 10)

Sec. 10. The following amounts, or so much thereof as may be 
necessary, respectively, are appropriated to the Board of Trustees of the 
State Universities Retirement System for the State's contribution, as 
provided by law:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from the Education Assistance Fund</td>
<td>$175,000,000</td>
</tr>
<tr>
<td>Payable from the Common School Fund</td>
<td>$250,000,000</td>
</tr>
<tr>
<td>Payable from the General Revenue Fund</td>
<td>$121,080,000</td>
</tr>
<tr>
<td>Payable from the General Revenue Fund</td>
<td>$46,080,000</td>
</tr>
<tr>
<td>Total</td>
<td>$296,080,000</td>
</tr>
</tbody>
</table>

Section 10. "AN ACT making appropriations", Public Act 93-91, 
approved July 3, 2003, is amended by changing Sections 80 and 85 of 
Article 16 as follows:

(P.A. 93-91, Art. 16, Sec. 80)

Sec. 80. The amount of $205,000, or so much of this amount as 
may be necessary and remains unexpended on June 30, 2003 from an 
appropriation heretofore made for such purpose in Section 85 of Article 19 
26 of Public Act 92-538 92-8, is reappropriated from the Capital 
Development Fund to the Legislative Space Needs Commission for plans, 
specifications, and continuation of work pursuant to the report and 
recommendations of the architectural, structural, and mechanical surveys 
of the State Capitol Building. This is for the continuation of the 
rehabilitation of the Capitol Building.

(P.A. 93-91, Art. 16, Sec. 85)

New matter indicated by italics - deletions by strikeout.
Sec. 85. The sum of $830,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such purposes in Section 90 of Article 19 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Legislative Space Needs Commission for remodeling, planning, relocation, permanent equipment, and other related expenses, including architectural and engineering fees associated with construction, for the remodeling of office space and other support areas under the jurisdiction of the House of Representatives and the Senate.

Section 11. "AN ACT making appropriations", Public Act 93-91, approved July 3, 2003, is amended by changing Sections 55 and 70 of Article 17 as follows:

(P.A. 93-91, Art. 17, Sec. 55)
Sec. 55. The following named sums, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purposes in Article 18 of Public Act 92-538 as amended by this Act, are appropriated for expenses in connection with the planning and preparation of redistricting of legislative and representative districts as required by Article IV, Section 3 of the Illinois Constitution of 1970:

For the Speaker............................... 441,600
For the Minority Leader.............................. 0
Total $441,600

(P.A. 93-91, Art. 17, Sec. 70)
Sec. 70. As used in Sections 35 and 40 hereof, except where the approval of the Speaker of the House of Representatives is expressly required for the expenditure of or the incurring of indebtedness against an appropriation for certain purchases on contract, "Speaker" means the leader of the party having the largest number of members of the House of Representatives as of January 13, 2003, and "Minority Leader" means the leader of the party having the second largest number of members of the House of Representatives as of January 13, 2003.

ARTICLE 8A

Section 1. The amount of $1,354,435, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation made in Article 34, Section 88 of Public Act 92-538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for all costs

New matter indicated by italics - deletions by strikeout.
associated with grants to various units of local government, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

Section 2. The amount of $2,998,305, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation made in Article 34, Section 92 of Public Act 92-538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for all costs associated with grants to governmental units, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

Section 3. The amount of $15,772,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation made in Article 34, Section 93 of Public Act 92-538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for all costs associated with grants to governmental units, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

Section 4. The amount of $8,408,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation made in Article 34, Section 94 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for all costs associated with various construction and/or rehabilitation projects, and equipment purchases for various units of local government, educational facilities and other eligible entities.

Section 5. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation made in Article 34, Section 2.4 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants to local governments and not-for-profit entities.

New matter indicated by italics - deletions by strikeout.
Section 6. The sum of $1,060,912, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 34, Section 58 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant to the DuPage County Board for all costs associated with the expansion of the Sheriff's Administration Building in DuPage County.

Section 7. The sum of $69,632, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 34, Section 59 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for a grant to the DuPage County Board for all costs associated with the completion of the DuPage Veterans' Memorial.

Section 8. The sum of $1,459,799, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 34, Section 60 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for grants to units of local government, educational facilities and not-for-profit organizations for infrastructure improvements including but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development, community programs, educational programs, public health, and public safety.

Section 9. The sum of $1,599,125, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 34, Section 61 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for grants to units of local government and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Section 10. The sum of $6,548,727 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 34, Section 89 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and

New matter indicated by italics - deletions by strikeout.
Economic Opportunity for grants to units of local government, and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Section 11. The sum of $14,846,409, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 34, Section 90 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for grants to units of local government, educational facilities and not-for-profit organizations for infrastructure improvements including, but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development, community programs, educational programs, public health, and public safety.

ARTICLE 8B

Section 1. The sum of $5,630,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriation heretofore made in Article 52, Section 10 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 2. The sum of $9,815,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriation heretofore made in Article 52, Section 11 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and

New matter indicated by italics - deletions by strikeout.
construction and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 3. The sum of $9,671,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriation heretofore made in Article 52, Section 12 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 4. The sum of $50,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 14a12 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a
grant to the Village of Morrison for road improvements for the Morrison Industrial Spur.

Section 5. The sum of $32,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 17 of Public Act 92-538, is reappropriated from the General Revenue Fund to the Department of Transportation for the Village of Berkeley for all costs associated with the resurfacing, rebuilding, reconstruction, and replacement of St. Charles Road between Interstate 290 and Wolf Road.

Section 6. The sum of $247,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 23 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the Village of LaGrange to resurface LaGrange Road from Ogden to I-55.

Section 7. The sum of $165,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 26 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a study of the expansion of Route 23 to four lanes from Streator to Ottawa.

Section 8. The sum of $12,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 27 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for topical resurfacing of existing roadway from Kedzie Avenue to Bell Avenue.

Section 9. The sum of $385,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 28 of Public Act 92-538, as amended, is reappropriated from the Road Fund to the Illinois Department of Transportation for the City of Chicago for the same purposes.

Section 10. The sum of $325,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 29 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for intersection

New matter indicated by italics - deletions by strikeout.
improvements and traffic lights installation at 94th and Kedzie Avenue in
Evergreen Park.

Section 11. The sum of $27,700, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2003, from the reappropriation heretofore made in Article 52, Section 30
of Public Act 92-538, as amended, is reappropriated from the General
Revenue Fund to the Illinois Department of Transportation for the City of
Chicago for curbs and roadway improvements on Foster Avenue.

Section 12. The sum of $75,000, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2003, from the reappropriation heretofore made in Article 52, Section 31
of Public Act 92-538, as amended, is reappropriated from the General
Revenue Fund to the Illinois Department of Transportation for the City of
Chicago for curbs and roadway improvements along Elston Avenue
between Central and Milwaukee Avenues.

Section 13. The sum of $26,500, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2003, from the reappropriation heretofore made in Article 52, Section 32
of Public Act 92-538, as amended, is reappropriated from the Capital
Development Fund to the Illinois Department of Transportation for the
City of Chicago for preliminary engineering for a pedestrian crossing over
the Canadian National Railroad tracks at West 79th Street and South
Central Park Avenue.

Section 14. The sum of $233,800, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2003, from the reappropriation heretofore made in Article 52, Section 33
of Public Act 92-538, as amended, is reappropriated from the General
Revenue Fund to the Illinois Department of Transportation for the City of
Chicago for resurfacing Pulaski Road from 79th to 87th.

Section 15. The sum of $250,900, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2003, from the reappropriation heretofore made in Article 52, Section 34
of Public Act 92-538, as amended, is reappropriated from the Road Fund
to the Illinois Department of Transportation for all costs associated with
preliminary planning, design, engineering and construction of the system
of access roads parallel to I-190 between Mannheim Road and the Tri-
State Tollway.

Section 16. The sum of $204,100, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
from the reappropriation heretofore made in Article 52, Section 35 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation to resurface or repair Martin Luther King Drive between 67th and 79th Streets.

Section 17. In addition to any other funds that may be appropriated for the same purpose, the sum of $4,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 36 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for necessary studies for sound barriers along I-90/94 Dan Ryan Expressway between 35th and 95th.

Section 18. The sum of $175,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52 Section 37 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for resurfacing and cold milling on the Illinois River Bridge in Morris.

Section 19. The sum of $5,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 38 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for Lake County for intersection improvements at Route 132 and Deep Lake Road.

Section 20. The sum of $870,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 39 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for reconstructing and resurfacing Wood Street from Illinois Route 83 to 171st Street and traffic lights at 162nd Street in Markham.

Section 21. The sum of $22,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 40 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to the Village of Olympia Fields for the purpose of completing Phase I of Transit Oriented Development.

New matter indicated by italics - deletions by strikeout.
Section 22. The sum of $30,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 41 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for an engineering study for an interchange of I-80 at Mile Marker 101 in LaSalle County.

Section 23. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 42 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to the City of Wheeling for the purpose of pedestrian crossing improvements.

Section 24. The sum of $373,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 44 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to the Madison County Transit District for the construction of the Collinsville Transit Center.

Section 25. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 45 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for the installation of crossing gates at Westleigh Road and the installation of crossing gates at Old Elm Road grade crossing.

Section 26. The sum of $300,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 46 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to Metra for the purpose of landscaping, remodeling, and repairing of the embankments and viaducts from 47th to 57th Streets.

Section 27. The sum of $23,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 47 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Transportation for costs associated with the reconstruction of Industrial Drive.

New matter indicated by italics - deletions by strikeout.
Section 28. The sum of $10,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 48 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Transportation for costs associated with the reconstruction of Airport Road and Chartres Street.

Section 29. The sum of $75,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 49 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Transportation for a traffic signal at 51st Street West in Rock Island.

Section 30. The sum of $8,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 50 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for repair of 1st Street from Water Street and Brunner Street to Bucklin Street in LaSalle.

Section 31. The sum of $616,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 51 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for infrastructure improvements, including but not limited to engineering and construction engineering, extension and improvements of highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic controls, sidewalks, signage.

Section 32. The sum of $50,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 52 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for renovation of the Wood Dale METRA station.

Section 33. The sum of $493,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 53 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Transportation for the contract or
intergovernmental agreement costs associated with the projects described below and having the estimated costs as follows:

For a pedestrian overpass and other transportation related activities in the Village of Buffalo Grove $0

For improvements to St. Clair Avenue and drainage improvements in Granite City $0

For improvements to streets, sewers and sidewalks in Washington Park $450,000

For traffic signal intersection improvements at Manhattan Road, Route 52 and Foxford Drive in the Village of Manhattan $36,100

For improvements to Matherville Road in Mercer County $7,600

Section 34. The sum of $1,200,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 54 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 35. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 52, Section 57 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the City of Rockford for all costs associated with the construction of a road around the Rockford airport.

Section 36. The amount of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 52, Section 58 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for installation of a traffic light at 103rd and Corliss Street.

Section 37. The amount of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2003, from an appropriation heretofore made in Article 51, Section 59 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for installation of a traffic light at 127th and Stewart Street.

Section 38. The amount of $1,320,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 51, Section 60 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for street resurfacing, sidewalks, curbs, and gutters on Michigan Avenue from 103rd Street to 127th Street.

Section 39. The amount of $800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 51, Section 61 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for street resurfacing, sidewalks, curbs, and gutters on King Drive from 100th Street to 115th Street.

Section 40. The amount of $1,350,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 51, Section 62 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for street resurfacing, sidewalks, curbs, and gutters on 111th Street from Bishop Ford Expressway to State Street.

Section 41. The sum of $2,300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 1a, Section 11 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Department of Transportation for corridor protection along Route 158.

Section 42. The sum of $1,000,000 is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity, in addition to any named sums, for Grants, Contracts and Administrative Expenses for the Industrial Training Program, Pursuant to 20 ILCS 605/605-800 and 20 ILCS 605/605-802, Including Prior Year Costs.
Section 99. Effective date. This Act takes effect immediately upon becoming law.

Passed in the General Assembly February 10, 2004
Approved March 5, 2004.
Effective March 5, 2004.

PUBLIC ACT 93-0665
(House Bill No. 0585)

AN ACT in relation to pensions.

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

Section 5. The State Finance Act is amended by changing Sections 8.12, 8a, and 14.1 and adding Section 6z-61 as follows:

(30 ILCS 105/6z-61 new)

Sec. 6z-61. Transfers from Pension Contribution Fund.

(a) As soon as practicable after the effective date of this amendatory Act of the 93rd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer from the Pension Contribution Fund to the Teachers' Retirement System of Illinois an amount equal to the unexpended balance of the fiscal year 2004 appropriations to the System from the General Revenue Fund, the Education Assistance Fund, the Common School Fund, and the State Pensions Fund so that the amount received by the System in fiscal year 2004 is equal to the fiscal year 2004 certified contribution amount for the System as determined under Section 16-158 of the Illinois Pension Code.

(b) As soon as practicable after the effective date of this amendatory Act of the 93rd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer from the Pension Contribution Fund to the State Universities Retirement System an amount equal to the unexpended balance of the fiscal year 2004 appropriations to the System from the General Revenue Fund, the Education Assistance Fund, and the State Pensions Fund so that the amount received by the System in fiscal year 2004 is equal to the fiscal year 2004 certified contribution amount for the System as determined under Section 15-165 of the Illinois Pension Code.

(c) As soon as practicable after the effective date of this amendatory Act of the 93rd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer from the Pension

New matter indicated by italics - deletions by strikeout.
Contribution Fund to the Judges Retirement System of Illinois an amount equal to the unexpended balance of the fiscal year 2004 appropriations to the System from the General Revenue Fund and the State Pensions Fund so that the amount received by the System in fiscal year 2004 is equal to the fiscal year 2004 certified contribution amount for the System as determined under Section 18-140 of the Illinois Pension Code.

(d) As soon as practicable after the effective date of this amendatory Act of the 93rd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer from the Pension Contribution Fund to the General Assembly Retirement System an amount equal to the unexpended balance of the fiscal year 2004 appropriations to the System from the General Revenue Fund and the State Pensions Fund so that the amount received by the System in fiscal year 2004 is equal to the fiscal year 2004 certified contribution amount for the System as determined under Section 2-134 of the Illinois Pension Code.

(e) As soon as practicable after the effective date of this amendatory Act of the 93rd General Assembly, and taking into consideration the transfers provided for by subsections (a), (b), (c), and (d), the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance in the Pension Contribution Fund to the State Employees' Retirement System of Illinois.

(30 ILCS 105/8.12) (from Ch. 127, par. 144.12)


(a) The moneys in the State Pensions Fund shall be used exclusively for the administration of the Uniform Disposition of Unclaimed Property Act and for the payment of or repayment to the General Revenue Fund a portion of the required State contributions to the designated retirement systems.

"Designated retirement systems" means:

(1) the State Employees' Retirement System of Illinois;
(2) the Teachers' Retirement System of the State of Illinois;
(3) the State Universities Retirement System;
(4) the Judges Retirement System of Illinois; and
(5) the General Assembly Retirement System.

(b) Each year the General Assembly may make appropriations from the State Pensions Fund for the administration of the Uniform Disposition of Unclaimed Property Act.

Each month, the Commissioner of the Office of Banks and Real Estate shall certify to the State Treasurer the actual expenditures that the
Office of Banks and Real Estate incurred conducting unclaimed property examinations under the Uniform Disposition of Unclaimed Property Act during the immediately preceding month. Within a reasonable time following the acceptance of such certification by the State Treasurer, the State Treasurer shall pay from its appropriation from the State Pensions Fund to the Bank and Trust Company Fund and the Savings and Residential Finance Regulatory Fund an amount equal to the expenditures incurred by each Fund for that month.

Each month, the Director of Financial Institutions shall certify to the State Treasurer the actual expenditures that the Department of Financial Institutions incurred conducting unclaimed property examinations under the Uniform Disposition of Unclaimed Property Act during the immediately preceding month. Within a reasonable time following the acceptance of such certification by the State Treasurer, the State Treasurer shall pay from its appropriation from the State Pensions Fund to the Financial Institutions Fund and the Credit Union Fund an amount equal to the expenditures incurred by each Fund for that month.

(c) Each year the General Assembly shall appropriate a total amount equal to the balance in the State Pensions Fund at the close of business on June 30 of the preceding fiscal year, less $5,000,000, as part of the required State contributions to the designated retirement systems. The amount of the appropriation to each designated retirement system shall constitute a portion of the total appropriation under this subsection for that fiscal year which is the same as that retirement system's portion of the total actuarial reserve deficiency of the systems, as most recently determined by the Governor's Office of Management and Budget Bureau of the Budget.

(d) The Governor's Office of Management and Budget Bureau of the Budget shall determine the individual and total reserve deficiencies of the designated retirement systems. For this purpose, the Governor's Office of Management and Budget Bureau of the Budget shall utilize the latest available audit and actuarial reports of each of the retirement systems and the relevant reports and statistics of the Public Employee Pension Fund Division of the Department of Insurance.

(d-1) As soon as practicable after the effective date of this amendatory Act of the 93rd General Assembly, the Comptroller shall direct and the Treasurer shall transfer from the State Pensions Fund to the General Revenue Fund, as funds become available, a sum equal to the amounts that would have been paid from the State Pensions Fund to the Teachers' Retirement System of the State of Illinois, the State Universities

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Retirement System, the Judges Retirement System of Illinois, the General Assembly Retirement System, and the State Employees' Retirement System of Illinois after the effective date of this amendatory Act during the remainder of fiscal year 2004 to the designated retirement systems from the appropriations provided for in this Section if the transfers provided in Section 6z-61 had not occurred. The transfers described in this subsection (d-1) are to partially repay the General Revenue Fund for the costs associated with the bonds used to fund the moneys transferred to the designated retirement systems under Section 6z-61.

(e) The changes to this Section made by this amendatory Act of 1994 shall first apply to distributions from the Fund for State fiscal year 1996.

(Source: P.A. 91-16, eff. 7-1-99; revised 8-23-03.)

(30 ILCS 105/8a) (from Ch. 127, par. 144a)

Sec. 8a. Common School Fund; transfers to Common School Fund and Education Assistance Fund.

(a) Except as provided in subsection (b) of this Section and except as otherwise provided in this subsection (a) with respect to amounts transferred from the General Revenue Fund to the Common School Fund for distribution therefrom for the benefit of the Teachers' Retirement System of the State of Illinois and the Public School Teachers' Pension and Retirement Fund of Chicago:

(1) With respect to all school districts, for each fiscal year other than fiscal year 1994, on or before the eleventh and twenty-first days of each of the months of August through the following July, at a time or times designated by the Governor, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Common School Fund and Education Assistance Fund, as appropriate, 1/24 or so much thereof as may be necessary of the amount appropriated to the State Board of Education for distribution to all school districts from such Common School Fund and Education Assistance Fund, for the fiscal year, including interest on the School Fund proportionate for that distribution for such year.

(2) With respect to all school districts, but for fiscal year 1994 only, on the 11th day of August, 1993 and on or before the 11th and 21st days of each of the months of October, 1993 through July, 1994 at a time or times designated by the Governor, the State Treasurer and the State Comptroller shall transfer from the General

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Revenue Fund to the Common School Fund 1/24 or so much thereof as may be necessary of the amount appropriated to the State Board of Education for distribution to all school districts from such Common School Fund, for fiscal year 1994, including interest on the School Fund proportionate for that distribution for such year; and on or before the 21st day of August, 1993 at a time or times designated by the Governor, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Common School Fund 3/24 or so much thereof as may be necessary of the amount appropriated to the State Board of Education for distribution to all school districts from the Common School Fund, for fiscal year 1994, including interest proportionate for that distribution on the School Fund for such fiscal year.

The amounts of the payments made in July of each year: (i) shall be considered an outstanding liability as of the 30th day of June immediately preceding those July payments, within the meaning of Section 25 of this Act; (ii) shall be payable from the appropriation for the fiscal year that ended on that 30th day of June; and (iii) shall be considered payments for claims covering the school year that commenced during the immediately preceding calendar year.

Notwithstanding the foregoing provisions of this subsection, as soon as may be after the 10th and 20th days of each of the months of August through May, 1/24, and on or as soon as may be after the 10th and 20th days of June, 1/12 of the annual amount appropriated to the State Board of Education for distribution and payment during that fiscal year from the Common School Fund to and for the benefit of the Teachers' Retirement System of the State of Illinois (until the end of State fiscal year 1995) and the Public School Teachers' Pension and Retirement Fund of Chicago as provided by the Illinois Pension Code and Section 18-7 of the School Code, or so much thereof as may be necessary, shall be transferred by the State Treasurer and the State Comptroller from the General Revenue Fund to the Common School Fund to permit semi-monthly payments from the Common School Fund to and for the benefit of such teacher retirement systems as required by Section 18-7 of the School Code.

Notwithstanding the other provisions of this Section, on or as soon as may be after the 15th day of each month, beginning in July of 1995, 1/12 of the annual amount appropriated for that fiscal year from the Common School Fund to the Teachers' Retirement System of the State of Illinois (other than amounts appropriated under Section 1.1 of the State

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Pension Funds Continuing Appropriation Act), or so much thereof as may be necessary, shall be transferred by the State Treasurer and the State Comptroller from the General Revenue Fund to the Common School Fund to permit monthly payments from the Common School Fund to that retirement system in accordance with Section 16-158 of the Illinois Pension Code and Section 18-7 of the School Code, except that such transfers in fiscal year 2004 from the General Revenue Fund to the Common School Fund for the benefit of the Teachers' Retirement System of the State of Illinois shall be reduced in the aggregate by the State Comptroller and State Treasurer to adjust for the amount transferred to the Teachers' Retirement System of the State of Illinois pursuant to subsection (a) of Section 6z-61. Amounts appropriated to the Teachers' Retirement System of the State of Illinois under Section 1.1 of the State Pension Funds Continuing Appropriation Act shall be transferred by the State Treasurer and the State Comptroller from the General Revenue Fund to the Common School Fund as necessary to provide for the payment of vouchers drawn against those appropriations.

The Governor may notify the State Treasurer and the State Comptroller to transfer, at a time designated by the Governor, such additional amount as may be necessary to effect advance distribution to school districts of amounts that otherwise would be payable in the next month pursuant to Sections 18-8 through 18-10 of the School Code. The State Treasurer and the State Comptroller shall thereupon transfer such additional amount. The aggregate amount transferred from the General Revenue Fund to the Common School Fund in the eleven months beginning August 1 of any fiscal year shall not be in excess of the amount necessary for payment of claims certified by the State Superintendent of Education pursuant to the appropriation of the Common School Fund for that fiscal year. Notwithstanding the provisions of the first paragraph in this section, no transfer to effect an advance distribution shall be made in any month except on notification, as provided above, by the Governor.

The State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Common School Fund and the Education Assistance Fund such amounts as may be required to honor the vouchers presented by the State Board of Education pursuant to Sections 18-3, 18-4.3, 18-5, 18-6 and 18-7 of the School Code.

The State Comptroller shall report all transfers provided for in this Act to the President of the Senate, Minority Leader of the Senate, Speaker of the House, and Minority Leader of the House.

New matter indicated by italics - deletions by strikeout.
(b) On or before the 11th and 21st days of each of the months of June, 1982 through July, 1983, at a time or times designated by the Governor, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Common School Fund 1/24 or so much thereof as may be necessary of the amount appropriated to the State Board of Education for distribution from such Common School Fund, for that same fiscal year, including interest on the School Fund for such year. The amounts of the payments in the months of July, 1982 and July, 1983 shall be considered an outstanding liability as of the 30th day of June immediately preceding such July payment, within the meaning of Section 25 of this Act, and shall be payable from the appropriation for the fiscal year which ended on such 30th day of June, and such July payments shall be considered payments for claims covering school years 1981-1982 and 1982-1983 respectively.

In the event the Governor makes notification to effect advanced distribution under the provisions of subsection (a) of this Section, the aggregate amount transferred from the General Revenue Fund to the Common School Fund in the 12 months beginning August 1, 1981 or the 12 months beginning August 1, 1982 shall not be in excess of the amount necessary for payment of claims certified by the State Superintendent of Education pursuant to the appropriation of the Common School Fund for the fiscal years commencing on the first of July of the years 1981 and 1982.

(Source: P.A. 90-372, eff. 7-1-98; 90-587, eff. 7-1-98; 91-96, eff. 7-9-99.)

(30 ILCS 105/14.1) (from Ch. 127, par. 150.1)

Sec. 14.1. Appropriations for State contributions to the State Employees' Retirement System; payroll requirements.

(a) Appropriations for State contributions to the State Employees' Retirement System of Illinois shall be expended in the manner provided in this Section. Except as otherwise provided in subsection (a-1), at the time of each payment of salary to an employee under the personal services line item, payment shall be made to the State Employees' Retirement System, from the amount appropriated for State contributions to the State Employees' Retirement System, of an amount calculated at the rate certified for the applicable fiscal year by the Board of Trustees of the State Employees' Retirement System under Section 14-135.08 of the Illinois Pension Code. If a line item appropriation to an employer for this purpose is unavailable or exhausted, the amounts shall be paid under the

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continuing appropriation for this purpose contained in the State Pension Funds Continuing Appropriation Act.

(a-1) Beginning on the effective date of this amendatory Act of the 93rd General Assembly through the payment of the final payroll from fiscal year 2004 appropriations, appropriations for State contributions to the State Employees' Retirement System of Illinois shall be expended in the manner provided in this subsection (a-1). At the time of each payment of salary to an employee under the personal services line item from a fund other than the General Revenue Fund, payment shall be made for deposit into the General Revenue Fund from the amount appropriated for State contributions to the State Employees' Retirement System of an amount calculated at the rate certified for fiscal year 2004 by the Board of Trustees of the State Employees' Retirement System under Section 14-135.08 of the Illinois Pension Code. This payment shall be made to the extent that a line item appropriation to an employer for this purpose is available or unexhausted. No payment from appropriations for State contributions shall be made in conjunction with payment of salary to an employee under the personal services line item from the General Revenue Fund.

(b) Except during the period beginning on the effective date of this amendatory Act of the 93rd General Assembly and ending at the time of the payment of the final payroll from fiscal year 2004 appropriations, the State Comptroller shall not approve for payment any payroll voucher that (1) includes payments of salary to eligible employees in the State Employees' Retirement System of Illinois and (2) does not include the corresponding payment of State contributions to that retirement system at the full rate certified under Section 14-135.08 for that fiscal year for eligible employees, unless the balance in the fund on which the payroll voucher is drawn is insufficient to pay the total payroll voucher. If the State Comptroller approves a payroll voucher under this Section for which the fund balance is insufficient to pay the full amount of the required State contribution to the State Employees' Retirement System, the Comptroller shall promptly so notify the Retirement System.

(Source: P.A. 88-593, eff. 8-22-94; 89-136, eff. 7-14-95.)

Section 10. The General Obligation Bond Act is amended by changing Section 7.2 as follows:

(30 ILCS 330/7.2)

Sec. 7.2. State pension funding.

New matter indicated by italics - deletions by strikeout.
(a) The amount of $10,000,000,000 is authorized to be used for the purpose of making contributions to the designated retirement systems. For the purposes of this Section, "designated retirement systems" means the State Employees’ Retirement System of Illinois; the Teachers’ Retirement System of the State of Illinois; the State Universities Retirement System; the Judges Retirement System of Illinois; and the General Assembly Retirement System.

(b) The Pension Contribution Fund is created as a special fund in the State Treasury.

The proceeds of the additional $10,000,000,000 of Bonds authorized by this amendatory Act of the 93rd General Assembly, less the amounts authorized in the Bond Sale Order to be deposited directly into the capitalized interest account of the General Obligation Bond Retirement and Interest Fund or otherwise directly paid out for bond sale expenses under Section 8, shall be deposited into the Pension Contribution Fund and used as provided in this Section.

(c) Of the amount of Bond proceeds first deposited into the Pension Contribution Fund, there shall be reserved for transfers under this subsection the sum of $300,000,000, representing the required State contributions to the designated retirement systems for the last quarter of State fiscal year 2003, plus the sum of $1,860,000,000, representing the required State contributions to the designated retirement systems for State fiscal year 2004.

Upon the deposit of sufficient moneys into the Pension Contribution Fund, the Comptroller and Treasurer shall immediately transfer the sum of $300,000,000 from the Pension Contribution Fund to the General Revenue Fund.

Whenever any payment of required State contributions for State fiscal year 2004 is made to one of the designated retirement systems, the Comptroller and Treasurer shall, as soon as practicable, transfer from the Pension Contribution Fund to the General Revenue Fund an amount equal to the amount of that payment to the designated retirement system. Beginning on the effective date of this amendatory Act of the 93rd General Assembly, the transfers from the Pension Contribution Fund to the General Revenue Fund shall be suspended until June 30, 2004, and the remaining balance in the Pension Contribution Fund shall be transferred directly to the designated retirement systems as provided in Section 6z-61 of the State Finance Act. On and after July 1, 2004, in the event that any amount is on deposit in the Pension Contribution Fund from time to time
If the amount reserved for these transfers exceeds the total amount of fiscal year 2004 payments of required State contributions to the designated retirement systems, the Comptroller and Treasurer shall continue to make such transfers based on fiscal year 2005 payments until the entire amount on deposit reserved has been transferred.

(d) All amounts deposited into the Pension Contribution Fund, other than the amounts reserved for the transfers under subsection (c), shall be appropriated to the designated retirement systems to reduce their actuarial reserve deficiencies. The amount of the appropriation to each designated retirement system shall constitute a portion of the total appropriation under this subsection that is the same as that retirement system's portion of the total actuarial reserve deficiency of the systems, as most recently determined by the Governor's Office of Management and Budget Bureau of the Budget under Section 8.12 of the State Finance Act.

Within 15 days after any Bond proceeds in excess of the amounts initially reserved under subsection (c) are deposited into the Pension Contribution Fund, the Governor's Office of Management and Budget Bureau of the Budget shall (i) allocate those proceeds among the designated retirement systems in proportion to their respective actuarial reserve deficiencies, as most recently determined under Section 8.12 of the State Finance Act, and (ii) certify those allocations to the designated retirement systems and the Comptroller.

Upon receiving certification of an allocation under this subsection, a designated retirement system shall submit to the Comptroller a voucher for the amount of its allocation. The voucher shall be paid out of the amount appropriated to that designated retirement system from the Pension Contribution Fund pursuant to this subsection.

(Source: P.A. 93-2, eff. 4-7-03; revised 8-23-03.)

Section 15. The Illinois Pension Code is amended by changing Sections 2-134, 14-131, 16-158, 15-165, and 18-140 as follows:

(40 ILCS 5/2-134) (from Ch. 108 1/2, par. 2-134)
Sec. 2-134. To certify required State contributions and submit vouchers.

(a) The Board shall certify to the Governor on or before November 15 of each year the amount of the required State contribution to the System for the next fiscal year. The certification shall include a copy of the actuarial recommendations upon which it is based.

On or before May 1, 2004, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to the

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System for State fiscal year 2005, taking into account the amounts appropriated to and received by the System under subsection (d) of Section 7.2 of the General Obligation Bond Act.

(b) Beginning in State fiscal year 1996, on or as soon as possible after the 15th day of each month the Board shall submit vouchers for payment of State contributions to the System, in a total monthly amount of one-twelfth of the required annual State contribution certified under subsection (a). From the effective date of this amendatory Act of the 93rd General Assembly through June 30, 2004, the Board shall not submit vouchers for the remainder of fiscal year 2004 in excess of the fiscal year 2004 certified contribution amount determined under this Section after taking into consideration the transfer to the System under subsection (d) of Section 6z-61 of the State Finance Act. These vouchers shall be paid by the State Comptroller and Treasurer by warrants drawn on the funds appropriated to the System for that fiscal year. If in any month the amount remaining unexpended from all other appropriations to the System for the applicable fiscal year (including the appropriations to the System under Section 8.12 of the State Finance Act and Section 1 of the State Pension Funds Continuing Appropriation Act) is less than the amount lawfully vouchered under this Section, the difference shall be paid from the General Revenue Fund under the continuing appropriation authority provided in Section 1.1 of the State Pension Funds Continuing Appropriation Act.

(c) The full amount of any annual appropriation for the System for State fiscal year 1995 shall be transferred and made available to the System at the beginning of that fiscal year at the request of the Board. Any excess funds remaining at the end of any fiscal year from appropriations shall be retained by the System as a general reserve to meet the System's accrued liabilities.

(Source: P.A. 93-2, eff. 4-7-03.)

(40 ILCS 5/14-131) (from Ch. 108 1/2, par. 14-131)
Sec. 14-131. Contributions by State.

(a) The State shall make contributions to the System by appropriations of amounts which, together with other employer contributions from trust, federal, and other funds, employee contributions, investment income, and other income, will be sufficient to meet the cost of maintaining and administering the System on a 90% funded basis in accordance with actuarial recommendations.

For the purposes of this Section and Section 14-135.08, references to State contributions refer only to employer contributions and do not

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include employee contributions that are picked up or otherwise paid by the State or a department on behalf of the employee.  

(b) The Board shall determine the total amount of State contributions required for each fiscal year on the basis of the actuarial tables and other assumptions adopted by the Board, using the formula in subsection (c).

The Board shall also determine a State contribution rate for each fiscal year, expressed as a percentage of payroll, based on the total required State contribution for that fiscal year (less the amount received by the System from appropriations under Section 8.12 of the State Finance Act and Section 1 of the State Pension Funds Continuing Appropriation Act, if any, for the fiscal year ending on the June 30 immediately preceding the applicable November 15 certification deadline), the estimated payroll (including all forms of compensation) for personal services rendered by eligible employees, and the recommendations of the actuary.

For the purposes of this Section and Section 14.1 of the State Finance Act, the term "eligible employees" includes employees who participate in the System, persons who may elect to participate in the System but have not so elected, persons who are serving a qualifying period that is required for participation, and annuitants employed by a department as described in subdivision (a)(1) or (a)(2) of Section 14-111.

(c) Contributions shall be made by the several departments for each pay period by warrants drawn by the State Comptroller against their respective funds or appropriations based upon vouchers stating the amount to be so contributed. These amounts shall be based on the full rate certified by the Board under Section 14-135.08 for that fiscal year. From the effective date of this amendatory Act of the 93rd General Assembly through the payment of the final payroll from fiscal year 2004 appropriations, the several departments shall not make contributions for the remainder of fiscal year 2004 but shall instead make payments as required under subsection (a-1) of Section 14.1 of the State Finance Act. The several departments shall resume those contributions at the commencement of fiscal year 2005.

(d) If an employee is paid from trust funds or federal funds, the department or other employer shall pay employer contributions from those funds to the System at the certified rate, unless the terms of the trust or the federal-State agreement preclude the use of the funds for that purpose, in which case the required employer contributions shall be paid by the State. From the effective date of this amendatory Act of the 93rd General

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Assembly through the payment of the final payroll from fiscal year 2004 appropriations, the department or other employer shall not pay contributions for the remainder of fiscal year 2004 but shall instead make payments as required under subsection (a-1) of Section 14.1 of the State Finance Act. The department or other employer shall resume payment of contributions at the commencement of fiscal year 2005.

(e) For State fiscal years 2011 through 2045, the minimum contribution to the System to be made by the State for each fiscal year shall be an amount determined by the System to be sufficient to bring the total assets of the System up to 90% of the total actuarial liabilities of the System by the end of State fiscal year 2045. In making these determinations, the required State contribution shall be calculated each year as a level percentage of payroll over the years remaining to and including fiscal year 2045 and shall be determined under the projected unit credit actuarial cost method.

For State fiscal years 1996 through 2010, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State fiscal year 2011, the State is contributing at the rate required under this Section; except that (i) for State fiscal year 1998, for all purposes of this Code and any other law of this State, the certified percentage of the applicable employee payroll shall be 5.052% for employees earning eligible creditable service under Section 14-110 and 6.500% for all other employees, notwithstanding any contrary certification made under Section 14-135.08 before the effective date of this amendatory Act of 1997, and (ii) in the following specified State fiscal years, the State contribution to the System shall not be less than the following indicated percentages of the applicable employee payroll, even if the indicated percentage will produce a State contribution in excess of the amount otherwise required under this subsection and subsection (a): 9.8% in FY 1999; 10.0% in FY 2000; 10.2% in FY 2001; 10.4% in FY 2002; 10.6% in FY 2003; and 10.8% in FY 2004.

Beginning in State fiscal year 2046, the minimum State contribution for each fiscal year shall be the amount needed to maintain the total assets of the System at 90% of the total actuarial liabilities of the System.

Notwithstanding any other provision of this Section, the required State contribution for State fiscal year 2005 and each fiscal year thereafter, as calculated under this Section and certified under Section 14-135.08, shall not exceed an amount equal to (i) the amount of the required State

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contribution that would have been calculated under this Section for that fiscal year if the System had not received any payments under subsection (d) of Section 7.2 of the General Obligation Bond Act, minus (ii) the portion of the State's total debt service payments for that fiscal year on the bonds issued for the purposes of that Section 7.2, as determined and certified by the Comptroller, that is the same as the System's portion of the total moneys distributed under subsection (d) of Section 7.2 of the General Obligation Bond Act.

(f) After the submission of all payments for eligible employees from personal services line items in fiscal year 2004 have been made, the Comptroller shall provide to the System a certification of the sum of all fiscal year 2004 expenditures for personal services that would have been covered by payments to the System under this Section if the provisions of this amendatory Act of the 93rd General Assembly had not been enacted. Upon receipt of the certification, the System shall determine the amount due to the System based on the full rate certified by the Board under Section 14-135.08 for fiscal year 2004 in order to meet the State's obligation under this Section. The System shall compare this amount due to the amount received by the System in fiscal year 2004 through payments under this Section and under Section 6z-61 of the State Finance Act. If the amount due is more than the amount received, the difference shall be termed the "Fiscal Year 2004 Shortfall" for purposes of this Section, and the Fiscal Year 2004 Shortfall shall be satisfied under Section 1.2 of the State Pension Funds Continuing Appropriation Act. If the amount due is less than the amount received, the difference shall be termed the "Fiscal Year 2004 Overpayment" for purposes of this Section, and the Fiscal Year 2004 Overpayment shall be repaid by the System to the Pension Contribution Fund as soon as practicable after the certification.

(Source: P.A. 93-2, eff. 4-7-03.)
(40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

Sec. 16-158. Contributions by State and other employing units.

(a) The State shall make contributions to the System by means of appropriations from the Common School Fund and other State funds of amounts which, together with other employer contributions, employee contributions, investment income, and other income, will be sufficient to meet the cost of maintaining and administering the System on a 90% funded basis in accordance with actuarial recommendations.

The Board shall determine the amount of State contributions required for each fiscal year on the basis of the actuarial tables and other
assumptions adopted by the Board and the recommendations of the actuary, using the formula in subsection (b-3).

(a-1) Annually, on or before November 15, the Board shall certify to the Governor the amount of the required State contribution for the coming fiscal year. The certification shall include a copy of the actuarial recommendations upon which it is based.

On or before May 1, 2004, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to the System for State fiscal year 2005, taking into account the amounts appropriated to and received by the System under subsection (d) of Section 7.2 of the General Obligation Bond Act.

(b) Through State fiscal year 1995, the State contributions shall be paid to the System in accordance with Section 18-7 of the School Code.

(b-1) Beginning in State fiscal year 1996, on the 15th day of each month, or as soon thereafter as may be practicable, the Board shall submit vouchers for payment of State contributions to the System, in a total monthly amount of one-twelfth of the required annual State contribution certified under subsection (a-1). From the effective date of this amendatory Act of the 93rd General Assembly through June 30, 2004, the Board shall not submit vouchers for the remainder of fiscal year 2004 in excess of the fiscal year 2004 certified contribution amount determined under this Section after taking into consideration the transfer to the System under subsection (a) of Section 6z-61 of the State Finance Act. These vouchers shall be paid by the State Comptroller and Treasurer by warrants drawn on the funds appropriated to the System for that fiscal year.

If in any month the amount remaining unexpended from all other appropriations to the System for the applicable fiscal year (including the appropriations to the System under Section 8.12 of the State Finance Act and Section 1 of the State Pension Funds Continuing Appropriation Act) is less than the amount lawfully vouchered under this subsection, the difference shall be paid from the Common School Fund under the continuing appropriation authority provided in Section 1.1 of the State Pension Funds Continuing Appropriation Act.

(b-2) Allocations from the Common School Fund apportioned to school districts not coming under this System shall not be diminished or affected by the provisions of this Article.

(b-3) For State fiscal years 2011 through 2045, the minimum contribution to the System to be made by the State for each fiscal year shall be an amount determined by the System to be sufficient to bring the

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total assets of the System up to 90% of the total actuarial liabilities of the System by the end of State fiscal year 2045. In making these determinations, the required State contribution shall be calculated each year as a level percentage of payroll over the years remaining to and including fiscal year 2045 and shall be determined under the projected unit credit actuarial cost method.

For State fiscal years 1996 through 2010, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State fiscal year 2011, the State is contributing at the rate required under this Section; except that in the following specified State fiscal years, the State contribution to the System shall not be less than the following indicated percentages of the applicable employee payroll, even if the indicated percentage will produce a State contribution in excess of the amount otherwise required under this subsection and subsection (a), and notwithstanding any contrary certification made under subsection (a-1) before the effective date of this amendatory Act of 1998: 10.02% in FY 1999; 10.77% in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86% in FY 2003; and 13.56% in FY 2004.

Beginning in State fiscal year 2046, the minimum State contribution for each fiscal year shall be the amount needed to maintain the total assets of the System at 90% of the total actuarial liabilities of the System.

Notwithstanding any other provision of this Section, the required State contribution for State fiscal year 2005 and each fiscal year thereafter, as calculated under this Section and certified under subsection (a-1), shall not exceed an amount equal to (i) the amount of the required State contribution that would have been calculated under this Section for that fiscal year if the System had not received any payments under subsection (d) of Section 7.2 of the General Obligation Bond Act, minus (ii) the portion of the State's total debt service payments for that fiscal year on the bonds issued for the purposes of that Section 7.2, as determined and certified by the Comptroller, that is the same as the System's portion of the total moneys distributed under subsection (d) of Section 7.2 of the General Obligation Bond Act.

(c) Payment of the required State contributions and of all pensions, retirement annuities, death benefits, refunds, and other benefits granted under or assumed by this System, and all expenses in connection with the administration and operation thereof, are obligations of the State.

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If members are paid from special trust or federal funds which are
administered by the employing unit, whether school district or other unit,
the employing unit shall pay to the System from such funds the full
accruing retirement costs based upon that service, as determined by the
System. Employer contributions, based on salary paid to members from
federal funds, may be forwarded by the distributing agency of the State of
Illinois to the System prior to allocation, in an amount determined in
accordance with guidelines established by such agency and the System.

(d) Effective July 1, 1986, any employer of a teacher as defined in
paragraph (8) of Section 16-106 shall pay the employer's normal cost of
benefits based upon the teacher's service, in addition to employee
contributions, as determined by the System. Such employer contributions
shall be forwarded monthly in accordance with guidelines established by
the System.

However, with respect to benefits granted under Section 16-133.4
or 16-133.5 to a teacher as defined in paragraph (8) of Section 16-106, the
employer's contribution shall be 12% (rather than 20%) of the member's
highest annual salary rate for each year of creditable service granted, and
the employer shall also pay the required employee contribution on behalf
of the teacher. For the purposes of Sections 16-133.4 and 16-133.5, a
teacher as defined in paragraph (8) of Section 16-106 who is serving in
that capacity while on leave of absence from another employer under this
Article shall not be considered an employee of the employer from which
the teacher is on leave.

(e) Beginning July 1, 1998, every employer of a teacher shall pay
to the System an employer contribution computed as follows:

(1) Beginning July 1, 1998 through June 30, 1999, the
employer contribution shall be equal to 0.3% of each teacher's
salary.

(2) Beginning July 1, 1999 and thereafter, the employer
contribution shall be equal to 0.58% of each teacher's salary.
The school district or other employing unit may pay these employer
contributions out of any source of funding available for that purpose and
shall forward the contributions to the System on the schedule established
for the payment of member contributions.

These employer contributions are intended to offset a portion of the
cost to the System of the increases in retirement benefits resulting from
this amendatory Act of 1998.

New matter indicated by italics - deletions by strikeout.
Each employer of teachers is entitled to a credit against the contributions required under this subsection (e) with respect to salaries paid to teachers for the period January 1, 2002 through June 30, 2003, equal to the amount paid by that employer under subsection (a-5) of Section 6.6 of the State Employees Group Insurance Act of 1971 with respect to salaries paid to teachers for that period.

The additional 1% employee contribution required under Section 16-152 by this amendatory Act of 1998 is the responsibility of the teacher and not the teacher's employer, unless the employer agrees, through collective bargaining or otherwise, to make the contribution on behalf of the teacher.

If an employer is required by a contract in effect on May 1, 1998 between the employer and an employee organization to pay, on behalf of all its full-time employees covered by this Article, all mandatory employee contributions required under this Article, then the employer shall be excused from paying the employer contribution required under this subsection (e) for the balance of the term of that contract. The employer and the employee organization shall jointly certify to the System the existence of the contractual requirement, in such form as the System may prescribe. This exclusion shall cease upon the termination, extension, or renewal of the contract at any time after May 1, 1998.

(Source: P.A. 92-505, eff. 12-20-01; 93-2, eff. 4-7-03.)

(40 ILCS 5/15-165) (from Ch. 108 1/2, par. 15-165)

Sec. 15-165. To certify amounts and submit vouchers.

(a) The Board shall certify to the Governor on or before November 15 of each year the appropriation required from State funds for the purposes of this System for the following fiscal year. The certification shall include a copy of the actuarial recommendations upon which it is based.

On or before May 1, 2004, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to the System for State fiscal year 2005, taking into account the amounts appropriated to and received by the System under subsection (d) of Section 7.2 of the General Obligation Bond Act.

(b) The Board shall certify to the State Comptroller or employer, as the case may be, from time to time, by its president and secretary, with its seal attached, the amounts payable to the System from the various funds.

(c) Beginning in State fiscal year 1996, on or as soon as possible after the 15th day of each month the Board shall submit vouchers for

New matter indicated by italics - deletions by strikeout.
payment of State contributions to the System, in a total monthly amount of one-twelth of the required annual State contribution certified under subsection (a). From the effective date of this amendatory Act of the 93rd General Assembly through June 30, 2004, the Board shall not submit vouchers for the remainder of fiscal year 2004 in excess of the fiscal year 2004 certified contribution amount determined under this Section after taking into consideration the transfer to the System under subsection (b) of Section 6z-61 of the State Finance Act. These vouchers shall be paid by the State Comptroller and Treasurer by warrants drawn on the funds appropriated to the System for that fiscal year.

If in any month the amount remaining unexpended from all other appropriations to the System for the applicable fiscal year (including the appropriations to the System under Section 8.12 of the State Finance Act and Section 1 of the State Pension Funds Continuing Appropriation Act) is less than the amount lawfully vouchered under this Section, the difference shall be paid from the General Revenue Fund under the continuing appropriation authority provided in Section 1.1 of the State Pension Funds Continuing Appropriation Act.

(d) So long as the payments received are the full amount lawfully vouchered under this Section, payments received by the System under this Section shall be applied first toward the employer contribution to the self-managed plan established under Section 15-158.2. Payments shall be applied second toward the employer's portion of the normal costs of the System, as defined in subsection (f) of Section 15-155. The balance shall be applied toward the unfunded actuarial liabilities of the System.

(e) In the event that the System does not receive, as a result of legislative enactment or otherwise, payments sufficient to fully fund the employer contribution to the self-managed plan established under Section 15-158.2 and to fully fund that portion of the employer's portion of the normal costs of the System, as calculated in accordance with Section 15-155(a-1), then any payments received shall be applied proportionately to the optional retirement program established under Section 15-158.2 and to the employer's portion of the normal costs of the System, as calculated in accordance with Section 15-155(a-1).

(Source: P.A. 93-2, eff. 4-7-03.)

(40 ILCS 5/18-140) (from Ch. 108 1/2, par. 18-140)

Sec. 18-140. To certify required State contributions and submit vouchers.

New matter indicated by italics - deletions by strikeout.
(a) The Board shall certify to the Governor, on or before November 15 of each year, the amount of the required State contribution to the System for the following fiscal year. The certification shall include a copy of the actuarial recommendations upon which it is based.

On or before May 1, 2004, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to the System for State fiscal year 2005, taking into account the amounts appropriated to and received by the System under subsection (d) of Section 7.2 of the General Obligation Bond Act.

(b) Beginning in State fiscal year 1996, on or as soon as possible after the 15th day of each month the Board shall submit vouchers for payment of State contributions to the System, in a total monthly amount of one-twelfth of the required annual State contribution certified under subsection (a). From the effective date of this amendatory Act of the 93rd General Assembly through June 30, 2004, the Board shall not submit vouchers for the remainder of fiscal year 2004 in excess of the fiscal year 2004 certified contribution amount determined under this Section after taking into consideration the transfer to the System under subsection (c) of Section 6z-61 of the State Finance Act. These vouchers shall be paid by the State Comptroller and Treasurer by warrants drawn on the funds appropriated to the System for that fiscal year.

If in any month the amount remaining unexpended from all other appropriations to the System for the applicable fiscal year (including the appropriations to the System under Section 8.12 of the State Finance Act and Section 1 of the State Pension Funds Continuing Appropriation Act) is less than the amount lawfully vouchered under this Section, the difference shall be paid from the General Revenue Fund under the continuing appropriation authority provided in Section 1.1 of the State Pension Funds Continuing Appropriation Act.

(Source: P.A. 93-2, eff. 4-7-03.)

Section 20. The State Pension Funds Continuing Appropriation Act is amended by changing Section 1.2 as follows:

(40 ILCS 15/1.2)

Sec. 1.2. Appropriations for the State Employees' Retirement System.

(a) From each fund from which an amount is appropriated for personal services to a department or other employer under Article 14 of the Illinois Pension Code, there is hereby appropriated to that department or other employer, on a continuing annual basis for each State fiscal year,
an additional amount equal to the amount, if any, by which (1) an amount equal to the percentage of the personal services line item for that department or employer from that fund for that fiscal year that the Board of Trustees of the State Employees' Retirement System of Illinois has certified under Section 14-135.08 of the Illinois Pension Code to be necessary to meet the State's obligation under Section 14-131 of the Illinois Pension Code for that fiscal year, exceeds (2) the amounts otherwise appropriated to that department or employer from that fund for State contributions to the State Employees' Retirement System for that fiscal year. From the effective date of this amendatory Act of the 93rd General Assembly through the final payment from a department or employer's personal services line item for fiscal year 2004, payments to the State Employees' Retirement System that otherwise would have been made under this subsection (a) shall be governed by the provisions in subsection (a-1).

(a-1) If a Fiscal Year 2004 Shortfall is certified under subsection (f) of Section 14-131 of the Illinois Pension Code, there is hereby appropriated to the State Employees' Retirement System of Illinois on a continuing basis from the General Revenue Fund an additional aggregate amount equal to the Fiscal Year 2004 Shortfall.

(b) The continuing appropriations provided for by this Section shall first be available in State fiscal year 1996.

(Source: P.A. 88-593, eff. 8-22-94.)

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

Approved March 5, 2004.
Effective March 5, 2004.

PUBLIC ACT 93-0666
(House Bill No. 2626)

AN ACT concerning bonds.

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

Section 5. The General Obligation Bond Act is amended by changing Section 9 as follows:

(30 ILCS 330/9) (from Ch. 127, par. 659)

New matter indicated by italics - deletions by strikeout.
Sec. 9. Conditions for Issuance and Sale of Bonds - Requirements for Bonds.

(a) Bonds shall be issued and sold from time to time, in one or more series, in such amounts and at such prices as may be directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget Bureau of the Budget. Bonds shall be in such form (either coupon, registered or book entry), in such denominations, payable within 30 years from their date, subject to such terms of redemption with or without premium, bear interest payable at such times and at such fixed or variable rate or rates, and be dated as shall be fixed and determined by the Director of the Governor's Office of Management and Budget Bureau of the Budget in the order authorizing the issuance and sale of any series of Bonds, which order shall be approved by the Governor and is herein called a "Bond Sale Order"; provided however, that interest payable at fixed or variable rates shall not exceed that permitted in the Bond Authorization Act, as now or hereafter amended. Bonds shall be payable at such place or places, within or without the State of Illinois, and may be made registrable as to either principal or as to both principal and interest, as shall be specified in the Bond Sale Order. Bonds may be callable or subject to purchase and retirement or tender and remarketing as fixed and determined in the Bond Sale Order.

In the case of any series of Bonds bearing interest at a variable interest rate ("Variable Rate Bonds"), in lieu of determining the rate or rates at which such series of Variable Rate Bonds shall bear interest and the price or prices at which such Variable Rate Bonds shall be initially sold or remarshaled (in the event of purchase and subsequent resale), the Bond Sale Order may provide that such interest rates and prices may vary from time to time depending on criteria established in such Bond Sale Order, which criteria may include, without limitation, references to indices or variations in interest rates as may, in the judgment of a remarketing agent, be necessary to cause Variable Rate Bonds of such series to be remarketable from time to time at a price equal to their principal amount, and may provide for appointment of a bank, trust company, investment bank, or other financial institution to serve as remarketing agent in that connection. The Bond Sale Order may provide that alternative interest rates or provisions for establishing alternative interest rates, different security or claim priorities, or different call or amortization provisions will apply during such times as Variable Rate Bonds of any series are held by a person providing credit or liquidity enhancement arrangements for such

New matter indicated by italics - deletions by strikeout.
Bonds as authorized in subsection (b) of this Section. The Bond Sale Order may also provide for such variable interest rates to be established pursuant to a process generally known as an auction rate process and may provide for appointment of one or more financial institutions to serve as auction agents and broker-dealers in connection with the establishment of such interest rates and the sale and remarketing of such Bonds.

(b) In connection with the issuance of any series of Bonds, the State may enter into arrangements to provide additional security and liquidity for such Bonds, including, without limitation, bond or interest rate insurance or letters of credit, lines of credit, bond purchase contracts, or other arrangements whereby funds are made available to retire or purchase Bonds, thereby assuring the ability of owners of the Bonds to sell or redeem their Bonds. The State may enter into contracts and may agree to pay fees to persons providing such arrangements, but only under circumstances where the Director of the Governor's Office of Management and Budget Bureau of the Budget certifies that he or she reasonably expects the total interest paid or to be paid on the Bonds, together with the fees for the arrangements (being treated as if interest), would not, taken together, cause the Bonds to bear interest, calculated to their stated maturity, at a rate in excess of the rate that the Bonds would bear in the absence of such arrangements.

The State may, with respect to Bonds issued or anticipated to be issued, participate in and enter into arrangements with respect to interest rate protection or exchange agreements, guarantees, or financial futures contracts for the purpose of limiting, reducing, or managing or restricting interest rate exposure risk. The authority granted under this paragraph, however, shall not increase the principal amount of Bonds authorized to be issued by law. The arrangements may be executed and delivered by the Director of the Governor's Office of Management and Budget Bureau of the Budget on behalf of the State. Net payments for such arrangements shall constitute interest on the Bonds and shall be paid from the General Obligation Bond Retirement and Interest Fund. The Director of the Governor's Office of Management and Budget Bureau of the Budget shall at least annually certify to the Governor and the State Comptroller his or her estimate of the amounts of such net payments to be included in the calculation of interest required to be paid by the State.

(c) Prior to the issuance of any Variable Rate Bonds pursuant to subsection (a), the Director of the Governor's Office of Management and Budget Bureau of the Budget shall adopt an interest rate risk management

New matter indicated by italics - deletions by strikeout.
policy providing that the amount of the State's variable rate exposure with respect to Bonds shall not exceed 20%. This policy shall remain in effect while any Bonds are outstanding and the issuance of Bonds shall be subject to the terms of such policy. The terms of this policy may be amended from time to time by the Director of the Governor's Office of Management and Budget but in no event shall any amendment cause the permitted level of the State's variable rate exposure with respect to Bonds to exceed 20%.

(Source: P.A. 92-16, eff. 6-28-01; 93-9, eff. 6-3-03; revised 8-23-03.)

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

Approved March 5, 2004.
Effective March 5, 2004.

PUBLIC ACT 93-0667
(House Bill No. 0719)

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

Section 5. The Illinois Identification Card Act is amended by changing Section 14 as follows:

(15 ILCS 335/14) (from Ch. 124, par. 34)
Sec. 14. Unlawful use of identification card.
(a) It is a violation of this Section for any person:
   1. To possess, display, or cause to be displayed any cancelled or revoked identification card;
   2. To display or represent as the person's own any identification card issued to another;
   3. To allow any unlawful use of an identification card issued to the person;
   4. To lend an identification card to another or knowingly allow the use thereof by another;
   5. To fail or refuse to surrender to the Secretary of State, the Secretary's agent or any peace officer upon lawful demand, any identification card which has been revoked or cancelled;
   6. To possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used

New matter indicated by italics - deletions by strikeout.
in the manufacture, assembly, issuance, or authentication of an
official Illinois Identification Card or Illinois Disabled Person
Identification Card issued by the Secretary of State.

(a-5) As used in this Section "identification card" means any
document made or issued by or under the authority of the United States
Government, the State of Illinois or any other State or political subdivision
thereof, or any governmental or quasi-governmental organization that,
when completed with information concerning the individual, is of a type
intended or commonly accepted for the purpose of identifying the
individual.

(b) Sentence.
1. Any person convicted of a violation of this Section shall
be guilty of a Class A misdemeanor and shall be sentenced to a
minimum fine of $500 or 50 hours of community service,
preferably at an alcohol abuse prevention program, if available.
2. A person convicted of a second or subsequent violation
of this Section shall be guilty of a Class 4 felony.

(c) This Section does not prohibit any lawfully authorized
investigative, protective, law enforcement or other activity of any agency
of the United States, State of Illinois or any other state or political
subdivision thereof.

(Source: P.A. 88-210; 89-283, eff. 1-1-96.)

Section 10. The Illinois Vehicle Code is amended by changing
Sections 6-206, 6-301.2, and 6-521 as follows:

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)
Sec. 6-206. Discretionary authority to suspend or revoke license or
permit; Right to a hearing.
(a) The Secretary of State is authorized to suspend or revoke the
driving privileges of any person without preliminary hearing upon a
showing of the person's records or other sufficient evidence that the
person:
1. Has committed an offense for which mandatory
revocation of a driver's license or permit is required upon
conviction;
2. Has been convicted of not less than 3 offenses against
traffic regulations governing the movement of vehicles committed
within any 12 month period. No revocation or suspension shall be
entered more than 6 months after the date of last conviction;

New matter indicated by italics - deletions by strikeout.
3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

New matter indicated by italics - deletions by strikeout.
12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a police officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States

New matter indicated by italics - deletions by strikeout.
at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this

New matter indicated by italics - deletions by strikeout.
subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code; or

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance; or

39. Has committed a second or subsequent violation of Section 11-1201 of this Code; or

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued

New matter indicated by italics - deletions by strikeout.
when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date

New matter indicated by italics - deletions by strikeout.
of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and
a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or

New matter indicated by italics - deletions by strikeout.
permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff. 1-1-03; 92-814, eff. 1-1-03; revised 8-26-02.)

(625 ILCS 5/6-301.2) (from Ch. 95 1/2, par. 6-301.2)
Sec. 6-301.2. Fraudulent driver's license or permit.
(a) (Blank).
(b) It is a violation of this Section for any person:
   1. To knowingly possess any fraudulent driver's license or permit;
   2. To knowingly possess, display or cause to be displayed any fraudulent driver's license or permit for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment;
   3. To knowingly possess any fraudulent driver's license or permit with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction;
   4. To knowingly possess any fraudulent driver's license or permit with the intent to commit any other violation of any laws of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided;
   5. To knowingly possess any fraudulent driver's license or permit while in unauthorized possession of any document, instrument or device capable of defrauding another;
   6. To knowingly possess any fraudulent driver's license or permit with the intent to use the license or permit to acquire any other identification document;
   7. To knowingly possess without authority any driver's license-making or permit-making implement;

New matter indicated by italics - deletions by strikeout.
8. To knowingly possess any stolen driver's license-making or permit-making implement or to possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the manufacture, assembly, issuance, or authentication of an official driver's license or permit issued by the Secretary of State;

9. To knowingly duplicate, manufacture, sell or transfer any fraudulent driver's license or permit;

10. To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent driver's license or permit;

11. To knowingly use any fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier. As used in this Section, "common carrier" means any public or private provider of transportation, whether by land, air, or water;

12. To knowingly possess any fraudulent driver's license or permit if the person has at the time a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked.

(c) Sentence.

1. Any person convicted of a violation of paragraph 1 of subsection (b) of this Section shall be guilty of a Class 4 felony and shall be sentenced to a minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.

2. Any person convicted of a violation of any of paragraphs 2 through 9 or paragraph 11 or 12 of subsection (b) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony.

3. Any person convicted of a violation of paragraph 10 of subsection (b) of this Section shall be guilty of a Class B misdemeanor.

(d) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

New matter indicated by italics - deletions by strikeout.
(e) The Secretary may request the Attorney General to seek a restraining order in the circuit court against any person who violates this Section by advertising fraudulent driver's licenses or permits.
(Source: P.A. 92-673, eff. 1-1-03.)

(625 ILCS 5/6-521) (from Ch. 95 1/2, par. 6-521)
Sec. 6-521. Rulemaking Authority.
(a) The Secretary of State, using the authority to license motor vehicle operators under this Code, may adopt such rules and regulations as may be necessary to establish standards, policies and procedures for the licensing and sanctioning of commercial motor vehicle drivers in order to meet the requirements of the Commercial Motor Vehicle Act of 1986 (CMVSA); subsequent federal rulemaking under 49 C.F.R. Part 383 or Part 1572; and administrative and policy decisions of the U.S. Secretary of Transportation and the Federal Highway Administration. The Secretary may, as provided in the CMVSA, establish stricter requirements for the licensing of commercial motor vehicle drivers than those established by the federal government.

(b) By January 1, 1994, the Secretary of State shall establish rules and regulations for the issuance of a restricted commercial driver's license for farm-related service industries consistent with federal guidelines. The restricted license shall be available for a seasonal period or periods not to exceed a total of 180 days in any 12 month period.

(c) By July 1, 1995, the Secretary of State shall establish rules and regulations, to be consistent with federal guidelines, for the issuance and cancellation or withdrawal of a restricted commercial driver's license that is limited to the operation of a school bus. A driver whose restricted commercial driver's license has been cancelled or withdrawn may contest the sanction by requesting a hearing pursuant to Section 2-118 of this Code. The cancellation or withdrawal of the restricted commercial driver's license shall remain in effect pending the outcome of that hearing.

(d) By July 1, 1995, the Secretary of State shall establish rules and regulations for the issuance and cancellation of a School Bus Driver's Permit. The permit shall be required for the operation of a school bus as provided in subsection (c), a non-restricted CDL with passenger endorsement, or a properly classified driver's license. The permit will establish that the school bus driver has met all the requirements of the application and screening process established by Section 6-106.1 of this Code.
(Source: P.A. 88-450; 88-612, eff. 7-1-95.)

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect June 1, 2003.

PUBLIC ACT 93-0668
(House Bill No. 1017)

AN ACT in relation to trusts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Trusts and Trustees Act is amended by adding Section 15.2 as follows:

(760 ILCS 5/15.2 new)
Sec. 15.2. Trusts for domestic or pet animals.
(a) A trust for the care of one or more designated domestic or pet animals is valid. The trust terminates when no living animal is covered by the trust. A governing instrument shall be liberally construed to bring the transfer within this Section, to presume against a merely precatory or honorary nature of its disposition, and to carry out the general intent of the transferor. Extrinsic evidence is admissible in determining the transferor’s intent.

(b) A trust for the care of one or more designated domestic or pet animals is subject to the following provisions:

(1) Except as expressly provided otherwise in the instrument creating the trust, no portion of the principal or income of the trust may be converted to the use of the trustee or to a use other than for the trust’s purposes or for the benefit of a covered animal.

(2) Upon termination, the trustee shall transfer the unexpended trust property in the following order:

(A) as directed in the trust instrument;

(B) if there is no such direction in the trust instrument and if the trust was created in a non-residuary clause in the transferor’s will, then under the residuary clause in the transferor’s will; or

(C) if no taker is produced by the application of subparagraph (A) or (B), then to the transferor’s heirs,

New matter indicated by italics - deletions by strikeout.
determined according to Section 2-1 of the Probate Act of 1975.

(3) The intended use of the principal or income may be enforced by an individual designated for that purpose in the trust instrument or, if none, by an individual appointed by a court having jurisdiction of the matter and parties, upon petition to it by an individual.

(4) Except as ordered by the court or required by the trust instrument, no filing, report, registration, periodic accounting, separate maintenance of funds, appointment, or fee is required by reason of the existence of the fiduciary relationship of the trustee.

(5) The court may reduce the amount of the property transferred if it determines that the amount substantially exceeds the amount required for the intended use. The amount of the reduction, if any, passes as unexpended trust property under paragraph (2).

(6) If a trustee is not designated or no designated trustee is willing and able to serve, the court shall name a trustee. The court may order the transfer of the property to another trustee if the transfer is necessary to ensure that the intended use is carried out, and if a successor trustee is not designated in the trust instrument or if no designated successor trustee agrees to serve and is able to serve. The court may also make other orders and determinations as are advisable to carry out the intent of the transferor and the purpose of this Section.

(7) The trust is exempt from the operation of the common law rule against perpetuities.

Effective January 1, 2005.

PUBLIC ACT 93-0669
(House Bill No. 3553)

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

Section 5. The Environmental Protection Act is amended by changing Section 9.9 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 9.9. Nitrogen oxides trading system.

(a) The General Assembly finds:

   (1) That USEPA has issued a Final Rule published in the Federal Register on October 27, 1998, entitled "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone", hereinafter referred to as the "NOx SIP Call", compliance with which will require reducing emissions of nitrogen oxides ("NOx");

   (2) That reducing emissions of NOx in the State helps the State to meet the national ambient air quality standard for ozone;

   (3) That emissions trading is a cost-effective means of obtaining reductions of NOx emissions.

(b) The Agency shall propose and the Board shall adopt regulations to implement an interstate NOx trading program (hereinafter referred to as the "NOx Trading Program") as provided for in 40 CFR Part 96, including incorporation by reference of appropriate provisions of 40 CFR Part 96 and regulations to address 40 CFR Section 96.4(b), Section 96.55(c), Subpart E, and Subpart I. In addition, the Agency shall propose and the Board shall adopt regulations to implement NOx emission reduction programs for cement kilns and stationary internal combustion engines.

(c) Allocations of NOx allowances to large electric generating units ("EGUs") and large non-electric generating units ("non-EGUs"), as defined by 40 CFR Part 96.4(a), shall not exceed the State's trading budget for those source categories to be included in the State Implementation Plan for NOx.

(d) In adopting regulations to implement the NOx Trading Program, the Board shall:

   (1) assure that the economic impact and technical feasibility of NOx emissions reductions under the NOx Trading Program are considered relative to the traditional regulatory control requirements in the State for EGUs and non-EGUs;

   (2) provide that emission units, as defined in Section 39.5(1) of this Act, may opt into the NOx Trading Program;

   (3) provide for voluntary reductions of NOx emissions from emission units, as defined in Section 39.5(1) of this Act, not otherwise included under paragraph (c) or (d)(2) of this Section to provide additional allowances to EGUs and non-EGUs to be

New matter indicated by italics - deletions by strikeout.
allocated by the Agency. The regulations shall further provide that such voluntary reductions are verifiable, quantifiable, permanent, and federally enforceable;

(4) provide that the Agency allocate to non-EGUs allowances that are designated in the rule, unless the Agency has been directed to transfer the allocations to another unit subject to the requirements of the NOx Trading Program, and that upon shutdown of a non-EGU, the unit may transfer or sell the NOx allowances that are allocated to such unit; and

(5) provide that the Agency shall set aside annually a number of allowances, not to exceed 5% of the total EGU trading budget, to be made available to new EGUs; and:

(6) (A) provide that those EGUs that commence commercial operation, as defined in 40 CFR Section 96.2, at a time that is more than half way through the control period in 2003 shall return to the Agency any allowances that were issued to it by the Agency and were not used for compliance in 2004. (B) The Agency may sell NOx allowances to sources in Illinois that are subject to 35 Ill. Adm. Code 217, either Subpart U or W, as follows:

(1) any unearned Early Reduction Credits set aside for non-EGUs under 35 Ill. Adm. Code 217, Subpart U, but only to those sources that make qualifying early reductions of NOx in 2003 pursuant to 35 Ill. Adm. Code 217 for which the source did not receive an allocation thereunder. If the Agency receives requests to purchase more ERCs than are available for sale, allowances shall be offered for sale to qualifying sources on a pro-rata basis;

(2) any remaining Early Reduction Credits allocated under 35 Ill. Adm. Code 217, Subpart U or W, that could not be allocated on a pro-rata, whole allowance basis, but only to those sources that made qualifying early reductions of NOx in 2003 pursuant to 35 Ill. Adm. Code 217 for which the source did not receive an allocation;

(3) any allowances under 35 Ill. Adm. Code 217, Subpart W, that remain after each 3-year allocation period that could not

New matter indicated by italics - deletions by strikeout.
be allocated on a pro-rata, whole allowance basis pursuant to the provisions of Subpart W; and

(4) any allowances requested from the New Source Set Aside for those sources that commenced operation, as defined in 40 CFR Section 96.2, on or after January 1, 2004.

(d-10) The selling price for ERC allowances shall be 70% of the market price index for 2005 NOx allowances, determined by the Agency as follows:

(1) using the mean of 2 or more published market price indexes for the 2005 NOx allowances as of October 6, 2003; or
(2) if there are not 2 published market price indexes for 2005 NOx allowances as of October 6, 2003, the Agency may use any reasonable indication of market price.

(e) The Agency may adopt procedural rules, as necessary, to implement the regulations promulgated by the Board pursuant to subsections (b) and (d) and to implement subsections (d-5), (d-10), (i), and (j) subsection (i) of this Section.

(f) Notwithstanding any provisions in subparts T, U, and W of Section 217 of Title 35 of the Illinois Administrative Code to the contrary, compliance with the regulations promulgated by the Board pursuant to subsections (b) and (d) of this Section is required by May 31, 2004.

(g) To the extent that a court of competent jurisdiction finds a provision of 40 CFR Part 96 invalid, the corresponding Illinois provision shall be stayed until such provision of 40 CFR Part 96 is found to be valid or is re-promulgated. To the extent that USEPA or any court of competent jurisdiction stays the applicability of any provision of the NOx SIP Call to any person or circumstance relating to Illinois, during the period of that stay, the effectiveness of the corresponding Illinois provision shall be stayed. To the extent that the invalidity of the particular requirement or application does not affect other provisions or applications of the NOx SIP Call pursuant to 40 CFR 51.121 or the NOx trading program pursuant to 40 CFR Part 96 or 40 CFR Part 97, this Section, and rules or regulations promulgated hereunder, will be given effect without the invalid provisions or applications.

(h) Notwithstanding any other provision of this Act, any source or other authorized person that participates in the NOx Trading Program shall be eligible to exchange NOx allowances with other sources in accordance with this Section and with regulations promulgated by the Board or the Agency.

New matter indicated by italics - deletions by strikeout.
(i) There is hereby created within the State Treasury an interest-bearing special fund to be known as the NOx Trading System Fund. Moneys generated from the sale of NOx allowances from the New Source Set Aside or the sale of allowances pursuant to subsection (d-5) of this Section shall be deposited into the Fund. This Fund, which shall be used and administered by the Agency for the purposes stated below:

1. To accept funds from persons who purchase NOx allowances from the New Source Set Aside from the Agency;
2. To disburse the proceeds of the sale of the NOx allowances from the New Source Set Aside, to the extent that proceeds remain after the Agency has recouped the reasonable costs incurred by the Agency in the administration of the NOx SIP Call Program, sales pro-rata to the owners or operators of the EGUs that received allowances from the Agency but not from the Agency's New Source Set Aside set-aside, in accordance with regulations that may be promulgated by the Agency; and
3. To finance the reasonable costs incurred by the Agency in the administration of the NOx SIP Call Program Trading System.

(j) Moneys generated from the sale of early reduction credits shall be deposited into the Clean Air Act Permit Fund created pursuant to Section 39.5(18)(d) of this Act, and the proceeds shall be used and administered by the Agency to finance the costs associated with the Clean Air Act Permit Program.

(Source: P.A. 91-631, eff. 8-19-99; 92-12, eff. 7-1-01; 92-279, eff. 8-7-01.)

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

Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by changing Section 2705-207 as follows:

(20 ILCS 2705/2705-207)
(Section scheduled to be repealed on January 1, 2005)

Sec. 2705-207. Regional Transportation Task Force.

(a) The Regional Transportation Task Force is created within the Department.

(b) The Task Force shall consist of 11 voting members, as follows:

3 members appointed by the Governor, one of whom shall be designated as chair of the task force at the time of appointment; 2 members appointed by the President of the Senate; 2 members appointed by the Senate Minority Leader; 2 members appointed by the Speaker of the House of Representatives; and 2 members appointed by the House Minority Leader.

The following shall serve, ex officio, as non-voting members: the Secretary of Transportation; one member designated by the Chicago Area Transportation Study (CATS); one member designated by the Northeastern Illinois Planning Commission (NIPC); one member designated by the Regional Transportation Authority (RTA); one member designated by the Illinois State Toll Highway Authority (ISTHA); 2 members of Congress representing Illinois from different political parties, as designated by the Governor; and 4 members designated by the Metropolitan Mayors Caucus.

If a vacancy occurs in the task force membership, the vacancy shall be filled in the same manner as the initial appointment.

(c) The task force may begin to conduct business upon the appointment of a majority of the voting members, including the chair.

(d) The task force may adopt bylaws; it must meet at least once each calendar quarter; and it may establish committees and officers as it deems necessary. For purposes of task force meetings, a quorum is 6 voting members. Meetings of the task force are subject to the Open Meetings Act. The task force must afford an opportunity for public comment at each of its meetings.

(e) Task force members shall serve without compensation, but may be reimbursed for their reasonable travel expenses from funds available for that purpose. The Department shall provide staff and administrative support services to the task force. The Department and the task force may accept donated services and other resources from registered not-for-profit organizations as may be necessary to complete the work of the task force with minimal expense to the State of Illinois.

New matter indicated by italics - deletions by strikeout.
(f) The task force shall gather information and make recommendations to the Governor and to the General Assembly regarding metro area transportation programs in northeastern Illinois, which includes, without limitation, the counties of Cook, DuPage, Kane, Lake, McHenry, and Will. These recommendations must include, without limitation:

1. examining the feasibility of merging CATS, NIPC, RTA, and ISTHA into a single agency;
2. identifying areas where functions of these and other agencies are redundant or unnecessary;
3. identifying methods to promote cost effectiveness, efficiency, and equality in meeting area transportation needs; and
4. examining regional and economic impact as it relates to potential policy implementation.

(g) The task force shall submit a report to the Governor and the General Assembly by April 15, 2004 concerning its findings and recommendations.

(h) This Section is repealed on January 1, 2005.

(Source: P.A. 93-405, eff. 8-1-03.)

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


PUBLIC ACT 93-0671

(Senate Bill No. 1676)

AN ACT in relation to local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 4-12002 as follows:

(55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)
Sec. 4-12002. Fees of recorder in third class counties. The fees of the recorder in counties of the third class for recording deeds or other instruments in writing and maps of plats of additions, subdivisions or otherwise, and for certifying copies of records, shall be paid in advance and shall be as follows:

New matter indicated by italics - deletions by strikeout.
For recording deeds or other instruments $20 for the first 2 pages thereof, plus $2 for each additional page thereof. The aggregate minimum fee for recording any one instrument shall not be less than $20.

For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description the recorder shall charge a fee of $4 in addition to that hereinabove referred to for each document number therein noted.

For recording deeds or other instruments wherein more than one tract, parcel or lot is described and such additional tract, or tracts, parcel or parcels, lot or lots is or are described therein as falling in a separate or different addition or subdivision the recorder shall charge as an additional fee, to that herein provided, the sum of $2 for each additional addition or subdivision referred to in such deed or instrument.

For recording maps or plats of additions, subdivisions or otherwise (including the spreading of the same of record in well bound books) $100 plus $2 for each tract, parcel or lot contained therein.

For certified copies of records the same fees as for recording, but in no case shall the fee for a certified copy of a map or plat of an addition, subdivision or otherwise exceed $200.

For non-certified copies of records, an amount not to exceed one half of the amount provided herein for certified copies, according to a standard scale of fees, established by county ordinance and made public.

For filing of each release of any chattel mortgage or trust deed which has been filed but not recorded and for indexing the same in the book to be kept for that purpose $10.

For processing the sworn or affirmed statement required for filing a deed or assignment of a beneficial interest in a land trust in accordance with Section 3-5020 of this Code, $2.

The recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act or the Uniform Commercial Code) that does not conform to the following standards:

(1) The document shall consist of one or more individual sheets measuring 8.5 inches by 11 inches, not permanently bound and not a continuous form. Graphic displays accompanying a document to be recorded that measure up to 11 inches by 17 inches shall be recorded without charging an additional fee.

New matter indicated by italics - deletions by strikeout.
(2) The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.

(3) The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch on the top, the bottom, and each side. Margins may be used only for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers, and customer notations.

(4) The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner.

(5) The document shall not have any attachment stapled or otherwise affixed to any page.

A document that does not conform to these standards shall not be recorded except upon payment of the additional fee required under this paragraph. This paragraph, as amended by this amendatory Act of 1995, applies only to documents dated after the effective date of this amendatory Act of 1995.

The fee requirements of this Section apply to units of local government and school districts.

Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for filing or indexing a lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $5. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for indexing each additional name in excess of one for any lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $1.

(Source: P.A. 92-492, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect on June 1, 2004.
Effective June 1, 2004.

PUBLIC ACT 93-0672
(Senate Bill No. 1645)

AN ACT concerning employment.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Minimum Wage Law is amended by changing Section 4a as follows:

(820 ILCS 105/4a) (from Ch. 48, par. 1004a)
Sec. 4a. (1) Except as otherwise provided in this Section, no employer shall employ any of his employees for a workweek of more than 40 hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than 1 1/2 times the regular rate at which he is employed.

(2) The provisions of subsection (1) of this Section are not applicable to:

A. Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or farm implements, if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers.

B. Any salesman primarily engaged in selling trailers, boats, or aircraft, if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers.

C. Any employer of agricultural labor, with respect to such agricultural employment.

D. Any employee of a governmental body excluded from the definition of "employee" under paragraph (e)(2)(C) of Section 3 of the Federal Fair Labor Standards Act of 1938. Any governmental body.

E. Any employee employed in a bona fide executive, administrative or professional capacity, including any radio or television announcer, news editor, or chief engineer, as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified in subsections (a) and (b) of Section 541.600 of Title 29 of the Code of Federal Regulations as proposed in the Federal Register on March 31, 2003, or a greater amount of salary as may be adopted by the United States Department of Labor, as now or hereafter amended.

For bona fide executive, administrative, and professional employees of not-for-profit corporations, the Director may, by

New matter indicated by italics - deletions by strikeout.
regulation, adopt a weekly wage rate standard lower than that provided for executive, administrative, and professional employees covered under the Fair Labor Standards Act of 1938, as now or hereafter amended.

F. Any commissioned employee as described in paragraph (i) of Section 7 of the Federal Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, as now or hereafter amended.

G. Any employment of an employee in the stead of another employee of the same employer pursuant to a worktime exchange agreement between employees.

H. Any employee of a not-for-profit educational or residential child care institution who (a) on a daily basis is directly involved in educating or caring for children who (1) are orphans, foster children, abused, neglected or abandoned children, or are otherwise homeless children and (2) reside in residential facilities of the institution and (b) is compensated at an annual rate of not less than $13,000 or, if the employee resides in such facilities and receives without cost board and lodging from such institution, not less than $10,000.

I. Any employee employed as a crew member of any uninspected towing vessel, as defined by Section 2101(40) of Title 46 of the United States Code, operating in any navigable waters in or along the boundaries of the State of Illinois.

(3) Any employer may employ any employee for a period or periods of not more than 10 hours in the aggregate in any workweek in excess of the maximum hours specified in subsection (1) of this Section without paying the compensation for overtime employment prescribed in subsection (1) if during that period or periods the employee is receiving remedial education that:

(a) is provided to employees who lack a high school diploma or educational attainment at the eighth grade level;

(b) is designed to provide reading and other basic skills at an eighth grade level or below; and

(c) does not include job specific training.

(4) A governmental body is not in violation of subsection (1) if the governmental body provides compensatory time pursuant to paragraph (o) of Section 7 of the Federal Fair Labor Standards Act of 1938, as now or hereafter amended, or is engaged in fire protection or law enforcement

New matter indicated by italics - deletions by strikeout.
activities and meets the requirements of paragraph (k) of Section 7 or paragraph (b)(20) of Section 13 of the Federal Fair Labor Standards Act of 1938, as now or hereafter amended.
(Source: P.A. 92-623, eff. 7-11-02.)

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


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

Section 5. "An Act making appropriations", Public Act 93-115, as vetoed, reduced, and restored, is amended by changing Section 20 of Article 1 as follows:

(P.A. 93-115, Article 1, Section 20)

Sec. 20. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated from State funds to the Illinois State Board of Education for the fiscal year beginning July 1, 2003:

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

From the Teacher Certificate Fee Revolving Fund:
For all costs associated with the issuing of teachers' certificates................. $1,500,000
teachers' certificates...................... $375,000

From the Private Business and Vocational Schools Fund:
For all costs associated with the Private Business and Vocational Schools Act................. $0

From the School Technology Revolving Fund:
For the Statewide Educational Network........................................ $125,000

From the State Board of Education Fund:

New matter indicated by italics - deletions by strikeout.
For all expenses as provided
in Section 2-3.126 of the
School Code...........................................                                                  $0

From the State Board of Education
Special Purpose Trust Fund:
For all expenses as provided
in Section 2-3.127 of the
School Code...........................................                                                  $0

From the School Infrastructure Fund:
For administrative costs associated
with the Capital Assistance Program.............                               $200,000

From the ISBE Teacher Certificate Institute Fund:
For all costs associated with
teacher certificates
as provided in Sections 3-12
and 2-3.105 of the
School Code...........................................                                                  $125,000

From the ISBE GED Testing Fund:
For all costs associated with
the GED Testing Program
as provided in Sections
3-15.12 and 2-3.105 of the
School Code...........................................                                                  $1,000,000

From the ISBE School Bus Driver Permit Fund:
For all costs associated with
the School Bus Driver Permit Program as provided
in Section 3-14.23 of the
School Code...........................................                                                  $12,000

Total, Section 20...............................                                           $8,162,000

(Source: P.A. 93-115, as vetoed, reduced, and restored.)

Section 10. An ACT making appropriations to Public Act 93-62, as vetoed, reduced, and restored, is amended by changing Section 2 of Article 6 as follows:

(P.A. 93-62, Art. 6, Sec. 2)

Sec. 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:
DIVISION OF CHARGE PROCESSING

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund:

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<th>Description</th>
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</table>

Payable from Special Projects Division Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,439,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>57,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>193,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>110,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>396,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>106,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>41,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>13,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>9,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>9,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>88,000</td>
</tr>
<tr>
<td>Total</td>
<td>$2,464,900</td>
</tr>
</tbody>
</table>

(Source: P.A. 93-62, as vetoed, reduced, and restored.)

Section 15. "An Act making appropriations", Public Act 93-0091, as vetoed, reduced, and restored, is amended by changing Section 10 of Article 16 as follows:

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

For Personal Services........................................ $496,604
For Personal Services........................................ $500,604
For Employee Retirement Contributions
   Paid by Employer........................................ 66,746
For Employee Retirement Contributions
   Paid by Employer........................................ 67,276
For State Contributions to State Employees= Retirement System............................... 19,864
For State Contributions to State Employees= Retirement System............................... 20,024
For State Contribution to Social Security........................................ 37,986
For State Contribution to Social Security........................................ 38,296
For Contractual Services......................... 547,500
For Model Illinois Government Activities......... 3,000
For Travel.................................................. 5,000
For Commodities........................................... 3,200
For Printing.................................................. 3,500
For Equipment............................................. 100
For Electronic Data Processing...................... 500
For Telecommunications Services.................... 9,000
TOTAL...................................................... $1,193,000
TOTAL...................................................... $1,198,000

(Source: P.A. 93-0091, as vetoed, reduced, and restored.)

Section 20. "An Act making appropriations", Public Act 93-0091, as vetoed, reduced, and restored, is amended by changing Section 30 of Article 16 as follows:

(P.A. 93-0091, Article 16, Section 30)

Section 30. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Audit Commission:

New matter indicated by italics - deletions by strikeout.
For Personal Services........................... $156,500
For Personal Services........................... $152,500
For Employee Retirement Contributions
Paid by Employer................................. 6,260
For Employee Retirement Contributions
Paid by Employer................................. 6,100
For State Contributions to State Employees=
Retirement System............................... 21,030
For State Contributions to State Employees=
Retirement System............................... 20,500
For State Contribution to Social
Security........................................ 12,010
For State Contribution to Social
Security........................................ 11,700
For Contractual Services......................... 13,900
For Travel...................................... 5,500
For Commodities.................................. 500
For Printing..................................... 1,000
For Equipment................................... 300
For Electronic Data Processing.................. 2,100
For Telecommunications Services.............. 1,700

TOTAL $220,800
TOTAL $215,800

(Source: P.A. 93-0091, as vetoed, reduced, and restored.)

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

Approved May 7, 2004.

PUBLIC ACT 93-0674
(House Bill No. 0953)

AN ACT in relation to State finances.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by changing Section 8h and by adding Sections 5.625 and 6z-62 as follows:
(30 ILCS 105/5.625 new)

New matter indicated by italics - deletions by strikeout.
Sec. 5.625. The Medicaid Provider Relief Fund.
(30 ILCS 105/6z-62 new)
Sec. 6z-62. Medicaid Provider Relief Fund.
(a) The Medicaid Provider Relief Fund ("the Fund") is created as a special fund in the State treasury. The Fund is created for the purpose of paying medical bills for which the State is responsible under Title XIX of the Social Security Act and under the Children's Health Insurance Program Act.

(b) The Fund shall consist of the following:
(1) All money received by the State from short-term borrowing pursuant to the Short Term Borrowing Act or the Medicaid Liability Liquidity Borrowing Act on or after the effective date of this amendatory Act of the 93rd General Assembly and before July 1, 2004.
(2) All federal matching funds received as a result of expenditures that are attributable to moneys deposited into the Fund.
(3) Interest earned on moneys in the Fund.
(c) On July 1, 2004, the State Treasurer and the Comptroller shall transfer the balance in the Medicaid Provider Relief Fund to the General Revenue Fund. After July 1, 2004, the State Treasurer and the Comptroller shall automatically transfer all moneys deposited into the Medicaid Provider Relief Fund from that Fund to the General Revenue Fund.

(d) This Section is repealed on June 30, 2005, and the State Treasurer and the Comptroller shall promptly transfer the balance remaining in the Fund on that date to the General Revenue Fund.

(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund. Notwithstanding any other State law to the contrary, the Director of the Governor's Office of Management and Budget may from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of 8% of the revenues to be deposited into the fund during that year or 25% of the beginning balance in the fund. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and

New matter indicated by italics - deletions by strikeout.
unreserved from the total appropriation from that fund for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use or to any funds in the Motor Fuel Tax Fund, or the Hospital Provider Fund, or the Medicaid Provider Relief Fund. Notwithstanding any other provision of this Section, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed 5% of the revenues to be deposited into the fund during that year.

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

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

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04.)

Section 10. The Short Term Borrowing Act is amended by changing Section 3 as follows:

(30 ILCS 340/3) (from Ch. 120, par. 408)

Sec. 3. There shall be prepared under the direction of the officers named in this Act such form of bonds or certificates as they shall deem advisable, which, when issued, shall be signed by the Governor, Comptroller and Treasurer, and shall be recorded by the Comptroller in a book to be kept by him or her for that purpose. The interest and principal of such loan shall be paid by the treasurer out of the General Obligation Bond Retirement and Interest Fund.

There is hereby appropriated out of any money in the Treasury a sum sufficient for the payment of the interest and principal of any debts contracted under this Act.

The Governor, Comptroller, and Treasurer are authorized to order pursuant to the proceedings authorizing those debts the transfer of any moneys on deposit in the treasury into the General Obligation Bond Retirement and Interest Fund at times and in amounts they deem necessary to provide for the payment of that interest and principal.

The Comptroller is hereby authorized and directed to draw his warrant on the State Treasurer for the amount of all such payments.

The directive authorizing borrowing under Section 1 or 1.1 of this Act shall set forth a pro forma cash flow statement that identifies
estimated monthly receipts and expenditures with identification of sources for repaying the borrowed funds.

*All proceeds from any borrowing under this Act received by the State on or after the effective date of this amendatory Act of the 93rd General Assembly and before July 1, 2004 shall be deposited into the Medicaid Provider Relief Fund.*

(Source: P.A. 87-838; 87-860; 88-669, eff. 11-29-94.)

Section 15. The Medicaid Liability Liquidity Borrowing Act is amended by changing Sections 5 and 10 as follows:

(30 ILCS 342/5)

Sec. 5. Borrowing authorized. For the period *June 9, 2004* through *June 30, 2004* to *June 30, 2004*, borrowing pursuant to this Section is authorized under subsection (b) of Section 9 of Article IX of the Illinois Constitution. The purpose of the borrowing shall be whenever casual deficits or failures in revenues of the State occur, and those casual deficits or failures in revenues affect the State's ability to pay for medical services provided under the Illinois Public Aid Code or the Children's Health Insurance Program Act; in order to meet those casual deficits or failures in revenues, and the Governor, after having obtained the written consent of both the Comptroller and the Treasurer, may contract debts, under this Section, for principal amounts not to exceed $850,000,000, as supported by properly enacted State fiscal year 2004 appropriations for this purpose. This contracted debt, when added to amounts borrowed under the Short Term Borrowing Act during the then-current fiscal year, may not exceed 15% of the State's appropriations for that fiscal year. Moneys thus borrowed shall be applied to the purpose of paying for medical services as described in this Section, or to pay the debts and associated expenses thus incurred created, and to no other purpose. All proceeds from any borrowing under this Act received by the State on or after the effective date of this amendatory Act of the 93rd General Assembly and before July 1, 2004 shall be deposited into the Medicaid Provider Relief Fund. The Governor shall direct the proceeds of this borrowing into any State fund from which there are appropriations for medical assistance under the Illinois Public Aid Code. All moneys so borrowed shall be borrowed for no longer time than one year.

(Source: P.A. 88-554, eff. 7-26-94; 89-626, eff. 8-9-96.)

(30 ILCS 342/10)

Sec. 10. Advertising for loan. Whenever the borrowing of money under Section 5 is contemplated, it is the duty of the Director of the

New matter indicated by italics - deletions by strikeout.
Governor’s Office of Management and Budget acting at the direction of the Governor to advertise for proposals for the loan in the manner that is determined by the Director of the Governor’s Office of Management and Budget to give reasonable notice of the request for proposals. The advertisements shall set forth the amount of debt proposed to be contracted and the time and place for the payment of the principal and interest. The loan shall be awarded to the person or persons agreeing to take it at the lowest rate of interest not exceeding the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract.

(Source: P.A. 88-554, eff. 7-26-94; revised 8-23-03.)

Section 20. The Illinois Public Aid Code is amended by adding Section 5-16.13 as follows:

(305 ILCS 5/5-16.13 new)

Sec. 5-16.13. Medicaid Managed Care Task Force.

(a) Medicaid, the medical assistance program jointly administered by the State of Illinois and the United States governments for low-income and uninsured populations, is the largest single insurance provider in the State. In Illinois, one in every 7 adults, one in 3 children, and 2 of every 3 nursing home residents are all provided health care under the State’s Medicaid program.

Over the past 10 years, Medicaid in Illinois has grown an average of 8% annually, which requires at least $500,000,000 in additional State resources every year.

Medicaid in Illinois is a cost-reimbursement system that does little to promote health or encourage improvements in the quality of health care services being delivered to the growing populations needing assistance.

The advent of managed care plans in the insurance industry has driven down health care costs for many while amply managing individual needs in a system to deliver cost-efficient health care services.

(b) To better examine and evaluate the application of managed care within the State’s Medicaid program, there is hereby established the bipartisan Medicaid Managed Care Task Force.

The Task Force shall consist of 8 voting members, as follows: 2 members of the Senate appointed by the President of the Senate, 2 members of the Senate appointed by the Senate Minority Leader, 2 members of the House of Representatives appointed by the Speaker of the House of Representatives, and 2 members of the House of Representatives
appointed by the House Minority Leader. All actions of the Task Force require the affirmative vote of at least 5 voting members.

Members appointed to the Task Force shall elect from among themselves 2 co-chairs.

Members appointed by the legislative leaders shall be appointed for the duration of the Task Force; in the event of a vacancy, the appointment to fill the vacancy shall be made by the same legislative leader who made the original appointment.

The following persons shall serve, ex officio, as nonvoting members of the Task Force: the Director of the Governor's Office of Management and Budget, the Director of Public Aid, and the Secretary of Human Services.

The Task Force shall begin to conduct business upon the appointment of a majority of the voting members. If the co-chairs have not both been appointed, the co-chair that has been appointed shall preside.

Members shall serve without compensation but may be reimbursed for their expenses from appropriations for that purpose.

(c) The Task Force shall gather information and make recommendations relating to the financing and expenditures of the Illinois Medicaid program and the program's level of ability to provide quality health care services in the most cost-efficient manner. The Task Force shall examine and evaluate the application of managed care within the State's Medicaid program. The Task Force shall further assess whether the State's Medicaid services delivery system meets or exceeds the goals of quality, efficiency, accountability, and financial responsibility and shall make recommendations in keeping with those goals concerning the cost-efficient delivery of Medicaid services throughout Illinois.

(d) The Task Force shall conduct at least 6 public hearings beginning the later of July 2004 or upon the appointment of a majority of its members, through October 2004.

Locations for public hearings are to be different and determined by the co-chairs in consultation with the other members of the Task Force.

Comment and testimony at public hearing is to be sought from Medicaid recipients, health care providers and other health care professionals, related advocates, health care finance experts, insurance industry professionals, and public officials from throughout the State.

(e) The Governor's Office of Management and Budget, the Department of Public Aid, and the Department of Human Services are directed to provide information and assistance to the Task Force.

New matter indicated by italics - deletions by strikeout.
(f) The Task Force shall submit a full report of its findings and recommendations to the General Assembly not later than November 8, 2004. It may submit other reports as it deems appropriate.

(g) The Task Force is abolished and this Section is repealed on December 31, 2004.

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

Passed in the General Assembly June 9, 2005
Approved June 10, 2005
Effective June 10, 2005

PUBLIC ACT 93-0675
(House Bill No. 2746)

AN ACT making appropriations.

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

Section 1. AN ACT making appropriations@Public Act 93-92, approved July 3, 2003, as amended, is amended by changing Section 10 of Article 1 as follows:

(P.A. 93-92, Art. 1, Sec. 10)

Sec. 10. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from General Revenue Fund:
For Physicians.................. 513,590,700
For Dentists.................. 88,590,800
For Optometrists.................. 11,319,800
For Podiatrists.................. 2,367,200
For Chiropractors.................. 1,300,600
For Hospital In-Patient, Disproportionate Share and Ambulatory Care.................. 2,258,373,200
For Skilled, Intermediate, and Other Related Long Term Care Services.................. 825,704,000
For Community Health Centers.................. 109,485,500

New matter indicated by italics - deletions by strikeout.
For Hospice Care.............................. 35,202,300
For Independent Laboratories.................. 25,364,100
For Home Health Care, Therapy, and Nursing Services................. 49,940,300
For Appliances................................ 54,936,000
For Transportation............................ 78,392,700
For Other Related Medical Services and for development, implementation, and operation of managed care and children's health programs including operating and administrative costs and related distributive purposes............... 65,654,700
For Medicare Part A Premiums................... 8,700,000
For Medicare Part B Premiums................. 121,300,000
For Medicare Part B Premiums for Qualified Individuals under the Federal Balanced Budget Act of 1997......... 6,633,700
For Health Maintenance Organizations and Managed Care Entities............... 182,223,600
For Division of Specialized Care for Children........................... 51,620,900
Total $4,566,300,100

In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Aid for Medical Assistance under the Illinois Public Aid Code and the Children's Health Insurance Program Act for Prescribed Drugs, including costs associated with the implementation and operation of the SeniorCare program:

Payable from:
- General Revenue Fund...................... 1,042,258,000
- Drug Rebate Fund........................... 405,000,000
- Tobacco Settlement Recovery Fund......... 298,652,900
- Medicaid Buy-In Program Revolving Fund.... 100,000
Total $1,647,010,900

The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Aid for the purposes hereinafter named:

FOR MEDICAL ASSISTANCE

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund:
For Grants for Medical Care for Persons
  Suffering from Chronic Renal Disease............ 1,214,300
For Grants for Medical Care for Persons
  Suffering from Hemophilia....................... 4,553,600
For Grants for Medical Care for Sexual
  Assault Victims.................................. 657,800
For Grants to Altgeld Clinic..................... 400,000
Total $6,825,700

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total General Revenue Fund appropriations in Section 2 above among the various purposes therein enumerated.

In addition to any amounts heretofore appropriated, the amount of $8,507,300, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the General Revenue Fund for expenses relating to the Children's Health Insurance Program Act, including payments under Section 25 (a)(1) of that Act, and related operating and administrative costs.

In addition to any amounts heretofore appropriated, the amount of $850,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Medicaid Provider Relief Fund for Medical Assistance payments to medical providers.

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

A. That part of the remuneration which, after remuneration equal to $6,000 with respect to employment has been paid to an individual by an employer during any calendar year after 1977 and before 1980, is paid to such individual by such employer during such calendar year; and that part of the remuneration which, after remuneration equal to $6,500 with respect to employment has been paid to an individual by an employer during each calendar year 1980 and 1981, is paid to such individual by such employer during that calendar year; and that part of the remuneration which, after remuneration equal to $7,000 with respect to employment has been paid to an individual by an employer during the calendar year 1982 is paid to such individual by such employer during that calendar year.

With respect to the first calendar quarter of 1983, the term "wages" shall include only the remuneration paid to an individual by an employer during such quarter with respect to employment which does not exceed $7,000. With respect to the three calendar quarters, beginning April 1, 1983, the term "wages" shall include only the remuneration paid to an individual by an employer during such period with respect to employment which when added to the "wages" (as defined in the preceding sentence) paid to such individual by such employer during the first calendar quarter of 1983, does not exceed $8,000.

With respect to the calendar year 1984, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed $8,000; with respect to calendar years 1985, 1986 and 1987, the term "wages" shall include only the remuneration paid to such individual by such employer during that calendar year with respect to employment which does not exceed $8,500.

With respect to the calendar years 1988 through 2003 and calendar year 2005 and each calendar year thereafter, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed $9,000.

With respect to the calendar year 2004, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed $9,800. With respect to the calendar years 2005 through 2009, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed the following amounts: $10,500 with respect to the calendar year 2005; $11,000 with respect to the calendar year 2006; $11,500 with respect to

New matter indicated by italics - deletions by strikeout.
the calendar year 2007; $12,000 with respect to the calendar year 2008; and $12,300 with respect to the calendar year 2009.

With respect to the calendar year 2010 and each calendar year thereafter, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed the sum of the wage base adjustment applicable to that year pursuant to Section 1400.1, plus the maximum amount includable as "wages" pursuant to this subsection with respect to the immediately preceding calendar year. Notwithstanding any provision to the contrary, the maximum amount includable as "wages" pursuant to this Section shall not be less than $12,300 or greater than $12,960 with respect to any calendar year after calendar year 2009.

The remuneration paid to an individual by an employer with respect to employment in another State or States, upon which contributions were required of such employer under an unemployment compensation law of such other State or States, shall be included as a part of the remuneration herein referred to. For the purposes of this subsection, any employing unit which succeeds to the organization, trade, or business, or to substantially all of the assets of another employing unit, or to the organization, trade, or business, or to substantially all of the assets of a distinct severable portion of another employing unit, shall be treated as a single unit with its predecessor for the calendar year in which such succession occurs, and any employing unit which is owned or controlled by the same interests which own or control another employing unit shall be treated as a single unit with the unit so owned or controlled by such interests for any calendar year throughout which such ownership or control exists. This subsection applies only to Sections 1400, 1405A, and 1500.

B. The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), made to, or on behalf of, an individual or any of his dependents under a plan or system established by an employer which makes provision generally for individuals performing services for him (or for such individuals generally and their dependents) or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents), on account of (1) sickness or accident disability payments which would be includable as "wages" in Section 3306(b)(2)(A) of the Federal Internal Revenue Code of 1954, in effect on January 1, 1985, such includable payments to be attributable in such manner as provided by Section 3306(b) of the Federal

New matter indicated by italics - deletions by strikeout.
Internal Revenue Code of 1954, in effect on January 1, 1985), or (2) medical or hospitalization expenses in connection with sickness or accident disability, or (3) death.

C. Any payment made to, or on behalf of, an employee or his beneficiary which would be excluded from "wages" by subparagraph (A), (B), (C), (D), (E), (F) or (G), of Section 3306(b)(5) of the Federal Internal Revenue Code of 1954, in effect on January 1, 1985.

D. The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an individual performing services for him after the expiration of six calendar months following the last calendar month in which the individual performed services for such employer.

E. Remuneration paid in any medium other than cash by an employing unit to an individual for service in agricultural labor as defined in Section 214.

F. The amount of any supplemental payment made by an employer to an individual performing services for him, other than remuneration for services performed, under a shared work plan approved by the Director pursuant to Section 407.1.

(Source: P.A. 93-634, eff. 1-1-04.)

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


PUBLIC ACT 93-0677
(House Bill No. 1269)

AN ACT in relation to public employee benefits.

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

Section 5. The Illinois Pension Code is amended by changing Section 17-142.1 as follows:

(40 ILCS 5/17-142.1) (from Ch. 108 1/2, par. 17-142.1)

Sec. 17-142.1. To defray health insurance costs. To provide for the partial reimbursement of health insurance costs.

(1) On the first day of September of each year, beginning in 1988, the Board may, by separate warrant, pay to each recipient of a service

New matter indicated by italics - deletions by strikeout.
retirement, disability retirement or survivor's pension an amount to be determined by the Board, which shall represent partial reimbursement for the cost of the recipient's health insurance coverage.

(2) In lieu of the annual payment authorized in subdivision (1), for pensioners enrolled in the Fund's regular health care deduction plans, the Fund may pay the health insurance premium reimbursement on a monthly rather than annual basis, at the percentage rate established from time to time by the Board. If the Board so directs, these monthly payments may be made in the form of a direct payment of premium and a reduction in the amount deducted from the annuity, rather than in the form of reimbursement by separate warrant.

(3) Total payments under this Section in any year may not exceed $65,000,000 plus any amount that was authorized to be paid under this Section in the preceding year but was not actually paid by the Board, including any interest earned thereon.

(4) The total amount of payments under this Section in any year may not exceed 75% of the total cost of health insurance coverage in that year for all the recipients who receive payments authorized by this Section in that year.

(Source: P.A. 90-566, eff. 1-2-98; 91-852, eff. 6-22-00.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)
Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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


PUBLIC ACT 093-0678
(Senate Bill No. 2724)

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

New matter indicated by italics - deletions by strikeout.
Section 5. The Affordable Housing Planning and Appeal Act is amended by changing Sections 15, 20, and 25 as follows:

(310 ILCS 67/15)

Sec. 15. Definitions. As used in this Act:

"Affordable housing" means housing that has a sales price or rental amount that is within the means of a household that may occupy moderate-income or low-income housing. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit.

"Affordable housing developer" means a nonprofit entity, limited equity cooperative or public agency, or private individual, firm, corporation, or other entity seeking to build an affordable housing development.

"Affordable housing development" means (i) any housing that is subsidized by the federal or State government or (ii) any housing in which at least 20% of the dwelling units are subject to covenants or restrictions that require that the dwelling units be sold or rented at prices that preserve them as affordable housing for a period of at least 15 years, in the case of for-sale housing, and at least 30 years, in the case of rental housing.

"Approving authority" means the governing body of the county or municipality.

"Area median household income" means the median household income adjusted for family size for applicable income limit areas as determined annually by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937.

"Development" means any building, construction, renovation, or excavation or any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; or any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial use.

"Exempt local government" means any local government in which at least 10% of its total year-round housing units are affordable, as determined by the Illinois Housing Development Authority pursuant to
Section 20 of this Act; or any municipality under 1,000 population.

"Household" means the person or persons occupying a dwelling unit.

"Local government" means a county or municipality.

"Low-income housing" means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that does not exceed 50% of the area median gross household income for households of the same size within the county in which the housing is located.

"Moderate-income housing" means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that is greater than 50% but does not exceed 80% of the area median gross household income for households of the same size within the county in which the housing is located.

"Non-appealable local government requirements" means all essential requirements that protect the public health and safety, including any local building, electrical, fire, or plumbing code requirements or those requirements that are critical to the protection or preservation of the environment.

(Source: P.A. 93-595, eff. 1-1-04.)

(310 ILCS 67/20)

Sec. 20. Determination of exempt local governments.

(a) Beginning October 1, 2004 January 1, 2006, the Illinois Housing Development Authority shall determine which local governments are exempt and not exempt from the operation of this Act based on an identification of the total number of year-round housing units in the most recent decennial census for each local government within the State and by an inventory of for-sale and rental affordable housing units, as defined in this Act, for each local government from the decennial census and other relevant sources.

(b) The Illinois Housing Development Authority shall make this determination by:

(i) totaling the number of for-sale housing units in each local government that are affordable to households with a gross household income that is less than 80% of the median household income within the county or primary metropolitan statistical area.

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(ii) totaling the number of rental units in each local
government that are affordable to households with a gross
household income that is less than 60% of the median household
income within the county or primary metropolitan statistical area;
(iii) adding the number of for-sale and rental units for each
local government from items (i) and (ii); and
(iv) dividing the sum of (iii) above by the total number of
year-round housing units in the local government as contained in
the latest decennial census and multiplying the result by 100 to
determine the percentage of affordable housing units within the
jurisdiction of the local government.

(c) Beginning October 1, 2004 January 1, 2006, the Illinois
Housing Development Authority shall publish on an annual basis a list of
exempt and non-exempt local governments and the data that it used to
calculate its determination. The data shall be shown for each local
government in the State and for the State as a whole. Upon publishing a
list of exempt and non-exempt local governments, the Illinois Housing
Development Authority shall notify a local government that it is not
exempt from the operation of this Act and provide to it the data used to
calculate its determination.

(d) A local government or developer of affordable housing may
appeal the determination of the Illinois Housing Development Authority as
to whether the local government is exempt or non-exempt under this Act
in connection with an appeal under Section 30 of this Act.
(Source: P.A. 93-595, eff. 1-1-04.)

(310 ILCS 67/25)
Sec. 25. Affordable housing plan.
(a) Prior to April 1, 2005 July 1, 2004, all non-exempt local
governments must approve an affordable housing plan.
(b) For the purposes of this Act, the affordable housing plan shall
consist of at least the following:
(i) a statement of the total number of affordable housing
units that are necessary to exempt the local government from the
operation of this Act as defined in Section 15 and Section 20;
(ii) an identification of lands within the jurisdiction that are
most appropriate for the construction of affordable housing and of
existing structures most appropriate for conversion to, or
rehabilitation for, affordable housing, including a consideration of
lands and structures of developers who have expressed a

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commitment to provide affordable housing and lands and structures that are publicly or semi-publicly owned;

(iii) incentives that local governments may provide for the purpose of attracting affordable housing to their jurisdiction; and

(iv) a goal of a minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing in this Act; or a minimum of a 3 percentage point increase in the overall percentage of affordable housing within its jurisdiction, as described in subsection (b) of defined in Section 20 of this Act; or a minimum of a total of 10% of affordable housing within its jurisdiction as described in subsection (b) of Section 20 of this Act.

(c) Within 60 days after the adoption of an affordable housing plan or revisions to its affordable housing plan, the local government must submit a copy of that plan to the Illinois Housing Development Authority.

(Source: P.A. 93-595, eff. 1-1-04.)

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


PUBLIC ACT 93-0679
(Senate Bill No. 1553)

AN ACT concerning education.

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

Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Sections 6.5 and 6.6 as follows:

(5 ILCS 375/6.5)
(Section scheduled to be repealed on July 1, 2004)
Sec. 6.5. Health benefits for TRS benefit recipients and TRS dependent beneficiaries.

(a) Purpose. It is the purpose of this amendatory Act of 1995 to transfer the administration of the program of health benefits established for benefit recipients and their dependent beneficiaries under Article 16 of the Illinois Pension Code to the Department of Central Management Services.

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(b) Transition provisions. The Board of Trustees of the Teachers' Retirement System shall continue to administer the health benefit program established under Article 16 of the Illinois Pension Code through December 31, 1995. Beginning January 1, 1996, the Department of Central Management Services shall be responsible for administering a program of health benefits for TRS benefit recipients and TRS dependent beneficiaries under this Section. The Department of Central Management Services and the Teachers' Retirement System shall cooperate in this endeavor and shall coordinate their activities so as to ensure a smooth transition and uninterrupted health benefit coverage.

(c) Eligibility. All persons who were enrolled in the Article 16 program at the time of the transfer shall be eligible to participate in the program established under this Section without any interruption or delay in coverage or limitation as to pre-existing medical conditions. Eligibility to participate shall be determined by the Teachers' Retirement System. Eligibility information shall be communicated to the Department of Central Management Services in a format acceptable to the Department.

A TRS dependent beneficiary who is an unmarried child age 19 or over and mentally or physically disabled handicapped does not become ineligible to participate by reason of (i) becoming ineligible to be claimed as a dependent for Illinois or federal income tax purposes or (ii) receiving earned income, so long as those earnings are insufficient for the child to be fully self-sufficient.

(d) Coverage. The level of health benefits provided under this Section shall be similar to the level of benefits provided by the program previously established under Article 16 of the Illinois Pension Code.

Group life insurance benefits are not included in the benefits to be provided to TRS benefit recipients and TRS dependent beneficiaries under this Act.

The program of health benefits under this Section may include any or all of the benefit limitations, including but not limited to a reduction in benefits based on eligibility for federal medicare benefits, that are provided under subsection (a) of Section 6 of this Act for other health benefit programs under this Act.

(e) Insurance rates and premiums. The Director shall determine the insurance rates and premiums for TRS benefit recipients and TRS dependent beneficiaries, and shall present to the Teachers' Retirement System of the State of Illinois, by April 15 of each calendar year, the rate-
setting methodology (including but not limited to utilization levels and costs) used to determine the amount of the health care premiums.

For Fiscal Year 1996, the premium shall be equal to the premium actually charged in Fiscal Year 1995; in subsequent years, the premium shall never be lower than the premium charged in Fiscal Year 1995.

For Fiscal Year 2003, the premium shall not exceed 110% of the premium actually charged in Fiscal Year 2002.

For Fiscal Year 2004, the premium shall not exceed 112% of the premium actually charged in Fiscal Year 2003.

For Fiscal Year 2005, the premium shall not exceed a weighted average of 106.6% of the premium actually charged in Fiscal Year 2004.

For Fiscal Year 2006, the premium shall not exceed a weighted average of 109.1% of the premium actually charged in Fiscal Year 2005.

For Fiscal Year 2007, the premium shall not exceed a weighted average of 103.9% of the premium actually charged in Fiscal Year 2006.

For Fiscal Year 2008 and thereafter, the premium in each fiscal year shall not exceed 105% of the premium actually charged in the previous fiscal year.

Rates and premiums may be based in part on age and eligibility for federal medicare coverage. However, the cost of participation for a TRS dependent beneficiary who is an unmarried child age 19 or over and mentally or physically disabled handicapped shall not exceed the cost for a TRS dependent beneficiary who is an unmarried child under age 19 and participates in the same major medical or managed care program.

The cost of health benefits under the program shall be paid as follows:

(1) For a TRS benefit recipient selecting a managed care program, up to 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting a managed care program, 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund.

(2) For a TRS benefit recipient selecting the major medical coverage program, up to 50% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a

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managed care program is accessible, as determined by the Teachers' Retirement System. **Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting the major medical coverage program, 50% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is accessible, as determined by the Department of Central Management Services.**

(3) For a TRS benefit recipient selecting the major medical coverage program, up to 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is not accessible, as determined by the Teachers' Retirement System. **Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting the major medical coverage program, 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is not accessible, as determined by the Department of Central Management Services.**

(3.1) **For a TRS dependent beneficiary who is Medicare primary and enrolled in a managed care plan, or the major medical coverage program if a managed care plan is not available, 25% of the total insurance rate shall be paid from the Teacher Health Security Fund as determined by the Department of Central Management Services. For the purpose of this item (3.1), the term “TRS dependent beneficiary who is Medicare primary” means a TRS dependent beneficiary who is participating in Medicare Parts A and B.**

(4) **Except as otherwise provided in item (3.1), the balance of the rate of insurance, including the entire premium of any coverage for TRS dependent beneficiaries that has been elected, shall be paid by deductions authorized by the TRS benefit recipient to be withheld from his or her monthly annuity or benefit payment from the Teachers' Retirement System; except that (i) if the balance of the cost of coverage exceeds the amount of the monthly annuity or benefit payment, the difference shall be paid directly to the Teachers' Retirement System by the TRS benefit recipient, and (ii) all or part of the balance of the cost of coverage may, at the school board's option, be paid to the Teachers' Retirement System by the school board of the school district from which the TRS benefit recipient retired, in accordance with Section**

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10-22.3b of the School Code. The Teachers' Retirement System
shall promptly deposit all moneys withheld by or paid to it under
this subdivision (e)(4) into the Teacher Health Insurance Security
Fund. These moneys shall not be considered assets of the
Retirement System.

(f) Financing. Beginning July 1, 1995, all revenues arising from the
administration of the health benefit programs established under Article 16
of the Illinois Pension Code or this Section shall be deposited into the
Teacher Health Insurance Security Fund, which is hereby created as a
nonappropriated trust fund to be held outside the State Treasury, with the
State Treasurer as custodian. Any interest earned on moneys in the
Teacher Health Insurance Security Fund shall be deposited into the Fund.

Moneys in the Teacher Health Insurance Security Fund shall be
used only to pay the costs of the health benefit program established under
this Section, including associated administrative costs, and the costs
associated with the health benefit program established under Article 16 of
the Illinois Pension Code, as authorized in this Section. Beginning July 1,
1995, the Department of Central Management Services may make
expenditures from the Teacher Health Insurance Security Fund for those
costs.

After other funds authorized for the payment of the costs of the
health benefit program established under Article 16 of the Illinois Pension
Code are exhausted and until January 1, 1996 (or such later date as may be
agreed upon by the Director of Central Management Services and the
Secretary of the Teachers' Retirement System), the Secretary of the
Teachers' Retirement System may make expenditures from the Teacher
Health Insurance Security Fund as necessary to pay up to 75% of the cost
of providing health coverage to eligible benefit recipients (as defined in
Sections 16-153.1 and 16-153.3 of the Illinois Pension Code) who are
enrolled in the Article 16 health benefit program and to facilitate the
transfer of administration of the health benefit program to the Department
of Central Management Services.

(g) Contract for benefits. The Director shall by contract, self-
insurance, or otherwise make available the program of health benefits for
TRS benefit recipients and their TRS dependent beneficiaries that is
provided for in this Section. The contract or other arrangement for the
provision of these health benefits shall be on terms deemed by the Director
to be in the best interest of the State of Illinois and the TRS benefit
recipients based on, but not limited to, such criteria as administrative cost,
service capabilities of the carrier or other contractor, and the costs of the benefits.

(g-5) Committee. A Teacher Retirement Insurance Program Committee shall be established, to consist of 10 persons appointed by the Governor.

The Committee shall convene at least 4 times each year, and shall consider and make recommendations on issues affecting the program of health benefits provided under this Section. Recommendations of the Committee shall be based on a consensus of the members of the Committee.

If the Teacher Health Insurance Security Fund experiences a deficit balance based upon the contribution and subsidy rates established in this Section and Section 6.6 for Fiscal Year 2008 or thereafter, the Committee shall make recommendations for adjustments to the funding sources established under these Sections.

(h) Continuation and termination of program. It is the intention of the General Assembly that the program of health benefits provided under this Section be maintained on an ongoing, affordable basis through June 30, 2004. The program of health benefits provided under this Section is terminated on July 1, 2004.

The program of health benefits provided under this Section may be amended by the State and is not intended to be a pension or retirement benefit subject to protection under Article XII, Section 5 of the Illinois Constitution.

(i) Repeal. (Blank). This Section is repealed on July 1, 2004.

(Source: P.A. 92-505, eff. 12-20-01; 92-862, eff. 1-3-03; revised 1-10-03.)

(5 ILCS 375/6.6)

Sec. 6.6. Contributions to the Teacher Health Insurance Security Fund.

(a) Beginning July 1, 1995, all active contributors of the Teachers' Retirement System (established under Article 16 of the Illinois Pension Code) who are not employees of a department as defined in Section 3 of this Act shall make contributions toward the cost of annuitant and survivor health benefits. These contributions shall be at the following rates: until January 1, 2002, 0.5% of salary; beginning January 1, 2002, 0.65% of salary; beginning July 1, 2003, 0.75% of salary; beginning July 1, 2005, 0.80% of salary; beginning July 1, 2007, a percentage of salary to be determined by the Department of Central Management Services by rule,

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which in each fiscal year shall not exceed 105% of the percentage of
salary actually required to be paid in the previous fiscal year.

These contributions shall be deducted by the employer and paid to
the System as service agent for the Department of Central Management
Services. The System may use the same processes for collecting the
contributions required by this subsection that it uses to collect
contributions received from school districts and other covered employers

An employer may agree to pick up or pay the contributions
required under this subsection on behalf of the teacher; such contributions
shall be deemed to have to have been paid by the teacher. Beginning
January 1, 2002, if the employer does not directly pay the required member
contribution, then the employer shall reduce the member's salary by an
amount equal to the required contribution and shall then pay the
contribution on behalf of the member. This reduction shall not change the
amounts reported as creditable earnings to the Teachers' Retirement
System.

A person who purchases optional service credit under Article 16 of
the Illinois Pension Code for a period after June 30, 1995 must also make
a contribution under this subsection for that optional credit, at the rate
provided in subsection (a), based on the salary used in computing the
optional service credit, plus interest on this employee contribution. This
contribution shall be collected by the System as service agent for the
Department of Central Management Services. The contribution required
under this subsection for the optional service credit must be paid in full
before any annuity based on that credit begins.

(a-5) Beginning January 1, 2002, every employer of a teacher
(other than an employer that is a department as defined in Section 3 of this
Act) shall pay an employer contribution toward the cost of annuitant and
survivor health benefits. These contributions shall be computed as follows:

(1) Beginning January 1, 2002 through June 30, 2003, the
employer contribution shall be equal to 0.4% of each teacher's
salary.

(2) Beginning July 1, 2003, the employer contribution shall
be equal to 0.5% of each teacher's salary.

(3) Beginning July 1, 2005, the employer contribution shall
be equal to 0.6% of each teacher's salary.

(4) Beginning July 1, 2007, the employer contribution shall
be a percentage of each teacher's salary to be determined by the

New matter indicated by italics - deletions by strikeout.
Department of Central Management Services by rule, which in each fiscal year shall not exceed 105% of the percentage of each teacher's salary actually required to be paid in the previous fiscal year.

These contributions shall be paid by the employer to the System as service agent for the Department of Central Management Services. The System may use the same processes for collecting the contributions required by this subsection that it uses to collect contributions received from school districts and other covered employers under the Illinois Pension Code.

The school district or other employing unit may pay these employer contributions out of any source of funding available for that purpose and shall forward the contributions to the System on the schedule established for the payment of member contributions.

(b) The Teachers' Retirement System shall promptly deposit all moneys collected under subsections (a) and (a-5) of this Section into the Teacher Health Insurance Security Fund created in Section 6.5 of this Act. The moneys collected under this Section shall be used only for the purposes authorized in Section 6.5 of this Act and shall not be considered to be assets of the Teachers' Retirement System. Contributions made under this Section are not transferable to other pension funds or retirement systems and are not refundable upon termination of service.

(c) On or before November 15 of each year, the Board of Trustees of the Teachers' Retirement System shall certify to the Governor, the Director of Central Management Services, and the State Comptroller its estimate of the total amount of contributions to be paid under subsection (a) of this Section 6.6 for the next fiscal year. The amount certified shall be decreased or increased each year by the amount that the actual active teacher contributions either fell short of or exceeded the estimate used by the Board in making the certification for the previous fiscal year. The certification shall include a detailed explanation of the methods and information that the Board relied upon in preparing its estimate. As soon as possible after the effective date of this amendatory Act of the 92nd General Assembly, the Board shall recalculate and recertify its certifications for fiscal years 2002 and 2003.

(d) Beginning in fiscal year 1996, on the first day of each month, or as soon thereafter as may be practical, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Teacher Health Insurance Security Fund 1/12 of the annual amount appropriated

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for that fiscal year to the State Comptroller for deposit into the Teacher Health Insurance Security Fund under Section 1.3 of the State Pension Funds Continuing Appropriation Act.

(e) Except where otherwise specified in this Section, the definitions that apply to Article 16 of the Illinois Pension Code apply to this Section.

(f) (Blank). This Section is repealed on July 1, 2004.

(40 ILCS 15/1.3) Sec. 1.3. Appropriations for the Teacher Health Insurance Security Fund. Beginning in State fiscal year 1996, there is hereby appropriated, on a continuing annual basis, from the General Revenue Fund to the State Comptroller for deposit into the Teacher Health Insurance Security Fund, an amount equal to the amount certified by the Board of Trustees of the Teachers' Retirement System of Illinois under subsection (c) of Section 6.6 of the State Employees Group Insurance Act of 1971 as the estimated total amount of contributions to be paid under subsection (a) of that Section 6.6 in that fiscal year.

In addition to any other amounts that may be appropriated for this purpose, in State fiscal years 2005 through 2007, there is hereby appropriated, on a continuing annual basis, from the General Revenue Fund to the State Comptroller for deposit into the Teacher Health Insurance Security Fund, an amount equal to $13,000,000 in each fiscal year.

The moneys appropriated under this Section 1.3 shall be deposited into the Teacher Health Insurance Security Fund and used only for the purposes authorized in Section 6.5 of the State Employees Group Insurance Act of 1971.

(40 ILCS 15/1.3) Sec. 1.3. Appropriations for the Teacher Health Insurance Security Fund. Beginning in State fiscal year 1996, there is hereby appropriated, on a continuing annual basis, from the General Revenue Fund to the State Comptroller for deposit into the Teacher Health Insurance Security Fund, an amount equal to $13,000,000 in each fiscal year.

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The moneys appropriated under this Section 1.3 shall be deposited into the Teacher Health Insurance Security Fund and used only for the purposes authorized in Section 6.5 of the State Employees Group Insurance Act of 1971.
Such annual report shall contain reports of the State Teacher Certification Board; the schools of the State charitable institutions; reports on driver education, special education, and transportation; and for such year the annual statistical reports of the State Board of Education, including the number and kinds of school districts; number of school attendance centers; number of men and women teachers; enrollment by grades; total enrollment; total days attendance; total days absence; average daily attendance; number of elementary and secondary school graduates; assessed valuation; tax levies and tax rates for various purposes; amount of teachers' orders, anticipation warrants, and bonds outstanding; and number of men and women teachers and total enrollment of private schools. The report shall give for all school districts receipts from all sources and expenditures for all purposes for each fund; the total operating expense, and the per capita cost, and instructional expenditures; federal and state aids and reimbursements; new school buildings, and recognized schools; together with such other information and suggestions as the State Board of Education may deem important in relation to the schools and school laws and the means of promoting education throughout the state.

In this Section, "instructional expenditures" means the annual expenditures of school districts properly attributable to expenditure functions defined in rules of the State Board of Education as: 1100 (Regular Education); 1200-1220 (Special Education); 1250 (Ed. Deprived/Remedial); 1400 (Vocational Programs); 1600 (Summer School); 1650 (Gifted); 1800 (Bilingual Programs); 1900 (Truant Alternative); 2110 (Attendance and Social Work Services); 2120 (Guidance Services); 2130 (Health Services); 2140 (Psychological Services); 2150 (Speech Pathology and Audiology Services); 2190 (Other Support Services Pupils); 2210 (Improvement of Instruction); 2220 (Educational Media Services); 2230 (Assessment and Testing); 2540 (Operation and Maintenance of Plant Services); 2550 (Pupil Transportation Service); 2560 (Food Service); 4110 (Payments for Regular Programs); 4120 (Payments for Special Education Programs); 4130 (Payments for Adult Education Programs); 4140 (Payments for Vocational Education Programs); 4170 (Payments for Community College Programs); 4190 (Other payments to in-state government units); and 4200 (Other payments to out of state government units).

(Source: P.A. 84-1308; 84-1424.)
(105 ILCS 5/21-1a) (from Ch. 122, par. 21-1a)
Sec. 21-1a. Tests required for certification and teacher preparation.

New matter indicated by italics - deletions by strikeout.
(a) After July 1, 1988, in addition to all other requirements, early childhood, elementary, special, high school, school service personnel, or, except as provided in Section 34-6, administrative certificates shall be issued to persons who have satisfactorily passed a test of basic skills and subject matter knowledge. A person who holds a valid and comparable out-of-state certificate, however, is not required to take a test of basic skills and is not required to take a test of subject matter knowledge, provided that the person has successfully passed a test of subject matter knowledge in another state or territory of the United States that is directly related in content to the specific subject area of certification. The tests of basic skills and subject matter knowledge shall be the tests which from time to time are designated by the State Board of Education in consultation with the State Teacher Certification Board and may be tests prepared by an educational testing organization or tests designed by the State Board of Education in consultation with the State Teacher Certification Board. The areas to be covered by the test of basic skills shall include the basic skills of reading, writing, grammar and mathematics. The test of subject matter knowledge shall assess content knowledge in the specific subject field. The tests shall be designed to be racially neutral to assure that no person in taking the tests is thereby discriminated against on the basis of race, color, national origin or other factors unrelated to the person's ability to perform as a certificated employee. The score required to pass the tests of basic skills and subject matter knowledge shall be fixed by the State Board of Education in consultation with the State Teacher Certification Board. The tests shall be held not fewer than 3 times a year at such time and place as may be designated by the State Board of Education in consultation with the State Teacher Certification Board.

(b) Except as provided in Section 34-6, the provisions of subsection (a) of this Section shall apply equally in any school district subject to Article 34, provided that the State Board of Education shall determine which certificates issued under Sections 34-8.1 and 34-83 prior to July 1, 1988 are comparable to any early childhood certificate, elementary school certificate, special certificate, high school certificate, school service personnel certificate or administrative certificate issued under this Article as of July 1, 1988.

(c) A person who holds an early childhood, elementary, special, high school or school service personnel certificate issued under this Article on or at any time before July 1, 1988, including a person who has been issued any such certificate pursuant to Section 21-11.1 or in exchange for a

New matter indicated by italics - deletions by strikeout.
comparable certificate theretofore issued under Section 34-8.1 or Section 34-83, shall not be required to take or pass the tests in order to thereafter have such certificate renewed.

(d) The State Board of Education in consultation with the State Teacher Certification Board shall conduct a pilot administration of the tests by administering the test to students completing teacher education programs in the 1986-87 school year for the purpose of determining the effect and impact of testing candidates for certification.

Beginning with the 2002-2003 academic year, a student may not enroll in a teacher preparation program at a recognized teacher training institution until he or she has passed the basic skills test.

Beginning with the 2004-2005 academic year, a preservice education teacher may not student teach until he or she has passed the subject matter test in the discipline in which he or she will student teach.

(e) The rules and regulations developed to implement the required test of basic skills and subject matter knowledge shall include the requirements of subsections (a), (b), and (c) and shall include specific regulations to govern test selection; test validation and determination of a passing score; administration of the tests; frequency of administration; applicant fees; frequency of applicants' taking the tests; the years for which a score is valid; and, waiving certain additional tests for additional certificates to individuals who have satisfactorily passed the test of basic skills and subject matter knowledge as required in subsection (a). The State Board of Education shall provide, by rule, specific policies that assure uniformity in the difficulty level of each form of the basic skills test and each subject matter knowledge test from test-to-test and year-to-year. The State Board of Education shall also set a passing score for the tests.

(f) The State Teacher Certification Board may issue a nonrenewable temporary certificate between July 1, 1988 and August 31, 1988 to individuals who have taken the tests of basic skills and subject matter knowledge prescribed by this Section but have not received such test scores by August 31, 1988. Such temporary certificates shall expire on December 31, 1988.

(g) Beginning February 15, 2000, the State Board of Education, in consultation with the State Teacher Certification Board, shall implement and administer a new system of certification for teachers in the State of Illinois. The State Board of Education, in consultation with the State Teacher Certification Board, shall design and implement a system of examinations and various other criteria which shall be required prior to the
issuance of Initial Teaching Certificates and Standard Teaching Certificates. These examinations and indicators shall be based on national and State professional teaching standards, as determined by the State Board of Education, in consultation with the State Teacher Certification Board. The State Board of Education may adopt any and all regulations necessary to implement and administer this Section.

(h) The State Board of Education shall report to the Illinois General Assembly and the Governor with recommendations for further changes and improvements to the teacher certification system no later than July 1, 1999 and on an annual basis until July 1, 2001.

(Source: P.A. 91-102, eff. 7-12-99; 92-734, eff. 7-25-02.)

(105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

Sec. 21-1b. Subject endorsement on certificates. All certificates initially issued under this Article after June 30, 1986, shall be specifically endorsed by the State Board of Education for each subject the holder of the certificate is legally qualified to teach, such endorsements to be made in accordance with standards promulgated by the State Board of Education in consultation with the State Teacher Certification Board. All certificates which are issued under this Article prior to July 1, 1986 may, by application to the State Board of Education, be specifically endorsed for each subject the holder is legally qualified to teach. Endorsements issued under this Section shall not apply to substitute teacher's certificates issued under Section 21-9 of this Code.

Commencing July 1, 1999, each application for endorsement of an existing teaching certificate shall be accompanied by a $30 nonrefundable fee. There is hereby created a Teacher Certificate Fee Revolving Fund as a special fund within the State Treasury. The proceeds of each $30 fee shall be paid into the Teacher Certificate Fee Revolving Fund; and the moneys in that Fund shall be appropriated and used to provide the technology and other resources necessary for the timely and efficient processing of certification requests.

The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of certification fees. This service or convenience fee may not exceed the amount required by the credit card processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

(Source: P.A. 91-102, eff. 7-12-99.)

New matter indicated by italics - deletions by strikeout.
Sec. 21-2. Grades of certificates.

(a) All certificates issued under this Article shall be State certificates valid, except as limited in Section 21-1, in every school district coming under the provisions of this Act and shall be limited in time and designated as follows: Provisional vocational certificate, temporary provisional vocational certificate, early childhood certificate, elementary school certificate, special certificate, secondary certificate, school service personnel certificate, administrative certificate, provisional certificate, and substitute certificate. The requirement of student teaching under close and competent supervision for obtaining a teaching certificate may be waived by the State Teacher Certification Board upon presentation to the Board by the teacher of evidence of 5 years successful teaching experience on a valid certificate and graduation from a recognized institution of higher learning with a bachelor's degree.

(b) Initial Teaching Certificate. Persons who (1) have completed an approved teacher preparation program, (2) are recommended by an approved teacher preparation program, (3) have successfully completed the Initial Teaching Certification examinations required by the State Board of Education, and (4) have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, shall be issued an Initial Teaching Certificate valid for 4 years of teaching, as defined in Section 21-14 of this Code. Initial Teaching Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language), and other areas designated by the State Board of Education, in consultation with the State Teacher Certification Board. Notwithstanding any other provision of this Article, an Initial Teaching Certificate shall be automatically extended for one year for all persons who (i) have been issued an Initial Teaching Certificate that expires on June 30, 2004 and (ii) have not met, prior to July 1, 2004, the Standard Certificate requirements under paragraph (c) of this Section. An application and fee shall not be required for this extension.

(b-5) A person who holds an out-of-state certificate and who is otherwise eligible for a comparable Illinois certificate may be issued an Initial Certificate if that person has not completed 4 years of teaching.

New matter indicated by italics - deletions by strikeout.
Upon completion of 4 years of teaching, the person is eligible for a Standard Certificate. Beginning July 1, 2004, an out-of-state candidate who has already earned a second-tier certificate in another state is not subject to any Standard Certificate eligibility requirements stated in paragraph (2) of subsection (c) of this Section other than completion of the 4 years of teaching. An out-of-state candidate who has completed less than 4 years of teaching and does not hold a second-tier certificate from another state must meet the requirements stated in paragraph (2) of subsection (c) of this Section, proportionately reduced by the amount of time remaining to complete the 4 years of teaching.

(c) Standard Certificate.

(1) Persons who (i) have completed 4 years of teaching, as defined in Section 21-14 of this Code, with an Initial Certificate or an Initial Alternative Teaching Certificate and have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, (ii) have completed 4 years of teaching on a valid equivalent certificate in another State or territory of the United States, or have completed 4 years of teaching in a nonpublic Illinois elementary or secondary school with an Initial Certificate or an Initial Alternative Teaching Certificate, and have met all other criteria established by the State Board of Education, in consultation with the State Teacher Certification Board, or (iii) were issued teaching certificates prior to February 15, 2000 and are renewing those certificates after February 15, 2000, shall be issued a Standard Certificate valid for 5 years, which may be renewed thereafter every 5 years by the State Teacher Certification Board based on proof of continuing education or professional development. Beginning July 1, 2003, persons who have completed 4 years of teaching, as described in clauses (i) and (ii) of this paragraph (1), have successfully completed the requirements of paragraphs (2) through (4) of this subsection (c), and have met all other criteria established by the State Board of Education, in consultation with the State Teacher Certification Board, shall be issued Standard Certificates. Notwithstanding any other provisions of this Section, beginning July 1, 2004, persons who hold valid out-of-state certificates and have completed 4 years of teaching on a valid equivalent certificate in another State or territory of the United States shall be issued comparable Standard Certificates. Beginning July 1, 2004, persons who hold valid out-of-state certificates as described in subsection (b-5) of this Section are subject to the requirements of paragraphs (2) through (4) of this subsection (c), as required in subsection

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(b-5) of this Section, in order to receive a Standard Certificate. Standard Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language), and other areas designated by the State Board of Education, in consultation with the State Teacher Certification Board.

(2) This paragraph (2) applies only to those persons required to successfully complete the requirements of this paragraph under paragraph (1) of this subsection (c). In order to receive a Standard Teaching Certificate, a person must satisfy one of the following requirements, which the person must identify, in writing, as the requirement that the person has chosen to satisfy to the responsible local professional development committee established pursuant to subsection (f) of Section 21-14 of this Code:

(A) Completion of a program of induction and mentoring for new teachers that is based upon a specific plan approved by the State Board of Education, in consultation with the State Teacher Certification Board. Nothing in this Section, however, prohibits an induction or mentoring program from operating prior to approval. Holders of Initial Certificates issued before September 1, 2007 must complete, at a minimum, an approved one-year induction and mentoring program. Holders of Initial Certificates issued on or after September 1, 2007 must complete an approved 2-year induction and mentoring program. The plan must describe the role of mentor teachers, the criteria and process for their selection, and how all the following components are to be provided:

(i) Assignment of a formally trained mentor teacher to each new teacher for a specified period of time, which shall be established by the employing school or school district but shall be at least 2 school years in duration, provided that a mentor teacher may not directly or indirectly participate in the evaluation of a new teacher pursuant to Article 24A of this Code or the evaluation procedure of the school.

(ii) Formal mentoring for each new teacher.

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(iii) Support for each new teacher in relation to the Illinois Professional Teaching Standards, the content-area standards applicable to the new teacher's area of certification, and any applicable local school improvement and professional development plans.

(iv) Professional development specifically designed to foster the growth of each new teacher's knowledge and skills.

(v) Formative assessment that is based on the Illinois Professional Teaching Standards and designed to provide feedback to the new teacher and opportunities for reflection on his or her performance, which must not be used directly or indirectly in any evaluation of a new teacher pursuant to Article 24A of this Code or the evaluation procedure of the school and which must include the activities specified in clauses (B)(i), (B)(ii), and (B)(iii) of this paragraph (2).

(vi) Assignment of responsibility for coordination of the induction and mentoring program within each school district participating in the program.

(B) Successful completion of 4 semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards. The coursework must be approved by the State Board of Education, in consultation with the State Teacher Certification Board; must be offered either by an institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit; and must include demonstration of performance through all of the following activities for each of the Illinois Professional Teaching Standards:

(i) Observation, by the course instructor or another experienced teacher, of the new teacher's classroom practice (the observation may be recorded for later viewing) for the purpose of identifying and describing how the new teacher made content meaningful for students; how the teacher motivated individuals and the group and created an environment conducive to positive social interactions, active learning, and self-motivation; what instructional

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strategies the teacher used to encourage students' development of critical thinking, problem solving, and performance; how the teacher communicated using written, verbal, nonverbal, and visual communication techniques; and how the teacher maintained standards of professional conduct and provided leadership to improve students' learning.

(ii) Review and analysis, by the course instructor or another experienced teacher, of written documentation (i.e., lesson plans, assignments, assessment instruments, and samples of students' work) prepared by the new teacher for at least 2 lessons. The documentation must provide evidence of classroom performance related to Illinois Professional Teaching Standards 1 through 9, with an emphasis on how the teacher used his or her understanding of students, assessment data, and subject matter to decide on learning goals; how the teacher designed or selected activities and instructional materials and aligned instruction to the relevant Illinois Learning Standards; how the teacher adapted or modified curriculum to meet individual students' needs; and how the teacher sequenced instruction and designed or selected student assessment strategies.

(iii) Demonstration of professional expertise on the part of the new teacher in reflecting on his or her practice, which was observed under clause (B)(i) of this paragraph (2) and documented under clause (B)(ii) of this paragraph (2), in terms of teaching strengths, weaknesses, and implications for improvement according to the Illinois Professional Teaching Standards.

(C) Successful completion of a minimum of 4 semester hours of graduate-level coursework addressing preparation to meet the requirements for certification by the National Board for Professional Teaching Standards (NBPTS). The coursework must be approved by the State Board of Education, in consultation with the State Teacher Certification Board, and must be offered either by an institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college

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credit. The course must address the 5 NBPTS Core Propositions and relevant standards through such means as the following:

(i) Observation, by the course instructor or another experienced teacher, of the new teacher's classroom practice (the observation may be recorded for later viewing) for the purpose of identifying and describing how the new teacher made content meaningful for students; how the teacher motivated individuals and the group and created an environment conducive to positive social interactions, active learning, and self-motivation; what instructional strategies the teacher used to encourage students' development of critical thinking, problem solving, and performance; how the teacher communicated using written, verbal, nonverbal, and visual communication techniques; and how the teacher maintained standards of professional conduct and provided leadership to improve students' learning.

(ii) Review and analysis, by the course instructor or another experienced teacher, of written documentation (i.e., lesson plans, assignments, assessment instruments, and samples of students' work) prepared by the new teacher for at least 2 lessons. The documentation must provide evidence of classroom performance, including how the teacher used his or her understanding of students, assessment data, and subject matter to decide on learning goals; how the teacher designed or selected activities and instructional materials and aligned instruction to the relevant Illinois Learning Standards; how the teacher adapted or modified curriculum to meet individual students' needs; and how the teacher sequenced instruction and designed or selected student assessment strategies.

(iii) Demonstration of professional expertise on the part of the new teacher in reflecting on his or her practice, which was observed under clause (C)(i) of this paragraph (2) and documented under clause (C)(ii) of this paragraph (2), in terms of teaching strengths, weaknesses, and implications for improvement.

(C-5) Satisfactory completion of a minimum of 12 semester hours of graduate credit towards an advanced degree in an

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education-related field from an accredited institution of higher education.

(D) Receipt of an advanced degree from an accredited institution of higher education in an education-related field that is earned by a person either while he or she holds an Initial Teaching Certificate or prior to his or her receipt of that certificate; provided that at least 8 semester hours of the coursework completed count toward a degree, certificate, or endorsement in a teaching field.

(E) Accumulation of 60 continuing professional development units (CPDUs), earned by completing selected activities that comply with paragraphs (3) and (4) of this subsection (c). However, for an individual who holds an Initial Teaching Certificate on the effective date of this amendatory Act of the 92nd General Assembly, the number of CPDUs shall be reduced to reflect the teaching time remaining on the Initial Teaching Certificate.

(F) Completion of a nationally normed, performance-based assessment, if made available by the State Board of Education in consultation with the State Teacher Certification Board, provided that the cost to the person shall not exceed the cost of the coursework described in clause (B) of this paragraph (2).

(G) Completion of requirements for meeting the Illinois criteria for becoming "highly qualified" (for purposes of the No Child Left Behind Act of 2001, Public Law 107-110) in an additional teaching area.

(H) Receipt of a minimum 12-hour, post-baccalaureate, education-related professional development certificate issued by an Illinois institution of higher education and developed in accordance with rules adopted by the State Board of Education in consultation with the State Teacher Certification Board.

(I) Completion of the National Board for Professional Teaching Standards (NBPTS) process.

(J) Receipt of a subsequent Illinois certificate or endorsement pursuant to Article 21 of this Code.

(3) This paragraph (3) applies only to those persons required to successfully complete the requirements of this paragraph under paragraph (1) of this subsection (c). Persons who seek to satisfy the requirements of clause (E) of paragraph (2) of this subsection (c) through accumulation of

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CPDUs may earn credit. At least one-half the CPDUs a person must accrue in order to qualify for a Standard Teaching Certificate must be earned through completion of coursework, workshops, seminars, conferences, and other similar training events that are pre-approved by the State Board of Education, in consultation with the State Teacher Certification Board, for the purpose of reflection on teaching practices in order to address all of the Illinois Professional Teaching Standards necessary to obtain a Standard Teaching Certificate. These activities must meet all of the following requirements:

(A) Each activity must be designed to advance a person's knowledge and skills in relation to one or more of the Illinois Professional Teaching Standards or in relation to the content-area standards applicable to the teacher's field of certification.

(B) Taken together, the activities completed must address each of the Illinois Professional Teaching Standards as provided in clauses (B)(i), (B)(ii), and (B)(iii) of paragraph (2) of this subsection (c).

(C) Each activity must be provided by an entity approved by the State Board of Education, in consultation with the State Teacher Certification Board, for this purpose.

(D) Each activity, integral to its successful completion, must require participants to demonstrate the degree to which they have acquired new knowledge or skills, such as through performance, through preparation of a written product, through assembling samples of students' or teachers' work, or by some other means that is appropriate to the subject matter of the activity.

(E) One CPDU shall be available for each hour of direct participation by a holder of an Initial Teaching Certificate in a qualifying activity. An activity may be attributed to more than one of the Illinois Professional Teaching Standards, but credit for any activity shall be counted only once.

(4) This paragraph (4) applies only to those persons required to successfully complete the requirements of this paragraph under paragraph (1) of this subsection (c). Persons who seek to satisfy the requirements of clause (E) of paragraph (2) of this subsection (c) through accumulation of CPDUs may earn credit from the following, provided that each activity is designed to advance a person's knowledge and skills in relation to one or more of the Illinois Professional Teaching Standards or in relation to the content-area standards applicable to the person's field or fields of

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certification. The balance of the CPDUs a person must accrue in order to qualify for a Standard Teaching Certificate, in combination with those earned pursuant to paragraph (3) of this subsection (c), may be chosen from among the following, provided that an activity listed in clause (C) of this paragraph (4) shall be creditable only if its provider is approved for this purpose by the State Board of Education, in consultation with the State Teacher Certification Board:

(A) Collaboration and partnership activities related to improving a person's knowledge and skills as a teacher, including all of the following:
   (i) Peer review and coaching.
   (ii) Mentoring in a formal mentoring program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of this Code.
   (iii) Facilitating parent education programs directly related to student achievement for a school, school district, or regional office of education.
   (iv) Participating in business, school, or community partnerships directly related to student achievement.
(B) Teaching college or university courses in areas relevant to a teacher's field of certification, provided that the teaching may only be counted once during the course of 4 years.
(C) Conferences, workshops, institutes, seminars, and symposiums related to improving a person's knowledge and skills as a teacher, including all of the following:
   (i) Completing non-university credit directly related to student achievement, the Illinois Professional Teaching Standards, or content-area standards.
   (ii) Participating in or presenting at workshops, seminars, conferences, institutes, and symposiums.
   (iii) (Blank). Training as external reviewers for the State Board of Education.
   (iv) Training as reviewers of university teacher preparation programs.

An activity listed in this clause (C) is creditable only if its provider is approved for this purpose by the State Board of Education, in consultation with the State Teacher Certification Board.

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(D) Other educational experiences related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Participating in action research and inquiry projects.

(ii) Observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to a teacher's field of certification.

(iii) Participating in study groups related to student achievement, the Illinois Professional Teaching Standards, or content-area standards.

(iv) Participating in work/learn programs or internships.

(v) Developing a portfolio of students' and teacher's work.

(E) Professional leadership experiences related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level.

(ii) Participating in team or department leadership in a school or school district.

(iii) (Blank). Participating on external or internal school or school district review teams.

(iv) Publishing educational articles, columns, or books relevant to a teacher's field of certification.

(v) Participating in non-strike related activities of a professional association or labor organization that are related to professional development.

(5) A person must complete the requirements his or her chosen requirement under paragraph (2) of this subsection (c) before the expiration of his or her Initial Teaching Certificate and must submit assurance evidence of having done so to the regional superintendent of schools or a local professional development committee authorized by the regional superintendent to submit recommendations to him or her for this purpose. Within 30 days after receipt of a person's evidence of completion, the local professional development committee shall forward the evidence of completion to the responsible regional superintendent of schools along with the recommendation.
with the local professional development committee's recommendation, based on that evidence, as to whether the person is eligible to receive a Standard Teaching Certificate. The local professional development committee shall provide a copy of this recommendation to the affected person:

Within 30 days after receipt, the regional superintendent of schools shall review the assurance evidence of completion submitted by a person and, based upon compliance with all of the requirements for receipt of a Standard Teaching Certificate, shall forward to the State Board of Education a recommendation for issuance of the Standard Certificate or non-issuance. The regional superintendent of schools shall notify the affected person if the recommendation is for non-issuance of the Standard Certificate. A person who is considered not to be eligible for a Standard Certificate and who has received the notice of non-issuance may appeal this determination to the Regional Professional Development Review Committee (RPDRC). The recommendation of the regional superintendent and the RPDRC, along with all supporting materials, must then be forwarded to the State Board of Education for a final determination of the recommendation forwarded.

Upon review of a regional superintendent of school's recommendations, the State Board of Education shall issue Standard Teaching Certificates to those who qualify and shall notify a person, in writing, of a decision denying a Standard Teaching Certificate. Any decision denying issuance of a Standard Teaching Certificate to a person may be appealed to the State Teacher Certification Board.

(6) The State Board of Education, in consultation with the State Teacher Certification Board, may adopt rules to implement this subsection (c) and may periodically evaluate any of the methods of qualifying for a Standard Teaching Certificate described in this subsection (c).

(7) The changes made to paragraphs (1) through (5) of this subsection (c) by this amendatory Act of the 93rd General Assembly shall apply to those persons who hold or are eligible to hold an Initial Certificate on or after the effective date of this amendatory Act of the 93rd General Assembly and shall be given effect upon their application for a Standard Certificate.

(8) Beginning July 1, 2004, persons who hold a Standard Certificate and have acquired one master's degree in an education-related field are eligible for certificate renewal upon completion of two-thirds of the continuing education units specified in subdivision (C) of paragraph

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(3) of subsection (e) of Section 21-14 of this Code or of the continuing professional development units specified in subdivision (E) of paragraph (3) of subsection (e) of Section 21-14 of this Code. Persons who hold a Standard Certificate and have acquired a second master's degree, an education specialist, or a doctorate in an education-related field or hold a Master Certificate are eligible for certificate renewal upon completion of one-third of the continuing education units specified in subdivision (C) of paragraph (3) of subsection (e) of Section 21-14 of this Code or of the continuing professional development units specified in subdivision (E) of paragraph (3) of subsection (e) of Section 21-14 of this Code.

(d) Master Certificate. Persons who have successfully achieved National Board certification through the National Board for Professional Teaching Standards shall be issued a Master Certificate, valid for 10 years and renewable thereafter every 10 years through compliance with requirements set forth by the State Board of Education, in consultation with the State Teacher Certification Board. However, each teacher who holds a Master Certificate shall be eligible for a teaching position in this State in the areas for which he or she holds a Master Certificate without satisfying any other requirements of this Code, except for those requirements pertaining to criminal background checks. A holder of a Master Certificate in an area of science or social science is eligible to teach in any of the subject areas within those fields, including those taught at the advanced level, as defined by the State Board of Education in consultation with the State Teacher Certification Board. A teacher who holds a Master Certificate shall be deemed to meet State certification renewal requirements in the area or areas for which he or she holds a Master Certificate for the 10-year term of the teacher's Master Certificate.

(Source: P.A. 91-102, eff. 7-12-99; 91-606, eff. 8-16-99; 91-609, eff. 1-1-00; 92-16, eff. 6-28-01; 92-796, eff. 8-10-02.)

(105 ILCS 5/21-7.1) (from Ch. 122, par. 21-7.1)

Sec. 21-7.1. Administrative certificate.

(a) After July 1, 1999, an administrative certificate valid for 5 years of supervising and administering in the public common schools (unless changed under subsection (a-5) of this Section) may be issued to persons who have graduated from a regionally accredited institution of higher learning with a master's degree and who have been recommended by a recognized institution of higher learning as having completed a program of preparation for one or more of these endorsements. Such programs of academic and professional preparation required for endorsement shall be

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administered by the institution in accordance with standards set forth by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(a-5) Beginning July 1, 2003, if an administrative certificate holder holds a Standard Teaching Certificate, the validity period of the administrative certificate shall be changed, if necessary, so that the validity period of the administrative certificate coincides with the validity period of the Standard Teaching Certificate. Beginning July 1, 2003, if an administrative certificate holder holds a Master Teaching Certificate, the validity period of the administrative certificate shall be changed so that the validity period of the administrative certificate coincides with the validity period of the Master Teaching Certificate.

(b) No administrative certificate shall be issued for the first time after June 30, 1987 and no endorsement provided for by this Section shall be made or affixed to an administrative certificate for the first time after June 30, 1987 unless the person to whom such administrative certificate is to be issued or to whose administrative certificate such endorsement is to be affixed has been required to demonstrate as a part of a program of academic or professional preparation for such certification or endorsement: (i) an understanding of the knowledge called for in establishing productive parent-school relationships and of the procedures fostering the involvement which such relationships demand; and (ii) an understanding of the knowledge required for establishing a high quality school climate and promoting good classroom organization and management, including rules of conduct and instructional procedures appropriate to accomplishing the tasks of schooling; and (iii) a demonstration of the knowledge and skills called for in providing instructional leadership. The standards for demonstrating an understanding of such knowledge shall be set forth by the State Board of Education in consultation with the State Teacher Certification Board, and shall be administered by the recognized institutions of higher learning as part of the programs of academic and professional preparation required for certification and endorsement under this Section. As used in this subsection: "establishing productive parent-school relationships" means the ability to maintain effective communication between parents and school personnel, to encourage parental involvement in schooling, and to motivate school personnel to engage parents in encouraging student achievement, including the development of programs and policies which serve to accomplish this purpose; and "establishing a high quality school
climate" means the ability to promote academic achievement, to maintain discipline, to recognize substance abuse problems among students and utilize appropriate law enforcement and other community resources to address these problems, to support teachers and students in their education endeavors, to establish learning objectives and to provide instructional leadership, including the development of policies and programs which serve to accomplish this purpose; and "providing instructional leadership" means the ability to effectively evaluate school personnel, to possess general communication and interpersonal skills, and to establish and maintain appropriate classroom learning environments. The provisions of this subsection shall not apply to or affect the initial issuance or making on or before June 30, 1987 of any administrative certificate or endorsement provided for under this Section, nor shall such provisions apply to or affect the renewal after June 30, 1987 of any such certificate or endorsement initially issued or made on or before June 30, 1987.

(c) Administrative certificates shall be renewed every 5 years with the first renewal being 5 years following the initial receipt of an administrative certificate, unless the validity period for the administrative certificate has been changed under subsection (a-5) of this Section, in which case the certificate shall be renewed at the same time that the Standard or Master Teaching Certificate is renewed.

(c-5) Before July 1, 2003, renewal requirements for administrators whose positions require certification shall be based upon evidence of continuing professional education which promotes the following goals: (1) improving administrators' knowledge of instructional practices and administrative procedures; (2) maintaining the basic level of competence required for initial certification; and (3) improving the mastery of skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of the levels of student performance in their schools. Evidence of continuing professional education must include verification of biennial attendance in a program developed by the Illinois Administrators' Academy and verification of annual participation in a school district approved activity which contributes to continuing professional education.

(c-10) Beginning July 1, 2003, except as otherwise provided in subsection (c-15) of this Section, persons holding administrative certificates must follow the certificate renewal procedure set forth in this subsection (c-10), provided that those persons holding administrative certificates on June 30, 2003 who are renewing those certificates on or

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after July 1, 2003 shall be issued new administrative certificates valid for 5 years (unless changed under subsection (a-5) of this Section), which may be renewed thereafter as set forth in this subsection (c-10).

(1) A person holding an administrative certificate and employed in a position requiring administrative certification, including a regional superintendent of schools, must satisfy develop an administrative certificate renewal plan for satisfying the continuing professional development requirements of this Section required to renew his or her administrative certificate. The continuing professional development An administrative certificate renewal plan must include a minimum of 3 individual improvement goals developed by the certificate holder and must include without limitation the following continuing professional development purposes:

(1) (A) To improve the administrator's knowledge of instructional practices and administrative procedures in accordance with the Illinois Professional School Leader Standards.

(2) (B) To maintain the basic level of competence required for initial certification.

(3) (C) To improve the administrator's mastery of skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of the levels of student performance in the schools. An administrative certificate renewal plan must include a description of how the improvement goals are to be achieved and an explanation of the selected continuing professional development activities to be completed, each of which must meet one or more of the continuing professional development purposes specified in this paragraph (1).

(2) In addition to the requirements in paragraph (1) of this subsection (c-10), the administrative certificate renewal plan must include the following in order for the certificate to be renewed:

(A) Participation in continuing professional development activities, which must total a minimum of 100 hours of continuing professional development, and which must meet all of the following requirements: (i) The participation must consist of a minimum of 5 activities per validity period of the certificate, and the certificate holder must maintain documentation of completion of each activity.

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(ii) The activities must address the goals in the certificate holder's professional development plan:

(iii) The activities must be aligned with the Illinois Professional School Leader Standards:

(iv) A portion of the activities must address the certificate holder's school improvement plan at either the district or school level:

(v) The participation must include a communication, dissemination, or application component:

(vi) There must be documentation of completion of each activity.

(B) Participation every year in an Illinois Administrators' Academy course, which participation must total a minimum of 30 36 continuing professional development hours during the period of the certificate's validity and which must include completion all of the following: (i) Completion of applicable required coursework, including completion of a communication, dissemination, or application component, as defined by the State Board of Education.

(ii) Completion of a communication, dissemination, or application component.

(iii) Documentation of completion of each activity.

(3) Each administrator who is subject to the requirements of this subsection (e-10) but who is not serving as a district or regional superintendent, a director of a cooperative program or special education program, or a director of a State-operated school must submit his or her administrative certificate renewal plan for review to the superintendent of the employing school district or to the director of the cooperative or special education program or State-operated school (or to the superintendent's or director's designee). Each district or regional superintendent, director of a cooperative program or special education program, or director of a State-operated school must submit his or her administrative certificate renewal plan for review to a review panel comprised of peers established by the regional superintendent of schools for the geographic area where the certificate holder is employed as an administrator.

(4) If the certificate holder's plan does not conform to the requirements of this subsection (e-10), the reviewer or review

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panel must notify the certificate holder, who must revise the administrative certificate renewal plan. A certificate holder who is not a regional superintendent of schools may appeal that determination to the regional superintendent of schools for the geographic area where the certificate holder is employed as an administrator. A certificate holder who is a regional superintendent of schools may also appeal that determination to the State Superintendent of Education. The regional superintendent of schools or the State Superintendent of Education (or the regional superintendent's or State Superintendent's designee) shall facilitate any modification of the plan, if necessary, to make it acceptable.

(5) A certificate holder may modify his or her administrative certificate renewal plan at any time during the validity period of the administrative certificate through the process outlined in paragraphs (3) and (4) of this subsection (c-10).

(6) Evidence of completion of the activities in the administrative certificate renewal plan must be submitted to the responsible reviewer or review panel. Before the expiration of the administrative certificate, the certificate holder must request from the responsible reviewer or review panel a signed verification form developed by the State Board of Education confirming that the certificate holder has met the requirements for renewal contained in this Section. A certificate holder who is not a regional superintendent of schools must submit this form to the responsible regional superintendent of schools (or his or her designee) at the time of application for renewal of the certificate. A certificate holder who is a regional superintendent of schools must submit this form for validation to the State Superintendent of Education (or his or her designee) at the time of application for renewal of the certificate.

The certificate holder must complete a verification form developed by the State Board of Education and certify that 100 hours of continuing professional development activities and 5 Administrators’ Academy courses have been completed. (7) The regional superintendent of schools shall review and validate the verification form for a certificate holder. Based on compliance with all of the requirements for renewal, the regional superintendent of schools shall forward a recommendation for renewal or non-renewal to the State Superintendent of Education and shall notify the certificate holder of the recommendation. The State Superintendent of Education shall notify the certificate holder of the recommendation.

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Education shall review the recommendation to renew or non-renew and shall notify, in writing, the certificate holder of a decision denying renewal of his or her certificate. Any decision regarding non-renewal of an administrative certificate may be appealed to the State Teacher Certification Board.

The State Board of Education, in consultation with the State Teacher Certification Board, shall adopt rules to implement this subsection (c-10).

The regional superintendent of schools shall monitor the process for renewal of administrative certificates established in this subsection (c-10).

(c-15) This subsection (c-15) applies to the first period of an administrative certificate's validity during which the holder becomes subject to the requirements of subsection (c-10) of this Section if the certificate has less than 5 years' validity or has less than 5 years' validity remaining when the certificate holder becomes subject to the requirements of subsection (c-10) of this Section. With respect to this period, the 100 hours of continuing professional development and 5 activities per validity period specified in clause (A) of paragraph (2) of subsection (c-10) of this Section shall instead be deemed to mean 20 hours of continuing professional development and one activity per year of the certificate's validity or remaining validity and the 30 continuing professional development hours specified in clause (B) of paragraph (2) of subsection (c-10) of this Section shall instead be deemed to mean completion of at least one course per year of the certificate's validity or remaining validity. Certificate holders who evaluate certified staff must complete a 2-day teacher evaluation course, in addition to the 30 continuing professional development hours. If the certificate has 3 or fewer years of validity or 3 or fewer years of validity remaining, the certificate holder is not subject to the requirements for submission and approval of plans for continuing professional development described in paragraphs (1) through (4) of subsection (c-10) of this Section with respect to that period of the certificate's validity.

(c-20) The State Board of Education, in consultation with the State Teacher Certification Board, shall develop procedures for implementing this Section and shall administer the renewal of administrative certificates. Failure to submit satisfactory evidence of continuing professional education which contributes to promoting the goals of this Section shall result in a loss of administrative certification.

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(d) Any limited or life supervisory certificate issued prior to July 1, 1968 shall continue to be valid for all administrative and supervisory positions in the public schools for which it is valid as of that date as long as its holder meets the requirements for registration or renewal as set forth in the statutes or until revoked according to law.

(e) The administrative or supervisory positions for which the certificate shall be valid shall be determined by one or more of 3 endorsements: general supervisory, general administrative and superintendent.

Subject to the provisions of Section 21-1a, endorsements shall be made under conditions set forth in this Section. The State Board of Education shall, in consultation with the State Teacher Certification Board, adopt rules pursuant to the Illinois Administrative Procedure Act, establishing requirements for obtaining administrative certificates where the minimum administrative or supervisory requirements surpass those set forth in this Section.

The State Teacher Certification Board shall file with the State Board of Education a written recommendation when considering additional administrative or supervisory requirements. All additional requirements shall be based upon the requisite knowledge necessary to perform those tasks required by the certificate. The State Board of Education shall in consultation with the State Teacher Certification Board, establish standards within its rules which shall include the academic and professional requirements necessary for certification. These standards shall at a minimum contain, but not be limited to, those used by the State Board of Education in determining whether additional knowledge will be required. Additionally, the State Board of Education shall in consultation with the State Teacher Certification Board, establish provisions within its rules whereby any member of the educational community or the public may file a formal written recommendation or inquiry regarding requirements.

(1) Until July 1, 2003, the general supervisory endorsement shall be affixed to the administrative certificate of any holder who has at least 16 semester hours of graduate credit in professional education including 8 semester hours of graduate credit in curriculum and research and who has at least 2 years of full-time teaching experience or school service personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of

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Rehabilitation Services, or nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education.

Such endorsement shall be required for supervisors, curriculum directors and for such similar and related positions as determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(2) The general administrative endorsement shall be affixed to the administrative certificate of any holder who has at least 20 semester hours of graduate credit in educational administration and supervision and who has at least 2 years of full-time teaching experience or school service personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Rehabilitation Services, or nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education.

Such endorsement shall be required for principal, assistant principal, assistant or associate superintendent, junior college dean and for related or similar positions as determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

Notwithstanding any other provisions of this Act, after January 1, 1990 and until January 1, 1991, any teacher employed by a district subject to Article 34 shall be entitled to receive an administrative certificate with a general administrative endorsement affixed thereto if he or she: (i) had at least 3 years of experience as a certified teacher for such district prior to August 1, 1985; (ii) obtained a Master's degree prior to August 1, 1985; (iii) completed at least 20 hours of graduate credit in education courses (including at least 12 hours in educational administration and supervision) prior to September 1, 1987; and (iv) has received a rating of superior for at least each of the last 5 years. Any person who obtains an administrative certificate with a general administrative endorsement affixed thereto under this paragraph shall not be qualified to serve in any administrative position except assistant principal.

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(3) The chief school business official endorsement shall be affixed to the administrative certificate of any holder who qualifies by having a Master's degree, two years of administrative experience in school business management, and a minimum of 20 semester hours of graduate credit in a program established by the State Superintendent of Education in consultation with the State Teacher Certification Board for the preparation of school business administrators. Such endorsement shall also be affixed to the administrative certificate of any holder who qualifies by having a Master's Degree in Business Administration, Finance or Accounting from a regionally accredited institution of higher education.

After June 30, 1977, such endorsement shall be required for any individual first employed as a chief school business official.

(4) The superintendent endorsement shall be affixed to the administrative certificate of any holder who has completed 30 semester hours of graduate credit beyond the master's degree in a program for the preparation of superintendents of schools including 16 semester hours of graduate credit in professional education and who has at least 2 years experience as an administrator or supervisor in the public schools or the State Board of Education or education service regions or in nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education and holds general supervisory or general administrative endorsement, or who has had 2 years of experience as a supervisor or administrator while holding an all-grade supervisory certificate or a certificate comparable in validity and educational and experience requirements.

After June 30, 1968, such endorsement shall be required for a superintendent of schools, except as provided in the second paragraph of this Section and in Section 34-6.

Any person appointed to the position of superintendent between the effective date of this Act and June 30, 1993 in a school district organized pursuant to Article 32 with an enrollment of at least 20,000 pupils shall be exempt from the provisions of this paragraph (4) until June 30, 1996.

(f) All official interpretations or acts of issuing or denying administrative certificates or endorsements by the State Teacher's

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Certification Board, State Board of Education or the State Superintendent of Education, from the passage of P.A. 81-1208 on November 8, 1979 through September 24, 1981 are hereby declared valid and legal acts in all respects and further that the purported repeal of the provisions of this Section by P.A. 81-1208 and P.A. 81-1509 is declared null and void.

(Source: P.A. 91-102, eff. 7-12-99; 92-796, eff. 8-10-02.)

(105 ILCS 5/21-9) (from Ch. 122, par. 21-9)

Sec. 21-9. Substitute certificates and substitute teaching.

(a) A substitute teacher's certificate may be issued for teaching in all grades of the common schools. Such certificate may be issued upon request of the regional superintendent of schools of any region in which the teacher is to teach. A substitute teacher's certificate is valid for teaching in the public schools of any county. Such certificate may be issued to persons who either (a) hold a certificate valid for teaching in the common schools as shown on the face of the certificate, (b) hold a bachelor of arts degree from an institution of higher learning accredited by the North Central Association or other comparable regional accrediting association or have been graduated from a recognized institution of higher learning with a bachelor's degree, or (c) have had 2 years of teaching experience and meet such other rules and regulations as may be adopted by the State Board of Education in consultation with the State Teacher Certification Board. Such certificate shall expire on June 30 in the fourth year from date of issue. Substitute teacher's certificates are not subject to endorsement as described in Section 21-1b of this Code.

(b) A teacher holding a substitute teacher's certificate may teach only in the place of a certified teacher who is under contract with the employing board and may teach only when no appropriate fully certified teacher is available to teach in a substitute capacity. A teacher holding an early childhood certificate, an elementary certificate, a high school certificate, or a special certificate may also substitute teach in grades K-12 but only in the place of a certified teacher who is under contract with the employing board. A substitute teacher may teach only for a period not to exceed 90 paid school days or 450 paid school hours in any one school district in any one school term. However, for the 2001-2002, 2002-2003, and 2003-2004 school years, a teacher holding an early childhood, elementary, high school, or special certificate may substitute teach for a period not to exceed 120 paid school days or 600 paid school hours in any one school district in any one school term. Where such teaching is partly on a daily and partly on an hourly basis, a school day shall be considered

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as 5 hours. The teaching limitations imposed by this subsection upon teachers holding substitute certificates shall not apply in any school district operating under Article 34.

(Source: P.A. 91-102, eff. 7-12-99; 92-184, eff. 7-27-01.)

(105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

Sec. 21-12. Printing; Seal; Signature; Credentials. All certificates shall be printed by and bear the signatures of the chairman and of the secretary of the State Teacher Certification Board. Each certificate shall show the integrally printed seal of the State Teacher Certification Board. All college credentials offered as the basis of a certificate shall be presented to the secretary of the State Teacher Certification Board for inspection and approval.

Commencing July 1, 1999, each application for a certificate or evaluation of credentials shall be accompanied by an evaluation fee of $30 payable to the State Superintendent of Education, which is not refundable, except that no application or evaluation fee shall be required for a Master Certificate issued pursuant to subsection (d) of Section 21-2 of this Code. The proceeds of each $30 fee shall be paid into the Teacher Certificate Fee Revolving Fund, created under Section 21-1b of this Code; and the moneys in that Fund shall be appropriated and used to provide the technology and other resources necessary for the timely and efficient processing of certification requests.

The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of certification fees. This service or convenience fee may not exceed the amount required by the credit card processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

When evaluation verifies the requirements for a valid certificate, the applicant shall be issued an entitlement card that may be presented to a regional superintendent of schools for issuance of a certificate.

The applicant shall be notified of any deficiencies.

(Source: P.A. 91-102, eff. 7-12-99; 91-357, eff. 7-29-99.)

(105 ILCS 5/21-14) (from Ch. 122, par. 21-14)

Sec. 21-14. Registration and renewal of certificates.

(a) A limited four-year certificate or a certificate issued after July 1, 1955, shall be renewable at its expiration or within 60 days thereafter by the county superintendent of schools having supervision and control over

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the school where the teacher is teaching upon certified evidence of meeting the requirements for renewal as required by this Act and prescribed by the State Board of Education in consultation with the State Teacher Certification Board. An elementary supervisory certificate shall not be renewed at the end of the first four-year period covered by the certificate unless the holder thereof has filed certified evidence with the State Teacher Certification Board that he has a master's degree or that he has earned 8 semester hours of credit in the field of educational administration and supervision in a recognized institution of higher learning. The holder shall continue to earn 8 semester hours of credit each four-year period until such time as he has earned a master's degree.

All certificates not renewed or registered as herein provided shall lapse after a period of 5 years from the expiration of the last year of registration. Such certificates may be reinstated for a one year period upon payment of all accumulated registration fees. Such reinstated certificates shall only be renewed: (1) by earning 5 semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties; or (2) by presenting evidence of holding a valid regular certificate of some other type. Any certificate may be voluntarily surrendered by the certificate holder. A voluntarily surrendered certificate shall be treated as a revoked certificate.

(b) When those teaching certificates issued before February 15, 2000 are renewed for the first time after February 15, 2000, all such teaching certificates shall be exchanged for Standard Teaching Certificates as provided in subsection (c) of Section 21-2. All Initial and Standard Teaching Certificates, including those issued to persons who previously held teaching certificates issued before February 15, 2000, shall be renewable under the conditions set forth in this subsection (b).

Initial Teaching Certificates are nonrenewable and are valid for 4 years of teaching, as provided in subsection (b) of Section 21-2 of this Code, and are renewable every 4 years until the person completes 4 years of teaching. If the holder of an Initial Certificate has completed 4 years of teaching but has not completed the requirements set forth in paragraph (2) of subsection (c) of Section 21-2 of this Code, then the Initial Certificate may be reinstated for one year, during which the requirements must be met. A holder of an Initial Certificate who has not completed 4 years of teaching may continuously register the certificate for additional 4-year periods without penalty. Initial Certificates that are not registered shall

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lapse consistent with subsection (a) of this Section and may be reinstated only in accordance with subsection (a). Standard Teaching Certificates are renewable every 5 years as provided in subsection (c) of Section 21-2 and subsection (c) of this Section. For purposes of this Section, "teaching" is defined as employment and performance of services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, or a charter school operating in compliance with the Charter Schools Law.

(c) In compliance with subsection (c) of Section 21-2 of this Code, which provides that a Standard Teaching Certificate may be renewed by the State Teacher Certification Board based upon proof of continuing professional development, the State Board of Education and the State Teacher Certification Board shall jointly:

(1) establish a procedure for renewing Standard Teaching Certificates, which shall include but not be limited to annual timelines for the renewal process and the components set forth in subsections (d) through (k) of this Section;

(2) establish the standards for certificate renewal;

(3) approve or disapprove the providers of continuing professional development activities;

(4) determine the maximum credit for each category of continuing professional development activities, based upon recommendations submitted by a continuing professional development activity task force, which shall consist of 6 staff members from the State Board of Education, appointed by the State Superintendent of Education, and 6 teacher representatives, 3 of whom are selected by the Illinois Education Association and 3 of whom are selected by the Illinois Federation of Teachers;

(5) designate the type and amount of documentation required to show that continuing professional development activities have been completed; and

(6) provide, on a timely basis to all Illinois teachers, certificate holders, regional superintendents of schools, school districts, and others with an interest in continuing professional development, information about the standards and requirements established pursuant to this subsection (c).

(d) Any Standard Teaching Certificate held by an individual employed and performing services in an Illinois public or State-operated
elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school in compliance with the Charter Schools Law must be maintained Valid and Active through certificate renewal activities specified in the certificate renewal procedure established pursuant to subsection (c) of this Section, provided that a holder of a Valid and Active certificate who is only employed on either a part-time basis or day-to-day basis as a substitute teacher shall pay only the required registration fee to renew his or her certificate and maintain it as Valid and Active. All other Standard Teaching Certificates held may be maintained as Valid and Exempt through the registration process provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section. A Valid and Exempt certificate must be immediately activated, through procedures developed jointly by the State Board of Education and the State Teacher Certification Board, upon the certificate holder becoming employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school operating in compliance with the Charter Schools Law. A holder of a Valid and Exempt certificate may activate his or her certificate through procedures provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section.

(e)(1) A Standard Teaching Certificate that has been maintained as Valid and Active for the 5 years of the certificate's validity shall be renewed as Valid and Active upon the certificate holder: (i) completing an advanced degree from an approved institution in an education-related field; (ii) completing at least 8 semester hours of coursework as described in subdivision (B) of paragraph (3) of this subsection (e); (iii) earning at least 24 continuing education units as described in subdivision (C) of paragraph (3) of this subsection (e); (iv) completing the National Board for Professional Teaching Standards process as described in subdivision (D) of paragraph (3) of this subsection (e); or (v) earning 120 continuing professional development units ("CPDU") as described in subdivision (E) of paragraph (3) of this subsection (e). The maximum continuing professional development units for each continuing professional development activity identified in subdivisions (F) through (J) of paragraph (3) of this subsection (e) shall be jointly determined by the State Board of Education and the State Teacher Certification Board. If, however, the certificate holder has maintained the certificate as Valid and Exempt

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for a portion of the 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be proportionately reduced by the amount of time the certificate was Valid and Exempt. Furthermore, if a certificate holder is employed and performs teaching services on a part-time basis for all or a portion of the certificate's 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be reduced by 50% for the amount of time the certificate holder has been employed and performed teaching services on a part-time basis. Part-time shall be defined as less than 50% of the school day or school term.

Notwithstanding any other requirements to the contrary, if a Standard Teaching Certificate has been maintained as Valid and Active for the 5 years of the certificate's validity and the certificate holder has completed his or her certificate renewal plan before July 1, 2002, the certificate shall be renewed as Valid and Active.

(2) Beginning July 1, 2004, in order to satisfy the requirements for continuing professional development provided for in subsection (c) of Section 21-2 of this Code, each Valid and Active Standard Teaching Certificate holder shall complete professional development activities to develop a certificate renewal plan for satisfying the continuing professional development requirement provided for in subsection (c) of Section 21-2 of this Code. Certificate holders with multiple certificates shall develop a certificate renewal plan that addresses only those certificates that are required of his or her certificated teaching position, if the certificate holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate holder is employed in a charter school. Except as otherwise provided in this subsection (e), the certificate holder's activities must address a certificate renewal plan that include a minimum of 3 individual improvement goals developed by the certificate holder and shall reflect purposes (A), (B), and (C), or (D) and must may reflect purpose (E) (D) of the following continuing professional development purposes:

(A) Advance both the certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate

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holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas.

(B) Develop the certificate holder's knowledge and skills in areas determined to be critical for all Illinois teachers, as defined by the State Board of Education, known as "State priorities".

(C) Address the knowledge, skills, and goals of the certificate holder's local school improvement plan, if the teacher is employed in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control.

(D) Expand the certificate holder's knowledge and skills in an additional teaching field or toward the acquisition of another teaching certificate, endorsement, or relevant education degree.

(E) Address the needs of serving students with disabilities, including adapting and modifying the general curriculum related to the Illinois Learning Standards to meet the needs of students with disabilities and serving such students in the least restrictive environment. Teachers who hold certificates endorsed for special education must devote at least 50% of their continuing professional development activities to this purpose. Teachers holding other certificates must devote at least 20% of their activities to this purpose.

A certificate renewal plan must include a description of how these goals are to be achieved and an explanation of selected continuing professional development activities to be completed, each of which must meet one or more of the continuing professional development purposes specified in this paragraph (2). The plan shall identify potential activities and include projected timelines for those activities that will assure completion of the plan before the expiration of the 5-year validity of the Standard Teaching Certificate. Except as otherwise provided in this subsection (e), at least 50% of continuing professional development units must relate to purposes (A) and (B) set forth in this paragraph (2): the advancement of a certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas and the development of a certificate holder's knowledge and skills in the State priorities that exist at the time the certificate renewal plan is developed.

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A speech-language pathologist or audiologist who is licensed under the Illinois Speech-Language Pathology and Audiology Practice Act and who has met the continuing education requirements of that Act and the rules promulgated under that Act shall be deemed to have satisfied the continuing professional development requirements established by the State Board of Education and the Teacher Certification Board to renew a Standard Certificate.

(3) Continuing professional development activities included in a certificate renewal plan may include, but are not limited to, the following activities:

(A) completion of an advanced degree from an approved institution in an education-related field;

(B) at least 8 semester hours of coursework in an approved education-related program, of which at least 2 semester hours relate to the continuing professional development purpose set forth in purpose (A) of paragraph (2) of this subsection (e), completion of which means no provided that such a plan need not include any other continuing professional development activities are required nor reflect or contain activities related to the other continuing professional development purposes set forth in paragraph (2) of this subsection (e);

(C) continuing education units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e), with each continuing education unit equal to 5 clock hours, provided that a plan that includes at least 24 continuing education units (or 120 clock/contact hours) need not include any other continuing professional development activities;

(D) completion of the National Board for Professional Teaching Standards ("NBPTS") process for certification or recertification, completion of which means no provided that a plan that includes completion of the NBPTS process need not include any other continuing professional development activities are required nor reflect or contain activities related to the continuing professional development purposes set forth in paragraph (2) of subsection (e) of this Section;

(E) completion of 120 continuing professional development units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e) and may include

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without limitation the activities identified in subdivisions (F) through (J) of this paragraph (3);

(F) collaboration and partnership activities related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating on collaborative planning and professional improvement teams and committees;

(ii) peer review and coaching;

(iii) mentoring in a formal mentoring program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of this Code;

(iv) participating in site-based management or decision making teams, relevant committees, boards, or task forces directly related to school improvement plans;

(v) coordinating community resources in schools, if the project is a specific goal of the school improvement plan;

(vi) facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or school improvement plans;

(vii) participating in business, school, or community partnerships directly related to student achievement or school improvement plans; or

(viii) supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years;

(G) college or university coursework related to improving the teacher's knowledge and skills as a teacher as follows:

(i) completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, including coursework that incorporates induction activities and development of a portfolio of both student and teacher work that provides experience in reflective practices, provided the coursework meets Illinois Professional Teaching Standards or Illinois Content Area Standards and
supports the essential characteristics of quality professional
development; or 
   (ii) teaching college or university courses in areas
relevant to the certificate area being renewed, provided that
the teaching may only be counted once during the course of
5 years;
(H) conferences, workshops, institutes, seminars, and
symposiums related to improving the teacher's knowledge and
skills as a teacher, subject to disapproval of the activity or event by
the State Teacher Certification Board acting jointly with the State
Board of Education, including the following:
   (i) completing non-university credit directly related
to student achievement, school improvement plans, or State
priorities;
   (ii) participating in or presenting at workshops,
seminars, conferences, institutes, and symposiums;
   (iii) training as external reviewers for Quality
Assurance; or
   (iv) training as reviewers of university teacher
preparation programs.‡
A teacher, however, may not receive credit for conferences,
workshops, institutes, seminars, or symposiums that are designed
for entertainment, promotional, or commercial purposes or that
are solely inspirational or motivational. The State Superintendent
of Education and regional superintendents of schools are
authorized to review the activities and events provided or to be
provided under this subdivision (H) and to investigate complaints
regarding those activities and events, and either the State
Superintendent of Education or a regional superintendent of
schools may recommend that the State Teacher Certification Board
and the State Board of Education jointly disapprove those
activities and events considered to be inconsistent with this
subdivision (H);
(I) other educational experiences related to improving the
teacher's knowledge and skills as a teacher, including the
following:
   (i) participating in action research and inquiry
projects;

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(ii) observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal;

(iii) traveling related to one's teaching assignment, directly related to student achievement or school improvement plans and approved by the regional superintendent of schools or his or her designee at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur;

(iv) participating in study groups related to student achievement or school improvement plans;

(v) serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education strategic agenda teams, or the State Advisory Council on Education of Children with Disabilities;

(vi) participating in work/learn programs or internships; or

(vii) developing a portfolio of student and teacher work;

(J) professional leadership experiences related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level;

(ii) participating in team or department leadership in a school or school district;

(iii) participating on external or internal school or school district review teams;

(iv) publishing educational articles, columns, or books relevant to the certificate area being renewed; or

(v) participating in non-strike related professional association or labor organization service or activities related to professional development; or

(K) receipt of a subsequent Illinois certificate or endorsement pursuant to this Article; or

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(L) completion of requirements for meeting the Illinois criteria for becoming "highly qualified" (for purposes of the No Child Left Behind Act of 2001, Public Law 107-110) in an additional teaching area.

(M) Successful completion of 4 semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Teaching Standards, as described in clause (B) of paragraph (2) of subsection (c) of Section 21-2 of this Code.

(N) Successful completion of a minimum of 4 semester hours of graduate-level coursework addressing preparation to meet the requirements for certification by the National Board for Professional Teaching Standards, as described in clause (C) of paragraph (2) of subsection (c) of Section 21-2 of this Code.

(4) A person must complete the requirements of this subsection (e) before the expiration of his or her Standard Teaching Certificate and must submit assurance to the regional superintendent of schools or, if applicable, a local professional development committee authorized by the regional superintendent to submit recommendations to him or her for this purpose. The statement of assurance shall contain a list of the activities completed, the provider offering each activity, the number of credits earned for each activity, and the purposes to which each activity is attributed. The certificate holder shall maintain the evidence of completion of each activity for at least one certificate renewal cycle. The certificate holder shall affirm under penalty of perjury that he or she has completed the activities listed and will maintain the required evidence of completion. The State Board of Education or the regional superintendent of schools for each region shall conduct random audits of assurance statements and supporting documentation. A certificate renewal plan must initially be approved by the certificate holder's local professional development committee, as provided for in subsection (f) of this Section. If the local professional development committee does not approve the certificate renewal plan, the certificate holder may appeal that determination to the regional professional development review committee, as provided for in paragraph (2) of subsection (g) of this Section. If the regional professional development review committee disagrees with the local professional development committee's determination, the certificate renewal plan shall be deemed approved and the certificate holder may begin satisfying the continuing professional development activities set forth in the plan. If the regional professional development review

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committee agrees with the local professional development committee’s determination, the certificate renewal plan shall be deemed disapproved and shall be returned to the certificate holder to develop a revised certificate renewal plan. In all cases, the regional professional development review committee shall immediately notify both the local professional development committee and the certificate holder of its determination:

(5) (Blank). A certificate holder who wishes to modify the continuing professional development activities or goals in his or her certificate renewal plan must submit the proposed modifications to his or her local professional development committee for approval prior to engaging in the proposed activities. If the local professional development committee does not approve the proposed modification, the certificate holder may appeal that determination to the regional professional development review committee, as set forth in paragraph (4) of this subsection (e):

(6) (Blank). When a certificate holder changes assignments or school districts during the course of completing a certificate renewal plan, the professional development and continuing education credit earned pursuant to the plan shall transfer to the new assignment or school district and count toward the total requirements. This certificate renewal plan must be reviewed by the appropriate local professional development committee and may be modified to reflect the certificate holder’s new work assignment or the school improvement plan of the new school district or school building:

(f) Notwithstanding any other provisions of this Code, a school district is authorized to enter into an agreement with the exclusive bargaining representative, if any, to form a local professional development committee (LPDC). The membership and terms of members of the LPDC may be determined by the agreement. Provisions regarding LPDCs contained in a collective bargaining agreement in existence on the effective date of this amendatory Act of the 93rd General Assembly between a school district and the exclusive bargaining representative shall remain in full force and effect for the term of the agreement, unless terminated by mutual agreement. The LPDC shall make recommendations to the regional superintendent of schools on renewal of teaching certificates. The regional superintendent of schools for each region each school district, charter school, and cooperative or joint agreement with a governing body or board of control that employs certificated staff, shall

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establish and implement, in conjunction with its exclusive representative, if any, one or more local professional development committees, as set forth in this subsection (f), which shall perform the following functions:

(1) review recommendations for and approve certificate renewal, if any, received from LPDCs plans and any modifications made to these plans, including transferred plans;

(2) (blank); maintain a file of approved certificate renewal plans;

(3) (blank); monitor certificate holders’ progress in completing approved certificate renewal plans, provided that a local professional development committee shall not be required to maintain materials submitted by certificate holders to demonstrate their progress in completing their certificate renewal plans after the committee has reviewed the materials and the credits have been awarded;

(4) (blank); assist in the development of professional development plans based upon needs identified in certificate renewal plans;

(5) determine whether certificate holders have met the requirements for of their certificate renewal plans and notify certificate holders if the decision is not to renew the certificate of its determination;

(6) provide a certificate holder with the opportunity to appeal a recommendation made by a LPDC, if any, not to renew the certificate to the regional professional development review committee address the committee when it has determined that the certificate holder has not met the requirements of his or her certificate renewal plan;

(7) issue and forward recommendations for renewal or nonrenewal of certificate holders' Standard Teaching Certificates to the State Teacher Certification Board appropriate regional superintendent of schools, based upon whether certificate holders have met the requirements of their approved certificate renewal plans, with 30-day written notice of its recommendation provided to the certificate holder prior to forwarding the recommendation to the regional superintendent of schools, provided that if the local professional development committee's recommendation is for certificate nonrenewal, the written notice provided to the certificate holder shall include a return receipt; and

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(8) (blank). reconsider its recommendation of certificate nonrenewal, upon request of the certificate holder within 30 days of receipt of written notification that the local professional development committee will make such a recommendation, and forward to the regional superintendent of schools its recommendation within 30 days of receipt of the certificate holder's request.

Each local professional development committee shall consist of at least 3 classroom teachers; one superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee; and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee.

Except in a school district in a city having a population exceeding 500,000, a local professional development committee shall be responsible for no more than 200 certificate renewal plans annually unless otherwise mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any. If mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, additional members may be added to a local professional development committee, provided that a majority of members are classroom teachers.

Except in a school district in a city having a population exceeding 500,000, if additional members are added to a local professional development committee, the maximum number of certificate renewal plans for which the committee shall annually be responsible may be increased by 50 plans for each additional member, unless otherwise mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any. The school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, shall determine the term of service of the members of a local professional development committee. All individuals selected to serve on local professional development committees must be known to demonstrate the best practices in teaching or their respective field of practice.

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The exclusive representative, if any, shall select the classroom teacher members of the local professional development committee. If no exclusive representative exists, then the classroom teacher members of a local professional development committee shall be selected by the classroom teachers that come within the local professional development committee's authority. The school district, charter school, or governing body or board of control of a cooperative or joint agreement shall select the 2 non-classroom teacher members (the superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee and the at-large member) of a local professional development committee. Vacancies in positions on a local professional development committee shall be filled in the same manner as the original selections. The members of a local professional development committee shall select a chairperson. Local professional development committee meetings shall be scheduled so as not to interfere with committee members' regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee.

The board of education or governing board shall convene the first meeting of the local professional development committee. All actions taken by the local professional development committee shall require that a majority of committee members be present, and no committee action may be taken unless 50% or more of those present are teacher members.

The State Board of Education and the State Teacher Certification Board shall jointly provide local professional development committee members with a training manual, and the members shall certify that they have received and read the manual.

Notwithstanding any other provisions of this subsection (f), for a teacher employed and performing services in a nonpublic or State-operated elementary or secondary school, all references to a local professional development committee shall mean the regional superintendent of schools of the regional office of education for the geographic area where the teaching is done.

(g)(1) Each regional superintendent of schools shall review and concur or nonconcur with each recommendation for renewal or nonrenewal of a Standard Teaching Certificate he or she receives from a local professional development committee, if any, or, if a certificate holder appeals the recommendation to the regional professional development board, the board shall concur or nonconcur.

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review committee, the recommendation for renewal or nonrenewal he or she receives from a regional professional development review committee and, within 14 days of receipt of the recommendation, shall provide the State Teacher Certification Board with verification of the following, if applicable:

(A) the certificate holder has satisfactorily completed professional development and continuing education activities set forth in paragraph (3) of subsection (e) of this Section; a certificate renewal plan was filed and approved by the appropriate local professional development committee;

(B) the certificate holder has submitted the statement of assurance required under paragraph (4) of subsection (e) of this Section, and this statement has been attached to the application for renewal; the professional development and continuing education activities set forth in the approved certificate renewal plan have been satisfactorily completed;

(C) the local professional development committee, if any, has recommended the renewal of the certificate holder's Standard Teaching Certificate and forwarded the recommendation, along with all supporting documentation as jointly required by the State Board of Education and the State Teacher Certification Board, to the regional superintendent of schools;

(D) the certificate holder has appealed his or her local professional development committee's recommendation of nonrenewal, if any, to the regional professional development review committee and the result of that appeal;

(E) the regional superintendent of schools has concurred or nonconcurred with the local professional development committee's or regional professional development review committee's recommendation, if any, to renew or nonrenew the certificate holder's Standard Teaching Certificate and made a recommendation to that effect; and

(F) the established registration fee for the Standard Teaching Certificate has been paid.

If at the same time the regional superintendent of schools provides the State Teacher Certification Board with the notice required by this subsection (g) includes a recommendation of certificate nonrenewal, then, at the same time the regional superintendent of schools provides the State Teacher Certification Board with the notice, he or she shall also notify the

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certificate holder in writing, by certified mail, return receipt requested, that this notice has been provided to the State Teacher Certification Board; provided that if the notice provided by the regional superintendent of schools to the State Teacher Certification Board includes a recommendation of certificate nonrenewal, the written notice provided to the certificate holder shall be by certified mail, return receipt requested.

(2) Each certificate holder shall have the right to appeal his or her local professional development committee's recommendation of nonrenewal, if any, to the regional professional development review committee, within 14 days of receipt of notice that the recommendation has been sent to the regional superintendent of schools. Each regional superintendent of schools shall establish a regional professional development review committee or committees for the purpose of advising the regional superintendent of schools, upon request, and handling certificate holder appeals. This committee shall consist of at least 4 classroom teachers, one non-administrative certificated educational employee, 2 administrators, and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. The teacher and non-administrative certificated educational employee members of the review committee shall be selected by their exclusive representative, if any, and the administrators and at-large member shall be selected by the regional superintendent of schools. A regional superintendent of schools may add additional members to the committee, provided that the same proportion of teachers to administrators and at-large members on the committee is maintained. Any additional teacher and non-administrative certificated educational employee members shall be selected by their exclusive representative, if any. Vacancies in positions on a regional professional development review committee shall be filled in the same manner as the original selections. Committee members shall serve staggered 3-year terms. All individuals selected to serve on regional professional development review committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative responsible for choosing the individuals that serve on a regional professional development review committee shall notify each school district, charter school, or governing
body or board of control of a cooperative or joint agreement employing the individuals chosen to serve and provide their names to the appropriate regional superintendent of schools. Regional professional development review committee meetings shall be scheduled so as not to interfere with the committee members’ regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee, provided that the school district, charter school, or governing body or board of control shall not unreasonably withhold permission for a committee member to attend regional professional development review committee meetings.

In a city having a population exceeding 500,000 that does not have a regional office of education, one or more separate regional professional development review committees shall be established as mutually agreed upon by the board of education of the school district organized under Article 34 of this Code and the exclusive representative. The composition of each committee shall be the same as for a regional professional development review committee, except that members of the committee shall be jointly appointed by the board of education and the exclusive representative. All other provisions of this Section concerning regional professional development review committees shall apply to these committees.

The regional professional development review committee may require information in addition to that received from a certificate holder's local professional development committee or request that the certificate holder appear before it, shall either concur or noneoneur with a local professional development committee's recommendation of nonrenewal, and shall forward to the regional superintendent of schools its recommendation of renewal or nonrenewal. All actions taken by the regional professional development review committee shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The committee shall have 45 days from receipt of a certificate holder's appeal to make its recommendation to the regional superintendent of schools.

The State Board of Education and the State Teacher Certification Board shall jointly provide regional professional development review committee members with a training manual, and the members shall be required to attend one training seminar sponsored jointly by the State Board of Education and the State Teacher Certification Board.

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(h)(1) The State Teacher Certification Board shall review the regional superintendent of schools' recommendations to renew or nonrenew Standard Teaching Certificates and notify certificate holders in writing whether their certificates have been renewed or nonrenewed within 90 days of receipt of the recommendations, unless a certificate holder has appealed a regional superintendent of schools' recommendation of nonrenewal, as provided in paragraph (2) of this subsection (h). The State Teacher Certification Board shall verify that the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section.

(2) Each certificate holder shall have the right to appeal a regional superintendent of school's recommendation to nonrenew his or her Standard Teaching Certificate to the State Teacher Certification Board, within 14 days of receipt of notice that the decision has been sent to the State Teacher Certification Board, which shall hold an appeal hearing within 60 days of receipt of the appeal. When such an appeal is taken, the certificate holder's Standard Teaching Certificate shall continue to be valid until the appeal is finally determined. The State Teacher Certification Board shall review the regional superintendent of school's recommendation, the regional professional development review committee's recommendation, if any, and the local professional development committee's recommendation, if any, and all relevant documentation to verify whether the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section. The State Teacher Certification Board may request that the certificate holder appear before it. All actions taken by the State Teacher Certification Board shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The State Teacher Certification Board shall notify the certificate holder in writing, within 7 days of completing the review, whether his or her Standard Teaching Certificate has been renewed or nonrenewed, provided that if the State Teacher Certification Board determines to nonrenew a certificate, the written notice provided to the certificate holder shall be by certified mail, return receipt requested. All certificate renewal or nonrenewal decisions of the State Teacher Certification Board are final and subject to administrative review, as set forth in Section 21-24 of this Code.

(i) Holders of Master Teaching Certificates shall meet the same requirements and follow the same procedures as holders of Standard Teaching Certificates, except that their renewal cycle shall be as set forth

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in subsection (d) of Section 21-2 of this Code and their renewal requirements shall be subject to paragraph (8) of subsection (c) of Section 21-2 of this Code.

A holder of a teaching certificate endorsed as a speech-language pathologist who has been granted the Certificate of Clinical Competence by the American Speech-Language Hearing Association may renew his or her Standard Teaching Certificate pursuant to the 10-year renewal cycle set forth in subsection (d) of Section 21-2 of this Code.

(j) Holders of Valid and Exempt Standard and Master Teaching Certificates who are not employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, may voluntarily activate their certificates through developing and submitting a certificate renewal plan to the regional superintendent of schools of the regional office of education for the geographic area where their teaching is done, who, or whose designee, shall approve the plan and serve as the certificate holder's local professional development committee. These certificate holders shall follow the same renewal criteria and procedures as all other Standard and Master Teaching Certificate holders, except that their continuing professional development activities need not reflect or address the knowledge, skills, and goals of a local school improvement plan.

(k) (Blank). Each school district, charter school, or cooperative or joint agreement shall be paid an annual amount of not less than $1,000, as determined by a formula based on the number of Standard Teaching and Master Teaching Certificate holders, subject to renewal and established by rule, not to exceed $1,000,000 annually for all school districts, charter schools, and cooperatives or joint agreements, for administrative costs associated with conducting the meetings of the local professional development committee, as determined in consultation with the committee. Each regional office of education shall receive $2,000 annually to pay school districts, charter schools, or cooperatives or joint agreements for costs, as defined by rule, incurred in staff attendance at regional professional development review committee meetings and the training seminar required under paragraph (2) of subsection (g) of this Section.

(l) (Blank). The State Board of Education and the State Teacher Certification Board shall jointly contract with an independent party to conduct a comprehensive evaluation of the certificate renewal system.
pursuant to this Section. The first report of this evaluation shall be presented to the General Assembly on January 1, 2005 and on January 1 of every third year thereafter:

(m) The changes made to this Section by this amendatory Act of the 93rd General Assembly that affect renewal of Standard and Master Certificates shall apply to those persons who hold Standard or Master Certificates on or after the effective date of this amendatory Act of the 93rd General Assembly and shall be given effect upon renewal of those certificates.

(Source: P.A. 92-510, eff. 6-1-02; 92-796, eff. 8-10-02; 93-81, eff. 7-2-03.)

(105 ILCS 5/21-16) (from Ch. 122, par. 21-16)
Sec. 21-16. Fees - Requirement for registration.

(a) Until February 15, 2000, every applicant when issued a certificate shall pay to the regional superintendent of schools a fee of $1, which shall be paid into the institute fund. Every certificate issued under the provisions of this Act shall be registered annually or, at the option of the holder of the certificate, once every 3 years. The regional superintendent of schools having supervision and control over the school where the teaching is done shall register the certificate before the holder begins to teach, otherwise it shall be registered in any county in the State of Illinois; and one fee of $4 per year for registration or renewal of one or more certificates which have been issued to the same holder shall be paid into the institute fund.

Until February 15, 2000, requirements for registration of any certificate limited in time shall include evidence of professional growth defined as successful teaching experience since last registration of certificate, attendance at professional meetings, membership in professional organizations, additional credits earned in recognized teacher-training institutions, travel specifically for educational experience, reading of professional books and periodicals, filing all reports as required by the regional superintendent of schools and the State Superintendent of Education or such other professional experience or combination of experiences as are presented by the teacher and are approved by the State Superintendent of Education in consultation with the State Teacher Certification Board. A duplicate certificate may be issued to the holder of a valid life certificate or valid certificate limited in time by the State Superintendent of Education; however, it shall only be issued upon request

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of a regional superintendent of schools and upon payment to the regional superintendent of schools who requests such duplicate a fee of $4.

(b) Beginning February 15, 2000, all persons who are issued Standard Teaching Certificates pursuant to clause (ii) of paragraph (1) of subsection (c) of Section 21-2 and all persons who renew Standard Teaching Certificates shall pay a $25 fee for registration of all certificates held. All persons who are issued Standard Teaching Certificates under clause (i) of paragraph (1) of subsection (c) of Section 21-2 and all other applicants for Standard Teaching Certificates shall pay an original application fee, pursuant to Section 21-12, and a $25 fee for registration of all certificates held. These certificates shall be registered and the registration fee paid once every 5 years. Standard Teaching Certificate applicants and holders shall not be required to pay any other registration fees for issuance or renewal of their certificates, except as provided in Section 21-17 of this Code. Beginning February 15, 2000, Master Teaching Certificates shall be issued and renewed upon payment by the applicant or certificate holder of a $50 fee for registration of all certificates held. These certificates shall be registered and the fee paid once every 10 years. Master Teaching Certificate applicants and holders shall not be required to pay any other application or registration fees for issuance or renewal of their certificates, except as provided in Section 21-17 of this Code. All other certificates issued under the provisions of this Code shall be registered for the validity period of the certificate at the rate of $5 per year for the total number of years for which the certificate is valid for registration of all certificates held, or for a maximum of 5 years for life certificates. The regional superintendent of schools having supervision and control over the school where the teaching is done shall register the certificate before the holder begins to teach, otherwise it shall be registered in any county in the State of Illinois. Each holder shall pay the appropriate registration fee to the regional superintendent of schools. The regional superintendent of schools shall deposit the registration fees into the institute fund. Any certificate holder who teaches in more than one educational service region shall register the certificate or certificates in all regions where the teaching is done, but shall be required to pay one registration fee for all certificates held, provided holders of certificates issued pursuant to Section 21-9 of this Code shall be required to pay one registration fee, in each educational service region in which his or her certificate or certificates are registered, for all certificates held.

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A duplicate certificate may be issued to the holder of a valid life certificate or valid certificate limited in time by the State Superintendent of Education; however, it shall only be issued upon request of a regional superintendent of schools and upon payment to the regional superintendent of schools who requests the duplicate a fee of $4, which shall be deposited into the institute fund.

The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of certification fees. This service or convenience fee may not exceed the amount required by the credit card processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

(Source: P.A. 91-102, eff. 7-12-99; 92-796, eff. 8-10-02.)

Sec. 21-17. Fee and duplicate certificate. A duplicate certificate shall be issued by the State Superintendent of Education when requested by the regional superintendent of schools as provided in Section 21-16. The request for a duplicate certificate shall be accompanied by a fee of $4, which shall be deposited into the Teacher Certificate Fee Revolving Fund.

The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of certification fees. This service or convenience fee may not exceed the amount required by the credit card processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

(Source: P.A. 91-102, eff. 7-12-99.)

Sec. 21-18. Registration of life certificate-Fee. The holder of any life certificate, while he continues to teach, shall annually before entering upon his duties, present his certificate or proper evidence thereof to the regional county superintendent of schools for registration and pay a fee of $2, which fee shall be paid into the institute fund.

The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of certification fees. This service or convenience fee may not exceed the amount required by the credit card processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

(Source: P.A. 91-102, eff. 7-12-99.)
processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/21-23) (from Ch. 122, par. 21-23)

Sec. 21-23. Suspension or revocation of certificate

(a) Any certificate issued pursuant to this Article, including but not limited to any administrative certificate or endorsement, may be suspended for a period not to exceed one calendar year by the regional superintendent or for a period not to exceed 5 calendar years by the State Superintendent of Education upon evidence of immorality, a condition of health detrimental to the welfare of pupils, incompetency, unprofessional conduct, the neglect of any professional duty, willful failure to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act, failure to establish satisfactory repayment on an educational loan guaranteed by the Illinois Student Assistance Commission, or other just cause. Unprofessional conduct shall include refusal to attend or participate in, institutes, teachers' meetings, professional readings, or to meet other reasonable requirements of the regional superintendent or State Superintendent of Education. Unprofessional conduct also includes conduct that violates the standards, ethics, or rules applicable to the security, administration, monitoring, or scoring of, or the reporting of scores from, any assessment test or the Prairie State Achievement Examination administered under Section 2-3.64 or that is known or intended to produce or report manipulated or artificial, rather than actual, assessment or achievement results or gains from the administration of those tests or examinations. It shall also include neglect or unnecessary delay in making of statistical and other reports required by school officers. The regional superintendent or State Superintendent of Education shall upon receipt of evidence of immorality, a condition of health detrimental to the welfare of pupils, incompetency, unprofessional conduct, the neglect of any professional duty or other just cause serve written notice to the individual and afford the individual opportunity for a hearing prior to suspension. If a hearing is requested within 10 days of notice of opportunity for hearing it shall act as a stay of proceedings not to exceed 30 days, unless the individual requests a delay. In such an instance, the stay of proceedings must be continued for another 30 days.

No certificate shall be suspended until the teacher has an opportunity for a hearing at the educational service region. When a certificate is suspended,

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the right of appeal shall lie to the State Teacher Certification Board. When an appeal is taken within 10 days after notice of suspension it shall act as a stay of proceedings not to exceed 120 days. If a certificate is suspended for a period greater than one year, the State Superintendent of Education shall review the suspension prior to the expiration of that period to determine whether the cause for the suspension has been remedied or continues to exist. Upon determining that the cause for suspension has not abated, the State Superintendent of Education may order that the suspension be continued for an appropriate period. Nothing in this Section prohibits the continuance of such a suspension for an indefinite period if the State Superintendent determines that the cause for the suspension remains unabated. Any certificate may be revoked for the same reasons as for suspension by the State Superintendent of Education. No certificate shall be revoked until the teacher has an opportunity for a hearing before the State Teacher Certification Board, which hearing must be held within 120 days from the date the appeal is taken, unless the State Teacher Certification Board requests a delay. In such an instance, the stay of the revocation proceedings must be continued until the completion of the proceedings.

The State Board may refuse to issue or may suspend the certificate of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(b) Any certificate issued pursuant to this Article may be suspended for an appropriate length of time as determined by either the regional superintendent or State Superintendent of Education upon evidence that the holder of the certificate has been named as a perpetrator in an indicated report filed pursuant to the Abused and Neglected Child Reporting Act, approved June 26, 1975, as amended, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

The regional superintendent or State Superintendent of Education shall, upon receipt of evidence that the certificate holder has been named a perpetrator in any indicated report, serve written notice to the individual and afford the individual opportunity for a hearing prior to suspension. If a hearing is requested within 10 days of notice of opportunity for hearing, it

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shall act as a stay of proceedings not to exceed 30 days, unless the individual requests a delay. In such an instance, the stay of proceedings must be continued for another 30 days. No certificate shall be suspended until the teacher has an opportunity for a hearing at the educational service region. When a certificate is suspended, the right of appeal shall lie to the State Teacher Certification Board. When an appeal is taken within 10 days after notice of suspension it shall act as a stay of proceedings not to exceed 120 days. The State Superintendent may revoke any certificate upon proof at hearing by clear and convincing evidence that the certificate holder has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act. No certificate shall be revoked until the teacher has an opportunity for a hearing before the State Teacher Certification Board, which hearing must be held within 120 days from the date the appeal is taken, unless the teacher or the hearing officer appointed by the State Teacher Certification Board requests a delay. In such an instance, the stay of the revocation proceedings must be continued until the completion of the proceedings.

(c) The State Superintendent of Education or a person designated by him shall have the power to administer oaths to witnesses at any hearing conducted before the State Teacher Certification Board pursuant to this Section. The State Superintendent of Education or a person designated by him is authorized to subpoena and bring before the State Teacher Certification Board any person in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in the civil cases in circuit courts of this State.

Any circuit court, upon the application of the State Superintendent of Education, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers at any hearing the State Superintendent of Education is authorized to conduct pursuant to this Section, and the court may compel obedience to its orders by proceedings for contempt.

(d) As used in this Section, "teacher" means any school district employee regularly required to be certified, as provided in this Article, in order to teach or supervise in the public schools.

(Source: P.A. 89-610, eff. 8-6-96.)

Section 20. The School Construction Law is amended by changing Sections 5-30 and 5-40 and adding Section 5-57 as follows:

(105 ILCS 230/5-30)

New matter indicated by italics - deletions by strikeout.
Sec. 5-30. Priority of school construction projects. The State Board of Education shall develop standards for the determination of priority needs concerning school construction projects based upon approved district facilities plans. Such standards shall call for prioritization based on the degree of need and project type in the following order:

(1) Replacement or reconstruction of school buildings destroyed or damaged by flood, tornado, fire, earthquake, or other disasters, either man-made or produced by nature;

(2) Projects designed to alleviate a shortage of classrooms due to population growth or to replace aging school buildings;

(3) Projects resulting from interdistrict reorganization of school districts contingent on local referenda;

(4) Replacement or reconstruction of school facilities determined to be severe and continuing health or life safety hazards;

(5) Alterations necessary to provide accessibility for qualified individuals with disabilities; and

(6) Other unique solutions to facility needs.

The State Board of Education may not make any material changes to the standards in effect on May 18, 2004, unless the State Board of Education is specifically authorized by law.

(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 230/5-40)

Sec. 5-40. Supervision of school construction projects. The Capital Development Board shall exercise general supervision over school construction projects financed pursuant to this Article. School districts, however, must be allowed to choose the architect and engineer for their school construction projects, and no project may be disapproved by the State Board of Education or the Capital Development Board solely due to a school district's selection of an architect or engineer.

(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 230/5-57 new)

Sec. 5-57. Administration of powers; no changes. Notwithstanding any other law to the contrary, the Capital Development Board may not make any material changes in the administration of its powers granted under this Law from how it administered those powers on May 18, 2004, unless specifically authorized by law.

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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


PUBLIC ACT 93-0680
(Senate Bill No. 2213)

AN ACT in relation to budget implementation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by changing Section 13.2 as follows:

(30 ILCS 105/13.2) (from Ch. 127, par. 149.2)
Sec. 13.2. Transfers among line item appropriations.
(a) Transfers among line item appropriations from the same treasury fund for the objects specified in this Section may be made in the manner provided in this Section when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made.

(a-1) No transfers may be made from one agency to another agency, nor may transfers be made from one institution of higher education to another institution of higher education.

(a-2) Transfers may be made only among the objects of expenditure enumerated in this Section, except that no funds may be transferred from any appropriation for personal services, from any appropriation for State contributions to the State Employees' Retirement System, from any separate appropriation for employee retirement contributions paid by the employer, nor from any appropriation for State contribution for employee group insurance.

(a-3) Further, if an agency receives a separate appropriation for employee retirement contributions paid by the employer, any transfer by that agency into an appropriation for personal services must be

New matter indicated by italics - deletions by strikeout.
accompanied by a corresponding transfer into the appropriation for employee retirement contributions paid by the employer, in an amount sufficient to meet the employer share of the employee contributions required to be remitted to the retirement system.

(b) In addition to the general transfer authority provided under subsection (c), the following agencies have the specific transfer authority granted in this subsection:

The Illinois Department of Public Aid is authorized to make transfers representing savings attributable to not increasing grants due to the births of additional children from line items for payments of cash grants to line items for payments for employment and social services for the purposes outlined in subsection (f) of Section 4-2 of the Illinois Public Aid Code.

The Department of Children and Family Services is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following line items among these same line items: Foster Home and Specialized Foster Care and Prevention, Institutions and Group Homes and Prevention, and Purchase of Adoption and Guardianship Services.

The Department on Aging is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following Community Care Program line items among these same line items: Homemaker and Senior Companion Services, Case Coordination Units, and Adult Day Care Services.

The State Treasurer is authorized to make transfers among line item appropriations from the Capital Litigation Trust Fund, with respect to costs incurred in fiscal years 2002 and 2003 only, when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made, provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made.

(c) The sum of such transfers for an agency in a fiscal year shall not exceed 2% of the aggregate amount appropriated to it within the same treasury fund for the following objects: Personal Services; Extra Help; Student and Inmate Compensation; State Contributions to Retirement Systems; State Contributions to Social Security; State Contribution for Employee Group Insurance; Contractual Services; Travel; Commodities; Printing; Equipment; Electronic Data Processing; Operation of Automotive Equipment; Telecommunications Services; Travel and

New matter indicated by italics - deletions by strikeout.
Allowance for Committed, Paroled and Discharged Prisoners; Library Books; Federal Matching Grants for Student Loans; Refunds; Workers' Compensation, Occupational Disease, and Tort Claims; and, in appropriations to institutions of higher education, Awards and Grants. Notwithstanding the above, any amounts appropriated for payment of workers' compensation claims to an agency to which the authority to evaluate, administer and pay such claims has been delegated by the Department of Central Management Services may be transferred to any other expenditure object where such amounts exceed the amount necessary for the payment of such claims.

(c-1) Special provisions for State fiscal year 2003. Notwithstanding any other provision of this Section to the contrary, for State fiscal year 2003 only, transfers among line item appropriations to an agency from the same treasury fund may be made provided that the sum of such transfers for an agency in State fiscal year 2003 shall not exceed 3% of the aggregate amount appropriated to that State agency for State fiscal year 2003 for the following objects: personal services, except that no transfer may be approved which reduces the aggregate appropriations for personal services within an agency; extra help; student and inmate compensation; State contributions to retirement systems; State contributions to social security; State contributions for employee group insurance; contractual services; travel; commodities; printing; equipment; electronic data processing; operation of automotive equipment; telecommunications services; travel and allowance for committed, paroled, and discharged prisoners; library books; federal matching grants for student loans; refunds; workers' compensation, occupational disease, and tort claims; and, in appropriations to institutions of higher education, awards and grants.

(c-2) Special provisions for State fiscal year 2005. Notwithstanding subsections (a), (a-2), and (c), for State fiscal year 2005 only, transfers may be made among any line item appropriations from the same or any other treasury fund for any objects or purposes, without limitation, when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made, provided that the sum of those transfers by a State agency shall not exceed 4% of the aggregate amount appropriated to that State agency for fiscal year 2005.

(d) Transfers among appropriations made to agencies of the Legislative and Judicial departments and to the constitutionally elected

New matter indicated by italics - deletions by strikeout.
officers in the Executive branch require the approval of the officer authorized in Section 10 of this Act to approve and certify vouchers. Transfers among appropriations made to the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Mathematics and Science Academy and the Board of Higher Education require the approval of the Board of Higher Education and the Governor. Transfers among appropriations to all other agencies require the approval of the Governor.

The officer responsible for approval shall certify that the transfer is necessary to carry out the programs and purposes for which the appropriations were made by the General Assembly and shall transmit to the State Comptroller a certified copy of the approval which shall set forth the specific amounts transferred so that the Comptroller may change his records accordingly. The Comptroller shall furnish the Governor with information copies of all transfers approved for agencies of the Legislative and Judicial departments and transfers approved by the constitutionally elected officials of the Executive branch other than the Governor, showing the amounts transferred and indicating the dates such changes were entered on the Comptroller's records.

(Source: P.A. 92-600, eff. 6-28-02; 92-885, eff. 1-13-03.)

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

Effective July 1, 2004.

PUBLIC ACT 93-0681
(Senate Bill No. 3361)
AN ACT making appropriations.

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

ARTICLE 1

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2004:

ANALYSIS AND REPORTING DIVISION

New matter indicated by italics - deletions by strikeout.
From the General Revenue Fund:
- For Personal Services................................. 653,800
- For Retirement Contributions.............................. 25,900
- For Social Security Contributions.......................... 49,900
Total $729,600

From the Federal Department of Education Fund:
- For Personal Services................................. 349,400
- For Retirement Contributions.............................. 38,400
- For Social Security Contributions......................... 26,600
- For Group Insurance........................................ 60,000
Total $474,400

BUDGET DIVISION
From the General Revenue Fund:
- For Personal Services................................. 339,700
- For Retirement Contributions.............................. 13,500
- For Social Security Contributions......................... 26,000
Total $379,200

From the Federal Department of Agriculture Fund:
- For Personal Services................................. 37,700
- For Retirement Contributions.............................. 4,200
- For Social Security Contributions......................... 2,900
- For Group Insurance........................................ 6,000
Total $50,800

From the Federal Department of Education Fund:
- For Personal Services................................. 194,000
- For Retirement Contributions.............................. 21,300
- For Social Security Contributions......................... 14,800
- For Group Insurance........................................ 33,000
Total $263,100

DATA SYSTEMS DIVISION
From the General Revenue Fund:
- For Personal Services................................. 1,636,600
- For Retirement Contributions.............................. 64,700
- For Social Security Contributions......................... 125,100
Total $1,826,400

From the Teacher Certificate Fee Revolving Fund:
- For Personal Services................................. 75,000
- For Retirement Contributions.............................. 8,300
- For Social Security Contributions......................... 5,700

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Division</th>
<th>Fund</th>
<th>For Personal Services</th>
<th>For Retirement Contributions</th>
<th>For Social Security Contributions</th>
<th>For Group Insurance</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>From the Federal Department of Agriculture Fund:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EXTERNAL ASSURANCE DIVISION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From the General Revenue Fund:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCE AND ADMINISTRATION DIVISION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FISCAL AND ADMINISTRATIVE SERVICES DIVISION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From the Federal Department of Agriculture Fund:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Personal Services......................... 162,700
For Retirement Contributions.................. 17,900
For Social Security Contributions.............. 12,400
For Group Insurance............................ 48,000
Total ........................................... $241,000

From the Federal Department of Education Fund:
For Personal Services......................... 111,500
For Retirement Contributions.................. 12,300
For Social Security Contributions............... 8,500
For Group Insurance............................ 36,000
Total ........................................... $168,300

FUNDING AND DISBURSEMENT DIVISION

From the General Revenue Fund:
For Personal Services.......................... 797,800
For Retirement Contributions.................. 31,600
For Social Security Contributions.............. 61,000
Total ........................................... $890,400

From the Drivers Education Fund:
For Personal Services.......................... 57,300
For Retirement Contributions.................. 2,300
For Social Security Contributions............... 4,400
For Group Insurance............................ 15,000
Total ........................................... $79,000

From the Federal Department of Agriculture Fund:
For Personal Services.......................... 222,600
For Retirement Contributions.................. 24,500
For Social Security Contributions............... 17,000
For Group Insurance............................ 60,000
Total ........................................... $324,100

From the Federal Department of Education Fund:
For Personal Services.......................... 756,200
For Retirement Contributions.................. 83,200
For Social Security Contributions............... 57,900
For Group Insurance............................ 186,000
Total ........................................... $1,083,300

GENERAL COUNSEL DIVISION

From the General Revenue Fund:
For Personal Services.......................... 890,400
For Retirement Contributions.................. 35,200

New matter indicated by italics - deletions by strikeout.
For Social Security Contributions.............. 65,600
Total                                      $991,200
From the Federal Department of Agriculture Fund:
  For Personal Services....................... 60,000
  For Retirement Contributions............... 6,600
  For Social Security Contributions.......... 4,600
  For Group Insurance........................ 12,000
  Total                                      $83,200
From the Federal Department of Education Fund:
  For Personal Services........................ 244,200
  For Retirement Contributions............... 26,900
  For Social Security Contributions.......... 17,400
  For Group Insurance........................ 36,000
  Total                                      $324,500
From the General Revenue Fund:
  For Personal Services........................ 219,800
  For Retirement Contributions............... 8,700
  For Social Security Contributions.......... 15,900
  Total                                      $244,400
From the Federal Department of Education Fund:
  For Personal Services........................ 113,600
  For Retirement Contributions............... 12,500
  For Social Security Contributions.......... 7,100
  For Group Insurance........................ 12,000
  Total                                      $145,200
From the General Revenue Fund:
  For Personal Services........................ 764,100
  For Retirement Contributions............... 30,200
  For Social Security Contributions.......... 57,600
  Total                                      $851,900
From the General Revenue Fund:
  For Personal Services........................ 146,700
  For Retirement Contributions............... 5,800
  For Social Security Contributions.......... 10,200
  Total                                      $162,700
New matter indicated by italics - deletions by strikeout.
From the General Revenue Fund:
For Personal Services................. 325,400
For Retirement Contributions........... 12,900
For Social Security Contributions.... 24,900
Total $363,200

OPERATIONS ADMINISTRATION DIVISION
From the General Revenue Fund:
For Personal Services................. 166,300
For Retirement Contributions......... 6,600
For Social Security Contributions..... 10,700
For Contractual Services............. 23,281,800
For Travel............................. 0
For Commodities....................... 0
For Printing........................... 0
For Equipment........................ 0
For Telecommunications.............. 0
For Operation of Automotive Equipment... 0
Total $23,465,400
From the Federal National Community Service Fund:
For Contractual Services.............. 5,000
For Travel............................. 10,000
For Commodities....................... 500
For Printing........................... 2,000
For Equipment........................ 1,000
For Electronic Data Processing........ 1,000
Total $19,500
From the Federal Department of Health and Human Services Fund:
For Contractual Services.............. 684,000
For Travel............................. 49,000
For Commodities....................... 21,000
For Printing........................... 11,000
For Equipment........................ 10,000
For Telecommunications.............. 12,000
Total $787,000
From the Federal Department of Labor Federal Trust Fund:
For Contractual Services.............. 150,000
For Travel............................. 20,000
For Telecommunications.............. 5,000
Total $175,000

New matter indicated by italics - deletions by strikeout.
From the Federal Department of Agriculture Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>2,900,000</td>
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<tr>
<td>For Travel</td>
<td>370,000</td>
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<tr>
<td>For Commodities</td>
<td>75,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>150,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>75,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>75,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$3,645,000</strong></td>
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</table>

From the Federal Department of Education Fund:

<table>
<thead>
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<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>43,012,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,387,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>440,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>609,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>383,500</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>612,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$46,445,500</strong></td>
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</table>

From the National Center for Education Statistics Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>8,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>43,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$52,000</strong></td>
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</tbody>
</table>

PUBLIC INFORMATION DIVISION

From the General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>708,900</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>28,100</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>54,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$791,200</strong></td>
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</table>

From the Federal Department of Agriculture Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>15,900</td>
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<tr>
<td>For Retirement Contributions</td>
<td>1,700</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>1,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>3,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$21,800</strong></td>
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From the Federal Department of Education Fund:

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<th>Item</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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</tr>
<tr>
<td>For Retirement Contributions</td>
<td>5,200</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>3,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>9,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$65,500</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
SPECIAL EDUCATION ADMINISTRATION DIVISION

From the Federal Department of Education Fund:
- For Personal Services: 158,700
- For Retirement Contributions: 17,500
- For Social Security Contributions: 11,000
- For Group Insurance: 24,000
Total: $211,200

STATE SUPERINTENDENT DIVISION

From the General Revenue Fund:
- For Personal Services: 317,500
- For Retirement Contributions: 12,600
- For Social Security Contributions: 15,800
Total: $345,900

ACCOUNTABILITY DIVISION

From the General Revenue Fund:
- For Personal Services: 823,900
- For Retirement Contributions: 32,600
- For Social Security Contributions: 62,700
Total: $919,200

From the Federal Department of Agriculture Fund:
- For Personal Services: 42,100
- For Retirement Contributions: 4,600
- For Social Security Contributions: 3,200
- For Group Insurance: 12,000
Total: $61,900

From the Federal Department of Education Fund:
- For Personal Services: 186,100
- For Retirement Contributions: 20,500
- For Social Security Contributions: 14,200
- For Group Insurance: 30,000
Total: $250,800

BUSINESS AND SUPPORT SERVICES DIVISION

From the General Revenue Fund:
- For Personal Services: 926,700
- For Retirement Contributions: 36,700
- For Social Security Contributions: 70,900
Total: $1,034,300

From the School Infrastructure Fund:
- For Personal Services: 69,900

New matter indicated by italics - deletions by strikeout.
For Retirement Contributions.................  2,800  
For Social Security Contributions..............  5,300  
For Group Insurance..........................  12,000  
Total                                      $90,000  

CAREER DEVELOPMENT DIVISION

From the General Revenue Fund:
  For Personal Services........................... 235,900  
  For Retirement Contributions.....................  9,400  
  For Social Security Contributions.................  18,000  
  Total                                         $263,300  

From the Federal Department of Education Fund:
  For Personal Services.......................... 485,900  
  For Retirement Contributions.....................  53,400  
  For Social Security Contributions...............  37,200  
  For Group Insurance.............................  96,000  
  Total                                         $672,500  

CURRICULUM AND INSTRUCTION DIVISION

From the General Revenue Fund:
  For Personal Services........................... 185,700  
  For Retirement Contributions.....................  7,400  
  For Social Security Contributions.................  14,200  
  Total                                         $207,300  

From the Federal National Community Service Fund:
  For Personal Services..........................  37,200  
  For Retirement Contributions.....................  4,100  
  For Social Security Contributions.................  2,800  
  For Group Insurance..............................  6,000  
  Total                                         $50,100  

From the Federal Department of Health and Human Services Fund:
  For Personal Services...........................  69,900  
  For Retirement Contributions.....................  7,700  
  For Social Security Contributions.................  5,300  
  For Group Insurance.............................  12,000  
  Total                                         $94,900  

From the Federal Department of Education Fund:
  For Personal Services........................... 862,700  
  For Retirement Contributions..................... 94,900  
  For Social Security Contributions...............  66,000  
  For Group Insurance............................. 159,000  

New matter indicated by italics - deletions by strikeout.
Total $1,182,600

**EARLY CHILDHOOD DIVISION**

From the General Revenue Fund:
- For Personal Services.......................... 133,700
- For Retirement Contributions.................... 5,300
- For Social Security Contributions.............. 10,200
- Total $149,200

From the Federal Department of Education Fund:
- For Personal Services.......................... 601,900
- For Retirement Contributions.................... 66,200
- For Social Security Contributions............... 46,000
- For Group Insurance............................ 108,000
- Total $822,100

**E-LEARNING DIVISION**

From the General Revenue Fund:
- For Personal Services.......................... 190,300
- For Retirement Contributions.................... 7,600
- For Social Security Contributions............... 14,600
- Total $212,500

From the Federal Department of Education Fund:
- For Personal Services.......................... 77,100
- For Retirement Contributions.................... 8,500
- For Social Security Contributions............... 5,900
- For Group Insurance............................ 12,000
- Total $103,500

**ENGLISH LANGUAGE DIVISION**

From the Federal Department Health and Human Services Fund:
- For Personal Services.......................... 72,800
- For Retirement Contributions.................... 8,000
- For Social Security Contributions............... 5,600
- For Group Insurance............................ 15,000
- Total $101,400

From the Federal Department of Education Fund:
- For Personal Services.......................... 785,400
- For Retirement Contributions.................... 86,400
- For Social Security Contributions............... 59,700
- For Group Insurance............................ 129,000
- Total $1,060,500

**NUTRITION PROGRAMS DIVISION**

New matter indicated by italics - deletions by strikeout.
From the General Revenue Fund:
  For Personal Services.......................... 21,700
  For Retirement Contributions..................... 900
  For Social Security Contributions............... 1,700
  Total $24,300
From the Federal Department of Agriculture Fund:
  For Personal Services....................... 2,320,400
  For Retirement Contributions................... 200,300
  For Social Security Contributions.............. 184,300
  For Group Insurance............................ 416,000
  Total $3,121,000

PLANNING AND PERFORMANCE DIVISION
From the General Revenue Fund:
  For Personal Services......................... 103,400
  For Retirement Contributions..................... 4,100
  For Social Security Contributions................ 7,000
  Total $114,500
From the Federal Department of Education Fund:
  For Personal Services.......................... 58,200
  For Retirement Contributions..................... 6,400
  For Social Security Contributions............... 3,600
  For Group Insurance............................ 6,000
  Total $74,200

SCHOOL FINANCE DIVISION
From the General Revenue Fund:
  For Personal Services......................... 132,500
  For Retirement Contributions..................... 5,300
  For Social Security Contributions............... 10,000
  Total $147,800

SPECIAL EDUCATION – CHICAGO DIVISION
From the Federal Department of Education Fund:
  For Personal Services....................... 1,100,600
  For Retirement Contributions.................... 121,100
  For Social Security Contributions............... 84,200
  For Group Insurance............................ 204,000
  Total $1,509,900

SPECIAL EDUCATION – SPRINGFIELD DIVISION
From the Federal Department of Education Fund:
  For Personal Services......................... 1,960,900

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Division</th>
<th>From the General Revenue Fund</th>
<th>From the National Center for Education Statistics Fund</th>
<th>From the Federal Department of Education Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Retirement Contributions</td>
<td>215,700</td>
<td>24,000</td>
<td>158,200</td>
<td>$1,598,600</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>150,000</td>
<td>46,500</td>
<td>110,000</td>
<td>$416,500</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>372,000</td>
<td>12,000</td>
<td>264,000</td>
<td>$768,000</td>
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<tr>
<td>Total</td>
<td>$953,700</td>
<td>$77,900</td>
<td>$1,970,000</td>
<td>$2,698,600</td>
</tr>
</tbody>
</table>

**STUDENT ASSESSMENT DIVISION**

| From the General Revenue Fund: | 607,400 | 46,500 | 1,437,800 | $2,191,700 |
| From the National Center for Education Statistics Fund: | 65,600 | 7,200 | 264,000 | $396,800 |
| Total | $677,900 | $53,700 | $1,701,800 | $2,698,400 |

**SYSTEM OF SUPPORT DIVISION**

| From the General Revenue Fund: | 87,300 | 6,700 | 1,462,100 | $1,556,100 |
| From the Federal Department of Education Fund: | 1,437,800 | 158,200 | 110,000 | $1,706,000 |
| Total | $1,525,100 | $164,900 | $1,572,100 | $2,262,100 |

**TEACHER CERTIFICATION AND PROFESSIONAL DEVELOPMENT DIVISION**

| From the General Revenue Fund: | 1,462,100 | 57,800 | 110,500 | $1,630,400 |
| From the Federal Department of Education Fund: | 182,700 | 20,100 | 14,000 | $216,800 |
| Total | $1,644,800 | $77,900 | $124,500 | $1,947,200 |

New matter indicated by italics - deletions by strikeout.
For Group Insurance.............................................. 36,000
Total                                                                                           $252,800

TECHNOLOGY SUPPORT DIVISION

From the General Revenue Fund:
For Personal Services................................. 1,024,400
For Retirement Contributions........................ 40,500
For Social Security Contributions.................... 77,700
Total                                                                                           $1,142,600

From the Federal Department of Agriculture Fund:
For Personal Services................................. 48,700
For Retirement Contributions........................ 5,400
For Social Security Contributions.................... 3,700
For Group Insurance...................................... 12,000
Total                                                                                           $69,800

From the Federal Department of Education Fund:
For Personal Services................................. 81,700
For Retirement Contributions........................ 9,000
For Social Security Contributions.................... 6,200
For Group Insurance...................................... 21,000
Total                                                                                           $117,900

From the General Revenue Fund:
For the Philip J. Rock Center
and School.................................................. 2,855,500
For the Summer Bridges Program...................... 24,738,100
For Regional Superintendents’ and Assistants’
Compensation............................................... 8,150,000
Total....................................................... $35,743,600

Section 10. The amount of $472,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with the Community Residential Services Authority.

Section 15. The amount of $1,399,000, or so much thereof as may be necessary, is appropriated from the Teacher Certificate Fee Revolving Fund to the Illinois State Board of Education for all costs associated with teacher certificates processing.

ARTICLE 2

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated from the General

New matter indicated by italics - deletions by strikeout.
Revenue Fund to the Illinois State Board of Education for the fiscal year beginning July 1, 2004:
   For Teachers’ Retirement – Chicago Public Schools....................... 65,044,700
   For Teachers’ Retirement System of Illinois – Health Insurance (including benefit equalization)................................. 68,714,000
   Total.................................................................................. $133,758,700

ARTICLE 3

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Educational Labor Relations Board for the objects and purposes hereinafter named:

OPERATIONS
For Personal Services................................. 1,000,000
For Employee Retirement Contributions
   Paid by Employer............................................. 0
For State Contributions to State Employees' Retirement System.................. 104,600
For State Contributions to Social Security........................................... 76,500
For Contractual Services.............................................. 170,000
For Travel................................................................. 0
For Commodities............................................................. 0
For Printing............................................................... 0
For Equipment............................................................... 0
For Electronic Data Processing................................. 0
For Telecommunications Services................................................. 0
For Operation of Automotive Equipment................................. 0
   Total........................................................................ $1,351,100

ARTICLE 4

Section 5. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Teachers’ Retirement System of the State of Illinois for the State's contributions, as provided by law:
   Payable from the Common School Fund........... 422,763,000
   Payable from the Education Assistance Fund....................... 300,000,000

New matter indicated by italics - deletions by strikeout.
Section 10. The following named amount, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Teachers' Retirement System for the objects and purposes hereinafter named:

For additional costs due to the establishment of minimum retirement allowances pursuant to Sections 16-136.2 and 16-136.3 of the "Illinois Pension Code", as amended.......................... 3,100,000

Total $3,100,000

Section 15. The sum of $44,190,000, minus the amount transferred to the Teachers' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Teachers' Retirement System pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.

ARTICLE 5

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

FOR OPERATIONS

ADMINISTRATIVE SERVICES

Payable from General Revenue Fund:
For Personal Services.......................... 1,678,800
For Employee Retirement Contributions
  Paid by Employer................................. 0
For State Contributions to State Employees' Retirement System.......... 175,500
For State Contributions to Social Security.......................... 128,200
For Contractual Services.......................... 169,700
For Travel........................................... 0
For Commodities................................... 0
For Printing......................................... 0
For Equipment....................................... 0

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services.......................... 0
For Operation of Auto Equipment.......................... 0
For Refunds............................................ 0
Total                                              $2,152,200

Payable from Wholesome Meat Fund:
For Personal Services.......................... 391,400
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For State Contributions to State
  Employees' Retirement System............... 41,000
For State Contributions to
  Social Security.............................. 30,000
For Group Insurance........................... 84,000
For Contractual Services....................... 20,400
For Travel....................................... 0
For Commodities................................... 0
For Printing..................................... 0
For Equipment.................................. 0
For Telecommunications Services............... 0
For Operation of Auto Equipment............... 0
Total                                                                  $566,800

Payable from the Illinois Rural Rehabilitation Fund:
For Illinois' part in administration
  of Titles I and II of the federal
  Bankhead-Jones Farm Tenant Act:
For Operations.................................. 5,000

  Section 10. The sum of $0, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

  Section 15. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

  Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

    COMPUTER SERVICES

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund:
For Personal Services......................... 722,000
For Employee Retirement Contributions
   Paid by Employer.......................... 0
For State Contributions to State
   Employees' Retirement System............. 75,500
For State Contributions to
   Social Security........................... 55,300
For Contractual Services..................... 71,400
For Commodities............................. 0
For Printing................................... 0
For Equipment.................................. 0
For Telecommunications Services............ 25,100
Total.......................................... $949,300

Payable from Agricultural Premium Fund:
For Personal Services.......................... 174,000
For Employee Retirement Contributions
   Paid by Employer.......................... 0
For State Contributions to State
   Employees' Retirement System............. 18,200
For State Contributions to
   Social Security........................... 13,300
For Contractual Services..................... 45,400
For Equipment.................................. 0
For Telecommunications Services............ 5,000
Total......................................... $255,900

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

FOR OPERATIONS
AGRICULTURE REGULATION

Payable from General Revenue Fund:
For Personal Services......................... 2,726,300
For Employee Retirement Contributions
   Paid by Employer.......................... 0
For State Contributions to State
   Employees' Retirement System............. 285,000

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0681

Section 30. The sum of $0, or so much thereof as may be necessary, is appropriated from the Fertilizer Control Fund to the Department of Agriculture for Fertilizer Research.

Section 35. The sum of $0, or so much thereof as may be necessary, is appropriated from the Feed Control Fund to the Department of Agriculture for Feed Control.

Section 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

MARKETING

Payable from General Revenue Fund:
For Personal Services.......................... 556,700
For Employee Retirement Contributions
  Paid by Employer................................. 0
For State Contributions to State
  Employees' Retirement System................ 58,200
For Social Security............................... 42,600
For Contractual Services....................... 9,700
For Travel.......................................... 0
For Commodities.................................. 0
For Printing.................................... 0
For Equipment.................................... 0
For Telecommunications Services................ 0

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

For Operation of Auto Equipment........................ 0
Total $667,200
Payable from Agricultural Premium Fund:
For Expenses Connected With the Promotion and Marketing of Illinois Agriculture and Agriculture Exports.......................... 0
For Implementation of programs and activities to promote, develop and enhance the biotechnology industry in Illinois.......................... 0
For expenses related to a contractual Viticulturist and a contractual Enologist.......................... 0
Payable from Agricultural Marketing Services Fund:
For administering Illinois' part under Public Law No. 733, "An Act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products".............. 0
Payable from Agriculture Federal Projects Fund:
For expenses of various Federal Projects........ 750,000

Section 45. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Agriculture Assembly.

Section 50. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Illinois AgriFIRST Program.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES

Payable from General Revenue Fund:
For Personal Services.......................... 3,085,700
For Employee Retirement Contributions Paid by Employer.......................... 0

New matter indicated by italics - deletions by strikeout.
For State Contributions to State Employees' Retirement System ................... 322,600
For State Contributions to Social Security .......................... 235,600
For Contractual Services ............................. 705,700
For Travel ............................................. 0
For Commodities ........................................ 0
For Printing ........................................... 0
For Equipment .......................................... 0
For Telecommunications Services ................................. 0
For Operation of Auto Equipment .................. 0
For Swine Disease Research .................. 41,400
For Bovine Disease Research ..................... 19,600
Total                                                                 $4,410,600

Payable from the Illinois Department of Agriculture Laboratory Services Revolving Fund:
For Expenses Authorized by the Animal Disease Laboratories Act .................. 700,000

Payable from the Agriculture Federal Projects Fund:
For Expenses of Various Federal Projects .................. 1,285,000

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

MEAT AND POULTRY INSPECTION

Payable from the General Revenue Fund:
For Personal Services .......................... 2,864,800
For Employee Retirement Contributions Paid by Employer .................. 0
For State Contributions to State Employees' Retirement System ............... 299,500
For State Contributions to Social Security .......................... 218,900
For Contractual Services .................. 100
For Travel ............................................. 3,800
For Commodities ........................................ 100

New matter indicated by italics - deletions by strikeout.
For Printing................................. 100
For Equipment................................. 1,000
For Telecommunications Services............. 11,300
For Operation of Auto Equipment.............. 12,300
Total $3,411,900
Payable from Wholesome Meat Fund:
For Personal Services.......................... 2,339,700
For Employee Retirement Contributions
Paid by Employer................................ 0
For State Contributions to State
Employees' Retirement System............... 244,600
For State Contributions to
Social Security................................ 179,000
For Group Insurance............................ 708,000
For Contractual Services..................... 95,000
For Travel..................................... 225,000
For Commodities............................... 70,000
For Printing.................................... 109,300
For Equipment.................................. 109,300
For Telecommunications Services............. 109,300
For Operation of Auto Equipment.............. 109,300
Total $4,227,900
Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

WEIGHTS AND MEASURES
Payable from the General Revenue Fund:
For Personal Services.......................... 687,700
For Employee Retirement Contributions
Paid by Employer................................ 0
For State Contributions to State
Employees' Retirement System............... 71,900
For State Contributions to
Social Security................................ 52,600
For Contractual Services..................... 9,300
For Travel..................................... 20,600
For Commodities............................... 3,000
For Printing.................................... 8,300
For Equipment................................. 16,000

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services.................... 7,200
For Operation of Auto Equipment................... 25,400
For Expenses of a Motor Fuel and
Petroleum Standards Program
pursuant to P.A. 86-0232........................ 82,500
Total $984,500
Payable from the Agriculture Federal
Projects Fund:
For Expenses of various
Federal Projects.......................... 100,000
Total $100,000
Payable from the Weights and Measures Fund:
For Personal Services......................... 1,035,600
For Employee Retirement Contributions
Paid by Employer............................... 0
For State Contributions to State
Employees' Retirement System.............. 108,300
For State Contributions to
Social Security............................ 79,200
For Group Insurance.......................... 276,000
For Contractual Services...................... 184,500
For Travel..................................... 98,700
For Commodities............................. 25,900
For Printing.................................. 5,300
For Equipment............................... 315,600
For Telecommunications Services............ 19,600
For Operation of Auto Equipment.......... 112,700
Total $2,261,400
Payable from Agricultural Master Fund:
For Expenses Relating to
Administering Federal Cooperative
Agreements Relating to Enforcement of
Marketing Regulations...................... 415,000

Section 70. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Agriculture for:

ENVIRONMENTAL PROGRAMS

Payable from the General Revenue Fund:
For Administration of the Livestock

New matter indicated by italics - deletions by strikeout.
Management Facilities Act.............................................. 300,300
Payable from the Used Tire Management Fund:
For Mosquito Control............................................... $40,000

Section 75. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

SPRINGFIELD BUILDINGS AND GROUNDS
Payable from General Revenue Fund:
For Personal Services.......................... 2,802,800
For Employee Retirement Contributions
   Paid by Employer................................. 0
For State Contributions to State Employees' Retirement System............... 293,000
For State Contributions to Social Security.......................... 226,600
For Contractual Services....................... 1,784,000
For Payment to the City of Springfield for Fire Protection Services at the Illinois State Fairgrounds........... 145,500
For Commodities................................... 82,500
For Equipment.................................... 125,000
For Telecommunications Services............... 60,300
For Operation of Auto Equipment............. 6,600
Total............................................... $5,526,300

Section 80. The sum of $1,150,000, or so much thereof as may be necessary, is appropriated from the Illinois State Fair Fund to the Department of Agriculture to satisfy obligations related to the development, use, and operation of a multi-purpose outdoor theater, and to promote and conduct activities at the Illinois State Fairgrounds at Springfield other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairground uses sufficient to offset such expenditures have been collected and deposited into the Illinois State Fair Fund.

Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

DUQUOIN BUILDINGS AND GROUNDS
Payable from General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services............................                                          969,200
For Employee Retirement Contributions
   Paid by Employer.....................................                                                0
For State Contributions to State
   Employees' Retirement System....................                                  101,400
For State Contributions to
   Social Security.....................................                                            74,700
For Contractual Services.................................                                        339,300
For Travel.........................................                                                  7,200
For Commodities...................................                                           63,000
For Equipment.....................................                                             94,000
For Telecommunications Services....................                                 17,600
For Operation of Auto Equipment...................                                        7,400
Total                                                                                         $1,673,800

Section 90. The sum of $316,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture to conduct activities at the Illinois State Fairgrounds at DuQuoin other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairgrounds uses sufficient to offset such expenditures have been collected and deposited into the Agricultural Premium Fund.

Section 95. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

DUQUOIN STATE FAIR
Payable from General Revenue Fund:
For Personal Services............................                                          255,500
For Employee Retirement Contributions
   Paid by Employer.....................................                                                0
For State Contributions to State
   Employees' Retirement System....................                                  26,800
For State Contributions to
   Social Security.....................................                                            20,700
For Contractual Services.................................                                        425,600
For Travel.........................................                                                  5,800
For Commodities...................................                                           23,700
For Printing.......................................                                                  8,400
For Equipment.....................................                                             6,800

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services.................. 34,600
For Operation of Auto Equipment.................. 1,000
For Entertainment at the
DuQuoin State Fair.................................. 479,600
Total $1,288,500

Payable from the Agricultural Premium Fund:
For Financial Assistance for the
DuQuoin State Fair.................................. 455,200

Section 100. The following named amount, or so much thereof as
may be necessary, is appropriated to the Department of Agriculture for:

ILLINOIS STATE FAIR

Payable from the Illinois State Fair Fund:
For Operations of the Illinois State Fair
Including Entertainment and the Percentage
Portion of Entertainment Contracts................. 4,000,000
Total $4,000,000

Section 105. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Agriculture for:

COUNTY FAIRS AND HORSE RACING

Payable from the Agricultural Premium Fund:
For Personal Services............................ 188,100
For Employee Retirement Contributions
  Paid by Employer................................. 0
For State Contributions to State
  Employees' Retirement System.................... 19,700
For State Contributions to
  Social Security.................................. 14,400
For Contractual Services.......................... 5,800
For Travel.......................................... 3,500
For Commodities.................................. 2,000
For Printing....................................... 3,500
For Equipment.................................... 11,300
For Telecommunications Services............... 4,900
For Operation of Auto Equipment.............. 2,000
Total $255,200

Payable from Illinois Standardbred
Breeders Fund:
For Personal Services............................ 77,700

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
  Paid by Employer................................. 0
For State Contributions to State
  Employees' Retirement System.................... 8,200
For State Contributions to Social Security......................... 6,000
For Contractual Services............................. 20,600
For Travel........................................... 5,000
For Commodities.................................... 2,000
For Printing......................................... 3,000
For Operation of Auto Equipment...................... 4,000
Total                                                                 $126,500
Payable from Illinois Thoroughbred Breeders Fund:
For Personal Services................................. 300,600
For Employee Retirement Contributions
  Paid by Employer................................. 0
For State Contributions to State
  Employees' Retirement System.................... 31,500
For State Contributions to Social Security......................... 23,000
For Contractual Services............................. 26,100
For Travel........................................... 0
For Commodities.................................... 2,000
For Printing......................................... 2,100
For Equipment......................................... 0
For Telecommunications Services....................... 15,600
For Operation of Auto Equipment...................... 6,500
Total                                                                 $407,400

Section 110. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ADMINISTRATIVE SERVICES PROGRAMS
Payable from the Illinois Rural Rehabilitation Fund:
For Illinois' part in administration of Titles I and II of the federal Bankhead-Jones Farm Tenant Act:
For Programs, Loans and Grants.......................... 38,000

New matter indicated by italics - deletions by strikeout.
Payable from the General Revenue Fund:
For the Agricultural Leadership Foundation ............ 0
For distribution of institutional agricultural research grants to public universities authorized by the Food and Agriculture Research Act to include administrative costs incurred by the Department of Agriculture pursuant to Section 15 of the Food and Agriculture Research Act (Public Act 89-182)........ 0
Total $38,000

Section 115. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES PROGRAMS

Payable from General Revenue Fund:
For awards for destruction of livestock, as provided by law......................... 4,900

Section 120. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

ILLINOIS STATE FAIR PROGRAMS

Payable from the General Revenue Fund:
For Awards to Livestock Breeders and related expenses......................... 167,200
For Awards and Premiums at the Illinois State Fair and related expenses........................ 309,400
For Awards and Premiums for Grand Circuit Horse Racing at the Illinois State Fairgrounds and related expenses........................ 143,700
Total $620,300

Payable from the Illinois State Fair Fund:
For Awards to Livestock Breeders and related expenses........................ 57,400
For Awards and Premiums at the Illinois State Fair and related expenses........................ 173,200

New matter indicated by italics - deletions by strikeout.
and related expenses.............................. 49,400
Total                                       $280,000

Section 125. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

DUQUOIN STATE FAIR PROGRAMS
Payable from General Revenue Fund:
For awards and premiums to the
    DuQuoin State Fair and related expenses........ 145,000
For harness racing at the
    DuQuoin State Fair and related expenses............ 30,700
Total                                       $175,700

Section 130. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

COUNTY FAIRS AND HORSE RACING PROGRAMS
Payable from the Illinois Racing
Quarterhorse Breeders Fund:
    For promotion of the Illinois horse
        racing and breeding industry.................... 71,200
Payable from the Illinois Standardbred
Breeders Fund:
    For grants and other purposes..................... 1,473,200
Payable from the Illinois Thoroughbred
Breeders Fund:
    For grants and other purposes..................... 2,007,900
    Total                                       $3,552,300
Payable from the Agricultural Premium Fund:
For distribution to encourage and aid
    county fairs and other agricultural
    societies. This distribution shall be
    prorated and approved by the Department
    of Agriculture.................................... 2,146,100
For premiums to agricultural extension
    or 4-H clubs to be distributed at a
    uniform rate....................................... 0
For premiums to vocational
    agriculture fairs................................. 179,500
For rehabilitation of county fairgrounds.......... 0
For grants and other purposes for county

New matter indicated by italics - deletions by strikeout.
fair and state fair horse racing.............. 413,000
Total $2,738,600

Payable from the General Revenue Fund:
For distribution to county fairs for
premiums and rehabilitation as set
forth in the Agriculture Fair Act.................
Total 0

Payable from Fair and Exposition Fund:
For distribution to County Fairs and
Fair and Exposition Authorities ......... 1,357,400
Total $1,357,400

Section 135. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Department of Agriculture for:

PESTICIDE CONTROL

Payable from the General Revenue Fund:
For Personal Services......................... 845,500
For Employee Retirement Contributions
Paid by Employer............................... 0
For State Contributions to State
Employees' Retirement System.............. 88,400
For State Contributions to Social Security......................... 64,700
For Contractual Services...................... 1,800
For Travel................................. 19,000
For Commodities.............................. 800
For Printing................................. 1,000
For Equipment............................... 900
For Telecommunications Services.......... 10,500
For Operation of Auto Equipment.......... 5,000
For the Detection, Eradication, and
Control of Exotic Pests, such
as the Asian Long-Horned Beetle
and Gypsy Moth............................. 214,900
Total $1,252,500

Payable from Agriculture Pesticide
Control Act Fund:
For Expenses of Pesticide Enforcement Program............... $770,000

New matter indicated by italics - deletions by strikeout.
Payable from Pesticide Control Fund:
For Administration and Enforcement of the Pesticide Act of 1979.................. $2,363,300

Payable from the Agriculture Federal Projects Fund:
For Expenses of Various Federal Projects........................................ $787,000

Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

LAND AND WATER RESOURCES

Payable from the Agricultural Premium Fund:
For Personal Services.............................. 795,700
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For State Contributions to State Employees' Retirement System............. 83,200
For State Contributions to Social Security.................................. 60,900
For Contractual Services......................................................... 110,100
For Travel................................................................. 22,800
For Commodities................................................. 7,000
For Printing.......................................................... 7,900
For Equipment......................................................... 39,900
For Telecommunications Services.............................. 20,500
For Operation of Auto Equipment....................... 15,000
For the Ordinary and Contingent Expenses of the Natural Resources Advisory Board........ 2,000
Total $1,165,000

Payable from the Agriculture Federal Projects Fund:
For Expenses Relating to Various Federal Projects.......................... 815,000

Section 145. The sum of $5,700,000, or so much thereof as may be necessary, is appropriated to the Department of Agriculture from the Conservation 2000 Fund for the Conservation 2000 Program to implement agricultural resource enhancement programs for Illinois' natural resources, including operational expenses, consisting of the following elements at the approximate costs set forth below:
Conservation Practices

New matter indicated by italics - deletions by strikeout.
Cost Sharing Program.......................... 2,300,000
Sustainable Agriculture Programs............. 700,000
Soil and Water Conservation Grants........... 1,950,000
Streambank Restoration........................... 750,000

Section 150. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**LAND AND WATER RESOURCES PROGRAMS**

Payable from the General Revenue Fund:
For Soil Surveys in Mapping Illinois
Soil and operational expenses.................. 411,100

For grants to Soil and Water Conservation Districts for clerical and other personnel, for education and promotional assistance, and for expenses of Water Conservation District Boards and administrative expenses................................. 5,776,700

Total                                                                                         $6,187,800

**ARTICLE 6**

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

**GENERAL OFFICE**

For Personal Services............................ 28,078,400
For State Contribution to State
   Employees' Retirement System................. 3,088,600
For State Contribution to Social Security.... 2,148,000
For Employees' Retirement Contributions
   Paid by Employer............................... 503,700
For Contractual Services......................... 2,470,000
For Travel........................................... 350,000
For Commodities.................................... 125,000
For Printing........................................... 120,000
For Equipment........................................ 0
For Electronic Data Processing.................. 1,450,000
For Telecommunications........................... 690,000
For Operation of Auto Equipment................. 90,000
For Operational Expenses, Office

New matter indicated by italics - deletions by strikeout.
of the Inspector General.......................... 300,000
Total                                     $39,413,700

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

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

ENVIRONMENTAL ENFORCEMENT
ASBESTOS LITIGATION DIVISION

For Personal Services............................ 1,191,000
For State Contribution to State Employees' Retirement System................... 131,000
For State Contribution to Social Security........... 91,100
For Employees' Retirement Contributions Paid by the Employer....................... 20,300
For Group Insurance................................ 264,000
For Contractual Services........................... 460,000
For Travel............................................ 0
For Operational Expenses............................ 60,000
Total                                      $2,217,400

Section 20. The amount of $3,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund to the Office of the Attorney General for use, subject to pertinent court order or agreement, in the performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 25. The amount of $950,000, or so much thereof as may be necessary, is appropriated from the Illinois Charity Bureau Fund to the Office of the Attorney General to enforce the provisions of the Solicitation for Charity Act and to gather and disseminate information about charitable trustees and organizations to the public.

Section 30. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Whistleblower Reward and

New matter indicated by italics - deletions by strikeout.
Protection Fund to the Office of the Attorney General for State law enforcement purposes.

Section 35. The amount of $900,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Attorney General for financial support under the Capital Crimes Litigation Act.

Section 40. The amount of $750,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Attorney General for the funding of a unit responsible for oversight, enforcement, and implementation of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96L13146), for enforcement of the Tobacco Product Manufacturers' Escrow Act, and for handling remaining tobacco-related litigation.

Section 45. The amount of $3,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General's State Projects and Court Ordered Distribution Fund to the Attorney General for payment of interagency agreements, for court-ordered distributions to third parties, and, subject to pertinent court order, for performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 50. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Attorney General's Grant Fund to the Office of the Attorney General to be expended in accordance with the terms and conditions upon which those funds were received.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Attorney General to meet the ordinary and contingent expenses of the Attorney General:

**OPERATIONS**

Payable from the Violent Crime Victims Assistance Fund:

For Personal Services.............................. 775,400
For State Contribution to State Employees' Retirement System.......................... 85,300
For State Contribution to Social Security............ 59,800
For Employees' Retirement Contributions
   Paid by the Employer............................ 14,100
For Group Insurance................................. 204,000
For Operational Expenses,

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0681

Crime Victims Services Division................. 130,000
For Operational Expenses,
   Automated Victim Notification System......... 800,000
For Awards and Grants under the Violent
   Crime Victims Assistance Act............... 7,300,000
Total $9,368,600

Section 60. The amount of $280,000, or so much thereof as may
be necessary, is appropriated from the Child Support Administrative Fund
to the Office of the Attorney General for child support enforcement
purposes.

Section 65. The amount of $3,000,000, or so much thereof as may
be necessary, is appropriated from the Attorney General Federal Grant
Fund to the Office of the Attorney General for funding for federal grants.

Section 70. The amount of $500,000, or so much thereof as may
be necessary, is appropriated from the Sex Offender Management Board
Fund to the Sex Offender Management Board for the purposes authorized
by the Sex Offender Management Board Act including, but not limited to,
sex offender evaluation, treatment, and monitoring programs and grants.
Funding received from private sources is to be expended in accordance
with the terms and conditions placed upon the funding.

Section 75. The amount of $50,000, or so much thereof as may be
necessary, is appropriated from the Statewide Grand Jury Prosecution
Fund to the Office of the Attorney General for expenses incurred in
criminal prosecutions arising under the Statewide Grand Jury Act.

ARTICLE 7

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named are appropriated to the Department of Central Management
Services:

   BUREAU OF ADMINISTRATIVE OPERATIONS
   PAYABLE FROM GENERAL REVENUE FUND

For Personal Services......................... 3,118,000
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contributions to State
   Employees' Retirement System............... 333,300
For State Contributions to Social
   Security........................................ 217,400
For Contractual Services...................... 306,400

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>336,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Refunds</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$4,311,600</td>
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</tbody>
</table>

PAYABLE FROM STATE GARAGE REVOLVING FUND

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>400,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>41,900</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>30,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>96,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>16,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>860,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$1,445,400</td>
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</table>

PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>598,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contribution to State Employees' Retirement Fund</td>
<td>62,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>45,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>108,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>14,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Equipment........................................ 0
For Electronic Data Processing.................. 11,800
For Telecommunications Services............... 0
Total                                        $840,600

PAYABLE FROM PAPER AND PRINTING REVOLVING FUND
For Personal Services........................... 49,900
For Employee Retirement Contributions
Paid by Employer................................... 0
For State Contributions to State
Employees' Retirement System................... 5,300
For State Contribution to
Social Security................................... 3,900
For Group Insurance.............................. 12,000
For Contractual Services......................... 500
For Commodities................................ 0
For Printing........................................ 0
For Equipment..................................... 0
For Electronic Data Processing............... 107,100
For Telecommunications Services.............. 0
Total                                        $178,700

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services......................... 467,100
For Employee Retirement Contributions
Paid by Employer................................... 0
For State Contributions to State
Employees' Retirement System.................. 48,900
For State Contribution to
Social Security.................................. 35,800
For Group Insurance............................ 108,000
For Contractual Services...................... 29,800
For Travel........................................ 0
For Commodities.................................. 0
For Printing...................................... 0
For Equipment.................................... 0
For Electronic Data Processing.......... 4,804,700
For Telecommunications Services............ 0
Total                                        $5,494,300

PAYABLE FROM PROFESSIONAL SERVICES FUND
For Personal Services......................... 5,932,100

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by Employer......................... 0
For State Contributions to State
Employees' Retirement System.......... 620,100
For State Contributions to Social
Security................................. 453,800
For Group Insurance...................... 1,344,000
For Contractual Services................. 334,800
For Travel.................................. 0
For Commodities.......................... 0
For Printing................................ 0
For Equipment............................. 0
For Electronic Data Processing.......... 100,200
For Telecommunications Services........ 0
For Internal Audit Consolidation........ 2,580,100
Total $11,365,100

Section 10. In addition to any other amounts heretofore appropriated for such purpose, $0, or so much thereof as may be necessary, is appropriated from the Efficiency Initiatives Revolving Fund to the Department of Central Management Services for costs associated with the efficiency initiatives authorized by Section 405-292 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois.

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Central Management Services:

ILLINOIS INFORMATION SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services.................... 757,600
For Employee Retirement Contributions
Paid by Employer........................... 0
For State Contributions to State
Employees' Retirement System.......... 79,200
For State Contributions to Social
Security................................. 53,100
For Contractual Services................ 59,000
For Travel.................................. 0
For Commodities.......................... 0

New matter indicated by italics - deletions by strikeout.
For Printing............................................. 0
For Equipment........................................ 0
For Telecommunications Services..................... 0
For Operation of Auto Equipment....................... 0
Total                                                                                               $948,900
PAYABLE FROM PAPER AND PRINTING REVOLVING FUND
For Personal Services.................................. 0
For Employee Retirement Contributions
  Paid by Employer...................................... 0
For State Contributions to State
  Employees' Retirement System........................... 0
For State Contributions to Social Security............. 0
For Group Insurance.................................... 0
For Contractual Services............................... 0
For Travel............................................. 0
For Commodities........................................ 0
For Printing............................................ 0
For Equipment.......................................... 0
For Telecommunications Services....................... 0
For Operation of Auto Equipment....................... 0
For Warehouse Stock for all State Agencies
  and For Printing and Distribution of
  Wall Certificates.................................... 0
For Refunds........................................... 0
Total                                                                                               $0
PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services................................. 1,267,900
For Employee Retirement Contributions
  Paid by Employer...................................... 0
For State Contributions to State
  Employees' Retirement System........................ 132,600
For State Contributions to Social Security............ 97,000
For Group Insurance................................... 372,000
For Contractual Services............................. 1,676,200
For Travel............................................. 0
For Commodities....................................... 0
For Printing............................................ 0

New matter indicated by italics - deletions by strikeout.
For Equipment.......................................... 0
For Telecommunications Services............... 0
For Operation of Auto Equipment............... 0
Total $3,545,700

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

BUREAU OF STRATEGIC SOURCING AND PROCUREMENT
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 1,604,000
For Employee Retirement Contributions
Paid by Employer..................................... 0
For State Contributions to State Employees' Retirement System............... 197,700
For State Contributions to Social Security........................................ 111,800
For Contractual Services....................... 102,100
For Travel............................................. 0
For Commodities........................................ 0
For Printing........................................... 0
For Equipment........................................ 0
For Telecommunications Services............... 0
For Operation of Auto Equipment............... 0
For Expenses Related to the Procurement Policy Board...................... 189,800
Total $2,205,400

PAYABLE FROM STATE GARAGE REVOLVING FUND
For Personal Services......................... 7,570,000
For Employee Retirement Contributions
Paid by Employer..................................... 0
For State Contributions to State Employees' Retirement System............... 791,300
For State Contributions to Social Security........................................ 579,000
For Group Insurance................................ 1,752,000
For Contractual Services....................... 1,107,000
For Travel............................................. 0
For Commodities........................................ 0

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>298,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>146,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>107,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>336,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>21,217,100</td>
</tr>
<tr>
<td>Total</td>
<td>$33,016,400</td>
</tr>
</tbody>
</table>

**PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>128,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>13,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>9,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>36,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$1,408,900</td>
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</table>

**PAYABLE FROM PAPER AND PRINTING REVOLVING FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>298,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>107,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>336,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>21,217,100</td>
</tr>
<tr>
<td>Total</td>
<td>$33,016,400</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Warehouse Stock for all State Agencies and for printing and distribution of wall certificates............. 1,971,100
For Refunds............................................ 0
Total $2,315,500

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services......................... 460,000
For Employee Retirement Contributions
Paid by Employer................................. 0
For State Contributions to State
Employees' Retirement System............... 48,100
For State Contributions to Social
Security................................................ 35,200
For Group Insurance......................... 108,000
For Contractual Services................. 9,000
For Travel......................................... 0
For Commodities................................. 0
For Printing........................................ 0
For Equipment..................................... 0
For Electronic Data Processing........... 13,300
For Telecommunications Services........ 0
Total $673,600

PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For Personal Services......................... 411,400
For Employee Retirement Contributions
Paid by Employer................................. 0
For State Contributions to State
Employees' Retirement System............... 43,000
For State Contributions to Social
Security................................................ 31,500
For Group Insurance......................... 84,000
For Contractual Services..................... 7,000
For Travel......................................... 0
For Commodities................................. 0
For Printing........................................ 0
For Equipment..................................... 0
For Electronic Data Processing........... 12,300
For Telecommunications Services........ 0
Total $589,200

New matter indicated by italics - deletions by strikeout.
Section 25. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF BENEFITS
PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>546,600</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>57,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>38,800</td>
</tr>
<tr>
<td>For Group Insurance and for Payment of Workers' Compensation Act Claims</td>
<td>995,940,000</td>
</tr>
<tr>
<td>for First Aid, Medical, Surgical and Hospital Services</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>61,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For payment of claims under the Representation and Indemification in Civil Lawsuits Act</td>
<td>1,539,000</td>
</tr>
<tr>
<td>For payment of Workers' Compensation Act claims and contractual services in connection with said claims payments</td>
<td>14,500,000</td>
</tr>
<tr>
<td>For auto liability, adjusting and administration of claims, loss control and prevention services, and auto liability claims</td>
<td>1,666,900</td>
</tr>
<tr>
<td>Total</td>
<td>$999,864,700</td>
</tr>
</tbody>
</table>

PAYABLE FROM LOCAL GOVERNMENT HEALTH INSURANCE RESERVE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>471,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Paid by Employer............................................ 0
For State Contributions to State
  Employees' Retirement System....................... 49,300
For State Contributions to Social Security
  Security.................................................. 36,100
For Group Insurance................................. 132,000
For Contractual Services............................. 169,500
For Travel............................................. 0
For Commodities......................................... 0
For Printing........................................... 0
For Equipment.......................................... 0
For Electronic Data Processing....................... 0
For Telecommunications Services................... 0
For Operation of Auto Equipment................... 0
Total $858,300

For the Local Governments Contribution
Under Program of Group Life, Dental, Hospital,
And Surgical And Medical Insurance For
Persons Serving Local Governments............ 115,000,000

PAYABLE FROM ROAD FUND
For Group Insurance................................. 121,659,000
For payment of claims and claims administration under the
Workers' Compensation Act......................... 5,364,400

PAYABLE FROM GROUP INSURANCE PREMIUM FUND
For expenses of Cost Containment Program...... 288,000
For Life Insurance Coverage As Elected
By Members Per The State Employees
Group Insurance Act................................. 77,433,000

PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For Expenses of a Cost Containment Program.... 158,900
For Provisions of Health Care Coverage
As Elected by Eligible Members Per State
Employees Group Insurance Act................... 1,642,186,300

PAYABLE FROM WORKERS' COMPENSATION REVOLVING FUND
For payment of claims and claims administration under the Workers’ Compensation Act.................. 650,000

New matter indicated by italics - deletions by strikeout.
Expenditures from appropriations for treatment and expense may be made after the Department of Central Management Services has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person.

Expenditures for this purpose may be made by the Department of Central Management Services without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

**PAYABLE FROM STATE EMPLOYEES DEFERRED COMPENSATION FUND**

For expenses related to the administration of the State Employees Deferred Compensation Plan............................ 1,698,300

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

**BUREAU OF PERSONNEL**

**PAYABLE FROM GENERAL REVENUE FUND**

For Personal Services......................... 5,265,900
For Employee Retirement Contributions
Paid by Employer..................................... 0
For State Contributions to State Employees' Retirement System.................. 553,500
For State Contributions to Social Security........................................ 405,100
For Contractual Services............................ 197,900
For Travel............................................. 0
For Commodities....................................... 0
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services...................... 0
For Operation of Auto Equipment........................ 0
For Awards to Employees and Expenses of Employees' Suggestion

New matter indicated by italics - deletions by strikeout.
Award Board........................................... 0
For Wage Claims....................................... 906,200
For Expenses of Compensation Review Board......... 0
For Expenses of the Upward Mobility Program ........ 0
For Expenses of the Ethics Commission
of the Governor....................................... 0
For Expenses of the Governor's Commission
on the Status of Women in Illinois................... 0
For Veterans' Job Assistance Program................... 0
For Governor's and Vito Marzullo's
Internship programs................................... 762,100
For Nurses' Tuition.................................... 0
Total $8,090,700

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Department of Central Management Services:

**BUSINESS ENTERPRISE PROGRAM**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>301,900</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>31,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>21,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>74,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$455,500</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM MINORITY AND FEMALE BUSINESS ENTERPRISE FUND**

For Expenses of the Business Enterprise Program.......................... 0

New matter indicated by italics - deletions by strikeout.
Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

**BUREAU OF PROPERTY MANAGEMENT**  
**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>6,687,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
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</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>699,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>468,250</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>10,786,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Surplus Real Property</td>
<td>203,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$34,134,750</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>607,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>63,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>46,500</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>84,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>438,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,270,000</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM STATE SURPLUS PROPERTY REVOLVING FUND**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>965,400</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
  Paid by Employer...................................... 0
For State Contributions to State
  Employees' Retirement System.................... 101,000
For State Contributions to Social
  Security................................................. 73,900
For Group Insurance................................. 228,000
For Contractual Services............................. 567,500
For Travel................................................... 0
For Commodities.......................................... 0
For Printing.............................................. 0
For Equipment............................................. 0
For Electronic Data Processing....................... 0
For Telecommunications Services..................... 0
For Operation of Auto Equipment....................... 0
For Expenses of a Recycling
  Program.................................................. 0
For Refunds............................................... 0
Total $2,342,800

Section 45. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Facilities Management Revolving Fund to the Department of Central Management Services for expenses related to the management of facilities operated by the Department.

Section 50. The sum of $138,000, or so much thereof as may be necessary, is appropriated from the Special Events Revolving Fund to the Department of Central Management Services for expenses related to the lease or rental of buildings subject to the jurisdictions of the Department of Central Management Services to individuals or organizations, pursuant to Public Act 84-0961.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to the Department of Central Management Services:

  BUREAU OF COMMUNICATION AND COMPUTER SERVICES
  PAYABLE FROM GENERAL REVENUE FUND

  For Education Technology, including
  operating and administrative costs.............. 23,000,000
PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND
For Personal Services......................... 18,650,000

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
   Paid by Employer................................. 0
For State Contributions to State
   Employees' Retirement System.................. 2,100,600
For State Contributions to Social
   Security........................................... 1,537,400
For Group Insurance............................... 3,096,000
For Contractual Services......................... 2,608,600
For Travel........................................... 0
For Commodities.................................... 0
For Printing......................................... 0
For Equipment....................................... 0
For Electronic Data Processing.................... 70,929,600
For Telecommunications Services.................. 3,887,500
For Operation of Auto Equipment.................. 0
For Refunds......................................... 0
Total................................................................ $110,726,700

   PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services......................... 6,942,000
For Employee Retirement Contributions
   Paid by Employer................................. 0
For State Contributions to State
   Employees' Retirement System.................. 725,600
For State Contributions to Social
   Security........................................... 531,100
For Group Insurance............................... 1,296,000
For Contractual Services......................... 0
For Travel........................................... 0
For Commodities.................................... 0
For Printing......................................... 0
For Equipment....................................... 0
For Telecommunications Services.............. 133,871,600
For Operation of Auto Equipment................ 0
For Refunds......................................... 0
Total................................................................ $146,014,700

Section 60. The amount of $4,061,300, or so much thereof as may be necessary, is appropriated from the Statistical Services Revolving Fund to the Department of Central Management Services for expenses related to

New matter indicated by italics - deletions by strikeout.
the study, development and implementation of technology standards including related administrative expenses.

Section 65. The sum of $8,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Central Management Services for expenses of the Compensation Review Board.

Section 70. The sum of $9,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Central Management Services for awards to employees and expenses of the Employees Suggestion Award Board.

ARTICLE 8

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the State Civil Service Commission:

For Personal Services...........................                                           249,100
For Employee Retirement Contributions
   Paid by Employer................................. 0
For State Contributions to State
   Employees' Retirement System...............  26,100
For State Contributions to Social Security......  19,100
For Contractual Services........................  49,500
For Travel.............................................  0
For Commodities...................................  0
For Printing..........................................  0
For Equipment.......................................  0
For Telecommunications Services...............  0
Total                                                                                   $343,800

ARTICLE 9

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission:

CHAIRMAN AND COMMISSIONER'S OFFICE

Payable from Transportation Regulatory Fund:
For Personal Services............................  77,100
For Employee Retirement Contributions
   Paid by Employer.................................  0
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System.......................... 8,100
For State Contributions to
  Social Security.................................... 5,900
For Group Insurance................................. 12,000
For Contractual Services............................. 400
For Travel........................................... 2,100
For Equipment....................................... 5,800
For Telecommunications............................... 7,200
For Operation of Auto Equipment.................... 1,100
Total $119,700

Payable from Public Utility Fund:
For Personal Services............................... 712,100
For Employee Retirement Contributions
  Paid by Employer................................... 0
For State Contributions to State
  Employees' Retirement System.................... 74,500
For State Contributions to
  Social Security................................. 54,500
For Group Insurance............................... 144,000
For Contractual Services......................... 22,700
For Travel.......................................... 64,900
For Commodities.................................... 2,100
For Equipment..................................... 2,300
For Telecommunications............................ 20,000
For Operation of Auto Equipment.................... 800
Total $1,097,900

Section 10. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for ordinary and
contingent expenses to the Illinois Commerce Commission, as follows:

PUBLIC UTILITIES

Payable from Public Utility Fund:
For Personal Services.............................. 12,057,300
For Employee Retirement Contributions
  Paid by Employer.................................... 0
For State Contributions to State
  Employees' Retirement System.................... 1,260,300
For State Contributions to
  Social Security.................................. 915,600
For Group Insurance............................... 2,412,000

New matter indicated by italics - deletions by strikeout.
For Contractual Services.......................... 1,572,400
For Travel........................................ 224,400
For Commodities.................................. 46,700
For Printing....................................... 50,500
For Equipment.................................... 74,800
For Electronic Data Processing.................. 812,700
For Telecommunications.......................... 536,000
For Operation of Auto Equipment.................. 21,000
For Refunds....................................... 17,000

Payable from General Revenue Fund:
   For legal costs associated with the passage of "An Act to abolish incinerator subsidies under the retail rate law"......................... 408,200
Total $20,408,900

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Commerce Commission:

TRANSPORTATION

Payable from Transportation Regulatory Fund:
   For Personal Services.......................... 1,845,700
   For Employee Retirement Contributions
      Paid by Employer............................... 0
   For State Contributions to State Employees' Retirement System............... 193,000
   For State Contributions to Social Security.......................... 141,200
   For Group Insurance............................. 372,000
   For Contractual Services....................... 495,200
   For Travel....................................... 82,600
   For Commodities................................ 23,600
   For Printing..................................... 27,800
   For Equipment................................... 41,400
   For Electronic Data Processing................ 387,500
   For Telecommunications......................... 237,900
   For Operation of Auto Equipment.............. 5,200
   For Refunds..................................... 25,000
Total $3,754,100

New matter indicated by italics - deletions by strikeout.
Section 20. The sum of $8,000,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for disbursing funds collected for the Single State Insurance Registration Program to be distributed to: (1) participating states, provided that no distributions exceed funds made available from registration collections; and (2) for refunds for overpayments.

Section 25. The sum of $1,757,600, or so much thereof as may be necessary, is appropriated from the Public Utility Fund to assist the Illinois Commerce Commission in implementing the Electric Service Customer Choice and Rate Relief Law of 1997, including costs in the prior year.

Section 30. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Digital Divide Elimination Infrastructure Fund to the Illinois Commerce Commission for grants and awards for the construction of high-speed data transmission facilities.

Section 35. The sum of $950,000, or so much thereof as may be necessary, is appropriated from the Restricted Call Registry Fund to the Illinois Commerce Commission for the purpose of implementing the Restricted Call Registry Act, including costs in prior years.

Section 40. The sum of $74,000, or so much thereof as may be necessary, is appropriated from the Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for a grant to the Statewide One-call Notice System, as required in the Illinois Underground Utility Facilities Damage Prevention Act.

The sum of $1,000, or so much thereof as may be necessary, is appropriated from the Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for refunds.

Section 45. The sum of $44,800,000, or so much thereof as may be necessary, is appropriated from the Wireless Service Emergency Fund to the Illinois Commerce Commission for grants to emergency telephone system boards, qualified government entities, or the Department of State Police for the design, implementation, operation, maintenance, or upgrade of wireless 9-1-1 or E9-1-1 emergency services and public safety answering points and for reimbursement of the Communications Revolving Fund for administrative costs incurred by the Illinois Commerce Commission related to administering the program.

Section 50. The sum of $35,400,000, or so much thereof as may be necessary, is appropriated from the Wireless Carrier Reimbursement

New matter indicated by italics - deletions by strikeout.
Fund to the Illinois Commerce Commission for reimbursement of wireless carriers for costs incurred in complying with the applicable provisions of Federal Communications Commission wireless enhanced 9-1-1 services mandates and for reimbursement of the Communications Revolving Fund for administrative costs incurred by the Illinois Commerce Commission related to administering the program.

Section 55. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to assist the Illinois Commerce Commission in monitoring railroad crossing safety.

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, in relation to Rail Safety Operations, are appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission:

For Personal Services............................ 1,718,300
For Employee Retirement............................ 179,600
For Social Security................................... 131,500
For Group Insurance............................... 288,000
For Contractual Services........................... 121,400
For Travel.......................................... 78,000
For Commodities..................................... 4,700
For Equipment....................................... 50,000
For Electronic Data Processing...................... 17,800
For Telecommunications............................ 50,000
For Operation of Auto Equipment..................... 42,700

ARTICLE 10

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the following divisions of the State Comptroller for the Fiscal Year ending June 30, 2005:

Administration
For Personal Services....................... $4,109,900
For Employee Retirement Contributions
   Paid by the Employer.............................. 0
For State Contribution to State
   Employees' Retirement System........... 429,600
For State Contribution to
   Social Security................................. 314,400

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>1,602,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>99,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>35,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>241,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto</td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>8,900</td>
</tr>
<tr>
<td>Total</td>
<td>6,840,300</td>
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</tbody>
</table>

Statewide Fiscal Operations

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,646,700</td>
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<tr>
<td>For Employee Retirement Contributions Paid by the Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contribution to State Employees' Retirement System</td>
<td>485,700</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>355,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>339,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>20,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>5,847,600</td>
</tr>
</tbody>
</table>

Electronic Data Processing

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,111,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by the Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contribution to State Employees' Retirement System</td>
<td>429,800</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>314,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,211,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>119,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>338,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Electronic Data
Processing........................................ 1,584,400
Total $9,109,000

Special Audits
For Personal Services......................... $1,804,100
For Employee Retirement Contributions
Paid by the Employer.......................... 0
For State Contribution to State
Employees' Retirement System............... 188,600
For State Contribution to
Social Security............................... 138,000
For Contractual Services..................... 75,400
For Travel.......................................... 0
For Commodities................................ 2,300
For Printing....................................... 0
For Equipment.................................... 0
For Electronic Data Processing.................. 0
For Expenses of Local Government
Officials Training............................. 12,500
For Contractual Services for auditing
and assisting local governments............. 25,000
Total $2,245,900

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

Section 10. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated to the State Comptroller from the Comptroller's Administrative Fund for the discharge of duties of the office, pursuant to Public Act 89-511.

Section 15. The amount of $50,300, or so much thereof as may be necessary, is appropriated to the State Comptroller from the State Lottery Fund for expenses in connection with the State Lottery.

Section 20. The amount of $250,000, or so much thereof as may be necessary, is appropriated to the State Comptroller to meet the ordinary and contingent expenses for the Office of Inspector General.

ARTICLE 11
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller

New matter indicated by italics - deletions by strikeout.
to pay the elected State officers of the Executive Branch of the State Government, at various rates prescribed by law:

For the Governor............................... 150,700
For the Lieutenant Governor...................... 115,300
For the Secretary of State......................... 133,000
For the Attorney General......................... 133,000
For the Comptroller................................ 115,300
For the State Treasurer............................ 115,300

Total $762,600

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay certain appointed officers of the Executive Branch of the State Government, at the various rates prescribed by law:

From General Revenue Fund
Department on Aging
For the Director.................................... 98,200
Department of Agriculture
For the Director................................. 113,200
For the Assistant Director...................... 96,100
Department of Central Management Services
For the Director................................. 120,900
For 2 Assistant Directors....................... 205,600
Department of Children and Family Services
For the Director.................................... 127,600
Department of Corrections
For the Director.................................... 127,600
For 2 Assistant Directors....................... 217,000
Department of Commerce and Economic Opportunities
For the Director.................................... 120,900
For the Assistant Director...................... 102,800
Environmental Protection Agency
For the Director.................................... 113,200
Department of Financial Institutions
For the Director.................................... 98,200
For the Assistant Director...................... 83,700
Department of Human Services
For the Secretary................................. 127,600
For 2 Assistant Secretaries..................... 206,100
Department of Insurance

New matter indicated by italics - deletions by strikeout.
For the Director................................... 113,200
For the Assistant Director......................... 98,100

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

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

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

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

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

Department of Public Aid
For the Director................................... 120,900
For the Assistant Director......................... 102,800

Department of Public Health
For the Director................................... 127,600
For the Assistant Director......................... 108,500

Department of Professional Regulation
For the Director................................... 105,400

Department of Revenue
For the Director................................... 120,900
For the Assistant Director......................... 102,800

Property Tax Appeal Board
For the Chairman.................................... 55,000

New matter indicated by italics - deletions by strikeout.
For four members ........................................ 177,300

Department of Veterans' Affairs
For the Director ...................................... 98,200
For the Assistant Director .......................... 83,700

Civil Service Commission
For the Chairman ................................. 26,900
For four members ................................. 86,100

Commerce Commission
For the Chairman ................................. 113,900
For four members ................................. 397,700

Court of Claims
For the Chief Judge .............................. 55,200
For the six Judges ............................... 305,400

State Board of Elections
For the Chairman ................................. 49,700
For the Vice-Chairman ............................ 40,800
For six members ................................. 191,500

Illinois Emergency Management Agency
For the Director ................................. 98,200
For the Assistant Director ........................ 98,200

Department of Human Rights
For the Director ................................. 98,200

Human Rights Commission
For the Chairman ............................... 44,400
For twelve members ............................. 478,700

Industrial Commission
For the Chairman ............................... 106,400
For six members ................................. 610,800

Liquor Control Commission
For the Chairman ............................... 33,100
For six members ................................. 173,600
For the Secretary ............................... 32,000
For the Chairman and one member as
designated by law, $100 per diem
for work on a license appeal
commission ................................. 55,000

Pollution Control Board
For the Chairman ............................... 102,900
For four members ............................... 397,700

New matter indicated by italics - deletions by strikeout.
Prisoner Review Board
For the Chairman.................................... 81,500
For fourteen members of the
Prisoner Review Board.......................... 1,021,300

Secretary of State Merit Commission
For the Chairman.................................... 14,700
For four members.................................... 43,900

Educational Labor Relations Board
For the Chairman.................................... 88,700
For four members................................... 319,200

Department of State Police
For five members of the State Police
Merit Board, $202 per diem,
whichever is applicable in accordance
with law, for a maximum of 100
days each........................................ 101,000

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

Office of Small Business Utility Advocate
For the small business utility advocate.............. 0

Total, General Revenue Fund $10,545,400

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

Illinois Racing Board
For eleven members of the Illinois
Racing Board, $300 per diem to a
maximum 10,712 as prescribed
by law:
From the Horse Racing Fund......................... 117,100

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

New matter indicated by italics - deletions by strikeout.
For the Deputy Commissioner............................... 93,400
Total ........................................................................ $409,000

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

Subtotals:
General Revenue.................................................. 10,545,400
Fire Prevention.................................................. 98,200
Horse Racing.................................................. 117,100
Bank and Trust Company Fund.................................. 209,100
Title III Social Security and Employment Service Fund........................................ 195,900
Savings and Residential Finance Regulatory Fund.................................. 106,500
Real Estate License Administration.................................. 93,400
Total ........................................................................ $11,365,600

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

Office of Auditor General
For the Auditor General....................................... 112,600
For two Deputy Auditor Generals.......................... 209,300
Total ........................................................................ $321,900

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

For additional amounts, as prescribed by law, for party leaders in both chambers as follows:
For the Speaker of the House, the President of the Senate and Minority Leaders of both Chambers.................................. 93,600
For the Majority Leader of the House.......................... 19,800
For the eleven assistant majority and

New matter indicated by italics - deletions by strikeout.
minority leaders in the Senate......... 193,000
For the twelve assistant majority and minority leaders in the House........... 184,200
For the majority and minority caucus chairmen in the Senate................. 35,100
For the majority and minority conference chairmen in the House........... 30,700
For the two Deputy Majority and the two Deputy Minority leaders in the House......... 67,300
For chairmen and minority spokesmen of standing committees in the Senate except the Rules Committee, the Committee on Committees and the Committee on the Assignment of Bills................ 315,800
For chairmen and minority spokesmen of standing and select committees in the House...................... 666,600
Total $1,605,800
For per diem allowances for the members of the Senate, as provided by law...... 324,000
For per diem allowances for the members of the House, as provided by law.............................. 709,000
For mileage for all members of the General Assembly, as provided by law.............................. 405,000
Total $1,438,000

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the State Comptroller in connection with the payment of salaries for officers of the Executive and Legislative Branches of State Government:
For State Contribution to State Employees' Retirement System:
From General Revenue Fund................. 1,135,700
From Horse Racing Fund..................... 12,300
From Fire Prevention Fund................... 10,300
From Bank and Trust Company Fund......... 21,900

New matter indicated by italics - deletions by strikeout.
From Title III Social Security and Employment Service Fund....................... 20,500
Savings and Residential Finance Regulatory Fund................................. 11,200
Real Estate License Administration Fund................................. 9,800
Total                                                                                         $1,221,700
For State Contribution to Social Security:
From General Revenue Fund....................... 949,300
From Horse Racing Fund............................. 9,000
From Fire Prevention Fund.......................... 6,900
From Bank and Trust Company Fund............... 14,000
From Title III Social Security and Employment Service Fund...................... 13,000
From Savings and Residential Finance Regulatory Fund........................ 7,000
From Real Estate License Administration Fund............................ 6,900
Total                                                                                         $1,006,100
For Group Insurance:
From Fire Prevention Fund....................... 12,000
From Bank and Trust Company Fund............... 24,000
From Title III Social Security and Employment Service Fund.................. 72,000
Savings and Residential Finance Regulatory Fund............................. 12,000
Real Estate License Administration Fund............. 12,000
Total                                                                                         $132,000

Section 25. The amount of $50,000, or so much thereof as may be necessary, is appropriated to the State Comptroller for contingencies in the event that any amounts appropriated in Sections 15 through 30 are insufficient and other expenses associated with the administration of Sections 15 through 30.

ARTICLE 12

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Court of Claims for its ordinary and contingent expenses:

CLAIMS ADJUDICATION
Payable from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services.............................                                           893,500
For State Contribution to State
    Employees' Retirement System............... 120,100
For Employee Retirement Contributions
    Paid by Employer............................. 35,700
For State Contribution to Social
    Security........................................ 68,300
For Contractual Services............................                                         17,000
For Travel............................................... 0
For Commodities...................................... 7,500
For Printing......................................... 4,300
For Equipment............................................ 0
For Telecommunications Services......................                                  4,400
For Reimbursement for Incidental
    Expenses Incurred by Judges.................... 35,300
Total                                                                                         $1,194,300

Section 10.  The amount of $292,800, or so much of that amount as
            may be necessary, is appropriated from the Court of Claims
            Administration and Grant Fund to the Court of Claims for administrative
            expenses under the Crime Victims Compensation Act.

Section 15.  The amount of $500,000, or so much of that amount as
            may be necessary, is appropriated from the General Revenue Fund to the
            Court of Claims for payment of awards solely as a result of the lapsing of
            an appropriation originally made from any funds held by the State
            Treasurer.

Section 20.  The following named amounts, or so much thereof as
            may be necessary, are appropriated to the Court of Claims for payment of
            claims as follows:
For claims under the Crime Victims
    Compensation Act:
    Payable from General Revenue
    Fund........................................ 24,000,000
For claims other than Crime Victims:
    Payable from the General
    Revenue Fund................................. 10,000,000
    Payable from the
    Road Fund................................. 1,000,000
    Payable from the DCFS Children's
    Services Fund............................. 1,500,000

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0681

Payable from the State Garage
Revolving Fund.............................. 50,000
Payable from the Traffic and Criminal
Conviction Surcharge Fund................. 100,000
Payable from the Vocational
Rehabilitation Fund....................... 125,000
Total $36,775,000

ARTICLE 13

Section 5. The following named amounts are appropriated from the
General Revenue Fund to the Court of Claims to pay claims in conformity
with awards and recommendations made by the Court of Claims as follows:

No. 96-CC-4265, Judith Herrmann.
Tort, against the
Department of Public Health.............. $71,789.55
No. 97-CC-2779, Margaret Glodek,
Wrongful Death, against the Department
of State Police............................... $100,000
No. 98-CC-3134, Anne Wos.
Personal Injury, against the
Secretary of State......................... $25,000.00
No. 98-CC-4810, Patricia Ross, by her guardian and
Next friend of Essie Ross. Personal Injury,
against the Department of Human Services..... $7,500.00
No. 00-CC-2010, Danny Montley.
Personal Injury, against
the Department of Corrections.......... $43,724.58
No. 00-CC-4663, Jonathon W. Kefer. Reimbursement,
against the Department of Transportation.... $14,425.74
No. 01-CC-0330, Anita Sanders. Personal Injury,
against the University of Illinois...... $34,000.00
No. 02-CC-2160, Alana Rollins.
Personal Injury, against
Chicago State University................ $60,000.00
No. 02-CC-3734, Sandra Rhodes Banks.
Personal Injury, against the Department
of Human Services....................... $52,000.00
No. 02-CC4275, 18th Street Partnership. Contract,
against the Secretary of State.......... $200,000.00

New matter indicated by italics - deletions by strikeout.
No. 02-CC-4880, Rikki Russell, by her Father
and Next Friend, Richard Russell.
Personal Injury, against Southern
Illinois University......................... $4,000.00

No. 04-CC-0664, Elton Houston
Illegal Incarceration, against the
Department of Corrections.................... $120,300.00

No. 04-CC-2898, Keith Ray Harris.
Illegal Incarceration, against
the Department of Corrections............. $154,153.43

Section 10. The following named amounts are appropriated to the
Court of Claims from the Education Assistance Fund 007, to pay claims in
conformity with awards and recommendations made by the Court of
Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000....................... $37,012.34

Section 15. The following named amounts are appropriated to the
Court of Claims from the Road Fund 011, to pay claims in conformity
with awards and recommendations made by the Court of Claims as
follows:

No. 92-CC-1111, Franklyn Lightbourne,
Marilyn Rahming, as Admin. Of the Estate
of Stephen King, a deceased minor, &
Patrick Gray. Personal Injury and Wrongful
Death against the Department of
Transportation............................... $3,100,000.00

No. 00-CC-3529, Mary Ann Rabe.
Personal Injury and Property Damage, against the
Department of Transportation............... $19,000.00

No. 02-CC-3443, Zainab Jamali.
Personal Injury, against the
Department of Transportation............... $20,000.00

Section 20. The following named amounts are appropriated to the
Court of Claims from State Fund 012, Motor Fuel Tax Fund, to pay claims
in conformity with awards and recommendations made by the Court of
Claims as follows:

For payments of awards for lapsed
appropriation claims less than $50,000....... $78.37
Reimburse the General Revenue Fund for payments

New matter indicated by italics - deletions by strikeout.
of awards pursuant to P.A. 92-357 ............. $664.50

Section 25. The following named amounts are appropriated to the Court of Claims from State Fund 014, Food and Drug Safety Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000....................... $503.49
Reimburse the General Revenue Fund for payments
of awards pursuant to P.A. 92-357............. $87.79

Section 30. The following named amounts are appropriated to the Court of Claims from State Fund 015, Penny Severns Breast and Cervical Cancer Research Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000....................... $6,968.89

Section 35. The following named amounts are appropriated to the Court of Claims from State Fund 016, Teacher Certificate Fee Revolving Loan Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments
of awards pursuant to P.A. 92-357............. $206.02

Section 40. The following named amounts are appropriated to the Court of Claims from State Fund 018, Transportation Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments
of awards pursuant to P.A. 92-357............. $3,553.66

Section 45. The following named amounts are appropriated to the Court of Claims from State Fund 022, General Professions Dedicated Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed
appropriation claims less than $50,000........ $102.86

Section 50. The following named amounts are appropriated to the Court of Claims from State Fund 039, State Boating Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments
of awards pursuant to P.A. 92-357............. $144.22

New matter indicated by italics - deletions by strikeout.
Section 55. The following named amounts are appropriated to the Court of Claims from State Fund 040, State Parks Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

$8,307.55

Section 60. The following named amounts are appropriated to the Court of Claims from State Fund 041, Wildlife and Fish Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000

$7,076.70

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

$3,348.56

Section 65. The following named amounts are appropriated to the Court of Claims from State Fund 045, Agricultural Premium Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000

$52,676.96

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

$62.01

Section 70. The following named amounts are appropriated to the Court of Claims from State Fund 046, Aeronautics Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

$229.36

Section 75. The following named amounts are appropriated to the Court of Claims from State Fund 047, Fire Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

$471.55

Section 80. The following named amounts are appropriated to the Court of Claims from Federal Fund 052, Title III Social Security and Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation

New matter indicated by italics - deletions by strikeout.
claims less than $50,000........................ $92,736.93
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.. $47,290.33

Section 85. The following named amounts are appropriated to the Court of Claims from State Fund 054, State Pensions Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................ $86.57
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............ $103.06

Section 90. The following named amounts are appropriated to the Court of Claims from State Fund 059, Public Utility Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................ $32,974.29
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............ $2,306.75

Section 95. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 04-CC-3453 Lake County Health Department. Against the Department of Public Health... $58,916.50
For payments of awards for lapsed appropriation claims less than $50,000........................ $145,792.84
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............ $8,311.68

Section 100. The following named amounts are appropriated to the Court of Claims from Federal Fund 065, Environmental Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................ $547.08
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............ $3,722.95

New matter indicated by italics - deletions by strikeout.
Section 105. The following named amounts are appropriated to the Court of Claims from State Fund 072, Underground Storage Tank Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................................ $518.45

Section 110. The following named amounts are appropriated to the Court of Claims from State Fund 074, EPA Special State Projects Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000................................. $340.79

Section 115. The following named amounts are appropriated to the Court of Claims from State Fund 078, Solid Waste Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................................ $329.50
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 .................. $281.27

Section 120. The following named amounts are appropriated to the Court of Claims from State Fund 091, Clean Air Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 .............. $181.86

Section 125. The following named amounts are appropriated to the Court of Claims from State Fund 093, Illinois State Medical Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........... $600.00
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............. $32.11

Section 130. The following named amounts are appropriated to the Court of Claims from State Fund 094, DCFS Training Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
For payments of awards for lapsed appropriation claims less than $50,000..........................  $17,669.40

Section 135. The following named amounts are appropriated to the Court of Claims from State Fund 129, State Gaming Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000....................................  $36.84
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357......... $8,296.76

Section 140. The following named amounts are appropriated to the Court of Claims from State Fund 141, Capital Development Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000..........................  $50,793.29
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $9,374.69

Section 145. The following named amounts are appropriated to the Court of Claims from State Fund 151, Registered CPA Administration and Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $2,100.00

Section 150. The following named amounts are appropriated to the Court of Claims from State Fund 163, Weights and Measures Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............. $572.64

Section 155. The following named amounts are appropriated to the Court of Claims from State Fund 175, Illinois Asbestos Abatement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...... $14.86

Section 160. The following named amounts are appropriated to the Court of Claims from State Fund 218, Professional Indirect Cost Fund, to
pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For payments of awards for lapsed appropriation claims less than $50,000</td>
<td>$17,402.13</td>
</tr>
<tr>
<td>Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357</td>
<td>$31,310.10</td>
</tr>
</tbody>
</table>

Section 165. The following named amounts are appropriated to the Court of Claims from State Fund 244, Savings and Residential Finance Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

Section 170. The following named amounts are appropriated to the Court of Claims from State Fund 259, Optometric Licensing and Disciplinary Committee Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For payments of awards for lapsed appropriation claims less than $50,000</td>
<td>$89.28</td>
</tr>
</tbody>
</table>

Section 180. The following named amounts are appropriated to the Court of Claims from State Fund 262, Mandatory Arbitration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357</td>
<td>$233.00</td>
</tr>
</tbody>
</table>

Section 185. The following named amounts are appropriated to the Court of Claims from State Fund 270, Water Pollution Control Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For payments of awards for lapsed appropriation claims less than $50,000</td>
<td>$5,213.92</td>
</tr>
<tr>
<td>Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357</td>
<td>$366.63</td>
</tr>
</tbody>
</table>

Section 190. The following named amounts are appropriated to the Court of Claims from State Fund 272, LaSalle Veterans’ Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357</td>
<td>$62.10</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 195. The following named amounts are appropriated to the Court of Claims from State Fund 273, Anna Veterans’ Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $1,064.00

Section 200. The following named amounts are appropriated to the Court of Claims from State Fund 285, Long Term Care Monitor/Receiver Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $2,871.36

Section 205. The following named amounts are appropriated to the Court of Claims from State Fund 294, Used Tire Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $8,393.34

Section 210. The following named amounts are appropriated to the Court of Claims from State Fund 301, Working Capital Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.................... $29,810.58
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............ $3,956.48

Section 215. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 04-CC-1025, BMC Software Distribution Inc. Debt, against the Department of Central Management Services............... $64,180.40
No. 04-CC-1340, IBM Corp. Debt, against the Department of Central Management Services............... $146,435.00
For payments of awards for lapsed appropriation claims less than $50,000............... $40,276.00
Reimburse the General Revenue Fund for

New matter indicated by italics - deletions by strikeout.
payments of awards pursuant to P.A. 92-357.. $13,953.22

Section 220. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.......................... $40,835.32
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $9,025.74

Section 225. The following named amounts are appropriated to the Court of Claims from State Fund 336, Environmental Laboratory Certification Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than
$50,000........................................ $16.31

Section 230. The following named amounts are appropriated to the Court of Claims from State Fund 340, Public Health Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than
$50,000........................................ $3,113.31

Section 235. The following named amounts are appropriated to the Court of Claims from State Fund 344, Care Provider Fund for Persons with a Developmental Disability, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.......................... $6,327.44
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.. $60,817.78

Section 240. The following named amounts are appropriated to the Court of Claims from State Fund 363, Divisions of Corporations Special Operations Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.......................... $5,440.76

Section 245. The following named amounts are appropriated to the Court of Claims from State Fund 372, Plumbing Licensure and Program

New matter indicated by italics - deletions by strikeout.
to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $156.35

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $111.69

Section 250. The following named amounts are appropriated to the Court of Claims from State Fund 376, State Police Motor Vehicle Theft Prevention Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...... $14.00

Section 255. The following named amounts are appropriated to the Court of Claims from State Fund 386, Appraisal Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000....... 1,405.27

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $3,200.00

Section 260. The following named amounts are appropriated to the Court of Claims from Federal Fund 408, DHS Special Purposes Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $5,200.00

Section 265. The following named amounts are appropriated to the Court of Claims from State Fund 421, Public Aid Recoveries Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $2,620.28

Section 270. The following named amounts are appropriated to the Court of Claims from State Fund 438, Illinois State Fair Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $370.00

Reimburse the General Revenue Fund for

New matter indicated by italics - deletions by strikeout.
Section 275. The following named amounts are appropriated to the Court of Claims from Federal Fund 447, GI Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000............. $54.55

Section 280. The following named amounts are appropriated to the Court of Claims from State Fund 483, Secretary of State Special Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-0523, Vion Corporation.
Debt, against the Secretary of State........ $286,850.00

Section 285. The following named amounts are appropriated to the Court of Claims from Federal Fund 484, Nuclear Civil Protection Planning Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $542.00

Section 290. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-2634, City of Chicago.
Debt, against the Criminal Justice Information Authority....................... $50,671.64

For payments of awards for lapsed appropriation claims less than $50,000............. $28,567.82

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.. $16,321.78

Section 295. The following named amounts are appropriated to the Court of Claims from Federal Fund 495, Old Age Survivors Insurance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000............. $434.85

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $6,708.00

New matter indicated by italics - deletions by strikeout.
Section 300. The following named amounts are appropriated to the Court of Claims from Federal Fund 497, Federal Civil Preparedness Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000... $2,076.00

Section 305. The following named amounts are appropriated to the Court of Claims from State Fund 502, Early Intervention Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........ $5,053.33
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.. $10,942.55

Section 310. The following named amounts are appropriated to the Court of Claims from State Fund 514, State Asset Forfeiture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $803.52

Section 315. The following named amounts are appropriated to the Court of Claims from State Fund 523, Department of Corrections Reimbursement and Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 04-CC-1283, DMS Pharmaceutical Group, Inc.
Debt, against the Department of Corrections............... $414,402.36
For payments of awards for lapsed appropriation claims less than $50,000.............. $58,422.01
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $92.90

Section 320. The following named amounts are appropriated to the Court of Claims from State Fund 537, State Offender DNA Identification System Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000................. $11,848.00

Section 325. The following named amounts are appropriated to the Court of Claims from State Fund 549, Illinois Charity Bureau Fund, to pay

New matter indicated by italics - deletions by strikeout.
claims in conformity with awards and recommendations made by the
Court of Claims as follows:
Reimburse the General Revenue Fund for
payments of awards pursuant to P.A. 92-357... $4,335.30

Section 330. The following named amounts are appropriated to the
Court of Claims from State Fund 550, Supplemental Low Income Energy
Assistance Fund, to pay claims in conformity with awards and
recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for
payments of awards pursuant to P.A. 92-357..... $700.00

Section 335. The following named amounts are appropriated to the
Court of Claims from Federal Fund 561, SBE Federal Department of
Education Fund, to pay claims in conformity with awards and
recommendations made by the Court of Claims as follows:
For payments of awards for lapsed
appropriation claims less than $50,000........ $8,019.53
Reimburse the General Revenue Fund for payments
of awards pursuant to P.A. 92-357............. $3,435.98

Section 340. The following named amounts are appropriated to the
Court of Claims from Federal Fund 566, DCFS Federal Projects Fund, to
pay claims in conformity with awards and recommendations made by the
Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000..................... $645.88
Reimburse the General Revenue Fund for
payments of awards pursuant to P.A. 92-357... $8,850.11

Section 345. The following named amounts are appropriated to the
Court of Claims from State Fund 573, Petroleum Resources Revolving
Fund, to pay claims in conformity with awards and recommendations
made by the Court of Claims as follows:
For payments of awards for lapsed
appropriation claims less than $50,000........ $87.72

Section 350. The following named amounts are appropriated to the
Court of Claims from State Fund 576, Pesticide Control Fund, to pay
claims in conformity with awards and recommendations made by the
Court of Claims as follows:
Reimburse the General Revenue Fund for
payments of awards pursuant to P.A. 92-357... $1,047.28

New matter indicated by italics - deletions by strikeout.
Section 355. The following named amounts are appropriated to the Court of Claims from State Fund 581, Juvenile Accountability Incentive Block Grant Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.................. $15,263.19
Reimburs the General Revenue Fund for payments of awards pursuant to P.A. 92-357.. $48,797.00

Section 360. The following named amounts are appropriated to the Court of Claims from Federal Fund 592, DHS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.................. $7,800.00

Section 365. The following named amounts are appropriated to the Court of Claims from State Fund 600, Whistleblower Reward and Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburs the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $7,281.25

Section 370. The following named amounts are appropriated to the Court of Claims from State Fund 611, Fund for Illinois’ Future, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 04-CC-1539, Village of Roscoe. Debt, against the Department of Natural Resources..................... $100,000.00
No. 04-CC-1740, Bronzeville Children’s Museum. Debt, against the Department of Natural Resources....... $148,652.00

Section 375. The following named amounts are appropriated to the Court of Claims from State Fund 614, Capital Litigation Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.................. $36,733.08
Reimburs the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $1,328.99

New matter indicated by italics - deletions by strikeout.
Section 380. The following named amounts are appropriated to the Court of Claims from State Fund 621, International Tourism Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...... $30.35

Section 385. The following named amounts are appropriated to the Court of Claims from State Fund 622, Motor Vehicle License Plate Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 04-CC-1098, Macon Resources.
Debt, against the Department of Natural Resources............... $173,848.56

Section 390. The following named amounts are appropriated to the Court of Claims from State Fund 632, Horse Racing Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000......... $126.72

Section 395. The following named amounts are appropriated to the Court of Claims from Federal Fund 664, Student Loan Operating Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 04-CC-0672, Diversified Collection Services, Inc. Debt, against the Illinois Student Assistance Commission...... $99,951.01
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...... $14.51

Section 400. The following named amounts are appropriated to the Court of Claims from Federal Fund 700, USDA Women, Infants and Children Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000......... $555.33

Section 405. The following named amounts are appropriated to the Court of Claims from State Fund 708, Illinois Standardbred Breeders Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for

New matter indicated by italics - deletions by strikeout.
Section 410. The following named amounts are appropriated to the Court of Claims from State Fund 711, State Lottery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $4,126.56

Section 415. The following named amounts are appropriated to the Court of Claims from State Fund 718, Community Mental Health Medicaid Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.............. $67,283.55

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357. $63,684.76

Section 420. The following named amounts are appropriated to the Court of Claims from Federal Fund 726, Federal Industrial Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $1,980.00

Section 425. The following named amounts are appropriated to the Court of Claims from State Fund 729, Illinois Century Network Special Purposes Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $7,706.00

Section 430. The following named amounts are appropriated to the Court of Claims from State Fund 733, Tobacco Settlement Recovery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-0648, Golin/Harris International. Debt, against the Department of Public Health............... $154,250.32

No. 04-CC-2638, City of Chicago. Debt, against the Department of Public Health....................... $902,045.76

For payments of awards for lapsed appropriation claims less than $50,000............... $16,315.00

New matter indicated by italics - deletions by strikeout.
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...
$1,069.88

Section 435. The following named amounts are appropriated to the Court of Claims from State Fund 757, Child Support Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000..............
$39,287.75
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...
$9,860.61

Section 440. The following named amounts are appropriated to the Court of Claims from State Fund 763, Tourism Promotion Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 04-CC-2267, BBDO Chicago, Inc.
Debt, against the Illinois Student Assistance Commission.................................
$99,486.50
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..
$13,333.17

Section 445. The following named amounts are appropriated to the Court of Claims from Federal Fund 765, Federal Surface Mining Control and Reclamation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............
$451.80
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357....
$153.44

Section 450. The following named amounts are appropriated to the Court of Claims from State Fund 795, Bank and Trust Company Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 02-CC-3993, John Conkright, Gregg Goodman, Joseph Koppeis, et al.
Refund, against the Office of Banks and Real Estate.................................
$6,800.00
No. 04-CC-3663, Price Waterhouse Coopers LLP.
Debt, against the Office of Banks & Real Estate.................................
$103,191.42
Reimburse the General Revenue Fund for payments

New matter indicated by italics - deletions by strikeout.
of awards pursuant to P.A. 92-357............ $1,549.00

Section 455. The following named amounts are appropriated to the Court of Claims from State Fund 796, Nuclear Safety Emergency Preparedness Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.................. $1,308.53
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........... $487.19

Section 460. The following named amounts are appropriated to the Court of Claims from State Fund 801, Attorney General’s State Projects and Court Ordered Distribution Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.................. $288.55

Section 465. The following named amounts are appropriated to the Court of Claims from State Fund 802, Personal Property Tax Replacement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $1,005.00

Section 470. The following named amounts are appropriated to the Court of Claims from State Fund 821, Dram Shop Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........ $1,169.86
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........ $2,856.74

Section 475. The following named amounts are appropriated to the Court of Claims from State Fund 828, Hazardous Waste Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 97-CC-4339 Kimmins Thermal Corp. Contract, Against the Environmental Protection Agency. $70,260.30
For payments of awards for lapsed appropriation claims less than $50,000........ $417.94
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $9,039.00

New matter indicated by italics - deletions by strikeout.
Section 480. The following named amounts are appropriated to the Court of Claims from State Fund 850, Real Estate License Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000 ..................... $1,129.45
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ................. $47.52

Section 485. The following named amounts are appropriated to the Court of Claims from Federal Fund 872, Maternal and Child Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000...... $4,600.00
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............ $1,788.65

Section 490. The following named amounts are appropriated to the Court of Claims from Federal Fund 873, Preventive Health and Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................ $39,000.00

Section 495. The following named amounts are appropriated to the Court of Claims from Federal Fund 879, Traffic and Criminal Conviction Surcharge Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.................... $62,754.38
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........ $1,500.00

Section 500. The following named amounts are appropriated to the Court of Claims from Federal Fund 883, Intra-Agency Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $9,479.02

Section 505. The following named amounts are appropriated to the Court of Claims from State Fund 886, Criminal Justice Information

New matter indicated by italics - deletions by strikeout.
Systems Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For payments of awards for lapsed appropriation claims less than $50,000</td>
<td>$46,200.00</td>
</tr>
<tr>
<td>Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357</td>
<td>$27.66</td>
</tr>
</tbody>
</table>

Section 510. The following named amounts are appropriated to the Court of Claims from Federal Fund 896, Public Health Special State Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357</td>
<td>$806.25</td>
</tr>
</tbody>
</table>

Section 515. The following named amounts are appropriated to the Court of Claims from State Fund 903, State Surplus Property Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For payments of awards for lapsed appropriation claims less than $50,000</td>
<td>$776.45</td>
</tr>
<tr>
<td>Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357</td>
<td>$154.90</td>
</tr>
</tbody>
</table>

Section 520. The following named amounts are appropriated to the Court of Claims from State Fund 905, Illinois Forestry Development Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357</td>
<td>$14.14</td>
</tr>
</tbody>
</table>

Section 525. The following named amounts are appropriated to the Court of Claims from State Fund 906, State Police Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357</td>
<td>$800.00</td>
</tr>
</tbody>
</table>

Section 530. The following named amounts are appropriated to the Court of Claims from Federal Fund 911, Juvenile Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357</td>
<td>$800.00</td>
</tr>
</tbody>
</table>
pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........... $14,270.38

Section 540. The following named amounts are appropriated to the Court of Claims from State Fund 957, Child Support Enforcement Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $280.70

Section 545. The following named amounts are appropriated to the Court of Claims from State Fund 962, Park and Conservation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000....................... $905.80

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............ $6,600.40

Section 550. The following named amounts are appropriated to the Court of Claims from State Fund 963, Child Support Enforcement Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $8,274.74

Section 555. The following named amounts are appropriated to the Court of Claims from State Fund 971, Build Illinois Bond Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......... $733.21

Section 560. The following named amounts are appropriated to the Court of Claims from State Fund 973, Illinois Capital Revolving Loan Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........... $800.00

Section 565. The following named amounts are appropriated to the Court of Claims from State Fund 980, Manteno Veterans’ Home Fund, to

New matter indicated by italics - deletions by strikeout.
pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000 ........................................... \$2,397.36

Section 570. The following named amounts are appropriated to the Court of Claims from Federal Fund 991, Abandoned Mined Lands Reclamation Council Federal Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000 ........................................... \$2,336.42

Section 575. The following named amounts are appropriated to the Court of Claims from State Fund 997, Insurance Financial Regulation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ......... \$393.75

**ARTICLE 14**

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Elections for its ordinary and contingent expenses as follows:

<table>
<thead>
<tr>
<th>The Board</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services .........................</td>
<td>17,300</td>
</tr>
<tr>
<td>For Travel ........................................</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment ....................................</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong> ........................................</td>
<td><strong>$17,300</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Administration</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services .........................</td>
<td>546,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid By Employer .........................</td>
<td>21,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System ..................</td>
<td>63,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security ..................</td>
<td>41,800</td>
</tr>
<tr>
<td>For Contractual Services .........................</td>
<td>371,250</td>
</tr>
<tr>
<td>For Travel ........................................</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities ..................................</td>
<td>0</td>
</tr>
<tr>
<td>For Printing .....................................</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment ....................................</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications ..........................</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,044,650</td>
</tr>
<tr>
<td><strong>Elections</strong></td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>1,376,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid By Employer</td>
<td>55,100</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>159,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>105,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>19,220</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Purchase of Election Codes</td>
<td>0</td>
</tr>
<tr>
<td>For HAVA Maintenance of Effort Contribution-State</td>
<td>550,000</td>
</tr>
<tr>
<td>For Reimbursement to Counties for Increased Compensation to Judges and other</td>
<td>0</td>
</tr>
<tr>
<td>Election Officials, as provided in Public Acts 81-850, 81-1149, and 90-672</td>
<td></td>
</tr>
<tr>
<td>For Payment of Lump Sum Awards to County Clerks, County Records, and Chief</td>
<td>0</td>
</tr>
<tr>
<td>Election Clerks as Compensation for Additional Duties required of such</td>
<td></td>
</tr>
<tr>
<td>officials by consolidation of elections law, as provided in Public Acts</td>
<td></td>
</tr>
<tr>
<td>82-691 and 90-713</td>
<td></td>
</tr>
<tr>
<td>For Payment to Election Authorities for expenses in supplying voter</td>
<td>0</td>
</tr>
<tr>
<td>registration tapes to the State Board of Elections pursuant to Public Act</td>
<td></td>
</tr>
<tr>
<td>85-958</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,265,320</td>
</tr>
<tr>
<td><strong>General Counsel</strong></td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>252,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid By Employer</td>
<td>10,100</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>29,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>19,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>138,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
TOTAL $449,800

**Campaign Disclosure**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>689,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid By Employer</td>
<td>27,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>80,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>52,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>15,825</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$865,625</strong></td>
</tr>
</tbody>
</table>

**Information Technology**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>390,100</td>
</tr>
<tr>
<td>For Employee Retirement Contrib. Paid By Employer</td>
<td>15,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>45,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>29,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>316,650</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$797,550</strong></td>
</tr>
</tbody>
</table>

**Total General Revenue Fund:** $5,440,245

Section 10. The following amount, or so much of that amount as may be necessary, is appropriated to the State Board of Elections:

For Implementation of Help America Vote Act of 2002 Lump Sum Payable from Help Illinois Vote Fund: $140,000,000

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the State Board of Elections for the objects and purposes hereinafter named:

For the state share of the 5% matching Grant for the Title II, Section 251 Requirements Payment of the federal Help America Vote Act: $4,929,763
ARTICLE 15

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Employment Security:

OFFICE OF THE DIRECTOR

Payable from Title III Social Security and Employment Service Fund:
- For Personal Services
- For Employee Retirement Contributions
  - Paid by Employer
- For State Contributions to State Employees' Retirement System
- For State Contributions to Social Security
- For Group Insurance
- For Contractual Services
- For Travel
- For Telecommunications Services

Total: $10,402,300

Section 10. The amount of $10,000,000, or so much thereof as may be necessary, is appropriated from the Unemployment Compensation Special Administration Fund to the Department of Employment Security for the payment of interest on advances made to the Unemployment Trust Fund as required by Title XII of the Social Security Act.

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

FINANCE AND ADMINISTRATION BUREAU

Payable from Title III Social Security and Employment Service Fund:
- For Personal Services
- For State Contributions to State Employees' Retirement System
- For State Contributions to Social Security
- For Group Insurance
- For Contractual Services

Total: $10,402,300

New matter indicated by italics - deletions by strikeout.
For Travel.......................................                                                132,600
For Commodities................................                                         1,138,500
For Printing...................................                                               1,942,800
For Equipment....................................                                            922,400
For Telecommunications Services...............                                547,300
For Operation of Auto Equipment...................                                 96,500
Payable from Title III Social Security and Employment Service Fund:
For expenses related to America's Labor Market Information System...............                               4,500,000
For Potential Relocation of Central Office........................................ 500,000
Total                                                                                       $42,445,600

INFORMATION SERVICE BUREAU
Payable from Title III Social Security and Employment Service Fund:
For Personal Services..........................                                         6,832,900
For State Contributions to State Employees' Retirement System...................                                 714,200
For State Contributions to Social Security.......................................                                                  522,800
For Group Insurance..................................                                         1,380,000
For Contractual Services..................................                                      16,728,000
For Travel........................................                                                 22,800
For Equipment..................................                                           3,107,800
For Electronic Data Processing..................................                                         0
For Telecommunications Services.........................                                         0
Total                                                                                       $31,415,700

Section 20. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Employment Security:

OPERATIONS
Payable from Title III Social Security and Employment Service Fund:
For Personal Services..........................                                         3,732,900
For State Contributions to State Employees' Retirement System...................                                 390,200
For State Contributions to Social Security.......................................                                                  285,600
For Group Insurance..................................                                         828,000

New matter indicated by italics - deletions by strikeout.
For Contractual Services ....................... 7,223,400
For Travel ........................................ 70,000
For Telecommunications Services ............... 91,200
For Permanent Improvements .................... 85,000
For Refunds ....................................... 300,000
Total ................................................ $13,006,300

Payable from Title III Social Security and Employment Service Fund:
For the expenses related to the
development of Training Programs ............... 100,000
For the expenses related to Employment
Security Automation .............................. 5,000,000
For expenses related to a Benefit
Information System Redefinition ............... 10,000,000
Total ................................................ $15,100,000

Payable from the Unemployment Compensation
Special Administration Fund:
For expenses related to Legal
Assistance as required by law .................. 2,000,000
For deposit into the Title III
Social Security and Employment
Service Fund ....................................... 10,000,000
For Interest on Refunds of Erroneously
Paid Contributions, Penalties and
Interest ............................................... 100,000
Total ................................................ $12,100,000

Section 25. The following named sums, or so much thereof as may
be necessary, are appropriated to the Department of Employment Security:

WORKFORCE DEVELOPMENT

Payable from Title III Social Security and
Employment Service Fund:
For Personal Services ......................... 50,292,300
For State Contributions to State
Employees' Retirement System ................. 5,256,600
For State Contributions to Social
Security ............................................... 3,847,400
For Group Insurance ............................. 13,788,000
For Contractual Services ...................... 10,079,200
For Travel .......................................... 925,600

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services.............. 5,456,600
For Refunds.............................................. 0
Total $89,645,700

Of the sum appropriated above, $4,888,648 is appropriated pursuant to the provisions governing federal fiscal year 2002 found in Sections 903(a), 903(b), and 903(c) of the Federal Social Security Act.

Section 30. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the Title III Social Security and Employment Services Fund to the Department of Employment Security, for all costs, including administrative costs associated with providing community partnerships for enhanced customer service.

Section 35. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Employment Security:

UNEMPLOYMENT INSURANCE REVENUE
Payable from Title III Social Security and Employment Service Fund:
For Personal Services...................... 21,448,200
For State Contributions to State Employees' Retirement System............. 2,241,800
For State Contributions to Social Security................................. 1,640,800
For Group Insurance........................................ 4,980,000
For Contractual Services................................. 2,926,600
For Travel.............................................. 200,000
For Telecommunications Services...................... 700,000
Total $34,137,400

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Employment Security:

OPERATIONS
Grants-In-Aid
Payable from Title III Social Security and Employment Service Fund:
For Grants............................... 10,000,000
For Tort Claims................................. 715,000
Total $10,715,000

Section 45. The amount of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Employment Security for the purpose of making grants to

New matter indicated by italics - deletions by strikeout.
community non-profit agencies or organizations for the operation of a statewide network of outreach services for veterans, as provided for in the Vietnam Veterans' Act.

Section 50. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Employment Security, for unemployment compensation benefits, other than benefits provided for in Section 3, to Former State Employees as follows:

TRUST FUND UNIT

Grants-In-Aid

Payable from the Road Fund:
For benefits paid on the basis of wages paid for insured work for the Department of Transportation......................... 1,900,000
Payable from the Illinois Mathematics and Science Academy Income Fund.................. 16,700
Payable from Title III Social Security and Employment Service Fund...................... 1,734,300
Payable from the General Revenue Fund........... 20,900,000
Total $24,551,000

ARTICLE 16

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Environmental Protection Agency:

ADMINISTRATION

For Personal Services.......................... 615,500
For Employee Retirement Contributions
Paid by Employer................................. 0
For State Contributions to State Employees' Retirement System.................... 64,400
For State Contributions to Social Security............................. 47,000
For Contractual Services....................... 9,500
For Travel............................... 0
For Commodities.............................. 0
For Printing............................ 0
For Equipment.......................... 0
For Telecommunications Services.................. 0
For Operation of Auto Equipment.............. 0

New matter indicated by italics - deletions by strikeout.
Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

Payable from U.S. Environmental Protection Fund:
For Contractual Services.......................... 1,608,600

Payable from Underground Storage Tank Fund:
For Contractual Services.......................... 221,800

Payable from Solid Waste Management Fund:
For Contractual Services.......................... 243,800

Payable from Subtitle D Management Fund:
For Contractual Services.......................... 88,700

Payable from Clean Air Act Permit Fund:
For Contractual Services.......................... 1,155,800

Payable from Water Revolving Fund:
For Contractual Services.......................... 605,700

Payable from Community Water Supply Laboratory Fund:
For Contractual Services.......................... 108,100

Payable from Used Tire Management Fund:
For Contractual Services.......................... 117,000

Payable from Conservation 2000 Fund:
For Contractual Services.......................... 29,400

Payable from Hazardous Waste Fund:
For Contractual Services.......................... 326,700

Payable from Environmental Protection Permit and Inspection Fund:
For Contractual Services.......................... 406,800

Payable from Vehicle Inspection Fund:
For Contractual Services.......................... 493,500

Payable from the Clean Water Fund:
For Contractual Services.......................... 290,000

Total $736,400

Section 15. The sum of $0, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for pollution prevention activities.

Section 20. The sum of $275,000, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency from the EPA Special States Projects Trust Fund for the purpose of funding the...
planning, administration, and operation of environmental intern programs to be funded by advance contributions.

Section 25. The sum of $0, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for all costs associated with the development and implementation of Illinois Environmental Facts On-Line.

Section 30. The sum of $442,900, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for the purpose of administering the toxic and hazardous materials program and the regulatory innovation program.

Section 35. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the Industrial Hygiene Regulatory and Enforcement Fund to the Environmental Protection Agency for the purpose of administering the industrial hygiene licensing program.

Section 40. The sum of $0, or so much thereof as may be necessary, is appropriated from the Environmental Protection Permit and Inspection Fund to the Environmental Protection Agency for development of environmental planning activities.

Section 45. The amount of $4,995,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for awards and grants as directed by the Environmental Protection Trust Fund Commission.

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

AIR POLLUTION CONTROL
Payable from U.S. Environmental Protection Fund:
For Personal Services.......................... 2,978,700
For Employee Retirement Contributions
   Paid by Employer............................. 0
For State Contributions to State Employees' Retirement System............. 311,400
For State Contributions to Social Security.......................... 227,900
For Group Insurance.............................. 660,000
For Contractual Services........................ 1,425,700
For Travel........................................ 50,000

New matter indicated by italics - deletions by strikeout.
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services.................. 0
For Operation of Auto Equipment................... 46,800
For Use by the City of Chicago................... 374,600
For Expenses Related to the Development and Implementation of a Targeted Clean Air Information and Education Program................................. 0
Total                                                                                         $6,075,100
Payable from the Environmental Protection Permit and Inspection Fund for Air Permit and Inspection Activities:
For Personal Services................................ 2,805,000
For Other Expenses.................................. 1,822,700
For Refunds........................................... 150,000
Total                                                                                         $4,777,700
Payable from the Vehicle Inspection Fund:
For Personal Services................................ 4,548,600
For Employee Retirement Contributions
Paid by Employer...................................... 0
For State Contributions to State Employees' Retirement System..................... 475,500
For State Contributions to Social Security................................. 400,000
For Group Insurance.................................... 1,164,000
For Vehicle Inspections, including prior year costs.............................. 51,934,800
For Contractual Services............................. 1,656,300
For Travel............................................. 0
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications................................. 0
For Operation of Auto Equipment................... 30,000
Total                                                                                         $60,209,200
Section 55. The following named amounts, or so much thereof as may be necessary, is appropriated from the Clean Air Act Permit Fund to the Environmental Protection Agency for the purpose of funding Clean Air

New matter indicated by italics - deletions by strikeout.
Act Title V activities in accordance with Clean Air Act Amendments of 1990:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services and Other</td>
<td>12,259,000</td>
</tr>
<tr>
<td>Expenses of the Program</td>
<td></td>
</tr>
<tr>
<td>For Refunds</td>
<td>150,000</td>
</tr>
<tr>
<td>Total</td>
<td>$12,409,000</td>
</tr>
</tbody>
</table>

Section 60. The sum of $0, or so much thereof as may be necessary, is appropriated from the EPA Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of funding clean air activities.

Section 65. The sum of $37,100, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for the purpose of funding an on-site monitor at the Robbins Resource Recovery Incinerator, Robbins, Illinois.

Section 70. The named amounts, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Environmental Protection Agency for the purpose of administering the Alternate Fuels Rebate Program and the Ethanol Fuel Research Program:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services and Other</td>
<td>200,000</td>
</tr>
<tr>
<td>Expenses of the Program</td>
<td></td>
</tr>
<tr>
<td>For Grants and Rebates</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$2,200,000</td>
</tr>
</tbody>
</table>

Section 75. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Alternate Compliance Market Account Fund to the Environmental Protection Agency for all costs associated with the emissions reduction market program.

Section 80. The amount of $0, or so much thereof as may be necessary, is appropriated from the Special State Projects Trust Fund to the Environmental Protection Agency for all costs associated with the Drive Green Illinois initiative and other clean air public awareness programs.

LABORATORY SERVICES

Section 85. The named amounts, or so much thereof as may be necessary, are appropriated from the Community Water Supply Laboratory Fund to the Environmental Protection Agency for the purpose of performing laboratory testing of samples from community water supplies and for administrative costs of the Agency and the Community Water Supply Testing Council.

New matter indicated by italics - deletions by strikeout.
For Personal Services and Other
Expenses of the Program......................... 4,942,400
For Permanent Improvements.................... 7,600
Total $4,950,000

Section 90. The sum of $742,800, or so much thereof as may be necessary, is appropriated from the Environmental Laboratory Certification Fund to the Environmental Protection Agency for the purpose of administering the environmental laboratories certification program.

Section 95. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the EPA Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of performing laboratory analytical services for government entities.

Section 100. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

<table>
<thead>
<tr>
<th>LAND POLLUTION CONTROL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from U.S. Environmental Protection Fund:</td>
</tr>
<tr>
<td>For Personal Services............... 2,912,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer...... 0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System........... 304,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security............... 225,000</td>
</tr>
<tr>
<td>For Group Insurance.......................... 540,000</td>
</tr>
<tr>
<td>For Contractual Services................. 850,000</td>
</tr>
<tr>
<td>For Travel...................................... 0</td>
</tr>
<tr>
<td>For Commodities............................. 10,000</td>
</tr>
<tr>
<td>For Printing................................. 0</td>
</tr>
<tr>
<td>For Equipment............................... 0</td>
</tr>
<tr>
<td>For Telecommunications Services.............. 0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment............ 43,100</td>
</tr>
<tr>
<td>For Use by the Office of the Attorney General..... 25,000</td>
</tr>
<tr>
<td>For Underground Storage Tank Program.......... 2,268,500</td>
</tr>
<tr>
<td>Total $7,178,900</td>
</tr>
</tbody>
</table>

Section 105. The following named sums, or so much thereof as may be necessary, including prior year costs, are appropriated to the Environmental Protection Agency, payable from the U. S. Environmental Protection Fund:

New matter indicated by italics - deletions by strikeout.
Protection Fund, for use of remedial, preventive or corrective action in accordance with the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended:

For Personal Services.......................... 2,288,200
For Employee Retirement Contributions
   Paid by Employer........................................ 0
For State Contributions to State
   Employees' Retirement System..................... 239,200
For State Contributions to Social Security............................... 177,000
For Group Insurance................................. 510,000
For Contractual Services............................. 280,000
For Travel................................................. 10,000
For Commodities....................................... 10,000
For Printing............................................... 0
For Equipment............................................. 0
For Telecommunications Services..................... 0
For Operation of Auto Equipment..................... 65,000
For Contractual Expenses Related to Remedial, Preventive or Corrective Actions in Accordance with the Federal Comprehensive and Liability Act of 1980, including Costs in Prior Years........................................ 9,000,000
Total $12,579,400

Section 110. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for the purpose of funding the Underground Storage Tank Program.

Payable from the Underground Storage Tank Fund:
For Personal Services.......................... 2,515,600
For Employee Retirement Contributions
   Paid by Employer........................................ 0
For State Contributions to State
   Employees' Retirement System..................... 263,000
For State Contributions to Social Security............................... 193,200
For Group Insurance................................. 488,000
For Contractual Services............................. 290,000

New matter indicated by italics - deletions by strikeout.
For Travel.............................................                                                     0
For Commodities...................................                                           15,000
For Equipment..........................................                                                 0
For Telecommunications Services...............                                 25,000
For Operation of Auto Equipment...............                                 10,700
For Reimbursements to Eligible Owners/
Operators of Leaking Underground
Storage Tanks, including claims
submitted in prior years and for
costs associated with site remediation....... 70,000,000
Total                                                                                       $73,800,500

Section 115. The following named sums, or so much thereof as
may be necessary, are appropriated to the Environmental Protection
Agency for use in accordance with Section 22.2 of the Environmental
Protection Act:
Payable from the Hazardous Waste Fund:
For Personal Services............................                                          328,800
For Employee Retirement Contributions
   Paid by Employer......................................                                                0
For State Contributions to State
   Employees' Retirement System......................                                  34,400
For State Contributions to
   Social Security................................................. 26,000
For Group Insurance.................................                                     59,000
For Contractual Services.............................                                 600,000
For Travel.............................................                                                     0
For Commodities...................................... 0
For Printing.............................................                                                     0
For Equipment..........................................                                                 0
For Telecommunications Services..................                                    0
For Operation of Auto Equipment...................                                 21,000
For Personal Services and Other
   Expenses Related to Removal or
   Remedial Actions and for Expenses
   Related to Reviewing the Performance
   of Response Actions Pursuant
   to Title XVII of the Environmental
   Protection Act................................                 4,015,800
For Contractual Services for Site

New matter indicated by italics - deletions by strikeout.
Remediations, including costs
in Prior Years............................... 22,000,000
Total $27,085,000

Section 120. The following named sums, or so much thereof as may be necessary, are appropriated from the Environmental Protection Permit and Inspection Fund to the Environmental Protection Agency for land permit and inspection activities:

For Personal Services.......................... 3,238,000
For Employee Retirement Contributions
Paid by Employer.................................. 0
For State Contributions to State
Employees' Retirement System...................... 338,500
For State Contributions to
Social Security.................................. 247,700
For Group Insurance................................ 708,000
For Contractual Services............................ 585,600
For Travel........................................... 0
For Commodities.................................. 5,000
For Printing........................................... 0
For Equipment........................................ 0
For Telecommunications Services..................... 0
For Operation of Auto Equipment.................... 30,000
Total $5,152,800

Section 125. The following named sums, or so much thereof as may be necessary, are appropriated from the Solid Waste Management Fund to the Environmental Protection Agency for use in accordance with Section 22.15 of the Environmental Protection Act:

For Personal Services.............................. 4,190,800
For Employee Retirement Contributions
Paid by Employer.................................. 0
For State Contributions to State
Employees' Retirement System...................... 438,100
For State Contributions to
Social Security.................................. 330,000
For Group Insurance................................ 1,025,000
For Contractual Services............................ 193,800
For Travel.......................................... 10,000
For Commodities.................................. 5,000
For Printing........................................... 0

New matter indicated by italics - deletions by strikeout.
For Equipment.......................................... 0
For Telecommunications Services..................... 0
For Operation of Auto Equipment.................... 24,000
For Refunds........................................... 20,000
For financial assistance to units of local government for operations under delegation agreements......................... 750,000
Total                                                                                         $6,986,700

Section 130. The following named sums, or so much therefore as may be necessary, are appropriated to the Environmental Protection Agency for conducting a household hazardous waste collection program, including costs from prior years:
Payable from the Solid Waste Management Fund................................................................. 3,058,000
Payable from the Special State Projects Trust Fund.............................. 750,000

Section 135. The following named amounts, or so much thereof as may be necessary, are appropriated from the Used Tire Management Fund to the Environmental Protection Agency for purposes as provided for in Section 55.6 of the Environmental Protection Act.
For Personal Services............................ 1,300,300
For Employee Retirement Contributions
Paid by Employer............................................... 0
For State Contributions to State Employees' Retirement System............. 136,000
For State Contributions to Social Security.......................... 99,500
For Group Insurance.................................... 312,000
For Contractual Services........................................... 2,589,400
For Travel................................................... 0
For Commodities.......................................... 5,000
For Printing.................................................. 0
For Equipment.............................................. 0
For Telecommunications Services...................... 0
For Operation of Auto Equipment...................... 8,000
Total                                                                                         $4,450,200

Section 140. The following named amounts, or so much thereof as may be necessary, are appropriated from the Subtitle D Management Fund to the Environmental Protection Agency for the purpose of funding the

New matter indicated by italics - deletions by strikeout.
Subtitle D permit program in accordance with Section 22.44 of the Environmental Protection Act:

For Personal Services............................ 961,900
For Employee Retirement Contributions
   Paid by Employer................................ 0
For State Contributions to State Employees' Retirement System................. 100,600
For State Contributions to Social Security............................................. 74,000
For Group Insurance.............................. 198,000
For Contractual Services......................... 227,000
For Travel........................................... 0
For Commodities.................................... 2,000
For Equipment.......................................... 0
For Telecommunications................................. 0
For Operation of Auto Equipment.................... 9,000
Total                                                                 $1,572,500

Section 145. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Landfill Closure and Post Closure Fund to the Environmental Protection Agency for the purpose of funding closure activities in accordance with Section 22.17 of the Environmental Protection Act.

Section 150. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Hazardous Waste Occupational Licensing Fund to the Environmental Protection Agency for expenses related to the licensing of Hazardous Waste Laborers and Crane and Hoisting Equipment Operators, as mandated by Public Act 85-1195.

Section 155. The following named amount, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency for use in accordance with the Brownfields Redevelopment program:
Payable from the Brownfields Redevelopment Fund:
   For Personal Services and Other Expenses of the Program...................... 1,257,400

Section 160. The sum of $14,000,000, or so much thereof as may be necessary, is appropriated from the Brownfields Redevelopment Fund to the Environmental Protection Agency for financial assistance for brownfields redevelopment in accordance with 58.3(5), 58.13 and 58.15 of the Environmental Protection Act, including costs in prior years.

New matter indicated by italics - deletions by strikeout.
Section 165. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

**BUREAU OF WATER**

Payable from U.S. Environmental Protection Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>6,337,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>662,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>484,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,452,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,337,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>13,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>10,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>61,500</td>
</tr>
<tr>
<td>For Use by the Department of Public Health</td>
<td>703,000</td>
</tr>
<tr>
<td>For non-point source pollution management and special water pollution studies including costs in prior years</td>
<td>10,950,000</td>
</tr>
<tr>
<td>For all costs associated with the Drinking Water Operator Certification Program, including costs in prior years</td>
<td>2,300,000</td>
</tr>
<tr>
<td>For Water Quality Planning, including costs in prior years</td>
<td>350,000</td>
</tr>
<tr>
<td>For Use by the Department of Agriculture</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$25,761,100</strong></td>
</tr>
</tbody>
</table>

Section 170. The following named sums, or so much thereof as may be necessary, are appropriated from the Hazardous Waste Fund to the Environmental Protection Agency for use in accordance with Section 22.2 of the Environmental Protection Act:

New matter indicated by italics - deletions by strikeout.
For Personal Services............................ 265,400
For Employee Retirement Contributions
  Paid by Employer............................... 0
For State Contribution to State
  Employees' Retirement System............... 27,800
For State Contribution to
  Social Security.................................. 20,300
For Group Insurance............................ 60,000
For Contractual Services....................... 29,000
For Travel............................................. 0
For Commodities.................................... 1,000
For Equipment.......................................... 0
For Telecommunications................................. 0
For Operation of Automotive Equipment......... 2,000
Total                                                                                         $405,500

Section 175. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:
Payable from the Environmental Protection Permit and Inspection Fund:
For Personal Services.......................... 1,518,300
For Employee Retirement Contributions
  Paid by Employer............................... 0
For State Contribution to State
  Employees' Retirement System............... 158,700
For State Contribution to
  Social Security.................................. 116,100
For Group Insurance............................ 360,000
For Contractual Services....................... 118,500
For Travel............................................. 0
For Commodities.................................... 7,000
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services............... 0
For Operation of Automotive Equipment....... 22,800
Total                                                                                         $2,301,400

Section 180. The named amounts, or so much thereof as may be necessary, are appropriated from the Conservation 2000

New matter indicated by italics - deletions by strikeout.
Fund to the Environmental Protection Agency for the purpose of funding lake management activities required by the Illinois Lake Management Program:

For Personal Services and Other

Expenses of the Program........................ 570,600
For Financial Assistance........................ 1,000,000
Total $1,570,600

Section 185. The sum of $3,576,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purpose in Article 1, Sections 43 and 44 of Public Act 93-96, is reappropriated from the Conservation 2000 Fund to the Environmental Protection Agency for financial assistance under the Illinois Lake Management Program.

Section 190. The amount of $6,430,300, or so much thereof as may be necessary, is appropriated from the Clean Water Fund to the Environmental Protection Agency for all costs associated with clean water activities.

Section 195. The following named amounts, or so much thereof as may be necessary, respectively, for the object and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

Payable from the Water Revolving Fund:

For Administrative Costs of Water Pollution Control

Revolving Loan Program.......................... 2,324,200
For Program Support Costs of Water Pollution Control Program.......................... 7,040,400
For Administrative Costs of the Drinking Water Revolving Loan Program.............. 1,350,200
For Program Support Costs of the Drinking Water Program................................. 1,694,700
For Wellhead Protection, capacity development and technical assistance to public water supplies.......................... 1,241,700
Total $13,651,200

Section 200. The sum of $272,000,000, new appropriation, is appropriated, and the sum of $389,619,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article

New matter indicated by italics - deletions by strikeout.
1, Section 47 of Public Act 93-96, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater treatment facilities pursuant to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 205. The sum of $153,000,000, new appropriation, is appropriated, and the sum of $188,567,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Section 48 of Public Act 93-96, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the Safe Drinking Water Act, as amended, and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged program.

Section 210. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the Special State Projects Trust Fund to the Environmental Protection Agency for all costs associated with environmental studies and activities.

Section 215. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Environmental Protection Agency for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Pollution Control Board Division.

POLLUTION CONTROL BOARD DIVISION

Payable from Pollution Control Board Fund:
For Contractual Services............................ 12,500
For Printing............................................. 0
For Telecommunications Services...................... 4,000
For Refunds........................................... 1,000
Total $17,500

Payable from the Environmental Protection Permit and Inspection Fund:
For Personal Services............................... 770,700
For Employee Retirement Contributions Paid by Employer................................. 0

New matter indicated by italics - deletions by strikeout.
For State Contributions to State Employees' Retirement System ................................. 80,600
For State Contributions to Social Security ................. 59,000
For Group Insurance ........................................ 180,000
For Contractual Services ................................. 5,900
For Court Reporting Costs ................................ 4,000
For Travel ......................................................... 0
For Electronic Data Processing ............................ 1,000
For Telecommunications Services ....................... 7,200

Total $1,108,400

Payable from the Clean Air Act Permit Fund:
For Personal Services.................................... 566,400
For Employee Retirement Contributions
Paid by Employer ........................................... 0
For State Contributions to State Employees' Retirement System................................. 59,300
For State Contributions to Social Security .......... 43,300
For Group Insurance .................. 120,000
For Contractual Services ............................ 10,000

Total $799,000

Section 220. The amount of $17,800, or so much thereof as may be necessary, is appropriated from the Used Tire Management Fund to the Environmental Protection Agency for the purposes as provided for in Section 55.6 of the Environmental Protection Act.

ARTICLE 17

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Professions Dedicated Fund to the Department of Financial and Professional Regulation:

GENERAL PROFESSIONS

For Personal Services .................................. 2,106,600
For Employee Retirement Contributions
Paid by Employer ........................................... 0
For State Contributions to State Employees' Retirement System......................... 220,200
For State Contributions to Social Security .......................... 161,200
For Group Insurance ........................................ 528,000
For Contractual Services .................................. 120,000

New matter indicated by italics - deletions by strikeout.
For Travel........................................ 85,000
For Refunds..................................... 22,500
Total $3,225,500

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Dental Disciplinary Fund to the Department of Financial and Professional Regulation:

For Personal Services......................... 486,950
For Employee Retirement Contributions
   Paid by Employer................................ 0
For State Contributions to State
   Employees' Retirement System............... 50,900
For State Contributions to
   Social Security.............................. 37,300
For Group Insurance........................... 108,000
For Contractual Services...................... 60,500
For Travel...................................... 20,000
For Refunds.................................... 5,000
Total $768,650

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Medical Disciplinary Fund to the Department of Financial and Professional Regulation:

For Personal Services....................... 2,164,100
For Employee Retirement Contributions
   Paid by Employer............................. 0
For State Contributions to State
   Employees' Retirement System.............. 226,200
For State Contributions to
   Social Security........................... 165,600
For Group Insurance......................... 480,000
For Contractual Services................... 156,000
For Travel.................................... 50,000
For Refunds.................................. 15,000
Total $3,256,900

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Optometric Licensing and Disciplinary Committee Fund to the Department of Financial and Professional Regulation:

New matter indicated by italics - deletions by strikeout.
For Personal Services........................... 248,650
For Employee Retirement Contributions
  Paid by Employer.................................... 0
For State Contributions to State
  Employees' Retirement System...................... 26,000
For State Contributions to
  Social Security.................................... 19,050
For Group Insurance................................ 60,000
For Contractual Services.......................... 75,000
For Travel........................................ 12,000
For Refunds........................................ 2,500
Total                                                                 $443,200

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Design Professionals Administration and Investigation Fund to the Department of Financial and Professional Regulation:
For Personal Services........................... 440,250
For Employee Retirement Contributions
  Paid by Employer.................................... 0
For State Contributions to State
  Employees' Retirement System...................... 46,100
For State Contributions to
  Social Security.................................... 33,700
For Group Insurance................................ 132,000
For Contractual Services.......................... 140,000
For Travel........................................ 60,000
For Refunds........................................ 2,500
Total                                                                 $854,550

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Pharmacy Disciplinary Fund to the Department of Financial and Professional Regulation:
For Personal Services........................... 710,300
For Employee Retirement Contributions
  Paid by Employer.................................... 0
For State Contributions to State
  Employees' Retirement System...................... 74,300
For State Contributions to
  Social Security.................................... 54,400

New matter indicated by italics - deletions by strikeout.
For Group Insurance................................. 120,000
For Contractual Services.......................... 116,000
For Travel............................................. 30,000
For Refunds........................................... 7,500
Total ...................................................... $1,112,500

Section 35. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Illinois State
Podiatric Disciplinary Fund to the Department of Financial and
Professional Regulation:
For Contractual Services........................... 5,000
For Travel................................................. 5,000
For Refunds............................................... 1,000
Total .......................................................... $11,000

Section 40. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Nursing
Dedicated and Professional Fund to the Department of Financial and
Professional Regulation:
For Personal Services.............................. 856,000
For Employee Retirement Contributions
Paid by Employer........................................ 0
For State Contributions to State
Employees' Retirement System.................... 89,500
For State Contributions to Social Security.................... 65,500
For Group Insurance................................... 216,000
For Contractual Services........................... 181,000
For Travel................................................. 25,000
For Refunds............................................... 15,000
Total .......................................................... $1,448,000

Section 45. The sum of $80,000, or so much thereof as may be
necessary, is appropriated from the Professional Regulation Evidence
Fund to the Department of Financial and Professional Regulation for the
purchase of evidence and equipment to conduct covert activities.

Section 50. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Professions
Indirect Cost Fund to the Department of Financial and Professional
Regulation:
For Personal Services............................. 5,800,200
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer...................................... 0
For State Contributions to State
  Employees' Retirement System............... 606,300
For State Contributions to
  Social Security.............................. 443,800
For Group Insurance......................... 1,332,000
For Contractual Services..................... 2,099,000
For Travel..................................... 75,000
For Commodities.............................. 60,000
For Printing................................ 120,000
For Equipment................................ 150,000
For Electronic Data Processing.............. 1,150,000
For Telecommunications Services............. 450,000
For Operation of Auto Equipment............. 179,000
Total ........................................ $12,465,300

Section 55. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Financial
Institution Fund to the Department of Financial and Professional
Regulation:
For Personal Services....................... 1,941,800
For Employee Retirement Contributions
  Paid by Employer............................ 0
For State Contributions to the State
  Employees' Retirement System............. 203,000
For State Contributions to
  Social Security............................ 148,700
For Group Insurance......................... 391,100
For Contractual Services.................... 326,300
For Travel................................... 176,000
For Commodities............................ 29,800
For Printing................................ 14,800
For Equipment............................... 6,400
For Electronic Data Processing............. 115,100
For Telecommunications Services.......... 71,300
For Operation of Auto Equipment.......... 4,900
For Refunds................................ 3,500
Total ....................................... $3,432,700

New matter indicated by italics - deletions by strikeout.
Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Credit Union Fund to the Department of Financial and Professional Regulation:

CREDIT UNION

Payable from Credit Union Fund:
For Personal Services.......................... 1,932,800
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contributions to State
   Employees' Retirement System.............. 202,100
For State Contributions to
   Social Security............................ 147,900
For Group Insurance........................... 360,000
For Contractual Services........................ 224,300
For Travel...................................... 289,000
For Commodities................................ 17,800
For Printing.................................... 4,800
For Equipment................................. 5,800
For Electronic Data Processing............... 133,800
For Telecommunications Services............. 64,700
For Operation of Auto Equipment............. 2,200
For Refunds.................................... 1,000
Total $3,386,200

Section 65. In addition to the amounts heretofore appropriated, the following named amount, or so much thereof as may be necessary, is appropriated from the TOMA Consumer Protection Fund to the Department of Financial and Professional Regulation:

TOMA CONSUMER PROTECTION

For Refunds.................................... 20,000

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Bank and Trust Company Fund to the Department of Financial and Professional Regulation:

DOMESTIC AND FOREIGN COMMERCIAL BANK REGULATION

For Personal Services......................... 9,925,400
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contribution to State
   Employees' Retirement System.............. 1,037,500

New matter indicated by italics - deletions by strikeout.
For State Contributions to
Social Security................................. 759,300
For Group Insurance............................ 1,776,000
For Contractual Services....................... 1,185,750
For Travel....................................... 812,700
For Commodities............................... 38,200
For Printing...................................... 41,800
For Equipment..................................... 71,800
For Electronic Data Processing............... 732,400
For Telecommunications Services.............. 214,600
For Operation of Auto Equipment............... 4,200
For Refunds........................................ 1,000
For Corporate Fiduciary Receivership....... 540,000
Total                                                                 $17,140,650

Section 75. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the Pawnbroker Regulation Fund to the
Department of Financial and Professional Regulation:

**PAWN BROKER REGULATION**

For Personal Services............................ 71,500
For Employee Retirement Contributions
    Paid by Employer................................. 0
For State Contributions to State
    Employees' Retirement System............... 7,500
For State Contributions to
    Social Security................................. 5,500
For Group Insurance.............................. 12,000
For Contractual Services....................... 11,900
For Travel........................................ 7,100
For Commodities............................... 800
For Printing...................................... 3,000
For Electronic Data Processing.............. 5,100
For Telecommunications Services............. 1,800
Total                                    $126,200

Section 80. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Savings and
Residential Finance Regulatory Fund to the Department of Financial and
Professional Regulation:

**MORTGAGE BANKING AND THRIFT REGULATION**

New matter indicated by italics - deletions by strikeout.
For Personal Services......................... 2,137,400
For Personal Services:
Per Diem.......................................... 1,000
For Employee Retirement Contributions
Paid by Employer............................... 0
For State Contributions to State
Employees' Retirement System............... 223,500
For State Contributions to
Social Security................................ 163,600
For Group Insurance........................... 396,000
For Contractual Services..................... 477,250
For Travel...................................... 119,500
For Commodities................................ 19,400
For Printing..................................... 42,100
For Equipment................................... 74,400
For Electronic Data Processing............... 253,400
For Telecommunications Services.......... 42,300
For Operation of Automotive Equipment.... 2,800
For Refunds..................................... 500
Total                                                                 $3,953,150

Section 85. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Real Estate
License Administration Fund to the Department of Financial and
Professional Regulation:

REAL ESTATE LICENSING AND ENFORCEMENT
For Personal Services......................... 1,817,200
For Personal Services:
Per Diem......................................... 9,000
For Employee Retirement Contributions
Paid by Employer............................... 0
For State Contributions to State
Employees' Retirement System.............. 190,000
For State Contributions to
Social Security............................... 139,100
For Group Insurance.......................... 348,000
For Contractual Services.................... 491,550
For Travel..................................... 91,600
For Commodities.............................. 20,100
For Printing................................... 47,400

New matter indicated by italics - deletions by strikeout.
For Equipment..................................... 65,600
For Electronic Data Processing.................. 227,700
For Telecommunications Services............... 57,800
For Operation of Auto Equipment................. 7,000
For Refunds........................................ 3,000
Total                                                                                         $3,515,050

Section 90. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Appraisal Administration Fund to the Department of Financial and Professional Regulation:

APPRAISAL LICENSING

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services...................</td>
<td>374,400</td>
</tr>
<tr>
<td>Per Diem...................................</td>
<td>3,000</td>
</tr>
<tr>
<td>Paid by Employer.........................</td>
<td>0</td>
</tr>
<tr>
<td>State Contributions to State Retirement System</td>
<td>39,200</td>
</tr>
<tr>
<td>Social Security.........................</td>
<td>28,700</td>
</tr>
<tr>
<td>Group Insurance.........................</td>
<td>72,000</td>
</tr>
<tr>
<td>Contractual Services....................</td>
<td>195,300</td>
</tr>
<tr>
<td>Travel.....................................</td>
<td>25,000</td>
</tr>
<tr>
<td>Commodities.............................</td>
<td>5,800</td>
</tr>
<tr>
<td>Printing...................................</td>
<td>8,000</td>
</tr>
<tr>
<td>Equipment...............................</td>
<td>1,800</td>
</tr>
<tr>
<td>Electronic Data Processing.............</td>
<td>45,800</td>
</tr>
<tr>
<td>Telecommunications Services............</td>
<td>9,900</td>
</tr>
<tr>
<td>Forwarding real estate appraisal fees</td>
<td></td>
</tr>
<tr>
<td>to the federal government.............</td>
<td>30,000</td>
</tr>
<tr>
<td>Refunds.................................</td>
<td>3,000</td>
</tr>
</tbody>
</table>
| Total                                                                                         $841,900

Section 95. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Auction Regulation Administration Fund to the Department of Financial and Professional Regulation:

AUCTIONEER REGULATION

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services...................</td>
<td>102,200</td>
</tr>
<tr>
<td>Personal Services:......................</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Per Diem................................................. 2,500
For Employee Retirement Contributions
  Paid by Employer..................................... 0
For State Contributions to State
  Employees' Retirement System.................... 10,700
For State Contributions to
  Social Security.................................... 7,800
For Group Insurance................................. 24,000
For Contractual Services........................... 81,600
For Travel............................................. 10,000
For Commodities.................................... 3,600
For Printing.......................................... 9,300
For Equipment....................................... 7,500
For Electronic Data Processing..................... 24,300
For Telecommunications Services.................. 10,600
For Refunds.......................................... 4,900
Total .................................................. $299,000

Section 100. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the Real Estate Research and Education Fund to the Department of Financial and Professional Regulation for research and education in accordance with Section 25-25 of the Real Estate License Act of 2000.

Section 105. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Home Inspector Administration Fund to the Department of Financial and Professional Regulation:

HOME INSPECTOR REGULATION

For Personal Services................................ 136,900
For Personal Services:
  Per Diem.............................................. 3,000
For Employee Retirement Contributions
  Paid by Employer.................................... 0
For State Contributions to State
  Employees' Retirement System................... 14,400
For State Contributions to
  Social Security................................... 10,500
For Group Insurance................................ 36,000
For Contractual Services........................... 18,000
For Travel............................................. 13,500

New matter indicated by italics - deletions by strikeout.
For Commodities................................. 1,500
For Equipment.................................... 15,000
For Electronic Data Processing............... 23,900
For Telecommunications Services............ 3,200
For Refunds...................................... 1,000
Total                                     $276,900

Section 110. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Real Estate Audit Fund to the Department of Financial and Professional Regulation for operating expenses for Real Estate audits.

Section 115. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Producer Administration Fund to the Department of Financial and Professional Regulation:

PRODUCER ADMINISTRATION
For Personal Services........................... 6,091,200
For Employee Retirement Contributions
   Paid by Employer................................ 0
For State Contributions to the State
   Employees' Retirement System.............. 636,750
For State Contributions to
   Social Security............................. 466,100
For Group Insurance............................ 1,614,000
For Contractual Services...................... 1,785,900
For Travel...................................... 377,300
For Commodities................................ 57,700
For Printing.................................... 94,800
For Equipment.................................. 137,700
For Telecommunications Services............ 219,400
For Operation of Auto Equipment.............. 10,900
For Refunds.................................... 225,000
Total                                      $11,716,750

Section 120. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Financial Regulation Fund to the Department of Financial and Professional Regulation:

FINANCIAL REGULATION
For Personal Services........................... 9,146,200
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer...................................... 0
For State Contributions to the State
  Employees' Retirement System............... 956,100
For State Contributions to
  Social Security............................... 699,900
For Group Insurance........................... 1,986,000
For Contractual Services..................... 1,920,700
For Travel....................................... 731,800
For Commodities.................................. 70,100
For Printing...................................... 36,500
For Equipment.................................... 123,000
For Telecommunications Services............. 151,500
For Operation of Auto........................... 7,300
For Refunds...................................... 100,000
Total                                                                                       $15,929,100

Section 125. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Department of Financial and Professional
Regulation:

  PENSION DIVISION

Payable from Public Pension Regulation Fund:
  For Personal Services......................... 472,300
  For Employee Retirement Contributions
    Paid by Employer.............................. 0
  For State Contributions to the State
    Employees' Retirement System............... 49,400
  For State Contributions to
    Social Security............................ 36,200
  For Group Insurance.......................... 108,000
  For Contractual Services.................... 12,600
  For Travel..................................... 48,500
  For Printing................................... 10,500
  For Equipment.................................. 15,300
  For Telecommunications Services............ 9,100
Total                                                                                       $761,900

Section 130. The following named sum, or so much thereof as
may be necessary, is appropriated to the Department of Financial and
Professional Regulation for the administration of the Senior Health
Insurance Program:

New matter indicated by italics - deletions by strikeout.
Payable from the Senior Health Insurance Program Fund.......................... 600,000
Total $600,000

ARTICLE 18
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

OPERATIONS
GOVERNMENT SERVICES

For Personal Services:
Payable from General Revenue Fund............... 3,347,950
Payable from Motor Fuel Tax Fund............... 411,800
Payable from Illinois Tax Increment Fund............... 181,100
Payable from Personal Property Tax Replacement Fund............... 785,800

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund............... 350,000
Payable from Motor Fuel Tax Fund............... 43,100
Payable from Illinois Tax Increment Fund............... 19,000
Payable from Personal Property Tax Replacement Fund............... 82,200

For State Contributions to Social Security:
Payable from General Revenue Fund............... 244,050
Payable from Motor Fuel Tax Fund............... 30,500
Payable from Illinois Tax Increment Fund............... 13,400
Payable from Personal Property Tax Replacement Fund............... 58,200

For Group Insurance:
Payable from Motor Fuel Tax Fund............... 96,000
Payable from Illinois Tax Increment Fund............... 48,000
Payable from Personal Property Tax Replacement Fund............... 216,000

For Contractual Services:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund............... 159,100
Payable from Motor Fuel Tax Fund............... 32,600
Payable from Personal Property Tax Replacement Fund............... 10,000

For Travel:
Payable from General Revenue Fund............... 0
Payable from Motor Fuel Tax Fund............... 0
Payable from Personal Property Tax Replacement Fund............... 0

For Commodities:
Payable from General Revenue Fund............... 0
Payable from Motor Fuel Tax Fund............... 0
Payable from Personal Property Tax Replacement Fund............... 0

For Equipment:
Payable from General Revenue Fund............... 0
Payable from Motor Fuel Tax Fund............... 0
Payable from Child Support Administrative Fund............... 0
Payable from Personal Property Tax Replacement Fund............... 0

For Electronic Data Processing:
Payable from General Revenue Fund............... 0

For Administration of the Illinois Affordable Housing Act:
Payable from Illinois Affordable Housing Trust Fund............... 2,400,000

For Transfer from the General Revenue Fund into the Senior Citizens Real Estate Deferred Tax Revolving Fund............... 0

Total $8,465,400

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

OPERATIONS
TAX ENFORCEMENT

For Personal Services:
Payable from General Revenue Fund............... 39,238,800

New matter indicated by italics - deletions by strikeout.
Payable from Motor Fuel Tax Fund.............. 6,675,950
Payable from Underground
   Storage Tank Fund.......................... 158,400
Payable from Illinois Gaming
   Law Enforcement Fund...................... 720,100
Payable from Home Rule Municipal
   Retailers Occupation Tax Fund.............. 150,000
Payable from County Option Motor
   Fuel Tax Fund.............................. 88,200
Payable from Child Support
   Administrative Fund....................... 1,299,400
Payable from Personal Property Tax
   Replacement Fund........................... 973,000
For State Contributions to State
   Employees' Retirement System:
      Payable from General Revenue Fund........ 4,101,300
      Payable from Motor Fuel Tax Fund.......... 697,800
Payable from Underground
   Storage Tank Fund.......................... 16,600
Payable from Illinois Gaming
   Law Enforcement Fund...................... 75,300
Payable from Home Rule Municipal
   Retailers Occupation Tax Fund.............. 15,700
Payable from County Option Motor
   Fuel Tax Fund.............................. 9,300
Payable from Child Support
   Administrative Fund....................... 135,900
Payable from Personal Property Tax
   Replacement Fund........................... 101,700
For State Contributions to Social Security:
Payable from General Revenue Fund............ 2,786,000
Payable from Motor Fuel Tax Fund............. 492,150
Payable from Underground
   Storage Tank Fund.......................... 11,900
Payable from Illinois Gaming
   Law Enforcement Fund...................... 43,200
Payable from Home Rule Municipal
   Retailers Occupation Tax Fund.............. 11,300
Payable from County Option Motor

New matter indicated by italics - deletions by strikeout.
Fuel Tax Fund ..................................... 6,600
Payable from Child Support
Administrative Fund ................................. 97,500
Payable from Personal Property Tax
Replacement Fund .................................. 73,000
For Group Insurance:
Payable from Motor Fuel Tax Fund ............. 1,380,000
Payable from Underground
Storage Tank Fund .................................... 36,000
Payable from Illinois Gaming
Law Enforcement Fund .................................. 180,000
Payable from Home Rule Municipal
Retailers Occupation Tax Fund ................. 36,000
Payable from County Option Motor
Fuel Tax Fund ........................................ 24,000
Payable from Child Support
Administrative Fund .................................... 360,000
Payable from Personal Property Tax
Replacement Fund .................................... 276,000
For Contractual Services:
Payable from General Revenue Fund ............ 651,900
Payable from Motor Fuel Tax Fund .............. 97,300
Payable from Illinois Gaming
Law Enforcement Fund ................................ 4,300
Payable from Personnel Property Tax
Replacement Fund .................................... 100,000
For Travel:
Payable from General Revenue Fund ............. 850,600
Payable from Motor Fuel Tax Fund .............. 915,400
Payable from Underground
Storage Tank Fund ..................................... 14,500
Payable from Illinois Gaming
Law Enforcement Fund ................................ 26,400
Payable from Home Rule Municipal
Retailers Occupation Tax Fund .............. 27,500
Payable from County Option Motor
Fuel Tax Fund .......................................... 14,600
Payable from Personal Property Tax
Replacement Fund .................................... 131,500

New matter indicated by italics - deletions by strikeout.
For Commodities:
  Payable from General Revenue Fund.................. 0
  Payable from Motor Fuel Tax Fund.................. 0
  Payable from Underground Storage Tank Fund........ 0
  Payable from Illinois Gaming Law Enforcement Fund... 0
  Payable from Personal Property Tax Replacement Fund... 0
For Electronic Data Processing:
  Payable from General Revenue Fund.................. 0
  Payable from Motor Fuel Tax Fund.................. 0
  Payable from Illinois Gaming Law Enforcement Fund... 0
  Payable from Personal Property Tax Replacement Fund... 0
For Administrative Costs of Joint State/Federal Motor Fuel Tax Enforcement Program:
  Payable from Motor Fuel Tax Fund.................. 71,000
For Administration of the Dyed Diesel Fuel Roadside Enforcement Plan per PA 91-173, Including prior year costs:
  Payable from Tax Compliance And Administration Fund........ 29,600
Total $63,229,600

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

OPERATIONS
TAX OPERATIONS

For Personal Services:
  Payable from General Revenue Fund................. 36,327,450
  Payable from Motor Fuel Tax Fund.................. 5,093,100
  Payable from Underground Storage Tank Fund........ 334,800
  Payable from Illinois Gaming

New matter indicated by italics - deletions by strikeout.
Law Enforcement Fund................................. 50,300
Payable from County Option Motor Fuel Tax Fund................................. 241,500
Payable from Tax Compliance and Administration Fund................................. 314,500
Payable from Personal Property Tax Replacement Fund................................. 3,169,800
For Extra Help:
Payable from General Revenue Fund................................. 82,000
For State Contributions to State Employees’ Retirement System:
Payable from General Revenue Fund................................. 3,797,000
Payable from Motor Fuel Tax Fund................................. 532,400
Payable from Underground Storage Tank Fund................................. 35,000
Payable from Illinois Gaming Law Enforcement Fund................................. 5,300
Payable from County Option Motor Fuel Tax Fund................................. 25,300
Payable from Tax Compliance and Administration Fund................................. 32,900
Payable from Personal Property Tax Replacement Fund................................. 331,400
For State Contributions to Social Security:
Payable from General Revenue Fund................................. 2,693,650
Payable from Motor Fuel Tax Fund................................. 376,800
Payable from Underground Storage Tank Fund................................. 25,000
Payable from Illinois Gaming Law Enforcement Fund................................. 3,800
Payable from County Option Motor Fuel Tax Fund................................. 18,100
Payable from Tax Compliance and Administration Fund................................. 23,400
Payable from Personal Property Tax Replacement Fund................................. 236,200
For Group Insurance:
Payable from Motor Fuel Tax Fund................................. 1,140,000
Payable from Underground Storage Tank Fund................................. 108,000
Payable from Illinois Gaming

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Fund/Motor Fuel Tax Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Enforcement Fund</td>
<td>12,000</td>
</tr>
<tr>
<td>Payable from County Option Motor Fuel Tax Fund</td>
<td>84,000</td>
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<tr>
<td>Payable from Tax Compliance and Administration Fund</td>
<td>84,000</td>
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<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>972,000</td>
</tr>
<tr>
<td>For Contractual Services:</td>
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<tr>
<td>Payable from General Revenue Fund</td>
<td>5,835,500</td>
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<tr>
<td>Payable from Motor Fuel Tax Fund</td>
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<tr>
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<td>For Travel:</td>
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<td>Payable from General Revenue Fund</td>
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<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>0</td>
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<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities:</td>
<td></td>
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<tr>
<td>Payable from General Revenue Fund</td>
<td>0</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>0</td>
</tr>
<tr>
<td>Payable from Underground Storage Tank Fund</td>
<td>0</td>
</tr>
<tr>
<td>Payable from County Option Motor Fuel Tax Fund</td>
<td>0</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>0</td>
</tr>
<tr>
<td>For Printing:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>973,000</td>
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<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>151,800</td>
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<td>Payable from Underground Storage Tank Fund</td>
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<td>Payable from Illinois Gaming Law Enforcement Fund</td>
<td>4,500</td>
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<td>Payable from Personal Property Tax Replacement Fund</td>
<td>84,600</td>
</tr>
<tr>
<td>For Electronic Data Processing:</td>
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<tr>
<td>Payable from General Revenue Fund</td>
<td>3,636,400</td>
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<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>1,723,200</td>
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<tr>
<td>Payable from Transportation Regulatory Fund</td>
<td>1,000</td>
</tr>
<tr>
<td>Payable from Underground</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Storage Tank Fund................................. 6,800
Payable from Illinois Gaming Law Enforcement Fund............... 150,100
Payable from Home Rule Municipal Retailers Occupation Tax Fund............... 140,300
Payable from County Option Motor Fuel Tax Fund......................... 29,700
Payable from Illinois Tax Increment Fund................................. 265,200
Payable from Tax Compliance and Administration Fund................. 106,600
Payable from Child Support Administrative Fund..... 6,800
Payable from Personal Property Tax Replacement Fund.................. 530,500

For Telecommunications Services:
Payable from General Revenue Fund......................... 0
Payable from Motor Fuel Tax Fund.............................. 0
Payable from Underground Storage Tank Fund.......................... 0
Payable from Illinois Gaming Law Enforcement Fund...................... 0
Payable from Home Rule Municipal Retailers Occupation Tax Fund......... 0
Payable from County Option Motor Fuel Tax Fund........................ 0
Payable from Illinois Tax Increment Fund.............................. 0
Payable from Tax Compliance and Administration Fund.................. 0
Payable from Child Support Administrative Fund......................... 0
Payable from Personal Property Tax Replacement Fund.................. 0

For Operation of Auto Equipment:
Payable from General Revenue Fund......................... 0
Payable from Motor Fuel Tax Fund.............................. 0
Payable from Illinois Gaming Law Enforcement Fund...................... 0
Payable from Personal Property Tax

New matter indicated by italics - deletions by strikeout.
Replacement Fund................................................. 0
For Administration of the Illinois Petroleum Education
and Marketing Act:
Payable from the Tax Compliance
and Administration Fund................................. 9,000
For Administration of the Dry Cleaners Environmental
Response Trust Fund Act:
Payable from the Tax Compliance
and Administration Fund................................. 49,900
For Administration of the Simplified Telecommunications Act:
Payable from the Tax Compliance and
Administration Fund................................. 1,299,800
Total $72,129,200

GOVERNMENT SERVICES GRANTS

Section 20. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Revenue as
follows:
Payable from General Revenue Fund:
For the State's Share of County
Supervisors of Assessments' or
County Assessors' salaries,
as provided by law................................. 0
For additional compensation for local
assessors, as provided by Sections 2.3
and 2.6 of the "Revenue Act of 1939", as amended...... 0
For additional compensation for local
assessors, as provided by Section 2.7
of the "Revenue Act of 1939", as
amended................................................. 0
For additional compensation for county
treasurers, pursuant to Public Act
84-1432, as amended................................. 0
For the State’s Share of State’s Attorneys’
And Assistant State’s Attorneys’ salaries,
Including prior years costs................................. 0
For the annual stipend for Sheriffs as
Provided in subsection (d) of Section
4-6300 and Section 4-8002 of the
Counties Code............................................. 0

New matter indicated by italics - deletions by strikeout.
For the annual stipend to county Coroners pursuant to 55 ILCS 5/4-6002 Including prior years costs......................... 0

Payable from State and Local Sales Tax Reform Fund:
For Allocation to Chicago for additional 1.25% Use Tax Pursuant to P.A. 86-0928............................. 39,733,400

Payable from Local Government Distributive Fund:
For Allocation to Local Governments of additional 1.25% Use Tax Pursuant to P.A. 86-0928....................... 100,074,700

Payable from R.T.A. Occupation and Use Tax Replacement Fund:
For Allocation to RTA for 10% of the 1.25% Use Tax Pursuant to P.A. 86-0928.............................. 19,866,600

Payable from Senior Citizens’ Real Estate Deferred Tax Revolving Fund:
For Payments to Counties as Required by the Senior Citizens Real Estate Tax Deferral Act....................... 5,500,000

Payable from Illinois Tax Increment Fund:
For Distribution to Local Tax Increment Finance Districts........................... 18,629,900

TAX ENFORCEMENT GRANTS
Section 25. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Revenue for the purposes as follows:
Payable from the Illinois Gaming Law Enforcement Fund:
For a Grant for Allocation to Local Law Enforcement Agencies for joint state and local efforts in Administration of the Charitable Games, Pull Tabs and Jar Games Act.............................. 1,400,000

New matter indicated by italics - deletions by strikeout.
TAX OPERATIONS GRANTS

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for:

Payable from the Motor Fuel Tax Fund:
For Reimbursement to International Fuel Tax Agreement Member States.............. 42,633,700

TAX OPERATIONS REFUNDS

For Refunds and Repayment to persons as provided by law:
Payable from Motor Fuel Tax Fund........... 16,793,000

For Refund of certain taxes in lieu of credit memoranda, where such refunds are authorized by law:
Payable from General Revenue Fund......... 12,707,800

For Refunds provided for in Section 13a.8 of the Motor Fuel Tax Act:
Payable from the Underground Storage Tank Fund............. 98,000

For Refunds associated with the Simplified Municipal Telecommunications Act:
Payable from the Municipal Telecommunications Fund............. 98,000

GOVERNMENT SERVICE GRANTS

Section 35. The sum of $50,350,000 is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Revenue for Grants, (down payment assistance, rental subsidies, security deposit subsidies, technical assistance, outreach, building an organization's capacity to develop affordable housing projects and other related purposes), Mortgages, Loans, or for the purpose of securing bonds pursuant to the Illinois Affordable Housing Act, administered by the Illinois Housing Development Authority.

Section 40. The sum of $16,905,200, new appropriation, is appropriated and the sum of $29,656,311, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 5, Section 40 of Public Act 93-0091 is reappropriated from the Federal

New matter indicated by italics - deletions by strikeout.
HOME Investment Trust Fund to the Department of Revenue for the Illinois HOME Investment Partnerships Program administered by the Illinois Housing Development Authority.

ILLINOIS GAMING BOARD

Section 45. The sum of $110,000,000, or so much thereof as may be necessary, is appropriated from the State Gaming Fund to the Department of Revenue for distributions to local governments for admissions and wagering tax.

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for the ordinary and contingent expenses of the Illinois Gaming Board:

Payable from State Gaming Fund:
For Personal Services......................... 4,935,000
For State Contributions to the State Employees' Retirement System......... 515,900
For State Contributions to Social Security................................. 223,650
For Group Insurance......................... 923,000
For Contractual Services....................... 6,934,400
For Travel............................................. 0
For Commodities........................................ 0
For Printing........................................... 0
For Equipment........................................ 0
For Electronic Data Processing....................... 0
For Telecommunications........................................ 0
For Operation of Auto Equipment.................. 0
Total                                                                 $13,531,950

REFUNDS

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for:

ILLINOIS GAMING BOARD
Payable from State Gaming Fund:
For Refunds...................................... 50,000

LIQUOR CONTROL

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout.
named, are appropriated from the Dram Shop Fund to the Department of Revenue:

For Personal Services......................... 2,153,500
For State Contributions to State
  Employees' Retirement System............... 225,100
For State Contributions to
  Social Security.............................. 159,400
For Group Insurance......................... 528,000
For Contractual Services......................... 210,200
For Travel............................................. 0
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Electronic Data Processing......................... 0
For Telecommunications Services..................... 0
For Operation of Automotive Equipment............... 0
For Refunds............................................ 0
Total                                                                 $3,389,200

Section 65. The amount of $0, or so much thereof as may be necessary, is appropriated from the Dram Shop Fund to the Department of Revenue to conduct a study to determine the extent of enforcement of laws relating to access by minors to tobacco products.

Section 70. The sum of $0, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Revenue for the purpose of operating the local government tobacco enforcement grant program.

Section 75. The sum of $0, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Revenue for grants to local governmental units to establish enforcement programs that will reduce youth access to tobacco products.

Section 80. The sum of $0, or so much thereof as may be necessary, respectively, are appropriated for the Retailer Education Program from the Dram Shop Fund to the Department of Revenue.

Section 85. The sum of $0, or so much thereof as may be necessary, is appropriated from the Dram Shop Fund to the Department of Revenue for the purpose of operating the Beverage Alcohol Sellers and Servers Education and Training (BASSET) Program.

LOTTERY

New matter indicated by italics - deletions by strikeout.
Section 90. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the State Lottery Fund to meet the ordinary and contingent expenses of the Department of Revenue for Lottery, including operating expenses related to Multi-State Lottery games pursuant to the Illinois Lottery Law:

**OPERATIONS**

Payable from State Lottery Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,922,550</td>
</tr>
<tr>
<td>For State Contributions for the State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>514,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>360,350</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,296,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>27,284,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>3,625,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>10,096,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Expenses of Developing and Promoting Lottery Games</td>
<td>11,746,800</td>
</tr>
<tr>
<td>For Expenses of the Lottery Board</td>
<td>0</td>
</tr>
<tr>
<td>For Refunds</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$59,846,000</strong></td>
</tr>
</tbody>
</table>

Section 95. The sum of $261,050,000, or so much thereof as may be necessary, is appropriated from the State Lottery Fund to the Department of the Revenue for Lottery, for payment of prizes to holders of winning lottery tickets or shares, including prizes related to Multi-State Lottery games, and payment of promotional or incentive prizes associated with the sale of lottery tickets, pursuant to the provisions of the "Illinois Lottery Law".

Section 100. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the State Lottery Fund to the Illinois Department of the Revenue for Lottery, for payment to the Illinois State Police for investigatory services.

**RACING**

New matter indicated by italics - deletions by strikeout.
Section 105. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Horse Racing Fund to the Department of Revenue for the ordinary and contingent expenses of the Illinois Racing Board:

OPERATIONS
GENERAL OFFICE
For Personal Services........................... 928,500
For State Contributions to State
  Employees' Retirement System............... 97,100
For State Contributions to
  Social Security................................. 68,700
For Group Insurance............................ 204,000
For Contractual Services....................... 85,500
For Contractual Services:
  Hearing Officers............................... 11,100
For Travel.......................................... 0
For Commodities.................................. 0
For Printing....................................... 0
For Equipment.................................... 0
For Electronic Data Processing.................. 0
For Telecommunications Services............... 0
For Operation of Auto Equipment............... 0
For Expenses related to the Laboratory
  Program......................................... 1,817,800
For Expenses related to the Regulation
  of Racing Program.............................. 3,702,700
For Refunds...................................... 300
Total $6,915,700

ARTICLE 19
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Property Tax Appeal Board:
Payable from the General Revenue Fund:
For Personal Services......................... 1,278,600
For State Contributions to State
  Employees' Retirement System.............. 133,700
For State Contributions to

New matter indicated by italics - deletions by strikeout.
Social Security............................... 97,800
For Contractual Services..................... 44,000
For Travel...................................... 0
For Commodities................................ 0
For Printing.................................... 0
For Equipment.................................. 0
For Electronic Data Processing............... 0
For Telecommunication Services............. 0
For Operation of Auto Equipment........... 0
For the Reestablishment of the Cook County Office.......................... 0
For Refunds.................................... 0
Total........................................ $1,554,100

ARTICLE 20

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

EXECUTIVE GROUP

For Personal Services:
For Regular Positions:
   Payable from General Revenue Fund .................. $4,379,400
   Payable from Securities Audit and Enforcement Fund .................. 262,000
For Extra Help:
   Payable from General Revenue Fund .................. 39,100
For Employee Contribution to State Employees' Retirement System:
   Payable from General Revenue Fund .................. 2,446,200
   Payable from Road Fund ....................... 3,345,400
   Payable from Securities Audit and Enforcement Fund .................. 10,500
   Payable from Vehicle Inspection Fund .................. 47,700
For State Contribution to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System:
   Payable from General Revenue Fund........................................... 486,100
   Payable from Securities Audit and Enforcement Fund......................... 28,800
For State Contribution to Social Security:
   Payable from General Revenue Fund........................................... 337,000
   Payable from Securities Audit and Enforcement Fund......................... 20,000
For Group Insurance:
   Payable from Securities Audit and Enforcement Fund............................ 48,000
For Contractual Services:
   Payable from General Revenue Fund........................................... 616,600
For Travel Expenses:
   Payable from General Revenue Fund........................................... 0
For Commodities:
   Payable from General Revenue Fund........................................... 27,300
For Printing:
   Payable from General Revenue Fund........................................... 11,900
For Equipment:
   Payable from General Revenue Fund........................................... 0
For Telecommunications:
   Payable from General Revenue Fund........................................... 156,400

   GENERAL ADMINISTRATIVE GROUP

For Personal Services:
For Regular Positions:
   Payable from General Revenue Fund........................................... $44,573,000
   Payable from Road Fund...................................................... 0
   Payable from Lobbyist Registration

New matter indicated by italics - deletions by strikeout.
Fund...........................................                                                   243,400
Payable from Registered Limited Liability Partnership Fund.................. 62,800
Payable from Securities Audit and Enforcement Fund............................. 3,070,700
Payable from Division of Business Services Special Operations Fund.............. 1,253,100

For Extra Help:
Payable from General Revenue Fund......................................................... 871,800
Payable from Road Fund............................... 0
Payable from Securities Audit and Enforcement Fund................................. 13,800
Payable from Division of Business Services Special Operations Fund.............. 129,600

For Employee Contribution to State Employees' Retirement System:
Payable from Lobbyist Registration Fund................................................. 9,700
Payable from Registered Limited Liability Partnership Fund.................. 2,500
Payable from Securities Audit and Enforcement Fund................................. 122,800
Payable from Division of Business Services Special Operations Fund.............. 55,300

For State Contribution to State Employees' Retirement System:
Payable from General Revenue Fund......................................................... 4,998,900
Payable from Road Fund............................... 0
Payable from Lobbyist Registration Fund..................................................... 26,800
Payable from Registered Limited Liability Partnership Fund.................. 6,900
Payable from Securities Audit and Enforcement Fund................................. 339,300
Payable from Division of Business Services Special Operations Fund.............. 152,100

New matter indicated by italics - deletions by strikeout.
Social Security:
  Payable from General Revenue Fund................................. 3,469,700
  Payable from Road Fund........................................... 0
  Payable from Lobbyist Registration Fund............................. 31,800
  Payable from Registered Limited Liability Partnership Fund.......... 4,800
  Payable from Securities Audit and Enforcement Fund..................... 236,300
  Payable from Division of Business Services Special Operations Fund........ 128,400
For Group Insurance:
  Payable from Lobbyist Registration Fund............................ 72,000
  Payable from Registered Limited Liability Partnership Fund........... 24,000
  Payable from Securities Audit and Enforcement Fund.................. 684,000
  Payable from Division of Business Services Special Operations Fund........ 480,000
For Contractual Services:
  Payable from General Revenue Fund.................................. 13,742,800
  Payable from Road Fund.............................................. 1,240,200
  Payable from Motor Fuel Tax Fund.................................... 440,000
  Payable from Lobbyist Registration Fund................................ 72,000
  Payable from Registered Limited Liability Partnership Fund........... 600
  Payable from Securities Audit and Enforcement Fund.................. 1,019,400
  Payable from Division of Business Services Special Operations Fund........ 502,600
For Travel Expenses:
  Payable from General Revenue Fund.................................. 0
  Payable from Road Fund.............................................. 0
  Payable from Lobbyist Registration Fund................................ 0

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from Securities Audit and Enforcement Fund</td>
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</tr>
<tr>
<td>Payable from Division of Business Services Special Operations Fund</td>
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<tr>
<td>For Commodities:</td>
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<tr>
<td>Payable from General Revenue Fund</td>
<td>858,700</td>
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<tr>
<td>Payable from Road Fund</td>
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</tr>
<tr>
<td>Payable from Lobbyist Registration Fund</td>
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<tr>
<td>Payable from Securities Audit and Enforcement Fund</td>
<td>20,300</td>
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<tr>
<td>Payable from Division of Business Services Special Operations Fund</td>
<td>79,900</td>
</tr>
<tr>
<td>For Printing:</td>
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<tr>
<td>Payable from General Revenue Fund</td>
<td>486,300</td>
</tr>
<tr>
<td>Payable from Road Fund</td>
<td>0</td>
</tr>
<tr>
<td>Payable from Lobbyist Registration Fund</td>
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<tr>
<td>Payable from Securities Audit and Enforcement Fund</td>
<td>16,000</td>
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<tr>
<td>Payable from Division of Business Services Special Operations Fund</td>
<td>65,600</td>
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<td>For Equipment:</td>
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<tr>
<td>Payable from Road Fund</td>
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<tr>
<td>Payable from Lobbyist Registration Fund</td>
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<td>Payable from Registered Limited Liability Partnership Fund</td>
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<td>Payable from Securities Audit and Enforcement Fund</td>
<td>0</td>
</tr>
<tr>
<td>Payable from Division of Business Services Special Operations Fund</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Electronic Data Processing:
- Payable from General Revenue Fund: 0
- Payable from Road Fund: 0
- Payable from the Secretary of State Special Services Fund: 8,045,000

For Telecommunications:
- Payable from General Revenue Fund: 401,800
- Payable from Lobbyist Registration Fund: 1,000
- Payable from Registered Limited Liability Partnership Fund: 600
- Payable from Securities Audit and Enforcement Fund: 84,100
- Payable from Division of Business Services Special Operations Fund: 103,400

For Operation of Automotive Equipment:
- Payable from General Revenue Fund: 400,700
- Payable from Securities Audit and Enforcement Fund: 16,400
- Payable from Division of Business Services Special Operations Fund: 45,100

For Refunds:
- Payable from General Revenue Fund: 14,000
- Payable from Road Fund: 2,674,200

For Personal Services:

For Regular Positions:
- Payable from General Revenue Fund: $11,202,900
- Payable from Road Fund: 76,553,200
- Payable from the Secretary of State Special License Plate Fund: 443,900
- Payable from Motor Vehicle Review Board Fund: 177,100
- Payable from Vehicle Inspection

New matter indicated by italics - deletions by strikeout.
Fund......................................... 1,158,700

For Extra Help:
  Payable from General Revenue Fund........................................... 109,000
  Payable from Road Fund................................. 5,405,400
  Payable from Vehicle Inspection Fund........................................... 34,400

For Employees Contribution to
State Employees' Retirement System:
  Payable from the Secretary of State Special License Plate Fund............... 17,800
  Payable from Motor Vehicle Review Board Fund........................................... 7,100

For State Contribution to
State Employees' Retirement System:
  Payable from General Revenue Fund........................................... 1,244,300
  Payable from Road Fund................................. 9,015,500
  Payable from the Secretary of State Special License Plate Fund............... 48,800
  Payable from Motor Vehicle Review Board Fund........................................... 19,500
  Payable From Vehicle Inspection Fund........... 131,300

For State Contribution to
Social Security:
  Payable from General Revenue Fund........................................... 867,400
  Payable from Road Fund................................. 5,715,700
  Payable from the Secretary of State Special License Plate Fund............... 33,500
  Payable from Motor Vehicle Review Board Fund........................................... 13,500
  Payable from Vehicle Inspection Fund........................................... 98,100

For Group Insurance:
  Payable from the Secretary of State Special License Plate Fund............... 168,000
  Payable From Motor Vehicle Review Board Fund........................................... 12,000

New matter indicated by italics - deletions by strikeout.
Payable from Vehicle Inspection
Fund........................................... 438,000

For Contractual Services:
Payable from General Revenue
Fund........................................... 2,392,200
Payable from Road Fund....................... 12,724,200
Payable from CDLIS AAMVANET
Trust Fund........................................... 575,000
Payable from the Secretary of State
Special License Plate Fund....................... 50,100
Payable from Motor Vehicle Review
Board Fund........................................... 71,800
Payable from Vehicle Inspection
Fund........................................... 669,700

For Travel Expenses:
Payable from General Revenue
Fund........................................... 0
Payable from Road Fund............................... 0
Payable from the Secretary of State
Special License Plate Fund....................... 0
Payable from Motor Vehicle Review
Board Fund........................................... 0
Payable from Vehicle Inspection
Fund........................................... 0

For Commodities:
Payable from General Revenue
Fund........................................... 78,100
Payable from Road Fund....................... 2,629,600
Payable from the Secretary of State
Special License Plate Fund....................... 400,000
Payable from Motor Vehicle Review
Board Fund........................................... 500
Payable from Vehicle Inspection
Fund........................................... 26,500

For Printing:
Payable from General Revenue
Fund........................................... 703,200
Payable from Road Fund....................... 2,444,500
Payable from the Secretary of State
Special License Plate Fund......................  50,000
Payable from Motor Vehicle Review Board Fund.............................................  0
Payable from Vehicle Inspection Fund.........................................................  64,100

For Equipment:
Payable from General Revenue Fund.........................................................  0
Payable from Road Fund..........................................................  0
Payable from CDLIS/AAMVANET Fund..............................................  0
Payable from the Secretary of State Special License Plate Fund..........................  0
Payable from Motor Vehicle Review Board Fund..................................................  0
Payable from Vehicle Inspection Fund...........................................................  0

For Telecommunications:
Payable from General Revenue Fund.........................................................  91,500
Payable from Road Fund..........................................................  2,128,200
Payable from the Secretary of State Special License Plate Fund..........................  83,300
Payable from Motor Vehicle Review Board Fund..................................................  700
Payable from Vehicle Inspection Fund...........................................................  3,800

For Operation of Automotive Equipment:
Payable from Road Fund..........................................................  453,500

Section 10. The following amount, or so much of this amount as may be necessary, respectively, is appropriated to the Office of the Secretary of State for any operations, alterations, rehabilitation, and nonrecurring repairs and maintenance of the interior and exterior of the various buildings and facilities under the jurisdiction of the Office of the Secretary of State, including sidewalks, terraces, and grounds and all labor, materials, and other costs incidental to the above work:
From General Revenue Fund.............................................. $0

Section 15. The sum of $0, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Office of the Secretary of State for new construction and alterations, and

New matter indicated by italics - deletions by strikeout.
maintenance of the interiors and exteriors of the following facilities under the jurisdiction of the Secretary of State: Chicago West Facility, 5301 N. Lexington Ave., Chicago, Illinois 60644; Roger McAuliffe Facility, 5401 N. Elston Ave., Chicago, Illinois 60630; Charles Chew Jr. Facility, 9901 S. King Drive, Chicago, Illinois 60628; and Capitol Complex buildings located in Springfield, Illinois.

Section 20. The sum of $0, or so much of this amount as may be necessary and remains unexpended on June 30, 2004 from appropriations heretofore made for such purposes in Section 110 of Article 13 of Public Act 93-0091, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for new construction and alterations, and maintenance of the interiors and exteriors of the following facilities under the jurisdiction of the Secretary of State: Chicago West Facility, 5301 N. Lexington Ave., Chicago, Illinois 60644; Roger McAuliffe Facility, 5401 N. Elston Ave., Chicago, Illinois 60630; Charles Chew Jr. Facility, 9901 S. King Drive, Chicago, Illinois 60628; and Capitol Complex buildings located in Springfield, Illinois.

Section 25. The amount of $0, or so much thereof as may be necessary, is appropriated from the State Parking Facility Maintenance Fund to the Secretary of State for the maintenance of parking facilities owned or operated by the Secretary of State.

Section 30. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:
For annual equalization grants, per capita and area grants, and per capita grants to public libraries, under Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:
   From General Revenue Fund........................... $0
   From Live and Learn Fund............................ $0

Section 35. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for library services for the blind and physically handicapped:
   From General Revenue Fund......................... $1,200,000
   From Live and Learn Fund......................... $300,000

Section 40. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:

New matter indicated by italics - deletions by strikeout.
For annual per capita grants to all school districts of the State for the
establishment and operation of qualified school libraries or the additional
support of existing qualified school libraries under Section 8.4 of the
Illinois Library System Act. This amount is in addition to any amount
otherwise appropriated to the Office of the Secretary of State:

- From General Revenue Fund.......................... $0
- From Live and Learn Fund............................ $0

Section 45. The following amount, or so much of this amount as
may be necessary, is appropriated to the Office of the Secretary of State for
grants to library systems for library computers and new technologies to
promote and improve interlibrary cooperation and resource sharing
programs among Illinois libraries:

- From Live and Learn Fund............................ $0

Section 50. The following amounts, or so much of these amounts
as may be necessary, are appropriated to the Office of the Secretary of
State for annual library technology grants and for direct purchase of
equipment and services that support library development and technology
advancement in libraries statewide:

- From General Revenue Fund.......................... 0
- From Live and Learn Fund............................ 0
- From Secretary of State Special Services Fund....................... $0
- Total.................................................. $0

Section 55. The following amount, or so much of this amount as
may be necessary, is appropriated to the Office of the Secretary of State
from the Live and Learn Fund for the purpose of making grants to libraries
for construction and renovation as provided in Section 8 of the Illinois
Library System Act. This amount is in addition to any amount otherwise
appropriated to the Office of the Secretary of State:

- From Live and Learn Fund............................ $0

Section 60. The amount of $0, or so much of this amount as may
be necessary and remains unexpended on June 30, 2004 from
appropriations heretofore made for such purposes in Section 70 and
Section 80 of Article 13 of Public Act 93-0091, is reappropriated from the
Live and Learn Fund to the Office of the Secretary of State for the purpose
of making grants to libraries for construction and renovation as provided
by Section 8 of the Illinois Library System Act.

Section 65. The sum of $0, or so much of this amount as may be
necessary and remains unexpended on June 30, 2004 from appropriations

New matter indicated by italics - deletions by strikeout.
heretofore made for such purposes in Section 105 of Article 13 of Public Act 93-0091, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for a grant to the Chicago Public Library for planning a new library for Grand Crossing.

Section 70. The amount of $0, or so much of this amount as may be necessary and remains unexpended on June 30, 2002 from appropriations heretofore made for such purposes in Section 110 of Article 21 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for making grants to the Chicago Library System for land acquisition, planning, construction, reconstruction, rehabilitation, and all necessary costs associated with the establishment of a regional library.

Section 75. The amount of $0, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from an appropriation heretofore made for such purposes in Article 4, Division FY90, Section 3-6.2e of Public Act 91-0708, as amended, is reappropriated from the Build Illinois Bond Fund to the Secretary of State for making grants to the City of Chicago for planning, construction, reconstruction, rehabilitation, and all necessary costs for the following branches of the Chicago Public Library at the approximate costs set forth below:

<table>
<thead>
<tr>
<th>Branch Library</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Austin Branch Library</td>
<td>$1,150,025</td>
</tr>
<tr>
<td>Legler Library</td>
<td>26,886</td>
</tr>
<tr>
<td>Auburn/Hamilton Park Library</td>
<td>879,056</td>
</tr>
<tr>
<td>Near West Side Branch Library</td>
<td>1,136,419</td>
</tr>
<tr>
<td>Carter G. Woodson Regional Library</td>
<td>68,696</td>
</tr>
<tr>
<td>Clearing Branch Library</td>
<td>258,398</td>
</tr>
<tr>
<td>McKinley Park Branch Library</td>
<td>829,124</td>
</tr>
<tr>
<td>South Chicago Branch Library</td>
<td>551,657</td>
</tr>
<tr>
<td>North Pulaski/Humboldt Library</td>
<td>2,753,474</td>
</tr>
<tr>
<td>Roosevelt Branch (Harold Iches Branch)</td>
<td>204,000</td>
</tr>
<tr>
<td>Rockwell Gardens Reading &amp; Study Center</td>
<td>0</td>
</tr>
<tr>
<td>Pullman Branch Library</td>
<td>632,063</td>
</tr>
<tr>
<td>Total</td>
<td>$8,489,798</td>
</tr>
</tbody>
</table>

Section 80. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes: For library services under the Federal Library Services and Technology Act, P.L. 104-208, as amended; and the National Foundation on the Arts and Humanities Act of

New matter indicated by italics - deletions by strikeout.
1965, P.L. 89-209. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:

Section 85. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for support and expansion of the Literacy Programs administered by education agencies, libraries, volunteers, or community based organizations or a coalition of any of the above:

From Federal Library Services Fund: $0

Section 90. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for tuition and fees for Illinois Archival Depository System Interns:

From General Revenue Fund: $45,000

Section 95. The sum of $0, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for the Penny Severns Summer Family Literacy Grants.

Section 100. In addition to any other amounts appropriated for such purposes, the sum of $0, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of Secretary of State for a grant to the Chicago Public Library.

Section 105. The sum of $0, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for all expenditures and grants to libraries for the Project Next Generation Program.

Section 110. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Live and Learn Fund for the purpose of promotion of organ and tissue donations:

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

Section 115. The sum of $0, or so much of this amount as may be necessary, is appropriated from the Secretary of State Special License Plate Fund to the Office of the Secretary of State for grants to benefit Illinois Veterans Home libraries.
Section 120. The amount of $45,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Master Mason Fund to provide grants to the Illinois Masonic Foundation for the Prevention of Drug and Alcohol Abuse Among Children, Inc., a not-for-profit corporation, for the purpose of providing Model Student Assistance Programs in public and private schools in Illinois.

Section 125. The amount of $0, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Illinois Pan Hellenic Trust Fund to provide grants for charitable purposes sponsored by African-American fraternities and sororities.

Section 130. The amount of $0, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Park District Youth Program Fund to provide grants for the Illinois Association of Park Districts: After School Programming.

Section 135. The amount of $0, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Illinois Route 66 Heritage Project Fund to provide grants for the development of tourism, education, preservation and promotion of Route 66.

Section 140. The sum of $0, or so much of this amount as may be necessary, is appropriated from the Police Memorial Committee Fund to the Office of the Secretary of State for grants to the Police Memorial Committee for maintaining a memorial statue, holding an annual memorial commemoration, and giving scholarships to children to police officers killed in the line of duty.

Section 145. The sum of $0, or so much of this amount as may be necessary, is appropriated from the Mammogram Fund to the Office of the Secretary of State for grants to the Susan G. Komen Foundation for breast cancer research, education, screening, and treatment.

Section 150. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for such purposes in Section 3-646 of the Illinois Vehicle Code (625 ILCS 5), for grants to the Regional Organ Bank of Illinois and to Mid-America Transplant Services for the purpose of promotion of organ and tissue donation awareness. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:

From Organ Donor Awareness Fund....................... $0

New matter indicated by italics - deletions by strikeout.
Section 155. The amount of $0, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Chicago and Northeast Illinois District Council of Carpenters Fund to provide grants for charitable purposes.

Section 160. The amount of $0, or so much thereof as may be necessary, is appropriated to the Secretary of State from the U.S. Marine Corps Scholarship Fund to provide grants for scholarships for Higher Education.

Section 165. The sum of $0, or so much of this amount as may be necessary, is appropriated from the Pet Overpopulation Fund to the Office of the Secretary of State for grants to humane societies to be used solely for the humane sterilization of dogs and cats in the State of Illinois.

Section 170. The amount of $945,000, or so much of this amount as may be necessary, is appropriated from the SOS Federal Projects Fund to the Office of the Secretary of State for the cost incident to augmenting the Illinois commercial motor vehicle safety program by assuring and verifying the identity of drivers, including CDL operators, prior to licensure.

Section 175. The amount of $273,500 or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Securities Investors Education Fund for any expenses used to promote public awareness of the dangers of securities fraud.

Section 180. The amount of $0, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Secretary of State Evidence Fund for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence.

Section 185. The amount of $0, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Office of Secretary of State for the cost of administering the Alternate Fuels Act.

Section 190. The amount of $10,175,000, or so much of this amount as may be necessary, is appropriated from the Secretary of State Special Services Fund to the Office of the Secretary of State for office automation and technology.

Section 195. The amount of $13,875,000, or so much of this amount as may be necessary, is appropriated from the Motor Vehicle License Plate Fund to the Office of the Secretary of State for the cost incident to providing new or replacement plates for motor vehicles.

New matter indicated by italics - deletions by strikeout.
Section 200. The sum of $1,912,700, or so much of this amount as may be necessary, is appropriated from the Secretary of State DUI Administration Fund to the Office of Secretary of State for operation of the Department of Administrative Hearings of the Office of Secretary of State and for no other purpose.

Section 205. The amount of $0, or so much thereof as may be necessary, is appropriated from the Secretary of State Police DUI Fund to the Secretary of State for the payments of goods and services that will assist in the prevention of alcohol related criminal violence throughout the state.

Section 210. The amount of $0 is appropriated from the Secretary of State Police Services Fund to the Secretary of State for purposes as indicated by the grantor or contractor or, in the case of money bequeathed or granted for no specific purpose, for any purpose as deemed appropriate by the Director of Police, Secretary of State in administering the responsibilities of the Secretary of State Department of Police.

Section 215. The amount of $0, or so much of this amount as may be necessary, is appropriated from the Office of the Secretary of State Grant Fund to the Office of the Secretary of State to be expended in accordance with the terms and conditions upon which such funds were received.

ARTICLE 21
CONSERVATION 2000 PROGRAM

Section 5. The sum of $0, new appropriation, is appropriated, and the sum of $4,385,306, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Section 10 of Public Act 93-97, as amended, are reappropriated from the Conservation 2000 Fund to the Department of Natural Resources for the Conservation 2000 Program to implement ecosystem-based management for Illinois' natural resources.

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

GENERAL OFFICE

For Personal Services:
Payable from General Revenue Fund.............. 7,190,900
Payable from State Boating Act Fund.............. 584,200

New matter indicated by italics - deletions by strikeout.
Payable from Wildlife and Fish Fund.............. 1,326,300

For Employee Retirement Contributions

Paid by State:
Payable from General Revenue Fund......................... 0
Payable from State Boating Act Fund......................... 0
Payable from Wildlife and Fish Fund......................... 0

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund......................... 751,600
Payable from State Boating Act Fund......................... 61,100
Payable from Wildlife and Fish Fund......................... 138,700

For State Contributions to Social Security:
Payable from General Revenue Fund......................... 550,100
Payable from State Boating Act Fund......................... 44,700
Payable from Wildlife and Fish Fund......................... 101,500

For Group Insurance:
Payable from State Boating Act Fund......................... 136,100
Payable from Wildlife and Fish Fund......................... 292,600

For Contractual Services:
Payable from General Revenue Fund......................... 1,871,600
Payable from State Boating Act Fund......................... 276,000
Payable from Wildlife and Fish Fund......................... 1,104,100

For Travel:
Payable from General Revenue Fund......................... 0
Payable from Wildlife and Fish Fund......................... 0

For Commodities:
Payable from General Revenue Fund......................... 0
Payable from Wildlife and Fish Fund......................... 0

For Printing:
Payable from General Revenue Fund......................... 0
Payable from State Boating Act Fund......................... 0
Payable from Wildlife and Fish Fund......................... 0

For Equipment:
Payable from General Revenue Fund......................... 0
Payable from Wildlife and Fish Fund......................... 0

For Electronic Data Processing:
Payable from General Revenue Fund......................... 0
Payable from State Boating Act Fund......................... 0
Payable from Wildlife and Fish Fund......................... 0

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services:
  Payable from General Revenue Fund...................... 0
  Payable from Wildlife and Fish Fund..................... 0
For Operation of Auto Equipment:
  Payable from General Revenue Fund...................... 0
  Payable from Wildlife and Fish Fund..................... 0
For expenses incurred in acquiring salmon stamp designs and printing salmon stamps:
  Payable from Salmon Fund.......................... 10,000
For the purpose of publishing and distributing a bulletin or magazine and for purchasing, marketing and distributing conservation related products for resale, and refunds for such purposes:
  Payable from Wildlife and Fish Fund.................... 0
For expenses incurred in producing and distributing site brochures, public information literature and other printed materials from revenues received from the sale of advertising:
  Payable from State Boating Act Fund..................... 0
  Payable from State Parks Fund......................... 0
  Payable from Wildlife and Fish Fund.................... 0
For the coordination of public events and promotions from activity fees, donations and vendor revenue:
  Payable from State Parks Fund......................... 0
  Payable from Wildlife and Fish Fund.................... 0
For the purpose of remitting funds collected from the sale of Federal Duck Stamps to the U.S. Fish and Wildlife Service:
  Payable from Wildlife and Fish Fund............... 23,600
For expenses of the OSLAD Program:
  Payable from Open Space Lands Acquisition and Development Fund......................... 1,054,800
For furniture, fixtures, equipment, displays, telecommunications, cabling, network hardware,
software, relays and switches and related expenses for new DNR Headquarters:
  Payable from the General Revenue Fund...................... 0

For expenses of the Natural Areas Acquisition Program:
  Payable from the Natural Areas Acquisition Fund.................... 148,300

For expenses of the Park and Conservation program:
  Payable from Park and Conservation Fund........................ 4,163,800

For expenses of the Bikeways Program:
  Payable from Park and Conservation Fund.............................. 0

For Natural Resources Trustee Program:
  Payable from Natural Resources Restoration Trust Fund............ 0

Total $23,028,800

ILLINOIS RIVER INITIATIVES

Section 15. The sum of $0, new appropriation, is appropriated, and the sum of $4,785,463, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Sections 30 and 35 of Public Act 93-97, as amended, are reappropriated from the General Revenue Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 20. The sum of $250,000, new appropriation, is appropriated and the sum of $172,835, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Sections 30 and 35 of Public Act 93-97, as amended, are reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources

New matter indicated by italics - deletions by strikeout.
for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long-term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 25. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF RESOURCE CONSERVATION

For Personal Services:
Payable from General Revenue Fund.................. 4,137,600
Payable from Wildlife and Fish Fund.............. 8,116,900
Payable from Salmon Fund......................... 171,800
Payable from Natural Areas Acquisition Fund........................ 1,426,000

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund.................. 0
Payable from Wildlife and Fish Fund.............. 0
Payable from Salmon Fund......................... 0
Payable from Natural Areas Acquisition Fund........................ 0

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund.................. 432,500
Payable from Wildlife and Fish Fund.............. 848,400
Payable from Salmon Fund......................... 18,000
Payable from Natural Areas Acquisition Fund........................ 191,600

For State Contributions to Social Security:
Payable from General Revenue Fund.................. 316,500
Payable from Wildlife and Fish Fund.............. 620,900
Payable from Salmon Fund......................... 13,100

New matter indicated by italics - deletions by strikeout.
Fund............................................                                                   109,100
For Group Insurance:
  Payable from Wildlife and Fish Fund......... 1,594,000
  Payable from Salmon Fund....................... 38,700
  Payable from Natural Areas Acquisition
     Fund............................................... 329,500
For Contractual Services:
  Payable from General Revenue Fund............. 808,400
  Payable from Wildlife and Fish Fund........... 2,156,100
  Payable from Salmon Fund........................ 2,900
  Payable from Natural Areas Acquisition
     Fund............................................... 82,500
  Payable from Natural Heritage Fund............... 59,200
For Travel:
  Payable from General Revenue Fund.............. 0
  Payable from Wildlife and Fish Fund........... 0
  Payable from Natural Areas Acquisition
     Fund............................................... 0
For Commodities:
  Payable from General Revenue Fund.............. 0
  Payable from Wildlife and Fish Fund........... 0
  Payable from Natural Areas Acquisition
     Fund............................................... 0
  Payable from the Natural Heritage Fund........... 0
For Printing:
  Payable from General Revenue Fund.............. 0
  Payable from Wildlife and Fish Fund........... 0
  Payable from Natural Areas Acquisition
     Fund............................................... 0
For Equipment:
  Payable from General Revenue Fund.............. 0
  Payable from Wildlife and Fish Fund........... 0
  Payable from Natural Areas Acquisition
     Fund............................................... 0
  Payable from Illinois Forestry
     Development Fund.................................... 0
For Telecommunications Services:
  Payable from General Revenue Fund.............. 0
  Payable from Wildlife and Fish Fund........... 0

New matter indicated by italics - deletions by strikeout.
Payable from Natural Areas Acquisition Fund.................................................. 0

For Operation of Auto Equipment:
Payable from General Revenue Fund................................. 0
Payable from Wildlife and Fish Fund......................... 0
Payable from Natural Areas Acquisition Fund................................. 0

For the Purposes of the "Illinois Non-Game Wildlife Protection Act":
Payable from Illinois Wildlife Preservation Fund......................... 500,000

For programs beneficial to advancing forests and forestry in this State as provided for in Section 7 of the "Illinois Forestry Development Act", as now or hereafter amended:
Payable from Illinois Forestry Development Fund................................. 1,027,500

For Administration of the "Illinois Natural Areas Preservation Act":
Payable from Natural Areas Acquisition Fund................................. 1,216,400

For payment of the expenses of the Illinois Forestry Development Council:
Payable from Illinois Forestry Development Fund................................. 118,500

For an Urban Fishing Program in conjunction with the Chicago Park District to provide fishing and resource management at the park district lagoons:
Payable from Wildlife and Fish Fund................................. 0

For costs associated with the Rend Lake Water Supply Study:
Payable from Wildlife and Fish Fund................................. 0

For workshops, training and other activities to improve the administration of fish and wildlife federal aid programs from federal aid administrative grants

New matter indicated by italics - deletions by strikeout.
received for such purposes:
   Payable from Wildlife and Fish Fund.................... 0
For expenses of the Natural Areas Stewardship Program:
   Payable from Natural Areas Acquisition Fund................................. 0
For expenses of the Urban Forestry Program:
   Payable from Illinois Forestry Development Fund................................. 0
For expenses associated with the Inner City Urban Revitalization program:
   Payable from the Illinois Forestry Development Fund................................. 0
For deposit into the General Obligation Bond Retirement and Interest Fund to retire bonds sold for the Conservation Reserve Enhancement Program:
   Payable from General Revenue Fund................................. 0
Total $25,327,300

Section 30. The sum of $757,182, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 45 of Public Act 93-97, as amended, is reappropriated from the Illinois Wildlife Preservation Fund to the Department of Natural Resources for purposes associated with the “Illinois Non-Game Wildlife Protection Act.”

Section 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF LAW ENFORCEMENT

For Personal Services:
   Payable from General Revenue Fund............... 5,295,200
   Payable from State Boating Act Fund............... 2,053,600
   Payable from State Parks Fund............... 663,200
   Payable from Wildlife and Fish Fund............... 3,355,600

For Employee Retirement Contributions
   Paid by State:
      Payable from General Revenue Fund............... 0
      Payable from State Boating Act Fund............... 0

New matter indicated by italics - deletions by strikeout.
Payable from State Parks Fund.......................... 0
Payable from Wildlife and Fish Fund.................. 0

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund............... 553,500
Payable from State Boating Act Fund.............. 214,700
Payable from State Parks Fund..................... 69,400
Payable from Wildlife and Fish Fund.............. 350,800

For State Contributions to Social Security:
Payable from General Revenue Fund............... 106,700
Payable from State Boating Act Fund............... 25,400
Payable from State Parks Fund..................... 9,800
Payable from Wildlife and Fish Fund............... 29,600

For Group Insurance:
Payable from State Boating Act Fund.............. 304,000
Payable from State Parks Fund..................... 107,300
Payable from Wildlife and Fish Fund.............. 537,300

For Contractual Services:
Payable from General Revenue Fund................ 159,000
Payable from State Boating Act Fund.............. 76,100
Payable from Wildlife and Fish Fund.............. 159,900

For Travel:
Payable from General Revenue Fund............... 83,600
Payable from Wildlife and Fish Fund............... 59,400

For Commodities:
Payable from General Revenue Fund................ 108,100
Payable from State Boating Act Fund.............. 14,400
Payable from Wildlife and Fish Fund.............. 44,200

For Printing:
Payable from General Revenue Fund............... 20,900
Payable from Wildlife and Fish Fund............... 5,800

For Equipment:
Payable from General Revenue Fund................ 19,100
Payable from State Boating Act Fund.............. 112,800
Payable from State Parks Fund..................... 122,200
Payable from Wildlife and Fish Fund.............. 218,300

For Telecommunications Services:
Payable from General Revenue Fund............... 333,000
Payable from State Boating Act Fund.............. 142,900

New matter indicated by italics - deletions by strikeout.
Payable from Wildlife and Fish Fund.............. 197,000
For Operation of Auto Equipment:
Payable from General Revenue Fund.............. 180,100
Payable from State Boating Act Fund.............. 178,700
Payable from Wildlife and Fish Fund.............. 181,300
For Snowmobile Programs:
Payable from State Boating Act Fund............... 0
For Payment of Timber Buyers bond forfeitures:
Payable from Illinois Forestry Development Fund:................................. 0
For use in enforcing laws regulating controlled substances and cannabis on Department of Natural Resources regulated lands and waterways to the extent funds are received by the Department:
Payable from the Drug Traffic Prevention Fund........................................ 0
For use in alcohol related enforcement efforts and training to the extent funds are available to the Department:
Payable from the General Revenue Fund............... 0
Payable from State Boating Fund...................... 0
Total                                                                                       $16,210,800

Section 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF LAND MANAGEMENT AND EDUCATION

For Personal Services:
Payable from General Revenue Fund.............. 19,321,700
Payable from State Boating Act Fund.............. 1,492,900
Payable from State Parks Fund...................... 1,132,000
Payable from Wildlife and Fish Fund.............. 1,940,500

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund............... 0
Payable from State Boating Act Fund............... 0
Payable from State Parks Fund...................... 0

New matter indicated by italics - deletions by strikeout.
Payable from Wildlife and Fish Fund.................... 0
For State Contributions to State Employee's Retirement System:
Payable from General Revenue Fund.................... 2,019,600
Payable from State Boating Act Fund.................... 156,100
Payable from State Parks Fund.................... 118,400
Payable from Wildlife and Fish Fund.................... 202,900
For State Contributions to Social Security:
Payable from General Revenue Fund.................... 1,478,100
Payable from State Boating Act Fund.................... 114,200
Payable from State Parks Fund.................... 86,600
Payable from Wildlife and Fish Fund.................... 148,400
For Group Insurance:
Payable from State Boating Act Fund.................... 368,800
Payable from State Parks Fund.................... 297,700
Payable from Wildlife and Fish Fund.................... 444,600
For Contractual Services:
Payable from General Revenue Fund.................... 2,524,900
Payable from State Boating Act Fund.................... 436,200
Payable from State Parks Fund.................... 2,616,500
Payable from Wildlife and Fish Fund.................... 293,700
For Travel:
Payable from General Revenue Fund.................... 0
Payable from State Boating Act Fund.................... 0
Payable from State Parks Fund.................... 0
Payable from Wildlife and Fish Fund.................... 0
For Commodities:
Payable from General Revenue Fund.................... 0
Payable from State Boating Act Fund.................... 0
Payable from State Parks Fund.................... 0
Payable from Wildlife and Fish Fund.................... 0
For Printing:
Payable from General Revenue Fund.................... 0
For Equipment:
Payable from General Revenue Fund.................... 0
Payable from State Parks Fund.................... 0
Payable from Wildlife and Fish Fund.................... 0
For Telecommunications Services:
Payable from General Revenue Fund.................... 0

New matter indicated by italics - deletions by strikeout.
Payable from State Parks Fund.......................... 0
Payable from Wildlife and Fish Fund............. 0
For Operation of Auto Equipment:
  Payable from General Revenue Fund.............. 0
  Payable from State Parks Fund.................... 0
  Payable from Wildlife and Fish Fund............. 0
For Illinois-Michigan Canal:
  Payable from State Parks Fund.................... 118,000
For Union County and Horseshoe Lake
Conservation Areas, Farming and Wildlife
Operations:
  Payable from Wildlife and Fish Fund............ 466,100
For operations and maintenance from revenues
derived from the sale of surplus crops
and timber harvest:
  Payable from the State Parks Fund............... 1,000,000
  Payable from the Wildlife and Fish Fund........ 1,000,000
For Snowmobile Programs:
  Payable from State Boating Act Fund............ 0
For operating expenses of the North
Point Marina at Winthrop Harbor:
  Payable from the Illinois Beach
  Marina Fund................................... 1,624,500
For expenses of the Park and Conservation
program:
  Payable from Park and Conservation
  Fund........................................... 4,728,800
For expenses of the Bikeways program:
  Payable from Park and Conservation
  Fund............................................ 0
For Wildlife Prairie Park Operations and
Improvements:
  Payable from General Revenue Fund............. 862,700
  Payable from Wildlife Prairie Park Fund........ 100,000
For expenses of the Environment and Nature
Training Institute for Conservation
Education (E.N.T.I.C.E.)
  Payable from General Revenue Fund............ 0
For Operations and Maintenance, including

New matter indicated by italics - deletions by strikeout.
costs associated with operating new sites and facilities:
  Payable from General Revenue Fund.............. 2,056,700
  Payable from State Parks Fund.................. 1,500,000
For expenses associated with an outdoor education and recreation camp for inner-city youth known as Under Illinois Skies:
  Payable from General Revenue Fund............... 0
  Payable from Wildlife and Fish Fund............. 0
For expenses associated with Safety Education Programs:
  Payable from Wildlife and Fish Fund............. 0
Total ........................................... $54,227,300

Section 45. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

  OFFICE OF MINES AND MINERALS

For Personal Services:
  Payable from General Revenue Fund............. 2,390,700
  Payable from Mines and Minerals Underground Injection Control Fund......................... 246,100
  Payable from Plugging and Restoration Fund ...... 195,700
  Payable from Underground Resources Conservation Enforcement Fund....................... 284,500
  Payable from Federal Surface Mining Control and Reclamation Fund....................... 1,344,400
  Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund...................... 1,787,800

For Employee Retirement Contributions
Paid by State:
  Payable from General Revenue Fund............... 0
  Payable from Mines and Minerals Underground Injection Control Fund......................... 0
  Payable from Plugging and Restoration Fund ........ 0
  Payable from Underground Resources Conservation Enforcement Fund....................... 0

New matter indicated by italics - deletions by strikeout.
Payable from Federal Surface Mining Control and Reclamation Fund................................. 0
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.......................... 0

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund............................. 249,900
Payable from Mines and Minerals Underground Injection Control Fund.......................... 25,800
Payable from Plugging and Restoration Fund .......... 20,500
Payable from Underground Resources Conservation Enforcement Fund.......................... 29,800
Payable from Federal Surface Mining Control and Reclamation Fund................................. 140,600
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.......................... 186,900

For State Contributions to Social Security:
Payable from General Revenue Fund............................. 182,900
Payable from Mines and Minerals Underground Injection Control Fund.......................... 18,800
Payable from Plugging and Restoration Fund .......... 15,000
Payable from Underground Resources Conservation Enforcement Fund.......................... 21,800
Payable from Federal Surface Mining Control and Reclamation Fund................................. 102,800
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.......................... 136,800

For Group Insurance:
Payable from Mines and Minerals Underground Injection Control Fund.......................... 59,500
Payable from Plugging and Restoration Fund .......... 40,800
Payable from Underground Resources Conservation Enforcement Fund.......................... 79,000
Payable from Federal Surface Mining Control and Reclamation Fund................................. 259,800
Payable from Abandoned Mined Lands

New matter indicated by italics - deletions by strikeout.
**Reclamation Council Federal Trust**

For Contractual Services:
- Payable from General Revenue Fund: $196,100
- Payable from Mines and Minerals Underground Injection Control Fund: $27,700
- Payable from Plugging and Restoration Fund: $13,100
- Payable from Underground Resources Conservation Enforcement Fund: $113,400
- Payable from Federal Surface Mining Control and Reclamation Fund: $372,300
- Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund: $278,900

For Travel:
- Payable from General Revenue Fund: $0
- Payable from Mines and Minerals Underground Injection Control Fund: $0
- Payable from Plugging and Restoration Fund: $0
- Payable from Underground Resources Conservation Enforcement Fund: $0
- Payable from Federal Surface Mining Control and Reclamation Fund: $0
- Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund: $0

For Commodities:
- Payable from General Revenue Fund: $0
- Payable from Mines and Minerals Underground Injection Control Fund: $0
- Payable from Plugging and Restoration Fund: $0
- Payable from Underground Resources Conservation Enforcement Fund: $0
- Payable from Federal Surface Mining Control and Reclamation Fund: $0
- Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund: $0

For Printing:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund........................ 0
Payable from Mines and Minerals Underground
Injection Control Fund............................... 0
Payable from Plugging and Restoration Fund .......... 0
Payable from Underground Resources
Conservation Enforcement Fund....................... 0
Payable from Federal Surface Mining Control
and Reclamation Fund................................. 0
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund...................................................... 0

For Equipment:
Payable from General Revenue Fund..................... 0
Payable from Mines and Minerals Underground
Injection Control Fund............................... 0
Payable from Plugging and Restoration Fund .......... 0
Payable from Underground Resources
Conservation Enforcement Fund....................... 0
Payable from Federal Surface Mining Control
and Reclamation Fund................................. 0
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund...................................................... 0

For Electronic Data Processing:
Payable from General Revenue Fund..................... 0
Payable from Mines and Minerals Underground
Injection Control Fund............................... 0
Payable from Plugging and Restoration Fund .......... 0
Payable from Underground Resources
Conservation Enforcement Fund....................... 0
Payable from Federal Surface Mining Control
and Reclamation Fund................................. 0
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund...................................................... 0

For Telecommunications Services:
Payable from General Revenue Fund..................... 0
Payable from Mines and Minerals Underground
Injection Control Fund............................... 0

New matter indicated by italics - deletions by strikeout.
Payable from Plugging and Restoration Fund ............ 0
Payable from Underground Resources
Conservation Enforcement Fund.......................... 0
Payable from Federal Surface Mining Control
and Reclamation Fund................................. 0
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund.................................................... 0

For Operation of Auto Equipment:
Payable from General Revenue Fund..................... 0
Payable from Mines and Minerals Underground
Injection Control Fund................................ 0
Payable from Plugging and Restoration
Fund.................................................. 0
Payable from Underground Resources
Conservation Enforcement Fund........................ 0
Payable from Federal Surface Mining Control
and Reclamation Fund................................. 0
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund.................................................... 0

For the purpose of coordinating training
and education programs for miners and
laboratory analysis and testing of
coal samples and mine atmospheres:
Payable from the General Revenue Fund............. 14,300
Payable from the Coal Mining Regulatory
Fund.................................................. 32,800
Payable from Federal Surface Mining
Control and Reclamation Fund...................... 373,200

For expenses associated with Aggregate
Mining Regulation:
Payable from Aggregate Operations Regulatory
Fund.................................................. 338,700

For expenses associated with Explosive
Regulation:
Payable from Explosives Regulatory Fund........... 139,700

For expenses associated with Environmental
Mitigation Projects, Studies, Research,

New matter indicated by italics - deletions by strikeout.
and Administrative Support:
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.............................. 400,000

For the purpose of reclaiming surface mined lands, with respect to which a bond has been forfeited:
Payable from Land Reclamation Fund............... 350,000

For expenses associated with Surface Coal Mining Regulation:
Payable from Coal Mining Regulatory Fund........... 324,200

For the State of Illinois' share of expenses of Interstate Oil Compact Commission created under the authority of "An Act ratifying and approving an Interstate Compact to Conserve Oil and Gas", approved July 10, 1935, as amended:
Payable from General Revenue Fund.................. 6,900

For State expenses in connection with the Interstate Mining Compact:
Payable from General Revenue Fund............... 20,100

For expenses associated with litigation of Mining Regulatory actions:
Payable from Federal Surface Mining Control and Reclamation Fund......................... 15,000

For Small Operators' Assistance Program:
Payable from Federal Surface Mining Control and Reclamation Fund.................. 150,000

For Plugging & Restoration Projects:
Payable from Plugging & Restoration Fund........... 674,100

For Interest Penalty Escrow:
Payable from General Revenue Fund................. 500
Payable from Underground Resources Conservation Enforcement Fund................. 500

For the purpose of carrying out the Illinois Petroleum Education and Marketing Act:
Payable from the Petroleum Resources Revolving Fund.............................. 625,000

New matter indicated by italics - deletions by strikeout.
Section 50. The sum of $1,000,889, or so much thereof as may be necessary and as remains unexpended, at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Sections 60 and 65 of Public Act 93-97, as amended, is reappropriated from the Plugging and Restoration Fund to the Department of Natural Resources for plugging and restoration projects.

Section 55. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF WATER RESOURCES

For Personal Services:
- Payable from General Revenue Fund.............. 4,051,200
- Payable from State Boating Act Fund.............. 283,800

For Employee Retirement Contributions

Paid by State:
- Payable from General Revenue Fund............... 0
- Payable from State Boating Act Fund............... 0

For State Contributions to State Employees' Retirement System:
- Payable from General Revenue Fund............... 423,500
- Payable from State Boating Act Fund............... 29,700

For State Contributions to Social Security:
- Payable from General Revenue Fund............... 309,900
- Payable from State Boating Act Fund............... 21,700

For Group Insurance:
- Payable from State Boating Act Fund............... 83,000

For Contractual Services:
- Payable from General Revenue Fund............... 440,400
- Payable from State Boating Act Fund............... 23,000

For Travel:
- Payable from General Revenue Fund............... 0
- Payable from State Boating Act Fund............... 0

For Commodities:
- Payable from General Revenue Fund............... 0
- Payable from State Boating Act Fund............... 0

For Printing:
- Payable from General Revenue Fund............... 0

New matter indicated by italics - deletions by strikeout.
For Equipment:
Payable from General Revenue Fund........................ 0
Payable from State Boating Act Fund........................ 0
For Telecommunications Services:
Payable from General Revenue Fund........................ 0
Payable from State Boating Act Fund........................ 0
For Operation of Auto Equipment:
Payable from General Revenue Fund........................ 0
Payable from State Boating Act Fund........................ 0
For execution of state assistance programs to improve the administration of the National Flood Insurance Program (NFIP) and National Dam Safety Program as approved by the Federal Emergency Management Agency (82 Stat. 572):
Payable from National Flood Insurance Program Fund.......................... 305,200
For Repairs and Modifications to Facilities:
Payable from State Boating Act Fund........................ 0
For expenses associated with the operations and maintenance of an Aquatic Nuisance Barrier in the Chicago Sanitary and Ship Canal:
Payable from the General Revenue Fund.................. 0
Total .................. $6,470,900

Section 60. The sum of $367,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the objects, uses, and purposes specified, including grants for such purposes and electronic data processing expenses, at the approximate costs set forth below:
Corps of Engineers Studies - To jointly plan local flood protection projects with the U.S. Army Corps of Engineers and to share planning expenses as required by Section 203 of the U.S. Water Resources Development Act of 1996 (P.L. 104-303).......................... 0

New matter indicated by italics - deletions by strikeout.
Federal Facilities - For payment of the State's share of operation and maintenance costs as local sponsor of the federal Rend Lake Reservoir and the federal projects on the Kaskaskia River................................. 0
Lake Michigan Management - For studies carrying out the provisions of the Level of Lake Michigan Act, 615 ILCS 50 and the Lake Michigan Shoreline Act, 615 ILCS 55............................................. 0
National Water Planning - For expenses to participate in national and regional water planning programs including membership in regional and national associations, commissions and compacts............... 0
River Basin Studies - For purchase of necessary mapping, surveying, test boring, field work, equipment, studies, legal fees, hearings, archaeological and environmental studies, data, engineering, technical services, appraisals and other related expenses to make water resources reconnaissance and feasibility studies of river basins, to identify drainage and flood problem areas, to determine viable alternatives for flood damage reduction and drainage improvement, and to prepare project plans and specifications........................ 0
Design Investigations - For purchase of necessary mapping, equipment test boring, field work for Geotechnical investigations and other design and construction related studies................................................. 0
Rivers and Lakes Management - For

New matter indicated by italics - deletions by strikeout.
purchase of necessary surveying, equipment, obtaining data, field work studies, publications, legal fees, hearings and other expenses to carry out the provisions of the 1911 Act in relation to the "Regulation of Rivers, Lakes and Streams Act", 615 ILCS 5/4.9 et seq.

State Facilities - For materials, equipment, supplies, services, field vehicles, and heavy construction equipment required to operate, maintain, repair, construct, modify or rehabilitate facilities controlled or constructed by the Office of Water Resources, and to assist local governments for flood control and to preserve the streams of the State.

State Water Supply and Planning - For data collection, studies, equipment and related expenses for analysis and management of the water resources of the State, implementation of the State Water Plan, and management of state-owned water resources.

USGS Cooperative Program - For payment of the Department's share of operation and maintenance of statewide stream gauging network, water data storage and retrieval system, preparation of topography mapping, and water related studies; all in cooperation with the U.S. Geological Survey.

367,000

Total $367,000

New matter indicated by italics - deletions by strikeout.
Section 65. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:

WASTE MANAGEMENT AND RESEARCH CENTER

For Ordinary and Contingent Expenses:
Payable from General Revenue Fund.............. 2,511,800
Payable from Toxic Pollution Prevention Fund........................................... 89,700
Payable from Hazardous Waste Research Fund........................................... 472,100
Payable from Natural Resources Information Fund........................................... 24,700
Total $3,098,300

STATE GEOLOGICAL SURVEY

For Ordinary and Contingent Expenses:
Payable from General Revenue Fund.............. 6,680,400
Payable from Natural Resources Information Fund........................................... 202,100
Total $6,882,500

STATE NATURAL HISTORY SURVEY

For Ordinary and Contingent Expenses:
Payable from General Revenue Fund.............. 4,075,700
Payable from Natural Resources Information Fund........................................... 14,200
For Mosquito Research and Abatement:
Payable from Used Tire Management Fund........... 199,000
Total $4,288,900

STATE WATER SURVEY

For Ordinary and Contingent Expenses:
Payable from General Revenue Fund.............. 4,081,800
Payable from Natural Resources Information Fund........................................... 5,700
Total $4,087,500

STATE MUSEUMS

For Ordinary and Contingent Expenses:
Payable from General Revenue Fund.............. 5,099,700

FOR REFUNDS

Section 70. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Natural Resources:

New matter indicated by italics - deletions by strikeout.
For Payment of Refunds:

Payable from General Revenue Fund......................                                  0
Payable from State Boating Act Fund...................                                  0
Payable from State Parks Fund..........................                                        0
Payable from Wildlife and Fish Fund....................                                   0
Payable from Plugging and Restoration Fund ............                              0
Payable from Underground Resources
Conservation Enforcement Fund.........................                                     0
Payable from Natural Resources Information
Fund..................................................                                                        0
Payable from Illinois Beach Marina Fund.............. 0

Total                                                                                         $1,282,600

Section 75. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from General Revenue Fund:

(From Article 1, Section 145, on page 33, lines 21-30 and Section 150 on page 35, lines 19-27 of Public Act 93-97, as amended)

For multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, material, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation........................................ 2,405,209

Section 80. The following named sums, new appropriations, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:

Payable from General Revenue Fund:

For multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources:

New matter indicated by italics - deletions by strikeout.
Resources, including construction
and development, all costs for supplies,
materials, labor, land acquisition,
services, studies and all other
expenses required to comply with the
intent of this appropriation....................

Section 85. The sum of $0, or so much thereof as may be
necessary, is appropriated from the Emergency Public Health Fund to the
Department of Natural Resources for research regarding mosquitoes and
the diseases they spread.

Section 90. The sum of $150,000, new appropriation, is
appropriated from the State Boating Act Fund to the Department of
Natural Resources for a grant to the Chain O’Lakes – Fox River Waterway
Management Agency for the Agency’s operational expenses.

Section 95. The sum of $0, is appropriated from the Open Space
Lands Acquisition and Development Fund to the Department of Natural
Resources for expenses connected with and to make grants to local
governments as provided in the “Open Space Lands Acquisition and
Development Act”.

Section 100. The sum of $0, is appropriated to the Department of
Natural Resources from the Natural Areas Acquisition Fund for the
acquisition, preservation and stewardship of natural areas, including
habitats for endangered and threatened species, high quality natural
communities, wetlands and other areas with unique or unusual natural
heritage qualities.

ARTICLE 22

Section 5. The following named sums, or so much thereof as may
be necessary, respectively, are appropriated to the Supreme Court to pay
the ordinary and contingent expenses of certain officers of the court
system of Illinois as follows:
For Personal Services:
    Judges' Salaries......................... 123,052,500
For Travel:
    Judges of the Supreme Court............... 0
    Judges of the Appellate Court............... 0
    Judges of the Circuit Court............... 0
    Judicial Conference and
    Supreme Court Committees................... 0
For State Contributions

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

For Personal Services........................... 6,128,000
For Extra Help....................................... 0
For State Contributions
  to State Employees' Retirement............... 1,249,900
For State Contributions
  to Social Security............................ 468,800
For Contractual Services....................... 1,505,800
For Travel.......................................... 0
For Commodities.................................. 50,000
For Printing...................................... 505,400
For Equipment................................... 1,300,000
For Electronic Data Processing.................. 9,600
For Telecommunications........................ 136,000
For Operation of
  Automotive Equipment........................ 0
For Permanent Improvements.................... 60,300

Total, this Section $11,413,800

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

  Administration of the First Appellate District
For Personal Services.............................. 6,477,900
For State Contributions
  to State Employees' Retirement.............. 1,321,300
For State Contributions
  to Social Security............................ 495,500
For Contractual Services....................... 527,300
For Travel.......................................... 0
For Commodities.................................. 38,200
For Printing...................................... 39,800
For Equipment................................... 139,500

Total, this Section $11,413,800

New matter indicated by italics - deletions by strikeout.
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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>For Telecommunications</td>
<td>104,900</td>
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<td>Total</td>
<td>$9,144,400</td>
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<td>Administration of the Second Appellate District For Personal Services</td>
<td>2,648,500</td>
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<td>For State Contributions</td>
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<tr>
<td>to State Employees' Retirement</td>
<td>540,200</td>
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<td>For State Contributions</td>
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<tr>
<td>to Social Security</td>
<td>202,700</td>
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<td>For Contractual Services</td>
<td>1,090,900</td>
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<td>For Travel</td>
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<td>For Commodities</td>
<td>24,000</td>
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<td>For Printing</td>
<td>10,900</td>
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<tr>
<td>For Equipment</td>
<td>208,500</td>
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<td>For Operation of Automotive Equipment</td>
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<td>For Telecommunications</td>
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<td>Total</td>
<td>$4,788,200</td>
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<td>Administration of the Third Appellate District For Personal Services</td>
<td>1,874,700</td>
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<td>For Extra Help</td>
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<td>For State Contributions</td>
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<tr>
<td>to State Employees' Retirement</td>
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<td>For State contributions</td>
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<tr>
<td>to Social Security</td>
<td>143,400</td>
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<td>For Contractual Services</td>
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<td>For Travel</td>
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<td>For Commodities</td>
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<td>For Printing</td>
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<td>For Equipment</td>
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<td>For Telecommunications</td>
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<td>Total</td>
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<td>Administration of the Fourth Appellate District For Personal Services</td>
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<td>to State Employees' Retirement</td>
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<td>to Social Security</td>
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<td>For Contractual Services</td>
<td>766,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Commodities..................................... 12,200
For Printing......................................... 6,800
For Equipment...................................... 107,500
For Telecommunications.............................. 56,000
   Total                                                                 $3,500,400
Administration of the Fifth Appellate District
For Personal Services........................................ 2,028,700
For Extra Help........................................... 0
For State Contributions to
   State Employees' Retirement........................ 413,700
For State Contributions to
   Social Security........................................ 155,100
For Contractual Services........................... 655,400
For Travel............................................... 0
For Commodities........................................ 11,600
For Printing............................................. 13,600
For Equipment....................................... 238,200
For Telecommunications............................. 57,500
For Operation of Automotive Equipment............. 0
   Total                                                                 $3,573,800

Section 20. The following named sums, or so much thereof as may
be necessary, respectively, are appropriated to the Supreme Court for
ordinary and contingent expenses of the Circuit Court:
For Circuit Clerks' Additional Duties.................. 0
For Circuit Clerks' Notification Costs............... 0
For Mandatory Arbitration........................... 880,600
For Sexually Violent Persons Commitment Act...... 300,000
For Probation Reimbursements....................... 58,077,500
For Personal Services:
   Official Court Reporting........................ 28,488,100
   Circuit Court Personnel........................ 1,583,400
For State Contribution
to State Employees' Retirement.................... 6,133,400
For State Contribution
to Social Security................................. 2,300,500
For Travel:
   Official Court Reporting......................... 0
   Circuit Court Personnel......................... 0
For Contractual Services: Transcript Fees

New matter indicated by italics - deletions by strikeout.
for Official Court Reporting................. 3,891,100  
For Contractual Services..................... 178,500  
For Equipment.................................. 47,600  
For Electronic Data Processing.............. 5,327,200  
Total, this Section .............................. $107,207,900  

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,177,100</td>
</tr>
<tr>
<td>For Retirement - Paid by Employer</td>
<td>2,239,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement</td>
<td>1,056,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>396,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,646,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>70,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>104,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>123,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>4,924,700</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>202,400</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Probation Training</td>
<td>391,300</td>
</tr>
<tr>
<td>For Contractual Services: Judicial Conference and Supreme Court Committees</td>
<td>726,300</td>
</tr>
<tr>
<td>For Judges' Out-of-State Educational Programs</td>
<td>0</td>
</tr>
<tr>
<td>For Training of Circuit Court Officers and Personnel</td>
<td>0</td>
</tr>
<tr>
<td>Total, this Section</td>
<td>$18,058,500</td>
</tr>
</tbody>
</table>

Section 30. The sum of $50,000, or so much thereof as may be necessary, is appropriated to the Supreme Court for the contingent expenses of the Illinois Courts Commission.

Section 35. The sum of $12,300,000, or so much thereof as may be necessary, is appropriated from the Mandatory Arbitration Fund to the Supreme Court for Mandatory Arbitration Programs.
Section 40. The sum of $0, or so much thereof as may be necessary, is appropriated from the Foreign Language Interpreter Fund to the Supreme Court for the Foreign Language Interpreter Program.

Section 45. The sum of $0, or so much thereof as may be necessary, is appropriated from the Lawyers' Assistance Program Fund to the Supreme Court for lawyers' assistance programs.

ARTICLE 23

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

For Personal Services:
- From General Revenue Fund................. 4,537,400
- From State Pensions Fund................... 2,565,300

For Employee Retirement Contribution (pickup)
- From General Revenue Fund................... 181,500
- From State Pensions Fund.................... 102,700

For State Contributions to State Employees’ Retirement System:
- From General Revenue Fund................... 474,300
- From State Pensions Fund.................... 268,200

For State Contribution to Social Security:
- From General Revenue Fund................... 337,600
- From State Pensions Fund.................... 194,100

For Group Insurance from State Pensions Fund..... 720,000

For Contractual Services:
- From General Revenue Fund................... 1,016,300
- From State Pensions Fund.................... 3,021,100

For Travel:
- From General Revenue Fund................... 0
- From State Pensions Fund.................... 0

For Commodities:
- From General Revenue Fund................... 47,600
- From State Pensions Fund.................... 35,400

For Printing:
- From General Revenue Fund................... 25,900
- From State Pensions Fund.................... 18,900

For Equipment:

New matter indicated by italics - deletions by strikeout.
Section 10. The amount of $8,100,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Bank Services Trust Fund for the purpose of making payments to financial institutions for banking services pursuant to the State Treasurer's Bank Services Trust Fund Act.

Section 15. The amount of $9,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the General Revenue Fund for the purpose of making refunds of overpayments of estate tax and accrued interest on those overpayments, if any, and payment of certain statutory costs of assessment.

Section 20. The amount of $6,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the General Revenue Fund for the purpose of making refunds of accrued interest on protested tax cases.

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

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

Section 35. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the State Treasurer for the payment of interest on and retirement of State bonded indebtedness:

New matter indicated by italics - deletions by strikeout.
For payment of principal and interest on any and all bonds issued pursuant to the Anti-Pollution Bond Act, the Transportation Bond Act, the Capital Development Bond Act of 1972, the School Construction Bond Act, the Illinois Coal and Energy Development Bond Act, and the General Obligation Bond Act:

From the General Obligation Bond Retirement and Interest Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>531,200,000</td>
</tr>
<tr>
<td>Interest</td>
<td>1,088,900,000</td>
</tr>
<tr>
<td>Total</td>
<td>1,620,100,000</td>
</tr>
</tbody>
</table>

Section 40. The amount of $450,900, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the State Treasurer's costs to administer the Capital Litigation Trust Fund in accordance with the Capital Crimes Litigation Act.

Section 45. The amount of $2,691,200, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of expenses of the Cook County State's Attorney in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

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

Section 55. The amount of $1,200,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of compensation and expenses of court appointed defense counsel, other than the Cook County Public Defender, in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 60. The following named amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the separate account held by the State Treasurer for payment of compensation and expenses of court appointed counsel other than Public Defenders incurred in the defense of

New matter indicated by italics - deletions by strikeout.
capital cases in counties other than Cook County in accordance with the Capital Crimes Litigation Act.

Section 65. The following named amount of $500,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the separate account held by the State Treasurer for payment of expenses of Public Defenders incurred in the defense of capital cases in counties other than Cook County in accordance with the Capital Crimes Litigation Act.

Section 70. The following named amount of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the State Treasurer for operational expenses for the Office of the Inspector General.

ARTICLE 24

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenses of the Governor’s Office of Management and Budget in the Executive Office of the Governor:

**GENERAL OFFICE**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,200,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>230,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>167,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>200,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>140,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,937,500</strong></td>
</tr>
</tbody>
</table>

Section 10. The amount of $1,384,600, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of General Obligation bonds.

New matter indicated by italics - deletions by strikeout.
Section 15. The amount of $425,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of Build Illinois bonds.

Section 20. The amount of $255,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Retirement and Interest Fund to the Governor’s Office of Management and Budget for the purpose of making payments to the Trustee under the Master Indenture as defined by and pursuant to the Build Illinois Bond Act.

Section 25. The amount of $113,400, or so much thereof as may be necessary, is appropriated from the School Infrastructure Fund to the Governor’s Office of Management and Budget for operational expenses related to the School Infrastructure Program.

Section 30. The sum of $14,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Civic Center Bond Retirement and Interest Fund to the Governor’s Office of Management and Budget for the principal and interest and premium, if any, on Limited Obligation Revenue bonds issued pursuant to the Metropolitan Civic Center Support Act.

Section 35. No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in Sections 2, 3, and 4 until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 25

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Arts Council:

Payable from the General Revenue Fund:

For Personal Services.......................... 1,144,100
For Employee Retirement Contributions
  Paid by Employer................................. 0
For State Contributions to State Employees' Retirement Contributions........... 119,600
For State Contributions to Social Security............................... 87,300
For Contractual Services.......................... 190,400
For Travel........................................... 0

New matter indicated by italics - deletions by strikeout.
For Commodities........................................ 0
For Printing........................................... 0
For Equipment......................................... 0
For Electronic Data Processing......................... 0
For Telecommunications Services...................... 0
For Travel and Meeting Expenses of
Arts Council and Panel Members....................... 0
Total                                                                                           $1,541,400

Section 10. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to the Illinois Arts Council to enhance the cultural
environment in Illinois:
Payable from General Revenue Fund:
For Grants and Financial Assistance for
Arts Organizations.................................. 0
For Grants and Financial Assistance for
Special Constituencies................................ 0
For Grants and Financial Assistance for
Arts Education...................................... 0
Total                                                                                           $0
Payable from Illinois Arts Council
Federal Grant Fund:
For Grants and Programs to Enhance
the Cultural Environment.......................... 0

Section 15. The sum of $0, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
Arts Council for the purpose of funding administrative and grant expenses
associated with humanities programs and related activities.

Section 20. The amount of $0, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
Arts Council for grants to certain public radio and television stations for
operating costs.

Section 25. The amount of $0, or so much thereof as may be
necessary is appropriated from the General Revenue Fund to the Illinois
Arts Council for grants to certain public radio and television stations and
related administrative expenses, pursuant to the Public Radio and
Television Grant Act.

Section 30. The amount of $0, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2004, from the appropriation made in Article 3, Section 19 of Public Act 93-664, as amended, is reappropriated from the General Revenue Fund to the Illinois Arts Council for providing grants and related operational expenses.

ARTICLE 26

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

For Personal Services:
  For Regular Positions........................ 3,918,200

Employee Contribution to Retirement System by Employer....................... 156,700

For State Contribution to State Employees’ Retirement System.................. 598,800

For State Contribution to Social Security........... 299,800

For Contractual Services......................... 653,300

For Travel........................................ 75,000

For Commodities.................................... 20,000

For Printing........................................ 22,000

For Equipment........................................ 0

For Electronic Data Processing...................... 75,000

For Telecommunications.............................. 75,000

For Operation of Auto Equipment...................... 5,000

Total $5,898,800

Section 10. The sum of $13,735,145, or so much of that amount as may be necessary, is appropriated to the Auditor General from the Audit Expense Fund for audits, studies, and investigations.

ARTICLE 27

Section 5. The sum of $7,619,700, or so much thereof as may be necessary, is appropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

Section 10. The sum of $380,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 4, Section 1 of Public Act 93-62, is reappropriated from the Drycleaner

New matter indicated by italics - deletions by strikeout.
Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

**ARTICLE 28**

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated for the ordinary and contingent expenses of the Office of the Governor:

**EXECUTIVE OFFICE**

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,494,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>574,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>389,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>680,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>85,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>50,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>160,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>450,000</td>
</tr>
<tr>
<td>For Repairs and Maintenance</td>
<td>32,000</td>
</tr>
<tr>
<td>For Expenses Related to Ethnic Celebrations,</td>
<td></td>
</tr>
<tr>
<td>Special Receptions, and Other Events</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7,915,200</strong></td>
</tr>
</tbody>
</table>

Section 10. The sum of $0, or so much thereof as may be necessary, is appropriated from the Governor's Grant Fund to the Office of the Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Governor.

**ARTICLE 29**

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

**FOR OPERATIONS**

New matter indicated by italics - deletions by strikeout.
EXECUTIVE OFFICE
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services..........................                                         1,092,700
For Employee Retirement Contributions
  Paid by Employer.............................. 0
For State Contributions to State
  Employees' Retirement System............... 114,300
For State Contributions to Social Security ...... 83,600
For Contractual Services........................ 133,150
For Travel........................................ 0
For Commodities.................................. 0
For Printing...................................... 0
For Electronic Data Processing.................. 0
For Telecommunications Services................ 0
For Lincoln Legals............................. 140,800
Total                                                                                         $1,564,550

PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Contractual Services........................ 55,000
For Commodities.................................. 0
For Printing...................................... 0
For Equipment.................................... 0
For historic preservation programs
  administered by the Executive Office,
  only to the extent that funds are received
  through grants, and awards, or gifts .......... 225,000
For research projects associated with
  Abraham Lincoln............................... 200,000
Total                                                                                         $480,000

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

FOR OPERATIONS
ILLINOIS HISTORICAL LIBRARY DIVISION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services........................... 942,700
For Employee Retirement Contributions
  Paid by Employer.............................. 0
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Section 15. The sum of $225,000 or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for the ordinary and contingent expenses of the Historical Library including microfilming Illinois newspapers and manuscripts and performing genealogical research.

Section 20. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
PRESERVATION SERVICES DIVISION
PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>570,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>59,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>42,350</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>33,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>0</td>
</tr>
<tr>
<td>For the Main Street Program</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$706,150</td>
</tr>
</tbody>
</table>

PAYABLE FROM ILLINOIS HISTORIC SITES FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>343,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
  Employees' Retirement System.................... 35,900
For State Contributions to Social Security ....... 26,300
For Group Insurance............................... 96,000
For Contractual Services......................... 59,000
For Travel............................................. 0
For Commodities...................................... 0
For Printing.......................................... 0
For Equipment......................................... 0
For Electronic Data Processing...................... 0
For Telecommunications Services.................. 0
For historic preservation programs
  made either independently or in cooperation with the Federal Government
  or any agency thereof, any municipal corporation, or political subdivision
  of the State, or with any public or private corporation, organization, or individual,
  or for refunds..................................... 662,800
Total                                                                                         $1,223,400

Section 25. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for awards and grants for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 30. The sum of $90,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 1, Section 3a of Public Act 93-0093, as amended, is reappropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for awards and grants for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 35. The sum of $85,537, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 1, Section 3b of

New matter indicated by italics - deletions by strikeout.
Public Act 93-0093, as amended, is reappropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for awards and grants for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 40. The sum of $64,110, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 1, Section 3d of Public Act 93-0093, as amended, is reappropriated from the General Revenue Fund to the Historic Preservation Agency to make Illinois Heritage Grants for the purpose of planning, survey, rehabilitation, restoration, reconstruction, landscaping and acquisition of Illinois properties designated on the National Register of Historic Places or as a landmark based on a county or municipal ordinance or those located within certain historic districts deemed historically significant.

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
ADMINISTRATIVE SERVICES DIVISION
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services......................... 1,177,900
For Employee Retirement Contributions
  Paid by Employer.............................. 0
For State Contributions to State
  Employees' Retirement System.............. 123,200
For State Contributions to Social Security .... 90,150
For Contractual Services....................... 325,200
For Travel....................................... 0
For Commodities.................................. 0
For Printing..................................... 0
For Telecommunications Services................ 0
For Operation of Auto Equipment.............. 0
Total........................................ $1,716,450

Section 50. The sum of $200,000 or so much thereof as may be necessary is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for the ordinary and contingent expenses of

New matter indicated by italics - deletions by strikeout.
the Administrative Services division for costs associated with but not limited to Union Station, the Old State Capitol and the Old Journal Register Building.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
HISTORIC SITES DIVISION
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services.......................... 4,934,800
For Employee Retirement Contributions
   Paid by Employer................................. 0
For State Contributions to State
   Employees' Retirement System................. 515,800
For State Contributions to Social Security ..... 377,550
For Contractual Services......................... 897,600
For Travel......................................... 0
For Commodities.................................. 0
For Equipment.................................... 0
For Telecommunications Services............... 0
For Operation of Auto Equipment................. 0
Total ............................................. $6,725,750

PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Personal Services............................ 38,000
For Employee Retirement Contributions
   Paid by Employer................................. 0
For State Contributions to State
   Employees' Retirement System............... 4,000
For State Contributions to Social Security .... 2,950
For Group Insurance.............................. 12,000
For Contractual Services........................ 150,000
For Travel........................................ 0
For Commodities.................................. 0
For Equipment..................................... 0
For Telecommunications Services................. 0
For Operation of Auto Equipment................. 0
For Historic Preservation Programs Administered
   by the Historic Sites Division, Only to the

New matter indicated by italics - deletions by strikeout.
| Extent that Funds are Received Through Grants, Awards, or Gifts | $100,000 |
| Extent that Funds are Received Through For Permanent Improvements | $0 |
| **Total** | **$306,950** |

Section 60. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for operations, maintenance, repairs, permanent improvements, special events, and all other costs related to the operation of Illinois Historic Sites and only to the extent which donations are received at Illinois State Historic Sites.

Section 65. The sum of $0, or so much thereof as may be necessary, is appropriated to the Historic Preservation Agency from the General Revenue Fund for programs and purposes including repairing, maintaining, reconstructing, rehabilitating, replacing, fixed assets, construction and development, studies, all costs for supplies, materials, labor, land acquisition and its related costs, services and other expenses at historic sites.

Section 70. The sum of $245,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Historic Preservation Agency for the operational expenses of the Lewis and Clark Historic Site in Madison County.

Section 75. The amounts appropriated for repairs and maintenance and other capital improvements in Section 5b of this Article for repairs and/or replacements, and miscellaneous capital improvements at the agency’s various historical sites, and are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials, and all other types of repairs and maintenance, and capital improvements.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Section 5c of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 80. The sum of $7,655,950, or so much thereof as may be necessary, is appropriated from the Presidential Library and Museum Operating Fund to the Historic Preservation Agency to meet the ordinary and contingent expenses of the Abraham Lincoln Presidential Library and Museum in Springfield.

**ARTICLE 30**

New matter indicated by italics - deletions by strikeout.
Section 5. The sum of $4,126,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of Executive Inspector General for its ordinary and contingent expenses.

ARTICLE 31

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Labor Relations Board for the objects and purposes hereinafter named:

**OPERATIONS**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,133,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>118,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>84,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>168,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>23,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>3,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>22,600</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>21,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>45,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,624,400</strong></td>
</tr>
</tbody>
</table>

Section 10. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Labor Relations Board for costs associated with Public Act 93-0655, including administrative expenses.

ARTICLE 32

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Office of the Lieutenant Governor:

**GENERAL OFFICE**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,000,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System
For State Contributions to Social Security
For Contractual Services
For Travel
For Commodities
For Printing
For Equipment
For Electronic Data Processing
For Telecommunications Services
For Operational and Grant Expenses of the Rural Affairs Council
For Ordinary and Contingent Expenses of The Illinois River Coordination Council

Total

Section 10. The sum of $0, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Office of Lieutenant Governor for all costs associated with the Rural Affairs Council including any grants or administration expenses.

Section 15. The sum of $0, or so much thereof as may be necessary, is appropriated from the Lieutenant Governor's Grant Fund to the Office of Lieutenant Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Lieutenant Governor.

ARTICLE 33

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the State Employees' Retirement System:

FOR OPERATIONS

FOR THE SOCIAL SECURITY ENABLING ACT

For Personal Services For Employee Retirement Contributions
Paid by Employer
For State Contributions to the State Employees' Retirement System
For State Contributions to

New matter indicated by italics - deletions by strikeout.
Social Security................................... 3,300
For Contractual Services......................... 19,350
For Travel....................................... 1,100
For Commodities................................ 200
For Printing..................................... 0
For Equipment................................... 0
For Electronic Data Processing..................... 0
For Telecommunications Services............... 400
Total                                       $71,450

CENTRAL OFFICE
For Employee Retirement Contributions
Paid by Employer for Prior Fiscal Year:
Payable from General Revenue Fund............ 90,000

Section 10. The sum of $18,730,000, minus the amount transferred to the State Employees' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Employees' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 15. The sum of $26,430,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the Judges' Retirement System for the State's Contribution, as provided by law.

Section 20. The sum of $1,390,000, minus the amount transferred to the Judges' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Judges' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 25. The sum of $3,609,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the General Assembly Retirement System for the State's Contribution, as provided by law.

Section 30. The sum of $270,000, minus the amount transferred to the General Assembly Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the General Assembly Retirement System, pursuant
to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

ARTICLE 34

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

For Personal Services.............................................. 615,950
For Employee Retirement Contributions
  Paid by Employer.................................................. 25,038
For State Contributions to State Employees' Retirement System.................................................. 75,845
For State Contribution to Social Security............................................. 47,885
For Contractual Services............................................. 46,636
For Travel........................................................... 2,100
For Commodities....................................................... 2,363
For Printing.......................................................... 4,283
For Equipment.......................................................... 0
For Electronic Data Processing................................. 1,500
For Telecommunications Services............................ 8,300
For additional costs associated with the assumption of duties of the Pension Laws Commission............................... 158,000

Total $987,900

Section 10. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Information System:

For Personal Services........................................... 1,900,300
For Employee Retirement Contributions
  Paid by Employer.................................................. 76,000
For State Contribution to State Employees' Retirement System.................................................. 387,600
For State Contribution to Social Security............................................. 145,400
For Contractual Services............................................. 392,600
For Travel........................................................... 0
For Commodities....................................................... 5,200

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Printing</td>
<td>5,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,048,200</td>
</tr>
<tr>
<td>For Purchase, Maintenance, and Rental</td>
<td></td>
</tr>
<tr>
<td>of General Assembly Electronic Data Processing Equipment, and any</td>
<td></td>
</tr>
<tr>
<td>other operational purposes of the General Assembly</td>
<td>702,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>162,200</td>
</tr>
<tr>
<td>Total</td>
<td>$4,824,500</td>
</tr>
</tbody>
</table>

Section 15. The following amount, or so much of that amount as may be necessary, is appropriated to the Legislative Information System:

For Purchase, Maintenance, and Rental of Electronic Data Processing Equipment and Software relating to the development and implementation of legislative systems, and for consulting, technical, and design services related thereto: 525,000

Section 20. The following amount, or so much of that amount as may be necessary, is appropriated from the General Assembly Computer Equipment Revolving Fund to the Legislative Information System:

For Purchase, Maintenance, and Rental of General Assembly Electronic Data Processing Equipment and for other operational purposes of the General Assembly: 1,600,000

Section 25. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Audit Commission:

For Personal Services: 166,500
For Employee Retirement Contributions Paid by Employer: 6,700
For State Contributions to State Employees' Retirement System: 34,000
For State Contribution to Social Security: 12,700
For Contractual Services: 5,900
For Travel: 2,500
For Commodities: 500
For Printing: 1,500

New matter indicated by italics - deletions by strikeout.
For Equipment................................. 0
For Electronic Data Processing.............. 3,000
For Telecommunications Services........... 1,600
Total $234,900

Section 30. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Printing Unit:
For Personal Services...................... 1,212,037
For Employee Retirement Contributions
   Paid by Employer......................... 47,260
For State Contributions to State Employees'
   Retirement System....................... 159,610
For State Contribution to Social Security......................... 90,380
For Contractual Services................... 214,509
For Travel................................... 0
For Commodities............................ 163,509
For Printing.................................. 84,909
For Equipment................................ 153,172
For Telecommunications Services.......... 7,450
   Total $2,132,836

Section 35. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Research Unit:
For Personal Services...................... 934,000
For Employee Retirement Contributions
   Paid by Employer......................... 37,400
For State Contribution to State Employees'
   Retirement System....................... 125,500
For State Contribution to Social Security......................... 71,500
For Contractual Services................... 60,000
For Travel................................... 0
For Commodities............................ 9,000
For Printing.................................. 17,350
For Equipment................................ 30,000
For Telecommunications Services.......... 17,600

New matter indicated by italics - deletions by strikeout.
For New Member Conference........................... 30,000
For additional costs associated with
the assumption of duties of the Commission
on Intergovernmental Cooperation............... 770,000
Total $2,102,350

Section 40. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated to the Illinois
Legislative Research Unit for the following purposes:
For payment of expenses of the
Legislative Staff Intern program,
including stipends, tuition, and
administration for 20 persons............... 492,000
For payment of expenses of the Zeke
Giorgi Memorial Intern Program, including
stipends, tuition, and administration
for 4 persons.................................... 101,700
Total $593,700

Section 45. The following named amounts, or so much of those
amounts as may be necessary, respectively, are
appropriated for the objects
and purposes hereinafter named, to meet the ordinary and contingent
expenses of the Legislative Reference Bureau:
For Personal Services......................... 1,625,000
For Employee Retirement Contributions
Paid by Employer.............................. 65,000
For State Contributions to State Employees' Retiremen System......................... 331,400
For State Contribution to Social Security................................. 124,300
For Contractual Services........................ 104,600
For Travel........................................ 0
For Commodities................................ 10,000
For Printing..................................... 67,800
For Equipment.................................. 130,000
For Telecommunications Services............. 15,000
Total $2,473,100

Section 50. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated for the objects
and purposes hereinafter named to meet the ordinary and contingent
expenses of the Office of the Architect of the Capitol:

New matter indicated by italics - deletions by strikeout.
For Personal Services.............................. 442,500
For Employee Retirement Contributions
  Paid by Employer.................................. 14,000
For State Contributions to State Employees' 
  Retirement System............................... 42,200
For State Contribution to Social 
  Security.......................................... 26,800
For Contractual Services.......................... 99,000
For Travel........................................... 0
For Commodities.................................... 1,500
For Printing........................................... 500
For Equipment....................................... 0
For Electronic Data Processing....................... 8,700
For Telecommunications Services.................... 6,500
Total                                                                                     $641,700

Section 55. The following named amounts, or so much of those 
amounts as may be necessary, respectively, are 
appropriated for the objects 
and purposes hereinafter named to meet the ordinary and contingent 
expenses of the Joint Committee on Administrative Rules:
For Personal Services............................. 776,000
For Employee Retirement Contributions 
  Paid by Employer.................................. 30,000
For State Contributions to State Employees' 
  Retirement System............................... 90,000
For State Contribution to Social 
  Security.......................................... 55,000
For Contractual Services......................... 35,000
For Travel.......................................... 8,000
For Commodities................................... 11,000
For Equipment...................................... 0
For Telecommunications Services................... 10,000
Total                                                                                     $1,015,000

Section 60. The sum of $103,700, or so much thereof as may be 
necessary, is appropriated for the ordinary and contingent expenses of the 
Senate Operations Commission including the planning costs, construction 
costs, moving expenses and all other costs associated with the construction 
and reconstruction of Senate offices in the Capitol Complex area.

Section 65. The following amount, or so much of this amount as 
may be necessary, is appropriated to the Office of the Architect of the
Capitol for plans, specifications, and continuation of work pursuant to the report and recommendations of the architectural, structural, and mechanical surveys of the State Capitol Building. This is for the continuation of the rehabilitation of the Capitol Building:

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

Section 70. The amount of $64,514, or so much of this amount as may be necessary and remains unexpended on June 30, 2004 from an appropriation heretofore made for such purpose in Section 85 of Article 16 of Public Act 93-91, is reappropriated from the Capital Development Fund to the Office of the Architect of the Capitol for plans, specifications, and continuation of work pursuant to the report and recommendations of the architectural, structural, and mechanical surveys of the State Capitol Building. This is for the continuation of the rehabilitation of the Capitol Building.

Section 75. The sum of $694,237, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Section 85 of Article 16 of Public Act 93-91, is reappropriated from the Capital Development Fund to the Office of the Architect of the Capitol for remodeling, planning, relocation, permanent equipment, and other related expenses, including architectural and engineering fees associated with construction, for the remodeling of office space and other support areas under the jurisdiction of the House of Representatives and the Senate.

ARTICLE 35

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

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

Section 10. Payments from the amounts appropriated in Section 5 hereof shall be made only upon the delivery of a voucher approved by the member to the State Comptroller. The voucher shall also be approved by

New matter indicated by italics - deletions by strikeout.
the President of the Senate or the Speaker of the House of Representatives as the case may be.

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

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

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

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

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

For travel, including expenses to Springfield of members on official legislative business during weeks when the General Assembly is not in session.......................... 52,700

Total $13,484,100

Section 20. The sum of $1,916,447, or so much thereof as may be necessary, is appropriated for the use of the Senate standing committees for expert witnesses, technical services, consulting assistance and other research assistance associated with special studies and long range research projects which may be requested by the standing committees.

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

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary, incidental and contingent expenses of the House Majority and Minority Leadership Staff and Office operations:

- For the Speaker............................. 4,209,600
- For the Minority Leader................. 4,209,600
- Total                                                                                         $8,419,200

Section 35. The following named sums, or so much thereof as may be necessary, are appropriated to meet the ordinary, incidental and contingent expenses of the House Majority and Minority Leadership Staff and the general staff:

- For the Speaker............................. 326,300
- For the Minority Leader................. 148,000
- Total                                                                                         $474,300

Section 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, relating to the operation of the House of Representatives, are appropriated to meet its ordinary and contingent expenses:

- For the ordinary and incidental expenses of the general staff, operations, and special and standing committees of the House, for per diem employees and for expenses incurred in transcribing and printing of House debates.................. 4,872,600

- For the ordinary and incidental expenses of the House, also including the purchasing on contract as required by law of printing, binding, printing paper, stationery and office supplies, no part of which shall be expended for expenses of purchasing, handling or distributing such supplies and against which no indebtedness shall be incurred without the written approval of the Speaker of the House of Representatives........ 91,000

New matter indicated by italics - deletions by strikeout.
Pursuant to the Legislative Commission
Reorganization Act of 1984, to the Speaker
of the House for
Standing House Committees..................... 2,173,100
Total $7,136,700

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

Section 50. The following named sums, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2004, from an appropriation heretofore made for such purposes in Article
17 of Public Act 93-91 as amended by this Act, are appropriated for
expenses in connection with the planning and preparation of redistricting
of legislative and representative districts as required by Article IV, Section
3 of the Illinois Constitution of 1970:
For the Speaker.................................... 441,600
For the Minority Leader............................ 0
Total $441,600

Section 55. The sum of $250,000, or so much thereof as may be
necessary, is appropriated from the General Assembly Operations
Revolving Fund to the Office of the Speaker, to meet the ordinary and
contingent expenses of the House.

Section 60. The amount of $311,600, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
General Assembly to meet ordinary and contingent expenses. Any use of
funds appropriated under this Section must be approved jointly by the
Clerk of the House of Representatives and the Secretary of the Senate.

Section 65. As used in Sections 30 and 35 hereof, except where
the approval of the Speaker of the House of Representatives is expressly
required for the expenditure of or the incurring of indebtedness against an
appropriation for certain purchases on contract, "Speaker" means the
leader of the party having the largest number of members of the House of
Representatives as of January 13, 2003, and "Minority Leader" means the

New matter indicated by italics - deletions by strikeout.
leader of the party having the second largest number of members of the House of Representatives as of January 13, 2003.

Section 70. The sum of $300,000, or so much thereof as may be necessary, is appropriated to the General Assembly’s Office of the Inspector General to meet their ordinary and contingent expenses.

ARTICLE 36

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**GENERAL ADMINISTRATION OPERATIONS**

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,167,200</td>
</tr>
<tr>
<td>For Retirement Contributions Paid</td>
<td></td>
</tr>
<tr>
<td>by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>10,000</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>436,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>319,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,945,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$7,878,800</td>
</tr>
</tbody>
</table>

Payable from the Tourism Promotion Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,353,600</td>
</tr>
<tr>
<td>For Retirement Contributions Paid</td>
<td></td>
</tr>
<tr>
<td>by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>141,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>103,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>306,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>682,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF TOURISM OPERATIONS**

Payable from the Tourism Promotion Fund:

- For Personal Services: $1,142,700
- For State Contributions to Employees' Retirement System: $119,500

New matter indicated by italics - deletions by strikeout.
Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF TOURISM**

**GRANTS-IN-AID**

Payable from General Revenue Fund:

- For Grants, Contracts and Administrative Expenses Associated with the Development Of the Illinois Grape and Wine Industry, Including Prior Year Costs: $0
- For a Grant to the Illinois Health and Sports Foundation for the Prairie State Games: $0

Total: $0

Payable from the International Tourism Fund:

- For Grants to Convention and Tourism Bureaus-Chicago Convention and Tourism Bureau and Chicago Office of Tourism: $0
- Balance of State: $0

Total: $0

Payable from the Tourism Attraction Development

New matter indicated by italics - deletions by strikeout.
Matching Grant Fund:
For the Tourism Attraction Development
Grant Program Pursuant to 20 ILCS 665/8a........... 0
Payable from Local Tourism Fund:
For grants to Convention and Tourism Bureaus--
Chicago Convention and Tourism Bureau.............. 0
Chicago Tourism Council............................... 0
Balance of State..................................... 0
For grants, contracts, and administrative expenses associated with the
Local Tourism and Convention Bureau
Program pursuant to 20 ILCS 605/605-705
including prior year costs............................. 0
Total ................................................................ 0

Section 20. The following named amounts, or so much thereof as may
be necessary, respectively, are appropriated to the Department of
Commerce and Economic Opportunity:
Payable from the Tourism Promotion Fund:
For the Tourism Matching Grant Program
Pursuant to 20 ILCS 665/8-1 for
Counties under 1,000,000............................... 0
For the Tourism Matching Grant Program
Pursuant to 20 ILCS 665/8-1 for
Counties over 1,000,000............................... 0
For the Tourism Attraction Development
Grant Program Pursuant to 20 ILCS 665/8a........... 0
For Purposes Pursuant to the Illinois Promotion Act, 20 ILCS 665/4a-1 to
Match Funds from Sources in the Private Sector......................... 0
For Grants to Regional Tourism Development Organizations.......................... 0
Total ................................................................ 0

The Department, with the consent in writing from the Governor,
may reapportion not more than ten percent of the total appropriation of
Tourism Promotion Fund, in Section 20 above, among the various purposes therein recommended.

Section 25. The amount of $862,513, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,

New matter indicated by italics - deletions by strikeout.
2004, from a reappropriation heretofore made for such purposes in Article 3, Section 25 of Public Act 93-91, is reappropriated to the Department of Commerce and Economic Opportunity from the International Tourism Fund for grants, contracts, and administrative expenses associated with the Abraham Lincoln Presidential Library and Museum, including prior year costs.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF WORKFORCE DEVELOPMENT
GRANTS-IN-AID
Payable from the Federal Workforce Training Fund:
For Grants, Contracts and Administrative Expenses Associated with the Workforce Investment Act and other workforce training programs, including refunds and prior year costs......................................................... 0

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS OPERATIONS
Payable from the General Revenue Fund:
For Personal Services................................. 965,800
For Retirement Contributions Paid by Employer........................................... 0
For State Contributions to State Employees' Retirement System..................... 101,000
For State Contributions to Social Security........................................... 73,900
For Contractual Services............................. 57,300
For Travel.................................................. 0
For Commodities......................................... 0
For Printing.............................................. 0
For Equipment........................................... 0
For Telecommunications Services.................... 0
For Operation of Automotive Equipment............. 0
Total $1,198,000

New matter indicated by italics - deletions by strikeout.
Payable from the Federal Industrial Services Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>864,100</td>
</tr>
<tr>
<td>For Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>90,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>66,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>204,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>274,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Other Expenses of the Occupational Safety and Health...</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$1,499,500</td>
</tr>
</tbody>
</table>

Payable from the Tobacco Settlement Recovery Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Administration, Grant, and Investment Expenses of technology initiatives</td>
<td>0</td>
</tr>
</tbody>
</table>

Section 40. The amount of $1,155,503, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 40 of Public Act 93-91, is reappropriated from the Tobacco Settlement Recovery Fund to the Department of Commerce and Economic Opportunity for administration, grant, and investment expenses of technology initiatives.

Section 45. The amount of $1,939,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 35 of Public Act 93-91, is reappropriated from the Tobacco Settlement Recovery Fund to the Department of Commerce and Economic Opportunity for administration, grant, and investment expenses of technology initiatives.

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

<table>
<thead>
<tr>
<th>Bureau of Technology and Industrial Competitiveness</th>
</tr>
</thead>
</table>

New matter indicated by italics - deletions by strikeout.
GRANTS-IN-AID

Payable from General Revenue Fund:
For the Job Training and Economic Development Grant Program Act of 1997, as amended, including grants, contracts, and administrative expenses, including prior year costs................. 0
For Grants, Contracts and Administrative Expenses of the Employer Training Investment Program for companies with 250 or more employees pursuant but not limited to 20 ILCS 605/605-800, including Prior Year Costs................. 0
For Grants, Contracts and Administrative Expenses of the Employer Training Investment Program for companies with less than 250 employees pursuant but not limited to 20 ILCS 605/605-800, including Prior Year Costs................. 0
For Grants and Administrative Expenses Pursuant to the High Technology School-to-Work Act, Including Prior Year Costs......................................................... 0
For Grants, Contracts, and Administrative Expenses for the Illinois Technology Enterprise Corporation Program, including prior year costs................................. 0
For all costs relating to the Center for Safe Food for Small Business at the Illinois Institute of Technology......................... 0
Total $0

Payable from the New Technology Recovery Fund:
For Grants, Loans, Investments, and Administrative Expenses Pursuant to the Technology Advancement and Development Act, Including Prior Year Costs................................. 0
Payable from the Workforce, Technology, and Economic Development Fund:
For Grants, Contracts, and Administrative

New matter indicated by italics - deletions by strikeout.
Expenses Pursuant to 20 ILCS 605/605-420, Including Prior Year Costs................. 0
Payable from the Tobacco Settlement Recovery Fund:
For Grants and Administrative Expenses
For the Illinois Technology Enterprise Corporation Program, Including Prior Year Costs.................................................. 0
Payable from the Digital Divide Elimination Fund:
For Grants, Contracts and Administrative Expenses Pursuant to 30 ILCS 780, Including prior year costs............................ 0
Payable from the Illinois Equity Fund:
For Grants, Loans, and Investments in Accordance with the Provisions of Public Act 84-0109, as amended......................... 0

Section 55. The sum of $2,300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 45 of Public Act 93-91, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for Current Workforce Training Grants, including prior year costs.

Section 60. The amount of $400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 3, Section 45 of Public Act 93-91, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for Workplace Skills Enhancement Program, including prior year costs.

Section 65. The amounts of $527,474 and $296,850, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 70 of Public Act 93-91, are reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for training grants to eligible employers.

BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS REFUNDS

Section 70. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Federal Industrial Services Fund to the

New matter indicated by italics - deletions by strikeout.
Department of Commerce and Economic Opportunity for refunds to the federal government and other refunds.

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF REGIONAL ECONOMIC DEVELOPMENT OPERATIONS**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,341,700</td>
</tr>
<tr>
<td>For Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>244,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>179,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>301,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$3,067,200</td>
</tr>
</tbody>
</table>

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF BUSINESS DEVELOPMENT OPERATIONS**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,841,000</td>
</tr>
<tr>
<td>For Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>192,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>140,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>811,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Printing........................................... 0
For Equipment........................................ 0
For Telecommunications Services..................... 0
For Operation of Automotive Equipment............... 0
For Advertising and Promotion........................ 0
For all costs associated with the Illinois Opportunity Fund.............. 0
For Administrative and Related Expenses of the Illinois Women's Business Ownership Council........................................... 0
Total $2,986,000

Payable from Economic Research and Information Fund:
For Purposes Set Forth in Section 605-20 of the Civil Administrative Code of Illinois (20 ILCS 605/605-20)................................. 0

Payable from the Commerce and Community Assistance Fund:
For Personal Services............................. 777,600
For Retirement Contributions Paid by Employer........................... 0
For State Contributions to State Employees' Retirement System........... 81,300
For State Contributions to Social Security.............................. 59,500
For Group Insurance..................................... 150,000
For Contractual Services.................................... 236,800
For Travel............................................. 0
For Commodities........................................ 0
For Printing........................................... 0
For Equipment........................................ 0
For Telecommunications Services.............................. 0
Total $1,305,200

Payable from Illinois Capital Revolving Loan Fund:
For Administration and Related Support Pursuant to Public Act 84-0109, as amended................................. 0
Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF BUSINESS DEVELOPMENT**

**GRANTS-IN-AID**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For grants, contracts and administrative expenses of the Regional Airport Marketing Program, including prior year costs</td>
<td>0</td>
</tr>
<tr>
<td>For grants, contracts and administrative expenses associated with the Rock Island Arsenal, including prior year costs</td>
<td>0</td>
</tr>
<tr>
<td>For Small Business Development Centers, Including Prior Year Costs</td>
<td>0</td>
</tr>
<tr>
<td>For the Purpose of Providing Grants to Procurement Centers to Expand Participation in the Government Contracting Process and to Increase the Opportunities for Purchasing Outsourcing Among Illinois Suppliers</td>
<td>0</td>
</tr>
<tr>
<td>For grants, contracts, and administrative expenses associated with Entrepreneurship Centers, including prior year costs</td>
<td>0</td>
</tr>
</tbody>
</table>

Total $0

Payable from the Small Business Environmental Assistance Fund:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For grants and administrative expenses of the Small Business Environmental Assistance Program</td>
<td>0</td>
</tr>
</tbody>
</table>

Payable from the Urban Planning Assistance Fund:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For grants, contracts, administrative expenses and refunds associated with the U.S. Department of Defense Procurement Assistance Program, Including prior year costs</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Payable from Commerce and Community Assistance Fund:
For Small Business Development Center
   Including Prior Year Costs........................ 0
For Administration and Grant Expenses
Relating to Small Business Development
Management and Technical Assistance,
Labor Management Programs for New
and Expanding Businesses, and Economic
and Technological Assistance to
Illinois Communities and Units of
Local Government, Including Prior
Year Costs........................................... 0
Total
$0
Payable from the Corporate Headquarters Relocation Assistance Fund:
For Grants Pursuant to the Corporate
Headquarters Relocation Act, including
prior year costs................................. 0
Payable From the Illinois Capital Revolving Loan Fund:
For the Purpose of Grants, Loans, and
Investments in Accordance with
the Provisions of Public Act
84-0109, as amended............................ 0
Payable from the Large Business Attraction Fund:
For the purpose of Grants, Loans,
Investments, and Administrative
Expenses in Accordance with Article
10 of the Build Illinois Act..................... 0
Payable from the Public Infrastructure Construction Loan Revolving Fund:
For the Purpose of Grants, Loans,
Investments, and Administrative
Expenses in Accordance with Article
8 of the Build Illinois Act...................... 0
Payable from Port Development Revolving Loan Fund:
For grants and loans associated with the
Port Development Revolving Loan Program
Pursuant to 30 ILCS 750/9-11.................... 0

Section 90. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Commerce and Economic Opportunity:

New matter indicated by italics - deletions by strikeout.
BUREAU OF BUSINESS DEVELOPMENT

REFUNDS
Payable from Commerce and Community Assistance Fund:
For Refunds to the Federal Government
and other refunds................................. 50,000

Section 95. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF COAL DEVELOPMENT AND MARKETING

GRANTS-IN-AID
Payable from the Coal Technology Development Assistance Fund:
For Grants, Contracts and Administrative Expenses Under the Provisions of the Illinois Coal Technology Development Assistance Act, Including Prior Years Costs................................. 0

Section 100. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

ILLINOIS FILM OFFICE
Payable from Tourism Promotion Fund:
For Personal Services........................... 452,300
For Employee Retirement Contributions Paid by Employer...................................... 0
For State Contributions to State Employees' Retirement System.......................... 47,300
For State Contributions to Social Security ...... 34,700
For Group Insurance................................ 96,000
For Contractual Services....................... 180,300
For Travel........................................... 0
For Commodities................................. 0
For Printing........................................ 0
For Equipment.................................... 0
For Telecommunications Services................ 0
For Operation of Automotive Equipment........ 0
Total .................................................. $810,600

New matter indicated by italics - deletions by strikeout.
Section 105. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

**ILLINOIS TRADE OFFICE OPERATIONS**

Payable from General Revenue Fund:
- For Personal Services: $1,496,700
- For Employee Retirement Contributions:
  - Paid by Employer: $0
  - For State Contributions to State Employees' Retirement System: $156,500
  - For State Contributions to Social Security: $114,500
  - For Contractual Services: $1,347,800
- For Travel: $0
- For Commodities: $0
- For Printing: $0
- For Equipment: $0
- For Telecommunications Services: $0
- For Administrative and Related Expenses of the NAFTA Opportunity Centers: $0
- For all costs Associated with New and Expanding International Markets to Increase Export and Reverse Investment Opportunities for Illinois Business and Industries, Including Prior Year Costs: $0
Total: $3,115,500

Payable from the International and Promotional Fund:
- For Grants, Contracts, Administrative Expenses, and Refunds Pursuant to 20 ILCS 605/605-25, including:
  - Including prior year costs: $0

Section 110. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF COMMUNITY DEVELOPMENT OPERATIONS**

Payable from the General Revenue Fund:
- For Personal Services: $902,200

New matter indicated by italics - deletions by strikeout.
For Retirement Contributions Paid  
by Employer..................................................  0  
For State Contributions to State  
Employees' Retirement System...............  94,300  
For State Contributions to  
Social Security...........................................  69,100  
For Contractual Services...............  119,000  
For Travel..................................................  0  
For Commodities...........................................  0  
For Printing..................................................  0  
For Equipment...............................................  0  
For Telecommunications Services........  0  
For Operation of Automotive Equipment.......  0  
Total $1,184,600  

Payable from the Federal Moderate Rehabilitation Housing Fund:  
For Personal Services.............................  96,000  
For Retirement Contributions Paid  
by Employer..................................................  0  
For State Contributions to State  
Employees' Retirement System...............  10,100  
For State Contributions to  
Social Security...........................................  7,400  
For Group Insurance.................................  24,000  
For Contractual Services...............  12,400  
For Travel..................................................  0  
For Commodities...........................................  0  
For Equipment...............................................  0  
For Telecommunications Services........  0  
For Operation of Automotive Equipment.......  0  
Total $149,900  

Payable from the Community Services Block Grant Fund:  
For Personal Services.............................  541,400  
For Retirement Contributions Paid  
by Employer..................................................  0  
For State Contributions to State  
Employees' Retirement System...............  56,600  
For State Contributions to  
Social Security...........................................  41,500  

New matter indicated by italics - deletions by strikeout.
For Group Insurance..............................                                         108,000
For Contractual Services..........................                                         45,700
For Travel.............................................                                                     0
For Commodities........................................                                               0
For Printing...........................................                                                     0
For Equipment..........................................                                                 0
For Telecommunications Services.......................                                     0
For Operation of Automotive Equipment..................                                0
Total                                                                                            $793,200

Payable from Community Development/Small Cities Block Grant Fund:
For Personal Services...........................                                           633,000
For Retirement Contributions Paid by Employer.................................................. 0
For State Contributions to State Employees’ Retirement System.......................... 66,200
For State Contributions to Social Security........................................... 48,500
For Group Insurance..............................                                         156,000
For Contractual Services..........................                                         21,200
For Travel.............................................                                                     0
For Commodities........................................                                               0
For Printing...........................................                                                     0
For Equipment..........................................                                                 0
For Telecommunications Services.......................                                     0
For Operation of Automotive Equipment..................                                0
For Administrative and Grant Expenses Relating to Training, Technical Assistance, and Administration of the Community Development Assistance Programs........................................... 0
Total                                                                                            $924,900

Section 115. The following named amounts, or so much thereof as may be necessary, respectively are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF COMMUNITY DEVELOPMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:
For Grants, Contracts and Administrative

New matter indicated by italics - deletions by strikeout.
Expenses Associated with the Illinois Tomorrow Program, Including Prior Year Costs........................................... 0
For Administrative and Grant Expenses Relating to Research, Planning, Technical Assistance, Technological Assistance and Other Financial Assistance to Assist Businesses, Communities, Regions and Other Economic Development Purposes.................. 0
Total................................................................................. $0

Payable from the Agricultural Premium Fund:
For the Ordinary and Contingent Expenses of the Rural Affairs Institute at Western Illinois University.......................... $0

Payable from the Federal Moderate Rehabilitation Housing Fund:
For Housing Assistance Payments Including Reimbursement of Prior Year Costs........................................... $0

Payable from the Community Services Block Grant Fund:
For Grants to Eligible Recipients as Defined in the Community Services Block Grant Act, including prior year costs ......................................... $0

Payable from the Community Development Small Cities Block Grant Fund:
For Grants to Local Units of Government or Other Eligible Recipients as Defined in the Community Development Act of 1974, as amended, for Illinois Cities with Populations Under 50,000, Including Reimbursements for Costs in Prior Years............ $0

Section 120. The amount of $650,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 3, Section 170 of Public Act 93-91, is reappropriated to the Department of Commerce and Economic Opportunity from the General Revenue Fund for the purpose of making grants to community organizations, not-for-profit

New matter indicated by italics - deletions by strikeout.
corporations, or local governments linked to the development of job creation projects that would increase economic development in economically depressed areas within the state.

Section 125. The sum of $451,221, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 3, Section 175 of Public Act 93-91, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants, contracts, and administrative expenses associated with the Illinois Tomorrow Program, including prior year costs.

Section 130. The sum of $394,750, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 3, Section 180 of Public Act 93-91, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants, contracts, and administrative expenses associated with the Illinois Tomorrow Program, including prior year costs.

Section 135. The sum of $487,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made for such purpose in Article 3, Section 160 of Public Act 93-91, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants, contracts, and administrative expenses associated with the Illinois Tomorrow Program, including prior year costs.

Section 140. The sum of $450,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made for such purpose in Article 3, Section 140 of Public Act 93-91, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for administrative and grant expenses relating to research, planning, technical assistance, and technological assistance and other financial assistance to assist businesses, communities, regions and other economic development purposes.

Section 145. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

COMMUNITY DEVELOPMENT

REFUNDS

For refunds to the Federal Government and other refunds:

New matter indicated by italics - deletions by strikeout.
Payable from Federal Moderate
Rehabilitation Housing Fund...................... 500,000
Payable from Community Services
Block Grant Fund................................. 170,000
Payable from Community Development/
Small Cities Block Grant Fund.................... 300,000
Total  $970,000

Section 150. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

ENERGY CONSERVATION
GRANTS-IN-AID

Payable from General Revenue Fund:
For Grants, Contracts, and Administrative Expenses Associated with the Small Business Smart Energy Program, including Prior Years Costs.............................. 0
For Grants, Contracts and Administrative Expenses Associated with the Manufacturing Energy Efficiency Program.............................. 0
Total $0

Payable from the Alternate Fuels Fund:
For Administration and Grant Expenses of the Ethanol Fuel Research Program, Including Prior Year Costs.............................. $0

Payable from the Renewable Energy Resources Trust Fund:
For Grants, Loans, Investments and Administrative Expenses of the Renewable Energy Resources Program, Including Prior Year Costs.............................. $0

Payable from the Energy Efficiency Trust Fund:
For Grants and Administrative Expenses Relating to Projects that Promote Energy Efficiency, Including Prior Year Costs.............. $0

Payable from Institute of Natural Resources Federal Projects Grant Fund:
For Expenses and Grants Connected with Energy Programs, Including Prior Year Costs............................................ $0

New matter indicated by italics - deletions by strikeout.
Payable from the Federal Energy Fund:
For Expenses and Grants Connected with
the State Energy Program, Including
Prior Year Costs........................................ $0
Payable from the Petroleum Violation Fund:
For Expenses and Grants Connected with
Energy Programs, Including Prior Year
Costs.......................................................... $0

Section 155. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Commerce and
Economic Opportunity:

RECYCLING AND WASTE MANAGEMENT
OPERATIONS

Payable from the Solid Waste Management
Revolving Loan Fund:
For Grants, Loans, Investments, and
Administrative Expenses pursuant to
the Illinois Solid Waste Management
Act, including prior year costs....................... $0

Section 160. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Commerce and
Economic Opportunity:

RECYCLING AND WASTE MANAGEMENT
GRANTS-IN-AID

Payable from the Solid Waste Management Fund:
For Grants, Contracts and Administrative
Expenses Associated with Providing Financial
Assistance for Recycling and Reuse in
Accordance with Section 22.15 of the
Environmental Protection Act, the Illinois
Solid Waste Management Act and the Solid
Waste Planning and Recycling Act,
including prior year costs.............................. 0
Payable from the Used Tire Management Fund:
For Grants, Contracts and Administrative
Expenses Associated with the Purposes as
Provided for in Section 55.6 of the
Environmental Protection Act, Including
Prior Year Costs............................................. $0

New matter indicated by italics - deletions by strikeout.
ARTICLE 37

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Community College Board for ordinary and contingent expenses:

For Personal Services $1,279,500
For State Contributions to Social Security, for Medicare 13,500
For Contractual Services 375,900
For Travel 0
For Commodities 0
For Printing 0
For Equipment 0
For Electronic Data Processing 0
For Telecommunications 0
For Operation of Automotive Equipment 0
For East St. Louis Operations 0
Total $1,668,900

Section 10. The sum of $0, or so much thereof as may be necessary, is appropriated from the Illinois Community College Board Contracts and Grants Fund to the Illinois Community College Board to be expended under the terms and conditions associated with the moneys being received.

Section 15. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the ICCB Adult Education Fund to the Illinois Community College Board for operational expenses associated with administration of adult education and literacy activities.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Community College Board for distribution to qualifying public community colleges for the purposes specified:

Base Operating Grants $0
Small College Grants 0
Equalization Grants 0
Retirees Health Insurance Grants 0
Workforce Development Grants 0
P-16 Initiative Grants 0

New matter indicated by italics - deletions by strikeout.
Section 25. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for grants to operate an educational facility in the former community college district #541 in East St. Louis.

Section 30. The sum of $775,000, or so much thereof as may be necessary, is appropriated from the AFDC Opportunities Fund to the Illinois Community College Board for grants to colleges for workforce training and technology and operating costs of the Board for those purposes.

Section 35. The following named amounts, or so much of those amounts as may be necessary, for the objects and purposes named, are appropriated to the Illinois Community College Board for adult education and literacy activities:

From the General Revenue Fund:
For payment of costs associated
with education and educational-related
services to local eligible providers
for adult education and
literacy............................................. $0

For payment of costs associated
with education and educational-related
services to local eligible providers
for performance-based awards............... 0

For operational expenses of and
for payment of costs associated with
education and educational-related
services to recipients of Public
Assistance, and, if any funds remain,
for costs associated with
education and educational-related
services to local eligible providers
for adult education and literacy............... 0

From the ICCB Adult Education Fund:
For payment of costs associated with
education and educational-related
services to local eligible providers
and to Support Leadership Activities,
as Defined by U.S.D.O.E.

Total $0

New matter indicated by italics - deletions by strikeout.
for adult education and literacy
as provided by the United States
Department of Education

<table>
<thead>
<tr>
<th>Appropriated Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>$29,867,200</td>
<td>$29,867,200</td>
</tr>
</tbody>
</table>

Section 40. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Community College Board for all costs associated with career and technical education activities:

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Appropriated Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue Fund</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Career and Technical Education Fund</td>
<td>$22,207,100</td>
<td>$22,207,100</td>
</tr>
</tbody>
</table>

Section 45. The amount of $0, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Illinois Community College Board for a grant to Malcolm X College for student scholarships from the sale of license plates.

Section 50. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the ICCB Federal Trust Fund to the Illinois Community College Board for ordinary and contingency expenses of the Board.

Section 55. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for grants to community college districts that are negatively impacted by the changes in the Base Operating formula in Section 2-16.02 of the Public Community College Act.

Section 60. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for the City Colleges of Chicago for educational-related expenses.

ARTICLE 38

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Board of Higher Education to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

<table>
<thead>
<tr>
<th>Object Name</th>
<th>Appropriated Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$2,201,000</td>
</tr>
<tr>
<td>State Contributions to Social Security, for Medicare</td>
<td>29,500</td>
</tr>
<tr>
<td>Contractual Services</td>
<td>478,900</td>
</tr>
<tr>
<td>Travel</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Commodities.............................................. 0
For Printing................................................. 0
For Equipment.............................................. 0
For Telecommunications................................. 0
For Operation of Automotive Equipment............... 0
Total $2,709,400

Section 10. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act:
Quad-Cities Graduate Study Center.................... 0

Section 15. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act:
Access and Diversity..................................... 0

Section 20. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to the Board of Trustees of the University Center of Lake County for the ordinary and contingent expenses of the Center.

Section 25. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as incentive grants to Illinois higher education institutions in the competition for external grants and contracts.

Section 30. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Health Services Education Grants Act.

Section 35. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for distribution of medical education scholarships authorized by an Act to provide grants for family practice residency programs and medical student scholarships through the Illinois Department of Public Health.

Section 40. The sum of $5,500,000, or so much thereof as may be necessary, is appropriated from the BHE Federal Grants Fund to the Board of Higher Education to be expended under the terms and conditions associated with the federal contracts and grants moneys received.

New matter indicated by italics - deletions by strikeout.
Section 45. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

For Personal Services........................ $9,058,400
For State Contributions to Social Security, for Medicare............. 156,900
For Contractual Services......................... 3,504,000
For Travel....................................... 126,400
For Commodities.................................. 381,100
For Equipment.................................... 430,900
For Telecommunications........................... 249,000
For Operation of Automotive Equipment.............. 30,600
For Electronic Data Processing.................... 121,900
Total $14,059,200

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Mathematics and Science Academy Income Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

For Personal Services........................ $1,165,500
For State Contributions to Social Security, for Medicare............. 21,200
For Contractual Services......................... 514,500
For Travel....................................... 51,500
For Commodities.................................. 203,500
For Equipment.................................... 5,000
For Telecommunications........................... 80,000
For Operation of Automotive Equipment.............. 1,000
For Refunds........................................ 7,800
Total $2,050,000

Section 55. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy for the Excellence 2000 Program in Mathematics and Science.

ARTICLE 39

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

For Administration
- For Personal Services............................. $1,988,000
- For Employee Retirement Contributions
  - Paid by Employer.................................. 0
- For State Contributions to State
  - Employees Retirement System.................... 218,700
- For State Contributions to Social Security.................. 152,000
- For Contractual Services............................ 1,802,600
- For Travel............................................ 0
- For Commodities.................................... 0
- For Printing........................................... 0
- For Equipment........................................ 0
- For Telecommunications................................. 0
- For Operation of Auto Equipment........................ 0
- **Total**                                                                 $4,161,300

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for its ordinary and contingent expenses:

For Administration
- For Personal Services............................. $15,200,200
- For Employee Retirement Contributions
  - Paid by Employer.................................. 0
- For State Contributions to State
  - Employees Retirement System.................... 1,672,000
- For State Contributions to Social Security.................. 1,163,000
- For State Contributions for Employees Group Insurance............ 3,603,100
- For Contractual Services............................ 9,864,300
- For Travel............................................ 190,000
- For Commodities.................................... 240,000
- For Printing........................................... 627,000
- For Equipment........................................ 529,000

New matter indicated by italics - deletions by strikeout.
For Telecommunications............................... 1,793,500
For Operation of Auto Equipment..................... 32,400
Total .................................................. $34,914,500

Section 15. The sum of $0, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the General Revenue Fund for payment of grant awards to students eligible to receive such awards, as provided by law.

Section 20. The following named amount, or so much thereof as may be necessary, respectively, is appropriated from the Monetary Award Program Reserve Fund to the Illinois Student Assistance Commission for the following purpose:

Grants
For payment of Monetary Award Program grant awards to students eligible to receive such awards, as provided by law................................. $0

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purposes:

Grants and Scholarships
For payment of matching grants to Illinois institutions to supplement scholarship programs, as provided by law................................. $0
For payment of Merit Recognition Scholarships to undergraduate students under the Merit Recognition Scholarship Program provided for in Section 31 of the Higher Education Student Assistance Act................................. 0
For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are dependents of correctional officers killed or permanently disabled in the line of duty, as provided by law................................. 0
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students

New matter indicated by italics - deletions by strikeout.
eligible to receive such awards, as
provided by law......................... 0
For payment of military Veterans’ scholarships
at State-controlled universities and at
public community colleges for students
eligible, as provided by law................... 0
For payment of Minority Teacher Scholarships........... 0
For payment of Illinois Scholars Scholarships........... 0
For payment of Illinois Incentive for Access
grants, as provided by law..................... 0
Total $0

Section 30. The sum of $0, or so much thereof as may be
necessary, is appropriated from the National Guard Grant Fund to the
Illinois Student Assistance Commission for payment of military veterans’
scholarships at state-controlled universities and at public community
colleges for students eligible, as provided by law.

Section 35. The sum of $0, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
Student Assistance Commission for the Loan Repayment for Teachers
Program.

Section 40. The following named amount, or so much thereof as
may be necessary, is appropriated from the General Revenue Fund to the
Illinois Student Assistance Commission for the following purpose:
Grants and Scholarships
For payment of Illinois Future Teacher
Corps Scholarships, as provided by law............ $0

Section 45. The following named amount, or so much thereof as
may be necessary, is appropriated from the Contracts and Grants Fund to
the Illinois Student Assistance Commission for the following purpose:
To support outreach, research, and
training activities............................... $0

Section 50. The following named amount, or so much thereof as
may be necessary, is appropriated from the Optometric Licensing and
Disciplinary Board Fund to the Illinois Student Assistance Commission
for the following purpose:
Grants and Scholarships
For payment of scholarships for the
Optometric Education Scholarship
Program, as provided by law.................... $0

New matter indicated by italics - deletions by strikeout.
Section 55. The sum of $190,000,000, or so much thereof as may be necessary, is appropriated from the Federal Student Loan Fund to the Illinois Student Assistance Commission for distribution when necessary as a result of the following: for guarantees of loans that are uncollectible, for collection payments to the Student Loan Operating Fund as required under agreements with the United States Secretary of Education, for payment to the Student Loan Operating Fund for Default Aversion Fees, and for other distributions as necessary and provided for under the Federal Higher Education Act.

Section 60. The sum of $24,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for distribution as necessary for the following: for payment of collection agency fees associated with collection activities for Federal Family Education Loans, for Default Aversion Fee reversals, and for distributions as necessary and provided for under the Federal Higher Education Act.

Section 65. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for costs associated with Federal Loan System Development and Maintenance.

Section 70. The sum of $300,000, or so much of that amount as may be necessary, is appropriated from the Accounts Receivable Fund to the Illinois Student Assistance Commission for costs associated with the collection of delinquent scholarship awards pursuant to the Illinois State Collection Act of 1986.

Section 75. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Assistance Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:

For payment of Robert C. Byrd Honors Scholarships........................................... $0

Section 80. The sum of $0, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the University Grant Fund for payment of grants for the Higher Education License Plate Program, as provided by law.

Section 85. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Assistance Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:

New matter indicated by italics - deletions by strikeout.
For transferring repayment funds collected
under the Paul Douglas Teacher Scholarship
Program to the U.S. Treasury...................... $0

Section 90. The sum of $0, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
Student Assistance Commission for awarding scholarships to qualifying
graduates of the Lincoln’s Challenge Program.

Section 95. The sum of $0, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
Student Assistance Commission for distribution as grants authorized by

Section 100. The sum of $0, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
Student Assistance Commission for distribution as grants for Cooperative
Work Study Programs to institutions of higher education.

Section 105. The following named amount, or so much thereof as
may be necessary, is appropriated from the Illinois Future Teacher Corps
Scholarship Fund to the Illinois Student Assistance Commission for the
following purpose:
For payment of scholarships for the
Illinois Future Teacher Corps
Scholarship Program as provided by law........... $0

ARTICLE 40

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund to the State
Universities Civil Service System to meet its ordinary and contingent
expenses for the fiscal year ending June 30, 2005:
For Personal Services......................... $915,000
For Social Security......................... 11,000
For Contractual Services................... 251,900
For Travel................................. 0
For Commodities........................... 0
For Printing.............................. 0
For Equipment............................ 0
For Telecommunications Services.......... 0
For Operation of Automotive Equipment..... 0
Total........................................ $1,177,900

ARTICLE 41

New matter indicated by italics - deletions by strikeout.
Section 5. The sum of $3,268,700, or so much thereof as may be necessary, is appropriated to the Community College Health Insurance Security Fund for the State’s contribution, as required by law.

Section 10. The sum of $15,420,000, minus the amount transferred to the State Universities Retirement System pursuant to the continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Universities Retirement System of Illinois pursuant to the provisions of Section 8.12 of “AN ACT in relation to State finance”, approved June 10, 1919, as amended.

Section 15. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Board of Trustees of the State Universities Retirement System for the State’s contribution, as provided by law:

Payable from the Education Assistance Fund........ $200,000,000
Payable from the General Revenue Fund.......... 17,916,000
Total $217,916,000

ARTICLE 42

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

CENTRAL ADMINISTRATION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 6,988,700
For Retirement Contributions.................. 730,500
For State Contributions to
Social Security............................... 585,300
For Contractual Services...................... 3,350,000
For Travel..................................... 175,000
For Commodities.............................. 0
For Printing................................... 0
For Equipment................................. 0
For Telecommunications--------------------- 0
For Attorney General Representation
on Child Welfare Litigation Issues......... 600,600
Total $12,430,100

PAYABLE FROM C&FS SPECIAL PURPOSES TRUST FUND
For Private Grants for Child
Welfare Improvements............................ 360,000
Total $360,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

INSPECTOR GENERAL
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 1,180,300
For Retirement Contributions..................... 123,400
For State Contributions to Social Security................. 91,800
For Contractual Services......................... 900,000
For Travel........................................ 20,000
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services....................... 0
Total $2,315,500

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

ADMINISTRATIVE CASE REVIEW
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 5,165,200
For Retirement Contributions..................... 539,900
For State Contributions to Social Security................. 395,600
For Contractual Services......................... 70,000
For Travel........................................ 147,600
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services....................... 0
Total $6,318,300

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout.
named, are appropriated to the Department of Children and Family Services:

OFFICE OF QUALITY ASSURANCE
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services............................... 1,710,300
For Retirement Contributions........................ 178,800
For State Contributions to
  Social Security.................................. 131,000
For Contractual Services............................ 325,000
For Travel............................................. 150,000
For Commodities..................................... 0
For Printing............................................. 0
For Equipment......................................... 0
For Telecommunications............................. 0
Total.................................................. $2,495,100

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

OPERATIONS AND COMMUNITY SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services............................... 2,615,700
For Retirement Contributions........................ 273,400
For State Contributions to
  Social Security.................................. 208,400
For Contractual Services............................ 175,000
For Travel............................................. 155,000
For Commodities..................................... 0
For Printing............................................. 0
For Equipment......................................... 0
For Telecommunications Services.................... 0
For Targeted Case Management...................... 8,569,500
Total.................................................. $11,997,000

PAYABLE FROM C&FS FEDERAL PROJECTS FUND
For Federal Child Welfare Projects.............. 1,175,000
For Independent Living Initiative............... 10,300,000
For LAN State Board of Education............... 1,600,000
Total.................................................. $13,075,000

New matter indicated by italics - deletions by strikeout.
Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD WELFARE - DOWNSTATE REGIONS
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services........................            43,936,700
For Retirement Contributions...............        4,592,300
For State Contributions to
Social Security.................................. 3,316,400
For Contractual Services....................... 8,775,000
For Travel..................................... 2,350,000
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services................ 0
Total                                                                                   $62,970,400

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD WELFARE - COOK REGION
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services........................ 34,734,700
For Retirement Contributions............... 3,630,500
For State Contributions to
Social Security.................................. 2,603,600
For Contractual Services....................... 11,775,000
For Travel..................................... 1,300,000
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services................ 0
Total                                                                                   $54,043,800

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD PROTECTION ADMINISTRATION
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services......................... 6,317,500
For Retirement Contributions............... 660,400

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security................................. 483,800
For Contractual Services........................................ 375,000
For Travel................................................. 45,000
For Commodities................................................ 0
For Printing.................................................. 0
For Equipment.................................................. 0
For Telecommunications Services................................. 0
For Child Death Review Teams................................... 0
Total                                                                 $7,881,700

PAYABLE FROM C&FS FEDERAL PROJECTS FUND
For Federal Child Protection Projects............... 5,292,600
Total                                                                 $5,292,600

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD PROTECTION - DOWNSTATE REGIONS
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services........................................ 24,748,800
For Retirement Contributions............................... 2,586,800
For State Contributions to Social Security................. 1,891,100
For Travel..................................................... 1,000,000
For Equipment.................................................. 0
Total                                                                 $30,226,700

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD PROTECTION - COOK REGION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services........................................ 25,944,600
For Retirement Contributions............................... 2,711,800
For State Contributions to Social Security.................... 1,985,100
For Travel..................................................... 345,000
For Equipment.................................................. 0
Total                                                                 $30,986,500

New matter indicated by italics - deletions by strikeout.
Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**SUPPORT SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>6,879,400</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>719,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>544,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,750,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>125,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
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<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Refunds</td>
<td>0</td>
</tr>
<tr>
<td>For Cook County Referral</td>
<td>0</td>
</tr>
<tr>
<td>Support System</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$14,017,900</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM DCFS CHILDREN'S SERVICES FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Title IV-E Reimbursement</td>
<td>4,541,800</td>
</tr>
<tr>
<td>For SSI Reimbursement</td>
<td>1,804,300</td>
</tr>
<tr>
<td>For AFCARS/SACWIS Information</td>
<td>27,153,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$33,499,700</strong></td>
</tr>
</tbody>
</table>

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CLINICAL SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,437,400</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>254,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>187,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>200,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>90,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services.................... 0
Total $3,169,200

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Training Department Staff.......................... 0

OFFICE OF THE GUARDIAN
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services................................. 2,993,600
For Retirement Contributions......................... 312,900
For State Contributions to
Social Security........................................ 237,000
For Contractual Services............................... 525,000
For Travel.................................................. 77,000
For Commodities........................................ 0
For Printing............................................... 0
For Equipment........................................... 0
For Telecommunications............................... 0
Total $4,145,500

PURCHASE OF SERVICE MONITORING
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services................................. 15,229,400
For Retirement Contributions......................... 1,591,800
For State Contributions to
Social Security........................................ 1,177,000
For Contractual Services............................... 2,500,000
For Travel.................................................. 42,400
For Commodities........................................ 0
For Printing............................................... 0
For Equipment........................................... 0
For Telecommunications............................... 0
Total $20,540,600

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:

GRANTS-IN-AID
REGIONAL OFFICES
PAYABLE FROM GENERAL REVENUE FUND

New matter indicated by italics - deletions by strikeout.
For Foster Homes and Specialized
Foster Care and Prevention.................  163,689,600
For Counseling and Auxiliary Services.....  8,285,300
For Institution and Group Home Care and
Prevention....................................  93,689,500
For Services Associated with the Foster
Care Initiative..............................  7,789,100
For Purchase of Adoption and
Guardianship Services......................  177,873,800
For Health Care Network....................  4,427,900
For Cash Assistance and Housing
Locator Service to Families in the
Class Defined in the Norman Consent Order ...  3,715,600
For Youth in Transition Program...........  0
  For Children's Personal and
  Physical Maintenance.....................  4,732,300
For MCO Technical Assistance and
Program Development........................  0
For Pre Admission/Post Discharge
Psychiatric Screening........................  8,257,600
For Assisting in the Development
of Children's Advocacy Centers...........  2,117,000
For Psychological Assessments
including Operations and
Administrative Expenses....................  3,211,900
Total                                    $477,789,700

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Foster Homes and Specialized
Foster Care and Prevention.................  136,015,700
For Counseling and Auxiliary Services.....  19,263,600
For Institution and Group Home Care and
Prevention....................................  91,024,500
For Assisting in the development
of Children's Advocacy Centers...........  1,540,000
For Services Associated with the Foster
Care Initiative..............................  1,658,000
For Purchase of Adoption and
Guardianship Services.....................  119,625,800
For Family Preservation Services..........  20,933,500

New matter indicated by italics - deletions by strikeout.
For Purchase of Children's Services....................... 726,300
Federal Compliance/Program Improvement
  Plan Implementation...................................... 20,000,000
For Family Centered Services Initiative........... 17,700,000
Total $428,487,400

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

  CENTRAL ADMINISTRATION
  PAYABLE FROM GENERAL REVENUE FUND
  For Department Scholarship Program.................... 0

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

  OPERATION AND COMMUNITY SERVICES
  PAYABLE FROM GENERAL REVENUE FUND
  For Reimbursing Counties................................ 0
  Total $0

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

  GRANTS-IN-AID
  SUPPORT SERVICES
  PAYABLE FROM GENERAL REVENUE FUND
  For Tort Claims.................................. 239,200
  Total $239,200

  CHILD PROTECTION ADMINISTRATION
  Payable from the General Revenue Fund:
  For Protective/Family Maintenance
    Day Care............................................. 19,825,400
  For Day Care Infant Mortality....................... 1,280,100
  Total $21,105,500

  Payable from the Child Abuse Prevention Fund:
  For Child Abuse Prevention......................... 600,000

  CLINICAL SERVICES
  Payable from the DCFS Training Fund:
  For Foster Care and Adoption
    Care Training Services......................... 16,052,000

New matter indicated by italics - deletions by strikeout.
ARTICLE 43

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF OLDER AMERICAN SERVICES

Payable from Services for Older Americans Fund:
For Personal Services....................... 1,056,900
For State Contributions to State Employees' Retirement System................. 110,500
For State Contributions to Social Security ....... 80,900
For Group Insurance................................ 146,900
For Travel........................................ 45,000
Total $1,440,200

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF LONG TERM CARE

Payable from General Revenue Fund:
For Personal Services....................... 994,500
For State Contributions to State Employees' Retirement System................. 104,000
For State Contributions to Social Security ....... 76,000
For Travel........................................ 40,000
For the Alzheimer's Disease Task Force and Conference.............................. 0
Total $1,214,500

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF ADMINISTRATIVE SUPPORT

Payable from General Revenue Fund:
For Personal Services....................... 1,418,400
For Employee Retirement Contributions
Paid by Employer...................................... 0
For State Contributions to State Employees' Retirement System................. 148,300
For State Contributions to Social Security ...... 109,100
For Contractual Services.......................... 123,100

New matter indicated by italics - deletions by strikeout.
Payable from Services for Older Americans Fund:

For Personal Services........................... 774,600
For Employee Retirement Contributions
Paid by Employer................................. 0
For State Contributions to State
Employees' Retirement System............... 81,000
For State Contributions to Social Security .... 59,300
For Group Insurance............................ 150,000
For Contractual Services...................... 101,400
For Travel........................................... 0
For Commodities.................................. 0
For Printing....................................... 0
For Equipment.................................... 0
For Telecommunications.......................... 0
For Operations of Auto Equipment.............. 0
Total .............................................. $1,166,300

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

BUREAU OF INFORMATION SERVICES SECTION

Payable from General Revenue Fund:

For Personal Services........................... 617,500
For State Contributions to State
Employees' Retirement System............... 64,600
For State Contributions to Social Security .... 47,200
For Contractual Services...................... 104,700
For Travel........................................... 0
For Commodities.................................. 0
For Printing....................................... 0
For Electronic Data Processing................. 0
For Telecommunications Services............... 0

New matter indicated by italics - deletions by strikeout.
Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

**DISTRIBUTIVE ITEMS**

**OPERATIONS**

Payable from General Revenue Fund:
- For Expenses of the Provisions of the Elder Abuse and Neglect Act.............. $7,216,800
- For Expenses of the Intergenerational Programs........................................ 62,300
- For Expenses of the Illinois Department on Aging for Monitoring and Support Services........................................ 267,500
- For Expenses of the Illinois Council on Aging........................................ 6,250
- For Expenses of the Senior Employment Specialist Program............................ 0
- For Expenses of the Grandparents Raising Grandchildren Program.................... 62,300
- For Administrative Expenses of Senior Meal Program..................................... 35,300
- For Administrative Expenses of the Red Tape Cutter Program.......................... 10,000
- For Expenses of the Senior Helpline....................................................... 479,400
- For Expenses of the Talented Older Persons in Schools Program......................... 0
- **Total** ............................................................................................................. $8,139,880

Payable from Services for Older Americans Fund:
- For Administrative Expenses of Senior Meal Program.......................................... 52,100
- For Expenses for Senior Caregivers of Adult Disabled Children.......................... 214,500
- For Purchase of Training Services................................................................. 0
- For Expenses of the Discretionary Government Projects.................................... 0
- **Total** ............................................................................................................. $266,600

Payable from the Department on Aging's

New matter indicated by italics - deletions by strikeout.
Special Projects Fund:
For Expenses of Private Partnership
Projects............................................. 0

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

Payable from General Revenue Fund:
For the purchase of Illinois Community Care Program homemaker and
Senior Companion Services....................... 192,150,000
For Grants and for Administrative Expenses Associated with
Case Management.................................. 27,000,000
For Grants for distribution to the 13 Area Agencies on Aging for costs for home delivered meals and mobile food equipment .... 6,618,500
Grants for Community Based Services including information and referral services, transportation and delivered meals................................................. 3,107,200
Grants for Community Based Services for equal distribution to each of the 13 Area Agencies on Aging................................. 0
For Grants for Adult Day Care Services....... 14,000,000
For Purchase of Services in connection with Alzheimer's Initiative and Related Programs................................................. 0
For Grants for Retired Senior Volunteer Program................................. 0
For Planning and Service Grants to
Area Agencies on Aging........................... 2,293,300
For Grants for the Foster Grandparent Program................................................. 0
For Expenses to the Area Agencies on Aging for Long-Term Care Systems Development................................................. 0
For Grants for Suburban Area Agency

New matter indicated by italics - deletions by strikeout.
on Aging for the Red Tape Cutter Program
For Grants for Chicago Department on Aging for the Red Tape Cutter Program
For the Ombudsman Program
Total
Payable from the Tobacco Settlement Recovery Fund:
Payable from Services for Older Americans Fund:
Payable from General Revenue Fund:
Payable from Tobacco Settlement Recovery Fund:
Payable from Motor Fuel Tax Fund:
Payable from General Revenue Fund:

ARTICLE 44
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Deaf and Hard of Hearing Commission:

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System.................  43,400
For State Contributions to
  Social Security.................................  30,400
For Contractual Services.......................  63,000
For Travel...........................................  0
For Commodities...................................  0
For Printing........................................  0
For Equipment.....................................  0
For Telecommunications Services.................  0
For Operation of Automotive Equipment...........  0
For Expenses relative to the operation
  of the Commission..............................  0
Total                                                                                     $552,000

ARTICLE 45

Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Guardianship and Advocacy Commission for the purposes hereinafter named:
  For Personal Services...........................  6,182,600
  For Employee Retirement Contributions
    Paid by Employer...............................  0
  For State Contributions to the State
    Employees' Retirement System..................  646,300
  For State Contributions to
    Social Security................................  469,900
  For Contractual Services.......................  250,400
  For Travel.......................................  0
  For Commodities..................................  0
  For Printing.....................................  0
  For Equipment...................................  0
  For Electronic Data Processing..................  0
  For Telecommunications Services...............  0
  For Operation of Auto Equipment...............  0
Total                                                                                     $7,549,200

Section 10. The sum of $187,700, or so much thereof as may be necessary, is appropriated from the Guardianship and Advocacy Fund to the Guardianship and Advocacy Commission for services pursuant to Section 5 of the Guardianship and Advocacy Act.

ARTICLE 46

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

**ADMINISTRATION**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$531,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$55,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$40,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$298,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>$0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$0</td>
</tr>
<tr>
<td>For Printing</td>
<td>$0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$925,200</strong></td>
</tr>
</tbody>
</table>

The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Rights for the purpose of funding expenses associated with the Commission on Discrimination and Hate Crimes.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

**DIVISION OF CHARGE PROCESSING**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$4,083,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$426,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$312,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$33,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>$0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

COMPLIANCE

Payable from General Revenue Fund:
For Personal Services............................ 593,700
For Employee Retirement Contributions
  Paid by Employer...................................... 0
For State Contributions to State
  Employees' Retirement System..................... 62,100
For State Contributions to Social Security........ 45,400
For Contractual Services........................... 3,600
For Travel............................................. 0
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services................... 0
Total $704,800

ARTICLE 47

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Human Rights Commission for the objects and purposes hereinafter enumerated:

**HUMAN RIGHTS COMMISSION**

Payable from General Revenue Fund:

- For Personal Services: 982,900
- For Employee Retirement Contributions Paid by Employer: 0
- For State Contributions to State Employees' Retirement System: 102,800
- For State Contributions to Social Security: 75,200
- For Contractual Services: 165,000
- For Travel: 0
- For Commodities: 0
- For Printing: 0
- For Equipment: 0
- For Electronic Data Processing: 0
- For Telecommunications Services: 0
- Total: $1,325,900

**ARTICLE 48**

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for income assistance and related distributive purposes, including such Federal funds as are made available by the Federal Government for the following purposes:

**DISTRIBUTIVE ITEMS**

**OPERATIONS**

Payable from the Special Purposes Trust Fund:

- For Personal Services: 382,500
- For Employee Retirement Contributions Paid by Employer: 0
- For Retirement Contributions: 40,000
- For State Contributions to Social Security: 29,300
- For Group Insurance: 84,000
- For Contractual Services: 26,200
- For Travel: 0

New matter indicated by italics - deletions by strikeout.
For Commodities........................................ 0
For Printing........................................... 0
For Equipment..........................................
Total $562,000

**DISTRIBUTIVE ITEMS**

**GRANTS-IN-AID**

Payable from General Revenue Fund:
For Aid to Aged, Blind or Disabled under Article III............... 28,344,400
For Temporary Assistance for Needy Families under Article IV and other social services............. 115,544,000
For Grants Associated with Child Care Services, Including Operating and Administrative Costs............... 371,209,700
For Emergency Assistance for Families with Dependent Children......................... 0
For Funeral and Burial Expenses under Articles III, IV, and V, including prior year costs................ 6,343,100
For Refugees........................................... 0
For State Family and Children Assistance........................................ 0
For State Transitional Assistance......................... 0
For Services to Non-Citizens pursuant to 305 ILCS 5/12-4.34................................. 0
For a grant to Children's Place for costs associated with specialized child care for families affected by HIV/AIDS.................................................. 0
Payable from General Revenue Fund:
For costs related to the Illinois Equal Justice Act........................................ 0
Total $521,441,200

The Department, with the consent in writing from the Governor, may reapportion not more than ten percent of the total appropriation of General Revenue Funds in Section 1 above "For Income Assistance and Related Distributive Purposes" among the various purposes therein

New matter indicated by italics - deletions by strikeout.
enumerated, excluding Emergency Assistance for Families with Dependent Children.

The Department, with the consent in writing from the Governor, may reapportion not more than six percent of the appropriation "For Temporary Assistance for Needy Families under Article IV" representing savings attributable to not increasing grants due to the births of additional children to the appropriation from the General Revenue Fund in Section 39.1 in this Article for Employability Development Services.

Section 10. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:

Payable from the General Revenue Fund:
- For Grants Associated with Child Care Services, Including Operating and Administrative Costs: $164,205,500
- For Grants Associated with the Great START Program, Including Operating and Administrative Costs: $0

Payable from the Special Purposes Trust Fund:
- For Grants Associated with Child Care Services, Including Operating and Administrative Costs: $120,233,800
- For Grants Associated with the Great START Program, Including Operating and Administrative Costs: $5,200,000
- For Grants Associated with Migrant Child Care Services: $0

Total: $289,639,300

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

FIELD LEVEL OPERATIONS

Payable from General Revenue Fund:
- For Personal Services: $166,393,100
- For Employee Retirement Contributions Paid by Employer: $0
- For Retirement Contributions: $17,391,400
- For State Contributions to Social Security: $12,728,400

New matter indicated by italics - deletions by strikeout.
For Contractual Services.......................... 44,872,300
For Travel............................................. 0
For Commodities........................................ 0
For Equipment.......................................... 0
For Telecommunications Services.................... 0
Total                                                                 $241,385,200

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ATTORNEY GENERAL REPRESENTATION
Payable from General Revenue Fund:
For Personal Services................................... 259,500
For Employee Retirement Contributions
   Paid by Employer........................................ 0
For Retirement Contributions.......................... 27,100
For State Contributions to
   Social Security.......................................... 19,900
For Contractual Services.............................. 4,300
Total                                                                 $310,800

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

TRAINING PERSONNEL
Payable from General Revenue Fund:
For Personal Services................................. 1,475,400
For Employee Retirement Contributions
   Paid by Employer........................................ 0
For Retirement Contributions.......................... 154,200
For State Contributions to
   Social Security.......................................... 112,900
For Contractual Services.............................. 306,800
For Travel................................................ 0
For Equipment............................................. 0
For Expenses Related to Training
   Department Staff........................................ 0
Total                                                                 $2,049,300

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named,

New matter indicated by italics - deletions by strikeout.
are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

TINLEY PARK MENTAL HEALTH CENTER

For Personal Services........................ 16,535,200
For Employee Retirement Contributions
   Paid by Employer............................... 0
For Retirement Contributions............... 1,721,800
For State Contributions to Social Security.............. 1,264,900
For Contractual Services..................... 981,100
For Travel........................................ 0
For Commodities.................................. 2,822,900
For Printing.................................... 0
For Equipment................................... 0
For Telecommunications Services............... 0
For Operation of Auto Equipment.............. 0
For Expenses Related to Living Skills Program........... 0
For Costs Associated with Behavioral Health Services - Tinley Park Network........ 0
Total........................................... $23,325,900

Section 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

ADMINISTRATIVE AND PROGRAM SUPPORT

Payable from General Revenue Fund:
For Personal Services............................ 21,734,000
For Employee Retirement Contributions
   Paid by Employer................................. 0
For Retirement Contributions................... 2,271,600
For State Contributions to Social Security..... 1,662,700
For Group Insurance............................. 250,000
For Contractual Services....................... 15,244,600
For Travel....................................... 0
For Commodities................................. 0
For Printing..................................... 0
For Equipment.................................. 0
For Telecommunications Services................. 0

New matter indicated by italics - deletions by strikeout.
For Operation of Auto Equipment........................ 0
For In-Service Training............................... 0
For Health Insurance Portability
and Accountability Act............................ 3,000,000
For Indirect Cost Principles/Interfund
Transfer Payable to the Vocational
Rehabilitation Fund................................. 0
Total ........................................... $44,162,900

Payable from the DHS Recoveries Trust Fund:
For Personal Services............................. 2,732,500
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions....................... 285,600
For State Contributions to Social Security...... 209,000
For Group Insurance................................. 720,000
For Contractual Services........................... 1,537,500
For Travel........................................... 0
For Commodities..................................... 0
For Printing.......................................... 0
For Equipment....................................... 0
For Telecommunications Services................... 0
Total ............................................. $5,484,600

Payable from Vocational Rehabilitation Fund:
For Personal Services............................. 5,823,700
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions....................... 608,700
For State Contributions to Social Security ...... 445,500
For Group Insurance................................. 1,434,000
For Contractual Services........................... 2,755,800
For Travel........................................... 0
For Commodities..................................... 0
For Printing.......................................... 0
For Equipment....................................... 0
For Telecommunications Services................... 0
For Operation of Auto Equipment.................. 0
For In-Service Training............................. 0
Total ............................................. $11,067,700

Payable from DMH/DD Private Resources Fund:

New matter indicated by italics - deletions by strikeout.
For Costs associated with the Health and Human Services Reform Activities funded by Private Donations from the Annie E. Casey Foundation............................ 0

ADMINISTRATIVE AND PROGRAM SUPPORT

GRANTS-IN-AID

Section 40. The sum of $3,305,000, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund and the sum of $16,723,400, or so much thereof as may be necessary, respectively, is appropriated from the Mental Health Fund to the Department of Human Services for payment of workers' compensation claims.

Expenditures from appropriations for treatment and expense may be made after the Department of Human Services has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Human Services without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

Section 45. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

GRANTS-IN-AID

For Tort Claims:
Payable from General Revenue Fund....................... 0
Payable from Vocational Rehabilitation Fund................................. 0
Total $0

For Reimbursement of Employees for Work-Related Personal Property Damages:
Payable from General Revenue Fund....................... 0

For Grants Associated with Systems Change Including Operating and Administrative Costs
Payable from the DHS Federal Projects Fund...... 450,000

PERMANENT IMPROVEMENTS

New matter indicated by italics - deletions by strikeout.
Section 50. The following named sums, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Department of Human Services for repairs and maintenance, roof repairs and/or replacements and miscellaneous at the Department's various facilities and are to include capital improvements including construction, reconstruction, improvements, repairs and installation of capital facilities, cost of planning, supplies, materials, and all other expenses required for roof and other types of repairs and maintenance, capital improvements and demolition.

No contract shall be entered into or obligations incurred for any expenditures from appropriations made in this Section of the Article until after the purposes and amounts have been approved in writing by the Governor.

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Repair, Maintenance and other Capital</td>
<td></td>
</tr>
<tr>
<td>Improvements at various facilities</td>
<td>$0</td>
</tr>
<tr>
<td>For Miscellaneous Permanent Improvements</td>
<td>$0</td>
</tr>
<tr>
<td>Total</td>
<td>$0</td>
</tr>
</tbody>
</table>

Section 55. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services as follows:

<table>
<thead>
<tr>
<th>Source of Funds</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>REFUNDS</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Payable from Vocational Rehabilitation Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Payable from Youth Drug Abuse Prevention Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Payable from DHS Federal Projects Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Payable from USDA Women, Infants and Children Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Payable from Maternal and Child Health Services Block Grant Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Payable from Mental Health Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Payable from the Early Intervention Services Revolving Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Payable from Drug Treatment Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Total</td>
<td>$0</td>
</tr>
</tbody>
</table>

Section 60. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to the Department of Human Services for ordinary and contingent expenses:

**MANAGEMENT INFORMATION SERVICES**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Payable from General Revenue Fund:</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>14,825,500</td>
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<tr>
<td>For Employee Retirement Contributions Paid by</td>
<td>0</td>
</tr>
<tr>
<td>Employer</td>
<td></td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>1,549,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,134,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>21,085,400</td>
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<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>2,580,500</td>
</tr>
<tr>
<td>Total</td>
<td>$41,175,200</td>
</tr>
<tr>
<td>Payable from Vocational Rehabilitation Fund:</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>2,192,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by</td>
<td>0</td>
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<tr>
<td>Employer</td>
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<tr>
<td>For Retirement Contributions</td>
<td>229,100</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>167,700</td>
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<tr>
<td>For Group Insurance</td>
<td>396,000</td>
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<td>For Contractual Services</td>
<td>2,669,800</td>
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<tr>
<td>For Travel</td>
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<td>For Commodities</td>
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<td>For Printing</td>
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<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
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<tr>
<td>Total</td>
<td>$5,654,600</td>
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<tr>
<td>Payable from USDA Women, Infants and Children Fund:</td>
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<tr>
<td>For Personal Services</td>
<td>539,300</td>
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<tr>
<td>For Employee Retirement Contributions Paid by</td>
<td>0</td>
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<tr>
<td>Employer</td>
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<tr>
<td>For Retirement Contributions</td>
<td>56,400</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>41,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>96,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>325,400</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>150,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Total $1,208,300
Payable from Maternal and Child Health Services Block Grant Fund:
For Operational Expenses Associated with Support of Maternal and Child Health Programs................. 236,000
Payable from the Mental Health Fund:
For Services Provided Under Contract to Maximize Cost Recovery.................. 650,400

Section 65. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

JACK MABLEY DEVELOPMENT CENTER
For Personal Services............................... 7,126,000
For Employee Retirement Contributions Paid by Employer.................................................. 0
For Retirement Contributions...................... 738,900
For State Contributions to Social Security.................. 545,100
For Contractual Services......................... 1,255,300
For Travel........................................ 0
For Commodities................................... 420,800
For Printing........................................ 0
For Equipment........................................ 0
For Telecommunications Services..................... 0
For Operation of Automotive Equipment.............. 0
Total ................................................................ $10,086,100

Section 70. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ALTON MENTAL HEALTH CENTER
For Personal Services................................ 14,403,900
For Employee Retirement Contributions Paid by Employer.................................................. 0
For Retirement Contributions..................... 1,499,400
For State Contributions to Social Security.......................... 1,101,900

New matter indicated by italics - deletions by strikeout.
For Contractual Services....................... 1,604,500
For Travel............................................. 0
For Commodities.................................. 395,900
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services............... 0
For Operation of Auto Equipment............... 0
For Expenses Related to Living
Skills Program........................................ 0
For Costs Associated with Behavioral
Health Services - Alton Network............... 0
Total $19,005,600

Section 75. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES
Payable from Old Age Survivors' Insurance Fund:
For Personal Services......................... 28,515,800
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Retirement Contributions.................. 2,980,500
For State Contributions to Social Security .... 2,181,500
For Group Insurance............................ 7,146,000
For Contractual Services...................... 14,066,400
For Travel............................................. 0
For Commodities................................... 0
For Printing......................................... 0
For Equipment...................................... 0
For Telecommunications Services............. 0
For Operation of Auto Equipment............. 0
Total $54,890,200

Section 80. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES
GRANTS-IN-AID
For Services to Disabled Individuals:
Payable from Old Age Survivors' Insurance.... 19,000,000
For SSI Advocacy Services:
Payable from General Revenue Fund.......... 1,938,900

New matter indicated by italics - deletions by strikeout.
Payable from the Special Purposes
Trust Fund................................. 606,000

Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

HOME SERVICES PROGRAM
Payable from General Revenue Fund:
For Personal Services....................... 4,615,600
For Employee Retirement Contributions
Paid by Employer............................ 0
For Retirement Contributions.................. 482,400
For State Contribution to
Social Security............................... 353,100
For Contractual Services...................... 146,700
For Travel...................................... 0
For Commodities.................................. 0
For Printing..................................... 0
For Equipment................................... 0
For Telecommunications Services............. 0
Total ............................................... $5,597,800

Section 90. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services:

HOME SERVICES PROGRAM
GRANTS-IN-AID
For Purchase of Services of the
Home Services Program, pursuant
to 20 ILCS 2405/3 including operating and
administrative costs:
Payable from General Revenue Fund......... 321,131,000

Section 95. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

MENTAL HEALTH/DEVELOPMENTAL DISABILITIES
GRANTS-IN-AID AND PURCHASED CARE
For Community Service Grant Programs for
Persons with Mental Illness:
Payable from General Revenue Fund........... 166,696,000

New matter indicated by italics - deletions by strikeout.
Payable from Community Mental Health Services Block Grant Fund................. 13,025,400
Payable from the DHS Federal Projects Fund............................... 10,000,000
For Costs Associated With The Purchase and Disbursement of Psychotropic Medications for Mentally Ill Clients in the Community:
Payable from General Revenue Fund............. 3,000,000
For Psychiatric Services North Central Network:
Payable from General Revenue Fund............... 0
For Community Integrated Living Arrangements for Persons with Mental Illness:
Payable from General Revenue Fund.......... 35,226,200
For Supportive MI Housing:
Payable from the General Revenue Fund........ 1,750,000
For Medicaid Services for Persons with Mental Illness/and KidCare Clients in fiscal year 2005 and all prior fiscal years:
Payable from General Revenue Fund........ 4,944,900
Payable from Community Mental Health Medicaid Trust Fund......................... 95,689,900
For Emergency Psychiatric Services:
Payable from General Revenue Fund........ 9,910,300
For Community Service Grant Programs for Children and Adolescents with Mental Illness:
Payable from General Revenue Fund........ 23,609,000
Payable from Community Mental Health Services Block Grant Fund............. 4,341,800
For Purchase of Care for Children and Adolescents with Mental Illness approved through the Individual Care Grant Program:
Payable from General Revenue Fund......... 22,976,800
For Costs Associated with Children and

New matter indicated by italics - deletions by strikeout.
Adolescent Mental Health Programs:
Payable from General Revenue Fund................ 10,724,900

For Teen Suicide Prevention Including Provisions Established in Public Act 85-0928:
Payable from Community Mental Health Services Block Grant Fund......................... 0
Total $401,895,200

For Community Based Services for Persons with Developmental Disabilities at the approximate cost set forth below:
Payable from the General Revenue Fund...... 516,218,500
Payable from the Mental Health Fund........ 9,965,600
Total $526,184,100

For Developmental Disability Quality Assurance Waiver:
Payable from General Revenue Fund........... 0

For costs associated with the provision of Specialized Services to Persons with Developmental Disabilities:
Payable from General Revenue Fund............. 9,232,200

For Family Assistance Program, the Home Based Support Services Program, and for costs associated with services for individuals with Developmental Disabilities to enable them to reside in their homes, at the approximate costs set forth below:
Payable from the General Revenue Fund
For the Family Assistance Program............... 8,000,000
For the Home Based Support Services Program.......................... 18,197,000
Total $35,429,200

Payments to Providers of Care for Persons with Developmental Disabilities Payable from the Health & Human Services Medicaid Trust Fund......................... 0

New matter indicated by italics - deletions by strikeout.
Section 100. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:

For costs related to Developmental Disability Community Transitions, or State Operated Facilities, Including Operations and Administration payable from the General Revenue Fund.......................... $2,450,000

For a Grant to the Autism Project for an Autism Diagnosis Education Program for Young Children:

Payable from the General Revenue Fund........... $2,500,000

For Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs in fiscal year 2005 and in all prior fiscal years:

Payable from the General Revenue Fund........... $336,614,900
Payable from the Care Provider Fund for Persons With A Developmental Disability... $36,000,000

For Costs Associated with Mental Health Services for Youths in the Juvenile Justice System:

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

Total $377,564,900

Section 105. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services for Payments to Community Providers and Administrative Expenditures, including such Federal funds as are made available by the Federal Government for the following purpose:

Payable from the Community Mental Health and Developmental Disabilities Services Provider Participation Fee Trust Fund:

For Community Mental Health and Developmental Services Costs Regarding Medicaid Services................. $500,000

Section 110. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout.
named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

INSPECTOR GENERAL

Payable from General Revenue Fund:
For Personal Services......................... 3,942,800
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Retirement Contributions.................... 412,100
For State Contributions to Social
Security............................................... 301,600
For Contractual Services......................... 180,800
For Travel............................................ 0
For Commodities....................................... 0
For Equipment....................................... 0
For Telecommunications Services................ 0
Total $4,837,300

Section 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDITION PREVENTION
GRANTS-IN-AID

For Addiction Prevention and Related Services:
Payable from General Revenue Fund.......... 5,459,100
Payable from the Youth Alcoholism and
Substance Abuse Fund......................... 1,050,000
Payable from Alcoholism and
Substance Abuse Fund......................... 3,009,300
Payable from Prevention and Treatment
of Alcoholism and Substance Abuse
Block Grant Fund.............................. 16,000,000
Total $25,518,400

Section 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDITION TREATMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:
For Costs Associated with Addiction
Treatment Services For Special

New matter indicated by italics - deletions by strikeout.
Populations.................................. 8,743,600
For costs associated with Community Based Addiction Treatment to Medicaid eligible and KidCare clients. ................. 45,713,500
For costs associated with Community Based Addiction Treatment Services.............. 74,317,700
For Addiction Treatment Services for DCFS clients........................................... 11,688,300
For Grants and Administrative Expenses Related to the Welfare Reform Pilot Project................................. 2,787,200
Total $143,250,300
Payable from Illinois State Gaming Fund For Costs Associated with Treatment of Individuals who are Compulsive Gamblers................................. 960,000
Total $960,000
For Addiction Treatment and Related Services:
Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund............................. 57,500,000
Payable from Drug Treatment Fund................. 5,000,000
Payable from Youth Drug Abuse Prevention Fund................................. 530,000
Total $63,030,000
For underwriting the cost of housing for groups of recovering individuals:
Payable from Group Home Loan Revolving Fund................................. 100,000
For Grants and Administrative Expenses Related to the Domestic Violence and Substance Abuse Demonstration Project:
Payable from General Revenue Fund................. 641,800
For Grants and Administrative Expenses Related to Addiction Treatment and Related Services:
Payable from Drunk and Drugged Driving Prevention Fund................................. 3,082,900
Payable from Alcoholism and Substance

New matter indicated by italics - deletions by strikeout.
Abuse Fund........................................ 10,102,900

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total appropriation of General Revenue Funds in Section 15 above "Addiction Treatment" among the purposes therein enumerated.

Section 125. The sum of $8,186,800, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2004, from a reappraisition heretofore made for such purposes in Article 2, Section 120 of Public Act 93-0092 is reappraisition from the General Revenue Fund to the Department of Human Services for the purpose of Community Based Addiction Treatment Services to Medicaid-Eligible and KidCare Clients.

Section 130. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**CLYDE L. CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>25,571,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>2,656,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,956,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,968,600</td>
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<td>For Travel</td>
<td>0</td>
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<tr>
<td>For Commodities</td>
<td>1,243,500</td>
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<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Expenses Related to Living Skills Program</td>
<td>0</td>
</tr>
<tr>
<td>For Costs Associated with Behavioral Health Services</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$33,395,400</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 135. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**REHABILITATION SERVICES BUREAUS**

Payable from Illinois Veterans' Rehabilitation Fund:

For Personal Services................................. 1,267,400
For Employee Retirement Contributions
   Paid by Employer...................................... 0
For Retirement Contributions......................... 132,500
For State Contributions to Social Security ....... 97,000
For Group Insurance........................................ 264,000
For Travel............................................. 0
For Commodities........................................... 0
For Equipment............................................... 0
For Telecommunications Services....................... 0
Total                                                                                      $1,760,900

Payable from Vocational Rehabilitation Fund:

For Personal Services................................. 30,433,600
For Employee Retirement Contributions
   Paid by Employer...................................... 0
For Retirement Contributions......................... 3,180,900
For State Contributions to Social Security .... 2,328,200
For Group Insurance........................................ 7,692,000
For Contractual Services................................ 7,124,100
For Travel............................................. 0
For Commodities........................................... 0
For Printing................................................ 0
For Equipment............................................... 0
For Telecommunications Services....................... 0
For Operation of Auto Equipment....................... 0
For Administrative Expenses of the
   Statewide Deaf Evaluation Center.................. 247,800
Total                                                                                       $51,006,600

Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**REHABILITATION SERVICES BUREAUS**

**GRANTS-IN-AID**

For Case Services to Individuals:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund............. 9,513,300
Payable from Illinois Veterans' Rehabilitation Fund......................... 2,413,700
Payable from State Projects Fund.................. 15,000
Payable from Vocational Rehabilitation Fund... 46,110,700

For Grants for Multiple Sclerosis:
Payable from the Multiple Sclerosis Fund........... 0

For Implementation of Title VI, Part C of the Vocational Rehabilitation Act of 1973 as Amended--Supported Employment:
Payable from General Revenue Fund....................... 0
Payable from Vocational Rehabilitation Fund.......... 0

For Small Business Enterprise Program:
Payable from Vocational Rehabilitation Fund... 3,623,700

For Case Services to Migrant Workers:
Payable from General Revenue Fund...................... 0
Payable from Vocational Rehabilitation Fund........... 0

For Grants to Independent Living Centers:
Payable from General Revenue Fund............. 4,480,500
Payable from Vocational Rehabilitation Fund... 2,000,000

For the Illinois Coalition for Citizens with Disabilities:
Payable from General Revenue Fund...................... 0
Payable from Vocational Rehabilitation Fund........... 0

For Lekotek Services for Children with Disabilities:
Payable from the General Revenue Fund.................. 0

For Independent Living Older Blind Grant:
Payable from the Vocational Rehabilitation Fund......................... 245,500
Payable from General Revenue Fund............. 0

For Independent Living Older Blind Formula
Payable from Vocational Rehabilitation Fund... 1,000,000
Payment from the Vocational Rehabilitation Fund............... 0

Total $70,452,400

Section 145. The sum of $17,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 2, Section 140 of Public Act 93-0092 is reappropriated from the

New matter indicated by italics - deletions by strikeout.
Vocational Rehabilitation Fund to the Department of Human Services for Case Services to Individuals.

Section 150. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

CLIENT ASSISTANCE PROJECT
Payable from Vocational Rehabilitation Fund:
For Personal Services ......................... 506,800
For Employee Retirement Contributions
  Paid by Employer ................................ 0
  For Retirement Contributions ................... 53,000
For State Contributions to Social Security ...... 38,800
For Group Insurance ............................ 120,000
For Contractual Services ........................ 45,300
For Travel ........................................ 0
For Commodities .................................. 0
For Printing ....................................... 0
For Equipment ..................................... 0
For Telecommunications Services ................ 0
Total .............................................. $763,900

Section 155. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Vocational Rehabilitation Fund to the Department of Human Services for a grant relating to a Client Assistance Project.

Section 160. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

CHICAGO-READ MENTAL HEALTH CENTER
For Personal Services .......................... 23,141,700
For Employee Retirement Contributions
  Paid by Employer ................................ 0
  For Retirement Contributions ................... 2,413,100
For State Contributions to Social Security ....... 1,770,300
For Contractual Services ........................ 2,618,100
For Travel ........................................ 0
For Commodities .................................. 710,100
For Printing ....................................... 0

New matter indicated by italics - deletions by strikeout.
Section 165. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

**PROGRAM ADMINISTRATION - DISABILITIES AND BEHAVIORAL HEALTH**

Payable from General Revenue Fund:

- For Personal Services: 10,768,300
- For Employee Retirement Contributions Paid by Employer: 0
- For Retirement Contributions: 1,125,500
- For State Contributions to Social Security: 823,800
- For Contractual Services: 1,228,700
- For Travel: 0
- For Commodities: 0
- For Printing: 0
- For Equipment: 0
- For Telecommunications Services: 0
- For Operation of Auto Equipment: 0
- For Contractual Services:
  - For Private Hospitals for Recipients of State Facilities: 959,500
- Total: $14,905,800

Payable from the Prevention/Treatment - Alcoholism and Substance Abuse Block Grant Fund:

- For Personal Services: 2,223,300
- For Employee Retirement Contributions Paid by Employer: 0
- For Retirement Contributions: 232,400
- For State Contributions to Social Security: 170,100
- For Group Insurance: 396,000
- Total: $30,653,300

New matter indicated by italics - deletions by strikeout.
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<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>1,416,800</td>
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<tr>
<td>For Travel</td>
<td>0</td>
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<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Expenses Associated with the Administration of the Alcohol and Substance Abuse Prevention and Treatment Programs</td>
<td>215,000</td>
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<tr>
<td>For Deposit into the Group Home Loan Revolving Fund</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$4,653,600</td>
</tr>
</tbody>
</table>

Payable from the Vocational Rehabilitation Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>699,600</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>73,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>53,500</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>150,000</td>
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<td>For Contractual Services</td>
<td>61,000</td>
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<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$1,037,200</td>
</tr>
</tbody>
</table>

Payable from the Community Mental Health Services Block Grant Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>54,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>39,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>120,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>180,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Equipment................................................................. 0
Total $911,000
Payable from the DHS Federal Projects Fund:
For Federally Assisted Programs......................... 0
Payable from the Mental Health Fund:
For Costs Related to Provision of Support Services Provided to Departmental and Non-
Departmental Organizations............................... 0
Payable from the Youth Alcoholism and Substance Abuse Prevention Fund:
For Deposit into the Fund Which Receives All Payments Under Section 5-3 of Act for Alcoholic Liquors............... 150,000
Payable from the Rehabilitation Services Elementary and Secondary Education Act Fund:
For Federally Assisted Programs....................... 0
Section 170. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Human Services:
SEXUALLY VIOLENT PERSONS PROGRAM
Payable from General Revenue Fund:
For Sexually Violent Persons Program.................. 18,079,100
Section 175. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:
H. DOUGLAS SINGER MENTAL HEALTH AND DEVELOPMENTAL CENTER
For Personal Services................................. 9,190,300
For Employee Retirement Contributions Paid by Employer................................. 0
For Retirement Contributions.......................... 955,000
For State Contributions to Social Security............... 703,100
For Contractual Services......................... 2,377,600
For Travel............................................... 0
For Commodities......................................... 395,800

New matter indicated by italics - deletions by strikeout.
Section 180. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ANN M. KILEY DEVELOPMENTAL CENTER
For Personal Services............................................. 18,543,400
For Employee Retirement Contributions
    Paid by Employer................................................... 0
    For Retirement Contributions.................................... 1,925,900
For State Contributions to Social Security................................. 1,418,600
For Contractual Services............................................. 2,111,400
For Travel....................................................................... 0
For Commodities........................................................... 935,800
For Printing................................................................. 0
For Equipment............................................................... 0
For Telecommunications Services........................................... 0
For Operation of Auto Equipment.......................................... 0
For Expenses Related to Living Skills Program.......................... 0
Total.............................................................................. 24,935,100

Section 185. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS SCHOOL FOR THE DEAF
Payable from General Revenue Fund:
For Personal Services..................................................... 11,666,700
For Student, Member or Inmate Compensation.......................... 13,400
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer......................................................... 0
For Retirement Contributions........................................ 929,800
For State Contributions to Social Security.......................... 605,500
For Contractual Services............................................. 1,609,700
For Travel................................................................. 0
For Commodities......................................................... 0
For Printing................................................................. 0
For Equipment............................................................. 0
For Telecommunications Services....................................... 0
For Operation of Auto Equipment...................................... 0
Total.............................................................................. $14,825,100

Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience Program............................ 50,000

Section 190. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED

Payable from General Revenue Fund:
For Personal Services..................................................... 6,322,000
For Student, Member or Inmate Compensation..................... 16,400
For Employee Retirement Contributions
  Paid by Employer....................................................... 0
  For Retirement Contributions......................................... 520,200
For State Contributions to Social Security............................... 379,300
For Contractual Services.................................................. 619,000
For Travel......................................................................... 0
For Commodities............................................................. 0
For Printing................................................................. 0
For Equipment............................................................... 0
For Telecommunications Services......................................... 0
For Operation of Auto Equipment...................................... 0
Total.............................................................................. $7,856,900

Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience Program............................ 0

New matter indicated by italics - deletions by strikeout.
Section 195. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

JOHN J. MADDEN MENTAL HEALTH CENTER

For Personal Services........................ 17,905,000
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For Retirement Contributions................... 1,865,300
For State Contributions to Social Security......................... 1,369,700
For Contractual Services....................... 1,863,700
For Travel............................................. 0
For Commodities................................ 525,000
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services.................... 0
For Expenses Related to Living
  Skills Program...................................... 0
For Costs Associated with Behavioral Health
  Services - Madden Network......................... 0
Total $23,528,700

Section 200. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

WARREN G. MURRAY DEVELOPMENTAL CENTER

For Personal Services........................ 21,988,400
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For Retirement Contributions................... 2,275,100
For State Contributions to Social Security......................... 1,682,100
For Contractual Services....................... 1,716,700
For Travel............................................. 0
For Commodities................................ 1,438,300
For Printing........................................... 0

New matter indicated by italics - deletions by strikeout.
For Equipment.......................................... 0
For Telecommunications Services............... 0
For Operation of Auto Equipment............... 0
For Expenses Related to Living Skills Program................................. 0
Total $29,100,600

Section 205. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**ELGIN MENTAL HEALTH CENTER**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>42,550,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>4,412,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,255,100</td>
</tr>
<tr>
<td>For Travel</td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,124,200</td>
</tr>
<tr>
<td>For Printing</td>
<td></td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td></td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Expenses Related to Living Skills Program</td>
<td></td>
</tr>
<tr>
<td>For Costs Associated with Behavioral Health Services - Elgin Network</td>
<td>0</td>
</tr>
<tr>
<td>Total $55,649,800</td>
<td></td>
</tr>
</tbody>
</table>

Section 210. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**COMMUNITY AND RESIDENTIAL SERVICES FOR THE BLIND AND VISUALLY IMPAIRED**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund:</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>1,352,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Retirement Contributions .......................... 141,400
For State Contributions to Social Security ....... 94,900
For Contractual Services ......................... 33,500
For Travel............................................. 0
For Commodities................................... 0
For Printing......................................... 0
For Equipment........................................ 0
For Telecommunications Services................... 0
Total  $1,622,200

Section 215. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

CHESTER MENTAL HEALTH CENTER
For Personal Services.......................... 23,938,100
For Employee Retirement Contributions
  Paid by Employer.................................... 0
  For Retirement Contributions................. 2,462,700
For State Contributions to Social Security........ 1,831,300
For Contractual Services........................ 2,748,500
For Travel........................................... 0
For Commodities................................. 630,200
For Printing......................................... 0
For Equipment....................................... 0
For Telecommunications Services............. 0
For Operation of Auto Equipment.............. 0
For Expenses Related to Living
  Skills Program.................................. 0
Total  $31,610,800

Section 220. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

JACKSONVILLE DEVELOPMENTAL CENTER
For Personal Services.......................... 20,870,900
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer...................................... 0
For Retirement Contributions............... 2,175,700
For State Contributions to Social Security........ 1,596,600
For Contractual Services............... 1,459,400
For Travel................................. 0
For Commodities......................... 1,673,200
For Printing................................... 0
For Equipment.................................. 0
For Telecommunications Services.............. 0
For Operation of Auto Equipment............. 0
For Expenses Related to Living Skills Program......................... 0
Total................................ $27,775,800

Section 225. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION

Payable from General Revenue Fund:

For Personal Services...................... 3,527,900
For Student, Member or Inmate Compensation ...... 2,100
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions............... 354,700
For State Contributions to Social Security ...... 269,900
For Contractual Services............... 811,400
For Travel................................. 0
For Commodities.............................. 0
For Printing................................... 0
For Equipment.................................. 0
For Telecommunications Services.............. 0
For Operation of Auto Equipment............. 0
Total................................ $4,966,000

Payable from Vocational Rehabilitation Fund:

For Secondary Transitional Experience Program................................. 0

Section 230. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the

New matter indicated by italics - deletions by strikeout.
ordinary and contingent expenditures of the Department of Human Services:

ANDREW McFARLAND MENTAL HEALTH CENTER
For Personal Services.................................. 11,243,300
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For Retirement Contributions........................ 1,168,900
For State Contributions to
  Social Security.................................. 860,100
For Contractual Services........................... 1,796,200
For Travel............................................ 0
For Commodities.................................... 329,400
For Printing.......................................... 0
For Equipment........................................ 0
For Telecommunications Services.................... 0
For Operation of Auto Equipment.................... 0
For Expenses Related to Living
  Skills Program................................... 0
For Costs Associated with Behavioral Health
  Services - McFarland Network.................... 0
Total.................................................................. $15,397,900

Section 235. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REFUGEE SOCIAL SERVICE PROGRAM
Payable from the Special Purposes Trust Fund:
For Personal Services................................. 555,100
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For Retirement Contributions........................ 58,000
For State Contributions to
  Social Security.................................. 42,400
For Group Insurance................................. 96,000
For Contractual Services........................... 47,100
For Travel............................................. 0
For Commodities..................................... 0
For Printing.......................................... 0
For Equipment........................................ 0
Total.................................................................. $798,600

New matter indicated by italics - deletions by strikeout.
Section 240. The following named sum, or so much thereof as may be necessary, respectively, is appropriated to the Department of Human Services for the purposes hereinafter named:

**REFUGEE SOCIAL SERVICE PROGRAM**

**GRANTS-IN-AID**

Payable from Special Purposes Trust Fund:
- For Refugee Resettlement Purchase of Service: 0

Section 245. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

**GOVERNOR SAMUEL H. SHAPIRO DEVELOPMENTAL CENTER**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>49,369,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>5,037,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>3,776,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,352,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,003,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$65,540,400</td>
</tr>
</tbody>
</table>

Section 250. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

**EMPLOYMENT AND SOCIAL SERVICE PROGRAMS**

Payable from General Revenue Fund:
- For Personal Services: 6,084,600
- For Employee Retirement Contributions Paid by Employer: 0
- For Retirement Contributions: 636,000
- For State Contributions to Social Security: 465,500
- For Contractual Services: 81,000

New matter indicated by italics - deletions by strikeout.
For Travel......................................................... 0
For Equipment.................................................... 0
Total $7,267,100

Payable from the Special Purposes Trust Fund:
For Operation of Federal Employment
Programs............................................................ 10,000,000

Section 255. The following named amounts, or so much thereof as may be necessary, respectively, for the objects hereinafter named, are appropriated to the Department of Human Services for Employment and Social Services and related distributive purposes, including such Federal funds as are made available by the Federal government for the following purposes:

EMPLOYMENT AND SOCIAL SERVICE PROGRAMS
GRANTS-IN-AID

Payable from General Revenue Fund:
For Employability Development Services
Including Operating and Administrative
Costs and Related Distributive Purposes ............... 0
For Emergency Food and Shelter Program............... 0
For Emergency Food Program........................................ 0
For Grants for Crisis Nurseries............................... 0
For Food Stamp Employment and Training
including Operating and Administrative
Costs and Related Distributive Purposes ..... 11,608,600
For Illinois Community Action Association
for the Family and Community Development
Grant program....................................................... 0
For Grants for Supportive
Housing Services 3,616,900
Total $15,225,500

Payable from the Special Purposes Trust Fund:
For Federal/State Employment Programs and Related Services....................... 5,000,000
For Emergency Food Program
Transportation and Distribution,
including grants and operations......................... 0
For Homeless Assistance through the
McKinney Block Grant........................................... 0
For the development and implementation

New matter indicated by italics - deletions by strikeout.
of the Federal Title XX Empowerment Zone and Enterprise Community initiatives

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Grants Associated with the Head Start State Collaboration, Including Operating and Administrative Costs</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$43,925,300</td>
</tr>
</tbody>
</table>

Payable from Local Initiative Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Purchase of Services under the Donated Funds Initiative Program</td>
<td>22,391,700</td>
</tr>
</tbody>
</table>

Funds appropriated from the Local Initiative Fund in Section 39.1, above, shall be expended only for purposes authorized by the Department of Human Services in written agreements.

Payable from Assistance to the Homeless Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Costs Related to Providing Assistance to the Homeless Including Operating and Administrative Costs and Grants</td>
<td>0</td>
</tr>
</tbody>
</table>

Payable from Employment and Training Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Costs Related to Employment and Training Programs Including Operating and Administrative Costs and Grants to Qualified Public and Private Entities for Purchase of Employment and Training Services</td>
<td>86,455,100</td>
</tr>
</tbody>
</table>

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For costs related to the Homelessness Prevention Act</td>
<td>0</td>
</tr>
</tbody>
</table>

Section 260. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**JUVENILE JUSTICE PROGRAMS**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>297,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>31,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to
  Social Security................................. 22,800
  For Contractual Services.......................... 53,000
  For Travel............................................. 0
  For Equipment.......................................... 0
  For Telecommunications Services..................... 0
  Total $404,700
Payable from Juvenile Justice Trust Fund:
  For Personal Services.............................. 180,900
  For Employee Retirement Contributions
    Paid by Employer..................................... 0
  For Retirement Contributions........................ 18,900
  For State Contributions to
    Social Security...................................... 13,900
  For Group Insurance.................................. 36,000
  For Contractual Services............................ 66,900
  For Travel............................................. 0
  For Commodities....................................... 0
  For Printing........................................... 0
  For Telecommunications Services.................... 0
  For Detention Monitoring............................. 0
  Total $316,600

Section 265. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

  JUVENILE JUSTICE PROGRAMS
  GRANTS-IN-AID

Payable from Juvenile Justice Trust Fund:
  For Juvenile Justice Planning and Action
  Grants for Local Units of Government
  and Non-Profit Organizations including
  Prior Fiscal Years Costs.............................. 0
  For Grants to State Agencies, including
  Prior Fiscal Years.................................... 0
  Total $0

Section 270. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

  COMMUNITY HEALTH

New matter indicated by italics - deletions by strikeout.
Payable from the General Revenue Fund:
For Personal Services......................... 3,422,400
For Employee Retirement Contributions
Paid by Employer......................................... 0
For Retirement Contributions....................... 357,700
For State Contributions to Social Security ...... 261,800
For Contractual Services.............................. 463,400
For Travel................................................ 0
For Commodities........................................... 0
For Equipment............................................. 0
For Telecommunications Services.................... 0
For Expenses for the Development and
Implementation of Cornerstone.......................... 0
Total                                                                                          $4,505,300

Payable from the DHS Federal Projects Fund:
For Personal Services............................. 612,300
For Employee Retirement Contributions
Paid by Employer......................................... 0
For Retirement Contributions....................... 64,000
For State Contributions to Social Security ....... 46,800
For Group Insurance..................................... 132,000
For Contractual Services.............................. 1,405,200
For Travel................................................ 0
For Commodities........................................... 0
For Printing................................................. 0
For Equipment............................................. 0
For Telecommunications Services.................... 0
For Expenses Related to Public Health
Programs................................................... 0
For Operational Expenses for Maternal
and Child Health Special Projects of
Regional and National Significance................... 0
Total                                                                                          $2,260,300

Payable from the USDA Women, Infants
and Children Fund:
For Personal Services............................. 3,413,200
For Employee Retirement Contributions
Paid by Employer......................................... 0
For Retirement Contributions....................... 356,700
For State Contributions to Social Security ...... 261,100
For Group Insurance.......................... 720,000
For Contractual Services..................... 1,139,200
For Travel..................................... 0
For Commodities............................... 0
For Printing.................................... 0
For Equipment................................ 0
For Telecommunications Services............. 0
For Operation of Auto Equipment.............. 0
For Operational Expenses of the Women,
Infants and Children (WIC) Program,
Including Investigations.................... 4,600,000
For Operational Expenses of Banking
Services for Food Instruments
Verification and Vendor Payment under
the Women, Infants and Children (WIC)
Program..................................... 1,000,000
For Operational Expenses of the
Federal Commodity Supplemental
Food Program................................ 42,500
For Operational Expenses Associated
with Support of the USDA Women,
Infants and Children Program............... 150,000
Total........................................ $11,682,700
Payable from the Maternal and Child
Health Services Block Grant
Fund:
For Operational Expenses of Maternal and
Child Health Programs....................... 4,223,300
Payable from the Preventive Health
and Health Services Block
Grant Fund:
For Expenses of Preventive Health and
Health Services Programs................... 55,000
Payable from the DHS State Projects Fund:
For Operational Expenses for
Public Health Programs...................... 368,000

New matter indicated by italics - deletions by strikeout.
Section 275. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

COMMUNITY HEALTH

GRANTS-IN-AID

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Grants to Public and Private Agencies for Problem Pregnancies</td>
<td>0</td>
</tr>
<tr>
<td>For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities</td>
<td>0</td>
</tr>
<tr>
<td>For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services for Medicaid Eligible Families</td>
<td>17,447,300</td>
</tr>
<tr>
<td>For Grants for the Intensive Prenatal Performance Project</td>
<td>0</td>
</tr>
<tr>
<td>For Grants to the Chicago Department of Health for Maternal and Child Health Services</td>
<td>0</td>
</tr>
<tr>
<td>For Grants and Administrative Expenses Related to the Healthy Families Program</td>
<td>0</td>
</tr>
<tr>
<td>For Costs Associated with the Domestic Violence Shelters and Services Program</td>
<td>0</td>
</tr>
<tr>
<td>For Grants for After School Youth Support Programs</td>
<td>0</td>
</tr>
<tr>
<td>For Costs Associated with Teen Parent Services</td>
<td>0</td>
</tr>
<tr>
<td>For Grants to Family Planning Programs</td>
<td>0</td>
</tr>
<tr>
<td>For Contraceptive Services</td>
<td>0</td>
</tr>
</tbody>
</table>

Payable from the Sexual Assault Services Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Grants Related to the Sexual Assault Services Program</td>
<td>0</td>
</tr>
</tbody>
</table>
Total $46,046,900

Payable from the Special Purposes Trust Fund:
For Costs Associated with Family Violence Prevention Services.............. 5,000,000

Payable from the DHS Federal Projects Fund:
For Grants for Public Health Programs............................................. 0
For Grants for Maternal and Child Health Special Projects of Regional and National Significance......................... 0
For Grants for Family Planning Programs Pursuant to Title X of the Public Health Service Act........................................ 0
For Grants for the Federal Healthy Start Program............................... 0
Total $5,000,000

Payable from the Special Purposes Trust Fund:
For Community Grants.................................................. 0

Payable from the Domestic Violence Abuser Services Fund:
For Domestic Violence Abuser Services........................................ 0

Payable from the Federal National Community Services Grant Fund:
For Payment for Community Activities, Including Prior Years' Costs...................... 0

Payable from the USDA Women, Infants and Children Fund:
For Grants to Public and Private Agencies for Costs of Administering the USDA Women, Infants, and Children (WIC) Nutrition Program............................................ 42,000,000
For Grants for the Federal Commodity Supplemental Food Program........... 1,400,000
For Grants for Free Distribution of Food Supplies under the USDA Women, Infants, and Children (WIC) Nutrition Program........... 173,000,000
For Grants for Administering USDA Women, Infants, and Children (WIC) Nutrition Program Food Centers...................... 24,000,000

New matter indicated by italics - deletions by strikeout.
For Grants for USDA Farmer's Market Nutrition Program.............................. 1,500,000
Total $241,900,000
Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants for Maternal and Child Health Programs, Including Programs Appropriated Elsewhere in this Section............................. 8,465,200
For Grants to the Chicago Department of Health for Maternal and Child Health Services.......................................... 5,000,000
For Grants to the Board of Trustees of the University of Illinois, Division of Specialized Care for Children................................. 0
For Grants for an Abstinence Education Program including operating and administrative costs........................................ 0
Total $13,465,200
Payable from the Preventive Health and Health Services Block Grant Fund:
For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities................................. 0
For Grants for Rape Prevention Education Programs, including operating and administrative costs........................................ 0
Total $0
Payable from the DHS State Projects Fund:
For Grants to Establish Health Care Systems for DCFS Wards............................. 2,361,400
Payable from Domestic Violence Shelter and Service Fund:
For Domestic Violence Shelters and Services Program................................. 0
For Grants in Children's Cancer Research:
Payable from Children's Cancer Fund.......................................................... 0
For Grants for Diabetes Research:
Payable from American Diabetes

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0681

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Association Fund</td>
<td>0</td>
</tr>
<tr>
<td>Payable from Tobacco Settlement Recovery Fund</td>
<td>0</td>
</tr>
<tr>
<td>Payable from Tobacco Settlement Recovery Fund</td>
<td>0</td>
</tr>
</tbody>
</table>

For Children's Health Programs:
- Payable from Tobacco Settlement Recovery Fund: 0

For a Grant to the Coalition for Technical Assistance and Training:
- Payable from Tobacco Settlement Recovery Fund: 0

Section 280. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**COMMUNITY YOUTH SERVICES**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund:</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>177,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>18,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>13,600</td>
</tr>
<tr>
<td>Total</td>
<td>$209,300</td>
</tr>
</tbody>
</table>

Section 285. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**COMMUNITY YOUTH SERVICES**

**GRANTS-IN-AID**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund:</td>
<td></td>
</tr>
<tr>
<td>For Community Services</td>
<td>0</td>
</tr>
<tr>
<td>For Youth Services Grants Associated with Juvenile Justice Reform</td>
<td>0</td>
</tr>
<tr>
<td>For Comprehensive Community-Based Service to Youth</td>
<td>0</td>
</tr>
<tr>
<td>For Unified Delinquency Intervention Services</td>
<td>0</td>
</tr>
<tr>
<td>For Homeless Youth Services</td>
<td>0</td>
</tr>
<tr>
<td>For Early Intervention</td>
<td>64,447,300</td>
</tr>
<tr>
<td>For Redeploy Illinois</td>
<td>0</td>
</tr>
<tr>
<td>For Parents Too Soon Program</td>
<td>0</td>
</tr>
<tr>
<td>For Delinquency Prevention</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$64,447,300</td>
</tr>
</tbody>
</table>

Payable from the Special Purposes Trust Fund:

New matter indicated by italics - deletions by strikeout.
For Parents Too Soon Program, including grants and operations.................0
Payable from the Early Intervention Services Revolving Fund:
For Grants Associated with the Early Intervention Services Program, including operating and administrative costs.......................119,977,800
Total $119,977,800

Section 290. The sum of $15,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004 from appropriations and reappropriations heretofore made for such purposes in Article 2, Section 285 of Public Act 93-0092, is reappropriated from the Early Intervention Services Revolving Fund to the Department of Human Services for grants associated with the Early Intervention Program, including operating and administrative costs.

Section 295. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

WILLIAM W. FOX DEVELOPMENTAL CENTER
For Personal Services........................12,870,000
For Employee Retirement Contributions
  Paid by Employer............................0
For Retirement Contributions..............1,319,900
For State Contributions to Social Security...........................................984,600
For Contractual Services...............1,112,700
For Travel.................................................................0
For Commodities.................................824,800
For Printing..........................0
For Equipment.........................................................0
For Telecommunications Services................0
For Operation of Auto Equipment.........0
For Expenses Related to Living
  Skills Program.................................0
Total $17,112,000

New matter indicated by italics - deletions by strikeout.
Section 300. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

ELISABETH LUDEMAN DEVELOPMENTAL CENTER
For Personal Services........................ 26,768,000
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For Retirement Contributions................. 2,785,400
For State Contributions to Social
  Security........................................... 2,047,800
For Contractual Services..................... 2,619,800
For Travel.......................................... 0
For Commodities................................ 569,500
For Printing....................................... 0
For Equipment.................................... 0
For Telecommunications Services............. 0
For Operation of Auto Equipment............. 0
For Expenses Related to Living
  Skills Program.................................. 0
Total............................................. $34,790,500

Section 305. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

WILLIAM A. HOWE DEVELOPMENTAL CENTER
For Personal Services..................... 37,489,700
For Employee Retirement Contributions
  Paid by Employer............................... 0
For Retirement Contributions............... 3,893,700
For State Contributions to Social
  Security........................................ 2,868,000
For Contractual Services.................... 4,855,800
For Travel........................................ 0
For Commodities............................... 915,500
For Printing...................................... 0
For Equipment.................................... 0
For Telecommunications Services............. 0
For Operation of Auto Equipment............ 0

New matter indicated by italics - deletions by strikeout.
For Expenses Related to Living Skills Program.......................... 0
Total $50,022,700

Section 310. In addition to all other amounts appropriated for these purposes, the following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated from the General Revenue Fund to the Department of Human Services:

For a 4% cost of living adjustment for providers serving individuals with developmental disabilities............. 35,153,308
For a 4% cost of living adjustment for providers serving individuals with mental illness.............................. 11,859,052
For a 4% cost of living adjustment for Center for Independent Living providers............................... 259,200

ARTICLE 49

Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:

PROGRAM ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services......................... 19,641,900
For Employee Retirement Contributions
  Paid by Employer........................................ 0
For State Contributions to State
  Employees' Retirement System................. 2,053,000
For State Contributions to
  Social Security................................. 1,502,600
For Contractual Services...................... 17,418,600
For Travel............................................. 0
For Commodities..................................... 0
For Printing.......................................... 0
For Equipment........................................ 0
For Telecommunications Services.............. 0
For Operation of Auto Equipment............... 0
Total $40,616,100

OFFICE OF INSPECTOR GENERAL

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund:
- For Personal Services: $11,411,000
- For Employee Retirement Contributions Paid by Employer: $0
- For State Contributions to State Employees' Retirement System: $1,192,700
- For State Contributions to Social Security: $872,900
- For Contractual Services: $4,454,400
- For Travel: $0
- For Equipment: $0
- Total: $17,931,000

Payable from Public Aid Recoveries Trust Fund:
- For Personal Services: $620,800
- For Employee Retirement Contributions Paid by Employer: $0
- For State Contributions to State Employees' Retirement System: $64,900
- For State Contributions to Social Security: $47,500
- For Group Insurance: $153,300
- Total: $886,500

Payable from Long Term Care Provider Fund:
- For Administrative Expenses: $169,100

ENERGY ASSISTANCE

Payable from Energy Administration Fund:
- For Personal Services: $241,500
- For Employee Retirement Contributions Paid by Employer: $0
- For State Contributions to State Employees' Retirement System: $25,300
- For Social Security: $18,500
- For Group Insurance: $48,000
- For Contractual Services: $45,300
- For Travel: $40,100
- For Commodities: $0
- For Equipment: $0
- For Telecommunications Services: $0
For Operation of Automotive Equipment.......................... 0
For Administrative and Grant Expenses
Relating to Training, Technical
Assistance, and Administration of the
Weatherization Programs............................... 0
Total $418,700

Payable from Low Income Home Energy
Assistance Block Grant Fund:
For Personal Services................................. 1,527,500
For Employee Retirement Contributions
Paid by Employer........................................ 0
For State Contributions to State
Employees' Retirement System..................... 159,700
For State Contributions to
Social Security................................. 116,900
For Group Insurance............................ 222,000
For Contractual Services......................... 278,600
For Travel........................................... 0
For Commodities................................... 0
For Printing........................................ 0
For Equipment..................................... 0
For Telecommunications Services................ 0
For Operation of Automotive Equipment.......... 0
For Expenses Related to the
Development and Maintenance of
the LIHEAP System............................... 1,000,000
Total $3,304,700

CHILD SUPPORT ENFORCEMENT
Payable from Child Support Administrative Fund:
For Personal Services.............................. 46,051,400
For Employee Retirement Contributions
Paid by Employer...................................... 0
For State Contributions to State
Employees' Retirement System.................... 4,813,300
For State Contributions to
Social Security................................. 3,522,900
For Group Insurance............................ 11,284,300
For Contractual Services.......................... 66,149,600
For Travel......................................... 630,200

New matter indicated by italics - deletions by strikeout.
For Commodities..................................                                          333,500
For Printing.....................................                                                162,800
For Equipment..................................                                           1,959,600
For Telecommunications Services...............                               6,319,800
For Costs Related to the State
Disbursement Unit.............................                                        17,676,500
For Administrative Costs Related to
Enhanced Collection Efforts including
Paternity Adjudication Demonstration............                    12,829,500
For Child Support Enforcement
Demonstration Projects..............................                    1,500,000
Total                                                                                     $173,233,400

The amount of $32,300,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the General Revenue Fund for deposit into the Child Support Administrative Fund.

ATTORNEY GENERAL REPRESENTATION
Payable from General Revenue Fund:
For Personal Services..........................                                          1,516,900
For Employee Retirement Contributions
Paid by Employer......................................                                                0
For State Contributions to State
Employees' Retirement System..................                                           158,600
For State Contributions to Social Security...........................................                           116,000
For Contractual Services..........................                                          345,800
For Travel............................................                                                     0
For Equipment..............................................                                          0
Total                                                                                         $2,137,300

PUBLIC AID RECOVERIES
Payable from Public Aid Recoveries Trust Fund:
For Personal Services..........................                                          6,523,800
For Employee Retirement Contributions
Paid by Employer......................................                                                0
For State Contributions to State
Employees' Retirement System..................                                           681,900
For State Contributions to Social Security...........................................                           499,100
For Group Insurance..............................                                          1,468,300

New matter indicated by italics - deletions by strikeout.
For Contractual Services.................. 17,358,800
For Travel............................................. 0
For Commodities.............................. 0
For Printing.................................... 0
For Equipment.................................. 0
For Telecommunications Services......... 0
Total .................................................. $26,531,900

MEDICAL
Payable from General Revenue Fund:
For Personal Services...................... 24,190,800
For Employee Retirement Contributions
Paid by Employer.............................. 0
For State Contributions to State
Employees' Retirement System............... 2,528,500
For State Contributions to Social Security........ 1,850,600
For Contractual Services................... 4,578,800
For Travel............................................. 0
For Equipment.................................. 0
For Telecommunications Services.......... 0
For Purchase of Medical Management
Services........................................... 10,150,000
For Purchase of Services Relating to
and costs associated with the develop-
ment and implementation of an
electronic Medicaid client eligibility
verification system.......................... 1,730,000
For Costs Associated with the
Development, Implementation and
Operation of a Medical Data
Warehouse......................................... 0
For Refunds of Premium Payments
Received Pursuant to Section 25(a)(2)
of the Children's Health Insurance
Program Act...................................... 0
Total .................................................. $45,028,700

Payable from Provider Inquiry Trust Fund:
For expenses associated with
providing access and utilization

New matter indicated by italics - deletions by strikeout.
of IDPA eligibility files.................... 1,500,000

Section 10. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND
THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from General Revenue Fund:
For Physicians.............................. 513,590,700
For Dentists................................. 88,590,800
For Optometrists............................ 11,319,800
For Podiatrists............................. 2,367,200
For Chiropractors........................... 1,300,600
For Hospital In-Patient, Disproportionate Share and Ambulatory Care... 2,258,373,200
For federally defined Institutions for Mental Diseases.................... 116,700,000
For Supportive Living Facilities............. 17,000,000
For all other Skilled, Intermediate, and Other Related Long Term Care Services....... 692,004,000
For Community Health Centers................ 109,485,500
For Hospice Care............................ 35,202,300
For Independent Laboratories................ 25,364,100
For Home Health Care, Therapy, and Nursing Services...................... 49,940,300
For Appliances.............................. 54,936,000
For Transportation........................ 76,235,000
For Other Related Medical Services and for development, implementation, and operation of managed care and children's health programs including operating and administrative costs and related distributive purposes.............. 65,654,700
For Medicare Part A Premiums................... 8,700,000
For Medicare Part B Premiums.................. 121,300,000
For Medicare Part B Premiums for Qualified Individuals under the

New matter indicated by italics - deletions by strikeout.
Federal Balanced Budget Act of 1997............. 6,633,700
For Health Maintenance Organizations and
Managed Care Entities............................ 181,879,600
For Division of Specialized Care
for Children........................................... 51,620,900
Total ................................. $4,488,198,400

In addition to any amounts heretofore appropriated, the following
named amounts, or so much thereof as may be necessary, are appropriated
to the Department of Public Aid for Medical Assistance under the Illinois
Public Aid Code, the Children's Health Insurance Program Act, and the
Senior Citizens and Disabled Persons Property Tax Relief and
Pharmaceutical Assistance Act for Prescribed Drugs, including costs
associated with the implementation and operation of the Senior Care
program:
Payable from:
General Revenue Fund.................. 1,042,258,000
Drug Rebate Fund......................... 427,000,000
Tobacco Settlement Recovery Fund........ 373,152,900
Medicaid Buy-In Program Revolving Fund...... 100,000
Total ........................................ $1,842,510,900

The following named amounts, or so much thereof as may be
necessary, are appropriated to the Department of Public Aid for the
purposes hereinafter named:

FOR MEDICAL ASSISTANCE
Payable from General Revenue Fund:
For Grants for Medical Care for Persons
Suffering from Chronic Renal Disease........... 1,162,500
For Grants for Medical Care for Persons
Suffering from Hemophilia........................ 4,553,600
For Grants for Medical Care for Sexual
Assault Victims........................................ 657,800
For Grants to Altgeld Clinic........................ 0
Total ........................................... $6,373,900

The Department, with the consent in writing from the Governor,
may reappportion not more than two percent of the total General Revenue
Fund appropriations in Section 2 above among the various purposes
therein enumerated.

In addition to any amounts heretofore appropriated, the amount of
$7,832,800, or so much thereof as may be necessary, is appropriated to the

New matter indicated by italics - deletions by strikeout.
Department of Public Aid from the General Revenue Fund for expenses relating to the Children's Health Insurance Program Act, including payments under Section 25 (a)(1) of that Act, and related operating and administrative costs.

Section 15. In addition to any amounts heretofore appropriated, the amount of $0, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Family Care Fund for i) Medical Assistance payments on behalf of individuals eligible for Medical Assistance programs administered by the Department of Public Aid, and ii) pursuant to an interagency agreement, medical services and other costs associated with children's mental health programs administered by another agency of state government, including operating and administrative costs.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:

Payable from Tobacco Settlement Recovery Fund:
For Deposit into the Medical Research and Development Fund................................. 0
For Deposit into the Post-Tertiary Clinical Services Fund........................................... 0
For Deposit into the Independent Academic Medical Center Fund............................. 0
Total .......................................................................................................................... $0

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:

FOR THE PURPOSES ENUMERATED IN THE EXCELLENCE IN ACADEMIC MEDICINE ACT

Payable from:
Independent Academic Medical Center Fund.............................................................. 0
Medical Research and Development Fund.............................................................. 0
Post-Tertiary Clinical Services Fund.............................................................................. 0
Total .......................................................................................................................... $0

Section 30. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:

New matter indicated by italics - deletions by strikeout.
FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE
AND THE CHILDREN’S HEALTH INSURANCE PROGRAM ACT

Payable from Care Provider Fund for Persons With A Developmental Disability:
For Administrative Expenditures.................. 94,200

Payable from Long Term Care Provider Fund:
For Skilled, Intermediate, and Other Related Long Term Care Services................. 821,328,300
For Administrative Expenditures................. 1,233,000
Total $822,561,300

Payable from Hospital Provider Fund:
For Hospitals................................ 860,000,000
For Medical Assistance Providers.............. 36,000,000
Total $896,000,000

Payable from Health and Human Services Medicaid Trust Fund:
For Skilled, Intermediate, and Other Related Long Term Care Services.............. 60,000,000
For Medical Assistance Providers........... 124,000,000
Total $184,000,000

Section 35. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE
AND THE CHILDREN’S HEALTH INSURANCE PROGRAM ACT

Payable from County Provider Trust Fund:
For Distributive Hospitals..................... 1,981,119,000
For Administrative Expenditures.............. 500,000
Total $1,981,619,000

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:
For Refunds of Overpayments of Assessments or Inter-Governmental Transfers Made by Providers During the Period From July 1, 1991 through June 30, 2004:

New matter indicated by italics - deletions by strikeout.
Payable from:

Care Provider Fund for Persons With A Developmental Disability...........                                1,000,000
Long Term Care Provider Fund..................                                2,750,000
County Provider Trust Fund..................                                1,000,000
Total                                                                                         $4,750,000

Section 45. The amount of $0, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Trauma Center Fund for adjustment payments to certain Level I and Level II trauma centers.

Section 50. The amount of $173,400,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the University of Illinois Hospital Services Fund to reimburse the University of Illinois Hospital for hospital services.

Section 55. The amount of $8,500,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Juvenile Rehabilitation Services Medicaid Matching Fund for grants to the Department of Corrections and counties for court-ordered juvenile behavioral health services under the Medicaid Rehabilitation Option and the Children's Health Insurance Program Act.

Section 60. The amount of $8,673,300, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Medical Special Purposes Trust Fund for medical demonstration projects and costs associated with the implementation of federal Health Insurance Portability and Accountability Act mandates.

Section 65. The amount of $240,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Special Education Medicaid Matching Fund for grants to local education agencies for medical services eligible for federal reimbursement under Title XIX or Title XXI of the federal Social Security Act.

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid:

ENERGY ASSISTANCE
GRANTS-IN-AID

Payable from Supplemental Low-Income Energy Assistance Fund:
For Grants and Administrative Expenses
Pursuant to Section 13 of the Energy

New matter indicated by italics - deletions by strikeout.
Assistance Act of 1989, as Amended, Including Prior Year Costs.................. 88,786,100
Payable from Energy Assistance Contribution Fund: For the Administration and Grants Expenses for Energy Assistance Programs, Including Prior Year Costs................................. 300,000
Payable from Energy Administration Fund: For Grants and Technical Assistance Services for Nonprofit Community Organizations Including Reimbursement For Costs in Prior Years.................. 17,500,000
Payable from Low Income Home Energy Assistance Block Grant Fund: For Grants to Eligible Recipients Under the Low Income Home Energy Assistance Act of 1981, Including Reimbursement for Costs in Prior Years............................ 200,000,000
Payable from Good Samaritan Energy Trust Fund: For Grants, Contracts and Administrative Expenses Pursuant to the Good Samaritan Energy Plan Act............................. 500,000

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid:

ENERGY ASSISTANCE REFUNDS
For refunds to the Federal Government and other refunds:
Payable from Energy Administration Fund.............................. 300,000
Payable from Low Income Home Energy Assistance Block Grant Fund.......................... 600,000
Total.................................................................................. $900,000

Section 80. The amount of $425,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the General Revenue Fund for deposit into the General Obligation Bond Retirement and Interest Fund for payment by the Treasurer of principal

New matter indicated by italics - deletions by strikeout.

ARTICLE 50

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIRECTOR'S OFFICE

Payable from the General Revenue Fund:

For Personal Services.........................                                          2,231,100
For Employee Retirement Contributions
  Paid by Employer......................................                                                0
For State Contributions to State
  Employees' Retirement System....................    233,200
For State Contributions to Social Security ......                              169,300
For Contractual Services.........................                                          88,000
For Travel.............................................                                                     0
For Commodities........................................                                               0
For Printing...........................................                                                     0
For Equipment..........................................                                                 0
For Telecommunications Services....................                                     0
For Operation of Auto Equipment........................

Total                                                                                         $2,721,600

Payable from the Public Health Services Fund:

For Operational Expenses Associated with
  Support of Federally Funded Public
  Health Programs......................................                                          150,000
For Operational Expenses to Support
  Refugee Health Care..............................                                          514,000

Total, Public Health Services Fund                                            $664,000

Payable from the Public Health Special
  State Projects Fund:

For Expenses of Public Health Programs...........                      750,000

Section 10. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health from the Public Health Services Fund for the objects and purposes hereinafter named:

DIRECTOR'S OFFICE

For Grants for the Development of
  Refugee Health Care...................................

New matter indicated by italics - deletions by strikeout.
Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF FINANCE AND ADMINISTRATION

Payable from the General Revenue Fund:
For Personal Services........................... 5,959,400
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For State Contributions to State
  Employees' Retirement System.................. 622,900
  For State Contributions to Social Security ...... 455,900
For Contractual Services......................... 4,215,200
For Travel............................................. 0
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services................. 0
For Operation of Auto Equipment................ 0
For Expenses of the Public Health
  Information Network................................ 86,700
For Expenses of the Adoption Registry
  and Medical Information Exchange............. 139,500
For Operational Expenses of Maintaining
  the Vital Records System....................... 226,800
For Operational Expenses of the Regional
  Data Base System................................ 31,900
Total                                                                 $11,738,300

Payable from the Public Health Services Fund:
For Personal Services........................... 194,500
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For State Contributions to State
  Employees' Retirement System.................. 20,400
  For State Contributions to Social Security ...... 14,900
  For Group Insurance................................ 36,000
  For Contractual Services......................... 285,000
  For Travel............................................. 0
  For Commodities........................................ 0
  For Printing........................................... 0

New matter indicated by italics - deletions by strikeout.
Section 20. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**OFFICE OF FINANCE AND ADMINISTRATION**

Payable from the General Revenue Fund:
- For Other Refunds, Payable from the General Revenue Fund........................................... 40,000
- For Refunds, Payable from the Public Health Services Fund............................................ 75,000
- For Refunds, Payable from the Maternal and Child Health Services Block Grant Fund............ 5,000

New matter indicated by italics - deletions by strikeout.
For Refunds, Payable from the Preventive Health and Health Services Block Grant Fund.............................................. 5,000
Total $125,000

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIVISION OF INFORMATION TECHNOLOGY

Payable from the General Revenue Fund:
For Personal Services................................. 1,957,600
For Employee Retirement Contributions
   Paid by Employer........................................... 0
For State Contributions to State Employees' Retirement System................................. 204,700
For State Contributions to Social Security ...... 148,500
For Contractual Services................................. 242,800
For Travel................................................................. 0
For Commodities.......................................................... 0
For Printing................................................................. 0
For Electronic Data Processing............................... 0
For Telecommunications Services............................. 0
For Operational Expenses for Health Information Systems Targeted for Health Screening Programs................................. 135,600
For Expenses for Public Health Prevention Systems................................. 986,100
For Expenses Associated with the Childhood Immunization Program................................. 277,900
Total $3,953,200

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Operational Expenses of the Lead Poisoning Screening and Prevention Program................................. 250,000

Payable from the Metabolic Screening and Treatment Fund:
For Operational Expenses of the Metabolic Screening Program................................. 390,000

Payable from the Public Health Services Fund:

New matter indicated by italics - deletions by strikeout.
For Expenses Associated with Support of Federally Funded Public Health Programs................. 1,250,000
Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses Associated with Support of Maternal and Child Health Programs................. 200,000
Payable from the Public Health Special State Projects Fund:
For Expenses of EPSDT.................................. 150,000

Section 40. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the General Revenue Fund:
For Personal Services................................. 1,073,200
For Employee Retirement Contributions
Paid by Employer........................................ 0
For State Contributions to State Employees' Retirement System................................. 112,200
For State Contributions to Social Security ...... 82,100
For Contractual Services............................... 29,800
For Travel................................................... 10,000
For Commodities........................................... 0
For Printing.................................................. 0
For Equipment.................................................. 0
For Telecommunications Services.................. 0
For Operation of Auto Equipment................... 0
For Operational Expenses of Legacy Public Health Programs........................................... 0
For Deposit into the Lead Poisoning, Screening, Prevention, and Abatement Fund......................... 350,000
For Expenses of the Governor's Health and Physical Fitness Advisory Committee............... 0
For Expenses of the Prostate Cancer Awareness and Screening Program...................... 297,000
Total................................................................ $1,954,300

New matter indicated by italics - deletions by strikeout.
For Expenses related to Services for Prostate Cancer Public Awareness Initiatives payable from the General Revenue Fund................. 0

Payable from the General Revenue Fund:
For grants for the extension and provision of perinatal services for premature and high-risk infants and their mothers...... 1,184,300

Payable from the Public Health Services Fund:
For Personal Services.............................. 1,205,000
For Employee Retirement Contributions Paid by Employer................................. 0
For State Contributions to State Employees' Retirement System............... 126,000
For State Contributions to Social Security ...... 92,200
For Group Insurance.................................. 352,000
For Contractual Services............................ 400,000
For Travel........................................... 16,000
For Commodities.................................... 6,000
For Printing......................................... 0
For Equipment........................................ 0
For Telecommunications Services....................... 0
Total $3,381,500

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Expenses, Including Refunds, of the Lead Poisoning Screening and Prevention Program...................... 683,100

Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses of Maternal and Child Health Programs......................... 440,000

Payable from the Preventive Health and Health Services Block Grant Fund:
For Expenses of Preventive Health and Health Services Programs.................... 1,226,800

Payable from the Maternal and Child Health Block Grant Fund:
For Grants for the Extension and Provision of Perinatal Services for Premature and

New matter indicated by italics - deletions by strikeout.
High-risk Infants and their Mothers........... 2,401,800
Payable from the Public Health Special
State Projects Fund:
For Expenses for Public Health Programs........ 750,000
Payable from the Metabolic Screening
and Treatment Fund:
For Operational Expenses for Metabolic
Screening Follow-up Services................. 1,020,900
Payable from the Hearing Instrument
Dispenser Examining and Disciplinary Fund:
For Expenses Pursuant to the Hearing
Aid Consumer Protection Act.................... 104,500
Payable from Lou Gehrig’s Disease Research Fund:
For grants to the Les Turner ALS foundation
for Research on Amyotrophic Lateral
Sclerosis (ALS).............................. 100,000
Payable from the Leukemia Treatment and Education Fund:
For grants for the treatment of Leukemia,
Lymphoma and Myeloma....................... 100,000
Payable from the Asthma and Lung Research Fund:
For a grant to the Asthma Clinical
Research Program............................. 100,000
Payable from the Spinal Cord Injury Paralysis
Cure Research Trust Fund:
For grants for spinal cord injury research....... 100,000

Section 45. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION
Payable from the General Revenue Fund:
For Grants for Vision and Hearing
Screening Programs.............................. 690,300
For Grants Associated with Donated
Dental Services................................. 75,000
For a grant to the Amyotrophic Lateral
Sclerosis (ALS) Association for Research
into discovering the cause and cure for
Amyotrophic Lateral Sclerosis.................. 0
Total $765,300

New matter indicated by italics - deletions by strikeout.
Payable from the Alzheimer's Disease Research Fund:
   For Grants Pursuant to the Alzheimer's Disease Research Act................. 200,000
Payable from the Public Health Services Fund:
   For Grants for Public Health Programs, Including Operational Expenses.......... 6,000,000
Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
   For Grants for the Lead Poisoning Screening and Prevention Program............... 2,000,000
Payable from the Maternal and Child Health Services Block Grant Fund:
   For Grants for Maternal and Child Health Programs.................................... 495,000
Payable from the Preventive Health and Health Services Block Grant Fund:
   For Grants for Prevention Programs including operational expenses.............. 2,000,000
Payable from the Metabolic Screening and Treatment Fund:
   For Grants for Metabolic Screening Follow-up Services.......................... 2,200,000
   For Grants for Free Distribution of Medical Preparations and Food Supplies......... 1,250,000
   Total                                                                              $3,450,000
Payable from the Tobacco Settlement Recovery Fund:
   For Certified Local Health Department Grants for Anti-Smoking Programs........... 5,000,000
   For Grants and Administrative Expenses for the Tobacco Use Prevention Program...................... 5,000,000
   Total                                                                              $10,000,000

Section 50. In addition to any amounts previously appropriated, the sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the American Lung Association for operations of the Quitline.
Payable from the Prostate Cancer Research Fund:
   For Grants to Public and Private Entities

New matter indicated by italics - deletions by strikeout.
Section 55. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH CARE REGULATION

Payable from the General Revenue Fund:
For Personal Services.................. 13,833,100
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contributions to State Employees' Retirement System.................... 1,445,900
For State Contributions to Social Security .... 1,049,600
For Contractual Services.................. 228,400
For Travel.................................... 404,250
For Commodities............................. 0
For Printing.................................. 0
For Equipment................................ 0
For Telecommunications Services.......... 0
For Operation of Auto Equipment......... 0
For Operational Expenses of Three First Aid Stations......................... 92,100
For Expenses of the Assisted Living and Shared Housing Program............... 230,000
Total................................... $17,283,380

Payable from the Public Health Services Fund:
For Personal Services.................. 6,825,000
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contributions to State Employees' Retirement System.................... 713,400
For State Contributions to Social Security ...... 522,100
For Group Insurance......................... 1,104,000
For Contractual Services.................. 300,000
For Travel.................................... 510,000
For Commodities............................. 0
For Equipment................................ 0
For Telecommunications Services.......... 0
For Expenses of Monitoring in Long Term Care Facilities...................... 1,500,000

In Illinois for Prostate Cancer Research....... 500,000

New matter indicated by italics - deletions by strikeout.
Total $11,474,500

Payable from Assisted Living and Shared Housing Regulatory Fund:
For operational expenses of the Assisted Living and Shared Housing Program, pursuant to Public Act 91-0656............................. 100,000

Payable from the Long Term Care Monitor/Receiver Fund:
For Expenses, Including Refunds, Related to Appointment of Long Term Care Monitors and Receivers......................... 607,800

Payable from the Regulatory Evaluation and Basic Enforcement Fund:
For Expenses of the Alternative Health Care Delivery Systems Program.......................... 75,000

Payable from the Trauma Center Fund:
For Expenses of Administering the Distribution of Payments to Trauma Centers................................. 6,000,000

Payable from the EMS Assistance Fund:
For Expenses of Administering the Distribution of Payments from the EMS Assistance Fund, Including Refunds........ 300,000

Payable from the Health Facility Plan Review Fund:
For Expenses of Health Facility Plan Review Program and Hospital Network System, including refunds........ 2,219,000

Payable from Innovations in Long Term Care Quality Demonstration Grants Fund:
For demonstration grants for nursing homes..... 1,000,000

Payable from the End Stage Renal Disease Facility Licensing Fund:
For expenses of the End Stage Renal Disease Facility Licensing Program......................... 385,000

Section 60. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout.
OFFICE OF HEALTH PROTECTION

Payable from the General Revenue Fund:
For Personal Services.......................... 6,536,000
For Employee Retirement Contributions
  Paid by Employer................................ 0
For State Contributions to State Employees’
  Retirement System.............................. 683,200
For State Contributions to Social Security ...... 500,100
For Contractual Services......................... 120,400
For Travel........................................ 10,000
For Commodities.................................. 0
For Printing....................................... 0
For Equipment..................................... 0
For Telecommunications Services............... 0
For Operation of Auto Equipment............... 0
For Expenses of Implementing Federal
  Awards, Including Services Performed by
  Local Health Providers......................... 10,000
For Expenses of Immunization Promotion,
  Awareness, and Outreach...................... 0
For Expenses Incurred for the Rapid
  Investigation and Control of
  Disease or Injury................................ 580,500
For Expenses of Environmental Health
  Surveillance and Prevention
  Hazards and West Nile Virus.................. 470,200
For Expenses for Expanded Lab Capacity
  and Enhanced Statewide Communication
  Capabilities Associated with
  Homeland Security............................ 519,700
Total                                       $9,430,100

Payable from the Public Health Services Fund:
For Personal Services......................... 3,747,000
For Employee Retirement Contributions
  Paid by Employer.............................. 0
For State Contributions to State
  Employees’ Retirement System............... 391,700
For State Contributions to Social Security ...... 286,600
For Group Insurance ......................... 700,000
For Contractual Services ..................... 3,152,800
For Travel ..................................... 165,000
For Commodities .............................. 0
For Printing .................................... 0
For Equipment .................................. 0
For Telecommunications Services ............... 0
For Operation of Auto Equipment ............... 0
For Expenses of Implementing Federal
Awards, Including Services Performed
by Local Health Providers ...................... 4,925,700
For Expenses Related to the Summer Food
Inspection Program ............................ 45,000
Total .............................. $13,413,800

Payable from the Food and Drug
Safety Fund:
For Expenses of Administering
the Food and Drug Safety
Program, including Refunds ................. 1,727,600

Payable from the Illinois School Asbestos
Abatement Fund:
For Expenses, Including Refunds, of
Administering and Executing
the Asbestos Abatement Act and
the Federal Asbestos Hazard Emergency
Response Act of 1986 (AHERA) ............. 952,500

Payable from the Public Health Water
Permit Fund:
For Expenses, Including Refunds,
of Administering the Groundwater
Protection Act ............................... 200,000

Payable from the Used Tire Management
Fund:
For Expenses of Vector Control Programs,
including Mosquito Abatement ............ 500,000

Payable from the Lead Poisoning Screening,
Prevention and Abatement Fund:
For Expenses of the Lead Poisoning
Screening, and Prevention Program,

New matter indicated by italics - deletions by strikeout.
Payable from the Tanning Facility Permits Fund:
For Expenses to Administer the Tanning Facility Permit Act,
Including Refunds........................................ 600,000

Payable from the Plumbing Licensure and Program Fund:
For Expenses to Administer and Enforce the Illinois Plumbing License Law,
including Refunds........................................ 500,000

Payable from the Pesticide Control Fund:
For Expenses to Administer and Enforce the Illinois Pesticide Control Act........ 1,331,400

Payable from the Facility Licensing Fund:
For Expenses, including Refunds, of Environmental Health Programs........... 659,900

Payable from the Public Health Special Projects Fund:
For Expenses of Conducting EPSDT and other Health Protection Programs........ 1,200,000

Payable from the Emergency Public Health Fund:
For expenses of mosquito abatement in an effort to curb the spread of West Nile Virus............................ 3,413,600

Section 65. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION
Payable from the General Revenue Fund:
For Grants for Free Distribution of Medical Preparations......................... 3,372,700
For Grants for Sexually Transmitted Disease Medical Services to Individuals.............. 0
For Grants to Metro Chicago Hospital Council for support of the Illinois Poison Control Center............................ 1,460,000

New matter indicated by italics - deletions by strikeout.
For Local Health Protection Grants
to Certified Local Health Departments
for Health Protection Programs including,
But Not Limited To, Infectious Diseases, Food Sanitation,
Potable Water and Private Sewage............ 13,981,400
Total $18,814,100
Payable from the Tobacco Settlement
Recovery Fund:
For a Grant for the University of Illinois
for Sickle Cell Research............................. 0
Section 70. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
expenses of programs related to Acquired Immunodeficiency Syndrome
(AIDS) and Human Immunodeficiency Virus (HIV):
OFFICE OF HEALTH PROTECTION: AIDS/HIV
Payable from the General Revenue Fund:
For Personal Services......................... 405,200
For Employee Retirement Contributions
Paid by Employer.................................. 0
For State Contributions to State
Employees' Retirement System............... 42,400
For State Contributions to Social Security .... 30,700
For Contractual Services....................... 27,100
For Travel........................................ 0
For Expenses of an AIDS Hotline............ 207,400
For Expenses of Minority AIDS/HIV
Prevention and Outreach....................... 1,000,000
For Expenses of AIDS/HIV Education,
Drugs, Services, Counseling, Testing,
Referral and Partner Notification
(CTRPN), and Patient and Worker
Notification pursuant to Public
Act 87-763................................... 12,508,600
Total $14,221,400
Payable from the Public Health Services Fund:
For Expenses of Programs for Prevention
of AIDS/HIV..................................... 4,651,600
For Expenses for Surveillance Programs and

New matter indicated by italics - deletions by strikeout.
Seroprevalence Studies of AIDS/HIV.............. 1,500,000
For Expenses Associated with the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (CARE) and other AIDS/HIV services...... 35,900,000
Total $42,051,600

Section 75. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

SPRINGFIELD LABORATORY
Payable from the General Revenue Fund:
For Personal Services......................... 1,159,800
For Employee Retirement Contributions Paid by Employer................................. 0
For State Contributions to State Employees' Retirement System........................... 121,300
For State Contributions to Social Security......................................................... 88,000
Total $1,369,100

CARBONDALE LABORATORY
Payable from the General Revenue Fund:
For Personal Services......................... 305,300
For Employee Retirement Contributions Paid by Employer................................. 0
For State Contributions to State Employees' Retirement System........................... 32,000
For State Contributions to Social Security......................................................... 23,200
Total $360,500

CHICAGO LABORATORY
Payable from the General Revenue Fund:
For Personal Services......................... 1,670,700
For Employee Retirement Contributions Paid by Employer................................. 0
For State Contributions to State Employees' Retirement System........................... 174,700
For State Contributions to Social Security......................................................... 126,800
Total $1,972,200

PUBLIC HEALTH LABORATORIES
Payable from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Contractual Services......................... 282,500
For Travel............................................. 0
For Commodities.................................. 175,000
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services............... 0
For Operation of Auto Equipment............. 0
For Expenses of Increasing and Maintaining Laboratory Capacity for the Rapid Response to Outbreaks or Incidence of Infectious Diseases or Injury........................................ 117,000
For Operational Expenses to Provide Clinical and Environmental Public Health Laboratory Services............... 4,387,100
Total, General Revenue Fund $4,961,600
Payable from the Public Health Services Fund:
For Personal Services......................... 200,000
For Employee Retirement Contributions
Paid by Employer...................................... 0
For State Contributions to State Employees' Retirement System....................... 21,000
For State Contributions to Social Security ...... 15,300
For Group Insurance............................... 48,000
For Contractual Services......................... 200,000
For Travel............................................. 0
For Commodities.................................. 190,000
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services............... 0
Total, Public Health Services Fund $674,300
Payable from the Public Health Laboratory Services Revolving Fund:
For Expenses, Including Refunds, to Administer Public Health Laboratory Programs and Services........................................ 3,078,000
Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:

New matter indicated by italics - deletions by strikeout.
For Expenses, Including
Refunds, of Lead Poisoning Screening,
Prevention and Abatement Program.............. 1,347,100
Payable from the Metabolic Screening
and Treatment Fund:
For Expenses, Including
Refunds, of Testing and Screening
for Metabolic Diseases......................... 3,974,300

Section 80. The following named amounts, or as much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the General Revenue Fund:
For Personal Services.......................... 370,700
For Employee Retirement Contributions
Paid by Employer.................................. 0
For State Contributions to State
Employees' Retirement System............... 38,800
For State Contributions to
Social Security.................................. 28,100
For Contractual Services....................... 51,700
For Travel........................................... 0
For Commodities.................................. 0
For Printing......................................... 0
For Equipment..................................... 0
For Telecommunications Services............ 0
For Operational Expenses of State-
wide Women's Healthline....................... 90,000
For Operational Expenses for Educational
Programs to Reduce Breast Cancer............ 0
For Expenses for Breast and Cervical
Cancer Screenings and other
Related Activities............................. 4,150,000
For payment into the Penny Sevrens
Breast and Cervical Cancer Research
Fund.............................................. 125,000
For Expenses of the Women's Health
Promotion Programs............................ 0
Total ........................................ $4,809,300

New matter indicated by italics - deletions by strikeout.
Payable from the Public Health Services Fund:
  For Personal Services......................... 472,200
  For Employee Retirement Contributions
    Paid by Employer.................................. 0
  For State Contributions to State
    Employees' Retirement System.................. 49,400
  For State Contributions to
    Social Security................................... 36,100
  For Group Insurance............................. 108,000
  For Contractual Services.......................... 500,000
  For Travel............................................. 0
  For Commodities...................................... 0
  For Printing.......................................... 0
  For Equipment......................................... 0
  For Telecommunications Services.................... 0
  For Expenses of Federally Funded Women's
    Health Program................................... 2,600,000
  Total                                                                 $3,765,700

Payable from the Public Health Special
State Projects Fund:
  For Expenses of Women's Health Programs....... 200,000

Section 85. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

  OFFICE OF WOMEN'S HEALTH

Payable from the General Revenue Fund:
  For Grants Pursuant to the Promotion
    of Women's Health..................................... 0
  Total                                                                 $0

Payable from the Public Health Services Fund:
  For Grants for Breast and Cervical
    Cancer Screenings in Fiscal Year 2005
    and all prior fiscal years....................... 6,000,000

Payable from the Penny Severns Breast and Cervical
Cancer Research Fund:
  For Grants for Breast and Cervical
    Cancer Research..................................... 600,000

New matter indicated by italics - deletions by strikeout.
Section 90. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**DIVISION OF PUBLIC HEALTH PREPAREDNESS**

Payable from the Public Health Services Fund:
- For Expenses of Federally Funded Bioterrorism Preparedness Activities
- **55,000,000**

Payable from the Federal Civil Preparedness Administrative Fund:
- For Costs Associated with Illinois Terrorism Task Force Approved Purchases for Homeland Security
- **2,100,000**

Section 95. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**OFFICE OF POLICY, PLANNING AND STATISTICS**

Payable from the General Revenue Fund:
- For Personal Services
- **1,862,300**
- For Employee Retirement Contributions
  - Paid by Employer
  - **0**
- For State Contributions to State Employees’ Retirement System
- **194,700**
- For State Contributions to Social Security
- **141,300**
- For Contractual Services
- **28,500**
- For Travel
- **0**
- For Commodities
- **0**
- For Printing
- **0**
- For Equipment
- **0**
- For Telecommunications Services
- **0**
- For Expenses to establish program to provide scholarships to Allied Health Professionals
- **0**
- For operating expenses of the Center for Rural Health
- **472,100**
- For grants to public and private agencies for Residency Programs pursuant to the Family Practice Residency Act
- **0**

New matter indicated by italics - deletions by strikeout.
For grants to public and private agencies
   For Residency Programs pursuant to the
   Family Practice Residency Act......................... 0
For matching grants to Community Based
   Organizations for Comprehensive
   Primary Care........................................... 409,000
For grants to assist Community and
   Migrant Health Centers to expand service
   capacity and develop additional sites.................. 0
For hospital grants to diversify
   services and convert to facilities
   that are less dependent on Acute
   Care Bed capacity..................................... 0
For expenses of the Adverse Pregnancy
   Outcomes Reporting Systems (APORS)
   Program.............................................. 0
For expenses of State Cancer Registry,
   Including matching funds for National
   Cancer Institute grants.............................. 170,000
Total                                                                 $3,277,900
Payable from Rural/Downstate Health Access Fund:
   For expenses associated with the Rural/
   Downstate Health Access Program..................... 525,000
Payable from the Public Health Services Fund;
   For expenses related to Epidemiological
   Health Outcomes Investigations and
   Database Development................................. 4,230,000
For expenses for Rural Health Center to
   expand the availability of Primary
   Health Care............................................ 0
For operational expenses to develop a
   Health Care Provider Recruitment and
   Retention Program..................................... 0
For grants to develop a Health
   Care Provider Recruitment and
   Retention Program..................................... 0
For grants to develop a Health Professional
   Educational Loan Repayment Program.................. 0
Payable from Community Health Center Care Fund:

   New matter indicated by italics - deletions by strikeout.
For expenses for access to Primary Health Care Services Program per Family Practice Residency Act.......................... 1,185,600

Payable from Illinois Health Facilities Planning Fund:
  For Personal Services............................ 905,000
  For Employee Retirement Contributions
    Paid by Employer................................ 0
  For State Contributions to State
    Employees’ Retirement System.................. 94,600
  For State Contributions to Social Security................................. 69,000
  For Group Insurance................................ 180,600
  For Contractual Services.......................... 403,900
  For Travel.......................................... 0
  For Commodities..................................... 0
  For Printing........................................... 0
  For Equipment......................................... 0
  For Telecommunications Services.................. 0
  Total ................................................................... $1,653,100

Payable from Nursing Dedicated and Professional Fund:
  For expenses of the Nursing Education Scholarship Law................................. 750,000

Payable from the Regulatory Evaluation and Basic Enforcement Fund:
  For Expenses of the Alternative Health Care Delivery Systems Program...................... 75,000

Payable from the Tobacco Settlement Recovery Fund:
  For grants for the Community Health Center Expansion Program........................................... 0

Payable from the Preventive Health and Health Services Block Grant Fund:
  For expenses of Preventive Health and Health Services Needs Assessment.......................... 1,156,700

Payable from Public Health Special State Projects Fund:
  For expenses associated with Health Outcomes Investigations.............................................. 500,000

Payable from Illinois State Podiatric Disciplinary Fund:
  For expenses of the Podiatric Scholarship And Residency Act................................................. 65,000

New matter indicated by italics - deletions by strikeout.
Payable from the Public Health Federal Projects Fund:
For expenses of Health Outcomes,
   Research, Policy and Surveillance............... 812,000

 ARTICLE 51

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Department of Veterans' Affairs:

CENTRAL OFFICE
For Personal Services......................... 1,427,800
For Employee Retirement Contributions
   Paid by Employer........................................ 0
For State Contributions to the State
   Employees' Retirement System.................. 149,300
For State Contributions to Social Security.............................. 109,200
For Contractual Services....................... 382,200
For Travel............................................. 0
For Commodities........................................ 0
For Printing............................................. 0
For Equipment......................................... 0
For Electronic Data Processing.................. 0
For Telecommunications Services............... 0
For Operation of Auto Equipment................ 0
For Deposit into the General Obligation
   Bond Retirement and Interest Fund.............. 0
Total $2,068,500

Section 10. The following named sums, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the objects and purposes and in the amounts set forth as follows:

GRANTS-IN-AID
For Bonus Payments to War Veterans and Peacetime
   Crisis Survivors..................................... 100,000
For Providing Educational Opportunities for
   Children of Certain Veterans, as provided
   by law..................................................... 0
For Specially Adapted Housing for

New matter indicated by italics - deletions by strikeout.
Veterans................................................................. 0
For Cartage and Erection of Veterans' Headstones.............................................. 630,000
For Cartage and Erection of Veterans' Headstones/Prior Years Claims.................... 35,000
Total                                                                                       $765,000

Section 15. The sum of $844,900, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the payment of scholarships to students who are dependents of Illinois resident military personnel declared to be prisoners of war, missing in action, killed or permanently disabled, as provided by law.

Section 20. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the World War II Illinois Veterans' Memorial Fund to the Department of Veterans' Affairs for grants associated with the construction and maintenance of an Illinois World War II Memorial.

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for objects and purposes hereinafter named:

**VETERANS' FIELD SERVICES**

Payable from the General Revenue Fund:
For Personal Services.......................... 2,269,700
For Employee Retirement Contributions
   Paid by Employer........................................ 0
For State Contributions to the State Employees' Retirement system...................... 237,300
For State Contributions to Social Security.................................................. 173,600
For Contractual Services......................... 340,200
For Travel............................................. 0
For Commodities........................................ 0
For Printing.............................................. 0
For Equipment........................................... 0
For Electronic Data Processing......................... 0
For Telecommunications Services.................. 0
For Operation of Auto Equipment.................... 0
Total                                                                                       $3,020,800

New matter indicated by italics - deletions by strikeout.
Section 30. The sum of $3,236,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs for ordinary and contingent expenses of Illinois Veterans' Home at Anna.

Section 35. The sum of $1,780,700, or so much thereof as may be necessary, is appropriated from the Anna Veterans’ Home Fund to the Department of Veterans' Affairs for ordinary and contingent expenses of Illinois Veterans’ Home at Anna.

Section 40. The sum of $13,000, or so much thereof as may be necessary, is appropriated from the Anna Veterans’ Home Fund to the Department of Veterans' Affairs for refunds.

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLOIS VETERANS' HOME AT QUINCY

Payable from General Revenue Fund:

For Personal Services......................... 12,489,600
For Employee Retirement Contributions
   Paid by Employer........................................ 0
For State Contributions to the State
   Employees' Retirement System................... 1,305,500
For State Contributions to
   Social Security...................................... 946,900
For Contractual Services........................... 5,100
For Commodities........................................ 0
For Electronic Data Processing......................... 0
For Maintenance and Travel for
   Aided Persons........................................ 0
Total                                                                 $14,747,100

Payable from Quincy Veterans' Home Fund:

For Personal Services.......................... 9,671,400
For Member Compensation........................ 25,000
For Employee Retirement Contributions
   Paid by Employer........................................ 0
For State Contributions to the State
   Employees' Retirement System................... 1,010,900
For State Contributions to
   Social Security...................................... 739,900
For Contractual Services........................... 2,446,800

New matter indicated by italics - deletions by strikeout.
For Travel............................................... 4,000
For Commodities................................. 5,358,100
For Printing........................................... 23,700
For Equipment................................. 112,400
For Electronic Data Processing................. 70,000
For Telecommunications Services................ 79,400
For Operation of Auto Equipment............... 60,000
For Refunds........................................ 42,200
Total ........................................... $19,643,800

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS' HOME AT LASALLE**

Payable from General Revenue Fund:

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<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>4,352,300</td>
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<tr>
<td>For State Contributions to the State</td>
<td>455,000</td>
</tr>
<tr>
<td>Total</td>
<td>$5,140,300</td>
</tr>
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</table>

Payable from LaSalle Veterans' Home Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,048,100</td>
</tr>
<tr>
<td>Total</td>
<td>$5,140,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Operation of Auto Equipment................. 11,500
For Permanent Improvements.................... 0
For Refunds.................................... 10,800
Total $3,543,100

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS' HOME AT MANTENO**

Payable from General Revenue Fund:
- For Personal Services.................. 5,699,100
- For Employee Retirement Contributions
  - Paid by Employer.................. 0
- For State Contributions to the State Employees' Retirement System............. 595,700
- For State Contributions to Social Security................................. 430,200
- For Contractual Services.......................... 5,000
- For the addition of 38 beds............. 1,937,700
  Total $8,667,700

Payable from Manteno Veterans' Home Fund:
- For Personal Services.................. 7,005,600
- For Member Compensation.................. 5,000
- For Employee Retirement Contributions
  - Paid by Employer.................. 0
- For State Contributions to the State Employees' Retirement System............. 732,300
- For State Contributions to Social Security................................. 536,000
- For Contractual Services................. 3,833,400
- For Travel.................................. 5,600
- For Commodities............................. 1,419,400
- For Printing................................. 19,500
- For Equipment............................... 99,000
- For Electronic Data Processing.............. 63,000
- For Telecommunications Services........... 58,800
- For Operation of Auto Equipment.......... 48,400
- For Refunds................................ 25,900
  Total $13,851,900

New matter indicated by italics - deletions by strikeout.
Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**STATE APPROVING AGENCY**

<table>
<thead>
<tr>
<th>Payable from GI Education Fund:</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>For Personal Services..................................</td>
<td>422,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>44,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security...............</td>
<td>32,300</td>
</tr>
<tr>
<td>For Group Insurance...................................</td>
<td>96,000</td>
</tr>
<tr>
<td>For Contractual Services................................</td>
<td>112,300</td>
</tr>
<tr>
<td>For Travel...............................................</td>
<td>93,700</td>
</tr>
<tr>
<td>For Commodities........................................</td>
<td>57,800</td>
</tr>
<tr>
<td>For Printing............................................</td>
<td>27,600</td>
</tr>
<tr>
<td>For Equipment..........................................</td>
<td>93,900</td>
</tr>
<tr>
<td>For Electronic Data Processing..........................</td>
<td>59,200</td>
</tr>
<tr>
<td>For Telecommunications Services........................</td>
<td>31,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment.........................</td>
<td>34,000</td>
</tr>
<tr>
<td>Total..................................................................</td>
<td>1,104,900</td>
</tr>
</tbody>
</table>

**ARTICLE 52**

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Illinois Council on Developmental Disabilities:

<table>
<thead>
<tr>
<th>Payable from Council on Developmental Disabilities Federal Fund:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services..................................................</td>
<td>663,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid By Employer............</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>69,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security..........................</td>
<td>50,800</td>
</tr>
<tr>
<td>For Group Insurance....................................................</td>
<td>168,000</td>
</tr>
<tr>
<td>For Contractual Services..............................................</td>
<td>469,700</td>
</tr>
<tr>
<td>For Travel.....................................................................</td>
<td>43,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Commodities................................. 30,000
For Printing........................................ 37,500
For Equipment................................. 15,000
For Electronic Data Processing............. 25,000
For Telecommunications Services............ 45,000
Total ........................................... $1,616,700

Section 10. The amount of $2,500,000, or so much thereof as may be necessary, is appropriated from the Council on Developmental Disabilities Federal Fund to the Illinois Council on Developmental Disabilities for awards and grants to community agencies and other State agencies.

ARTICLE 53

Section 5. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Medical District Commission for ordinary and contingent expenses.

ARTICLE 54

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Office of the State's Attorney Appellate Prosecutor for the objects and purposes hereinafter named to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2004:

For Personal Services:
Payable from General Revenue Fund for Collective Bargaining Unit...................... 2,273,338
Payable from General Revenue Fund for Administrative Unit............................... 797,667
Payable from State's Attorney Appellate Prosecutor's County Fund.......................... 641,071

For State Contribution to the State Employees' Retirement System Pick Up:
Payable from General Revenue Fund for Collective Bargaining Unit...................... 90,935
Payable from General Revenue Fund for Administrative Unit............................... 32,217
Payable from State's Attorneys Appellate Prosecutor's County Fund........................ 25,953

For State Contribution to the State Employees' Retirement System:
Payable from General Revenue Fund for Collective Bargaining Unit...................... 305,515

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund for Administrative Unit............................... 107,198
Payable from State's Attorneys Appellate Prosecutor's County Fund...................... 86,154
For State Contribution to Social Security:
Payable from General Revenue Fund for Collective Bargaining Unit....................... 178,210
Payable from General Revenue Fund for Administrative Unit.............................. 55,286
Payable from State's Attorneys Appellate Prosecutor's County Fund.......................... 42,984
For County Reimbursement to State for Group Insurance:
Payable from State's Attorneys Appellate Prosecutor's County Fund.......................... 104,500
For Contractual Services:
Payable from General Revenue Fund...................................................... 300,355
Payable from State's Attorneys Appellate Prosecutor's County Fund.......................... 514,689
For Contractual Services for Tax Objection Casework:
Payable from General Revenue Fund...................................................... 66,666
Payable from State's Attorneys Appellate Prosecutor's County Fund.......................... 33,334
For Contractual Services for Rental of Real Property:
Payable from General Revenue Fund...................................................... 217,816
Payable from State's Attorneys Appellate Prosecutor's County Fund.......................... 126,427
For Travel:
Payable from General Revenue Fund...................................................... 16,720
Payable from State's Attorneys Appellate Prosecutor's County Fund.......................... 9,122
For Commodities:
Payable from General Revenue Fund...................................................... 14,915
Payable from State's Attorneys Appellate Prosecutor's County Fund.......................... 9,363
For Printing:
Payable from General Revenue Fund...................................................... 0
Payable from State's Attorneys Appellate Prosecutor's County Fund.......................... 0
For Equipment:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund.............. 25,579
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 30,884
For Electronic Data Processing:
Payable from General Revenue Fund.............. 0
Payable from State's Attorneys Appellate
Prosecutor's County Fund........................ 0
For Telecommunications:
Payable from General Revenue Fund.............. 0
Payable from State's Attorneys Appellate
Prosecutor's County Fund........................ 0
For Operation of Automotive Equipment:
Payable from General Revenue Fund.............. 0
Payable from State's Attorneys Appellate
Prosecutor's County Fund........................ 0
For Law Intern Program:
Payable from General Revenue Fund.............. 0
Payable from State's Attorneys Appellate
Prosecutor's County Fund........................ 0
For Continuing Legal Education:
Payable from General Revenue Fund.............. 0
Payable from Continuing Legal Education
Trust Fund........................................... 0
For Legal Publications:
Payable from General Revenue Fund.............. 3,515
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 13,924
For expenses for assisting County State's Attorneys for services provided under the Illinois Public Labor Relations Act:
For Personal Services:
Payable from General Revenue Fund.............. 77,811
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 43,758
For State Contribution to the State Employees' Retirement System Pick Up:
Payable from General Revenue Fund.............. 3,113
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 1,751
For State Contribution to the State Employees' Retirement System:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund.............................. 10,458
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................. 5,882
For Contribution to Social Security:
Payable from General Revenue Fund...................... 5,953
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................. 3,347
For County Reimbursement to State for Group Insurance:
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................. 9,167
For Contractual Services:
Payable from General Revenue Fund..................... 6,316
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................. 306,310
For Travel:
Payable from General Revenue Fund..................... 1,160
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................. 1,153
For Commodities:
Payable from General Revenue Fund.................... 570
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................. 781
For Equipment:
Payable from General Revenue Fund.................... 570
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................. 1,194
For Operation of Automotive Equipment:
Payable from General Revenue Fund.................... 0
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................. 0
For expenses pursuant to Narcotics Profit Forfeiture Act:
Payable from Narcotics Profit Forfeiture Fund......... 0
For Expenses Pursuant to Drug Asset
Forfeiture Procedure Act:
Payable from Narcotics Profit Forfeiture Fund........ 1,350,000
For Expenses Pursuant to P.A. 84-1340,
which requires the Office of the State's
Attorneys Appellate Prosecutor to conduct
training programs for Illinois State's

New matter indicated by italics - deletions by strikeout.
Attorneys, Assistant State's Attorneys and Law Enforcement Officers on techniques and methods of eliminating or reducing the trauma of testifying in criminal proceedings for children who serve as witnesses in such proceedings; and other authorized criminal justice training programs:
Payable from General Revenue Fund.......................... 80,000

For Expenses Related to federally assisted Programs to assist local State's Attorneys including violent crimes, drug related cases and cases arising under the Narcotics Profit Forfeiture Act on the request of the State's Attorney:
Payable from Special Federal Grant Project Fund........................... 2,800,000

For Local Matching Purposes:
Payable from State's Attorneys Appellate Prosecutor's County Fund.......................... 0

For State Matching Purposes:
Payable from General Revenue Fund......................... 0

For Expenses Pursuant to Grant Agreements
For Training Grant Programs:
Payable from Continuing Legal Education Trust Fund.......................... 200,000

For Expenses Pursuant to the Capital Crimes Litigation Act:
Payable from the Capital Litigation Trust Fund... 400,000

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

Section 10. The amount of $2,700,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Appellate Prosecutor for a grant to the Cook County State's Attorney for expenses incurred in responding to the appeals period.

ARTICLE 55

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

For Personal Services....................... 12,044,129
For Employee Retirement Contributions
   Paid by Employer......................... 481,756
For State Contribution to State Employees' Retirement System.................. 1,258,825
For State Contributions to Social Security.......................... 921,356
For Contractual Services....................... 2,110,271
For Travel...................................... 70,600
For Commodities................................. 58,200
For Printing......................................... 0
For Equipment................................... 50,000
For Electronic Data Processing....................... 0
For Telecommunications............................... 0
For Intern Program................................... 0
Total, This Section $16,995,137

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

For Personal Services....................... 792,200
For Employee Retirement Contributions
   Paid by Employer......................... 31,688
For State Contribution to State Employees' Retirement System.................. 82,801
For State Contributions to Social Security.......................... 60,603
For Contractual Services....................... 198,920
For Travel...................................... 20,000
For Commodities................................. 4,000
For Printing......................................... 0
For Equipment................................... 6,000
For Electronic Data Processing....................... 0

New matter indicated by italics - deletions by strikeout.
For Telecommunications................................. 0
Total, This Section $1,196,212

Section 15. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Office of the State Appellate Defender for expenses related to federally assisted programs to work on sex crimes and crimes against the family appeals cases to which the agency is appointed, to provide statewide training and services to Illinois Public Defenders, and to enhance the capability of public defenders in rural counties to effectively represent their clients in appropriate cases, making available expert witnesses and investigative services to them:

Payable from State Appellate Defender
Federal Trust Fund.......................... 525,000
For State matching purposes:
Payable from Special State Projects Fund.......................... 175,000
Total, This Section $700,000

Section 20. The amount of $2,728,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Office of the State Appellate Defender for expenses incurred in providing assistance to trial attorneys under subdivision (c)(5) of Section 10 of the State Appellate Defender Act.

Section 25. The amount of $157,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Appellate Defender for expenses incurred to operate the Expungement Information Program.

ARTICLE 56

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes named, to meet the ordinary and contingent expenses of the Judicial Inquiry Board:
For Personal Services.......................... 285,700
For State Contributions to State Employees' Retirement System.......................... 28,545
For Retirement - Pension Pick-Up................... 10,925
For State Contributions to Social Security........ 20,890
For Contractual Services.......................... 274,740
For Travel........................................ 25,000
For Commodities.................................. 0

New matter indicated by italics - deletions by strikeout.
For Printing .......................................................... 0
For Equipment .................................................... 0
For Electronic Data Processing ............................... 0
For Telecommunications ...................................... 0
For Operation of Auto Equipment ............................ 0
Total                                                                 $645,800

ARTICLE 57

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the following divisions of the Department of Corrections.

FOR OPERATIONS

GENERAL OFFICE

For Personal Services ........................................ 14,721,700
For Employee Retirement Contributions
   Paid by Employer ............................................. 0
For State Contributions to State
   Employees' Retirement System ........................... 1,538,800
For State Contributions to
   Social Security ................................................ 1,126,200
For Contractual Services .................................... 6,421,000
For Travel .......................................................... 0
For Commodities ..................................................... 0
For Printing .......................................................... 0
For Equipment ..................................................... 0
For Electronic Data Processing ............................ 8,004,700
For Telecommunications Services .......................... 0
For Operation of Auto Equipment .......................... 0
For Sheriffs' Fees for Conveying Prisoners ............ 390,500
For support costs associated with the
   Criminal Law and Corrections Task Force ............... 0
For payment of claims as provided by the
   "Workers' Compensation Act" or the "Workers'
   Occupational Diseases Act", including
   Treatment, Expenses and Benefits Payable
   for Total Temporary Incapacity for Work .............. 2,811,000

Expenditures from appropriations for treatment and expense may be made after the Department of Corrections has certified that the injured

New matter indicated by italics - deletions by strikeout.
person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Corrections without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

For Tort Claims................................. 490,000
For the State's share of Assistant
State's Attorneys' salaries -
reimbursement to counties pursuant
to Chapter 53 of the Illinois
Revised Statutes................................. 435,600
For Repairs, Maintenance and Other
Capital Improvements............................ 0
Total ............................................ $35,939,500

SCHOOL DISTRICT
For Personal Services........................... 20,273,600
For Employee Retirement Contributions
Paid by Employer.................................... 0
For Student, Member and Inmate
Compensation.................................... 39,100
For State Contributions to State
Employees' Retirement System............... 2,119,000
For State Contributions to Teachers'
Retirement System.............................. 6,500
For State Contributions to Social Security .... 1,551,000
For Contractual Services...................... 10,654,400
For Travel...................................... 0
For Commodities............................... 0
For Printing.................................... 0
For Equipment................................. 0
For Telecommunications Services.............. 0
For Operation of Auto Equipment............. 0
Total ........................................... $34,643,600

FIELD SERVICES
For Personal Services........................... 44,388,500
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer................................. 0
For Student, Member and Inmate
Compensation................................. 111,200
For State Contributions to State
Employees' Retirement System............. 4,639,500
For State Contributions to
Social Security............................. 3,395,700
For Contractual Services................. 29,419,800
For Travel........................................ 0
For Travel and Allowance for Prisoners... 4,000
For Commodities............................. 0
For Printing.................................... 0
For Equipment.................................. 0
For Telecommunications Services......... 0
For Operation of Auto Equipment......... 2,026,600
Total ........................................ $83,985,300

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the General Revenue Fund for:

STATEVILLE CORRECTIONAL CENTER
For Personal Services..................... 61,084,800
For Employee Retirement Contributions
Paid by Employer............................. 0
For Student, Member and Inmate
Compensation................................. 320,400
For State Contributions to State
Employees' Retirement System........... 6,384,600
For State Contributions to
Social Security............................. 4,673,000
For Contractual Services............... 13,436,600
For Travel...................................... 0
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners....... 29,700
For Commodities......................... 6,139,400
For Printing................................. 0
For Equipment............................... 0
For Telecommunications Services....... 0
For Operation of Auto Equipment....... 0
Total ........................................ $92,068,500

New matter indicated by italics - deletions by strikeout.
THOMSON CORRECTIONAL CENTER
For Personal Services............................... 0
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Student, Member and Inmate
Compensation........................................ 0
For State Contributions to State
Employees' Retirement System..................... 0
For State Contributions to Social Security.......... 0
For Contractual Services............................ 0
For Travel............................................. 0
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........ 0
For Commodities..................................... 0
For Printing........................................... 0
For Equipment........................................ 0
For Telecommunications Services................... 0
For Operation of Auto Equipment................... 0
Total                                                                 $0

DECATUR WOMEN'S CORRECTIONAL CENTER
For Personal Services............................... 12,217,400
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Student, Member and Inmate
Compensation........................................ 101,200
For State Contributions to State
Employees' Retirement System.................... 1,277,000
For State Contributions to Social Security........ 934,700
For Contractual Services........................... 3,024,500
For Travel............................................. 0
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........ 24,400
For Commodities..................................... 916,300
For Printing........................................... 0
For Equipment........................................ 0

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services............... 0
For Operation of Auto Equipment................ 0
Total                                      $18,495,500

DWIGHT CORRECTIONAL CENTER
For Personal Services......................... 20,341,500
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Student, Member and Inmate
Compensation.................................... 141,200
For State Contributions to State
Employees' Retirement System.................. 2,126,100
For State Contributions to
Social Security................................ 1,556,100
For Contractual Services...................... 6,984,900
For Travel........................................ 0
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners............... 16,600
For Commodities................................ 2,416,200
For Printing....................................... 0
For Equipment..................................... 0
For Telecommunications Services.............. 0
For Operation of Auto Equipment.............. 0
Total                                      $33,582,600

LINCOLN CORRECTIONAL CENTER
For Personal Services......................... 11,565,800
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Student, Member and Inmate
Compensation.................................... 225,800
For State Contributions to State
Employees' Retirement System.................. 1,208,900
For State Contributions to
Social Security................................ 884,800
For Contractual Services...................... 4,680,400
For Travel........................................ 0
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners............... 14,100
For Commodities................................ 1,534,500
For Printing..................................... 0

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>For Equipment</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$20,114,300</strong></td>
</tr>
</tbody>
</table>

**DIXON CORRECTIONAL CENTER**

| For Personal Services | 26,420,800 |
| For Employee Retirement Contributions Paid by Employer | 0 |
| For Student, Member and Inmate Compensation | 465,200 |
| For State Contributions to State Employees' Retirement System | 2,761,600 |
| For State Contributions to Social Security | 2,021,300 |
| For Contractual Services | 9,000,800 |
| For Travel | 0 |
| For Travel and Allowances for Committed, Paroled and Discharged Prisoners | 23,800 |
| For Commodities | 3,195,400 |
| For Printing | 0 |
| For Equipment | 0 |
| For Telecommunications Services | 0 |
| For Operation of Auto Equipment | 0 |
| **Total** | **$43,888,900** |

**EAST MOLINE CORRECTIONAL CENTER**

| For Personal Services | 13,514,700 |
| For Employee Retirement Contributions Paid by Employer | 0 |
| For Student, Member and Inmate Compensation | 302,600 |
| For State Contributions to State Employees' Retirement System | 1,412,600 |
| For State Contributions to Social Security | 1,033,900 |
| For Contractual Services | 3,172,900 |
| For Travel | 0 |
| For Travel and Allowances for Committed, Paroled and Discharged Prisoners | 48,700 |
| For Commodities | 1,647,600 |
| **Total** | **$20,114,300** |

New matter indicated by italics - deletions by strikeout.
For Printing........................................... 0
For Equipment........................................ 0
For Telecommunications Services................ 0
For Operation of Auto Equipment................ 0
Total $21,133,000

HILL CORRECTIONAL CENTER
For Personal Services............................ 15,491,400
For Employee Retirement Contributions
Paid by Employer................................... 0
For Student, Member and Inmate Compensation........................ 346,600
For State Contributions to State
Employees' Retirement System.................... 1,619,200
For State Contributions to Social Security .... 1,185,100
For Contractual Services.......................... 4,934,100
For Travel................................................ 0
For Travel and Allowance for Committed,
Paroled and Discharged Prisoners............... 35,200
For Commodities.................................... 2,973,600
For Printing........................................... 0
For Equipment........................................ 0
For Telecommunications Services................ 0
For Operation of Auto Equipment................ 0
Total $26,585,200

ILLINOIS RIVER CORRECTIONAL CENTER
For Personal Services............................ 17,820,200
For Employee Retirement Contributions
Paid by Employer................................... 0
For Student, Member and Inmate Compensation........................ 420,100
For State Contributions to State
Employees' Retirement System.................... 1,862,600
For State Contributions to Social Security .... 1,363,300
For Contractual Services.......................... 5,461,700
For Travel................................................ 0
For Travel and Allowance for Committed,
Paroled and Discharged Prisoners............... 28,200
For Commodities.................................... 2,571,200
For Printing........................................... 0

New matter indicated by italics - deletions by strikeout.
For Equipment.......................................... 0
For Telecommunications Services..................... 0
For Operation of Auto Equipment........................ 0
Total                                                                                       $29,527,300

DANVILLE CORRECTIONAL CENTER
For Personal Services................................. 17,502,000
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Student, Member and Inmate
Compensation.......................................... 376,200
For State Contributions to State
Employees' Retirement System....................... 1,829,400
For State Contributions to
Social Security...................................... 1,338,900
For Contractual Services........................... 4,788,300
For Travel............................................... 0
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners.................. 10,900
For Commodities.................................... 2,712,500
For Printing.......................................... 0
For Equipment........................................ 0
For Telecommunications Services................... 0
For Operation of Auto Equipment........................ 0
Total                                                                                       $28,558,200

JACKSONVILLE CORRECTIONAL CENTER
For Personal Services................................. 23,272,200
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Student, Member and Inmate Compensation..... 485,900
For State Contributions to State
Employees' Retirement System....................... 2,432,400
For State Contributions to
Social Security...................................... 1,780,300
For Contractual Services........................... 3,442,400
For Travel............................................... 0
For Travel and Allowance for Committed,
Paroled and Discharged Prisoners.................. 49,400
For Commodities.................................... 2,716,000
For Printing.......................................... 0

New matter indicated by italics - deletions by strikeout.
For Equipment.......................................... 0
For Telecommunications Services.................. 0
For Operation of Auto Equipment................... 0
Total                                      $34,178,600

LOGAN CORRECTIONAL CENTER
For Personal Services......................... 19,836,600
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Student, Member and Inmate
Compensation........................................ 445,400
For State Contributions to State
Employees' Retirement System.................. 2,073,400
For State Contributions to Social Security........ 1,517,500
For Contractual Services....................... 4,246,300
For Travel............................................. 0
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners................. 27,700
For Commodities..................................... 3,119,100
For Printing........................................... 0
For Equipment........................................ 0
For Telecommunications Services.................. 0
For Operation of Auto Equipment.................. 0
Total                                      $31,266,000

PONTIAC CORRECTIONAL CENTER
For Personal Services......................... 34,608,400
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Student, Member and Inmate
Compensation........................................ 231,900
For State Contributions to State
Employees' Retirement System.................. 3,617,300
For State Contributions to Social Security........ 2,647,500
For Contractual Services....................... 7,315,500
For Travel............................................. 0
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners................. 10,400
For Commodities..................................... 3,795,300

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$19,398,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$370,400</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$2,027,500</td>
</tr>
<tr>
<td>Social Security</td>
<td>$1,483,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$5,119,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>$0</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$44,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$2,634,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>$0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$0</td>
</tr>
<tr>
<td>Total</td>
<td>$31,078,400</td>
</tr>
</tbody>
</table>

**WESTERN ILLINOIS CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$19,173,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$304,300</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$2,004,000</td>
</tr>
<tr>
<td>Social Security</td>
<td>$1,466,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$4,548,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>$0</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$37,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Commodities................................                                         2,012,200  
For Printing...........................................                                                     0  
For Equipment..........................................                                                 0  
For Telecommunications Services.........................                                     0  
For Operation of Auto Equipment........................  0  
Total                                                                                       $29,545,700  

**GRAHAM CORRECTIONAL CENTER**  
For Personal Services.........................                                        21,961,900  
For Employee Retirement Contributions Paid by Employer......................................                                                0  
For Student, Member and Inmate Compensation....................................................  285,300  
For State Contributions to State Employees' Retirement System..............................  2,295,500  
For State Contributions to Social Security............................................................ 1,680,100  
For Contractual Services.....................................                                       6,622,500  
For Travel.............................................                                                     0  
For Travel and Allowances for Committed, Paroled and Discharged Prisoners.....................  16,000  
For Commodities................................                                         2,687,300  
For Printing...........................................                                                     0  
For Equipment..........................................                                                 0  
For Telecommunications Services.........................                                     0  
For Operation of Auto Equipment........................  0  
Total                                                                                       $35,548,600  

**MENARD CORRECTIONAL CENTER**  
For Personal Services.........................                                        41,576,800  
For Employee Retirement Contributions Paid by Employer......................................                                                0  
For Student, Member and Inmate Compensation....................................................  390,000  
For State Contributions to State Employees' Retirement System..............................  4,345,700  
For State Contributions to Social Security............................................................ 3,180,700  
For Contractual Services.....................................                                       7,670,600  
For Travel.............................................                                                     0  
For Travel and Allowances for Committed,
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paroled and Discharged Prisoners</td>
<td>22,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>6,044,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$63,230,300</td>
</tr>
</tbody>
</table>

**PINCKNEYVILLE CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>19,578,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,046,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,497,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,675,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>56,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,928,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$32,105,200</td>
</tr>
</tbody>
</table>

**SOUTHWESTERN ILLINOIS CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>11,961,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,250,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>915,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,858,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Travel and Allowances for Committed, Paroled and Discharged Prisoners.............. 5,600
For Commodities................................. 1,018,500
For Printing........................................ 0
For Equipment....................................... 0
For Telecommunications Services............... 0
For Operation of Auto Equipment............... 0
Total                                                                                   $19,167,100

TAYLORVILLE CORRECTIONAL CENTER
For Personal Services................................. 12,699,800
For Employee Retirement Contributions
   Paid by Employer................................... 0
For Student, Member and Inmate Compensation..... 250,200
For State Contributions to State
   Employees' Retirement System................... 1,327,400
For State Contribution to Social Security........ 971,600
For Contractual Services......................... 4,551,100
For Travel........................................... 0
For Travel and Allowance for Committed, Paroled and Discharged Prisoners............... 24,800
For Commodities..................................... 1,438,100
For Printing......................................... 0
For Equipment........................................ 0
For Telecommunications Services.................. 0
For Operation of Automotive Equipment............ 0
Total                                                                                   $21,263,000

VANDALIA CORRECTIONAL CENTER
For Personal Services................................. 20,828,400
For Employee Retirement Contributions
   Paid by Employer................................... 0
For Student, Member and Inmate Compensation........ 390,000
For State Contributions to State
   Employees' Retirement System................... 2,670,900
For State Contributions to Social Security........ 1,606,400
For Contractual Services......................... 4,465,900
For Travel........................................... 0

New matter indicated by italics - deletions by strikeout.
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........... $51,000
For Commodities.............................................. $2,740,300
For Printing.................................................. $0
For Equipment................................................ $0
For Telecommunications Services....................... $0
For Operation of Auto Equipment............................. $0
Total                                                                                        $32,752,900

BIG MUDDY RIVER CORRECTIONAL CENTER
For Personal Services........................................ $19,376,900
For Employee Retirement Contributions
  Paid by Employer........................................ $0
For Student, Member and Inmate Compensation..................... $375,800
For State Contributions to State Employees' Retirement System........... $2,025,300
For State Contributions to Social Security......................... $1,482,300
For Contractual Services...................................... $7,170,100
For Travel...................................................... $0
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........ $77,600
For Commodities.............................................. $2,677,000
For Printing.................................................. $0
For Equipment................................................ $0
For Telecommunications Services............................... $0
For Operation of Auto Equipment............................. $0
Total                                                                                        $33,185,000

LAWRENCE CORRECTIONAL CENTER
For Personal Services........................................ $18,332,700
For Employee Retirement Contributions
  Paid by Employer........................................ $0
For Student, Member and Inmate Compensation..................... $295,800
For State Contributions to State Employees' Retirement System........... $1,916,200
For State Contributions to Social Security......................... $1,402,500
For Contractual Services...................................... $4,736,700

New matter indicated by italics - deletions by strikeout.
### ROBINSON CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>12,707,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>244,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,328,200</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>972,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,411,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>11,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,903,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$28,954,000</td>
</tr>
</tbody>
</table>

### SHAWNEE CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>18,167,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>419,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,898,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security</td>
<td>1,389,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,769,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>103,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,146,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$30,893,800</strong></td>
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**TAMMS CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>17,940,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>130,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,875,200</td>
</tr>
<tr>
<td>For Social Security</td>
<td>1,372,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,523,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
<td>2,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,220,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$27,064,300</strong></td>
</tr>
</tbody>
</table>

**VIENNA CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>17,646,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>265,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,844,400</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to
   Social Security................................. 1,350,000
   For Contractual Services.................... 3,509,700
   For Travel......................................... 0
   For Travel and Allowances for Committed,
   Paroled and Discharged Prisoners........... 46,500
   For Commodities................................. 3,096,700
   For Printing....................................... 0
   For Equipment..................................... 0
   For Telecommunications Services............... 0
   For Operation of Auto Equipment............... 0
Total $27,759,500

SHERIDAN CORRECTIONAL CENTER
For Personal Services............................ 19,886,600
For Employee Retirement Contributions
   Paid by Employer.................................. 0
For Student, Member and Inmate
   Compensation.................................... 421,600
For State Contributions to State
   Employees' Retirement System................ 2,078,600
For State Contributions to
   Social Security............................... 1,521,300
   For Contractual Services.................... 22,185,800
   For Travel......................................... 0
   For Travel and Allowances for Committed,
   Paroled and Discharged Prisoners........... 78,400
   For Commodities............................... 863,200
   For Printing..................................... 0
   For Equipment.................................... 0
   For Telecommunications Services............. 0
   For Operation of Auto Equipment............. 0
Total $47,035,500

Section 15. The following named amounts, or so much thereof as
   may be necessary, respectively, are appropriated to the Department of
   Corrections from the General Revenue Fund:
   ILLINOIS YOUTH CENTER - CHICAGO
For Personal Services............................ 4,371,800
For Employee Retirement Contributions
   Paid by Employer.................................. 0

New matter indicated by italics - deletions by strikeout.
For Student, Member and Inmate Compensation.................................. 10,100
For State Contributions to State Employees' Retirement System.............. 457,000
For State Contributions to Social Security........................................ 334,500
For Contractual Services....................................................... 3,066,700
For Travel........................................................................... 0
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........ 300
For Commodities................................................................. 84,000
For Printing........................................................................ 0
For Equipment...................................................................... 0
For Telecommunications Services................................................. 0
For Operation of Auto Equipment................................................. 0
Total $8,324,400

ILLINOIS YOUTH CENTER - HARRISBURG
For Personal Services...................................................... 12,254,100
For Employee Retirement Contributions Paid by Employer........................................ 0
For Student, Member and Inmate Compensation........................................ 65,500
For State Contributions to State Employees' Retirement System.............. 1,280,800
For State Contributions to Social Security........................................ 937,400
For Contractual Services....................................................... 2,147,700
For Travel........................................................................... 0
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........ 4,400
For Commodities................................................................. 499,900
For Printing........................................................................ 0
For Equipment...................................................................... 0
For Telecommunications Services................................................. 0
For Operation of Auto Equipment................................................. 0
Total $17,189,800

ILLINOIS YOUTH CENTER - JOLIET
For Personal Services...................................................... 11,062,000
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer......................................... 0
For Student, Member and Inmate
  Compensation......................................... 48,800
For State Contributions to State
  Employees' Retirement System...................... 1,156,300
For State Contributions to
  Social Security..................................... 846,200
For Contractual Services............................. 2,042,300
For Travel............................................... 0
For Travel and Allowances for Committed, Paroled and Discharged Prisoners.............. 2,200
For Commodities.................................... 527,300
For Printing............................................ 0
For Equipment.......................................... 0
For Telecommunications Services...................... 0
For Operation of Auto Equipment........................ 0
Total                                                                                       $15,685,100

ILLINOIS YOUTH CENTER - KEWANEE
For Personal Services........................... 10,509,100
For Employee Retirement Contributions
  Paid by Employer................................... 0
For Student, Member and Inmate
  Compensation....................................... 11,600
For State Contributions to State
  Employees' Retirement System................... 1,098,500
For State Contributions to
  Social Security.................................. 805,200
For Contractual Services.......................... 4,152,000
For Travel........................................... 0
For Travel Allowances for Committed, Paroled and Discharged Prisoners.............. 1,100
For Commodities................................... 595,900
For Printing.......................................... 0
For Equipment........................................ 0
For Telecommunications Services............... 0
For Operation of Auto Equipment............... 0
Total                                                                                       $17,173,400

ILLINOIS YOUTH CENTER - MURPHYSBORO
For Personal Services.......................... 5,954,700

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
   Paid by Employer ........................................ 0
   For Student, Member and Inmate
   Compensation ............................................. 17,300
For State Contributions to State
   Employees' Retirement System ...................... 622,400
For State Contributions to Social Security ........... 455,600
For Contractual Services .............................. 1,164,700
For Travel .................................................. 0
For Travel Allowances for Committed, Paroled and Discharged Prisoners ............. 2,500
For Commodities .......................................... 449,100
For Printing ................................................. 0
For Equipment ................................................ 0
For Telecommunications Services ...................... 0
For Operation of Auto Equipment ...................... 0
Total                                                                                          $8,666,300

ILLINOIS YOUTH CENTER - PERE MARQUETTE
For Personal Services ................................. 2,405,800
For Employee Retirement Contributions
   Paid by Employer ........................................ 0
   For Student, Member and Inmate
   Compensation ............................................. 16,400
For State Contributions to State
   Employees' Retirement System ...................... 251,500
For State Contributions to Social Security ........... 184,100
For Contractual Services .............................. 438,500
For Travel .................................................. 0
For Travel and Allowances for Committed, Paroled and Discharged Prisoners ............. 1,500
For Commodities .......................................... 274,200
For Printing ................................................ 0
For Equipment ................................................ 0
For Telecommunications Services ...................... 0
For Operation of Auto Equipment ...................... 0
Total                                                                                          $3,572,000

ILLINOIS YOUTH CENTER - RUSHVILLE

New matter indicated by italics - deletions by strikeout.
For Personal Services.................................. 0
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For Student, Member, and Inmate
  Compensation.................................. 0
For State Contribution to State
  Employees' Retirement System.................. 0
For State Contributions to
  Social Security................................ 0
For Contractual Services.......................... 0
For Travel.......................................... 0
For Travel Allowance for Committed,
  Paroled and Discharged Prisoners............... 0
For Commodities.................................. 0
For Printing....................................... 0
For Equipment..................................... 0
For Telecommunications............................ 0
For Operation of Auto Equipment................... 0
For Deposit into Travel and Allowance
  Revolving Fund.................................. 0
Total                                                                                       $0

**ILLINOIS YOUTH CENTER - ST. CHARLES**

For Personal Services................................. 17,745,000
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For Student, Member and Inmate
  Compensation.................................... 71,200
For State Contributions to State
  Employees' Retirement System................... 2,285,400
For State Contributions to
  Social Security................................ 1,349,100
For Contractual Services........................... 3,283,400
For Travel.......................................... 0
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners............... 900
For Commodities................................... 623,900
For Printing....................................... 0
For Equipment...................................... 0
For Telecommunications Services.................... 0

New matter indicated by italics - deletions by strikeout.
For Operation of Auto Equipment.......................... 0
Total

$25,358,900

**ILLINOIS YOUTH CENTER - VALLEY VIEW**

For Personal Services.......................... 0
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Student, Member and Inmate
Compensation........................................ 0
For State Contributions to State
Employees' Retirement System.................... 0
For State Contributions to Social Security............ 0
For Contractual Services.......................... 0
For Travel........................................... 0
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners.................... 0
For Commodities.................................. 0
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services.................. 0
For Operation of Auto Equipment.................. 0
For Ordinary and Contingent Expenses............... 0
Total

$0

**ILLINOIS YOUTH CENTER - WARRENVILLE**

For Personal Services......................... 5,646,500
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Student, Member and Inmate
Compensation........................................ 21,000
For State Contributions to State
Employees' Retirement System.................... 590,200
For State Contributions to Social Security............ 431,900
For Contractual Services.......................... 1,488,400
For Travel........................................... 0
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners.................... 100
For Commodities.................................. 249,500
For Printing........................................... 0

New matter indicated by italics - deletions by strikeout.
Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the Working Capital Revolving Fund:

**ILLINOIS CORRECTIONAL INDUSTRIES**

For Personal Services................................. 10,185,200
For Employee Retirement Contributions
Paid by Employer........................................ 0
For the Student, Member and Inmate
Compensation.............................................. 2,800,000
For State Contributions to State
Employees' Retirement System....................... 1,064,600
For State Contributions to
Social Security.......................................... 779,200
For Group Insurance.................................... 2,268,000
For Contractual Services.............................. 3,900,000
For Travel.................................................. 0
For Commodities........................................... 35,000,000
For Printing.................................................. 0
For Equipment............................................. 0
For Telecommunications Services.................... 0
For Operation of Auto Equipment...................... 0
For Repairs, Maintenance and Other
Capital Improvements.................................... 0
For Refunds.................................................. 0
Total $55,997,000

Section 25. The sum of $85,780,000, or so much thereof as may be necessary, is appropriated from the Department of Corrections Reimbursement and Education Fund to meet the ordinary and contingent expenses of the Department of Corrections described below and having the estimated cost as follows:

For payment of expenses associated
with School District Programs....................... 14,000,000
For payment of expenses associated
with federal programs, including,
but not limited to, construction of

New matter indicated by italics - deletions by strikeout.
additional beds, treatment programs, and juvenile supervision..................... 51,200,000
For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures, and various construction costs........................... 20,580,000
Total                                                                                       $85,780,000

Section 30. The amounts appropriated for repairs and maintenance, and other capital improvements in Sections 5 and 30 for repairs and maintenance, roof repairs and/or replacements, and miscellaneous capital improvements at the Department's various institutions, and are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Sections 5 and 30 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 35. The sum of $0, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for a grant to the Cook County Sheriff’s Office for expenses associated with the operations of the Cook County Juvenile Detention Center.

Section 40. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Corrections for a grant to Cook County Sheriff’s Office for the expenses of the Cook County Boot Camp.

Section 45. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Sex Offender Management Board Fund to the Sex Offender Management Board for the purposes of planning, research, and operations. Funding received from private sources is to be expended in accordance with the terms and conditions placed upon the funding.

ARTICLE 58

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named,

New matter indicated by italics - deletions by strikeout.
are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

FOR OPERATIONS - GENERAL OFFICE

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>583,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>0</td>
</tr>
<tr>
<td>Paid by Employer</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>61,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>44,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>208,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>32,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>8,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>12,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>87,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>23,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Administration and operations of Displaced Homemaker Grant Program</td>
<td>0</td>
</tr>
<tr>
<td>For Refunds</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,062,400</strong></td>
</tr>
</tbody>
</table>

Section 10. The following named amount of $0, or so much thereof as may be necessary, is appropriated to the Department of Labor for Displaced Homemaker Grants.

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

PUBLIC SAFETY

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>818,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>0</td>
</tr>
<tr>
<td>Paid by Employer</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>90,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>66,300</td>
</tr>
</tbody>
</table>

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

FAIR LABOR STANDARDS

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,049,750</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>214,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>156,850</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>75,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>117,850</td>
</tr>
<tr>
<td>For Commodities</td>
<td>6,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>21,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>41,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,683,550</strong></td>
</tr>
</tbody>
</table>

Payable From the Child Labor and Day and Temporary Labor Services Enforcement Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Administration of the Child Labor Law and Day and Temporary Labor Services Act</td>
<td>157,700</td>
</tr>
</tbody>
</table>

Section 25. In addition to any other funds appropriated for that purpose, the sum of $0 is appropriated from the General Revenue Fund to the Department of Labor for all costs associated with conducting the study mandated by P.A. 87-405, regarding the employment progress of women and minorities.

ARTICLE 59

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Capital Development Board:

**GENERAL OFFICE**

Payable from Capital Development Fund:

- For Personal Services......................... $3,807,400
- For Employee Retirement Contributions
  - Paid by Employer................................. 0
- For State Contributions to State
  - Employees' Retirement System............... $398,000
- For State Contributions to Social Security........................ 291,600
- For Group Insurance............................... $888,000
- For Contractual Services......................... $294,000
- For Travel........................................... 0
- For Commodities.................................... 0
- For Equipment....................................... 0
- For Telecommunications Services............... 0
- For Operation of Auto Equipment................ 0
- For Expenses of the Illinois Building Commission.......................... 0

Total $5,679,000

Payable from Capital Development Board Revolving Fund:

- For Personal Services......................... $3,166,400
- For Employee Retirement Contributions
  - Paid by Employer................................. 0
- For State Contributions to State
  - Employees' Retirement System............... $331,000
- For State Contributions to Social Security .......................... $241,600
- For Group Insurance............................... $828,000
- For Contractual Services......................... $260,600
- For Travel........................................... 0
- For Commodities.................................... 0
- For Printing........................................... 0
- For Equipment....................................... 0
- For Electronic Data Processing................ 0
- For Operational purposes......................... $769,900
- For Telecommunications Services............... 0
- For School Construction Management........... 0

New matter indicated by italics - deletions by strikeout.
For Review Staff School Construction.......................... 0
Payable from the School Infrastructure Fund:
For operational purposes relating to
the School Infrastructure Program.......................... 600,000
Payable from the Illinois Building Commission Revolving Fund:
For Expenses to Administer
the Illinois Building Commission
Act, including Refunds........................................ 0
Total $6,197,500

ARTICLE 60

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Military Affairs:

FOR OPERATIONS

OFFICE OF THE ADJUTANT GENERAL

Payable from General Revenue Fund:
For Personal Services........................... 1,225,000
For Employee Retirement Contributions
Paid By Employer.......................................... 0
For State Contributions to State
Employees' Retirement System.......................... 128,100
For State Contributions to
Social Security........................................... 93,750
For Contractual Services............................. 18,000
For Travel.................................................. 0
For Commodities......................................... 0
For Printing................................................. 0
For Equipment............................................. 0
For Electronic Data Processing....................... 0
For Telecommunications Services.................... 0
For Operation of Auto Equipment.................... 20,000
For State Officer's Candidate School.................. 700
For Lincoln's Challenge Stipend Payments............ 528,000
For Lincoln's Challenge............................... 3,248,600
Total $5,262,150

Payable from Federal Support Agreement Revolving Fund:
Army/Air Reimbursable Positions.................. 7,110,350
Lincoln's Challenge................................. 4,889,700

New matter indicated by italics - deletions by strikeout.
Lincoln's Challenge Stipend Payments.......... 1,200,000
Total.................................................$13,200,050

FACILITIES OPERATIONS

Payable from General Revenue Fund:
For Personal Services.......................... 4,475,300
For Employee Retirement Contributions
Paid by Employer......................................0
For State Contributions to State
Employees' Retirement System.................. 467,800
For State Contributions to
Social Security........................................ 342,400
For Contractual Services....................... 1,987,900
For Commodities........................................ 0
For Equipment......................................... 0
Total..................................................$7,273,400

Section 10. The sum of $4,500,000, or so much thereof as may be
necessary, is appropriated from the Federal Support Agreement Revolving
Fund to the Department of Military Affairs for expenses related to Army
National Guard Facilities operations and maintenance as provided for in
the Cooperative Funding Agreements, including costs in prior years.

Section 15. The sum of $285,000, or so much thereof as may be
necessary, is appropriated from the Federal Support Agreement Revolving
Fund to the Department of Military Affairs for expenses related to the
Bartonville and Kankakee armories for operations and maintenance
according to the Joint-Use Agreement, including costs in prior years.

Section 20. The sum of $0, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Military Affairs for rehabilitation and minor construction at
armories and camps.

Section 25. The sum of $7,700, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Military Affairs for expenses related to the care and
preservation of historic artifacts.

Section 30. The sum of $0, or so much thereof as may be
necessary, is appropriated from the Military Affairs Trust Fund to the
Department of Military Affairs to support youth and other programs,
provided such amounts shall not exceed funds to be made available from
public or private sources.

New matter indicated by italics - deletions by strikeout.
Section 35. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Military Family Relief Fund to the Department of Military Affairs for the issuance of grants to families of persons who are members of the Illinois National Guard or Illinois residents who are members of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks, including costs in prior years.

Section 40. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs for grants of $259,038 to the designee of an Armed Forces member "killed in the line of duty." The Armed Forces member must be on active duty in Operation Enduring Freedom or Operation Iraqi Freedom.

Section 45. No contract shall be entered into or obligation incurred for any expenditures made from an appropriation herein made in Section 20 until after the purpose and amounts have been approved in writing by the Governor.

ARTICLE 61

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to meet the ordinary and contingent expenses of the Prisoner Review Board:

**PAYABLE FROM GENERAL REVENUE FUND**

- For Personal Services ......................... 782,000
- For Employee Retirement Contributions
  - Paid by Employer ................................ 0
- For State Contributions to State
  - Employees' Retirement System ............... 81,800
- For State Contributions to
  - Social Security ................................ 59,850
- For Contractual Services ..................... 183,800
- For Travel ....................................... 108,000
- For Commodities ................................ 12,600
- For Printing ..................................... 0
- For Equipment ................................... 0
- For Electronic Data Processing ............... 18,800
- For Telecommunications Services ............ 39,300
- For Operation of Auto Equipment ............. 32,000
- For Victim Notification ....................... 25,000

Total $1,343,150

New matter indicated by italics - deletions by strikeout.
ARTICLE 62

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services.......................... 6,845,300
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For State Contributions to State
  Employees' Retirement System................... 715,500
For State Contributions to
  Social Security.................................. 455,000
For Contractual Services....................... 4,237,000
For Travel........................................ 67,200
For Commodities.................................. 547,700
For Printing...................................... 98,300
For Equipment.................................... 88,700
For Telecommunications Services............... 192,900
For Operation of Auto Equipment............... 232,400
For Expenses of Apprehension of
  Fugitives........................................ 0
For Contractual Services:
  For Payment of Tort Claims.................... 60,500
  For Refunds.................................... 7,400
For Expenses regarding implementation
  of the Juvenile Justice Reform
  provisions...................................... 182,000
For Expenses associated with the
  Videotaping of Interrogations.................. 0
Total $13,729,900

Payable from Missing and Exploited Children
Trust Fund:
For the Administration and fulfillment
  of its responsibilities under the
  Intergovernmental Missing Child
  Recovery Act of 1984............................ 0

Payable from the State Police Wireless
Service Emergency Fund:

  New matter indicated by italics - deletions by strikeout.
For costs associated with the administration and fulfillment of its responsibilities under the Wireless Emergency Telephone Safety Act........................................ 2,000,000

Payable from the State Police Vehicle Fund:
For equipment........................................ 150,000

Section 10. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the State Asset Forfeiture Fund to the Department of State Police for payment of their expenditures as outlined in the Illinois Drug Asset Forfeiture Procedure Act, the Cannabis Control Act, the Controlled Substances Act, and the Environmental Safety Act.

Section 15. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated from the Federal Asset Forfeiture Fund to the Department of State Police for payment of their expenditures in accordance with the Federal Equitable Sharing Guidelines.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

INFORMATION SERVICES BUREAU

Payable from General Revenue Fund:
For Personal Services.......................... 5,059,300
For Employee Retirement Contributions
Paid by Employer.................................. 0
For State Contributions to State Employees' Retirement System.......... 528,800
For State Contributions to Social Security....................... 378,600
For Contractual Services.......................... 987,700
For Travel................................................ 39,600
For Commodities.................................. 35,400
For Printing........................................... 36,700
For Equipment........................................ 3,200
For Electronic Data Processing...................... 2,615,300
For Telecommunications Services................. 651,600
Total $10,336,200

Payable from LEADS Maintenance Fund:
For Expenses Related to LEADS System.......................... 2,200,000

New matter indicated by italics - deletions by strikeout.
Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF OPERATIONS

Payable from General Revenue Fund:
For Personal Services.......................... 54,316,800
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contributions to State
   Employees' Retirement System............. 5,677,100
For State Contributions to
   Social Security............................. 2,331,000
For Contractual Services..................... 5,831,100
For Travel...................................... 625,900
For Commodities................................ 707,200
For Printing................................... 127,500
For Equipment.................................. 102,900
For Electronic Data Processing............... 91,700
For Telecommunications Services........... 2,461,500
For Expenses Regarding Implementation
   of the Statewide Radio
   Communication System...................... 0
For Operation of Auto Equipment............ 7,369,700
For Expenses Associated with Project X...... 0
Total                                      $79,642,400

Payable from the Road Fund:
For Personal Services.......................... 87,487,000
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contributions to State
   Employees' Retirement System............. 9,036,300
For State Contributions to
   Social Security............................. 786,700
Total                                      $97,310,000

Payable from Transportation Regulatory Fund:
For Personal Services.......................... 681,950
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System ....................... 71,300
For State Contributions to
  Social Security ................................... 52,050
  Group Insurance.................................. 132,000
For Contractual Services ......................... 27,600
For Travel......................................... 16,500
For Commodities................................. 7,200
For Equipment..................................... 0
For Telecommunications Services............... 100,000
For Operation of Auto Equipment................. 44,000
Total .................................................... $1,132,600

Payable from the Traffic and Criminal Conviction Surcharge Fund:
  For Personal Services......................... 2,938,500
  For Employee Retirement Contributions
    Paid by Employer............................... 0
  For State Contributions to State
  Employees' Retirement System ............... 307,100
  For State Contributions to
    Social Security................................ 81,100
  For Group Insurance............................. 612,000
  For Contractual Services...................... 480,300
  For Travel....................................... 68,800
  For Commodities............................... 166,600
  For Printing..................................... 22,000
  For Telecommunications Services............. 108,200
  For Operation of Auto Equipment............ 186,800
  Total ................................................ $4,971,400

Payable from the Illinois State Police

New matter indicated by italics - deletions by strikeout.
Federal Projects Fund:
    For Payment of Expenses....................... 15,350,000

Payable from the Motor Carrier Safety Inspection Fund:
    For expenses associated with the
    enforcement of Federal Motor Carrier
    Safety Regulations and related
    Illinois Motor Carrier
    Safety Laws................................... 2,400,000

Section 30. The sum of $14,199,236, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Public Act 93-91, Article 7, Section 85, is reappropriated to the Department of State Police from the Federal Civil Preparedness Administrative Fund for costs associated with the Illinois Terrorism Task Force approved purchases for homeland security.

Section 35. The following amounts, or so much thereof as may be necessary for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund and the Drug Traffic Prevention Fund to the Department of State Police, Division of Operations, pursuant to the provisions of the "Intergovernmental Drug Laws Enforcement Act" for Grants to Metropolitan Enforcement Groups.

For Grants to Metropolitan
    Enforcement Groups:
        Payable from General Revenue Fund............... 0
        Payable from Drug Traffic Prevention Fund......... 0

Section 40. In the event of the receipt of funds from the Motor Vehicle Theft Prevention Council, through a grant from the Criminal Justice Information Authority, the amount of $1,200,000, or so much thereof as may be necessary, is appropriated from the State Police Motor Vehicle Theft Prevention Trust Fund to the Department of State Police for payment of expenses.

Section 45. The sum of $1,500,000 or so much thereof as may be necessary, is appropriated from the State Police Whistleblower Reward and Prevention Fund to the Department of State Police for payment of their expenditures for state law enforcement purposes in accordance with the State Whistleblower Protection Act.

Section 50. The following amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund

New matter indicated by italics - deletions by strikeout.
to the Department of State Police for expenses of Racetrack Investigative Services under the "Illinois Horse Racing Act of 1975":

DIVISION OF OPERATIONS

RACETRACK INVESTIGATION UNIT

For Personal Services................. 534,400
For Employee Retirement Contributions
Paid by Employer............................... 0
For State Contributions to State
Employees' Retirement System........... 55,900
For State Contributions to
Social Security.................................. 9,300
Total ........................................ $599,600

Section 55. The following amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Department of State Police for the expenses of Fraud Investigations:

DIVISION OF OPERATIONS

FINANCIAL FRAUD AND FORGERY UNIT

For Personal Services................. 4,126,600
For Employee Retirement Contributions
Paid by Employer............................... 0
For State Contributions to State
Employees' Retirement System........... 431,300
For State Contributions to
Social Security.................................. 59,900
Total ........................................ $4,617,800

Section 60. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Medicaid Fraud and Abuse Prevention Fund to the Department of State Police, Division of Operations - Financial Fraud and Forgery Unit for the detection, investigation or prosecution of recipient or vendor fraud.

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF FORENSIC SERVICES AND IDENTIFICATION

Payable from the General Revenue Fund:
For Personal Services................. 35,016,500
For Employee Retirement Contributions
Paid by Employer............................... 0
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System................. 3,659,900
For State Contributions to
Social Security............................... 2,478,200
For Contractual Services..................... 7,980,000
For Travel.................................... 121,000
For Commodities.............................. 1,886,000
For Printing.................................. 81,100
For Equipment................................. 2,272,300
For Electronic Data Processing............... 186,800
For Telecommunications Services.............. 594,800
For Operation of Auto Equipment.............. 171,000
For Administration of a Statewide Sexual
Assault Evidence Collection Program........... 101,200
For Operational Expenses Related to the
Combined DNA Index System..................... 4,273,000
Total $58,821,800
For Administration and Operation
of State Crime Laboratories:
Payable from State Crime Laboratory Fund..... 650,000
Payable from State Police
DUI Fund....................................... 650,000
Payable from State Offender DNA
Identification System Fund.................... 1,300,000

Section 70. The sum of $350,000, or so much thereof as may be
necessary, is appropriated to the Department of State Police, Division of
Forensic Services and Identification, from the Firearm Owner's
Notification Fund for the administration and operation of the Firearm
Owner's Identification Card Program.

Section 75. The following amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of State Police
for Internal Investigation expenses as follows:

DIVISION OF INTERNAL INVESTIGATION
Payable from the General Revenue Fund:
For Personal Services......................... 1,528,200
For Employee Retirement Contributions
Paid by Employer................................ 0
For State Contributions to State
Employees' Retirement System............... 159,700
For State Contributions to

New matter indicated by italics - deletions by strikeout.
Social Security.................................. 42,400
For Contractual Services....................... 128,700
For Travel........................................ 17,000
For Commodities................................... 23,300
For Printing........................................ 3,700
For Equipment..................................... 17,900
For Telecommunications Services.............. 90,000
For Operation of Auto Equipment.............. 94,600
Total                                                                                         $2,105,500

ARTICLE 63

Section 1. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

CENTRAL OFFICES, ADMINISTRATION AND PLANNING OPERATIONS

For Personal Services......................... 21,444,200
For Employee Retirement Contribution
   Paid by State...................................... 0
For State Contributions to State
   Employees' Retirement System............... 2,241,400
For State Contributions to Social Security .... 1,593,200
For Contractual Services....................... 4,973,800
For Travel......................................... 0
For Commodities.................................. 0
For Printing........................................ 0
For Equipment..................................... 0
For Equipment:
   Purchase of Cars & Trucks.................... 0
   Telecommunications Services................ 0
   Operation of Automotive Equipment......... 0
Total                                                                                       $30,252,600

LUMP SUMS

Section 1a. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Planning, Research and Development Purposes........................................ 0
For costs associated with asbestos

New matter indicated by italics - deletions by strikeout.
abatement............................................. 0
For metropolitan planning and research purposes as provided by law, provided such amount shall not exceed funds to be made available from the federal government or local sources.................. 5,000,000
For metropolitan planning and research purposes as provided by law.............................. 0
For federal reimbursement of planning activities as provided by the Transportation Equity Act for the 21st Century.............. 1,750,000
For the federal share of the IDOT ITS Program, provided expenditures do not exceed funds to be made available by the Federal Government.................... 2,000,000
For the state share of the IDOT ITS Corridor Program.......................... 3,000,000
For the Department's share of costs with the Illinois Commerce Commission for monitoring railroad crossing safety.............................. 300,000
Total                                                                                       $12,050,000

AWARDS AND GRANTS

Section 1b. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Tort Claims, including payment pursuant to P.A. 80-1078....................... 530,500
For representation and indemnification for the Department of Transportation, the Illinois State Police and the Secretary of State provided that the representation required resulted from the Road Fund portion of their normal operations.............................. 260,000
For Transportation Enhancement, Congestion Mitigation, Air Quality, High Priority and Scenic By-way Projects not eligible for inclusion in the Highway Improvement

New matter indicated by italics - deletions by strikeout.
Program Appropriation provided expenditures
do not exceed funds made available by
the federal government..........................  40,000,000
For auto liability payments for the
Department of Transportation, the
Illinois State Police and the
Secretary of State provided that
the liability resulted from the
Road Fund portion of their
normal operations...............................  1,932,200
For grants to Illinois Universities
for applied research on transportation..........  0
For payment of claims as provided by the
"Workers' Compensation Act" or the "Workers'
Occupational Diseases Act", including
Treatment, Expenses and Benefits Payable
for Total Temporary Incapacity for Work
for State Employees whose salaries are paid
from the Road Fund:
For Awards and Grants.........................  14,500,000
Total                                                                                     $57,222,700

Expenditures from appropriations for treatment and expense may
be made after the Department of Transportation has certified that the
injured person was employed and that the nature of the injury is
compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then
has determined the amount of such compensation to be paid to the injured
person. Expenditures for this purpose may be made by the Department of
Transportation without regard to the fiscal year in which benefit or service
was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

Section 2. The following named amounts, or so much thereof as
may be necessary, are appropriated from the Road Fund to the Department
of Transportation for the objects and purposes hereinafter named:

BUREAU OF INFORMATION PROCESSING
OPERATIONS

For Personal Services.........................  5,108,000
For Employee Retirement Contributions
Paid by State....................................  0

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
  Employees' Retirement System............... 533,900
  For State Contributions to Social Security ...... 384,300
  For Contractual Services....................... 5,729,500
  For Travel............................................. 0
  For Commodities........................................ 0
  For Equipment.......................................... 0
  For Electronic Data Processing............... 111,000
  For Telecommunications............................ 0
  Total                                                                 $11,866,700

Section 3. The following named amounts, or so much thereof as
may be necessary, are appropriated from the Road Fund to the Department
of Transportation for the objects and purposes hereinafter named:

CENTRAL OFFICES, DIVISION OF HIGHWAYS
OPERATIONS

For Personal Services............................ 26,589,100
For Extra Help....................................... 1,016,700
For Employee Retirement Contributions
  Paid by State......................................... 0
For State Contributions to State
  Employees' Retirement System............... 2,885,400
  For State Contributions to Social Security .... 2,035,400
  For Contractual Services....................... 5,058,400
  For Travel............................................. 0
  For Commodities........................................ 0
  For Equipment.......................................... 0
  For Equipment:
    Purchase of Cars and Trucks................... 0
    For Telecommunications Services............. 2,576,000
    For Operation of Automotive Equipment.......... 0
  Total                                                                 $40,161,000

LUMP SUMS
Section 3a. The sum of $0, or so much thereof as may be
necessary, is appropriated from the Road Fund to the Department
of Transportation for repair of damages by motorists to state vehicles and
equipment or replacement of state vehicles and equipment, provided such
amount shall not exceed funds to be made available from collections from
claims filed by the Department to recover the costs of such damages.

New matter indicated by italics - deletions by strikeout.
Section 3a1. The sum of $0, or so much thereof as may be necessary, is appropriated from the Transportation Safety Highway Hire-back Fund to the Department of Transportation for agreements with the Illinois Department of State Police to provide patrol officers in highway construction work zones.

AWARDS AND GRANTS
Section 3b. The sum of $0, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for reimbursement to participating counties in the County Engineers Compensation Program, providing those reimbursements do not exceed funds to be made available from their federal highway allocations retained by the Department.

Section 3b1. The following named sums, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for grants to local governments for the following purposes:
For reimbursement of eligible expenses arising from local Traffic Signal Maintenance Agreements created by Part 468 of the Illinois Department of Transportation Rules and Regulations........ 3,000,000
For reimbursement of eligible expenses arising from City, County, and other State Maintenance Agreements.................. 14,147,000
Total $17,147,000

REFUNDS
Section 3c. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Refunds............................................ 0

Section 4. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses of the Division of Traffic Safety:

TRAFFIC SAFETY OPERATIONS
For Personal Services......................... 5,370,900
For Employee Retirement Contributions Paid by State........................................ 0

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
  Employees' Retirement System................. 561,400
  For State Contributions to Social Security ...... 386,800
  For Contractual Services......................... 1,322,200
  For Travel.......................................... 0
  For Commodities................................... 96,000
  For Printing........................................... 0
  For Equipment.......................................... 0
  For Equipment:
    Purchase of Cars and Trucks.......................... 0
  For Telecommunications Services........................ 0
  For Operation of Automotive Equipment............. 73,300
  Total                                                                 $7,810,700

LUMP SUMS

Section 4a. The sum of $7,750,000, or so much thereof as may be
necessary, is appropriated from the Road Fund to the Department of
Transportation for improvements to traffic safety, provided such amount
not exceed funds to be made available from the federal government
pursuant to the primary seatbelt enforcement incentive grant.

REFUNDS

Section 4b. The following named amount, or so much thereof as
may be necessary, is appropriated from the Road Fund to the Department
of Transportation for the objects and purposes hereinafter named:
  For Refunds.......................................... 0

Section 4c. The following named sums, or so much thereof as may
be necessary, for the objects and purposes hereinafter named, are
appropriated from the Cycle Rider Safety Training Fund, as authorized by
Public Act 82-0649, to the Department of Transportation for the
administration of the Cycle Rider Safety Training Program by the Division
of Traffic Safety:

OPERATIONS

For Personal Services................................. 151,700
  For Employee Contribution to
    Retirement System by Employer...................... 0
  For State Contributions to State
    Employees' Retirement System....................... 15,900
    For State Contributions to Social Security ...... 11,400
    For Group Insurance.................................. 33,000
    For Contractual Services............................ 10,600

New matter indicated by italics - deletions by strikeout.
For Travel............................................. 0
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Operation of Automotive Equipment.............. 0
Total $222,600

AWARDS AND GRANTS

Section 4c1. The sum of $0, or so much thereof as may be necessary, is appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for reimbursement to State and local universities and colleges for Cycle Rider Safety Training Programs.

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DAY LABOR
OPERATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services..........................</td>
<td>4,526,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by State....................................</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System....................</td>
<td>473,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>345,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>950,700</td>
</tr>
<tr>
<td>For Travel.......................................</td>
<td>100,000</td>
</tr>
<tr>
<td>For Commodities..................................</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment...................................</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
</tr>
<tr>
<td>Purchase of Cars and Trucks.....................</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services..................</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment..........</td>
<td>258,600</td>
</tr>
<tr>
<td>Total</td>
<td>$6,653,600</td>
</tr>
</tbody>
</table>

Section 6. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 1, SCHAUMBURG OFFICE
OPERATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services..........................</td>
<td>79,694,900</td>
</tr>
<tr>
<td>For Extra Help..................................</td>
<td>5,942,470</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 7. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 2, DIXON OFFICE OPERATIONS**

For Personal Services.............................. 26,036,100  
For Extra Help...................................... 2,155,600  
For Employee Retirement Contributions  
Paid by State...................................... 0  
For State Contributions to State  
Employees' Retirement System.................. 2,946,600  
For State Contributions to Social Security .... 2,098,500  
For Contractual Services........................ 3,404,900  
For Travel......................................... 216,500  
For Commodities.................................. 2,600,000  
For Equipment..................................... 0  
For Equipment:  
Purchase of Cars and Trucks.................... 0  
For Telecommunications Services................. 0  
For Operation of Automotive Equipment........ 2,125,100  
Total.............................................. $41,583,300  

Section 8. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 3, OTTAWA OFFICE**
OPERATIONS

For Personal Services......................... 23,527,100
For Extra Help................................. 2,371,800
For Employee Retirement Contributions
  Paid by State................................. 0
For State Contributions to State
  Employees' Retirement System.............. 2,707,000
  For State Contributions to Social Security .... 1,942,500
  For Contractual Services.................... 2,779,400
  For Travel.................................... 105,300
  For Commodities............................. 2,400,000
  For Equipment................................. 0
  For Equipment:
    Purchase of Cars and Trucks............... 0
  For Telecommunications Services............ 0
  For Operation of Automotive Equipment....... 2,266,200
Total                                                                 $38,099,300

Section 9. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 4, PEORIA OFFICE

OPERATIONS

For Personal Services......................... 20,635,900
For Extra Help................................. 2,231,000
For Employee Retirement Contributions
  Paid by State.................................. 0
For State Contributions to State
  Employees' Retirement System.............. 2,390,100
  For State Contributions to Social Security .... 1,706,800
  For Contractual Services.................... 3,745,100
  For Travel.................................... 125,000
  For Commodities............................. 1,000,000
  For Equipment................................. 0
  For Equipment:
    Purchase of Cars and Trucks............... 0
  For Telecommunications Services............ 0
  For Operation of Automotive Equipment....... 1,523,800
Total                                                                 $33,357,700

New matter indicated by italics - deletions by strikeout.
Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 5, PARIS OFFICE**

**OPERATIONS**

For Personal Services......................... 22,332,600
For Extra Help.................................. 1,721,100
For Employee Retirement Contributions
  Paid by State........................................ 0
For State Contributions to State
  Employees' Retirement System............... 2,514,200
For State Contributions to Social Security .... 1,802,600
For Contractual Services....................... 2,708,100
For Travel........................................ 80,100
For Commodities................................. 1,300,000
For Equipment....................................... 0
For Equipment:
  Purchase of Cars and Trucks.................. 0
For Telecommunications Services................ 0
For Operation of Automotive Equipment........ 1,838,600
Total ................................................................ $34,297,300

Section 11. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 6, SPRINGFIELD OFFICE**

**OPERATIONS**

For Personal Services......................... 24,131,100
For Extra Help.................................. 1,562,500
For Employee Retirement Contributions
  Paid by State........................................ 0
For State Contributions to State
  Employees' Retirement System............... 2,685,500
For State Contributions to Social Security .... 1,917,700
For Contractual Services....................... 3,097,500
For Travel........................................ 0
For Commodities................................. 1,400,000
For Equipment....................................... 0
For Equipment:
  Purchase of Cars and Trucks.................. 0

New matter indicated by italics - deletions by strikeout.
Section 12. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 7, EFFINGHAM OFFICE**

OPERATIONS

<table>
<thead>
<tr>
<th>Object Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>15,773,300</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>1,160,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions - Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement</td>
<td>1,770,000</td>
</tr>
<tr>
<td>System</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,258,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,886,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>145,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>850,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>Purchase of Cars and Trucks</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>951,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$23,795,800</strong></td>
</tr>
</tbody>
</table>

Section 13. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 8, COLLINSVILLE OFFICE**

OPERATIONS

<table>
<thead>
<tr>
<th>Object Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>30,139,600</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>1,926,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions - Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement</td>
<td>3,351,500</td>
</tr>
<tr>
<td>System</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>2,393,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,384,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>192,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,150,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 14. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 9, CARBONDALE OFFICE

OPERATIONS

For Personal Services........................................... 15,582,200
For Extra Help.................................................. 1,318,300
For Employee Retirement Contributions
  Paid by State.................................................. 0
For State Contributions to State
  Employees' Retirement System............................ 1,766,500
  For State Contributions to Social Security ......... 1,235,800
  For Contractual Services................................. 2,155,000
  For Travel.................................................... 66,200
  For Commodities............................................ 525,000
For Equipment................................................... 0
For Equipment:
  Purchase of Cars and Trucks.............................. 0
  For Telecommunications Services........................ 0
  For Operation of Automotive Equipment................. 1,097,600
Total                                                                                   $23,746,600

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

AERONAUTICS DIVISION
OPERATIONS

For Personal Services:
  Payable from the Road Fund.............................. 3,446,600
For Employee Retirement Contributions
  Paid by State:
    Payable from the Road Fund.............................. 0
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System:
    Payable from the Road Fund....................... 360,300
For State Contributions to Social Security:
    Payable from the Road Fund....................... 260,000
For Contractual Services:
    Payable from the Road Fund....................... 3,026,900
    Payable from Air Transportation
        Revolving Fund.................................. 800,000
For Travel:
    Payable from the Road Fund....................... 0
For Travel: Executive Air Transportation
Expenses of the General Assembly:
    Payable from the General Revenue Fund........... 190,100
For Travel: Executive Air Transportation
Expenses of the Governor's Office:
    Payable from the General Revenue Fund........... 181,600
For Commodities:
    Payable from Aeronautics Fund.................... 149,500
    Payable from the Road Fund....................... 472,900
For Equipment:
    Payable from the General Revenue Fund............ 0
    Payable from the Road Fund....................... 0
For Equipment: Purchase of Cars and Trucks:
    Payable from the Road Fund........................ 0
For Telecommunications Services:
    Payable from the Road Fund....................... 99,000
For Operation of Automotive Equipment:
    Payable from the Road Fund....................... 20,900
Total
    Payable from the Road Fund........................ $9,007,800

REFUNDS

Section 15a. The following named amount, or so much thereof as may be necessary, is appropriated from the Aeronautics Fund to the Department of Transportation for the objects and purposes hereinafter named:
    For Refunds............................................ 0

Section 15a1. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout.
For Refunds........................................... 0

AWARDS AND GRANTS
Section 15b. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for such purposes as are described in Sections 31 and 34 of the Illinois Aeronautics Act, as amended.

LUMP SUM
Section 15b1. The sum of $0, or so much thereof as may be necessary, is appropriated from the Tax and Assessment Recovery Fund to the Department of Transportation for payments to the Will County Treasurer for payments of property taxes from rental fees.

Section 16. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses incident to Public Transportation and Railroads Operations:

PUBLIC TRANSPORTATION DIVISION
OPERATIONS

For Personal Services......................... 1,108,900
For Employee Retirement Contributions.......................... 0
For State Contributions to State Employees' Retirement System........... 115,900
For State Contributions to Social Security.......................... 82,600
For Contractual Services.......................... 22,300
For Travel......................................... 17,200
For Commodities................................. 2,500
For Equipment................................... 12,100
For Equipment: Purchase of Cars and Trucks........ 18,800
For Telecommunications Services................. 21,100
For Operation of Automotive Equipment........... 11,600
Total ........................................... $1,413,000

LUMP SUMS
Section 16a. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for public transportation technical studies.

Section 16a1. The sum of $631,000, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the

New matter indicated by italics - deletions by strikeout.
Department of Transportation for federal reimbursement of transit studies as provided by the Transportation Equity Act for the 21st Century.

Section 16a2. The sum of $433,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for administrative expenses incurred in connection with the purposes of Section 18 of the Federal Transit Act (Section 5311 of the USC), as amended, provided such amount shall not exceed funds available from the Federal government under that Act.

AWARDS AND GRANTS

Section 16b. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making grants to eligible recipients of funding under Article II of the Downstate Public Transportation Act for the purpose of reimbursing the recipients which provide reduced fares for mass transportation services for students, handicapped persons and the elderly.

Section 16b1. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making grants to the Regional Transportation Authority for the purpose of reimbursing the Service Boards for providing reduced fares for mass transportation services for students, handicapped persons, and the elderly to be allocated proportionately among the Service Boards based upon actual costs incurred by each Service Board for such reduced fares.

Section 16b2. The sum of $186,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for the purpose stated in Section 4.09 of the "Regional Transportation Authority Act", as amended.

Section 16b3. The sum of $55,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional State Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1989.

Section 16b4. The sum of $93,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the

New matter indicated by italics - deletions by strikeout.
Department of Transportation for making a grant to the Regional Transportation Authority for Additional Financial Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c-5) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1999.

Section 16b5. The following named sums, or so much thereof as may be necessary, are appropriated from the Downstate Public Transportation Fund to the Department of Transportation for operating assistance grants to provide a portion of the eligible operating expenses for the following carriers for the purposes stated in Article II of Public Act 78-1109, as amended:

<table>
<thead>
<tr>
<th>URBANIZED AREAS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Champaign-Urbana Mass Transit District</td>
<td>11,412,700</td>
</tr>
<tr>
<td>Greater Peoria Mass Transit District</td>
<td>9,500,600</td>
</tr>
<tr>
<td>Rock Island County Metropolitan Mass Transit District</td>
<td>6,690,800</td>
</tr>
<tr>
<td>Rockford Mass Transit District</td>
<td>6,747,800</td>
</tr>
<tr>
<td>Springfield Mass Transit District</td>
<td>6,562,100</td>
</tr>
<tr>
<td>Bloomington-Normal Public Transit System</td>
<td>3,138,500</td>
</tr>
<tr>
<td>City of Decatur</td>
<td>3,138,000</td>
</tr>
<tr>
<td>City of Pekin</td>
<td>471,100</td>
</tr>
<tr>
<td>River Valley Metro Mass Transit District</td>
<td>1,162,900</td>
</tr>
<tr>
<td>City of South Beloit</td>
<td>42,700</td>
</tr>
<tr>
<td>City of DeKalb</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total, Urbanized Areas</strong></td>
<td>$45,686,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NON-URBANIZED AREAS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Danville</td>
<td>1,166,400</td>
</tr>
<tr>
<td>City of Quincy</td>
<td>1,569,000</td>
</tr>
<tr>
<td>RIDES Mass Transit District</td>
<td>1,977,300</td>
</tr>
<tr>
<td>South Central Illinois Mass Transit District</td>
<td>1,879,800</td>
</tr>
<tr>
<td>City of Galesburg</td>
<td>713,400</td>
</tr>
<tr>
<td>Jackson County Mass Transit District</td>
<td>121,000</td>
</tr>
<tr>
<td>City of Macomb</td>
<td>0</td>
</tr>
<tr>
<td>Shawnee Mass Transit District</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total, Non-Urbanized Areas</strong></td>
<td>$7,426,900</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 16b6. The sum of $17,800,000, or so much thereof as may be necessary, is appropriated from the Metro East Public Transportation Fund to the Department of Transportation for operating assistance grants subject to the provisions of the "Downstate Public Transportation Act", as amended by the 81st General Assembly.

Section 16b7. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Downstate Public Transportation Fund to the Department of Transportation for audit adjustments in accordance with Section 15.1 of the "Downstate Public Transportation Act", approved August 9, 1974, as amended.

RAIL PASSENGER AWARDS AND GRANTS

Section 18. The sum of $12,100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for funding the State's share of intercity rail passenger service and making necessary expenditures for services and other program improvements.

Section 19. The following named sums, or so much thereof as may be necessary, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the ordinary and contingent expenses incident to the operations and functions of administering the provisions of the "Illinois Highway Code", relating to use of Motor Fuel Tax Funds by the counties, municipalities, road districts and townships:

MOTOR FUEL TAX ADMINISTRATION OPERATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>6,035,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>630,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>440,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,056,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>63,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
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<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
AWARDS AND GRANTS

Section 19a. The following named sums, or so much thereof as are available for distribution in accordance with Section 8 of the Motor Fuel Tax Law, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the purposes stated:

DISTRIBUTIVE ITEMS

For apportioning, allotting, and paying as provided by law:
- To Counties................................ 232,300,000
- To Municipalities......................... 325,800,000
- To Counties for Distribution to Road Districts........................................ 105,500,000
- Total........................................... $663,600,000

Section 20. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Commercial Motor Vehicle Safety Program under provisions of Title IV of the Surface Transportation Assistance Act of 1982, as amended by the Transportation Equity Act for the 21st Century:

FOR THE DIVISION OF TRAFFIC SAFETY

- For Personal Services......................... 661,600
- For Employee Retirement Contributions
  - Paid by the State......................... 0
- For State Contributions to State Employees' Retirement System............... 69,150
- For State Contributions to Social Security ...... 49,500
- For Contractual Services.......................... 331,500
- For Travel........................................ 73,900
- For Commodities.................................. 24,000
- For Printing...................................... 34,300
- For Equipment...................................... 0
- For Telecommunications Services.............. 1,900
- For Operation of Automotive Equipment........ 4,900
- Total............................................. $1,250,750

FOR THE DEPARTMENT OF STATE POLICE

- For Personal Services......................... 4,377,600
- For Employee Retirement Contributions
  - Paid by the State............................. 0

New matter indicated by italics - deletions by strikeout.
For State Contributions to State Employees' Retirement System.............. 457,500
For State Contributions to Social Security .......... 68,500
For Contractual Services............................. 457,100
For Travel........................................... 325,800
For Commodities.................................... 249,700
For Printing.......................................... 89,800
For Operation of Automotive Equipment.............. 309,100
Total $6,578,400

Section 21. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended:

FOR THE SECRETARY OF STATE
For Personal Services............................. 165,300
For State Contributions to State Employees' Retirement System............... 17,300
For State Contributions to Social Security ...... 20,300
For Contractual Services.............................. 76,000
For Travel........................................... 0
For Commodities................................... 18,500
For Printing.......................................... 47,700
For Equipment......................................... 0
For Operation of Automotive Equipment.............. 26,000
Total $371,100

FOR THE DEPARTMENT OF STATE POLICE
For Personal Services............................ 2,267,300
For State Contributions to State Employees' Retirement System............... 237,000
For State Contributions to Social Security ...... 32,200

New matter indicated by italics - deletions by strikeout.
For Contractual Services.......................... 17,700
For Travel............................................. 0
For Commodities................................. 12,600
For Equipment......................................... 0
For Operation of Auto Equipment............... 150,500
Total $2,717,300

FOR THE DIVISION OF TRAFFIC SAFETY
For Personal Services....................... 1,200,600
For Employee Retirement Contributions
  Paid by the State................................. 0
For State Contributions to State Employees'
  Retirement System............................... 125,500
For State Contributions to Social Security ...... 89,100
For Contractual Services....................... 3,034,500
For Travel............................................. 0
For Commodities.................................. 192,300
For Printing..................................... 174,000
For Equipment......................................... 0
For Telecommunications Services............... 2,200
Total $4,818,200

FOR THE DEPARTMENT OF PUBLIC HEALTH
For Contractual Services................... 108,900
For Commodities................................. 1,600
Total $110,500

FOR THE ILLINOIS LAW ENFORCEMENT
STANDARDS TRAINING BOARD
For Contractual Services..................... 120,000
For Printing........................................ 5,000
Total $125,000

FOR LOCAL GOVERNMENTS
For local highway safety projects by
  county and municipal governments,
  state and private universities and other
  private entities........................................ 5,269,200

Section 22. The following named sums, or so much thereof as may
be necessary for the agencies hereafter named, are appropriated from the
Road Fund to the Department of Transportation for implementation of the
Alcohol Traffic Safety Programs of Title XXIII of the Surface

New matter indicated by italics - deletions by strikeout.
Transportation Assistance Act of 1982, as amended by the Transportation Equity Act for the 21st Century:

FOR THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS (410)

For Contractual Services....................... 13,000
For Travel........................................ 0
Total                                    $13,000

FOR THE DIVISION OF TRAFFIC SAFETY (410)

For Contractual Services....................... 0
For Travel........................................ 0
For Commodities.................................. 142,300
For Printing..................................... 108,900
For Equipment.................................... 0
Total                                    $251,200

FOR THE SECRETARY OF STATE (410)

For Personal Services......................... 32,000
For Employee Retirement Contributions
   Paid by the State.............................. 0
For the State Contribution to State
   Employees' Retirement System............... 3,300
For the State Contribution to Social
   Security......................................... 500
For Contractual Services....................... 28,100
For Travel........................................ 0
For Commodities.................................. 70,100
For Printing..................................... 59,500
For Equipment.................................... 0
For Telecommunication Services............... 1,000
For Operation of Auto Equipment............... 1,800
Total                                    $196,300

FOR THE DEPARTMENT OF STATE POLICE (410)

For Personal Services......................... 841,500
For Employee Retirement Contributions
   Paid by the State.............................. 0
For the State Contribution to State
   Employees' Retirement System............... 88,000
For the State Contribution to Social
   Security......................................... 10,900
For Commodities................................ 3,500

New matter indicated by italics - deletions by strikeout.
For Equipment.......................................... 0
For Operation of Auto Equipment............... 58,200
Total $1,002,100

FOR THE ILLINOIS LAW ENFORCEMENT STANDARDS TRAINING BOARD (410)
For Contractual Services......................... 220,000
For Printing........................................ 5,000
Total $225,000

FOR LOCAL GOVERNMENTS
For local highway safety projects by county and municipal governments, state and private universities and other private entities.................. $1,593,200

Section 23. The following named sums or so much thereof as may be necessary for the agencies hereafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Section 163 Impaired Driving Incentive Grant Program (.08 Alcohol) as authorized by the Transportation Equity Act for the 21st Century:

FOR THE DIVISION OF TRAFFIC SAFETY (.08)
For Contractual Services......................... 5,538,400
For Commodities............................... 22,000
For Equipment.................................... 0
For Telecommunications........................... 27,500
Total $5,587,900

FOR THE DEPARTMENT OF STATE POLICE (.08)
For Equipment..................................... 63,600
Total $63,600

FOR THE ILLINOIS LIQUOR CONTROL COMMISSION (.08)
For Contractual Services......................... 146,500
For Travel......................................... 0
For Commodities............................... 9,500
For Printing....................................... 51,000
For Telecommunications.......................... 2,500
Total $209,500

FOR LOCAL GOVERNMENTS (.08)
For local highway safety projects by county and municipal governments, state and private universities and other private entities.................. $1,311,400

New matter indicated by italics - deletions by strikeout.
Section 24. The sum of $409,400, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Transportation for the expenses of an emissions testing/inspection program for diesel powered vehicles in the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair and Monroe and the townships of Aux Sable, Goose Lake and Oswego.

Section 26. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in:
- Section 15b GRF Aeronautics
- Section 16b GRF Reduced Fares Downstate
- Section 16b1 GRF Reduced Fares RTA
- Section 16b3 SCIP Debt Service I
- Section 16b4 SCIP Debt Service II
- Section 18 GRF Rail Passenger

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

ARTICLE 64
CENTRAL ADMINISTRATION AND PLANNING
LUMP SUMS

Section 1a. The sum of $1,174,710 or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made in the line item, "For Planning, Research and Development Purposes" for the Central Offices, Administration and Planning in Article 8, Section 1a and Article 8A, Section 1a of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 1a1. The sum of $2,080,646, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation concerning Asbestos Abatement heretofore made in Article 8, Section 1a and Article 8A, Section 1a1 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 1a2. The sum of $25,677,356, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made for metropolitan planning in Article 8 Section 1a and Article 8A, Section 1a2 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

New matter indicated by italics - deletions by strikeout.
Section 1a3. The sum of $4,243,359, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made in Article 8, Section 1a and Article 8A, Section 1a3 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for metropolitan planning and research purposes.

Section 1a4. The sum of $2,082,882, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 1a4 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the state share as provided by law.

Section 1a5. The sum of $3,535,070, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 1a5 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the federal and private share as provided by law.

Section 1a6. The sum of $19,857,705, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made in Article 8, Section 1a and Article 8A, Section 1a6 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the federal share of the IDOT ITS program.

Section 1a7. The sum of $15,895,038, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made in Article 8, Section 1a and Article 8A, Section 1a7 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the state share of the IDOT ITS program.

AWARDS AND GRANTS

Section 1b. The sum of $40,312,320, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made in Article 8, Section 1b and Article 8A, Section 1b of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for Enhancement and Congestion Mitigation and Air Quality Projects.

New matter indicated by italics - deletions by strikeout.
Section 1b1. The sum of $0, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning the Interstate 355 Southern Extension Corridor Planning Council heretofore made in Article 8A Section 1b1 of Public Act 93-91, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 1b2. The sum of $0, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made in Article 8, Section 1b and Article 8A, Section 1b2 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for grants to Illinois Universities for applied research on Transportation.

CENTRAL OFFICE, DIVISION OF HIGHWAYS
LUMP SUM

Section 2. The sum of $560,422, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation concerning vehicle damages heretofore made in Article 8, Section 4a and Article 8A, Section 3 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 2a. The sum of $12,270,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 27 of Public Act 93-91, as amended by the Act, is reappropriated from the Federal Civil Preparedness Administrative Fund to the Illinois Department of Transportation for costs associated with Illinois Terrorism Task Force approved purchases for homeland security.

AWARDS AND GRANTS

Section 2a1. The sum of $14,905,339, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriations and reappropriation heretofore made for Local Traffic Signal Maintenance Agreements and City, County and other State Maintenance Agreements in Article 8, Section 4b1 and Article 8A, Section 3a1 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

DIVISION OF TRAFFIC SAFETY
AWARDS AND GRANTS

New matter indicated by italics - deletions by strikeout.
Section 3. The sum of $3,181,284, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made, in Article 8, Section 5b1 and Article 8A, Section 4 of Public Act 93-91, as amended, is reappropriated from the Cycle Rider Safety Training Fund to the Department of Transportation for the same purposes.

DIVISION OF AERONAUTICS
AWARDS AND GRANTS

Section 4. The sum of $1,513,259, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation concerning airport improvements heretofore made in Article 8, Section 18b2 and Article 8A, Section 6a2 of Public Act 93-91, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

HIGHWAY SAFETY PROGRAM – DIVISION OF TRAFFIC SAFETY
AWARDS AND GRANTS

Section 5. The sum of $10,444,962, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation concerning Highway Safety Grants heretofore made in Article 8, Section 23 and Article 8A, Section 7a of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of Local Government Projects by Municipalities and Counties.

Section 5a. The sum of $2,012,497, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation concerning Section 163 Impaired Driving Incentive Grants (.08 alcohol) heretofore made in Article 8, Section 25 and Article 8A, Section 7a1 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of Local Government Projects by Municipalities and Counties.

Section 5a1. The sum of $3,785,946, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004 from the appropriation and reappropriation concerning Alcohol Traffic Safety Grants (410) heretofore made in Article 8, Section 24 and Article 8A, Section 7a2 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of Local Government Projects by Municipalities and Counties.

New matter indicated by italics - deletions by strikeout.
Section 6. The sum of $268,817, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made for public transportation technical studies in Article 8, Section 19a and Article 8A, Section 8a of Public Act 93-91, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 6a. The sum of $1,831,499, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made in Article 8, Section 19a1 and Article 8A, Section 8a1 of Public Act 93-91, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the Transportation Equity Act for the 21st Century.

Section 7. The sum of $0, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 14a11, of Public Act 93-91, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a grant to the University of Illinois at Chicago’s Urban Transportation Center to study the PACE bus system in DuPage County.

Section 8. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in Section 4 GRF Aeronautics of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

ARTICLE 65

Section 5. The sum of $1,420,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Spectrulite Consortium Inc.

Section 10. The sum of $644,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Waste Recovery-Illinois.

New matter indicated by italics - deletions by strikeout.
ARTICLE 66

Section 5. The sum of $512,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Upper Illinois River Valley Development Authority for replenishment of a draw on the Debt Service Reserve Fund backing bonds issued on behalf of Waste Recovery - Illinois.

ARTICLE 67

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

**MANAGEMENT AND ADMINISTRATIVE SUPPORT**

<table>
<thead>
<tr>
<th>Payable from General Revenue Fund:</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>614,550</td>
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<td>For Employee Retirement Contributions</td>
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<td>Paid by Employer</td>
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<td>For State Contributions to State</td>
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<td>Employees' Retirement System</td>
<td>64,300</td>
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<td>For State Contributions to Social Security</td>
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<td>For Contractual Services</td>
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<td>For Travel</td>
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<td>For Commodities</td>
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<tr>
<td>For Printing</td>
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</tr>
<tr>
<td>For Equipment</td>
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<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
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<td>For Telecommunications</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
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</tr>
<tr>
<td>For Training and Education</td>
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<td><strong>Total</strong></td>
<td><strong>$1,109,900</strong></td>
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<table>
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<tr>
<th>Payable from Radiation Protection Fund:</th>
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<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
<td>19,600</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>14,300</td>
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<tr>
<td>For Group Insurance</td>
<td>48,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>220,800</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Travel............................................. 0
For Commodities........................................ 0
For Printing........................................... 0
For Electronic Data Processing......................... 0
For Telecommunications Services....................... 0
For Operation of Auto Equipment........................ 0
Total $489,600

Payable from Nuclear Safety Emergency
Preparedness Fund:
For Personal Services.......................... 2,406,650
For Employee Retirement Contributions
  Paid by Employer.................................... 0
For State Contributions to State
  Employees' Retirement System.................... 251,600
For State Contributions to
  Social Security.................................. 184,150
For Group Insurance.................................. 540,000
For Contractual Services ......................... 762,200
For Travel............................................. 0
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Electronic Data Processing......................... 0
For Telecommunications Services....................... 0
For Operation of Auto Equipment........................ 0
Total $4,144,600

Payable from Nuclear Civil Protection Planning Fund:
For Federal Projects.............................. 300,000

Payable from the Emergency Management
Preparedness Fund:
For an Emergency Management
  Preparedness Program............................ 5,675,000

Payable from Federal Civil Preparedness
Administrative Fund:
For Training and Education........................ 717,300
For Terrorism Preparedness and
  Training costs in the current
  and prior years.................................... 281,093,000
Total $287,785,300

New matter indicated by italics - deletions by strikeout.
Whenever it becomes necessary for the State or any governmental unit to furnish in a disaster area emergency services directly related to or required by a disaster and existing funds are insufficient to provide such services, the Governor may, when he considers such action in the best interest of the State, release funds from the General Revenue disaster relief appropriation in order to provide such services or to reimburse local governmental bodies furnishing such services. Such appropriation may be used for payment of the Illinois National Guard when called to active duty in case of disaster, and for the emergency purchase or renting of equipment and commodities. Such appropriation shall be used for emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.

Payable from General Revenue Fund:
For disaster relief costs incurred
in current and prior years......................... 300,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for grants to local emergency organizations for objects and purposes hereinafter named:
Payable from the Federal Hardware Assistance Fund:
For Communications and Warning Systems......... 500,000
For Emergency Operating Centers.................. 500,000
Payable from the Federal Civil Preparedness Administrative Fund:
For Urban Search and Rescue....................... 2,000,000
Total $3,000,000

Section 15. The amount of $611,641, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Public Act 93-68, Article 1, Section 8, is reappropriated from the General Revenue Fund to the Illinois Emergency Management Agency for providing services and for costs associated with homeland security.

Section 20. The sum of $63,300, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for licensing facilities where radioactive uranium and thorium mill tailings are generated or located, and related costs for regulating the decontamination and decommissioning of

New matter indicated by italics - deletions by strikeout.
such facilities and for identification, decontamination and environmental monitoring of unlicensed properties contaminated with such radioactive mill tailings.

Section 25. The amount of $100,000, or so much thereof as may be necessary, is appropriated to the Illinois Emergency Management Agency from the September 11th Fund for grants, contracts and administrative expenses pursuant to 625 ILCS 5/3-653, including prior year costs.

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

OPERATIONS

Payable from General Revenue Fund:

- For Personal Services.......................... $1,184,750
- For Employee Retirement Contributions
  - Paid by Employer.......................... $0
- For State Contributions to State Employees' Retirement System.......................... $123,900
- For State Contributions to Social Security .... $90,650
- For Contractual Services.................... $88,200
- For Travel.................................... $0
- For Commodities................................ $0
- For Printing.................................. $0
- For Equipment.................................. $0
- For Electronic Data Processing............... $0
- For Telecommunications........................ $0
- For Operation of Auto Equipment............. $0
- Total........................................ $1,487,500

Payable from Nuclear Safety Emergency Preparedness Fund:

- For Personal Services......................... $810,300
- For Employee Retirement Contributions
  - Paid by Employer.......................... $0
- For State Contributions to State Employees' Retirement System.......................... $84,700
- For State Contributions to Social Security .... $62,000
- For Group Insurance.......................... $240,000
- For Contractual Services.................... $373,900
- For Travel.................................... $39,500

New matter indicated by italics - deletions by strikeout.
For Commodities........................................ 0
For Printing........................................... 0
For Equipment..................................... 84,500
For Electronic Data Processing............... 7,000
For Telecommunications..................... 383,500
For Operation of Auto Equipment............ 0
Total                           $2,085,400

Payable from the Emergency Management
Preparedness Fund:
For an Emergency Management
Preparedness Program............... 1,500,000
Payable from Federal Civil Preparedness
Administrative Fund:
For Training and Education............. 350,000

Section 35. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Illinois Emergency
Management Agency for the objects and purposes hereinafter enumerated:

RADIATION SAFETY

Payable from Radiation Protection Fund:
For Personal Services................... 2,634,000
For Employee Retirement Contributions
   Paid by Employer........................... 0
For State Contributions to State
   Employees' Retirement System........... 275,400
For State Contributions to
   Social Security........................... 201,500
For Group Insurance....................... 516,000
For Contractual Services................. 211,300
For Travel.................................... 100,000
For Commodities............................. 0
For Equipment................................. 53,700
For Electronic Data Processing......... 42,700
For Telecommunications............... 11,700
For Operation of Auto.................... 37,000
For Refunds................................. 0
Total                           $4,083,300

Section 40. The sum of $100,000, or so much thereof as may be
necessary, is appropriated from the Radiation Protection Fund to the
Illinois Emergency Management Agency for reimbursing other

New matter indicated by italics - deletions by strikeout.
governmental agencies for their assistance in responding to radiological emergencies.

Section 45. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for recovery and remediation of radioactive materials and contaminated facilities or properties when such expenses cannot be paid by a responsible person or an available surety.

Section 50. The amount of $380,000, or so much thereof as may be necessary, is appropriated from the Indoor Radon Mitigation Fund to the Illinois Emergency Management Agency for expenses relating to the federally funded State Indoor Radon Abatement Program.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

NUCLEAR FACILITY SAFETY
Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services......................... 3,660,150
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contributions to State Employees' Retirement System.............. 382,600
For State Contributions to Social Security.......................... 280,000
For Group Insurance............................ 612,000
For Contractual Services...................... 651,800
For Travel........................................ 101,100
For Commodities............................... 135,300
For Printing....................................... 4,000
For Equipment................................. 0
For Electronic Data Processing.................. 397,900
For Telecommunications Services............... 383,000
For Operation of Auto.......................... 14,500
Total $6,622,350

Section 60. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER ASSISTANCE AND PREPAREDNESS
Payable from General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services............................ 410,400
For Employee Retirement Contributions  
  Paid by Employer..................................... 0
For State Contributions to State  
  Employees’ Retirement System.................... 42,900
For State Contributions to Social  
  Security............................................... 31,400
For Commodities................................. 0
For Printing........................................... 0
For Electronic Data Processing.......... 5,300
For Telecommunications Services........ 8,500
For Operation of Automotive Equipment ................................. 0
State Share of Individual and Household  
  Grant Program for Disaster  
  Declarations:  
  In current year................................. 312,200  
  In prior years................................. 200,000
Total                                                                 $1,010,700
Payable from Nuclear Safety Emergency Preparedness Fund:  
For Personal Services............................ 437,050
For Employee Retirement Contributions  
  Paid by Employer..................................... 0
For State Contributions to State  
  Employees’ Retirement System.................... 45,700
For State Contributions to Social  
  Security............................................... 33,450
For Group Insurance......................... 108,000
For Contractual Services...................... 82,250
For Travel.......................................... 38,000
For Commodities............................... 11,850
For Printing...................................... 6,000
For Equipment................................. 20,800
For Electronic Data Processing.......... 5,000
For Telecommunications Services........ 7,500
For Operation of Automotive Equipment ................................. 14,000
For compensation to local governments  
  for expenses attributable to implementation  
  and maintenance of plans and programs  
  authorized by the Nuclear Safety

New matter indicated by italics - deletions by strikeout.
Preparedness Act including expenses incurred prior to July 1, 1997.............. 650,000
Total $1,459,600

Payable from the Federal Aid Disaster Fund:
Federal Share of Individual and Household Program for Disaster Declarations:
In Current Year................................. 21,000,000
In prior years......................................... 1,500,000
For State administration of the Individual and Household Grant Program..... 1,000,000
For Federal Disaster Declarations:
In Prior Years.................................... 45,000,000
In Current Year..................................... 30,000,000
For State administration of the Federal Disaster Relief Program.............. 1,000,000
Disaster Relief - Hazard Mitigation in Current Year.......................... 8,000,000
in Prior Years................................. 35,000,000
For State administration of the Hazard Mitigation Program................... 1,000,000
Total $143,500,000

Payable from the Emergency Planning and Training Fund:
For Activities as a Result of the Illinois Emergency Planning and Community Right To Know Act........................ 150,000

Payable from the Nuclear Civil Protection Planning Fund:
For Federal Projects............................. 500,000
For Flood Mitigation Assistance............... 3,000,000
Total $3,500,000

Payable from the Federal Civil Preparedness Administrative Fund:
For Training and Education........................ 1,194,000

Payable from the Emergency Management Preparedness Fund:
For Emergency Management Preparedness........... 3,025,000

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:
ENVIRONMENTAL SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services.......................... 1,567,900
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contributions to State
   Employees' Retirement System.............. 163,900
For State Contributions to
   Social Security............................ 119,950
For Group Insurance......................... 300,000
For Contractual Services.................... 421,600
For Travel.................................... 41,500
For Commodities................................... 72,100
For Printing................................... 4,000
For Equipment...................................... 0
For Electronic Data Processing............... 17,500
For Telecommunications...................... 28,000
For Operation of Auto....................... 14,500
Total $2,750,950
Payable from Low-Level Radioactive Waste
   Facility Development and Operation Fund:
   For Refunds for Overpayments made by Low-
   Level Waste Generators.................... $5,000

Section 70. The sum of $1,865,450, or so much thereof as may be
   necessary, is appropriated from the Radiation Protection Fund to the
   Illinois Emergency Management Agency for licensing facilities where
   radioactive uranium and thorium mill tailings are generated or located, and
   related costs for regulating the decontamination and decommissioning of
   such facilities and for identification, decontamination and environmental
   monitoring of unlicensed properties contaminated with such radioactive
   mill tailings.

Section 75. The sum of $150,000, or so much thereof as may be
   necessary, is appropriated from the Radiation Protection Fund to the
   Illinois Emergency Management Agency to conduct studies,
   investigations, training, research and demonstrations relating to the control
   or measurement of radiation, the effects on health of exposure to radiation,
   and related problems under funding agreements with the Federal
   Government, interstate agencies or other sources.

Section 80. The sum of $713,700, or so much thereof as may be
   necessary, is appropriated from the Radiation Protection Fund to the
   Illinois Emergency Management Agency for the purpose of funding costs

New matter indicated by italics - deletions by strikeout.
related to environmental cleanup of the Ottawa Radiation Areas Superfund Project under cooperative agreements with the Federal Government.

Section 85. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Emergency Management Agency for related training and travel expenses and to reimburse the Illinois State Police and the Illinois Commerce Commission for costs incurred for activities related to inspecting and escorting shipments of spent nuclear fuel, high-level radioactive waste, and transuranic waste in Illinois as provided under the rules of the Agency.

Section 90. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Sheffield Agreed Order Fund to the Illinois Emergency Management Agency for the care, maintenance, monitoring, testing, remediation and insurance of the low-level radioactive waste disposal site near Sheffield, Illinois.

Section 95. The sum of $828,550, or so much thereof as may be necessary, is appropriated from the Low-Level Radioactive Waste Facility Development and Operation Fund to the Illinois Emergency Management Agency for use in accordance with Section 14(a) of the Illinois Low-Level Radioactive Waste Management Act for costs related to establishing a low-level radioactive waste disposal facility.

Section 100. Certain Federal receipts shall be placed in the General Revenue Fund, pursuant to law and regulation, as reimbursement for the Federal share of expenditures made from General Revenue appropriations in Sections 1, 6 and 12 of this Article. Other Federal receipts shall be paid into the proper trust fund and shall be available for expenditure only pursuant to the trust fund appropriations in Sections 1, 2, 6, 10 and 12 of this Article or suitable appropriation made by the General Assembly.

ARTICLE 68

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

GENERAL OFFICE

Payable from the Fire Prevention Fund:
For Personal Services......................... 6,664,400
For Employee Retirement Contributions
   Paid by Employer............................ 0
For State Contributions to the State

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Employees' Retirement System</th>
<th>696,600</th>
</tr>
</thead>
<tbody>
<tr>
<td>For State Contributions to Social Security</td>
<td>446,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,560,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>726,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>100,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>240,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>196,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Refunds</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$10,630,300</strong></td>
</tr>
</tbody>
</table>

Payable from the Underground Storage Tank Fund:

| For Personal Services | 1,334,100 |
| For Employee Retirement Contributions Paid by Employer | 0 |
| For State Contributions to the State Employees' Retirement System | 139,500 |
| For State Contributions to Social Security | 102,100 |
| For Group Insurance | 319,000 |
| For Contractual Services | 235,900 |
| For Travel | 23,500 |
| For Commodities | 0 |
| For Printing | 0 |
| For Equipment | 0 |
| For Electronic Data Processing | 115,000 |
| For Telecommunications | 47,000 |
| For Operation of Auto Equipment | 60,000 |
| For Refunds | 0 |
| For Expenses of Hearing Officers | 75,000 |
| **Total** | **$2,451,100** |

Section 10. The sum of $375,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for administrative expenses of the Elevator Safety and Regulation Act.

Section 15. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Illinois Firefighters' Memorial Fund to the Office of the State Fire Marshal for expenses related to the

New matter indicated by italics - deletions by strikeout.
maintenance of the Illinois Firefighters' Memorial, holding the annual Fallen Firefighter Ceremony, and other expenses as allowed under Public Act 91-0832.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Office of the State Fire Marshal as follows:

Payable from the Fire Prevention Fund:
- For Fire Prevention Training: 0
- For Expenses of Fire Prevention Awareness Program: 0
- For Expenses of Arson Education and Seminars: 0
- For expenses of new fire chiefs training: 0
- For expenses of hearing officers: 0
- Total: $0

Payable from the Fire Prevention Division Fund:
- For Expenses of the U.S. Resource Conservation and Recovery Act Underground Storage Program: 299,800

Payable from the Emergency Response Reimbursement Fund:
- For Hazardous Material Emergency Response Reimbursement: 5,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

**GRANTS**

Payable from the Fire Prevention Fund:
- For Chicago Fire Department Training Program: 1,646,900
- For payment to local governmental agencies which participate in the State Training Programs: 550,000
- For Regional Training Grants: 300,000
- For payments in accordance with Public Act 93-0169: 45,000
- Total: $2,541,900

Section 30. The sum of $0, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of
the State Fire Marshal for grants available for the development of new fire districts.

Section 35. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the Underground Storage tank Fund to the Environmental Protection Agency for a grant to the City of Chicago for Administrative Costs incurred as a result of the State’s Underground Storage Program.

ARTICLE 69

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the State Police Merit Board:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>345,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>36,100</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>26,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>332,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$739,800</strong></td>
</tr>
</tbody>
</table>

ARTICLE 70

Section 5. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Finance Authority for the purpose of interest buy-back as authorized under the Illinois Farm Development Act.

ARTICLE 71

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Criminal Justice Information Authority:

OPERATIONS

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,332,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>139,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>105,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>679,150</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>85,650</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>7,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,348,700</strong></td>
</tr>
</tbody>
</table>

Payable from Criminal Justice Information Systems Trust Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>879,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>91,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>68,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>204,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>233,650</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,177,450</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>241,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,895,300</strong></td>
</tr>
</tbody>
</table>

Section 10. The sum of $39,579,300, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the
Illinois Criminal Justice Information Authority for awards and grants to local units of government and non-profit organizations.

Section 15. The following named sums, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants to state agencies:

Payable from the General Revenue Fund:........... $1,428,650
Payable from the Criminal Justice Trust Fund:.................. 13,359,600
Total: $14,788,250

Section 20. The following named sums, or so much thereof as needed, are appropriated to the Illinois Criminal Justice Information Authority for activities undertaken in support of federal assistance programs administered by units of state and local government and non-profit organizations:

Payable from the General Revenue Fund:............ $830,000
Payable from the Criminal Justice Trust Fund:................... 5,600,000
Total: $6,430,000

Section 25. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants and other monies received from federal agencies, from other units of government, and from private/not-for-profit organizations for activities undertaken in support of investigating issues in criminal justice and for undertaking other criminal justice information projects:

Payable from the Criminal Justice Trust Fund:................. $1,700,000
Payable from the Criminal Justice Information Projects Fund:........... 200,000
Total: $1,900,000

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Criminal Justice Information Authority for awards, grants and operational support to implement the Motor Vehicle Theft Prevention Act:

Payable from the Motor Vehicle Theft Prevention Trust Fund:
For Personal Services:.................. $203,950
For other Ordinary and Contingent Expenses:........ 206,000

New matter indicated by italics - deletions by strikeout.
For Awards and Grants to federal and state agencies, units of local government, corporations, and neighborhood, community and business organizations to include operational activities and programs undertaken by the Authority in support of the Motor Vehicle Theft Prevention Act............ 7,000,000
For Refunds.................. 50,000
Total $7,459,950

Section 35. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to state agencies and units of local government, to include operational activities and programs undertaken by the Authority in support of Federal Crime Bill Initiatives.

Section 40. The following amount, or so much thereof as may be necessary, is appropriated to the Illinois Criminal Justice Information Authority for awards and grants to state agencies and units of local government, including operational expenses of the Authority in support of the Juvenile Accountability Incentive Block Grant program:
Payable from the Juvenile Accountability Incentive Block Grant Trust Fund........... 17,540,000

ARTICLE 72

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Industrial Commission Operations Fund to the Industrial Commission:

GENERAL OFFICE

For Personal Services:
Regular Positions............... 4,491,850
Arbitrators.................. 3,422,700
Court Reporters............... 1,245,150
For Employee Retirement Contributions
Paid by Employer............... 0
For State Contributions to State
Employees' Retirement System........ 469,500
For Arbitrators' Retirement System........ 357,800
For Court Reporters' Retirement System........ 130,150

New matter indicated by italics - deletions by strikeout.
For State Contributions to
Social Security..................................... 700,750
For Group Insurance................................. 2,160,000
For Contractual Services........................... 397,000
For Travel............................................ 224,000
For Commodities................................... 45,500
For Printing........................................... 35,000
For Equipment....................................... 50,000
For Telecommunications Services.................. 101,450
Total $13,830,850

ELECTRONIC DATA PROCESSING
For Personal Services............................. 653,950
For State Contributions to State
Employees' Retirement System....................... 68,400
For State Contributions to
Social Security.................................... 50,050
For Contractual Services.......................... 142,750
For Travel............................................ 2,000
For Commodities.................................. 1,500
For Equipment..................................... 11,000
For Printing........................................... 2,000
For Telecommunications Services............... 56,500
Total $988,150

Section 10. In addition to the amounts heretofore appropriated, the following named amount, or so much thereof as may be necessary, is appropriated from the Industrial Commission Operations Fund to the Industrial Commission for the project hereinafter enumerated:

PEORIA OFFICE
For rent, staffing and equipment to operate
an office in Peoria................................. $132,300

Section 15. The amount of $119,800, or so much thereof as may be necessary, is appropriated from the Industrial Commission Operations Fund to the Industrial Commission for printing and distribution of Workers' Compensation handbooks containing information as to the rights and obligations of employers.

Section 20. The amount of $279,300, or so much thereof as may be necessary, is appropriated from the Industrial Commission Operations Fund to the Industrial Commission for the implementation and operation of an accident reporting system.

New matter indicated by italics - deletions by strikeout.
Section 25. The sum of $120,600, or so much thereof as may be necessary, is appropriated from the Industrial Commission Operations Fund to the Industrial Commission for all costs associated with the establishment and operation of a satellite office in the Metro East area.

ARTICLE 73

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Law Enforcement Training Standards Board:

OPERATIONS

Payable from the Traffic and Criminal Conviction Surcharge Fund:

- For Personal Services............................ 1,163,200
- For Employee Retirement Contributions
  - Paid by Employer....................................... 0
- For State Contributions to State Employees' Retirement System.............. 121,600
- For State Contributions to Social Security.............................. 89,450
- For Group Insurance........................................... 312,000
- For Contractual Services............................. 134,050
- For Travel................................................. 0
- For Commodities............................................ 0
- For Printing................................................. 0
- For Equipment.............................................. 0
- For Electronic Data Processing.............................. 0
- For Telecommunications Services......................... 0
- For Operation of Auto Equipment.......................... 0
- For Expenses Related to the Audit of Assessment Collection and Remittance To and Expenditures From the Traffic and Criminal Conviction Surcharge Fund......................... 0
- For payment of and/or services related to the administration of HB576 investigations................................. 50,000

Total $1,870,300

Payable from the Police Training Board Services Fund:

- For payment of and/or services related to law enforcement training

New matter indicated by italics - deletions by strikeout.
in accordance with statutory provisions
of the Law Enforcement Intern
Training Act......................... 100,000

Payable from the Death Certificate Surcharge Fund:
For payment of and/or services
related to death investigation
in accordance with statutory
provisions of the Vital Records
Act........................................... 126,100

Section 10. The following named amount, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, is appropriated to the Law Enforcement Training Standards Board
as follows:

GRANTS-IN-AID
Payable from the Traffic and Criminal
Conviction Surcharge Fund:
For payment of and/or reimbursement
of training and training services
in accordance with statutory provisions...... 10,667,400

ARTICLE 74
Section 5. The following amounts, or so much thereof as may be
necessary, respectively, are appropriated for the objects and purposes
named, to meet the ordinary and contingent expenses of the Illinois
Violence Prevention Authority:
Payable from the Violence Prevention Fund:
For Personal Services......................... 500,200
For Employee Retirement Contributions
Paid by Employer............................... 0
For State Contributions to State
Employees' Retirement System............... 52,300
For State Contribution to
Social Security............................... 38,300
For Group Insurance......................... 96,000
For Contractual Services..................... 40,100
For Travel..................................... 0
For Commodities............................... 0
For Printing................................. 0
For Equipment................................. 0
For Electronic Data Processing.............. 0

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services ...................... 0
Total                                             $726,900
Payable from the General Revenue Fund:
For Contractual Services .......................... 40,000
Total                                             $40,000

Section 10. The sum of $1,800,000, or so much thereof as may be necessary, is appropriated from the Violence Prevention Fund to the Illinois Violence Prevention Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 15. The sum of $2,332,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 20. The amount of $931,600, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for the Illinois Family Violence Coordinating Council Program.

Section 25. The amount of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for a grant to Operation Cease Fire.

ARTICLE 75

Section 5. The amount of $253,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the East St. Louis Financial Advisory Authority for the operating expenses of the City of East St. Louis Financial Advisory Authority.

ARTICLE 76

Section 5. The sum of $31,590,000, or so much thereof as may be necessary, is appropriated from the Metropolitan Fair and Exposition Authority Improvement Bond Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's Dedicated State Tax Revenue Bonds, issued pursuant to the "Metropolitan Fair and Exposition Authority Act", as amended.

Section 10. The sum of $96,991,000, or so much thereof as may be necessary, is appropriated from the McCormick Place Expansion Project Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's McCormick Place Expansion Project Bonds, issued pursuant to the "Metropolitan Pier and Exposition Authority Act", as amended.
Section 5. The sum of $36,131,000, or so much thereof as may be necessary, is appropriated from the Illinois Sports Facilities Fund to the Illinois Sports Facilities Authority for its corporate purposes.

ARTICLE 78
LT. GOVERNOR
Section 5. The sum of $35,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made for such purpose in Article 3, Section 3 of Public Act 93-0587, is reappropriated to the Office of Lieutenant Governor from the Clean Water Trust Fund to for the purpose of making grants to local governments pursuant to Section 10 of the Clean Water Bond Act.
Total, Article 78 $35,000,000

ARTICLE 79
SECRETARY OF STATE
Section 5. The amount of $20,400, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from appropriation heretofore made for such purposes in Article 4, Division FY90, Section 3-6.2e of Public Act 91-0708, as amended, is reappropriated from the Build Illinois Bond Fund to the Office of the Secretary of State for making grants to the City of Chicago for planning, construction, reconstruction, rehabilitation, and all necessary costs for the following branches of the Chicago Public Library at the approximate costs set forth below:

North Austin Branch Library .................... 1,150,025
Legler Library .................................. 26,886
Auburn/Hamilton Park Library ................. 879,056
Near West Side Branch Library ............... 1,136,419
Carter G. Woodson Regional Library ........... 68,696
Clearing Branch Library ....................... 258,398
McKinley Park Branch Library ............... 829,124
South Chicago Branch Library ............... 551,657
North Pulaski/Humboldt Library ............ 2,753,474
Roosevelt Branch ......................... 204,000
Rockwell Gardens Reading & Study Center .... 0
Pullman Branch Library ....................... 632,063
Total, Article 79 $8,489,798

ARTICLE 80
DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

New matter indicated by italics - deletions by strikeout.
Section 5. The amount of $16,562,392, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 55 of Public Act 93-91, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant to the DuPage Airport Authority for planning, design, construction and access infrastructure related to the hi-tech business campus.

Section 10. The amount of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 60 of Public Act 93-91, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant for planning, design, construction, and all other costs associated with a new Ford Technical Training Center.

Section 15. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 3, Section 95 of Public Act 93-91, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the "TRUE GRID I WIRE" Program.

Section 20. The amounts of $22,000,000 and $551,947, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 3, Section 115 of Public Act 93-91, are reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the purpose of providing partial funds for planning, design, engineering and testing, and construction of a low emissions boiler system for Illinois high-sulfur coals.

No contract shall be entered into or obligation incurred for any expenditure made in this Section of this Article until after the purpose and amounts have been approved in writing by the Governor.

Section 25. The sum of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 110 of Public Act 93-91, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the Coal Demonstration Program.

Section 30. The sum of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2004, from an appropriation heretofore made in Article 3, Section 105 of Public Act 93-91, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for Coal Development Programs.

Section 35. The sum of $50,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 3, Section 105 of Public Act 93-91, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for grants pursuant to 20 ILCS 605/605-332 – Coal Revival Program.

Section 40. The amount of $1,039,300, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 200 of Public Act 93-91, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the development of other forms of energy.

No contract shall be entered into or obligation incurred for any expenditure made in this Section of this Article until after the purpose and amounts have been approved in writing by the Governor.

Section 45. The sum of $15,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 8 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8 or Article 10 of the Build Illinois Act.

Section 50. The sum of $7,045,856, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 5, Division FY00, Section 1-9 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8 or Article 10 of the Build Illinois Act.

Section 55. The sum of $5,920,528, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY01, Section 5 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity

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for grants and loans pursuant but not limited to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 60. The sum of $16,737,962, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 5 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 65. The sum of $11,450,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY03, Section 23 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 70. The sum of $15,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 15 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to companies to expand or construct ethanol plants in Illinois.

Section 75. The sum of $13,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY03, Section 19 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Argonne National Laboratory for the Rare Isotope Accelerator for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 80. The sum of $17,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 7 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the Nanotechnology Institute for bondable infrastructure improvements. This appropriated...
amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 85. The sum of $15,887,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY03, Section 20 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the Nanotechnology Institute for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Total, Article 80 $225,694,985

ARTICLE 81
DEPARTMENT OF NATURAL RESOURCES

Section 5. The sum of $750,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 200, page 43, line 14 of Public Act 93-97, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

Section 10. The sum of $2,429,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 200, page 43, line 15 of Public Act 93-97, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

Section 15. The sum of $120,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 240, page 46, line 26 of Public Act 93-97, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 20. The sum of $175,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30,

New matter indicated by italics - deletions by strikeout.
2004, from appropriations heretofore made in Article 1, Section 240, page 46, line 27 of Public Act 93-97, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 25. To the extent federal funds including reimbursements are available for such purposes, the sum of $0, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 220 of Public Act 93-97, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development of facilities for transient, non-trailerable recreational boats, including grants for such purposes and authorized under the Boating Infrastructure Grant Program.

Section 30. To the extent federal funds including reimbursements are available for such purposes, the sum of $1,598,400, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 220 of Public Act 93-97, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development of facilities for transient, non-trailerable recreational boats, including grants for such purposes and authorized under the Boating Infrastructure Grant Program.

Section 35. The following named sum, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes, is reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from State Boating Act Fund:
(From Article 1, Section 145 on page 34, lines 3-10, of Public Act 93-97, as amended)
For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources including construction and development, all costs for supplies, materials, labor, land

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acquisition, services, studies and all other expenses required to comply with the intent of this appropriation.............. 1,608,200

Section 40. The following named sum, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes, is reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from State Boating Act Fund:
(Section 150 on page 35, lines 29-33 and on page 36, lines 1-4 of Public Act 93-97, as amended)
For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation.............. 1,200,000

Section 45. The following named sums, or so much thereof as may be necessary, respectively, and as remain unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from the State Parks Fund:
(From Article 1, Section 150 on page 36, lines 18-25 of Public Act 93-97, as amended)
For multiple use facilities and programs for park and trail purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies, and all other expenses required to comply with the intent of this appropriation.............. 150,000

Payable from the State Parks Fund:

New matter indicated by italics - deletions by strikeout.
(From Article 1, Section 145 on page 35, lines 5-12, of Public Act 93-97, as amended)

For multiple use facilities and programs for park and trail purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies, and all other expenses required to comply with the intent of this appropriation................ 493,200

Section 50. The sum of $1,651,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 28, line 6 of Public Act 93-97, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for wildlife conservation and restoration plans and programs from federal funds provided for such purposes.

Section 55. The sum of $3,312,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 28, line 7 of Public Act 93-97, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for wildlife conservation and restoration plans and programs from federal funds provided for such purposes.

Section 60. To the extent federal funds including reimbursements are available for such purposes, the sum of $100,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 215, page 44, line 15 of Public Act 93-97, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 65. To the extent federal funds including reimbursements are available for such purposes, the sum of $227,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 215, page 44, line 16 of Public Act 93-97, as amended, is

New matter indicated by italics - deletions by strikeout.
reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 70. The sum of $2,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 155, page 36, line 27 of Public Act 93-97, is reappropriated from the Capital Development Fund to the Department of Natural Resources for planning, design and construction of ecosystem rehabilitation, habitat restoration and associated development in cooperation with the U.S. Army Corps of Engineers.

Section 75. The sum of $3,362,600, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 155, page 36, line 28 of Public Act 93-97, is reappropriated from the Capital Development Fund to the Department of Natural Resources for planning, design and construction of ecosystem rehabilitation, habitat restoration and associated development in cooperation with the U.S. Army Corps of Engineers.

Section 80. The sum of $31,326,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 115, page 29, line 30 of Public Act 93-97, and Article 6, Section 1285 of Public Act 93-587, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources to acquire, protect and preserve open space and natural lands.

Section 85. The sum of $4,555,400, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 40, page 6, line 12, Public Act 93-97 as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as

New matter indicated by italics - deletions by strikeout.
required in the Memorandum of Agreement between the State of Illinois and the United State Department of Agriculture.

Section 90. The sum of $1,191,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 40, page 6, line 13, of Public Act 93-97 as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United State Department of Agriculture.

Section 95. The sum of $2,304,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 170 of Public Act 93-97, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the acquisition of lands, buildings, and structures, including easements and other property interests, located in the 100-year floodplain in counties or portions of counties authorized to prepare stormwater management plans and for removing such buildings and structures and preparing the site for open space use.

Section 100. The sum of $11,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 175 of Public Act 93-97, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for water development projects at the approximate cost set forth below:

- Union - McHenry County - for flood control and drainage improvement of unnamed Kishwaukee River tributary........................ 200,000
- Wood River - Madison County - for partial payment of the non-federal cost requirements to construct Grassy Lake Pump Station Project in cooperation with the Wood River Drainage

New matter indicated by italics - deletions by strikeout.
and Levee District.......................................................... 200,000

Flood Hazard Mitigation - For implementation of flood hazard mitigation plans, and acquisition of wetland and tree mitigation sites for state and local joint flood control projects in cooperation with federal agencies, state agencies, and units of local government, in various counties........................................ 3,300,000

Fox Chain of Lakes - Lake and McHenry Counties - For the state cost share in implementation of the comprehensive Dredging and Disposal Plan, including beneficial use of dredge material and island creation, for the Fox River and Chain of Lakes........................................ 2,000,000

Fox River Dams - Kane County - For rehabilitation, modification, and reconstruction of Batavia and Yorkville Dams.......................... 2,600,000

Field Service Facility - Sangamon County - For site development and construction of a field survey service building and storage facility............. 200,000

East St. Louis & Vicinity Flood Control - Madison and St. Clair Counties - For partial payment of the non-federal cost requirement of an interior flood protection project and ecosystem restoration at East St. Louis and Vicinity area........ 1,800,000

Prairie/Farmers Creeks - Cook County - For costs associated with the implementation of flood damage reduction measures along Prairie/Farmers Creeks and the Des Plaines River, including for partial payment of the non-federal cost requirements of the U.S. Army Corps of Engineers' Upper Des Plaines River Flood Control Project.................... 600,000

Small Drainage and Flood Control Projects -

New matter indicated by italics - deletions by strikeout.
For implementation of small drainage and flood control improvements in accordance with plans developed in cooperation with local governments and school districts, not to exceed $100,000 at any single locality ........................................ 100,000
Total ........................................ $11,000,000

FOR WATERWAY IMPROVEMENTS
Section 105. The sum of $35,603,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 160 of Public Act 93-97, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the following projects at the approximate costs set forth below:
Addison Creek Watershed - Cook and DuPage Counties ........................................ 214,800
Chandlerville/Panther Creek - Cass County ........................................ 342,100
Chicago Harbor Leakage Control - Cook County - For implementation of a project to identify, measure, control, and eliminate leakage flows through controlling structures at the mouth of the Chicago River in cooperation with federal agencies and units of local government ........................................ 990,500
Crisenberry Dam - Jackson County: For complete rehabilitation of the dam and spillway, including the required geotechnical investigation, the preparation of plans and specifications, and the construction of the proposed rehabilitation ........................................ 633,00
Crystal Creek - Cook County .............................. 2,866,800
East Chicago (Ford Heights) - Cook County - For partial payment of the non-federal cost requirements of the

New matter indicated by italics - deletions by strikeout.
Deer Creek federal flood control and ecosystem restoration project in cooperation with the Village of East Chicago........................................... 925,600
East Peoria - Tazewell County.............................. 1,920,600
East St. Louis and Vicinity Flood Control - Madison and St. Clair Counties - For partial payment of the non-federal cost requirements of an interior flood protection project and ecosystem restoration at East St. Louis and Vicinity area........................................... 500,000
Floor Service Facility – Sangamon County................... 200,000
Flood Mitigation - Disaster Declaration Areas................... 3,281,300
Fox Chain O'Lakes - Lake and McHenry Counties............................... 2,775,700
Fox River Dams - Kane, Kendall and McHenry Counties............................... 5,709,100
Granite City - Area Groundwater-Madison County................................. 300,000
Havana Facilities - Mason County.......................... 199,400
Hickory Hills - Cook County................................... 158,500
Hickory/Spring Creeks Watershed - Cook and Will Counties................... 2,752,000
Illinois River Mitigation - Calhoun, Jersey, Peoria and Woodford Counties................................. 81,000
Indian Creek - Kane County............................... 100,100
Kaskaskia River System - Randolph, Monroe and St. Clair Counties.......................... 34,000
Kyte River - Rochelle, Ogle County.......................... 1,450,900
Lake Michigan Artificial Reef - Cook County.......................... 28,100
Little Calumet Watershed - Cook County............................... 14,200
Loves Park - Winnebago County............................. 489,800
Lower Des Plaines River Watershed - Cook and Lake Counties.......................... 975,000
Metro-East Sanitary District -

New matter indicated by italics - deletions by strikeout.
Madison and St. Clair Counties................................. 60,600
North Branch Chicago River Watershed -
Cook and Lake Counties................................. 25,700
Prairie du Rocher - Randolph County:
For partial payment to implement the
federal flood protection project for
the Village of Prairie du Rocher in
cooperation with local units of
government.................................................. 10,000
Prairie/Farmers Creek - Cook County............ 5,234,000
Asian Carp Barrier - Cook County............. 1,800,000
Rock River Dams - Rock Island and
Whiteside Counties.................................. 186,000
Small Drainage and Flood Control
Projects - Statewide (not to exceed
$100,000 at any locality).......................... 464,900
Union - McHenry County........................ 30,000
Village of Justice - Cook County.......... 100,000
W. B. Stratton (McHenry) Lock
and Dam - McHenry County.................... 750,000
Total .................................................. $35,603,700

Section 110. The sum of $342,600, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2004, from an appropriation heretofore made in Article 1, Section 165 of
Public Act 93-97, as amended, is reappropriated from the Capital
Development Fund to the Department of Natural Resources for
expenditure by the Office of Water Resources in cooperation with federal
agencies, state agencies and units of local government in the
implementation of flood hazard mitigation plans in counties that received
a Presidential Disaster Declaration as a result of flooding in calendar years
1993 and thereafter, in accordance with reports filed under Section 5 of the
"Flood Control Act of 1945".

Section 115. The sum of $5,000,000, or so much thereof as may
be necessary, and as remains unexpended at the close of business on June
30, 2004, from reappropriations heretofore made in Article 1, Section 290,
page 50, line 1 of Public Act 93-97, and Article 3, Section 4 of Public Act
93-587, as amended, is reappropriated from the Capital Development Fund
to the Department of Natural Resources for grants to public museums for
permanent improvements.

New matter indicated by italics - deletions by strikeout.
Section 120. The sum of $21,256,200, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 1, Section 290, page 50, line 2 of Public Act 93-97, and Article 3, Section 4 of Public Act 93-587, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 125. The amount of $30,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 1, Section 285 of Public Act 93-97, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 130. The amount of $4,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 4 of Public Act 93-587, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 135. The sum of $110,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 95, page 28, line 17 of Public Act 93-97, as amended, is reappropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 140. The sum of $122,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 95, page 28, line 18 of Public Act 93-97, as amended, is reappropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 145. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from Natural Areas Acquisition Fund:

New matter indicated by italics - deletions by strikeout.
(From Article 1, Section 150 on page 36, lines 11-16, of Public Act 93-97, as amended)
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities............................ 3,665,400

Payable from Natural Areas Acquisition Fund:
(From Article 1, Section 145 on page 34, lines 26-33, of Public Act 93-97, as amended)
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities............................ 2,896,200

Section 150. The sum of $20,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 225, page 45, line 4 of Public Act 93-97, as amended, is reappropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to make grants to local governments as provided in the "Open Space Lands Acquisition and Development Act".

Section 155. The sum of $41,813,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 225, page 45, line 5 of Public Act 93-97, as amended, is reappropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to make grants to local governments as provided in the "Open Space Lands Acquisition and Development Act".

FOR STATE PHEASANT PROGRAM

New matter indicated by italics - deletions by strikeout.
Section 160. The sum of $550,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 100, page 28, line 28 of Public Act 93-97, as amended, is reappropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

Section 165. The sum of $530,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 100, page 28, line 29 of Public Act 93-97, as amended, is reappropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

Section 170. The sum of $1,150,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 105, page 29, line 7 of Public Act 93-97, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 175. The sum of $726,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 105, page 29, line 8 of Public Act 93-97, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 180. The sum of $223,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 110, page 29, line 17 of Public Act 93-97, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

New matter indicated by italics - deletions by strikeout.
Section 185. The sum of $707,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 110, page 29, line 18 of Public Act 93-97, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

Section 190. The following named sums, or so much thereof as may be necessary and as remain unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Sections 230 and 235 of Public Act 93-97, as amended, made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are reappropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Land and Water Recreation Fund:
   (From Article 1, Section 235, page 46, line 18 of Public Act 93-97, as amended)
   For Outdoor Recreation Programs.................. 6,200,000

Payable from Land and Water Recreation Fund:
   (From Article 1, Section 230 on page 45, line 31, of Public Act 93-97, as amended)
   For Outdoor Recreation Programs.................. 10,623,700

Section 195. The sum of $599,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 205, page 43, line 24 of Public Act 93-97, as amended, is reappropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 200. The sum of $955,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30,
2004, from appropriations heretofore made in Article 1, Section 205, page 43, line 25 of Public Act 93-97, as amended, is reappropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 205. The sum of $5,000,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 1, Section 15 of Public Act 93-97, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition, planning and development of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

Section 210. The sum of $10,194,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 1, Section 20 of Public Act 93-97, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition, planning and development of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

Section 215. The following named sums, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Sections 230 and 235 of Public Act 93-97, as amended, made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are reappropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Federal Title IV Fire Protection Assistance Fund:
(From Article 1, Section 235
on page 46, lines 23-34 of Public
Act 93-97, as amended)

New matter indicated by italics - deletions by strikeout.
For Rural Community Fire Protection Program............................... 313,300

Section 220. Payable from Federal Title IV Fire Protection Assistance Fund:
(From Article 1, Section 230 on page 46, lines 6-7, of Public Act 93-97, as amended)
For Rural Community Fire Protection Program............................... 291,900

Section 225. The sum of $82,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 245, page 47, line 6 of Public Act 93-97, as amended, is reappropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 230. The sum of $71,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 245, page 47, line 7 of Public Act 93-97, as amended, is reappropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 235. The sum of $625,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 250, page 47, line 18 of Public Act 93-97, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 240. The sum of $557,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 250, page 47, line 19 of Public Act 93-97, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation

New matter indicated by italics - deletions by strikeout.
of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 245. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $236,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 255, page 48, line 1 of Public Act 93-97, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 250. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $225,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 255, page 48, line 2 of Public Act 93-97, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 255. To the extent federal funds including reimbursements are made available for such purposes, the sum of $35,300, or so much thereof as may be necessary and as remains unexpended, at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 260 of Public Act 93-97, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Urban Forestry programs, including technical assistance, education and grants.

Section 260. The sum of $493,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 140, page 32, line 32 of Public Act 93-97, as amended, is reappropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

Section 265. The sum of $2,360,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 140, page 33, line 1 of Public Act 93-97, as amended, is reappropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for...
Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

FOR BIKEWAYS PROGRAMS

Section 270. The following named sums, or so much thereof as may be necessary, and is available for expenditure as provided herein, are appropriated from the Park and Conservation Fund to the Department of Natural Resources for the following purposes:

Section 275. The sum of $10,900 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 130, on page 31, lines 20-26 of Public Act 93-97, as amended, is reappropriated for land acquisition, development and grants, for the following bike paths at the approximate costs set forth below:

Great River Road/Vadalabene Bikeway through Grafton................................... 5,300
Super Trail between the Quad Cities and Savannah.......................................... 0
Illinois Prairie Path in Cook County................................................................. 5,600

Section 280. The sum of $2,500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 130, on page 31, line 33 Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

Section 285. The sum of $14,044,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 130, on page 32, lines 1-7 of Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

Section 290. The sum of $56,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 130, on page 32, lines 8-14 of Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

New matter indicated by italics - deletions by strikeout.
Resources for land acquisition, development, grants and all other related expenses connected with the acquisition and development of bike paths.

No funds in this Section may be expended in excess of the revenues deposited in the Park and Conservation Fund as provided for in Section 2-119 of the Illinois Vehicle Code.

Section 300. The sum of $995,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 125 of Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilitating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

Section 305. The sum of $500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 130 on page 31, line 11 of Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

Section 310. The sum of $2,034,600, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 120 of Public Act 93-97, as amended, is reappropriated to the Department of Natural Resources from the Park and Conservation Fund for multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilitating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

Section 315. The sum of $4,589,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 130 on page 31, line 12 of Public Act 93-97, as amended, is reappropriated

New matter indicated by italics - deletions by strikeout.
from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

Section 320. The sum of $1,500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 135, page 32, line 19 of Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

Section 325. The sum of $4,427,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 135, page 32, line 20 of Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

Section 330. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 1 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 335. The sum of $15,591,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY03, Section 24 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants to museums for permanent improvements.

Section 340. The sum of $7,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04,
Section 2 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 345. The sum of $382,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 1 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 350. The sum of $1,198,600, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY03, Section 1 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 355. The sum of $571,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 2 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 360. The sum of $7,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY03, Section 2 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 365. The amount of $33,311, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from
appropriations heretofore made for such purposes in Article 5, Division FY86, Section 8-1.22 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for costs associated with drainage, flood control and related improvements.

Section 370. The amount of $20,058, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 5, Division FY87a, Section 6-1.21 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for costs associated with drainage, flood control and related improvements.

Section 375. The amount of $189,520, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 5, Division FY86, Section 8-1.21 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the completion of the following projects at the approximate costs set forth below:

Lower Des Plaines River at Tributaries Watershed -
  - Cook and DuPage Counties - for
  - construction of drainage, flood control,
  - recreation and related improvements and
  - facilities in the Lower Des Plaines
  - Watershed; and for necessary land
  - acquisition, relocation, and related
  - expenses, all in general conformance with
  - the Lower Des Plaines River and Tributaries
  - Watershed Work plan in cooperation with the
  - U.S. Soil Conservation Service and local
  - governments sponsoring this Federal
  - Flood Control project...........................                                          189,520

Section 380. The amount of $132,507, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 5, Division FY89, Section 4-1.13 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the following projects at the approximate costs set forth below:

Des Plaines Watershed Mitigation - Cook,
DuPage, and Lake Counties - For implementation of flood hazard mitigation plans, developed in cooperation with units of local government in the Des Plaines Watershed, filed in accordance with Section 5 of the Flood Control Act of 1945, as amended (Ill. Rev. Stat., Ch. 19, par. 126e) .... 70,935

Indian Creek - Kane County - For implementation of the Indian Creek flood control project in Kane County in cooperation with the City of Aurora ............................................ 13,850

Midlothian Creek - Cook County - Improvement of Midlothian Creek channel to provide flood damage reduction for Fernway Subdivision in cooperation with the Villages of Orland Park and Tinley Park.......................... 47,722

Total ........................................................................................................... $132,507

Section 385. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from the Illinois Beach Marina Fund:
(From Article 1, Section 145 on page 34, lines 15-19, of Public Act 93-97, as amended) For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor................................................................. 97,500

Section 390. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from the Illinois Beach Marina Fund:
(From Article 1, Section 150 on page 36, lines 6-9 of Public Act

New matter indicated by italics - deletions by strikeout.
For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor........................................  250,000

Section 395. The sum of $5,770,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 270, page 48, line 26 of Public Act 93-97, as amended, is reappropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

Section 400. The sum of $8,289,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 270, page 48, line 27 of Public Act 93-97, as amended, is reappropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

Section 405. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in Sections: 75 through 130, 190, 205 through 210, and 275 through 380 until after the purpose and amount of such expenditure has been approved in writing by the Governor.

Total, Article 81 $344,006,896

ARTICLE 82
DEPARTMENT OF MILITARY AFFAIRS

Section 5. The sum of $3,134, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 55 of

New matter indicated by italics - deletions by strikeout.
Public Act 93-0076, as amended, is reappropriated from the Illinois National Guard Armory Construction Fund to the Department of Military Affairs for land acquisition and construction of parking facilities at armories.

Total, Article 82 $3,134

ARTICLE 83
DEPARTMENT OF STATE POLICE

Section 5. The sum of $23,734,522, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 7, Section 10 of Public Act 93-91, as amended, is reappropriated from the Capital Development Fund to the Department of State Police for the cost associated with a statewide voice communication system.

Total, Article 83 $23,734,522

ARTICLE 84
DEPARTMENT OF TRANSPORTATION

Section 5. The sum of $14,330,994, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning Permanent Improvements heretofore made in Article 8A, Section 2 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 10. The sum of $7,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation concerning Permanent Improvements heretofore made in Article 8, Section 2 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 15. The sum of $5,390,104, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning railroad relocation demonstration projects heretofore made in Article 8A, Section 3a of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes, provided such amount does not exceed funds to be made available from the federal government.

Section 20. The sum of $155,595, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning the State share of railroad

New matter indicated by italics - deletions by strikeout.
relocation demonstration projects heretofore made in Article 8A, Section 3a2 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 25. The sum of $14,405,287, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 3b1 of Public Act 93-91, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 30. The sum of $41,483,251, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 3b of Public Act 93-91, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 35. The sum of $100,918,676, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 3b3 of Public Act 93-91, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 40. The sum of $6,624,021, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made for “Engineering and Consultant Contracts” in Article 8A, Section 3b2 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 45. The sum of $500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 3b4 of Public Act 93-91, as amended, for preliminary engineering for western access to O'Hare Airport, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 50. The sum of $5,233,211, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning hazardous materials made in Article 8A, Section 3b5 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

New matter indicated by italics - deletions by strikeout.
Section 55. The sum of $1,052,636, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation concerning hazardous materials made in Article 8, Section 4c of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 60. The sum of $3,690,818, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made for Formal Contracts in the line item, “For Maintenance, Traffic and Physical Research Purposes (A)” for the Central Offices, Division of Highways, in Article 8A, Section 3b6 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 65. The sum of $17,200,122, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation for Formal Contracts in the line item, “For Maintenance, Traffic and Physical Research Purposes (A)” for the Central Offices, Division of Highways, in Article 8, Section 4c of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 70. The sum of $2,180,502, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning Highway Damage Claims heretofore made in Article 8A, Section 3b7 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 75. The sum of $4,223,524, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation concerning Highway Damage Claims heretofore made in Article 8, Section 4c of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 80. The sum of $7,477,399, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made for township bridges in Article 8A, Section 5a of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.
Section 85. The sum of $11,602,694, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made for township bridges in Article 8, Section 16 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 90. The sum of $43,302,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b4 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 95. The sum of $131,430,678, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b3 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 100. The sum of $123,163,576, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b2 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 105. The sum of $93,678,309, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A Section 5b6 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 110. The sum of $19,218,795, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A Section 5b5 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 115. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriations heretofore made in Article 8A, Section 5b1 of Public Act 93-91, as amended, are reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters,

New matter indicated by italics - deletions by strikeout.
rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code, for bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program; such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
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<tbody>
<tr>
<td>District 1, Schaumburg</td>
<td>325,485,021</td>
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<tr>
<td>District 2, Dixon</td>
<td>8,689,602</td>
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<tr>
<td>District 3, Ottawa</td>
<td>7,772,033</td>
</tr>
<tr>
<td>District 4, Peoria</td>
<td>10,000,314</td>
</tr>
<tr>
<td>District 5, Paris</td>
<td>10,467,167</td>
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<tr>
<td>District 6, Springfield</td>
<td>10,291,113</td>
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<tr>
<td>District 7, Effingham</td>
<td>28,299,332</td>
</tr>
<tr>
<td>District 8, Collinsville</td>
<td>39,194,105</td>
</tr>
<tr>
<td>District 9, Carbondale</td>
<td>6,893,241</td>
</tr>
<tr>
<td>Statewide</td>
<td>39,508,756</td>
</tr>
<tr>
<td>Total</td>
<td>$486,600,684</td>
</tr>
</tbody>
</table>

Section 120. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriations heretofore made in Article 8, Section 16b of Public Act 93-91, as amended, are reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code, for bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program; such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations as follows:

<table>
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<th>District</th>
<th>Amount</th>
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<tr>
<td>District 1, Schaumburg</td>
<td>251,604,260</td>
</tr>
<tr>
<td>District 2, Dixon</td>
<td>16,112,128</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
District 3, Ottawa........................... 14,794,889
District 4, Peoria............................ 9,151,544
District 5, Paris............................. 9,769,805
District 6, Springfield...................... 18,362,064
District 7, Effingham......................... 6,994,491
District 8, Collinsville..................... 11,939,179
District 9, Carbondale........................ 9,673,387
Statewide ................................... 31,618,019
Total $380,019,766

Section 125. The sum of $963,018, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8B, Section 34 of Public Act 93-664, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 130. The sum of $46,263,998, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made for grade crossing protection or grade separation in Article 8A, Section 5b18 of Public Act 93-91, as amended, is reappropriated from the Grade Crossing Protection Fund to the Department of Transportation for the same purpose.

Section 135. The sum of $25,879,731, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made for grade crossing protection or grade separation in Article 8, Section 17 of Public Act 93-91, as amended, is reappropriated from the Grade Crossing Protection Fund to the Department of Transportation for the same purpose.

Section 140. The sum of $152,968,049, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 6a of Public Act 93-91, as amended, is reappropriated from the Federal/Local Airport Fund to the Department of Transportation for the same purposes.

Section 145. The sum of $71,763,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 18b of Public Act 93-91, as amended, is reappropriated from the Federal/Local Airport Fund to the Department of Transportation for the same purposes.

Section 150. The sum of $155,802 or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A Section 5b7

New matter indicated by italics - deletions by strikeout.
of Public Act 93-91, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for use as matching funds for the Illinois Transportation Enhancement program for the Historic Preservation Agency.

Section 155. The sum of $27,151, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b8 of Public Act 93-91, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for use as matching funds for the Illinois Transportation Enhancement program for the Department of Natural Resources.

Section 160. The sum of $12,549,710, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 9a1 of Public Act 93-91, as amended, is reappropriated from the State Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 165. The sum of $3,341,000 or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 20a2 of Public Act 93-91, as amended, is reappropriated from the State Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 170. The sum of $8,306,882, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 9a5 of Public Act 93-91, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 175. The sum of $4,512,375, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 20a5 of Public Act 93-91, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 180. The sum of $8,869,810, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, less the reappropriations from Sections 72a and 72b, from the reappropriation heretofore made in Article 8A, Section 5b17 of Public Act

New matter indicated by italics - deletions by strikeout.
93-91, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 185. The sum of $1,154,600, from the reappropriation heretofore made in Article 8A, Section 5b17 of Public Act 93-91, for statewide purposes, is reappropriated from the Road Fund to the Department of Transportation for expenditures on projects consistent with the purposes of the Road Fund.

Section 190. The sum of $1,921,200, from the reappropriation heretofore made in Article 8A, Section 5b17 of Public Act 93-91, for statewide purposes, is reappropriated from the State Construction Account Fund to the Department of Transportation for expenditures on projects consistent with the purposes of the State Construction Account Fund.

Section 195. The sum of $68,957,348, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, less the reappropriations from Sections 73a and 73b, from the reappropriation heretofore made in Article 8A, Section 5b16 of Public Act 93-91, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 200. The sum of $25,783,800, from the reappropriation heretofore made in Article 8A, Section 5b16 of Public Act 93-91, for statewide purposes, is reappropriated from the Road Fund to the Department of Transportation for expenditures on projects consistent with the purposes of the Road Fund.

Section 205. The sum of $4,205,500, from the reappropriation heretofore made in Article 8A, Section 5b16 of Public Act 93-91, for statewide purposes, is reappropriated from the State Construction Account Fund to the Department of Transportation for expenditures on projects consistent with the purposes of the State Construction Account Fund.

Section 210. The sum of $265,866,720, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, less the reappropriations from Sections 74a and 74b, from the reappropriation heretofore made in Article 8A, Section 5b15 of Public Act 93-91, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 215. The sum of $59,371,300, from the reappropriation heretofore made in Article 8A, Section 5b15 of Public Act 93-91, for statewide purposes, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.
statewide purposes, is reappropriated from the Road Fund to the Department of Transportation for expenditures on projects consistent with the purposes of the Road Fund.

Section 220. The sum of $7,180,200, from the reappropriation heretofore made in Article 8A, Section 5b15 of Public Act 93-91, for statewide purposes, is reappropriated from the State Construction Account Fund to the Department of Transportation for expenditures on projects consistent with the purposes of the State Construction Account Fund.

Section 225. The sum of $446,345,407, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 16b2 of Public Act 93-91, as amended, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 230. The sum of $100,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 3, Section 1 of Public Act 93-587, as amended, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 235. The sum of $34,008,567, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning airport improvements heretofore made in Article 8A, Section 6a1 of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 240. The sum of $16,032,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation concerning airport improvements heretofore made in Article 8, Section 18b1 of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 245. The sum of $27,885,567, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 6b of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

New matter indicated by italics - deletions by strikeout.
Section 250. The sum of $5,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 18b1a of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 255. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriations heretofore made in Article 8A, Section 8b of Public Act 93-91, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

- Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended: 176,194,451
- For the counties of the State outside the counties of Cook, DuPage, Kane, McHenry, and Will, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended: 19,664,879
- For the Department of Transportation’s Greenlight Program pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended: 52,033,678
- To extend the metrolink rail line to Mid-America Airport: 5,000,002
- Total: $252,893,010

Section 260. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriations heretofore made in Article 8, Section 19b2 of Public Act 93-91, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

- Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended: 76,000,000
- For the counties of the State outside the counties of Cook,

New matter indicated by italics - deletions by strikeout.
DuPage, Kane, McHenry, and Will, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended......................... 5,000,000
For the Department of Transportation's Greenlight Program pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended............. 15,000,000
Total $96,000,000

Section 265. The sum of $4,963,616, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 8b2 of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 270. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriations heretofore made in Article 8A Section 8b1 of Public Act 93-91, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:
Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended.............. 3,007,142
For the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(2) of the General Obligation Bond Act, as amended................................. 3,072,263
For the counties of the State outside the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(3) of the General Obligation Bond Act, as amended.......................... 871,759
Total $6,951,164

Section 275. The sum of $26,358,536, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 9a7 of Public Act 93-91, as amended, is reappropriated from the

New matter indicated by italics - deletions by strikeout.
Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 280. The sum of $20,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 20a6 of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 285. The sum of $47,367,738, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 8b4 of Public Act 93-91, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

Section 290. The sum of $15,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 19b8 of Public Act 93-91, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

Section 295. The sum of $168,585,848, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriations heretofore made in Article 8, Section 16b1 of Public Act 93-91, as amended, for Engineering and Consultant Contracts only, is reappropriated from the State Construction Fund to the Department of Transportation for the same purposes.

Section 300. The sum of $5,729,119, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b12 of Public Act 93-91, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

New matter indicated by italics - deletions by strikeout.
Section 305. The sum of $25,595,890, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b11 of Public Act 93-91, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 310. The sum of $56,070,088, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b10 of Public Act 93-91, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 315. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriations heretofore made in Article 8A, Section 5b9 of Public Act 93-91, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

District 1, Schaumburg....................... 45,851,186
District 2, Dixon............................. 5,330,733
District 3, Ottawa........................... 1,023,558
District 4, Peoria............................ 2,706,282
District 5, Paris............................. 868,053
District 6, Springfield...................... 1,180,665
District 7, Effingham....................... 5,204,326
District 8, Collinsville..................... 9,776,972
District 9, Carbondale...................... 454,584
Statewide.................................... 14,834,129

New matter indicated by italics - deletions by strikeout.
Section 320. The sum of $13,037,344, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b 14 of Public Act 93-91, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 325. The sum of $5,166,906, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b13 of Public Act 93-91, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 330. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriations heretofore made in Article 8, Section 16b1 of Public Act 93-91, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1, Schaumburg</td>
<td>78,634,172</td>
</tr>
<tr>
<td>District 2, Dixon</td>
<td>60,912,248</td>
</tr>
<tr>
<td>District 3, Ottawa</td>
<td>41,716,704</td>
</tr>
<tr>
<td>District 4, Peoria</td>
<td>17,358,566</td>
</tr>
<tr>
<td>District 5, Paris</td>
<td>32,907,416</td>
</tr>
<tr>
<td>District 6, Springfield</td>
<td>53,726,128</td>
</tr>
<tr>
<td>District 7, Effingham</td>
<td>24,951,580</td>
</tr>
<tr>
<td>District 8, Collinsville</td>
<td>46,558,929</td>
</tr>
<tr>
<td>District 9, Carbondale</td>
<td>31,105,562</td>
</tr>
</tbody>
</table>

Total $87,230,488
Statewide................................. 95,906,896
Total                           $483,778,201

Section 335. The sum of $3,389,212, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning the federal share of the Rail Freight Loan Repayment Program heretofore made in Article 8A, Section 9a2 of Public Act 93-91, as amended, is reappropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 340. The sum of $1,100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation concerning the federal share of the Rail Freight Loan Repayment Program heretofore made in Article 8, Section 20a3 of Public Act 93-91, as amended, is reappropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 345. The sum of $11,228,887, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning Public Transportation heretofore made in Article 8A, Section 8b3 of Public Act 93-91 as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 350. The sum of $2,916,954, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning Rail Freight Service Assistance Program heretofore made in Article 8A, Section 9a of Public Act 93-91, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 355. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in:

Section 5    Permanent Improvements
Section 10   Permanent Improvements
Section 15   Rail Relocation – Federal
Section 20   Rail Relocation - State
Section 150  CDB Enhancement
Section 155  CDB - Enhancement
Section 160  State Rail Freight Loan Repayment
Section 165  State Rail Freight Loan Repayment
Section 170  FHSRTF High Speed Rail - Federal

New matter indicated by italics - deletions by strikeout.
Section 175  FHSRTF High Speed Rail - Federal
Section 180  Series A - (Road Program)
Section 195  Series A - (Road Program)
Section 210  Series A - (Road Program)
Section 225  Series A - (Road Program)
Section 230  Series A - (Road Program)
Section 235  Series B - (Aeronautics)
Section 240  Series B - (Aeronautics)
Section 245  Series B (Land Acquisition 3rd Airport)
Section 250  Series B (Land Acquisition 3rd Airport)
Section 260  Series B (Transit)
Section 265  Series B (Transit)
Section 270  Series B (Transit)
Section 275  Series B (Rail)
Section 280  Series B (Rail)
Section 335  Federal Rail Freight Loan Repayment
Section 340  Federal Rail Freight Loan Repayment
Section 345  Build Illinois Bond Fund (Transit)
Section 350  Build Illinois Bond Fund (Rail Freight Program)

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Total, Article 84                       $4,248,595,662

ARTICLE 85
CAPITAL DEVELOPMENT BOARD

Section 5.  The sum of $16,604 is appropriated from the Capital Development Fund to the Capital Development Board for the Department of Agriculture to replace horse barn windows at the DuQuoin State Fairgrounds.

Section 10.  The sum of $977,309 is appropriated from the Capital Development Fund to the Capital Development Board for the Department of Agriculture for the purpose of replacing or upgrading the 14 series barns at the Illinois State Fairgrounds at Springfield.

Section 15.  The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made for such purposes in Article 2, Section 1a of Public Act 93-587, as amended, is reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development

New matter indicated by italics - deletions by strikeout.
Board for the Department of Agriculture for the project hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD
(From Article 2, Section 1a of Public Act 93-587)
For upgrading the chemistry/seed laboratory systems................. 46,156

Section 20. The sum of $733,109 is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Agriculture to construct a multi-purpose building and the DuQuoin State Fairgrounds.

Section 25. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 2, Section 2 of Public Act 93-587, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

MT. VERNON APPELLATE COURT BUILDING
(From Article 2, Section 2 of Public Act 93-587)
For expanding the courthouse......................... 90,860
For expanding the courthouse, in addition to funds previously appropriated........................................ 238,320

SPRINGFIELD - SUPREME COURT BUILDING
For replacing the roofing system, in addition to funds previously appropriated............. 19,090
For replacing the roof.................................. 23,575
For renovating the HVAC system on the 3rd Floor........................................ 140,000
For installing humidifier and water filtration systems........................................ 1,570,950

APPELLATE COURT SECOND DISTRICT - ELGIN
For miscellaneous improvements......................... 297,432
Total $2,380,227

Section 30. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 2, Section 2a of Public Act 93-587, are reappropriated from the
Tobacco Settlement Recovery Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

APPELLATE COURT THIRD DISTRICT - OTTAWA

For tuckpointing, repairing the exterior and replacing the roof, in addition to funds previously appropriated................. 144,476

Section 35. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 5, Division FY01, Section 20 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

SUPREME COURT BUILDING - SPRINGFIELD

For renovating the Library and completing HVAC, in addition to funds previously appropriated.................. 235,000

Section 40. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 1, Sections 18 and 19 of Public Act 93-587, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Office of the Architect of the Capitol for the projects hereinafter enumerated:

CAPITOL BUILDING - SPRINGFIELD

(From Article 1, Section 18 of Public Act 93-587)
For equipment, remodeling and all other costs related to the maintenance, renovation or restoration of areas located in the Capitol Building.................. 2,500,000

(From Article 1, Section 19 of Public Act 93-587)
For all costs related to asbestos and environmental abatement in the Capitol Building.......................... 7,500,000

Total $10,000,000

Section 45. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Sections 9, 17 and 20, and Article 2, Section 3 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital

New matter indicated by italics - deletions by strikeout.
Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

**CAPITOL BUILDING - SPRINGFIELD**
(From Article 1, Section 17 of Public Act 93-587)
For planning and design, providing a study, historical analysis, asbestos abatement and all other costs associated with the upgrade of the HVAC system in the Capitol building........................................... 2,650,000

(From Article 1, Section 20 of Public Act 93-587)
For all costs related to the planning and design of life safety and fire protection system improvements, hazardous material abatement, historical restoration and construction in the Capitol Building....... 1,000,000

(From Article 2, Section 3 of Public Act 93-587)
For upgrading the HVAC systems, in addition to funds previously appropriated........................................... 3,043,966

**CAPITOL COMPLEX - SPRINGFIELD**
For completing the stone restoration, in addition to funds previously appropriated...... 1,520,119
For renovating the exterior of the Capitol and Howlett Buildings.......................... 31,784
For demolition of 222 S. College, and landscaping of Capitol Complex in addition to funds previously appropriated........................................... 1,200,000
For demolition of 222 South College Building and landscaping of Capitol Complex........................................... 2,387,894

**DRIVER'S FACILITY WEST - CHICAGO**
For renovating the building............................... 855,000

**MOTOR VEHICLE SERVICES FACILITY - SPRINGFIELD**
(From Article 1, Section 9 of Public Act 93-587)
For upgrading the fire alarm and security systems........................................... 430,000

**STATE POWER PLANT - SPRINGFIELD**
(From Article 2, Section 3 of Public Act 93-587)

New matter indicated by italics - deletions by strikeout.
For installing new water service and repairing power plant systems.......................      72,377

WILLIAM G. STRATTON BUILDING - SPRINGFIELD

For the planning, design, reconstruction, and construction to renovate or replace the Stratton Office Building, in addition to funds previously appropriated...............      11,582,631

Total                                                                                       $24,773,771

Section 50. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 5, Division FY02, Section 24 and Division FY01, Section 21 of Public Act 93-587, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL COMPLEX – SPRINGFIELD

(From Article 5, Division FY02, Section 24 of Public Act 93-587)
For upgrading fire alarm systems in two buildings...............................................      150,642

(From Article 5, Division FY01, Section 21 of Public Act 93-587)
For expanding the shipping and receiving dock.....................................................      227,746

Total                                                                                       $378,388

Section 55. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 3 and Article 2, Section 4 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

STATEWIDE

(From Article 1, Section 3 of Public Act 93-587)
For upgrading the building security system at the James R. Thompson Center and the State of Illinois building in addition to funds previously appropriated.............................................      655,000

(From Article 2, Section 4 of Public Act 93-587)
For replacing roofing systems at the

New matter indicated by italics - deletions by strikeout.
following locations at the approximate
costs set forth below.......................... 175,358
Effingham State Garage............. 190,000

OFFICE AND LAB BUILDING, CHICAGO MEDICAL CENTER
For planning and beginning the renovation
of the facility............................... 1,624,703

DIXON STATE GARAGE - LEE COUNTY
For upgrading the lighting and
replacing the roof............................ 240,981

JAMES R. THOMPSON CENTER - CHICAGO
(From Article 1, Section 3 of Public Act 93-587)
For installing an emergency generator........ 3,545,000
(From Article 2, Section 4 of Public Act 93-587)
For rehabilitating exterior columns, in
addition to funds previously appropriated...... 1,000,000
For upgrading mechanical systems, in
addition to funds previously appropriated........ 834,994
For upgrading mechanical systems............ 29,708

MEDICAL CENTER (DCFS DISTRICT OFFICE) - CHICAGO
For replacing roof and upgrading
mechanical and electrical systems.............. 336,425

PARIS STATE GARAGE
For replacing the roof and improving
the exterior................................... 62,001

ROCKFORD REGIONAL OFFICE BUILDING
(From Article 1, Section 3 of Public Act 93-587)
For replacing Halon and upgrading
the air conditioning............................ 450,000

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION
ROOSEVELT ROAD - CHICAGO
(From Article 2, Section 4 of Public Act 93-587)
For upgrading electrical systems.............. 436,295
For upgrading the HVAC system.................. 98,237

ILLINOIS CENTER FOR REHABILITATION AND
EDUCATION (WOOD) - CHICAGO
For upgrading fire and safety systems.......... 118,253

SPRINGFIELD - RESEARCH AND COLLECTION CENTER
For expanding surplus warehouse.............. 772,082

SPRINGFIELD STATE GARAGE

New matter indicated by italics - deletions by strikeout.
For renovating the interior of the central garage......................... 120,410

   SPRINGFIELD - COMPUTER FACILITY
(From Article 2, Section 4 of Public Act 93-587)
For upgrading the computer room and the electrical system............... 1,130,929
For installing a cooling tower and fire alarm system and various other improvements........ 162,911
For replacement of the halon fire suppression system........................ 18,598

   STATE OF ILLINOIS BUILDING - CHICAGO
For restoring exterior and rebuilding foundation............................... 728,590

   SUBURBAN NORTH REGIONAL OFFICE BUILDING - DES PLAINES
For planning and beginning rehabilitation of the exterior and upgrading the atrium.............. 43,499
For renovating offices for Environmental Protection Agency, in addition to funds previously appropriated....................... 175,498
For renovation of Suburban North Regional Office Building (formerly Maine Township North High School building), in addition to funds previously appropriated for such purpose, Phase III....................... 67,470
Total $12,841,584

Section 60. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made for such purposes in Article 2, Section 4.2 of Public Act 93-587, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

   JAMES R. THOMPSON CENTER – CHICAGO
(From Article 2, Section 4.2 of Public Act 93-587)
For restoring the exterior plaza.......................... 78,933

Section 65. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June
30, 2004, from appropriations heretofore made for such purposes in Article 2, Section 4a of Public Act 93-587, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

CHICAGO-READ - MEMORIAL CEMETERY
(From Article 2, Section 4a of Public Act 93-587)
For upgrading site.................................. 19,564

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION
(ROOSEVELT ROAD) - CHICAGO
For tuckpointing exterior.......................... 809,945
For upgrading lighting & paging systems......... 125,000
For constructing a parking lot.................... 132,600
Total $1,087,109

Section 70. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY03, Section 8, Division FY02, Section 15 and Division FY01, Section 10 of Public Act 93-587, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

STATEWIDE
(From Article 5, Division FY03, Section 8 of Public Act 93-587)
Telecommunications Building - Springfield
Roof Replacement.................................... 283,693

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION
(ROOSEVELT) – CHICAGO
(From Article 5, Division FY02, Section 15 of Public Act 93-587)
For replacing the roofing system.................. 282,522
For upgrading the kitchen and plumbing........... 248,489

CHAMPAIGN REGIONAL OFFICE BUILDING
For upgrading the HVAC system.................... 16,289

JAMES R. THOMPSON CENTER - CHICAGO
(From Article 5, Division FY01, Section 10 of Public Act 93-587)
For rehabilitating exterior columns, in addition to funds previously appropriated........ 48,157

SPRINGFIELD REGIONAL OFFICE BUILDING
For rehabilitating the HVAC system............... 7,393
Total $886,543

New matter indicated by italics - deletions by strikeout.
Section 75. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 7, and Article 2, Section 5 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

ARGYLE LAKE STATE PARK - MCDONOUGH COUNTY
(From Article 1, Section 7 of Public Act 93-587)
For upgrading the sewage treatment system............ 275,000

BABE WOODYARD STATE NATURAL AREA - VERMILION COUNTY
(From Article 2, Section 5 of Public Act 93-587)
For developing the site and associated land acquisition........................................ 2,610,485

BEAVER DAM STATE PARK - MACOUPIN COUNTY
For replacing the sewage system......................... 628,814

CARLYLE LAKE STATE PARKS
For cabin construction and site improvements at Eldon Hazlet State Park, Phase II................. 165,910
For road and site improvements at Carlyle Lake.......................... 1,477,424
For infrastructure and site improvements at Carlyle Lake................. 863,871

CASTLE ROCK STATE PARK - OGLE COUNTY
For rehabilitating the scenic overlook and water system............... 1,045,188

CHAIN O' LAKES STATE PARK - MCHENRY COUNTY
For upgrading sewage treatment system............... 41,491

EAGLE CREEK STATE PARK - SHELBY COUNTY
For constructing lake access boat docks at resort...................... 356,503

ELDON HAZLET STATE PARK - CLINTON COUNTY
For replacing the main waterline........................... 13,354

FERNE CLYFFE STATE PARK - JOHNSON COUNTY
(From Article 1, Section 7 of Public Act 93-587)
For replacing the campground sewage treatment system............ 400,000

New matter indicated by italics - deletions by strikeout.
FORT MASSAC STATE PARK - MASSAC COUNTY
(From Article 2, Section 5 of Public Act 93-587)
For reconstructing the fort............................ 81,514

FOX RIDGE STATE PARK - COLES COUNTY
For replacing spillway............................... 160,000

GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY
For replacing floating boardwalk...................... 485,000

HENNEPIN CANAL PARKWAY STATE PARK AND ACCESS AREA
For rehabilitating/repairing railroad bridges, in addition to funds previously appropriated.................. 859,185
For rehabilitating aqueducts #3, #4 and #8.................... 374,411

HORSESHOE LAKE CONSERVATION AREA - ALEXANDER COUNTY
For dam rehabilitation and the State's share to implement the ecological restoration plan in cooperation with the U.S. Army Corps of Engineers, and land acquisition............................................. 842,605

I & M Canal - CHANNAHON STATE PARK - WILL COUNTY
For improving DuPage River Spillway.................. 110,000

ILLINOIS BEACH STATE PARK - LAKE COUNTY
For replacing sanitary sewer line..................... 79,748
For replacing sanitary sewer lines.................... 362,372

KANKAKEE RIVER STATE PARK - KANKAKEE/WILL COUNTIES
For constructing sanitary sewer system, in addition to funds previously appropriated.............. 5,000,000
For planning and constructing a sanitary sewer system................................. 32,923

KICKAPOO STATE PARK - VERMILION COUNTY
For replacing stairway to Long Pond............... 217,450
For rehabilitating the water system and day-use areas................................. 181,796

LAKE LE-AQUA-NA STATE PARK - STEPHENSON COUNTY
For replacing sewage treatment plant................. 158,077

LAKE MURPHYSBORO STATE PARK - JACKSON COUNTY
For replacing the district office building.................. 97,310

New matter indicated by italics - deletions by strikeout.
LINCOLN TRAIL STATE RECREATION AREA - CLARK COUNTY
For renovating the concession building................................................. 40,010
For upgrading campground electrical and drainage.............................. 143,087

MASON STATE FOREST TREE NURSERY
For expanding the cold storage facility.................................................. 33,004
For expanding the seed cleaning facility............................................. 210,659

MORaine HILLS STATE PARK - McHENRY COUNTY
For replacement of restrooms and upgrading the water system.................. 82,922

MORaine VIEW STATE PARK - MCLEAN COUNTY
For upgrading the water plant............................................................... 165,475

MORRISON-ROCKWOOD STATE PARK
For improving the water system and rehabilitating the campground water........ 59,276

NORTH POINT MARI NA - LAKE COUNTY
For construction of a breakwater structure......................................... 1,012,492

RED HILLS STATE PARK - LAWRENCE COUNTY
For miscellaneous improvements........................................................... 824,760

RESEARCH & COLLECTIONS CENTER - SPRINGFIELD
For renovating the interior................................................................. 239,668

ROCK CUT STATE PARK - WINNEBAGO COUNTY
For upgrading the sewage system........................................................ 1,936,593

NEW OFFICE BUILDING - SPRINGFIELD
For completing construction of an office building, in addition to funds previously appropriated.............................. 65,000

SAM PARR STATE PARK - JASPER COUNTY
For renovating recreational facilities.................................................... 1,915,000

SILOAM SPRINGS STATE PARK - ADAMS COUNTY
For rehabilitating office/service area.................................................... 1,200,000

SNAKEDEN HOLLOW FISH AND WILDLIFE AREA - KNOX COUNTY
For rehabilitating the Spillway, in addition to funds previously appropriated........................................... 50,391

SPRING GROVE FISHERIES CENTER - McHENRY COUNTY

New matter indicated by italics - deletions by strikeout.
For planning and beginning renovation of hatchery.......................... 144,480

SPRINGFIELD
For constructing an office building and interpretive center....................... 425,203

SPRING LAKE CONSERVATION AREA - TAZEWELL COUNTY
For stabilizing levee and shoreline........................................... 410,806

STARVED ROCK STATE PARK - LASALLE COUNTY
For construction of a visitors center, in addition to funds previously appropriated........ 24,820
For rehabilitating the sewer system.............................................. 36,399
STARVED ROCK STATE PARK AND LODGE - LASALLE COUNTY
For upgrading water and sewer systems...................................... 600,000

WASTE MANAGEMENT & RESEARCH CENTER
For constructing a garage and storage area.................................. 368,284

WELDON SPRINGS STATE PARK - DE WITT COUNTY
For upgrading residence utilities.............................................. 40,000

WHITE PINES FOREST STATE PARK - OGLE COUNTY
(From Article 1, Section 7 of Public Act 93-587)
For completing the replacement of the sewer system, in addition to funds previously appropriated............... 665,000
(From Article 2, Section 5 of Public Act 93-587)
For planning and beginning sewer system replacement............................... 57,278
For planning and beginning lodge and cabin restoration.......................... 49,021

WILDLIFE PRAIRIE PARK
(From Article 1, Section 7 of Public Act 93-587)
For rehabilitating the sewage treatment plant................................... 780,000
(From Article 2, Section 5 of Public Act 93-587)
For planning and beginning the upgrade of the park............................... 137,296

WILLIAM W. POWERS FISH AND WILDLIFE AREA – COOK COUNTY
For replacing sanitary sewer lines and

New matter indicated by italics - deletions by strikeout.
lift station..................................... 481,155

TUNNEL HILL-CACHE RIVER STATE NATURAL AREA
For constructing a visitor center and purchasing land.......................... 367,593

STATE MUSEUM - SPRINGFIELD
Plan, begin construction of Illinois State Museum............................. 3,573,090
For renovating or replacing exhibits, in addition to funds previously appropriated....... 414,340
For planning and replacement of the main museum exhibits, in addition to funds previously appropriated........................... 20,822

STATEWIDE
(From Article 1, Section 7 of Public Act 93-587)
For replacing/repairing the roofing systems at the following locations at the approximate cost set forth below....................... 245,000
Clinton Lake Recreational Area - DeWitt County....................... 65,000
Ferne Clyffe State Park- Johnson County....................... 20,000
Hennepin Canal Parkway State Park.............................. 26,000
Lake Le-Aqua-Na State Park- Stephenson County..................... 39,000
Mermet Lake Conservation Area- Massac County..................... 95,000
(From Article 2, Section 5 of Public Act 93-587)
For replacing/repairing the roofing systems at the following locations at the approximate costs set forth below.......................... 240,000
Jubilee College State Park-Peoria County....................... 45,000
Starved Rock State Park & Lodge-LaSalle County...................... 60,000
Kaskaskia River Fish & Wildlife Area-Randolph County.............. 25,000
Pyramid State Park- Perry County............................. 55,000

New matter indicated by italics - deletions by strikeout.
Region V Office (Benton)
Franklin County............... 55,000
For rehabilitating dams and bridges......... 925,644
For constructing, replacing and
renovating lodges and concession
buildings.............................. 6,076,457
For replacing roofs at the following locations,
at the approximate cost set forth below........ 168,860
Shabbona Lake State
Park........................................ 42,215
Hennepin Canal Parkway
State Park........................... 42,215
Randolph Fish &
Wildlife Area..................... 42,215
Dixon Springs State
Park........................................ 42,215
For replacing and constructing vault
toilets at the following locations,
at the approximate cost set forth
below........................................... 904,567
Wayne Fitzgerald State Park............. 225,799
Hennepin Canal Parkway
State Trail......................... 570,843
Kaskaskia River Fish &
Wildlife Area..................... 107,925
For rehabilitating bridges at the
following locations, at the approximate
cost set forth below....................... 257,944
Frank Holten State Park............ 257,944
For rehabilitating dams at the
following locations, at the
approximate cost set forth below............ 663,641
Rock Cut State Park.............. 450,000
Snakeden Hollow State Park........ 213,641
For replacing roofs at the following
locations, at the approximate
cost set forth below...................... 243,211
Southern IL Arts &
Crafts Center.......................... 40,000

New matter indicated by italics - deletions by strikeout.
Frank Holten State Park.............. 30,000  
DNR Geological Survey-
    Champaign.......................... 9,364  
Sangchris Lake State
    Park............................... 5,000  
Illini State Park..................... 1,692  
Shelbyville Fish &
    Wildlife Area....................... 45,000  
Trail of Tears State
    Forest..................... 8,921  
Sanganois Conservation Area......... 5,291  
Rice Lake State Park........ 28,090  
Hidden Spring State Park............. 43,613  
Siloam Springs State Park.......... 2,417  
Mississippi Palisades
    State Park...................... 23,823  
For replacing roofing systems at the
following locations, at the approximate
    cost set forth below.................. 325,528  
Beall Woods Conservation Area -
    Wabash County..................... 2,500  
Eldon Hazlet State Park -
    Clinton County..................... 2,475  
Fox Ridge State Park -
    Coles County....................... 21,532  
Giant City State Park -
    Jackson/Union Counties............. 1  
Goose Lake Prairie State Park -
    Grundy County...................... 9,450  
Hennepin Canal Parkway State Trail
    41,303  
Illinois Beach State Park -
    Lake County...................... 146,682  
Illinois Caverns Natural Area -
    Monroe County..................... 21,000  
Kankakee River State Park -
    Kankakee/Will Counties............ 38,647  
Moraine Hills State Park -
    McHenry County...................... 23,387  
Moraine View State Park -

New matter indicated by italics - deletions by strikeout.
McLean County................. 3,601
Ramsey Lake State Park -
  Fayette County............. 1,000
Randolph County Conservation Area.... 160
Stephen A. Forbes State Park -
  Marion County............. 6,857
Ten Mile Creek State Fish &
  Wildlife Area - Jefferson/
  Hamilton Counties......... 63
Union County Conservation Area...... 23
Washington County Conservation Area. 3,453
William W. Powers Conservation Area -
  Cook County............... 2,394
Wolf Creek State Park -
  Shelby County............. 1,000

For replacing vault toilets at the following
locations, at the approximate cost set forth
below................................. 440,666
  Anderson Lake Conservation Area -
  Fulton/Schuyler Counties....... 150,919
  Giant City State Park -
  Jackson/Union Counties......... 177,162
  Randolph County Conservation Area -
  Silver Springs State Park -
  Kendall County.............. 12,215

For constructing vault toilets at the following
locations at the approximate costs set forth
below................................. 106,610
  Cave-In-Rock State Park........ 50,000
  Golconda/Rauchfuss Hill......... 10,000
  Prophetstown State Park........ 40,000
  William W. Powers State Park.... 6,610

For constructing hazardous material storage
buildings............................ 15,514

For constructing vault toilets at the
following locations at the approximate
cost set forth below................. 137,897
  Apple River Canyon State Park.... 19,699
  Des Plaines Conservation Area.... 19,700

New matter indicated by italics - deletions by strikeout.
For land acquisition........................................ 274,539
For planning, construction, reconstruction,
land acquisition and related costs,
utilities, site improvements, and all other
expenses necessary for various capital
improvements at parks, conservation areas,
and other facilities under the jurisdiction
of the Department of Natural Resources........... 1,423,927
Total  $45,944,360

Section 80. The following named amounts are
appropriated from
the Capital Development Fund to the Capital Development Board for the
Department of Natural Resources for the projects hereinafter enumerated:

HENNEPIN CANAL PARKWAY - ROCK ISLAND COUNTY
For rehabilitating Aqueduct #6........................ 33,760
SPRING GROVE HATCHERY - MCHENRY COUNTY
For upgrading the septic system..................... 25,007
STATEWIDE
For rehabilitation of trail systems.................... 70,895
Total  $129,662

Section 85. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from appropriations heretofore made for such purposes in
Article 2, Section 5a of Public Act 93-587, are reappropriated from the
Tobacco Settlement Recovery Fund to the Capital Development Board for
the Department of Natural Resources for the projects hereinafter
enumerated:

STATEWIDE PROGRAM
(From Article 2, Section 5a of Public Act 93-587)
For maintaining lodge and concession
facilities..................................................... 74,567
For maintaining lodge
and concession facilities............................ 20,018
For rehabilitating or
replacing playground equipment..................... 190,796

New matter indicated by italics - deletions by strikeout.
For land acquisition
relocation costs......................... 100,000
  ILLINOIS BEACH STATE PARK - LAKE COUNTY
For stabilizing the shoreline........ 390,055
  KASKASKIA RIVER FISH & WILDLIFE AREA - RANDOLPH
  COUNTY
For providing boat access
safety improvements.................. 180,158
  PRAIRIE RIDGE SANCTUARY NATURAL AREA
For upgrading electrical
and providing insulation.............. 99,274
  REAVIS SPRING HILL PRAIRIE NATURE PRESERVE - MASON
  COUNTY
For developing natural resources
protection............................. 42,600
  WAYNE FITZGERRELL STATE PARK - JEFFERSON COUNTY
For stabilizing the watershed shoreline.... 188,499
Total $1,285,967

Section 90. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from an appropriation and reappropriations heretofore made in
Article 5, Division FY03, Section 12, Division FY02, Section 20, and
Division FY01, Section 15 of Public Act 93-587, are reappropriated from
the Build Illinois Bond Fund to the Capital Development Board for the
Department of Natural Resources for the project hereinafter enumerated:
  GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY
(From Article 5, Division FY03, Section 12 of Public Act 93-587)
For rehabilitating visitor's center
exterior.............................. 674,600

STATEWIDE PROGRAM
(From Article 5, Division FY02, Section 20 of Public Act 93-587)
For replacing roofs at the following
locations, at the approximate costs set
forth below............................ 93,663
  Castle Rock State Park.............. 60,000
  Morrison-Rockwood State Park...... 33,663
  WELDON SPRINGS STATE PARK - DEWITT COUNTY
For improving the campgrounds........ 321,737

New matter indicated by italics - deletions by strikeout.
CLINTON LAKE – DEWITT COUNTY
(From Article 5, Division FY01, Section 15 of Public Act 93-587)
For upgrading campground electrical............... 125,510

PERE MARQUETTE STATE PARK - JERSEY COUNTY
For replacing Camp Ouatoga shower building............... 3,081

DES PLAINES GAME FARM - WILL COUNTY
For replacing the office building and rehabilitating the shop building................. 217,797
Total.................................................. $1,436,388

Section 95. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 4, and Article 2, Section 6 of Public Act 93-587, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

CENTRALIA CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For replacing the cooling tower.................. $660,000
(From Article 2, Section 6 of Public Act 93-587)
For upgrading the electrical system, in addition to funds previously appropriated..... 1,600,000
For planning upgrade of electrical system...... 101,567
For upgrading building automation system..... 172,439

DANVILLE CORRECTIONAL CENTER
For upgrading the power plant, in addition to funds previously appropriated..... 2,200,000
For planning upgrade of the boilers......... 180,050

DECATUR CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For upgrading smoke and fire doors........... 140,000
(From Article 2, Section 6 of Public Act 93-587)
DIXON CORRECTIONAL CENTER
For planning the upgrade and expansion of the medical care facility............ 701,710
For constructing a gun range and classroom building....................... 25,941

New matter indicated by italics - deletions by strikeout.
DWIGHT CORRECTIONAL CENTER
For renovating C9 and Old Hospital................. 927,701
For renovating Housing Unit C8, in
addition to funds previously
appropriated........................................... 270,000
For renovating buildings, in addition
to funds previously appropriated.................. 274,847
For renovation of buildings......................... 30,261

EAST MOLINE CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For completing replacement of the
absorption chiller, in addition to
funds previously appropriated...................... 400,000
For upgrading the roofing system............... 715,000
(From Article 2, Section 6 of Public Act 93-587)
For replacing windows, in addition to
funds previously appropriated...................... 1,800,000
For replacing windows.............................. 494,899
For replacing the chiller/absorber................. 384,700
For upgrading fire alarm and building
automation systems................................... 268,189
For upgrading the electrical
system.................................................... 666,821

GRAHAM CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For upgrading the cooling tower................. 290,000
For upgrading the mechanical system.............. 410,000
(From Article 2, Section 6 of Public Act 93-587)
For upgrading the building automation
system, in addition to funds previously
appropriated............................................ 900,000
For planning upgrade of building automation
system and fire alarm system....................... 128,020
For upgrading electrical system.................... 512,112

HOPKINS PARK
For infrastructure improvements
in connection with the Hopkins Park
Correctional Center................................. 6,423,960

ILLINOIS YOUTH CENTER - KEWANEE - HENRY COUNTY

New matter indicated by italics - deletions by strikeout.
For constructing a 60-bed inmate housing addition.................. $340,016  

**ILLINOIS YOUTH CENTER - HARRISBURG**  
(From Article 1, Section 4 of Public Act 93-587)  
For utility upgrade, including gas and sewer.......................... $5,540,000  
(From Article 2, Section 6 of Public Act 93-587)  
For constructing a multi-purpose medical, vocational and confinement building......... $9,757,548  

**ILLINOIS YOUTH CENTER - RUSHVILLE**  
For planning, design, construction, equipment and all other necessary costs to add a cellhouse.............................. $4,728,662  

**ILLINOIS YOUTH CENTER - ST. CHARLES**  
For constructing an R & C building and other improvements.................. $5,000,000  

**ILLINOIS YOUTH CENTER - WARRENVILLE**  
For upgrading site utilities.......................... $51,139  
For rehabilitation of the administration building.............................. $330,715  

**JOLIET CORRECTIONAL CENTER**  
For replacing the transfer switch and emergency generator.................. $948,968  

**KANKAKEE MSU - KANKAKEE COUNTY**  
(From Article 2, Section 6 of Public Act 93-587)  
For fencing improvements............................ $79,349  

**LAWRENCE COUNTY CORRECTIONAL CENTER**  
**LAWRENCEVILLE**  
For constructing two cellhouses, in addition to funds previously appropriated....... $158,637  

**LINCOLN CORRECTIONAL CENTER**  
(From Article 1, Section 4 of Public Act 93-587)  
For replacing doors and locks......................... $920,000  
For upgrading the dietary freezers................. $1,830,000  
(From Article 2, Section 6 of Public Act 93-587)  
For replacing water supply lines............... $346,562  

**LOGAN CORRECTIONAL CENTER**  
(From Article 1, Section 4 of Public Act 93-587)  
For planning and beginning the upgrade

New matter indicated by italics - deletions by strikeout.
of the power plant............................... 700,000
For renovating the electrical
distribution system......................... 1,720,000
(From Article 2, Section 6 of Public Act 93-587)
For constructing a medical building
and dietary building.......................... 4,407,432

MENARD CORRECTIONAL CENTER - CHESTER
For replacing the administration building,
in addition to funds previously
appropriated.................................. 12,300,000
For replacing the Administration
Building..................................... 1,000,000
For replacing the sally port................... 63,269
For stabilizing dam, in addition to funds
previously appropriated...................... 49,653
For correcting slope failure & MSU
improvements................................ 47,156
For improving ventilation and dehumidification
systems in the kitchen and dining rooms..... 75,183
For completing upgrade of North Cellhouse
plumbing system, in addition to funds
previously appropriated...................... 35,051
For replacing toilets and waste lines
at E/W Cellhouse and upgrade
North Cellhouse plumbing..................... 418,214
For renovation or replacement of the
Old Hospital Building, in addition to
funds previously appropriated............... 153,586
For planning and construction of the
Administration Building..................... 897,201

PONTIAC CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For replacing doors and frames............... 1,620,000
For replacing the roof on the Training
Center and Industry.......................... 390,000

SHAWNEE CORRECTIONAL CENTER
For replacing the emergency generator........ 1,075,000

SOUTHWESTERN CORRECTIONAL CENTER
(From Article 2, Section 6 of Public Act 93-587)

New matter indicated by italics - deletions by strikeout.
For replacing sewer lines............................... 68,475

STATEVILLE CORRECTIONAL CENTER - JOLIET

(From Article 1, Section 4 of Public Act 93-587)
For replacing doors and locks.......................... 580,000
(From Article 2, Section 6 of Public Act 93-587)
For replacing windows in Cellhouse B,
in addition to funds previously
appropriated........................................... 2,500,000
For planning and beginning renovation of
H & I houses.............................................. 390,775
For replacing the water line........................... 730,771
For constructing a housing unit, cellhouse,
vehicle maintenance building and
warehouse for the reception and
classification center, in addition to
funds previously appropriated.......................... 381,733
For replacing windows in B House.................. 2,831,344
For replacing cell fronts in F House............... 139,090
For upgrading plumbing system in F House,
in addition to funds previously
appropriated.................................................. 822,356
For replacing power plant and
utility distribution system.......................... 2,025,822
For planning, design, construction,
equipment and all other necessary costs
for an Adult Reception and Classification
Center....................................................... 1,519,562
For upgrading electrical system and elevator
and installing HVAC system......................... 1,156,777

TAMMS CORRECTIONAL CENTER
Construct bar screen.................................. 556,763

THOMSON CORRECTIONAL CENTER
For constructing three cellhouses and
expanding educational and vocational
space, in addition to funds previously
appropriated............................................. 339,688

VANDALIA CORRECTIONAL CENTER
For constructing a multi-purpose program
building...................................................... 90,656

New matter indicated by italics - deletions by strikeout.
For converting Administration Building and planning construction of an Administration/Health Care Unit......................... 333,846
For planning and beginning construction for a slaughter house and meat plant........... 215,641

VIENNA CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For replacing the cooler and freezer............... 2,290,000
For upgrading the power plant.................. 4,670,000
(From Article 2, Section 6 of Public Act 93-587)
For upgrading the HVAC system and replacing water lines in six housing units.............. 710,480
For renovating the kitchen........................ 44,164

WESTERN ILLINOIS CORRECTIONAL CENTER - MT. STERLING
For replacing warehouse freezers.................. 36,738

STATEWIDE
For upgrading roofing systems at the following locations at the approximate costs set forth below.......................... 1,395,435
Hardin County Work
   Camp................................. 8,808
Illinois Youth Center
   Joliet................................. 978,251
Pontiac Correctional Center................................. 408,376
For replacing windows at the following locations at the approximate costs set forth below, in addition to funds previously appropriated.......................... 1,850,000
   Dixon Correctional Center........ 1,850,000
For replacing doors and locks at the following locations at the approximate costs set forth below.................. 1,775,842
   Dixon Correctional Center........ 1,229,188
   Hill Correctional Center........ 472,616
   Vienna Correctional Center........ 74,038
For replacing roofing systems at the following locations at the approximate cost set forth below.................. 433,337

New matter indicated by italics - deletions by strikeout.
Illinois Youth Center -
  St. Charles......................... 94,132
Illinois Youth Center -
  Warrenville......................... 307,788
  Logan Correctional Center......... 31,417
For upgrading showers at the following
locations at the approximate
cost set forth below...................... 655,730
  Hill Correctional
    Center................................ 652,730
  Illinois River Correctional
    Center............................. 3,000
For upgrading water distribution systems at
the following locations at the approximate
cost set forth below...................... 656,203
  Dixon Correctional Center......... 207,295
  Joliet Correctional
    Center............................. 385,908
For upgrading water towers at the following
locations at the approximate
cost set forth below...................... 2,064,827
  Dixon Correctional
    Center............................. 812,739
  Illinois Youth Center -
    St. Charles....................... 1,242,558
  Illinois Youth Center -
    Valley View....................... 9,530
For planning, design, construction, equipment
and all other necessary costs for a
maximum security facility............ 103,942,904
For planning a medium security facility
and land acquisition................... 2,629,428
For replacing locks and control panels
at the following locations at the
approximate costs set forth below........ 849,512
  Illinois River
    Correctional Center............... 283,171
  Western Illinois
    Correctional Center............... 283,171

New matter indicated by italics - deletions by strikeout.
Danville Correctional Center............................. 283,170

For replacing roofing systems at the following locations at the approximate cost set forth below............. 182,924

- Menard Correctional Center.................... 7,353
- Vienna Correctional Center.................... 81,100
- Illinois Youth Center - Harrisburg........... 4,138
- Dixon Correctional Center.................... 27,156
- Pontiac Correctional Center................... 10
- Illinois Youth Center - Joliet................. 63,167

For replacing or upgrading security and monitoring systems at the following locations at the approximate cost set forth below........................................ 373,156

- Vienna Correctional Center.................. 250,000
- Pontiac Correctional Center.................. 94,450
- Joliet Correctional Center..................... 28,706

For planning and replacing windows at the following locations at the approximate cost set forth below........................... 2,353,255

- Vienna Correctional Center.................. 1,780,000
- Sheridan Correctional Center.................. 363,674
- Illinois Youth Center - Valley View........... 8,310
- Illinois Youth Center - Joliet............... 81,499
- Dixon Correctional Center.................... 106,031
- Shawnee Correctional Center................... 13,741

For upgrading and renovating showers at the following locations at the approximate

New matter indicated by italics - deletions by strikeout.
cost set forth below............................. 139,678
Shawnee Correctional
Center................................. 106,460
Danville Correctional
Center................................. 23,391
Graham Correctional
Center................................. 9,827
For replacing security fencing at the
following locations at the approximate
cost set forth below............................. 484,909
Hill Correctional
Center................................. 3,547
Western IL Correctional
Center................................. 31,427
Joliet Correctional
Center................................. 49,119
Logan Correctional
Center................................. 200,000
Dixon Correctional
Center................................. 100,000
Shawnee Correctional
Center................................. 35,400
Graham Correctional
Center................................. 24,369
Danville Correctional
Center................................. 41,047
For upgrading roads and parking lots at
the following locations at the approximate
cost set forth below............................. 193,314
Center................................. 21,148
Illinois Youth Center -
Valley View.............................. 172,166
For planning, design, construction, equipment
and all other necessary costs for a
female multi-security level
correctional center............................. 65,713,681
For replacing roofing systems at the
following locations at the approximate
cost set forth below............................. 189,284

New matter indicated by italics - deletions by strikeout.
Vienna Correctional Center........ 150,261
Sheridan Correctional Center........ 17,785
Western Illinois Correctional
Center - Mt. Sterling........... 21,238
For upgrading security control systems and
panels in housing units at the following
locations at the approximate cost set
forth below....................... 41,972
Danville Correctional Center....... 8,394
Hill Correctional Center -
Galesburg......................... 8,394
Western Illinois Correctional
Center - Mt. Sterling........... 8,394
Illinois River Correctional
Center - Canton................ 8,395
Shawnee Correctional Center -
Vienna......................... 8,395
For planning, design, construction,
equipment and all other necessary costs
for a juvenile facility.................. 1,748,879
For replacing roofing systems at the following
locations at the approximate cost set forth
below............................. 213,808
Dixon Correctional Center,
four buildings.................... 3,762
IYC - St. Charles, two buildings... 187,479
Joliet Correctional Center,
six buildings..................... 11,441
Logan Correctional Center - Lincoln
three buildings................... 5,584
Pontiac Correctional Center,
one building....................... 5,542
For inspecting and upgrading water towers
at the following locations at the approximate
costs set forth below............... 287,081
Dixon Correctional Center,
Upgrade Water Tower............. 60,926
Graham Correctional Center - Hillsboro
Upgrade Water Tower .......... 30,990

New matter indicated by italics - deletions by strikeout.
Joliet Correctional Center,
Upgrade Water Tower............... 37,171
Logan Correctional Center - Lincoln
Complete Water Tower Upgrade ..... 13,111
Menard Correctional Center - Chester
Upgrade Water Tower .............. 22,443
Stateville Correctional Center - Joliet
Upgrade Water Tower .............. 36,112
Statewide, Inspect and Upgrade
Water Towers....................... 86,328

For upgrading fire and safety systems at
the following locations at the approximate
costs set forth below, in addition to
funds previously appropriated.............. 2,037,256
Menard Correctional Center -
Chester.............................. 1,854,559
Sheridan Correctional Center..... 110,620
Vienna Correctional Center....... 72,077

For replacing doors and locks at the
following locations at the approximate
costs set forth below:...................... 345,466
IYC - St. Charles.................. 160,081
Lincoln Correctional Center....... 94,207
Jacksonville Correctional Center.... 12,473
Sheridan Correctional Center....... 78,705

For upgrading fire safety systems at the
following locations at the approximate
costs set forth below, in addition to
funds previously appropriated:............... 917,626
Menard Correctional Center........... 1,370
Pontiac Correctional Center....... 696,383
Stateville Correctional Center...... 219,873

For upgrading water and wastewater
systems at the following locations
at the approximate costs set forth below:....... 442,131
Big Muddy Correctional Center
for installing mechanical
bar screen........................... 7,348
Centralia Correctional Center

New matter indicated by italics - deletions by strikeout.
for upgrading water
treatment plant......................... 946
East Moline Correctional Center
for upgrading sewer system......... 4,310
Ed Jenison Work Camp (Paris)
for installing mechanical
bar screen......................... 2,530
IYC - Harrisburg for upgrading
water distribution system......... 59,198
Kankakee MSU for constructing
well #2.............................. 288,550
IYC - St. Charles for upgrading
sewage/storm system............... 67,475
IYC - Valley View for installing
mechanical bar screen............ 11,774
For replacement of locks, windows and
doors at the following locations
as set forth below:...................... 30,388
  IYC Harrisburg .................... 9,684
  Menard .......................... 5,762
  IYC Valley View ................... 14,942
For planning, design, construction,
equipment and other necessary costs
for a Correctional Facility for
juveniles.................................. 80,247
For planning, design, construction,
equipment and other necessary costs
for a Medium Security Correctional
Facility.................................. 83,625
For correcting defects in the food preparation
areas, including roofs............... 61,031
For replacement of roofs at various Department of
Corrections locations................... 29,547
Total $290,258,715

Section 100. The following named amounts, or so much thereof as
may be necessary and remains unexpended at the close of business on June
30, 2004, from an appropriation heretofore made for such purpose in
Article 5, Division FY04, Section 12, Division FY03, Section 9, Division
FY02, Section 16, and Division FY01, Section 11 of Public Act 93-587,

New matter indicated by italics - deletions by strikeout.
are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

**BIG MUDDY CORRECTIONAL FACILITY**
(From Article 5, Division FY04, Section 12 of Public Act 93-587)
For replacing door locking controls and intercom systems........................... 2,800,000

**STATEVILLE CORRECTIONAL CENTER**
(From Article 5, Division FY03, Section 9 of Public Act 93-587)
For installing fire alarm systems.............. 1,600,000

**STATEVILLE CORRECTIONAL CENTER**
For upgrading the storm and wastewater systems, in addition to funds previously appropriated.............................. 648,428
(From Article 5, Division FY02, Section 16 of Public Act 93-587)

**STATEWIDE**
For upgrading the water towers at the following locations at the approximate costs set forth below........................... 1,293,713
Joliet Correctional Center........... 970,000
Vienna Correctional Center........... 323,713

**HILL CORRECTIONAL CENTER - GALESBURG**
For upgrading building automation...................... 141,702

**VANDALIA CORRECTIONAL CENTER**
For upgrading the water distribution system and replacing the water tower, in addition to funds previously appropriated.............. 103,914

**PONTIAC CORRECTIONAL CENTER - LIVINGSTON COUNTY**
(From Article 5, Division FY01, Section 11 of Public Act 93-587)
For repairing and renovating HVAC systems in the Administration Building.......................... 44,790

Total $6,632,547

Section 105. The sum of $3,111,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 1, Section 16 of Public Act 93-0635, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois

New matter indicated by italics - deletions by strikeout.
Emergency Management Agency for costs associated with a new State Emergency Operations Center.

Section 110. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 2, Section 7 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

**BISHOP HILL HISTORIC SITE - HENRY COUNTY**
(From Article 2, Section 7 of Public Act 93-587)
For restoring interior and exterior.............. 185,523
For rehabilitating Bjorkland Hotel............... 855,025

**BLACKHAWK STATE HISTORIC SITE**
For rehabilitating lodge......................... 44,764
For a grant to the City of Rock Island
to relocate the existing sewer line............ 120,000

**BRYANT COTTAGE STATE MEMORIAL - BEMENT**
For rehabilitating interior and exterior........ 198,287

**CAHOKIA COURTHOUSE STATE MEMORIAL - CAHOKIA**
For providing structural stabilization........... 269,978
For renovation of the Cahokia Courthouse and the Jarrot House......................... 31,183

**CAHOKIA MOUNDS HISTORIC SITE - COLLINSVILLE**
For replacement of Monk's Mounds stairs........ 339,695
For restoration of Monk's Mound............... 1,009,932
For purchasing private land within historic site boundary.............................. 189,979

**DAVID DAVIS HOME**
To acquire a residence to be converted to a Visitors Center....................... 249,400

**FORT DE CHARTRES HISTORIC SITE - RANDOLPH COUNTY**
For rehabilitating the stone gatehouse wall and foundation.......................... 200,969

**JARROT MANSION STATE HISTORICAL SITE**
For restoring the mansion, site improvements and land acquisition, in addition to funds previously appropriated.......... 1,563,314

New matter indicated by italics - deletions by strikeout.
MADISON COUNTY
For constructing interpretive center,
and development of the historic site
in addition to funds previously
appropriated........................................... 22,152
LINCOLN'S TOMB/VIETNAM MEMORIAL - SPRINGFIELD
For rehabilitating site and providing
irrigation system........................................... 201,760
LINCOLN-HERNDON LAW OFFICE - SPRINGFIELD
For rehabilitating interior and exterior............. 46,511
LINCOLN'S NEW SALEM HISTORIC SITE - MENARD COUNTY
For providing electrical at
campgrounds........................................... 120,000
LINCOLN PRESIDENTIAL CENTER - SPRINGFIELD
For constructing library and museum complex, in
addition to funds previously appropriated...... 32,316,455
For constructing a Lincoln Presidential
Library......................................................... 792,033
For planning and beginning the Lincoln
Presidential Center, in addition to
funds previously appropriated................... 18,811
OLD STATE CAPITOL - SPRINGFIELD
For repairing elevators................................. 405,000
SHAWNEETOWN BANK HISTORIC SITE - GALLATIN COUNTY
For rehabilitating exterior............................... 425,756
UNION STATION - SPRINGFIELD
For purchasing and rehabilitating.................... 2,430,282
STATEWIDE
For statewide ISTEA 21 Match......................... 637,000
For replacing roofing systems at the
following locations at the approximate
costs set forth below:.................................... 115,622
Fort De Chartres, Randolph County.............. 100
Washburne House, Galena......................... 5,378
David Davis Mansion, Bloomington.............. 22,051
Bishop Hill House, Henry County.............. 88,093
For matching ISTEA federal grant funds......... 157,379
Total ......................................................... $42,946,810

New matter indicated by italics - deletions by strikeout.
Section 115. The following named amounts are appropriated from the Capital Development Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

**DANA THOMAS HOUSE - SPRINGFIELD**
For restoring exterior and interior.............. 112,961

**GALENA HISTORIC SITE**
For rehabilitating Washburne House............... 189,240

**LINCOLN'S NEW SALEM HISTORIC SITE - PETERSBURG**
For rehabilitating saw mill and grist mill................................. 33,895

**METAMORA COURTHOUSE HISTORIC SITE**
For rehabilitating courthouse...................... 102,168

Total ........................................ $438,264

Section 120. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations made for such purposes in Article 2, Section 7a of Public Act 93-587, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

**LINCOLN LOG CABIN HISTORIC SITE - COLES COUNTY**
For providing roads, parking areas and pedestrian bridges.................................. 55,400

Section 125. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 5, Division FY02, Section 17, Division FY02, Section 23, Division FY01, Section 12 and Division FY00, Section 1-4 of Public Act 93-587, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

**MT. PULASKI COURTHOUSE HISTORIC SITE - LOGAN COUNTY**
(From Article 5, Division FY02, Section 17 of Public Act 93-587)
For rehabilitating interior & exterior............ 206,768

**BISHOP HILL HISTORIC SITE – HENRY COUNTY**
(From Article 5, Division FY02, Section 23 of Public Act 93-587)
For restoring interior and exterior.............. 486,676

**VANDALIA STATE HOUSE HISTORIC SITE**
(From Article 5, Division FY01, Section 12 of Public Act 93-587)
For rehabilitating the interior and exterior..... 240,009

New matter indicated by italics - deletions by strikeout.
PULLMAN HISTORIC SITE
(From Article 5, Division FY00, Section 1-4 of Public Act 93-587)
For all costs associated with the stabilization and restoration of the Pullman Historic Site.......................... 5,697,992
Total $6,631,445

Section 130. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made for such purposes in Article 2, Section 8.1 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ILLINOIS SCHOOL FOR THE VISUALLY IMPAILED - JACKSONVILLE
For constructing a new building to replace buildings 2, 3 and 4, in addition to funds previously appropriated................................. 86,364
For installation of individual package boilers................................. 224,019
Total $310,383

Section 135. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 2, Section 8a of Public Act 93-587, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

STATEWIDE PROGRAM
(From Article 2, Section 8a of Public Act 93-587)
For tuckpointing at the following locations at the approximate cost set forth below..............
Howe Developmental Center - Tinley Park................................. 115,000
Madden Mental Health Center - Hines................................. 43,661
Tinley Park Mental Health Center................................. 13,111
For tuckpointing exterior and repairing

New matter indicated by italics - deletions by strikeout.
masonry at various facilities................. 394,844
Total ........................................ $566,616

Section 140. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from an appropriation and reappropriations heretofore made for such purpose in Article 5, Division FY04, Section 13, Division FY03, Section 10, Division FY02, Section 18, and Division FY01, Section 13 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Human Services for the project hereinafter enumerated:

ILLINOIS SCHOOL FOR THE DEAF – JACKSONVILLE
(From Article 5, Division FY04, Section 13 of Public Act 93-587)
For replacing dorm doors......................... 2,000,000

JACKSONVILLE DEVELOPMENTAL CENTER – MORGAN
(From Article 5, Division FY03, Section 10 of Public Act 93-587)
For upgrading the mechanicals in the power plant, in addition to funds previously appropriated...................... 1,000,000

CHESTER MENTAL HEALTH CENTER
(From Article 5, Division FY02, Section 18 of Public Act 93-587)
For renovating kitchen area, in addition to funds previously appropriated............................. 20,981

CHOATE MENTAL HEALTH CENTER - ANNA
For installing courtyard/recreation area at Dogwood and Rosebud................................. 20,463

SINGER MENTAL HEALTH CENTER
For repair and/or replacement of roofs............ 71,994

TINLEY PARK MENTAL HEALTH CENTER
For upgrading fire/life safety systems and lighting, in addition to funds previously appropriated............................. 293,413

FOX DEVELOPMENTAL CENTER - DWIGHT
(From Article 5, Division FY01, Section 13 of Public Act 93-587)
For renovating the water treatment plant........ 1,236,216

Total ........................................ $4,643,067

Section 145. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriation and reappropriations heretofore made in Article 2, Section 9 of Public Act 93-587, are reappropriated from the

New matter indicated by italics - deletions by strikeout.
Capital Development Fund to the Capital Development Board for the Illinois Medical District Commission for the projects hereinafter enumerated:

**ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO**

(From Article 2, Section 9 of Public Act 93-587)

For upgrading utility and infrastructure, in addition to funds previously appropriated..................................... 650,000

For upgrading core utilities....................... 428,574

For upgrading research center...................... 385,621

For constructing a Lab and Research Biotech Grad Facility.......................... 241,478

Total $1,705,673

Section 150. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 5, Division FY01, Section 19 of Public Act 93-587, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Medical District Commission for the projects hereinafter enumerated:

**ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO**

For upgrading automation system and replacing fans................................. 6,339

For installing humidification system................ 14,751

Total $21,090

Section 155. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 6, and Article 2, Section 10 of Public Act 93-587, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

**BLOOMINGTON ARMORY - McLEAN COUNTY**

(From Article 1, Section 6 of Public Act 93-587)

For rehabilitating the mechanical/electrical systems and renovating the interior............. 3,000,000

**CAIRO ARMORY**

(From Article 2, Section 10 of Public Act 93-587)

For replacing roof and renovating the interior and exterior................. 1,217,518

New matter indicated by italics - deletions by strikeout.
CAMP LINCOLN - SPRINGFIELD
For converting commissary to a military museum, in addition to funds previously appropriated....................... 113,098
For construction of a military academy facility........................................ 638,820
For site improvements and construction for a military academy facility, including repair and reconstruction of access roads and drives at Camp Lincoln.................. 24,062

CHAMPAIGN ARMORY
For upgrading mechanical and electrical systems and installing a kitchen............... 143,081

DANVILLE ARMORY
For planning and construction of a new armory........... 5,325

EAST ST. LOUIS ARMORY - ST. CLAIR COUNTY
For upgrading mechanical systems and rest rooms............................... 224,088

ELGIN ARMORY - KANE COUNTY
For upgrading the interior and exterior.................. 856,456

GALVA ARMORY - HENRY COUNTY
For replacing the roof and upgrading the interior and exterior........................ 92,807

GENERAL JONES ARMORY
For rehabilitating the armory building, in addition to funds previously appropriated................................. 564,660
For renovation of the exterior and interior, mechanical areas and expansion of the parking lot, in addition to amounts previously appropriated........................................... 13,004
For replacement of the Assembly Hall roofing system including its structural system........................................ 14,708

JOLIET ARMORY - WILL COUNTY
For renovating mechanical and electrical systems and exterior.......................... 116,101

KEWANEE ARMORY
For upgrading electrical and mechanical

New matter indicated by italics - deletions by strikeout.
systems and installing a kitchen............... 248,511

LITCHFIELD ARMORY
For remodeling and installing a kitchen............... 489,302

MACOMB ARMORY - McDonough
(From Article 1, Section 6 of Public Act 93-587)
For completing the mechanical/electrical systems upgrade, renovating the interior, and installing a kitchen, in addition to funds previously appropriated............... 2,565,000
(From Article 2, Section 10 of Public Act 93-587)
For replacing the mechanical and electrical systems and installing a kitchen............... 891,145

MATTOON ARMORY
For replacing the roof and renovating the interior and exterior............... 924,273

MONMOUTH ARMORY
For replacing the roof and renovating the interior and exterior............... 731,379

NORTH RIVERSIDE ARMORY
For rehabilitating the interior and exterior............... 345,789

NORTHWEST ARMORY - CHICAGO
(From Article 1, Section 6 of Public Act 93-587)
For upgrading the electrical system............... 2,815,000
(From Article 2, Section 10 of Public Act 93-587)
For replacing the mechanical systems............... 1,908,229
For renovation of interior and exterior, in addition to funds previously appropriated for such purposes............... 315,232

ROCK FALLS ARMORY
For replacing the mechanical and electrical systems and upgrading the interior............... 1,937,436

SALEM ARMORY
For remodeling and installing a kitchen............... 448,940

SYCAMORE ARMORY
For replacing the electrical system,

New matter indicated by italics - deletions by strikeout.
renovating the interior and installing
air conditioning.............................. 1,607,004

STATEWIDE

For replacing roofing systems, windows
and doors, and rehabilitating the
exterior walls at the following
locations, at the approximate cost
set forth below ......................... 76,244
Bloomington Armory................. 15,248
Kewanee Armory...................... 15,249
Macomb Armory....................... 15,249
Rock Falls Armory.................. 15,249
Sycamore Armory.................... 15,249
Total $22,327,212

Section 160. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from reappropriations heretofore made in Article 5, Division
FY03, Section 11, Division FY02, Section 19 and Division FY01, Section
14 of Public Act 93-587, are reappropriated from the Build Illinois Bond
Fund to the Capital Development Board for the Department of Military
Affairs for the projects hereinafter enumerated:

NORTHWEST ARMORY - CHICAGO
(From Article 5, Division FY03, Section 11 of Public Act 93-587)
For renovating the mechanical systems,
in addition to funds previously
appropriated................................. 1,000,000

LAWRENCEVILLE ARMORY
(From Article 5, Division FY02, Section 19 of Public Act 93-587)
For rehabilitating the exterior and
replacing roofing systems.................. 225,370

MT. VERNON ARMORY
For resurfacing floors and replacing
exterior doors............................. 33,070

JOLIET ARMORY – WILL COUNTY
(From Article 5, Division FY01, Section 14 of Public Act 93-587)
For replacing low roof..................... 21,785
Total $1,280,225

Section 165. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June

New matter indicated by italics - deletions by strikeout.
30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 8 and Article 2, Section 12 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
(From Article 1, Section 8 of Public Act 93-587)
For completing the upgrade of
building management controls,
in addition to funds
previously appropriated..........................                                        400,000
For replacing the dock exhaust system..............                               590,000
(From Article 2, Section 12 of Public 93-587)
For replacing and repairing concrete
stairway and completing of parking
deck, in addition to funds
previously appropriated..........................                                        285,000
For upgrading building management
controls.......................................                                                  3,521,054
For upgrading the plumbing system..............                                  1,719,416
For upgrading parking lot/parking deck
structural repair..................................                      1,250,000
For renovating the interior and
upgrading HVAC..................................                   3,637,868
Total                                                                                       $11,403,338

Section 170. The following named amounts, or so much thereof as
may be necessary and as remain unexpended at the close of business on
June 30, 2004, from appropriations and reappropriations heretofore made
in Article 2, Section 12a of Public Act 93-587, are reappropriated from the
Tobacco Settlement Recovery Fund to the Capital Development Board for
the Department of Revenue for the project hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
(From Article 2, Section 12a of Public Act 93-587)
For completing security system upgrade, in
addition to funds previously appropriated........                              178,838
For structural analysis of parking deck..........                                      16,176
Total                                                                                       $195,014

Section 175. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June

New matter indicated by italics - deletions by strikeout.
30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 5, Division FY04, Section 10, Division FY03, Section 13 and Division FY01, Section 16 of Public Act 93-587, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

**WILLARD ICE BUILDING – SPRINGFIELD**
(From Article 5, Division FY04, Section 10 of Public Act 93-587)
For completing the upgrade of the Plumbing System.................................. 600,000
(From Article 5, Division FY03, Section 13 of Public Act 93-587)
For planning the curtain wall renovation........... 38,950
(From Article 5, Division FY01, Section 16 of Public Act 93-587)
For rescaling and replacing atrium windows.......................................... 74,930
For installing fire suppression system.............. 39,951
Total $753,831

Section 180. The amount of $1,115,826, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for the Department of State Police for replacing radio communication towers, equipment buildings and installing emergency power generators Statewide.

Section 185. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from an appropriation and reappropriation heretofore made for such purpose in Article 5, Division FY04, Section 9, Division FY03, Section 14, Division FY02, Section 21, and Division FY01, Section 17 of Public Act 93-587, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the project hereinafter enumerated:

**SPRINGFIELD STATE POLICE, PAWNEE FACILITY**
(From Article 5, Division FY04, Section 9 of Public Act 93-587)
For safety improvements at the firing range............................. $1,200,000

**STATEWIDE**
(From Article 5, Division FY03, Section 14 of Public Act 93-587)
For upgrading firing range facilities.............. 375,950

**DISTRICT 22 – ULLIN**
(From Article 5, Division FY02, Section 21 of Public Act 93-587)

New matter indicated by italics - deletions by strikeout.
For upgrading the HVAC system, in
JOLIET DISTRICT 5 – WILL COUNTY
(From Article 5, Division FY01, Section 17 of Public Act 93-587)
For replacing roof..................................

Total $1,655,257

Section 190. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 10, and Article 2, Sections 14 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

ANNA VETERANS HOME
(From Article 2, Section 14 of Public Act 93-587)
For constructing a garage.........................

LASALLE VETERANS' HOME
(From Article 1, Section 10 of Public Act 93-587)
For replacing the roofing system.................
For replacing the domestic water system.........
(From Article 2, Section 14 of Public Act 93-587)
For a grant to LaSalle Veterans' home
for all costs associated with architectural
and engineering designs.........................

MANTENO VETERANS' HOME - KANKAKEE COUNTY
(From Article 1, Section 10 of Public Act 93-587)
For replacing air conditioner chillers.......... 1,170,000
(From Article 2, Section 14 of Public Act 93-587)
For replacing condensing units................... 346,180
For upgrading or constructing
roads and parking lots........................... 55,922
For planning and constructing
additional storage and support areas........... 99,590
For upgrading courtyard program spaces......... 706,872
For upgrading storm sewer....................... 109,179
For construction of a special care facility..... 164,368

QUINCY VETERANS' HOME - ADAMS COUNTY
For constructing a bus and ambulance
garage............................................. 868,293

New matter indicated by italics - deletions by strikeout.
For improvements to various buildings
and replacement of Fletcher Building
to meet licensure standards.............. 2,562,961
Total                           $6,856,809

Section 195. The following named amount is appropriated from
the Capital Development Fund to the Capital Development Board for the
Department of Veterans' Affairs for the projects hereinafter enumerated:

ILLINOIS VETERANS' HOME - MANTENO
For upgrading generators for emergency power ...... 72,596

Section 200. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from appropriations and reappropriations heretofore made in
Article 2, Section 14a of Public Act 93-587, are reappropriated from the
Tobacco Settlement Recovery Fund to the Capital Development Board for
the Department of Veterans' Affairs for the projects hereinafter enumerated:

MANTENO VETERANS' HOME - KANKAKEE COUNTY
For installing humidifiers and
dehumidifiers................................ 407,950
For resurfacing roads and parking lots.......... 87,556
For demolishing buildings...................... 1,224,881

QUINCY VETERANS' HOME - ADAMS COUNTY
For renovating power plant equipment............ 130,121
Total                           $1,850,508

Section 205. The following named amount, or so much thereof as
may be necessary and remains unexpended at the close of business on June
30, 2004, from an appropriation heretofore made for such purpose in
Article 5, Division FY04, Section 11, Division FY03, Section 15, and
Division FY02, Section 22 of Public Act 93-587, is reappropriated from
the Build Illinois Bond Fund to the Capital Development Board for the
Department of Veterans' Affairs for the project hereinafter enumerated:

MANTENO VETERANS HOME
(From Article 5, Division FY04, Section 11 of Public Act 93-587)
For completing the upgrade of emergency
generators..................................... 600,000
(From Article 5, Division FY03, Section 15 of Public Act 93-587)
For installing humidifiers and
dehumidifiers, in addition to funds
previously appropriated............... 1,000,000

New matter indicated by italics - deletions by strikeout.
LASALLE VETERANS HOME - LASALLE COUNTY
(From Article 5, Division FY02, Section 22 of Public Act 93-587)
For planning expansion of facility ... 496,961

MANTENO VETERANS HOME - KANKAKEE COUNTY
For constructing an equipment storage building... 918,361
Total $3,015,322

Section 210. The amount of $41,980,390 is appropriated from the Capital Development Fund to the Capital Development Board for upgrading and remediating above and underground storage tanks, hazardous materials and for modifications to buildings and sites to meet requirements of the Federal Americans with Disabilities Act (ADA).

Section 215. The amount of $590,032, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 2, Section 16 of Public Act 93-587, is reappropriated from the Asbestos Abatement Fund to the Capital Development Board for surveying and abating asbestos-containing materials statewide.

Section 220. The amount of $994,978, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 2, Section 17 of Public Act 93-587, is reappropriated from the Asbestos Abatement Fund to the Capital Development Board for asbestos surveys and emergency abatement in relation to asbestos abatement in state governmental buildings or higher education residential and auxiliary enterprise buildings.

Section 225. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 2, Section 18 of Public Act 93-587, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the projects hereinafter enumerated:

STATEWIDE
(From Article 2, Section 18 of Public Act 93-587)
Survey for and abate hazardous materials............................. 780,987
For repairing minor problems and emergencies.......................... 994,796
For tuckpointing and repairing exterior of buildings.................. 192,900

New matter indicated by italics - deletions by strikeout.
For demolition of buildings.......................... 396,891
For archeological studies of construction sites............... 100,000
For repairing minor problems and emergencies..................... 3,753,509
Total                                                                 $6,219,083

Section 230. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made for such purposes in Article 2, Section 19 of Public Act 93-587, are reappropriated from the General Revenue Fund to the Capital Development Board for the projects hereinafter enumerated:

**STATEWIDE**
(From Article 2, Section 19 of Public Act 93-587)
For remediating minor problems and emergencies.............................. 1,206,443
For conducting construction site archeological studies................... 245,000
For demolition of buildings............................ 1,552,111
For surveying and abating asbestos-containing materials.................. 1,000,000
For surveying and abating asbestos-containing materials.................. 107,045
For remediating minor problems and emergencies............................ 163,465
For conducting construction site archeological studies................... 195,190
For demolishing buildings............................. 2,323,716
For repair of minor problems and emergencies......................... 229,138
For demolition of buildings............................. 227,812
For repair of minor problems and emergencies............................ 57,454
Total                                                                 $7,307,374

Section 235. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made for such purposes in Article 2, Section 20 of Public Act 93-587, are reappropriated from the
Capital Development Fund to the Capital Development Board for the Illinois Community College Board for the projects hereinafter enumerated:

**CARL SANDBURG COLLEGE**
(From Article 2, Section 20 of Public Act 93-587)
For constructing a computer/student center..................................... 47,137

**CITY COLLEGES OF CHICAGO**
For various bondable capital improvements........ 8,887,250

**CITY COLLEGES OF CHICAGO/KENNEDY KING**
For remodeling for Workforce Preparation Centers............................ 3,695,942
For remodeling for a culinary arts educational facility........................ 10,875,000

**CITY COLLEGES OF CHICAGO - MALCOLM X COLLEGE**
For remodeling the Allied Health program facilities.......................... 4,316,750

**COLLEGE OF DUPAGE**
For upgrading the Instructional Center heating, ventilating and air conditioning systems.............................. 273,534

**COLLEGE OF LAKE COUNTY**
For planning and beginning construction of a technology building - Phase 1................................. 399,218

**ILLINOIS VALLEY COMMUNITY COLLEGE**
For planning, construction and renovations necessary to abate asbestos containing materials at campus facilities........ 1,066,987

**JOHN A. LOGAN COMMUNITY COLLEGE - CARTERVILLE**
For constructing additions and site improvements, in addition to funds previously appropriated.......................... 13,246
For planning, construction, utilities, site improvements, equipment and other costs necessary for a new Workforce Development and Community Education Facility. The provisions of Article V of the Public Community College Act are not applicable to this appropriation........ 271,813

New matter indicated by italics - deletions by strikeout.
John Wood Community College - Quincy
For planning campus buildings and site improvements.......................... 87,647

Kankakee Community College
For constructing a laboratory/classroom facility.................................. 2,631,452

Lakeland College
Student Services Building addition............. 6,602,331

Lake Land College - Mattoon
For constructing a Technology Building, a parking area and for site improvements.............. 25,555
For constructing a classroom/administration building and purchasing equipment, in addition to funds previously appropriated............. 185,916

Lewis and Clark Community College - Godfrey
For a grant to Lewis and Clark Community College for all costs associated with construction redevelopment, infrastructure and engineering costs at the N.O. Nelson property in Edwardsville......................... 7,827
For constructing classroom and office building and additions, and remodeling of Haskell Hall................. 41,820

Lincoln Land Community College - Springfield
For constructing a conference & training facility addition to the Millenium Center, in addition to funds previously appropriated............... 82,394
For constructing an addition and remodeling Sangamon and Menard Halls......................... 42,723

McHenry County College
For constructing classrooms and a student services building and remodeling space, in addition to funds previously appropriated.................. 826,701

Morraine Valley Community College - Palos Hills
For constructing a classroom/administration building, providing site improvements and purchasing equipment, in addition to

New matter indicated by italics - deletions by strikeout.
funds previously appropriated....................... 50,336

OAKTON COMMUNITY COLLEGE
For planning an addition to Ray Harstein campus - Phase 1......................... 85,664

PRAIRIE STATE COLLEGE - CHICAGO HEIGHTS
For constructing an addition to the Adult Training/Outreach Center, in addition to funds previously appropriated.................. 2,632,174

REND LAKE COLLEGE - INA
For site development, design and construction of an Industrial & Community Training Center at Pinckneyville Industrial Park................................. 20,644

RICHLAND COMMUNITY COLLEGE - DECATUR
For remodeling and constructing additions........... 149,526

SOUTHWESTERN ILLINOIS COLLEGE
(Formerly BELLEVILLE AREA COLLEGE)
For renovating campus buildings and site improvements at the Belleville and Red Bud campuses................................. 46,022

SOUTH SUBURBAN COLLEGE
For improving flood retention.......................... 437,000

SPOON RIVER COLLEGE
For remodeling Engle Hall and constructing a maintenance building........... 355,901

TRITON COMMUNITY COLLEGE - RIVER GROVE
For rehabilitating the Liberal Arts Building................................. 1,553,487
For rehabilitating the potable water distribution system............................ 70,146

STATEWIDE
For the Illinois Community College Board miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community Colleges. This appropriated amount shall be in addition to any other appropriated amounts

New matter indicated by italics - deletions by strikeout.
which can be expended for this purposes........ 1,910,745

STATEWIDE

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes................. 5,691,847

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes................. 4,227,309

STATEWIDE - CONSTRUCTION DEFECTS

For planning, construction and renovation to correct defectively designed or constructed community college facilities, provided that monies recovered based upon claims arising out of such defective design or construction shall be paid to the state as required by Section 105.12 of the Public Community College Act as reimbursement for monies expended pursuant to this appropriation........................................... 420,847

Total .............................................. $58,032,927

Section 240. The sum of $7,468, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 2, Section 21 of Public Act 93-587 is reappropriated from the General Revenue Fund to the Capital Development Board for a grant to Lincoln Land Community College for all costs associated with the construction of a new Rural Education and Technology Center.

New matter indicated by italics - deletions by strikeout.
Section 245. The amount of $1,593, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 5, Division FY00, Section 1-13 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board to plan and construct an industrial training center at Illinois Central College.

Section 250. The amount of $444,171, or so much thereof as may be necessary, and remains unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 5, Division FY91, Section 10G of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges repair, renovation, and miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 255. The sum of $1,907,066, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 2, Section 22 of Public Act 93-587 is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 260. The sum of $2,010,657, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 23 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at

New matter indicated by italics - deletions by strikeout.
the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 265. The sum of $2,847,981, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 24 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 270. The sum of $711,865, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 25 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 275. The sum of $3,600,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made for such purpose in Article 2, Section 26 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for miscellaneous capital improvements at various educational facilities statewide, in addition to funds previously appropriated.

Section 280. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 2, Section 27 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

New matter indicated by italics - deletions by strikeout.
ILLINOIS MATHEMATICS AND SCIENCE ACADEMY - AURORA

To plan and begin construction of a
space for the delivery of teacher
training and development and student
enrichment programs.......................... 108,843

For replacing carpeting, constructing storage
building and various site improvements,
including extending communications
conduit system................................ 186,408

Total $295,251

Section 285. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Section 12 and Article 2, Section 28 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

STATEWIDE
(From Article 1, Section 12 of Public Act 93-587)

For miscellaneous capital improvements
including construction, capital facilities,
cost of planning, supplies, equipment,
materials, services and all other expenses
required to complete the work at the various
universities. This appropriated amount
shall be in addition to any other appropriated
amounts which can be expended for these
purposes........................................ 20,000,000

Chicago State University............. 322,100
Eastern Illinois University......... 515,500
Governors State University........... 189,700
Illinois State University.......... 1,021,300
Northeastern Illinois
University............................. 383,700
Northern Illinois University...... 1,159,000
Western Illinois University....... 792,200
Southern Illinois University -
Carbondale......................... 1,625,000
Southern Illinois University -

New matter indicated by italics - deletions by strikeout.
Edwardsville ..........................        763,100
University of Illinois -
 Chicago .............................          2,777,300
University of Illinois -
 Springfield ..........................         229,100
University of Illinois -
 Urbana/Champaign ....................      4,150,300
Illinois Community
 College Board ......................          6,071,700
(From Article 2, Section 28 of Public Act 93-587)
For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes......    19,769,057
Chicago State University ..........          322,100
Eastern Illinois University .......         515,500
Governors State University .......         132,852
Illinois State University ..........        1,021,300
Northeastern Illinois
University ..........................         383,700
Northern Illinois University .......        1,159,000
Western Illinois University .......         792,200
Southern Illinois University -
Carbondale ..........................       1,450,905
Southern Illinois University -
Edwardsville ..........................       763,100
University of Illinois -
Chicago .............................         2,777,300
University of Illinois -
Springfield ..........................        229,100
University of Illinois -
Urbana/Champaign ....................       4,150,300
Illinois Community
College Board ......................         6,071,700

New matter indicated by italics - deletions by strikeout.
(From Article 2, Section 28 of Public Act 93-587)
For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes........ 8,100,380
Chicago State University........ 309,429
Eastern Illinois University........ 515,500
Illinois State University........ 1,021,300
Northeastern Illinois
University............................ 383,700
Northern Illinois University...... 1,159,000
Western Illinois University...... 791,946
Southern Illinois University -
Carbondale.......................... 250,820
University of Illinois -
Chicago............................. 2,318,054
University of Illinois -
Springfield.......................... 229,100
University of Illinois -
Urbana/Champaign............... 1,121,531
For miscellaneous capital improvements,
including construction, capital
facilities, cost of planning,
supplies, equipment, materials, services
and all other expenses required to
complete the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts which can be expended
for these purposes............................. 4,998,188
Eastern Illinois University........ 477,768
Illinois State University........ 548,098
Northeastern Illinois
University........................... 375,400

New matter indicated by italics - deletions by strikeout.
Northern Illinois University...... 1,249,300
Western Illinois University........ 198,034
Southern Illinois University -
Carbondale.......................... 110,360
University of Illinois -
Chicago............................... 729,267
University of Illinois -
Urbana/Champaign................... 1,309,961

For miscellaneous capital improvements
including construction, reconstruction
remodeling, improvements, repair
and installation of capital
facilities, cost of planning, supplies,
equipment, materials, services and all
other expenses required to complete
the work at the various universities set
forth below. This appropriated amount
shall be in addition to any other
appropriated amounts which can
be expended for these purposes............ 2,847,823

Chicago State University.............. 191,127
Eastern Illinois University.......... 165,140
Illinois State University.......... 317,735
Northeastern Illinois University.... 164,738
Northern Illinois University....... 861,486
Western Illinois University........... 79,906
Southern Illinois University -
Carbondale............................ 20,639
University of Illinois -
Chicago Campus........................ 72,155
University of Illinois -
Champaign/Urbana Campus.......... 974,897

(From Article 2, Section 28 of Public Act 93-587)
For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to
complete the work at the various

New matter indicated by italics - deletions by strikeout.
universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes..

2,127,967

For Eastern Illinois University........ 378,390
For Illinois State University......... 52,904
For Northeastern Illinois University .. 275,416
For Northern Illinois University...... 248,136
For Western Illinois University........ 39,423
For University of Illinois –
   Chicago.............................. 318,991
For University of Illinois -
   Urbana-Champaign.................... 814,707

For miscellaneous capital improvements, including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes..

1,613,158

For Eastern Illinois University....... 36,177
For Northern Illinois University..... 207,220
For Southern Illinois University -
   Carbondale........................... 22,188
For Southern Illinois University -
   Edwardsville......................... 35,137
For University of Illinois -
   Chicago............................. 803,196
For University of Illinois -
   Urbana-Champaign.................... 509,240

For miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment,

New matter indicated by italics - deletions by strikeout.
materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes............ 960,637  
For Chicago State University......... 121,395  
For Eastern Illinois University...... 199,051  
For Governors State University....... 71,798  
For Illinois State University......... 90,825  
For Northeastern Illinois University . 36,177  
For Northern Illinois University..... 207,446  
For Southern Illinois University...... 4,764  
For University of Illinois.......... 229,181  

SOUTHERN ILLINOIS UNIVERSITY  
(From Article 2, Section 28 of Public Act 93-587)  
For Southern Illinois University for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes............... 121,599  

UNIVERSITY OF ILLINOIS  
For the Board of Trustees of the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other

New matter indicated by italics - deletions by strikeout.
appropriated amounts which can be expended for these purposes.......................... 151,343

For the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work at the colleges and universities hereinafter enumerated. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes:

Northern Illinois University........................ 83,324

Total                                                                                       $60,773,476

Section 290. The sum of $164,387, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 29 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 295. The following named amounts, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 5, Division FY04, Section 6, Division FY03, Section 6, Division FY02, Section 26, Division FY01, Section 23, and Division FY00, Section 1-1 of Public Act 93-587, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

(From Article 5, Division FY04, Section 6 of Public Act 93-587)
For miscellaneous capital improvements including construction, capital

New matter indicated by italics - deletions by strikeout.
facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

<table>
<thead>
<tr>
<th>University</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Chicago State University</td>
<td>161,000</td>
</tr>
<tr>
<td>Eastern Illinois University</td>
<td>256,301</td>
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<td>University of Illinois - Chicago</td>
<td>1,388,600</td>
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<td>University of Illinois - Urbana/Champaign</td>
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<td>Illinois Community College Board</td>
<td>3,035,900</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$10,000,000</strong></td>
</tr>
</tbody>
</table>

(From Article 5, Division FY03, Section 6 of Public Act 93-587)

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

<table>
<thead>
<tr>
<th>University</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
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<td>161,000</td>
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<td>Northern Illinois University</td>
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<td>Western Illinois University</td>
<td>396,100</td>
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New matter indicated by italics - deletions by strikeout.
<table>
<thead>
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<th>Institution</th>
<th>Amount</th>
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<td>788,154</td>
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<td><strong>Total</strong></td>
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</table>

(From Article 5, Division FY02, Section 26 of Public Act 93-587)

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

<table>
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<th>Institution</th>
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<td><strong>Total</strong></td>
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</table>

(From Article 5, Division FY01, Section 23 of Public Act 93-587)

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts.

New matter indicated by italics - deletions by strikeout.
which can be expended for these purposes.

<table>
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<tr>
<th>University</th>
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<td>University of Illinois - Urbana/Champaign</td>
<td>268,540</td>
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</tbody>
</table>

Total $2,377,764

(From Article 5, Division FY00, Section 1-1 of Public Act 93-587)

For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes.

<table>
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<th>University</th>
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<td>University of Illinois-Chicago</td>
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Total $903,483

Total, Section 295 $28,391,745

Section 300. The sum of $2,943,792, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2004, from a reappropriation heretofore made in Article 5, Division FY02,
Section 25 of Public Act 93-587, is reappropriated from the Build Illinois
Bond Fund to the Capital Development Board for the Illinois Community

New matter indicated by italics - deletions by strikeout.
College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 305. The sum of $2,170,317, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY01, Section 22 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 310. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Section 12 and Article 2, Section 30 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

CHICAGO STATE UNIVERSITY

(From Article 1, Section 12 of Public Act 93-587)
For replacing primary electrical feeder cable................................... 1,000,000

(From Article 2, Section 30 of Public Act 93-587)
For roof replacement projects....................... 4,400,000
For the construction of a conference center......................................... 5,000,000
For the construction of a day care facility........................................ 4,927,811
For the construction of a student financial outreach building.................... 5,000,000
For constructing a new library facility, site improvements, utilities, and purchasing equipment, in addition

New matter indicated by italics - deletions by strikeout.
to funds previously appropriated.......... 13,492,621
For technology improvements and
deferred maintenance....................... 1,790,400
For remodeling Building K, in addition
to funds previously appropriated.......... 9,021,380
For planning and beginning to remodel
Building K and improving site............. 1,005,474
For planning, site improvements, utilities,
construction, equipment and other costs
necessary for a new library facility......... 7,846,920
For a grant to Chicago State University for
all costs associated with construction of
a Convocation Center.......................... 8,498,757
For upgrading campus infrastructure,
in addition to the funds
previously appropriated....................... 704,490
For renovating buildings and upgrading
mechanical systems............................ 535,658

EASTERN ILLINOIS UNIVERSITY
(From Article 1, Section 12 of Public Act 93-587)
For upgrading the electrical
distribution system............................ 4,217,100
(From Article 2, Section 30 of Public Act 93-587)
For renovating and expanding the
Fine Arts Center, in addition to
funds previously appropriated.............. 39,702,200
For planning and beginning to renovate
and expand the Fine Arts Center -
Phase 1, in addition to funds
previously appropriated....................... 1,511,247
For planning and beginning to renovate
and expand the Fine Arts Center............ 1,824,490
For upgrading campus buildings for health,
safety and environmental improvements..... 386,432
For constructing an addition and
renovating Booth Library..................... 164,441

GOVERNORS STATE UNIVERSITY
For constructing addition and
remodeling the teaching & learning

New matter indicated by italics - deletions by strikeout.
complex, in addition to funds previously appropriated.................. 15,145,819
For costs associated with establishing a campus-wide fire alarm system at Governor's State University..................... 852,829
For constructing a child development center and an addition to the main building and remodeling Wings E and F................. 106,006
For upgrading and replacing cooling and refrigeration systems and equipment........................................ 260,036
For remodeling the main building............................ 169,802

ILLINOIS STATE UNIVERSITY
(From Article 1, Section 12 of Public Act 93-587)
For renovating Stevenson and Turner Halls for life/safety........... 22,145,000
(From Article 2, Section 30 of Public Act 93-587)
For the upgrade and remodeling of Schroeder Hall.................... 16,563,925
For planning and beginning to rehabilitate Schroeder Hall.......... 435,067
For planning, site improvements, utilities, construction, equipment and other costs necessary for a new facility for the College of Business.......................... 3,068,029
For remodeling Julian and Moulton Halls.................. 623,305

NORTHEASTERN ILLINOIS UNIVERSITY
For renovating Building "C" and remodeling and expanding Building "E" and Building "F".......................... 8,790,495
For planning and beginning to remodel Buildings A, B and E........ 3,666,246
For remodeling in the Science Building to upgrade heating, ventilating and air conditioning systems.................. 2,021,400
For replacing fire alarm systems, lighting and ceilings................ 1,405,413
For renovating the auditorium in Building E.......................... 188,362

New matter indicated by italics - deletions by strikeout.
For renovation of Buildings E, F, and the auditorium, and demolition and replacement of Buildings G, J and M, in addition to amounts previously appropriated.

For remodeling the library.

NORTHERN ILLINOIS UNIVERSITY
For renovating the Founders Library basement, in addition to funds previously appropriated.

For planning a classroom building and developing site in Hoffman Estates.

For completing the construction of the Engineering Building, in addition to amounts previously appropriated for such purpose.

For renovating Altgeld Hall and purchasing equipment.

For upgrading storm waterway controls in addition to funds previously appropriated.

SOUTHERN ILLINOIS UNIVERSITY
For planning, construction and equipment for a cancer center.

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE
For renovating and constructing an addition to the Morris Library, in addition to funds previously appropriated.

For planning a renovation and addition to the Morris Library.

For renovating Altgeld Hall and Old Baptist Foundation, in addition to funds previously appropriated.

For site improvements and purchasing equipment for the Engineering and Technology Building.

For construction of an engineering building annex.

SOUTHERN ILLINOIS UNIVERSITY - EDWARDSVILLE

New matter indicated by italics - deletions by strikeout.
For planning, construction and equipment
for an advanced technical worker
training facility.......................... 1,027,745

For construction of the Engineering Facility
building and related site improvements......... 24,511

For replacement of the high temperature water
distribution system.......................... 168,709

SIU SCHOOL OF MEDICINE - SPRINGFIELD

For constructing and equipment for
an addition to the combined laboratory,
in addition to funds previously
appropriated................................ 3,879,576

UNIVERSITY OF ILLINOIS AT CHICAGO

(From Article 2, Section 30 of Public Act 93-587)

Plan, construct, and equip the Chemical
Sciences Building............................ 57,600,000

For planning, construction and equipment
for a chemical sciences building.............. 6,400,000

To plan and begin construction of
a medical imaging research/clinical
facility........................................ 2,747,439

For remodeling the Clinical
Sciences Building........................... 1,012,572

For the renovation of the court area and
Lecture Center, in addition to funds
previously appropriated...................... 713,318

UNIVERSITY OF ILLINOIS AT CHICAGO

For remodeling Alumni Hall, Phase II,
including utilities.......................... 22,874

UNIVERSITY OF ILLINOIS AT CHAMPAIGN-URBANA

(From Article 1, Section 12 of Public Act 93-587)

For planning, analysis and design
of Lincoln Hall. Design cannot proceed
beyond Program Analysis/Preliminary
Design unless approved in writing by
the Governor............................... 2,000,000

(From Article 2, Section 30 of Public Act 93-587)

Expansion of Microelectronics Lab............. 17,607,743

For planning, construction and equipment

New matter indicated by italics - deletions by strikeout.
for a biotechnology genomic facility.........  67,302,061
For planning, construction and equipment
for a supercomputing application facility.....  22,265,960
For planning, construction and equipment
for a technology transfer incubator
facility............................................  37,057
To plan and begin construction of a
biotechnology/genomic facility...............  2,713,467
To plan and begin construction of a
supercomputing application
facility..........................................  773,243
To plan and begin construction of a
technology transfer incubator
facility............................................ 118,932
For remodeling the Mechanical Engineering
Laboratory Building..............................  36,644
For initiating a campus flood
control project..................................  60,806

UNIVERSITY CENTER OF LAKE COUNTY
For constructing a university center and
purchasing equipment, in addition to
funds previously appropriated..................  7,993,382
For land, planning, remodeling, construction
and all costs necessary to construct a
facility.............................................. 10,622,467

WESTERN ILLINOIS UNIVERSITY - MACOMB
Plan and construct performing arts center.......  4,000,000
For improvements to Memorial
Hall................................................... 11,931,823
Total, Section 310 $458,655,111

Section 315. The following named amount, or so much thereof as
may be necessary and remains unexpended at the close of business on June
30, 2004, from an appropriation heretofore made in Article 1, Section 13
of Public Act 93,587, is reappropriated from the Capital Development
Fund to the Capital Development Board for Southern Illinois University
School of Medicine, Springfield, for the project hereinafter enumerated:

SOUTHERN ILLINOIS UNIVERSITY SCHOOL
OF MEDICINE – SPRINGFIELD
(From Article 1, Section 13 of Public Act 93-587)

New matter indicated by italics - deletions by strikeout.
For construction and equipment for an addition to the combined laboratory for Illinois State Police Crime Lab. .......................... 2,110,070

Section 320. The following named amounts, or so much thereof as may be necessary, and remain unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 5, Division FY91, Section 2-6 of Public Act 93-587, as amended, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

NORTHERN ILLINOIS UNIVERSITY - DEKALB
To construct and equip the Engineering Building.......................... 41,524
To purchase equipment and complete construction for Faraday Hall Addition......... 93,085
Total, Build Illinois Bond Fund $134,609

Section 325. The following named amount, or so much thereof as may be necessary, and remains unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 5, Division FY91, Section 2-8 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for the projects hereinafter enumerated:

UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN
To construct and equip the Chemical and Life Sciences Building.......................... 41,746

Section 330. The following named amount, or so much thereof as may be necessary, and remains unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 5, Division FY91, Section 2-20.1 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

NORTHERN ILLINOIS UNIVERSITY - DE KALB
For construction of the Engineering Building including extension of utilities, in addition to funds previously appropriated for such purpose.......................... 55,370

Section 335. The amount of $74,795, or so much thereof as may be necessary, and remains unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 5, Division

New matter indicated by italics - deletions by strikeout.
FY91, Section 10E of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 340. The sum of $22,390, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 31 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Trustees of the University of Illinois (formerly for the Department of Human Services) for renovation of the School of Public Health and Psychiatric Institute (formerly the ISPI building).

Section 345. The sum of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 2, Section 32 Public Act 93-587, is reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to the University of Illinois College of Medicine at Peoria for planning a Clinical and Basic Research Oncology Center.

Section 350. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 2, Section 33 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for the project hereinafter enumerated:

EAST ST. LOUIS COLLEGE CENTER
(From Article 2, Section 33 of Public Act 93-587)
For construction of facilities, remodeling, site improvements, utilities and other costs necessary for adapting the former campus of Metropolitan Community College for a Community College Center and Southern Illinois University, in addition to funds previously appropriated.......................... 4,918,765

New matter indicated by italics - deletions by strikeout.
Section 355. The following named amounts, or so much thereof as may be necessary, are reappropriated from the School Construction Fund to the Capital Development Board for the State Board of Education for the projects hereinafter enumerated:

STATEWIDE
(From Article 1, Section 11 of Public Act 93-587)
Grants for facility construction.................. 397,210,828

Section 360. The sum of $210,816,230, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 2, Section 34 of Public Act 93-587, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 365. The sum of $77,517,195, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 2, Section 35 Public Act 93-587, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 370. The sum of $40,273,862, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 2, Section 36 of Public Act 93-587, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 375. The sum of $7,273,747, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 2, Section 37 of Public Act 93-587, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 380. The sum of $964,824, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 38 of Public Act 93-587, is reappropriated from the School

New matter indicated by italics - deletions by strikeout.
Section 385. The sum of $1,223,663, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 39 of Public Act 93-587, is reappropriated from the School Infrastructure Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law.

Section 390. The amount of $11,828,001 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 2, Section 40 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for grants to units of local government and other eligible entities for all costs associated with land acquisition, construction and rehabilitation projects.

Section 395. The sum of $50,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY04, Section 5 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 400. The sum of $46,864,524, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY03, Section 5 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 405. The sum of $29,751,093, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 11 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 410. The sum of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY03, Section 16 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning and construction of a Bio-Medical Research Facility. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 415. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY03, Section 17 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction, and equipment for a Nanofabrication and Molecular Center. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 420. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 6 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the Field Museum for planning, construction and equipment for a collection research center.

Section 425. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 58 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a

New matter indicated by italics - deletions by strikeout.
grant to Northwestern University for the planning and construction of a biomedical research facility.

Section 430. The amount of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 59 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a biomedical research facility.

Section 435. The amount of $1,100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 59a of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a nanofabrication and molecular center.

Section 440. The sum of $1,919,033, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 5, Division FY00, Section 1-3 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for miscellaneous capital improvements to state facilities including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the facilities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Total, Article 85 $2,102,873,843

ARTICLE 86

ILLINOIS COMMERCE COMMISSION

Section 5. The sum of 3,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 15 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Illinois Commerce Commission for train whistle abatement in counties with over 3,000,000 in population, where a public highway crosses a railroad at grade.

Total, Article 86 $3,000,000

ARTICLE 87

New matter indicated by italics - deletions by strikeout.
ENVIRONMENTAL PROTECTION AGENCY

Section 5. The sum of $4,380,100, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 1, Section 24 of Public Act 93-96, is reappropriated to the Environmental Protection Agency from the Anti-Pollution Fund for payment of claims submitted, including claims submitted in prior years, to the state and approved for payment under the Leaking Underground Storage Tank Program established in Title XVI of the Environmental Protection Act.

Section 10. The sum of $22,600,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from reappropriations heretofore made for such purpose in Article 1, Section 49 of Public Act 93-96, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for deposit into the Water Revolving Fund.

Section 15. The sum of $11,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purpose in Article 1, Section 49 of Public Act 93-96, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for deposit into the Water Revolving Fund.

Section 20. The sum of $5,848,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 1, Section 50 of Public Act 93-96, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for grants to units of local government for wastewater facilities, pursuant to provisions of the "Anti-Pollution Bond Act."

Section 25. The amount of $69,418,300, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from reappropriations heretofore made for such purposes in Article 5, Division FY86-FY93, Section 10B of Public Act 93-0587, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for wastewater compliance grants to units of local government or sewer systems and wastewater treatment facilities pursuant to procedures and rules established under the Anti-Pollution Bond Act. These grants are limited to projects for which the local government provides at least 30% of the project cost. There is an approved project compliance plan, and there is an enforceable compliance schedule prior to

New matter indicated by italics - deletions by strikeout.
the grant award. The grant award will be based on eligible project cost contained in the approved compliance plan.

Section 30. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY03, Section 3 of Public Act 93-0587, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 35. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 3 of Public Act 93-0587, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 40. The sum of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 4, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Hazardous Waste Fund for use pursuant to Section 22.2 of the Environmental Protection Act.

Section 45. The sum of $1,766,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY03, Section 25 of Public Act 93-0587, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for grants and contracts for public drinking water infrastructure, including design and construction, where private drinking water wells have been contaminated by a hazardous substance.

Total, Article 87 $129,013,100

ARTICLE 88
HISTORIC PRESERVATION AGENCY

Section 5. The sum of $1,017, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 6 of Public Act 93-0093, as amended, is reappropriated from the General

New matter indicated by italics - deletions by strikeout.
Revenue Fund to the Historic Preservation Agency for the restoration of the Jarrot Mansion.

Section 10. The sum of $1,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 5c of Public Act 93-0093, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for a grant to the Lake County Forest Preserve District for planning, construction and renovation of the Adlai Stevenson Home State Historic Site.

Section 15. The sum of $437,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 12 of Public Act 93-0093, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for costs associated with the acquisition or improvements of Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark Boundary.

Section 20. The sum of $460,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 13 of Public Act 93-0093, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for support facilities, acquisition or improvements for Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark Boundary.

Section 25. The sum of $100,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Section 19 of Public Act 93-0587, as amended, is reappropriated from the Build Illinois Bond Fund to the Historic Preservation Agency for repairs, renovation and expansion of historic structures used for training.

Total, Article 88 $1,998,817

ARTICLE 89

ILLINOIS FINANCE AUTHORITY

Section 5. The sum of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 14 of Public Act 93-0587, is reappropriated from the Build Illinois Bond Fund to the Illinois Finance Authority for deposit into the Fire Truck

New matter indicated by italics - deletions by strikeout.
Revolving Loan Fund for the purpose of making loans to fire departments, fire protection districts, and township fire departments as successor in interest to the Illinois Rural Bond Bank, pursuant to Section 845-75 of Public Act 93-0205.

Section 10. The sum of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from an appropriation herefore made in Article 3, Section 2 of Public Act 93-0587, is reappropriated from the Fire Truck Revolving Loan Fund to the Illinois Finance Authority for loans to fire departments, fire protection districts, and township fire departments as successor in interest to the Illinois Rural Bond Bank, pursuant to Section 845-75 of Public Act 93-0205.

Total, Article 89 $20,000,000

ARTICLE 90
MEDICAL DISTRICT COMMISSION

Section 5. The sum of $10,768, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 3 of Public Act 93-69, is reappropriated from the Capital Development Fund to the Illinois Medical District Commission for acquisition of property, demolition and site improvements, and related costs within the Medical Center District, City of Chicago for Phase III and IV of District Development Initiative.

Section 10. The sum of $1,462,072, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 2 of Public Act 93-69, is reappropriated from the Capital Development Fund to the Illinois Medical District Commission for acquisition of property, demolition and site improvements, and related costs within the Medical Center District, City of Chicago for Phase IV of District Development Initiative.

Section 15. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Sections 10 and 15 of this Article until the purposes and amounts have been approved in writing by the Governor.

Total, Article 90 $1,472,840

ARTICLE 91
ILLINOIS EMERGENCY MANAGEMENT AGENCY

New matter indicated by italics - deletions by strikeout.
Section 5. The amount of $9,335,600, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Public Act 93-68, Article 1, Section 3, as amended, is reappropriated from the Federal Civil Preparedness Fund to the Illinois Emergency Management Agency for costs associated with a new State Emergency Operations Center.

Total, Article 91 $9,335,600

ARTICLE 92

EASTERN ILLINOIS UNIVERSITY

Section 5. The sum of $185,946, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 9, Section 10 of Public Act 93-90, is reappropriated from the Capital Development Fund to Eastern Illinois University for digitalization infrastructure for WEIU-TV.

Section 10. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 9, Section 15 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University for digitalization infrastructure for WEIU-TV, in addition to amounts previously appropriated for such purpose for this fiscal year. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 15. The sum of $5,430,384, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made for such purpose in Article 9, Section 25 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University to purchase equipment for the renovation and expansion of the Fine Arts Center. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purpose and amounts have been approved in writing by the Governor.

Section 20. The sum of $408,631, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 9, Section 20 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University

New matter indicated by italics - deletions by strikeout.
to purchase equipment for the renovation and expansion of Booth Library. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 92 $6,124,961

ARTICLE 93
NORTHEASTERN ILLINOIS UNIVERSITY

Section 5. The sum of $2,071,805, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 10, Section 15 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of Northeastern Illinois University to purchase equipment and remodel buildings A, B and E. This appropriation is in addition to any funds previously appropriated.

Total, Article 93 $2,071,805

ARTICLE 94
NORTHERN ILLINOIS UNIVERSITY

Section 5. The sum of $532,748, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for that purpose in Article 4, Section 40 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University for technology infrastructure improvements at Northern Illinois University. No contract shall be entered into or obligation incurred for any expenditures from the reappropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 10. The sum of $43,366, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for that purpose in Article 4, Section 45 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University for purchasing Engineering Building equipment.

Total, Article 94 $576,114

ARTICLE 95
SOUTHERN ILLINOIS UNIVERSITY

Section 5. The amount of $42,797, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 70 of Public Act 93-587, is reappropriated to Southern Illinois

New matter indicated by italics - deletions by strikeout.
University from the Capital Development Fund for digitalization infrastructure for WSIU-TV (Carbondale).

Section 10. The amount of $30,801, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 80 of Public Act 93-587, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

Section 15. The amount of $24,133, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 75 of Public Act 93-587, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

Section 20. The amount of $800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 65 of Public Act 93-587 is reappropriated to Southern Illinois University from the Capital Development Fund for purchasing equipment for the Altgeld Hall and Old Baptist Foundation Building at the Carbondale campus.

Total, Article 95 $897,931

ARTICLE 96
UNIVERSITY OF ILLINOIS

Section 5. The sum of $17,681,800, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 35 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to construct an education and research facility for the College of Medicine in Chicago, including planning, land acquisition, demolition, construction, remodeling, landscaping, site improvements, equipment, extension or modification of campus utility systems, relocation of programs, and such expenses as may be necessary to complete the facility.

Section 10. The sum of $13,761,948, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 4, Section 80 of Public Act 93-90, as amended, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois

New matter indicated by italics - deletions by strikeout.
for all costs associated with the space needs of the Department of Natural Resources, Illinois Natural History Survey Division and State Water Survey Division on the campus of the University of Illinois in Champaign, including construction, capital facilities, planning, relocation, renovation and rehabilitation, mechanical systems, materials, services and all other costs required to complete the work.

Section 15. The sum of $13,916,332, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 4, Section 70 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to plan and construct an Education and Research facility for the College of Medicine in Chicago, including planning, land acquisition, demolition, construction, remodeling, landscaping, site improvements, equipment, extension or modification of campus utility systems, relocation of programs, and such expenses as may be necessary to complete the facility. This appropriation is in addition to any other funds appropriated for this purpose for this fiscal year.

Section 20. The sum of $446,170, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 60 of Public Act 93-90, is reappropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV (Urbana-Champaign).

Section 25. The sum of $814,444, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 55 of Public Act 93-90, is reappropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV (Urbana-Champaign).

Section 30. The sum of $814,444, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from an appropriation heretofore made for such purpose in Article 4, Section 65 of Public Act 93-90, is reappropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV (Urbana-Champaign).

Section 35. The sum of $13,752,813, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 4, Section 75 of Public Act 93-90, is reappropriated from the Capital Development Fund to

New matter indicated by italics - deletions by strikeout.
the Board of Trustees of the University of Illinois to plan and construct a Classroom and Office Building at the Springfield Campus and related utility systems, including planning, land acquisition, demolition, construction, remodeling, landscaping, site improvements, equipment, extension or modification of campus utility systems, and such expenses as may be necessary to complete the facility. This appropriation is in addition to any other funds appropriated for this purpose for this fiscal year.

Section 40. The sum of $52,953, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 30 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to plan for all aspects of construction and to acquire and develop land, including demolition, landscaping, site improvements, extension and modification of campus utility systems, relocation of programs, and such other expenses as may be necessary to construct a College of Medicine building in Chicago.

Section 45. The sum of $12,291,197, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from an appropriation heretofore made for such purpose in Article 4, Section 50 of Public Act 93-90, is reappropriated from the Capital Development Fund to the University of Illinois at Springfield for constructing a classroom and office building, in addition to funds previously appropriated.

Section 50. The sum of $44,998, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from an appropriation heretofore made for such purpose in Article 4, Section 45 of Public Act 93-90, is reappropriated from the Capital Development Fund to the University of Illinois for planning, construction, and equipment for a computer science in engineering facility.

Total, Article 96 $73,577,099

ARTICLE 97

ILLINOIS COMMUNITY COLLEGE BOARD

Section 5. The sum of $73,396, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation made for such purpose in Article 3, Section 10 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Illinois Community College Board for distribution as grants to community colleges for technology infrastructure improvements. No contract shall be entered into or obligation incurred for any expenditures
from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 10. The sum of $143,525, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation made for such purpose in Article 3, Section 5 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Illinois Community College Board for distribution as grants to community colleges for technology infrastructure improvements. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 15. The sum of $2,178,358, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 5, Division FY00, Section 1-2 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund for the Illinois Community College Board for remodeling of facilities for compliance with the Americans with Disabilities Act. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Total, Article 97 $2,395,279

ARTICLE 98

Section 5. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 3, Division FY01, Section 19 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO
For upgrading automation system
and replacing fans.............................. 6,339
For installing humidification system........... 14,751

Total, Section 5 $21,090

Section 10. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 3, Division FY01, Section 20 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

New matter indicated by italics - deletions by strikeout.
SUPREME COURT BUILDING - SPRINGFIELD
For renovating the Library and completing HVAC, in addition to funds previously appropriated.................. 235,000
Total, Section 10 $235,000

Section 15. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 3, Division FY01, Section 21 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL COMPLEX - SPRINGFIELD
For expanding the shipping and receiving dock.......................... 609,216
Total, Section 15 $609,216

Section 20. The sum of $2,455,358, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 1-2 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund for the Illinois Community College Board for remodeling of facilities for compliance with the Americans with Disabilities Act. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 25. The sum of $5,279,525, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 1-3 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for miscellaneous capital improvements to state facilities including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the facilities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 30. The amount of $8,192, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 3, Division FY87a, Section 6-5.44b of Public Act 92-717, as amended, is reappropriated from the

New matter indicated by italics - deletions by strikeout.
Build Illinois Bond Fund to the Department of Natural Resources for units of local government for storm drainage at the approximate cost set forth below:

Bonnie.......................................... 8,192

Division FY86. The reappropriations in this Division continue certain appropriations initially made for the fiscal years beginning July 1, 1985, for the purpose of the Build Illinois Program set forth below.

Section 35. The amount of $101,572, or so much thereof as may be necessary, and remains unexpended on June 30, 2004 from appropriations heretofore made for such purposes in Article 3, Division FY91, Section 10E of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 98 $6,254,595

ARTICLE 999

Section 99-10. Repeal. This Act is repealed on August 1, 2004.

Section 99-99. Effective date. This Act takes effect on July 1, 2004.


PUBLIC ACT 93-0682

(House Bill No. 4006)

AN ACT concerning vehicular offenses.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 11-503 as follows:

(625 ILCS 5/11-503) (from Ch. 95 1/2, par. 11-503)

New matter indicated by italics - deletions by strikeout.
Sec. 11-503. Reckless driving; aggravated reckless driving.

(a) Any person commits reckless driving if he or she:
   (1) who drives any vehicle with a willful or wanton disregard for the safety of persons or property; or
   (2) knowingly drives a vehicle and uses an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne is guilty of reckless driving.

(b) Every person convicted of reckless driving shall be guilty of a Class A misdemeanor, except as provided under subsection (c) of this Section.

(c) Every person convicted of committing a violation of subsection (a) shall be guilty of aggravated reckless driving if the violation results in great bodily harm or permanent disability or disfigurement to another. Aggravated reckless driving is a Class 4 felony.

(Source: P.A. 88-679, eff. 7-1-95.)

Section 10. The Criminal Code of 1961 is amended by changing Section 9-3 as follows:

(720 ILCS 5/9-3) (from Ch. 38, par. 9-3)
Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

(a) A person who unintentionally kills an individual without lawful justification commits involuntary manslaughter if his acts whether lawful or unlawful which cause the death are such as are likely to cause death or great bodily harm to some individual, and he performs them recklessly, except in cases in which the cause of the death consists of the driving of a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft, in which case the person commits reckless homicide. A person commits reckless homicide if he or she unintentionally kills an individual while driving a vehicle and using an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne.

(b) (Blank).

c) (Blank).

d) Sentence.
   (1) Involuntary manslaughter is a Class 3 felony.
   (2) Reckless homicide is a Class 3 felony.

(e) (Blank). subsections, (e-7), and (e-8)
(e-5) (Blank).
(e-7) Except as otherwise provided in subsection (e-8), in cases involving reckless homicide in which the defendant was driving in a

New matter indicated by italics - deletions by strikeout.
construction or maintenance zone, as defined in Section 11-605 of the Illinois Vehicle Code, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-8) In cases involving reckless homicide in which the defendant was driving in a construction or maintenance zone, as defined in Section 11-605 of the Illinois Vehicle Code, and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years.

(e-9) In cases involving reckless homicide in which the defendant drove a vehicle and used an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne, and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony.

(f) In cases involving involuntary manslaughter in which the victim was a family or household member as defined in paragraph (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, the penalty shall be a Class 2 felony, for which a person if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213, eff. 7-18-03; revised 7-28-03.)

Effective January 1, 2005.

PUBLIC ACT 93-0683
(Senate Bill No. 2108)

AN ACT concerning accounting.

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

Section 5. The Illinois Public Accounting Act is amended by changing Sections 0.03, 1, 2, 3, 4, 5, 5.1, 6, 7, 8, 9, 9.01, 9.02, 9.1, 9.2, 11, 13, 14, 14.1, 14.2, 14.3, 16, 17, 17.1, 17.2, 19, 20.01, 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 21, 26, 28, 30, and 32 and by adding Sections 2.05, 6.1, 30.4, 30.5, and 30.6 as follows:

(225 ILCS 450/0.03) (from Ch. 111, par. 5500.03)

New matter indicated by italics - deletions by strikeout.
Sec. 0.03. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Registered Certified Public Accountant" means any person who has been issued a registration under this Act as a Registered Certified Public Accountant certificate as a certified public accountant from the Board of Examiners.

(b) "Licensed Certified Public Accountant" means any person licensed under this Act as a Licensed Certified Public Accountant.

(c) "Committee" means the Public Accountant Registration Committee appointed by the Director (Blank).

(d) "Department" means the Department of Professional Regulation (Blank).

(e) "Director" means the Director of Professional Regulation (Blank).

(f) "License", "licensee" and "licensure" refers to the authorization to practice under the provisions of this Act.

(g) "Peer review program" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm certified or licensed under this Act, including quality review, peer review, practice monitoring, quality assurance, and similar programs undertaken voluntarily or in response to membership requirements in a professional organization; or as a prerequisite to the providing of professional services under government requirements, or any similar internal review or inspection that is required by professional standards.

(h) "Review committee" means any person or persons conducting, reviewing, administering, or supervising a peer review program.

(i) "University" means the University of Illinois.

(j) "Board" means the Board of Examiners established under Section 2.

(k) "Registration", "registrant", and "registered" refer to the authorization to hold oneself out as or use the title "Registered Certified Public Accountant" or "Certified Public Accountant", unless the context otherwise requires.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/1) (from Ch. 111, par. 5501)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

New matter indicated by italics - deletions by strikeout.
Sec. 1. No person, eighteen years of age or older, who has received from the Board a certificate of his qualifications as hereinafter provided, shall be styled and known as a "Certified Public Accountant," and no other person shall hold himself or herself out to the public in any manner by using the assumption such title "Certified Public Accountant" or use the abbreviation "C.P.A." or "CPA" or any words or letters to indicate that the person using the same is a certified public accountant, unless he or she has been issued a license or registration by the Department under this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/2) (from Ch. 111, par. 5502)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 2. Board of Examiners Examinations. The Governor shall appoint a Board of Examiners that shall determine the qualifications of persons applying for certificates and shall make rules for and conduct examinations for determining the qualifications. The Board shall consist of not less than 9 nor more than 11 examiners, as determined by Board rule, including 2 public members. The remainder shall be certified public accountants in this State who have been residents of this State for at least 5 years immediately preceding their appointment, except that one shall be either a certified public accountant of the grade herein described or an attorney licensed and residing in this State and one shall be a certified public accountant who is an active or retired educator residing in this State. The term of office of each examiner shall be 3 years, except that upon the enactment of this amendatory Act of the 93rd 92nd General Assembly, those members currently serving on the Board shall continue to serve the duration of their terms, one additional examiner shall be appointed for a term of one year, and one additional examiner for a term of 2 years, and any additional examiners for terms of 3 years. As the term of each examiner expires, the appointment shall be filled for a term of 3 years from the date of expiration. Any Board member who has served as a member for 6 consecutive years shall not be eligible for reappointment until 2 years after the end of the term in which the sixth consecutive year of service occurred, except that members of the Board serving on the effective date of this Section shall be eligible for appointment to one additional 3-year term. Where the expiration of any member's term shall result in less than 11 members then serving on the Board, the member shall continue to serve until his or her successor is appointed and has

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qualified. No Board member shall serve more than 2 full terms. Anyone
appointed to the Board shall be ineligible to be appointed to the Illinois
Public Accountants Registration Committee appointed by the Director.
Appointments to fill vacancies shall be made in the same manner as
original appointments for the unexpired portion of the vacated term. The
membership of the Board shall reasonably reflect representation from the
geographic areas in this State. The members of the Board appointed by
the Governor shall receive reasonable compensation for their necessary,
legitimate, and authorized expenses in accordance with the Governor's
Travel Control Board rules and the Travel Regulation Rules. The
Governor may terminate the term of any member of the Board at any time
for cause.

Information regarding educational requirements, the application
process, the examination, and fees shall be available on the Board's
Internet web site as well as in printed documents available from the
Board's office.

The examination shall test the applicant's knowledge of
accounting, auditing, and other related subjects, if any, as the Board may
deem advisable. Prior to implementation of a computer-based
examination, a candidate must be examined in all subjects except that a
candidate who has passed in 2 or more subjects and who attained a
minimum grade in each subject failed as may be established by Board
regulations shall have the right to be re-examined in the remaining
subjects at one or more of the next 6 succeeding examinations. Upon
implementation of a computer-based examination, a candidate shall be
required to pass all sections of the examination in order to qualify for a
certificate. A candidate may take the required test sections individually
and in any order, as long as the examination is taken within a timeframe
established by Board rule:

The Board may in certain cases waive or defer any of the
requirements of this Section regarding the circumstances in which the
various Sections of the examination must be passed upon a showing that,
by reasons of circumstances beyond the applicant's control, the applicant
was unable to meet the requirement:

Applicants may also be required to pass an examination on the
rules of professional conduct, as determined by Board rule to be
appropriate:

The examinations shall be given at least twice a year:

New matter indicated by italics - deletions by strikeout.
Any application, document or other information filed by or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that it is hereby deemed in the public interest that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing herein shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.

The Board shall adopt all necessary and reasonable rules and regulations for the effective administration of this Act. Without limiting the foregoing, the Board shall adopt and prescribe rules and regulations for a fair and wholly impartial method of determining the qualifications of applicants for examination and for a fair and wholly impartial method of examination of persons under Section 2 and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with respect to subjects passed.

The Board shall make an annual report of its activities to the Governor and the Director. This report shall include a complete operating and financial statement covering its operations during the year, the number of examinations given, the pass/fail ratio for examinations, and any other information deemed appropriate. The Board shall have an audit of its books and accounts every 2 years by the Auditor General.

(Section scheduled to be repealed on January 1, 2014)

Sec. 2.05. Public Accountant Registration Committee. The Director shall appoint a Public Accountant Registration Committee consisting of 7 persons, who shall be appointed by and shall serve in an advisory capacity to the Director. Six members must be licensed public accountants or Licensed Certified Public Accountants in good standing and must be actively engaged in the practice of public accounting in this State and one member must be a member of the public who is not licensed under this Act or a similar Act of another jurisdiction and who has no connection with the accounting or public accounting profession. Members shall serve 4-year terms and until their successors are appointed and qualified. No member shall be reappointed to the Committee for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. The membership of the Committee shall reasonably reflect representation

New matter indicated by italics - deletions by strikeout.
from the geographic areas in this State. The members of the Committee appointed by the Director shall receive reasonable compensation, as determined by the Department, for the necessary, legitimate, and authorized expenses approved by the Department. All expenses shall be paid from the Registered Certified Public Accountants' Administration and Disciplinary Fund. The Director may terminate the appointment of any member for cause. The Director shall consider the advice and recommendations of the Committee on questions involving standards of professional conduct, discipline, and qualifications of candidates and licensees under this Act.

(225 ILCS 450/3) (from Ch. 111, par. 5504)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 3. Qualifications of applicants. To be admitted to take the examination after the year 2000, for the purpose of determining the qualifications of applicants for certificates as certified public accountants under this Act, the applicants shall be required to present proof of the successful completion of 150 college or university semester hours of study or their quarter-hour or other academic credit unit equivalent, to include a baccalaureate or higher degree conferred by a college or university acceptable to the Board of Examiners, the total educational program to include an accounting concentration or equivalent as determined by Board rule Board rules to be appropriate. In adopting those rules, the Board shall consider, among other things, any impediments to the interstate practice of public accounting that may result from differences in the requirements in other states.

Candidates who have taken the examination at least once before January 1, 2001, may take the examination under the qualifications in effect when they first took the examination.

(Source: P.A. 92-457, eff. 7-1-04.)
(225 ILCS 450/4) (from Ch. 111, par. 5505)
(Section scheduled to be repealed on January 1, 2014)

Sec. 4. Transitional language.

(a) The provisions of this Act shall not be construed to invalidate any certificates as certified public accountants issued by the University under "An Act to regulate the profession of public accountants", approved May 15, 1903, as amended, or any certificates as Certified Public Accountants issued by the University or the Board under Section 4 of "An Act to regulate the practice of public accounting and to repeal certain acts

New matter indicated by italics - deletions by strikeout.
therein named”, approved July 22, 1943, as amended, which certificates shall be valid and in force as though issued under the provisions of this Act.

(b) Before July 1, 2010, persons who have received a Certified Public Accountant (CPA) Certificate issued by the Board of Examiners or holding similar certifications from other jurisdictions with equivalent educational requirements and examination standards may apply to the Department on forms supplied by the Department for and may be granted a registration as a Registered Certified Public Accountant from the Department upon payment of the required fee.

(c) Beginning with the 2006 renewal, the Department shall cease to issue a license as a Public Accountant. Any person holding a valid license as a Public Accountant prior to September 30, 2006 who meets the conditions for renewal of a license under this Act, shall be issued a license as a Licensed Certified Public Accountant under this Act and shall be subject to continued regulation by the Department under this Act. The Department may adopt rules to implement this Section.

(d) The Department shall not issue any new registrations as a Registered Certified Public Accountant after July 1, 2010. After that date, any applicant for licensure under this Act shall apply for a license as a Licensed Certified Public Accountant and shall meet the requirements set forth in this Act. Any person issued a Certified Public Accountant certificate who has been issued a registration as a Registered Certified Public Accountant may renew the registration under the provisions of this Act and that person may continue to renew or restore the registration during his or her lifetime, subject only to the renewal or restoration requirements for the registration under this Act. Such registration shall be subject to the disciplinary provisions of this Act.

(e) On and after October 1, 2006, no person shall hold himself or herself out to the public in any manner by using the title "certified public accountant" or use the abbreviation "C.P.A." or "CPA" or any words or letters to indicate that the person using the same is a certified public accountant unless he or she maintains a current registration or license issued by the Department. It shall be a violation of this Act for an individual to assume or use the title "certified public accountant" or use the abbreviation "C.P.A." or "CPA" or any words or letters to indicate that the person using the same is a certified public accountant unless he or she maintains a current registration or license issued by the Department. (Source: P.A. 83-291.)

New matter indicated by italics - deletions by strikeout.
Sec. 5. Certification of out-of-State accountants.

(a) Upon review of an applicant's educational and examination credentials by the Board of Examiners, the Department The Board may issue a registration certificate as a registered certified public accountant, without examination, to any applicant who holds a valid unrevoked certificate as a certified public accountant issued under the laws of any other state or territory of the United States or the District of Columbia, provided:

(1) that the state that issued the certificate has certification requirements that have been determined by the Board to be substantially equivalent to the certification requirements of Illinois and grants similar rights to those that Illinois grants to certificate holders;

(2) that the state that issued the certificate has certification requirements that the Board has determined not to be substantially equivalent to the certification requirements of Illinois or does not grant similar rights to Illinois certificate holders, but the Board determines that the individual applicant possesses personal qualifications substantially equivalent to Illinois' certification requirements; or

(3) that the applicant does not qualify under subsections (1) or (2) above, but the following conditions are met:

(A) the certificate was granted to the applicant on the basis of the Uniform Certified Public Accountant examination; and

(B) the educational qualifications of the applicant for a certificate, at the time of the written examination, were equivalent to the educational qualifications then required of applicants for admission to the Illinois examination for certified public accountant or, the applicant has, after passing the examination upon which his or her certificate was based, not less than 5 years of experience in the practice of public accounting within the 10 years immediately preceding this application, otherwise reasonably considered acceptable by the Board.

(b) In determining the substantial equivalency of the requirements for certification or the rights granted to certificate holders pursuant to this
Section, the Department Board may rely on the determinations of the National Qualification Appraisal Service of the National Association of State Boards of Accountancy or any other qualification appraisal service, as it deems appropriate.

(Source: P.A. 91-508, eff. 8-13-99; 91-779, eff. 6-9-00.)

(225 ILCS 450/5.1)
(Section scheduled to be repealed on January 1, 2014)
Sec. 5.1. Foreign accountants. The Board shall issue a certificate to a holder of a foreign designation, granted in a foreign country entitling the holder thereof to engage in the practice of public accounting, provided:

(a) The foreign authority that granted the designation makes similar provision to allow a person who holds a valid certificate issued by this State to obtain the foreign authority's comparable designation; and

(b) The foreign designation (i) was duly issued by a foreign authority that regulates the practice of public accounting and the foreign designation has not expired or been revoked or suspended; and (ii) was issued upon the basis of educational and examination requirements established by the foreign authority or by law; and

(c) The applicant (i) received the designation based on educational and examination standards substantially equivalent to those in effect in this State at the time the foreign designation was granted; and (ii) passed a uniform qualifying examination in national standards and an examination on the laws, regulations, and code of ethical conduct in effect in this State acceptable to the Board.

The Board shall be the sole and final judge of the qualifications of applicants under this Section.

(Source: P.A. 88-36.)

(225 ILCS 450/6) (from Ch. 111, par. 5507)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)
Sec. 6. Fees; pay of examiners; expenses. The Board shall charge a fee in an amount at least sufficient to defray the costs and expenses incident to the examination and issuance of a certificate provided for in Section 6.1 and for the issuance of a certificate provided for in Section 5. This fee shall be payable by the applicant at the time of filing an application.

The Board appointed by the Governor in accordance with the provisions of Section 2 shall receive reasonable compensation, to be set by

New matter indicated by italics - deletions by strikeout.
Board rule, for the time actually expended in pursuance of the duties imposed upon them by this Act, and they shall be further entitled to their necessary traveling expenses. All expenses provided for by this Act shall be paid from the fees received under this Act.

From the fees collected, the Board shall pay all the expenses incident to the examinations, the expenses of issuing certificates, the traveling expenses of the examiners, and their compensation while performing their duties, and other necessary expenses in the administration of this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/6.1 new)
(Section scheduled to be repealed on January 1, 2014)
Sec. 6.1. Examinations.
(a) The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. A candidate shall be required to pass all sections of the examination in order to qualify for a certificate. A candidate may take the required test sections individually and in any order, as long as the examination is taken within a timeframe established by Board rule.

(b) On and after January 1, 2005, applicants shall also be required to pass an examination on the rules of professional conduct, as determined by Board rule to be appropriate, before they may be awarded a certificate as a Certified Public Accountant.

(c) The Board may in certain cases waive or defer any of the requirements of this Section regarding the circumstances in which the various Sections of the examination must be passed upon a showing that, by reasons of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.

(d) Any application, document, or other information filed by or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing in this subsection shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.

(225 ILCS 450/7) (from Ch. 111, par. 5508)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)
Sec. 7. Licensure. A holder of a certificate or registration as a certified public accountant issued by the Board or Department shall not be entitled to practice public accounting, as defined in Section 8, in this State until the person has been licensed as a licensed certified public accountant by the Department Board.

The Department Board may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/8) (from Ch. 111, par. 5509)

(Text of Section after amendment by P.A. 92-457)

Sec. 8. Practicing as a licensed public accountant or licensed certified public accountant. Persons, either individually, as members of a partnership or limited liability company, or as officers of a corporation, who sign, affix or associate their names or any trade or assumed names used by them in a profession or business to any report expressing or disclaiming an opinion on a financial statement based on an audit or examination of that statement, or expressing assurance on a financial statement, shall be deemed to be in practice as licensed public accountants or licensed certified public accountants within the meaning and intent of this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/9) (from Ch. 111, par. 5510)

(Text of Section after amendment by P.A. 92-457)

Sec. 9. No person shall, after the effective date of this amendatory Act of the 93rd General Assembly, begin to practice in this State or hold himself out as being able to practice licensed certified public accounting in this State or hold himself or herself out as being able to practice as a licensed certified public accountant this profession, unless he or she is licensed in accordance with the provisions of this Act. Any person who is the holder of a license as a public accountant heretofore issued, under any prior Act licensing or registering public accountants in this State, valid on the effective date of this amendatory Act shall be deemed to be licensed under this Act shall be subject to the same rights and obligations as persons originally licensed under this Act.

New matter indicated by italics - deletions by strikeout.
No person shall, after the effective date of this amendatory Act of the 93rd General Assembly, begin to hold himself or herself out as a registered certified public accountant unless he or she is registered in accordance with the provisions of this Act.

On and after October 1, 2006, no person may use or incorporate the title "certified public accountant" without holding a license as a licensed certified public accountant or registered certified public accountant under this Act.

(Source: P.A. 83-291.)

(225 ILCS 450/9.01)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)
Sec. 9.01. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed certified public accountant without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department Board in an amount not to exceed $5,000 for each offense as determined by the Department Board. The civil penalty shall be assessed by the Department Board after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department Board has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/9.02)
(Section scheduled to be repealed on January 1, 2014)
(This Section may contain text from a Public Act with a delayed effective date)
Sec. 9.02. Unauthorized use of title; violation; civil penalty.

(a) On and after October 1, 2006, any person who shall assume the title "certified public accountant" or use the abbreviation "CPA" or any words or letters to indicate that the person using the same is a certified public accountant without having been issued a registration as a registered certified public accountant or a license as a licensed certified public accountant shall, in addition to any other penalty provided by law, pay a civil penalty to the Department Board in an amount not to exceed $5,000 for each offense as determined by the Department Board. The civil penalty shall be assessed by the Department Board after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

New matter indicated by italics - deletions by strikeout.
**public accountant certificate** under the provisions of this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the **Department Board** in an amount not to exceed $5,000 for each offense as determined by the **Department Board**. The civil penalty shall be assessed by the **Department Board** after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The **Department Board** has the authority and power to investigate any and all alleged improper use of the certified public accountant title or CPA designation.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/9.1) (from Ch. 111, par. 5510.1)

(Section scheduled to be repealed on January 1, 2014)

Sec. 9.1. Temporary practice.

(a) An individual who has passed the Uniform CPA Examination and who holds a valid, unrevoked license or permit to practice as a public accountant from a state or United States territory in which he or she resides or has his or her principal place of business, and who does not reside or have his or her principal place of business in this State, may practice public accounting within this State without the need to obtain a license under this Act. Such practice shall be conducted in accordance with the relevant provisions of this Act and rules and regulations adopted hereunder.

(b) A foreign accountant who holds a license, certificate, or degree in a foreign country constituting a recognized qualification for the practice of public accounting and who does not reside or have an office in this State may temporarily practice public accounting in this State or professional business incident to his or her regular practice without licensure under this Act provided the standards, including examination, governing issuance of the foreign license, certificate, or degree are substantially equivalent to those in Illinois, and the foreign jurisdiction in question grants equal recognition to Illinois accountants.

(c) Any person practicing pursuant to this Section shall file a notice with the **Department on forms prescribed by the Department.** The

New matter indicated by italics - deletions by strikeout.
Department shall determine by rule the information to be submitted. The Department may charge a processing fee as determined by rule.

(Source: P.A. 91-508, eff. 8-13-99.)

(225 ILCS 450/9.2) (from Ch. 111, par. 5510.2)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 9.2. Powers and duties of the Department Board.
(a) The Department Board shall exercise the powers and duties prescribed by "The Civil Administrative Code of Illinois" for the administration of licensing acts and shall exercise such other powers and duties invested by this Act.

(b) The Director Board may promulgate rules consistent with the provisions of this Act for the administration and enforcement of the provisions of this Act for which the Department is responsible thereof, and for the payment of fees connected therewith and may prescribe forms which shall be issued in connection therewith. The rules shall include standards and criteria for licensure and professional conduct and discipline.

(c) The Department may solicit the advice and expert knowledge of the Committee or the Board on any matter relating to the administration and enforcement of this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/11) (from Ch. 111, par. 5512)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 11. Exemption from Act. Nothing in this Act shall prohibit any person who may be engaged by one or more persons, partnerships or corporations, from keeping books, or from making trial balances or statements, or, as an employee, from making audits or preparing reports, provided that the person does not indicate or in any manner imply that the trial balances, statements, or reports have been prepared or examined by a certified public accountant, a registered certified public accountant, or a licensed certified public accountant or that they represent the independent opinion of a certified public accountant or a licensed certified public accountant. Nothing in this Act shall prohibit any person from preparing tax and information returns or from acting as representative or agent at tax inquiries, examinations or proceedings, or from preparing and installing accounting systems, or from reviewing accounts and accounting methods for the purpose of determining the efficiency of accounting methods or
appliances, or from studying matters of organization, provided that the person does not indicate or in any manner imply that the reports have been prepared by, or that the representation or accounting work has been performed by a certified public accountant, a registered certified public accountant, or a licensed certified public accountant. Unlicensed accountants are not prohibited from performing any services that they may have performed prior to this Amendatory Act of 1983.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/13) (from Ch. 111, par. 5514)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 13. Application for licensure. A person, partnership, limited liability company, or corporation desiring to practice public accounting in this State shall make application to the Department Board for licensure as a licensed certified public accountant and shall pay the fee required by rule Section 17.

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

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/14) (from Ch. 111, par. 5515)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 14. Qualifications. The Department may Board shall license as licensed certified public accountants the following:

(a) All persons who have received certificates as certified public accountants from the Board or who hereafter receive registrations as registered certified public accountants from the Department certificates as certified public accountants from the Board, who have had at least one year of full-time experience, or its equivalent, providing any type of service or advice involving the use of accounting, attest, management advisory, financial advisory, tax, or consulting skills, which may be gained through employment in government, industry, academia, or public practice.

If the applicant's certificate as a certified public accountant from the Board or the applicant's registration as a registered certified public accountant from the Department was issued more than 4 years prior to the application for a an internal license under this Section, the applicant shall

New matter indicated by italics - deletions by strikeout.
submit any evidence the Department Board may require showing the applicant has completed not less than 90 hours of continuing professional education acceptable to the Department Board within the 3 years immediately preceding the date of application.

(b) All partnerships, limited liability companies, or corporations, or other entities engaged in the practice of public accounting in this State and meeting the following requirements:

(1) (Blank).

(2) A majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to persons licensed in some state, and the partners, officers, shareholders, members, or managers whose principal place of business is in this State and who practice public accounting in this State, as defined in Section 8 of this Act, hold a valid license issued by this State.

(3) It shall be lawful for a nonprofit cooperative association engaged in rendering an auditing and accounting service to its members only, to continue to render that service provided that the rendering of auditing and accounting service by the cooperative association shall at all times be under the control and supervision of licensed certified public accountants.

(4) The Department Board may adopt rules and regulations as necessary to provide for the practice of public accounting by business entities that may be otherwise authorized by law to conduct business in Illinois.

(Source: P.A. 91-508, eff. 8-13-99; 91-827, eff. 6-13-00; 92-457, eff. 7-1-04.)

(225 ILCS 450/14.1)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)
Sec. 14.1. Foreign accountants. The Department Board shall issue a license to a holder of a foreign designation, granted in a foreign country entitling the holder thereof to engage in the practice of public accounting, provided:

(a) The applicant is the holder of a certificate as a certified public accountant from the Board or a registration as a registered certified public accountant from the Department issued under Section 2, 5, or 5.1 of this Act; and

New matter indicated by italics - deletions by strikeout.
(b) The foreign authority that granted the designation makes similar provision to allow a person who holds a valid license issued by this State to obtain a foreign authority's comparable designation; and

(c) The foreign designation (i) was duly issued by a foreign authority that regulates the practice of public accounting and the foreign designation has not expired or been revoked or suspended; (ii) entitles the holder to issue reports upon financial statements; and (iii) was issued upon the basis of educational, examination, and experience requirements established by the foreign authority or by law; and

(d) The applicant (i) received the designation based on standards substantially equivalent to those in effect in this State at the time the foreign designation was granted; and (ii) completed an experience requirement, substantially equivalent to the requirement set out in Section 14, in the jurisdiction that granted the foreign designation or has completed 5 years of experience in the practice of public accounting in this State, or meets equivalent requirements prescribed by the Department Board by rule, within the 10 years immediately preceding the application.

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

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/14.2)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 14.2. Licensure by endorsement.

(a) The Department Board shall issue a license as a licensed certified public accountant to any applicant who holds a certificate as a certified public accountant issued by the Board of Examiners or similar certification from another jurisdiction with equivalent educational requirements and examination standards, applies to the Department on forms supplied by the Department, and pays the required fee, and who holds a valid unrevoked license or permit to practice as a licensed certified public accountant issued under the laws of any other state or territory of the United States or the District of Columbia, provided:

1. The individual applicant is determined by the Department Board to possess personal qualifications substantially equivalent to this State's current licensing requirements;

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(2) at the time the applicant received his or her current valid and unrevoked license or permit, the applicant possessed qualifications substantially equivalent to the qualifications for licensure then in effect in this State; or

(3) the applicant has, after passing the examination upon which his or her license or other permit to practice was based, not less than 4 years of experience in the practice of public accounting within the 10 years immediately before the application.

(b) In determining the substantial equivalency of any state's requirements to Illinois' requirements, the Department Board may rely on the determinations of the National Qualification Appraisal Service of the National Association of State Boards of Accountancy or such other qualification appraisal service as it deems appropriate.

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

(Source: P.A. 91-508, eff. 8-13-99; 91-779, eff. 6-9-00; 92-457, eff. 7-1-04.)

(225 ILCS 450/14.3)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 14.3. Additional requirements for firms. In addition to the ownership requirements set forth in subsection (b) of Section 14, all firms licensed under this Act shall meet the following requirements:

(a) All owners of the firm, whether licensed or not, who are not licensed shall be active participants in the firm or its affiliated entities.

(b) An individual who supervises services for which a license is required under Section 8 of this Act or who signs or authorizes another to sign any report for which a license is required under Section 8 of this Act shall hold a valid, unrevoked Licensed Certified Public Accountant license from this State or another state and shall comply with such additional experience requirements as may be required by rule of the Board.

(c) The firm shall require that all owners of the firm, whether or not certified or licensed under this Act, comply with rules promulgated under this Act.

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(d) The firm shall designate to the Department in writing an individual licensed under this Act who shall be responsible for the proper registration of the firm.

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

(Source: P.A. 91-508, eff. 8-13-99; 92-457, eff. 7-1-04.)

(225 ILCS 450/16) (from Ch. 111, par. 5517)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)
Sec. 16. Expiration and renewal of licenses; renewal of registration; continuing education.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule.

(b) Every holder of a license or registration under this Act may renew such license or registration before the expiration date upon payment of the required renewal fee as set by rule.

(c) Every application for renewal of a license by a licensed certified public accountant who has been licensed under this Act for 3 years or more shall be accompanied or supported by any evidence the Department shall prescribe, in satisfaction of completing, each 3 years, not less than 120 hours of continuing professional education programs in subjects given by continuing education sponsors registered by the Department upon recommendation of the Committee. Of the 120 hours, not less than 4 hours shall be courses covering the subject of professional ethics. All continuing education sponsors applying to the Department for registration shall be required to submit an initial nonrefundable application fee set by Department rule. Each registered continuing education sponsor shall be required to pay an annual renewal fee set by Department rule. Publicly supported colleges, universities, and governmental agencies located in Illinois are exempt from payment of any fees required for continuing education sponsor registration. Failure by a continuing education sponsor to be licensed or pay the fees prescribed in this Act, or to comply with the rules and regulations established by the Department under this Section regarding requirements for continuing education courses or sponsors, shall constitute grounds for revocation or denial of renewal of the sponsor's registration.

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(d) Licensed Certified Public Accountants are exempt from the continuing professional education requirement for the first renewal period following the original issuance of the license.

Notwithstanding the provisions of this subsection (c), the Department may accept courses and sponsors approved by other states, by the American Institute of Certified Public Accountants, by other state CPA societies, or by national accrediting organizations such as the National Association of State Boards of Accountancy.

Failure by an applicant for renewal of a license as a licensed certified public accountant to furnish the evidence shall constitute grounds for disciplinary action, unless the Department in its discretion shall determine the failure to have been due to reasonable cause. The Department, in its discretion, may renew a license despite failure to furnish evidence of satisfaction of requirements of continuing education upon condition that the applicant follow a particular program or schedule of continuing education. In issuing rules and individual orders in respect of requirements of continuing education, the Department in its discretion may, among other things, use and rely upon guidelines and pronouncements of recognized educational and professional associations; may prescribe rules for the content, duration, and organization of courses; shall take into account the accessibility to applicants of such continuing education as it may require, and any impediments to interstate practice of public accounting that may result from differences in requirements in other states; and may provide for relaxation or suspension of requirements in regard to applicants who certify that they do not intend to engage in the practice of public accounting, and for instances of individual hardship.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

The Department may establish, by rule, guidelines for acceptance of continuing education on behalf of licensed certified public accountants taking continuing education courses in other jurisdictions.

(b) Every application for renewal of a license by any person who has been licensed under this Act for 3 years or more shall be accompanied or supported by any evidence the Board shall prescribe, in satisfaction of completing, each 3 years, not less than 120 hours of qualifying continuing education.

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professional education programs. Applications for renewal by any person who has been licensed less than 3 years shall be accompanied or supported by evidence of completion of 20 hours of qualifying continuing professional education programs for each full 6 months since the date of licensure or last renewal. Qualifying continuing education programs include those given by continuing education sponsors registered with the Board, those given by the American Institute of CPAs, the Illinois CPA Foundation, and programs given by sponsors approved by national accrediting organizations approved by the Board. All continuing education sponsors applying to the Board for registration shall be required to submit an initial nonrefundable application fee set by Board rule. Each registered continuing education sponsor shall be required to pay an annual renewal fee set by Board rule. Publicly supported colleges, universities, and governmental agencies located in Illinois are exempt from payment of any fees required for continuing education sponsor registration. Failure by a continuing education sponsor to pay the fees prescribed in this Act, or to comply with the rules and regulations established by the Board under this Section regarding requirements for continuing education courses or sponsors, shall constitute grounds for revocation or denial of renewal of the sponsor’s registration. All other courses or programs may qualify upon presentation by the licensee of evidence satisfactory to the Board that the course or program meets all Board rules for qualifying education programs.

Failure by an applicant for renewal of a license to furnish the evidence shall constitute grounds for disciplinary action; unless the Board in its discretion shall determine the failure to have been due to reasonable cause. The Board, in its discretion, may renew a license despite failure to furnish evidence of satisfaction of requirements of continuing education upon condition that the applicant follow a particular program or schedule of continuing education. In issuing rules, regulations, and individual orders in respect of requirements of continuing education, the Board in its discretion may, among other things, use and rely upon guidelines and pronouncements of recognized educational and professional associations; may prescribe rules for content, duration, and organization of courses; shall take into account the accessibility to applicants of continuing education as it may require; and may provide for relaxation or suspension of requirements in other states; and may provide for relaxation or suspension of requirements in

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regard to applicants who certify that they do not intend to engage in the practice of public accounting, and for instances of individual hardship.

The Board shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Board; or by other means established by the Board.

The Board may establish, by rule, guidelines for acceptance of continuing education on behalf of licensed certified public accountants taking continuing education courses in other jurisdictions.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/17) (from Ch. 111, par. 5518)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 17. Fees; returned checks; fines. Each person, partnership, limited liability company, and corporation, to which a license or registration is issued, shall pay a fee to be established by the Department Board which allows the Department Board to pay all costs and expenses incident to the administration of this Act. Interim licenses shall be at full rates.

The Department Board, by rule, shall establish fees to be paid for certification of records, and copies of this Act and the rules issued for administration of this Act.

Any person who delivers a check or other payment to the Department Board that is returned to the Department Board unpaid by the financial institution upon which it is drawn shall pay to the Department Board, in addition to the amount already owed to the Department Board, a fine of $50 in an amount to be established by Board rule. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license or registration. The Department Board shall notify the person that payment of fees and fines shall be paid to the Department Board by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department Board shall automatically terminate the license or registration certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or registration certificate, he or she shall apply to the Department Board for restoration or issuance of the license or

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registration certificate and pay all fees and fines due to the Department Board. The Department Board may establish a fee for the processing of an application for restoration of a license or registration certificate to pay all expenses of processing this application. The Department Board may waive the fines due under this Section in individual cases where the Department Board finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02; 92-457, eff. 7-1-04; 92-651, eff. 7-11-02.)

(225 ILCS 450/17.1) (from Ch. 111, par. 5518.1)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 17.1. Any registered certified public accountant who has permitted his or her registration to expire or who has had his or her registration on inactive status may have his or her registration restored by making application to the Department and filing proof acceptable to the Department as defined by rule of his or her fitness to have his or her registration restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

Any licensed certified public accountant who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department Board and filing proof acceptable to the Department as defined by rule Board of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department Board and by paying the required restoration fee and by submitting proof of the required continuing education.

If the licensed certified public accountant or registered certified public accountant has not maintained an active practice in another jurisdiction satisfactory to the Department Board, the Department Board shall determine, by an evaluation program established by rule, fitness to resume active status and may require the applicant to complete a period of supervised auditing experience.

However, any licensed certified public accountant or registered certified public accountant whose license or registration expired while he was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in

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training or education under the supervision of the United States preliminary to induction into the military service, may have his license or registration renewed reinstated or restored without paying any lapsed renewal and restoration fees if within 2 years after honorable termination of such service, training or education except under conditions other than honorable, he furnished the Department Board with satisfactory evidence to the effect that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/17.2) (from Ch. 111, par. 5518.2)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 17.2. Inactive status. Any licensed certified public accountant or Registered Certified Public Accountant who notifies the Department Board in writing on forms prescribed by the Department Board, may elect to place his license or registration on an inactive status and shall, subject to rules of the Department Board, be excused from payment of renewal fees until he notifies the Department Board in writing of his desire to resume active status.

Any licensed certified public accountant requesting restoration from inactive status shall be required to pay the current renewal fee, shall be required to submit proof of the required continuing education, and shall be required to restore his license, as provided in this Act.

Any Registered Certified Public Accountant requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to comply with any requirements established by rule.

Any licensed certified public accountant whose license is in an inactive status shall not practice public accounting in this State of Illinois.

Any Registered Certified Public Accountant whose registration is in an inactive status shall not in any manner hold himself or herself out to the public as a C.P.A. or R.C.P.A.

The Department Board may, in its discretion, license as a licensed certified public accountant, on payment of the required fee, an applicant who is a licensed certified public accountant licensed under the laws of another jurisdiction if the requirements for licensure of licensed certified public accountants in the jurisdiction in which the applicant was licensed were, at the date of his licensure, substantially equivalent to the requirements in force in this State on that date.
Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/19) (from Ch. 111, par. 5520)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 19. Hearings. The Committee established under the provisions of Section 2.05 shall, upon designation by the Director or a committee thereof, shall hear charges which, if proved, would constitute grounds for disciplinary action; shall hear applications for restoration of a license and the issuance of a license or registration registration cards as a licensed certified public accountant or registered certified public accountant accountants of any person, partnership, limited liability company, or corporation whose license or registration has been suspended or revoked; and shall report its findings and recommendations in connection therewith to the Director Board, all as provided in Section 20.01.

The Department Board shall also have power to promulgate and amend rules of professional conduct that shall apply to persons registered certified or licensed under this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 20.01. Grounds for discipline; license or registration.

(a) The Department Board may refuse to issue or renew, or may revoke, suspend, or reprimand any license or licensee, place a licensee or registrant on probation for a period of time subject to any conditions the Department Board may specify including requiring the licensee or registrant to attend continuing education courses or to work under the supervision of another licensee or registrant, impose a fine not to exceed $5,000 for each violation, restrict the authorized scope of practice, or require a licensee or registrant to undergo a peer review program, for any one or more of the following:

  (1) Violation of any provision of this Act.

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(2) Attempting to procure a license or registration to practice under this Act public accounting by bribery or fraudulent misrepresentations.

(3) Having a license to practice public accounting or registration revoked, suspended, or otherwise acted against, including the denial of licensure or registration, by the licensing or registering authority of another state, territory, or country, including but not limited to the District of Columbia, or any United States territory. No disciplinary action shall be taken in Illinois if the action taken in another jurisdiction was based upon failure to meet the continuing professional education requirements of that jurisdiction and the applicable Illinois continuing professional education requirements are met.

(4) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of public accounting or the ability to practice public accounting or as a Registered Certified Public Accountant.

(5) Making or filing a report or record which the registrant or licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing, or inducing another person to impede or obstruct the filing. The reports or records shall include only those that are signed in the capacity of a licensed certified public accountant or a registered certified public accountant.

(6) Conviction in this or another State or the District of Columbia, or any United States Territory, of any crime that is punishable by one year or more in prison or conviction of a crime in a federal court that is punishable by one year or more in prison.

(7) Proof that the licensee or registrant is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct, in the practice of public accounting.

(8) Violation of any rule adopted under this Act.

(9) Practicing on a revoked, suspended, or inactive license or registration.

(10) Suspension or revocation of the right to practice before any state or federal agency.

(11) Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony.

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or misdemeanor and has dishonesty as an essential element, or of any crime that is directly related to the practice of the profession.

(12) Making any misrepresentation for the purpose of obtaining a license, or registration or material misstatement in furnishing information to the Department Board.

(13) Aiding or assisting another person in violating any provision of this Act or rules promulgated hereunder.

(14) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department Board.

(15) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable skill, judgment, or safety.

(16) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(17) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services by using false or misleading advertising.

(19) Failure to file a return, or pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(20) Practicing or attempting to practice under a name other than the full name as shown on the license or registration or any other legally authorized name.

(21) A finding by the Department Board that a licensee or registrant has not complied with a provision of any lawful order issued by the Department Board.

(22) Making a false statement to the Department Board regarding compliance with continuing professional education requirements.

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(23) Failing to make a substantive response to a request for information by the Department Board within 30 days of the request.

(b) (Blank).

(c) In rendering an order, the Department Board shall take into consideration the facts and circumstances involving the type of acts or omissions in subsection (a) including, but not limited to:

1. the extent to which public confidence in the public accounting profession was, might have been, or may be injured;
2. the degree of trust and dependence among the involved parties;
3. the character and degree of financial or economic harm which did or might have resulted; and
4. the intent or mental state of the person charged at the time of the acts or omissions.

(d) The Department Board shall reissue the license or registration upon a showing that the disciplined licensee or registrant has complied with all of the terms and conditions set forth in the final order.

(e) The Department Board shall deny any application for a license, registration, or renewal, without hearing, to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department Board may issue a license, registration, or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(f) The determination by a court that a licensee or registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in the automatic suspension of his or her license or registration. The licensee or registrant shall be responsible for notifying the Department of the determination by the court that the licensee or registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code. The licensee or registrant shall also notify the Department upon discharge so that a determination may be made under item (17) of subsection (a) whether the licensee or registrant may resume practice. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient.

New matter indicated by italics - deletions by strikeout.
Sec. 20.1. Investigations; notice; hearing. The *Department Board* may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proved, would constitute grounds for disciplinary action as set forth in Section 20.01, investigate the actions of any person or entity. The *Department Board* may refer complaints and investigations to a disciplinary body of the accounting profession for technical assistance. The results of an investigation and recommendations of the disciplinary body may be considered by the *Department Board*, but shall not be considered determinative and the *Department Board* shall not in any way be obligated to take any action or be bound by the results of the accounting profession's disciplinary proceedings. The *Department Board*, before taking disciplinary action, shall afford the concerned party or parties an opportunity to request a hearing and if so requested shall set a time and place for a hearing of the complaint. The *Department Board* shall notify the applicant or the licensed or registered person or entity of any charges made and the date and place of the hearing of those charges by mailing notice thereof to that person or entity by registered or certified mail to the place last specified by the accused person or entity in the last notification to the *Department Board*, at least 30 days prior to the date set for the hearing or by serving a written notice by delivery of the notice to the accused person or entity at least 15 days prior to the date set for the hearing, and shall direct the applicant or licensee or registrant to file a written answer to the *Department Board* under oath within 20 days after the service of the notice and inform the applicant or licensee or registrant that failure to file an answer will result in default being taken against the applicant or licensee or registrant and that the license or registration or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the *Director Board* may deem proper. In case the person fails to file an answer after receiving notice, his or her license or registration or certificate may, in the discretion of the *Department Board*, be suspended, revoked, or placed on probationary status, or the *Department Board* may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a
hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The Department Board shall afford the accused person or entity an opportunity to be heard in person or by counsel at the hearing. At the conclusion of the hearing the Committee Board shall present to the Director a written report setting forth its finding of facts, conclusions of law, and recommendations penalties to be imposed. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. If the Director disagrees in any regard with the report, he or she may issue an order in contravention of the report. The Director shall provide a written explanation to the Committee of any such deviations and shall specify with particularity the reasons for the deviations.

The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Section scheduled to be repealed on January 1, 2014)

Sec. 20.2. The Department Board may subpoena and bring before it at any hearing any person in this State and take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Director, any member of the Committee designated by the Director, or any hearing officer appointed may administer oaths to witnesses at any hearing which the Department is authorized by law to conduct or any other oaths required or authorized in any Act administered by the Department.

The Chairman of the Board, or any member of the Board designated by the Chairman, or any hearing officer appointed pursuant to Section 20.6, may administer oaths to witnesses at any hearing which the Board is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Board.

New matter indicated by italics - deletions by strikeout.
Sec. 20.3. Any circuit court in the State of Illinois, upon the application of the accused person, partnership or corporation, of the complainant or of the Department Board, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department Board at any hearing relative to a disciplinary action and the court may compel obedience to the order by proceedings for contempt.

(Source: P.A. 92-457, eff. 7-1-04.)

Sec. 20.4. The Department Board, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at disciplinary hearings. The Department Board shall furnish a transcript of that record to any person interested in that hearing upon payment of the reasonable cost established by the Department Board.

(Source: P.A. 92-457, eff. 7-1-04.)

Sec. 20.5. Rehearing. In any disciplinary proceeding, a copy of the Committee's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department Board a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion or rehearing is denied, then upon such denial the Director may enter an order in accordance with recommendations of the Committee except as provided in Section 20.6 determination of the Board shall be final. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Whenever the Director is satisfied that substantial justice has not been done in the disciplinary proceeding, the Director may order a rehearing by the Committee or designated hearing officer. The Director

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shall provide a written explanation to the Committee of any deviation from the recommendations of the Committee and shall specify with particularity the reasons for the deviation.

Upon the suspension or revocation of a registration certificate or license of a registrant or the licensee, the registrant or licensee shall be required to surrender to the Department Board the registration certificate or license issued by the Department Board, and upon failure or refusal so to do, the Department Board may seize it.

The Department Board may exchange information relating to proceedings resulting in disciplinary action against licensees or registrants with the regulatory bodies of other states, or with other public authorities or private organizations or with federal authorities having regulatory interest in such matter.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.6) (from Ch. 111, par. 5526.6)
(Text of Section after amendment by P.A. 92-457)

Sec. 20.6. Notwithstanding the provisions of Section 20.2 of this Act, the Director Board shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action. The Director shall notify the Committee of such appointment.

The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Committee and the Director. The Committee shall have 60 days after receiving the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Director. If the Committee fails to present its report within the 60-day period, the Director shall issue an order based on the report of the hearing officer. If the Director disagrees in any regard with the report of the Committee or hearing officer, he or she may issue an order in contravention thereof. The Director shall provide a written explanation to the Committee of any such deviations and shall specify with particularity the reasons for said action in the final order. The Board. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and shall issue an order based on the report of the hearing officer unless it disagrees in any regard with the report of the hearing officer, in which case it may issue an order in contravention thereof, which order may require a new hearing as to some or all of the

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facts in dispute or may issue findings of fact and conclusions of law contrary to the findings and conclusions of the hearing officer.  
(Source: P.A. 92-457, eff. 7-1-04.)

Sec. 21. Judicial review; cost of record; order as prima facie proof.

(a) All final administrative decisions of the Department Board hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the Circuit Court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon, Champaign, or Cook County.

(b) The Department Board shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department Board acknowledging payment of the costs of furnishing and certifying the record, which costs shall be established by the Department Board. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action.

(c) An order of disciplinary action or a certified copy thereof, over the seal of the Department Board and purporting to be signed by the Director Chairman or authorized agent of the Director Board, shall be prima facie proof, subject to being rebutted, that:

(1) the signature is the genuine signature of the Director Chairman or authorized agent of the Director Board;

(2) the Director Chairman or authorized agent of the Director Board is duly appointed and qualified; and

(3) the Committee Board and the members thereof are qualified to act.

(Source: P.A. 91-357, eff. 7-29-99; 92-457, eff. 7-1-04.)

New matter indicated by italics - deletions by strikeout.
Sec. 26. Rules and regulations. The Department and Board shall adopt all necessary and reasonable rules and regulations for the effective administration and enforcement of the provisions of this Act; and without limiting the foregoing the Board shall adopt and prescribe rules and regulations for a fair and wholly impartial method of determining the qualifications of applicants for examination and for a fair and wholly impartial method of examination of persons under this Act Section 2 and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with respect to subjects passed. All Department rules in effect on the effective date of this amendatory Act of the 92nd General Assembly shall continue in effect under the jurisdiction of the Board until changed by the Board.  
(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/28) (from Ch. 111, par. 5534)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 28. Penalties. Each of the following acts perpetrated in the State of Illinois is a Class B misdemeanor.

(a) The practice of public accounting insofar as it consists in rendering service as described in Section 8, without licensure, in violation of the provisions of this Act;

(b) The obtaining or attempting to obtain licensure as a licensed certified public accountant or registration as a registered certified public accountant by fraud;

(c) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or use of any similar words or letters indicating the user is a certified public accountant, the title "Registered Certified Public Accountant", the abbreviation "R.C.P.A.", any similar words or letters indicating the user is a certified public accountant or a registered certified public accountant by any person in contravention of this Act;

(c-5) The use of the title "Certified Public Accountant" or "Licensed Certified Public Accountant" or the abbreviation "C.P.A." or "L.C.P.A." or any similar words or letters indicating the user is a certified public accountant by any person in contravention with this Act; The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating the user is a certified public accountant, by any

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person who has not received a certificate as a certified public accountant from the Board;

(d) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating that the members are certified public accountants, by any partnership, limited liability company, corporation, or other entity unless all members thereof personally engaged in the practice of public accounting in this State have received certificates as certified public accountants from the Board; are licensed as licensed certified public accountants by the Department Board, and are holders of an effective unrevoked license, and the partnership, limited liability company, corporation, or other entity is licensed as licensed certified public accountants by the Board with an effective unrevoked license;

(e) The use of the title "Licensed Certified Public Accountant", "licensed certified public accountant", "licensed CPA", "Public Accountant", or the abbreviation "L.C.P.A." "P.A." or any similar words or letters indicating such person is a licensed certified public accountant, by any person not licensed as a licensed certified public accountant by the Department Board, and holding an effective unrevoked license; provided nothing in this Act shall prohibit the use of the title "Accountant" or "Bookkeeper" by any person;

(f) The use of the title "Licensed Certified Public Accountants", "Public Accountants" or the abbreviation "P.A.'s" or any similar words or letters indicating that the members are public accountants by any partnership, limited liability company, corporation, or other entity unless all members thereof personally engaged in the practice of public accounting in this State are licensed as licensed certified public accountants by the Department Board and are holders of effective unrevoked licenses, and the partnership is licensed as a public accounting firm by the Department Board with an effective unrevoked licenses;

(g) Making false statements to the Department Board regarding compliance with continuing professional education requirements;

(h) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating that the members are certified public accountants, by any

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partnership unless all members thereof personally engaged in the practice of public accounting in this State have received certificates as certified public accountants from the Board, are licensed as public accountants by the Department, and are holders of an effective unrevoked license, and the partnership is licensed as public accountants by the Department with an effective unrevoked license.

This Section does not prohibit a firm partnership, limited liability company, corporation, or other entity who does not practice public accounting as set forth in Section 8 of this Act and whose members residing in Illinois are registered with the Department from using the title "Certified Public Accountant" or the abbreviation "C.P.A." or "CPA" or similar words or letters indicating that the members are certified public accountants.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/30) (from Ch. 111, par. 5535)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 30. The practice of public accounting, as described in Section 8 of this Act, by any person in violation of this Act is hereby declared to be inimical to the public welfare and to be a public nuisance. An action to perpetually enjoin from such unlawful practice any person who has been or is engaged therein may be maintained in the name of the people of the State of Illinois by the Attorney General of the State of Illinois, by the State's Attorney of any county in which the action is brought, by the Department Board or by any resident citizen. The injunction proceeding shall be in addition to and not in lieu of any penalties or other remedies provided by this Act. No injunction shall issue under this section against any person for any act exempted under Section 11 of this Act.

If any person shall practice as a licensed certified public accountant or a registered certified public accountant or hold himself or herself out as a licensed certified public accountant or registered certified public accountant without being licensed or registered under the provision of this Act then any licensed certified public accountant or registered certified public accountant, any interested party or any person injured thereby may, in addition to the Department Board, petition for relief as provided in subsection (a) of this Section.

Whenever in the opinion of the Department Board any person violates any provision of this Act, the Department Board may issue a rule

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to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department Board and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department Board. Failure to answer to the satisfaction of the Department Board shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/30.4 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 30.4. Prohibited practice.

(a) No licensed public accountant, licensed certified public accountant, or public accounting firm may provide contemporaneously with an audit those non-auditing services referenced in subsection (g) of Section 10A of the federal Securities Exchange Act of 1934, as amended, to a company, excluding a not-for-profit organization, that (1) is not required to file periodic information, documents, and reports pursuant to the Securities Exchange Act of 1934 and (2) during the previous fiscal year, had annual revenues exceeding $50,000,000 or more than 500 employees.

(b) (1) A licensed public accountant, licensed certified public accountant, or public accounting firm is exempted from the prohibition in subsection (a) of this Section 30.4 if:

(A) the licensed public accountant, licensed certified public accountant, or public accounting firm presents written notice of the contemporaneous provision of auditing and non-auditing services to the company prior to the commencement of the contemporaneous provision of the services; and

(B) the president or chief executive officer of the company to which the contemporaneous auditing and non-auditing services are to be provided subsequently signs an acknowledgement that the company is aware of and agrees to the contemporaneous provision of the auditing and non-auditing services.

(2) A licensed public accountant, licensed certified public accountant, or public accounting firm waives the exemption provided for in paragraph (1) of this subsection (b) if the licensed public accountant, certified public accountant, or public accounting firm engages in criminal activity or willful or wanton negligence regarding the provision of contemporaneous auditing and non-auditing services to the company.

New matter indicated by italics - deletions by strikeout.
(c) A violation of this Section shall subject a licensed public accountant, licensed certified public accountant, or public accounting firm to the provisions of Section 20.01 of this Act.

(d) Nothing in this Section shall be construed to authorize or permit the provision of any services by a licensed public accountant, licensed certified public accountant, or public accounting firm that would result in a lack of independence under applicable ethics standards of the accounting profession.

(225 ILCS 450/30.5 new)
(Section scheduled to be repealed on January 1, 2014)
Sec. 30.5. Improper influence on the conduct of audits.
(a) It shall be unlawful for any officer or director of a company that is not required to file periodic information, documents, and reports pursuant to the federal Securities Exchange Act of 1934, or any other person acting under the direction thereof, to take any action to fraudulently influence, coerce, manipulate, or mislead any licensed public accountant or licensed certified public accountant engaged in the performance of an audit of the financial statements of that company for the purpose of rendering the financial statements being audited materially misleading.

(b) A person who, with the intent to deceive, violates this Section is guilty of a Class 4 felony.

(225 ILCS 450/30.6 new)
(Section scheduled to be repealed on January 1, 2014)
Sec. 30.6. Misleading behavior by certified public accountants.
(a) It shall be unlawful for any licensed public accountant or licensed certified public accountant to intentionally mislead a company that is not required to file periodic information, documents, and reports pursuant to the federal Securities Exchange Act of 1934 by falsifying records it creates as part of an audit of the company.

(b) A person who knowingly violates this Section is guilty of a Class 4 felony.

(225 ILCS 450/32) (from Ch. 111, par. 5537)
(Section scheduled to be repealed on January 1, 2014)
Sec. 32. (a) This subsection (a) applies only until July 1, 2004. All moneys received by the Department of Professional Regulation under this Act shall be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund, which is hereby created as a special fund in the State Treasury. The funds in the account shall be used by the

New matter indicated by italics - deletions by strikeout.
Department or the Board, as appropriated, exclusively for expenses of the Department of Professional Regulation, or the Public Accountants' Registration Committee, or the Board in the administration of this Act.

Moneys in the Registered Certified Public Accountants' Administration and Disciplinary Fund may be invested and reinvested, with all earnings received from the investments to be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation or the Board. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

(b) This subsection (b) applies beginning July 1, 2004.

All moneys received by the Board under this Act shall be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund, a special fund in the State treasury. The moneys in the Fund shall be used by the Board, as appropriated, exclusively for expenses of the Department of Professional Regulation and the Board in the administration of this Act.

Moneys in the Registered Certified Public Accountants' Administration and Disciplinary Fund may be invested and reinvested, with all earnings received from the investments to be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund.

(Source: P.A. 91-239, eff. 1-1-00; 92-457, eff. 8-21-01.)

Section 99. Effective date. This Act takes effect July 1, 2004, except the provisions changing Section 1 of the Illinois Public Accounting Act take effect on October 1, 2006.


PUBLIC ACT 93-0684

(House Bill No. 4027)

AN ACT concerning vehicles.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 11-401 as follows:

(625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)
Sec. 11-401. Motor vehicle accidents involving death or personal injuries.

(a) The driver of any vehicle involved in a motor vehicle accident resulting in personal injury to or death of any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible and shall then forthwith return to, and in every event shall remain at the scene of the accident until the requirements of Section 11-403 have been fulfilled. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person who has failed to stop or to comply with the requirements of paragraph (a) shall, as soon as possible but in no case later than one-half one hour after such motor vehicle accident, or, if hospitalized and incapacitated from reporting at any time during such period, as soon as possible but in no case later than one-half one hour after being discharged from the hospital, report the place of the accident, the date, the approximate time, the driver's name and address, the registration number of the vehicle driven, and the names of all other occupants of such vehicle, at a police station or sheriff's office near the place where such accident occurred. No report made as required under this paragraph shall be used, directly or indirectly, as a basis for the prosecution of any violation of paragraph (a).

For purposes of this Section, personal injury shall mean any injury requiring immediate professional treatment in a medical facility or doctor's office.

(c) Any person failing to comply with paragraph (a) shall be guilty of a Class 4 felony Class A misdemeanor.

(d) Any person failing to comply with paragraph (b) is guilty of a Class 3 Class 4 felony if the motor vehicle accident does not result in the death of any person. Any person failing to comply with paragraph (b) when the accident results in the death of any person is guilty of a Class 2 felony, for which the person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e) The Secretary of State shall revoke the driving privilege of any person convicted of a violation of this Section.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to governmental ethics.

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

Section 5. The State Officials and Employees Ethics Act is
amended by changing Sections 1-5, 5-20, 25-5, 25-10, and 25-95 as
follows:

(5 ILCS 430/1-5)
Sec. 1-5. Definitions. As used in this Act:
"Appointee" means a person appointed to a position in or with a
State agency, regardless of whether the position is compensated.
"Campaign for elective office" means any activity in furtherance of
an effort to influence the selection, nomination, election, or appointment
of any individual to any federal, State, or local public office or office in a
political organization, or the selection, nomination, or election of
Presidential or Vice-Presidential electors, but does not include activities (i)
relating to the support or opposition of any executive, legislative, or
administrative action (as those terms are defined in Section 2 of the
Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii)
that are otherwise in furtherance of the person's official State duties.
"Candidate" means a person who has filed nominating papers or
petitions for nomination or election to an elected State office, or who has
been appointed to fill a vacancy in nomination, and who remains eligible
for placement on the ballot at either a general primary election or general
election.
"Collective bargaining" has the same meaning as that term is
defined in Section 3 of the Illinois Public Labor Relations Act.
"Commission" means an ethics commission created by this Act.
"Compensated time" means any time worked by or credited to a
State employee that counts toward any minimum work time requirement
imposed as a condition of employment with a State agency, but does not

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include any designated State holidays or any period when the employee is on a leave of absence.

"Compensatory time off" means authorized time off earned by or awarded to a State employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with a State agency.

"Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code.

"Employee" means (i) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed or (ii) any appointee.

"Executive branch constitutional officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member, or officer.

"Governmental entity" means a unit of local government or a school district but not a State agency.

"Leave of absence" means any period during which a State employee does not receive (i) compensation for State employment, (ii) service credit towards State pension benefits, and (iii) health insurance benefits paid for by the State.

"Legislative branch constitutional officer" means a member of the General Assembly and the Auditor General.

"Legislative leader" means the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

"Member" means a member of the General Assembly.

"Officer" means an executive branch constitutional officer or a legislative branch constitutional officer.

"Political" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or

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(iii) that are otherwise in furtherance of the person's official State duties or governmental and public service functions.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

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(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election, except to the extent that under subsection (d) of Section 6 of Article IV of the Illinois Constitution each house of the General Assembly shall judge the elections, returns, and qualifications of its members. "Prohibited source" means any person or entity who:

(1) is seeking official action (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(2) does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee;

(3) conducts activities regulated (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee; or

(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a

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prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.

"State agency" includes all officers, boards, commissions and agencies created by the Constitution, whether in the executive or legislative branch; all officers, departments, boards, commissions, agencies, institutions, authorities, public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act, and bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, other than units of local government and their officers, school districts, and boards of election commissioners; and all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor. "State agency" includes the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, and the legislative support services agencies. "State agency" includes the Office of the Auditor General. "State agency" does not include the judicial branch.

"State employee" means any employee of a State agency.

"Ultimate jurisdictional authority" means the following:

(1) For members, legislative partisan staff, and legislative secretaries, the appropriate legislative leader: President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, or Minority Leader of the House of Representatives.

(2) For State employees who are professional staff or employees of the Senate and not covered under item (1), the Senate Operations Commission.

(3) For State employees who are professional staff or employees of the House of Representatives and not covered under item (1), the Speaker of the House of Representatives.

(4) For State employees who are employees of the legislative support services agencies, the Joint Committee on Legislative Support Services.

(5) For State employees of the Auditor General, the Auditor General.

(6) For State employees of public institutions of higher learning as defined in Section 2 of the Higher Education

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Cooperation Act, the board of trustees of the appropriate public institution of higher learning.

(7) For State employees of an executive branch constitutional officer other than those described in paragraph (6), the appropriate executive branch constitutional officer.

(8) For State employees not under the jurisdiction of paragraph (1), (2), (3), (4), (5), (6), or (7), the Governor.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

Sec. 5-20. Public service announcements; other promotional material.

(a) Beginning January 1, 2004, no public service announcement or advertisement that is on behalf of any State administered program and contains the proper name, image, or voice of any executive branch constitutional officer or member of the General Assembly shall be broadcast or aired on radio or television or printed in a commercial newspaper or a commercial magazine at any time.

(b) The proper name or image of any executive branch constitutional officer or member of the General Assembly may not appear on any (i) bumper stickers, (ii) commercial billboards, (iii) lapel pins or buttons, (iv) magnets, (v) stickers, and (vi) other similar promotional items, that are not in furtherance of the person's official State duties or governmental and public service functions, if designed, paid for, prepared, or distributed using public dollars. This subsection does not apply to stocks of items existing on the effective date of this amendatory Act of the 93rd General Assembly.

(c) This Section does not apply to communications funded through expenditures required to be reported under Article 9 of the Election Code.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

Sec. 25-5. Legislative Ethics Commission.

(a) The Legislative Ethics Commission is created.

(b) The Legislative Ethics Commission shall consist of 8 commissioners appointed 2 each by the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

The terms of the initial commissioners shall commence upon qualification. Each appointing authority shall designate one appointee who shall serve for a 2-year term running through June 30, 2005. Each

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appointing authority shall designate one appointee who shall serve for a 4-
year term running through June 30, 2007. The initial appointments shall be
made within 60 days after the effective date of this Act.

After the initial terms, commissioners shall serve for 4-year terms
commencing on July 1 of the year of appointment and running through
June 30 of the fourth following year. Commissioners may be reappointed
to one or more subsequent terms.

Vacancies occurring other than at the end of a term shall be filled
by the appointing authority only for the balance of the term of the
commissioner whose office is vacant.

Terms shall run regardless of whether the position is filled.

(c) The appointing authorities shall appoint commissioners who
have experience holding governmental office or employment and may
appoint commissioners who are members of the General Assembly as well
as commissioners from the general public. A commissioner who is a
member of the General Assembly must recuse himself or herself from
participating in any matter relating to any investigation or proceeding in
which he or she is the subject. A person is not eligible to serve as a
commisisoner if that person (i) has been convicted of a felony or a crime
dishonesty or moral turpitude, (ii) is, or was within the preceding 12
months, engaged in activities that require registration under the Lobbyist
Registration Act, (iii) is a relative of the appointing authority, or (iv) is a
State officer or employee other than a member of the General Assembly.

(d) The Legislative Ethics Commission shall have jurisdiction over
members of the General Assembly and all State employees whose ultimate
jurisdictional authority is (i) a legislative leader, (ii) the Senate Operations
Commission, or (iii) the Joint Committee on Legislative Support Services.
The jurisdiction of the Commission is limited to matters arising under this
Act.

(e) The Legislative Ethics Commission must meet, either in person
or by other technological means, monthly or as often as necessary. At the
first meeting of the Legislative Ethics Commission, the commissioners
shall choose from their number a chairperson and other officers that they
deam appropriate. The terms of officers shall be for 2 years commencing
July 1 and running through June 30 of the second following year. Meetings
shall be held at the call of the chairperson or any 3 commissioners. Official
action by the Commission shall require the affirmative vote of 5
commissioners, and a quorum shall consist of 5 commissioners. Commissioners shall receive no compensation but may be reimbursed for

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their reasonable expenses actually incurred in the performance of their duties.

(f) No commissioner, other than a commissioner who is a member of the General Assembly, or employee of the Legislative Ethics Commission may during his or her term of appointment or employment:

(1) become a candidate for any elective office;
(2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;
(3) be actively involved in the affairs of any political party or political organization; or
(4) actively participate in any campaign for any elective office.

(g) An appointing authority may remove a commissioner only for cause.

(h) The Legislative Ethics Commission shall appoint an Executive Director subject to the approval of at least 3 of the 4 legislative leaders. The compensation of the Executive Director shall be as determined by the Commission or by the Compensation Review Board, whichever amount is higher. The Executive Director of the Legislative Ethics Commission may employ, subject to the approval of at least 3 of the 4 legislative leaders, and determine the compensation of staff, as appropriations permit.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-10)

Sec. 25-10. Office of Legislative Inspector General.
(a) The independent Office of the Legislative Inspector General is created. The Office shall be under the direction and supervision of the Legislative Inspector General and shall be a fully independent office with its own appropriation.

(b) The Legislative Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability. The Legislative Ethics Commission shall diligently search out qualified candidates for Legislative Inspector General and shall make recommendations to the General Assembly.

The Legislative Inspector General shall be appointed by a joint resolution of the Senate and the House of Representatives, which may specify the date on which the appointment takes effect. A joint resolution, or other document as may be specified by the Joint Rules of the General Assembly, appointing the Legislative Inspector General must be certified.

New matter indicated by italics - deletions by strikeout.
by the Speaker of the House of Representatives and the President of the Senate as having been adopted by the affirmative vote of three-fifths of the members elected to each house, respectively, and be filed with the Secretary of State. The appointment of the Legislative Inspector General takes effect on the day the appointment is completed by the General Assembly, unless the appointment specifies a later date on which it is to become effective.

The Legislative Inspector General shall have the following qualifications:

(1) has not been convicted of any felony under the laws of this State, another state, or the United States;
(2) has earned a baccalaureate degree from an institution of higher education; and
(3) has 5 or more years of cumulative service (A) with a federal, State, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (B) as a federal, State, or local prosecutor; (C) as a senior manager or executive of a federal, State, or local agency; (D) as a member, an officer, or a State or federal judge; or (E) representing any combination of (A) through (D).

The Legislative Inspector General may not be a relative of a commissioner.

The term of the initial Legislative Inspector General shall commence upon qualification and shall run through June 30, 2008.

After the initial term, the Legislative Inspector General shall serve for 5-year terms commencing on July 1 of the year of appointment and running through June 30 of the fifth following year. The Legislative Inspector General may be reappointed to one or more subsequent terms.

A vacancy occurring other than at the end of a term shall be filled in the same manner as an appointment only for the balance of the term of the Legislative Inspector General whose office is vacant.

Terms shall run regardless of whether the position is filled.

(c) The Legislative Inspector General shall have jurisdiction over the members of the General Assembly and all State employees whose ultimate jurisdictional authority is (i) a legislative leader, (ii) the Senate Operations Commission, or (iii) the Joint Committee on Legislative Support Services.

The jurisdiction of each Legislative Inspector General is to investigate allegations of fraud, waste, abuse, mismanagement,
misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act or violations of other related laws and rules.

(d) The compensation of the Legislative Inspector General shall be the greater of an amount (i) determined by the Commission or (ii) by joint resolution of the General Assembly passed by a majority of members elected in each chamber. Subject to Section 25-45 of this Act, the Legislative Inspector General has full authority to organize the Office of the Legislative Inspector General, including the employment and determination of the compensation of staff, such as deputies, assistants, and other employees, as appropriations permit. Employment of staff is subject to the approval of at least 3 of the 4 legislative leaders.

(e) No Legislative Inspector General or employee of the Office of the Legislative Inspector General may, during his or her term of appointment or employment:

(1) become a candidate for any elective office;
(2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;
(3) be actively involved in the affairs of any political party or political organization; or
(4) actively participate in any campaign for any elective office.

In this subsection an appointed public office means a position authorized by law that is filled by an appointing authority as provided by law and does not include employment by hiring in the ordinary course of business.

(e-1) No Legislative Inspector General or employee of the Office of the Legislative Inspector General may, for one year after the termination of his or her appointment or employment:

(1) become a candidate for any elective office;
(2) hold any elected public office; or
(3) hold any appointed State, county, or local judicial office.

(e-2) The requirements of item (3) of subsection (e-1) may be waived by the Legislative Ethics Commission.

(f) The Commission may remove the Legislative Inspector General only for cause. At the time of the removal, the Commission must report to the General Assembly the justification for the removal.

(Source: P.A. 93-617, eff. 12-9-03.)

New matter indicated by italics - deletions by strikeout.
(5 ILCS 430/25-95)

Sec. 25-95. Exemptions.

(a) Documents generated by an ethics officer under this Act, except Section 5-50, are exempt from the provisions of the Freedom of Information Act.

(a-5) Requests from ethics officers, members, and State employees to the Office of the Legislative Inspector General, a Special Legislative Inspector General, the Legislative Ethics Commission, an ethics officer, or a person designated by a legislative leader for guidance on matters involving the interpretation or application of this Act or rules promulgated under this Act are exempt from the provisions of the Freedom of Information Act. Guidance provided to an ethics officer, member, or State employee at the request of an ethics officer, member, or State employee by the Office of the Legislative Inspector General, a Special Legislative Inspector General, the Legislative Ethics Commission, an ethics officer, or a person designated by a legislative leader on matters involving the interpretation or application of this Act or rules promulgated under this Act is exempt from the provisions of the Freedom of Information Act.

(b) Any allegations and related documents submitted to the Legislative Inspector General and any pleadings and related documents brought before the Legislative Ethics Commission are exempt from the provisions of the Freedom of Information Act so long as the Legislative Ethics Commission does not make a finding of a violation of this Act. If the Legislative Ethics Commission finds that a violation has occurred, the entire record of proceedings before the Commission, the decision and recommendation, and the mandatory report from the agency head or ultimate jurisdictional authority to the Legislative Ethics Commission are not exempt from the provisions of the Freedom of Information Act but information contained therein that is exempt from the Freedom of Information Act must be redacted before disclosure as provided in Section 8 of the Freedom of Information Act.

(c) Meetings of the Commission under Sections 25-5 and 25-15 of this Act are exempt from the provisions of the Open Meetings Act.

(d) Unless otherwise provided in this Act, all investigatory files and reports of the Office of the Legislative Inspector General, other than quarterly reports, are confidential, are exempt from disclosure under the Freedom of Information Act, and shall not be divulged to any person or agency, except as necessary (i) to the appropriate law enforcement

New matter indicated by italics - deletions by strikeout.
authority if the matter is referred pursuant to this Act, (ii) to the ultimate jurisdictional authority, or (iii) to the Legislative Ethics Commission.

(Source: P.A. 93-617, eff. 12-9-03.)

Section 10. The Election Code is amended by changing Section 9-8.10 as follows:

(10 ILCS 5/9-8.10)
Sec. 9-8.10. Use of political committee and other reporting organization funds.

(a) A political committee, or organization subject to Section 9-7.5, shall not make expenditures:

(1) In violation of any law of the United States or of this State.

(2) Clearly in excess of the fair market value of the services, materials, facilities, or other things of value received in exchange.

(3) For satisfaction or repayment of any debts other than loans made to the committee or to the public official or candidate on behalf of the committee or repayment of goods and services purchased by the committee under a credit agreement. Nothing in this Section authorizes the use of campaign funds to repay personal loans. The repayments shall be made by check written to the person who made the loan or credit agreement. The terms and conditions of any loan or credit agreement to a committee shall be set forth in a written agreement, including but not limited to the method and amount of repayment, that shall be executed by the chairman or treasurer of the committee at the time of the loan or credit agreement. The loan or agreement shall also set forth the rate of interest for the loan, if any, which may not substantially exceed the prevailing market interest rate at the time the agreement is executed.

(4) For the satisfaction or repayment of any debts or for the payment of any expenses relating to a personal residence. Campaign funds may not be used as collateral for home mortgages.

(5) For clothing or personal laundry expenses, except clothing items rented by the public official or candidate for his or her own use exclusively for a specific campaign-related event, provided that committees may purchase costumes, novelty items, or other accessories worn primarily to advertise the candidacy.

New matter indicated by italics - deletions by strikeout.
(6) For the travel expenses of any person unless the travel is necessary for fulfillment of political, governmental, or public policy duties, activities, or purposes.
(7) For membership or club dues charged by organizations, clubs, or facilities that are primarily engaged in providing health, exercise, or recreational services; provided, however, that funds received under this Article may be used to rent the clubs or facilities for a specific campaign-related event.
(8) In payment for anything of value or for reimbursement of any expenditure for which any person has been reimbursed by the State or any person. For purposes of this item (8), a per diem allowance is not a reimbursement.
(9) For the purchase of or installment payment for a motor vehicle unless the political committee can demonstrate that purchase of a motor vehicle is more cost-effective than leasing a motor vehicle as permitted under this item (9). A political committee may lease or purchase and insure, maintain, and repair a motor vehicle if the vehicle will be used primarily for campaign purposes or for the performance of governmental duties. A committee shall not make expenditures for use of the vehicle for non-campaign or non-governmental purposes. Persons using vehicles not purchased or leased by a political committee may be reimbursed for actual mileage for the use of the vehicle for campaign purposes or for the performance of governmental duties. The mileage reimbursements shall be made at a rate not to exceed the standard mileage rate method for computation of business expenses under the Internal Revenue Code.
(10) Directly for an individual's tuition or other educational expenses, except for governmental or political purposes directly related to a candidate's or public official's duties and responsibilities.
(11) For payments to a public official or candidate or his or her family member unless for compensation for services actually rendered by that person. The provisions of this item (11) do not apply to expenditures by a political committee in an aggregate amount not exceeding the amount of funds reported to and certified by the State Board or county clerk as available as of June 30, 1998, in the semi-annual report of contributions and expenditures filed by the political committee for the period concluding June 30, 1998.

New matter indicated by italics - deletions by strikeout.
(b) The Board shall have the authority to investigate, upon receipt of a verified complaint, violations of the provisions of this Section. The Board may levy a fine on any person who knowingly makes expenditures in violation of this Section and on any person who knowingly makes a malicious and false accusation of a violation of this Section. The Board may act under this subsection only upon the affirmative vote of at least 5 of its members. The fine shall not exceed $500 for each expenditure of $500 or less and shall not exceed the amount of the expenditure plus $500 for each expenditure greater than $500. The Board shall also have the authority to render rulings and issue opinions relating to compliance with this Section.

(c) Nothing in this Section prohibits the expenditure of funds of (i) a political committee controlled by an officeholder or by a candidate or (ii) an organization subject to Section 9-7.5 to defray the customary and reasonable ordinary and necessary expenses of an officeholder in connection with the performance of governmental and public service functions duties. For the purposes of this subsection, "ordinary and necessary expenses" include, but are not limited to, expenses in relation to the operation of the district office of a member of the General Assembly.

(Source: P.A. 93-615, eff. 11-19-03.)

Section 15. The Illinois Pension Code is amended by adding Section 1-122 and changing Sections 14-103.05 and 18-127 as follows:

(40 ILCS 5/1-122 new)

Sec. 1-122. Service with the Legislative Ethics Commission or Office of the Legislative Inspector General. Notwithstanding any provision in this Code to the contrary, if a person serves as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, or staff of the Legislative Ethics Commission, then (A) no retirement annuity or other benefit of that person under this Code is subject to forfeiture, diminishment, suspension, or other impairment solely by virtue of that service and (B) that person does not participate in any pension fund or retirement system under this Code with respect to that service, unless that person (i) is qualified to so participate and (ii) affirmatively elects to so participate. This Section applies without regard to whether the person is in active service under the applicable Article of this Code on or after the effective date of this amendatory Act of the 93rd

New matter indicated by italics - deletions by strikeout.
General Assembly. In this Section, a “part-time employee” is a person who is not required to work at least 35 hours per week.

(40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

Sec. 14-103.05. Employee.

(a) Any person employed by a Department who receives salary for personal services rendered to the Department on a warrant issued pursuant to a payroll voucher certified by a Department and drawn by the State Comptroller upon the State Treasurer, including an elected official described in subparagraph (d) of Section 14-104, shall become an employee for purpose of membership in the Retirement System on the first day of such employment.

A person entering service on or after January 1, 1972 and prior to January 1, 1984 shall become a member as a condition of employment and shall begin making contributions as of the first day of employment.

A person entering service on or after January 1, 1984 shall, upon completion of 6 months of continuous service which is not interrupted by a break of more than 2 months, become a member as a condition of employment. Contributions shall begin the first of the month after completion of the qualifying period.

The qualifying period of 6 months of service is not applicable to:
(1) a person who has been granted credit for service in a position covered by the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, the General Assembly Retirement System, or the Judges Retirement System of Illinois unless that service has been forfeited under the laws of those systems; (2) a person entering service on or after July 1, 1991 in a noncovered position; or (3) a person to whom Section 14-108.2a or 14-108.2b applies.

(b) The term "employee" does not include the following:
(1) members of the State Legislature, and persons electing to become members of the General Assembly Retirement System pursuant to Section 2-105;
(2) incumbents of offices normally filled by vote of the people;
(3) except as otherwise provided in this Section, any person appointed by the Governor with the advice and consent of the Senate unless that person elects to participate in this System;
   (3.1) any person serving as a commissioner of an ethics commission created under the State Officials and Employees New matter indicated by italics - deletions by strikeout.
Ethics Act unless that person elects to participate in this system with respect to that service as a commissioner;

(3.2) any person serving as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, or staff of the Legislative Ethics Commission, regardless of whether he or she is in active service on or after the effective date of this amendatory Act of the 93rd General Assembly, unless that person elects to participate in this System with respect to that service; in this item (3.2), a "part-time employee" is a person who is not required to work at least 35 hours per week;

(4) except as provided in Section 14-108.2 or 14-108.2c, any person who is covered or eligible to be covered by the Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, or the Judges Retirement System of Illinois;

(5) an employee of a municipality or any other political subdivision of the State;

(6) any person who becomes an employee after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and whose wages or fringe benefits are paid in whole or in part by funds provided under such Act;

(7) enrollees of the Illinois Young Adult Conservation Corps program, administered by the Department of Natural Resources, authorized grantee pursuant to Title VIII of the "Comprehensive Employment and Training Act of 1973", 29 USC 993, as now or hereafter amended;

(8) enrollees and temporary staff of programs administered by the Department of Natural Resources under the Youth Conservation Corps Act of 1970;

(9) any person who is a member of any professional licensing or disciplinary board created under an Act administered by the Department of Professional Regulation or a successor agency or created or re-created after the effective date of this amendatory Act of 1997, and who receives per diem compensation rather than a salary, notwithstanding that such per diem

New matter indicated by italics - deletions by strikeout.
compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 (P.A. 84-1472) is not intended to effect any change in the status of such persons;

(10) any person who is a member of the Illinois Health Care Cost Containment Council, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 is not intended to effect any change in the status of such persons; or

(11) any person who is a member of the Oil and Gas Board created by Section 1.2 of the Illinois Oil and Gas Act, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher.

(Source: P.A. 92-14, eff. 6-28-01.)

(40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

Sec. 18-127. Retirement annuity - suspension on reemployment.

(a) A participant receiving a retirement annuity who is regularly employed for compensation by an employer other than a county, in any capacity, shall have his or her retirement annuity payments suspended during such employment. Upon termination of such employment, retirement annuity payments at the previous rate shall be resumed. If such a participant resumes service as a judge, he or she shall receive credit for any additional service. Upon subsequent retirement, his or her retirement annuity shall be the amount previously granted, plus the amount earned by the additional judicial service under the provisions in effect during the period of such additional service. However, if the participant was receiving the maximum rate of annuity at the time of re-employment, he or she may elect, in a written direction filed with the board, not to receive any additional service credit during the period of re-employment. In such case, contributions shall not be required during the period of re-employment. Any such election shall be irrevocable.

(b) Beginning January 1, 1991, any participant receiving a retirement annuity who accepts temporary employment from an employer other than a county for a period not exceeding 75 working days in any calendar year shall not be deemed to be regularly employed for compensation or to have resumed service as a judge for the purposes of

New matter indicated by italics - deletions by strikeout.
this Article. A day shall be considered a working day if the annuitant performs on it any of his duties under the temporary employment agreement.

(c) Except as provided in subsection (a), beginning January 1, 1993, retirement annuities shall not be subject to suspension upon resumption of employment for an employer, and any retirement annuity that is then so suspended shall be reinstated on that date.

(d) The changes made in this Section by this amendatory Act of 1993 shall apply to judges no longer in service on its effective date, as well as to judges serving on or after that date.

(e) A participant receiving a retirement annuity under this Article who serves as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, or staff of the Legislative Ethics Commission, but has not elected to participate in the Article 14 System with respect to that service, shall not be deemed to be regularly employed for compensation by an employer other than a county, nor to have resumed service as a judge, on the basis of that service, and the retirement annuity payments and other benefits of that person under this Code shall not be suspended, diminished, or otherwise impaired solely as a consequence of that service. This subsection (e) applies without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 93rd General Assembly. In this subsection, a "part-time employee" is a person who is not required to work at least 35 hours per week.

(Source: P.A. 86-1488; 87-1265.)

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

Approved July 8, 2004 

PUBLIC ACT 93-0686
(Senate Bill No. 2123)

AN ACT concerning elections.

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

New matter indicated by italics - deletions by strikeout.
Section 5. The Election Code is amended by changing Section 1A-8 as follows:

(10 ILCS 5/1A-8) (from Ch. 46, par. 1A-8)

Sec. 1A-8. The State Board of Elections shall exercise the following powers and perform the following duties in addition to any powers or duties otherwise provided for by law:

(1) Assume all duties and responsibilities of the State Electoral Board and the Secretary of State as heretofore provided in this Act;

(2) Disseminate information to and consult with election authorities concerning the conduct of elections and registration in accordance with the laws of this State and the laws of the United States;

(3) Furnish to each election authority prior to each primary and general election and any other election it deems necessary, a manual of uniform instructions consistent with the provisions of this Act which shall be used by election authorities in the preparation of the official manual of instruction to be used by the judges of election in any such election. In preparing such manual, the State Board shall consult with representatives of the election authorities throughout the State. The State Board may provide separate portions of the uniform instructions applicable to different election jurisdictions which administer elections under different options provided by law. The State Board may by regulation require particular portions of the uniform instructions to be included in any official manual of instructions published by election authorities. Any manual of instructions published by any election authority shall be identical with the manual of uniform instructions issued by the Board, but may be adapted by the election authority to accommodate special or unusual local election problems, provided that all manuals published by election authorities must be consistent with the provisions of this Act in all respects and must receive the approval of the State Board of Elections prior to publication; provided further that if the State Board does not approve or disapprove of a proposed manual within 60 days of its submission, the manual shall be deemed approved.

(4) Prescribe and require the use of such uniform forms, notices, and other supplies not inconsistent with the provisions of

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officials, interested civic organizations and the general public in a
timely and efficient manner; and

(14) To take such action as may be necessary or required to
give effect to directions of the national committee or State central
committee of an established political party under Sections 7-8, 7-
11 and 7-14.1 or such other provisions as may be applicable
pertaining to the selection of delegates and alternate delegates to an
established political party's national nominating conventions or,
notwithstanding any candidate certification schedule contained
within the Election Code, the certification of the Presidential and
Vice Presidential candidate selected by the established party's
national nominating convention in 2004.

The Board may by regulation delegate any of its duties or functions
under this Article, except that final determinations and orders under this
Article shall be issued only by the Board.

The requirement for reporting to the General Assembly shall be
satisfied by filing copies of the report with the Speaker, the Minority
Leader and the Clerk of the House of Representatives and the President,
the Minority Leader and the Secretary of the Senate and the Legislative
Research Unit, as required by Section 3.1 of "An Act to revise the law in
relation to the General Assembly", approved February 25, 1874, as
amended, and filing such additional copies with the State Government
Report Distribution Center for the General Assembly as is required under
paragraph (t) of Section 7 of the State Library Act.
(Source: P.A. 91-239, eff. 1-1-00.)

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

Approved July 8, 2004.

PUBLIC ACT 93-0687
(Senate Bill No. 2577)

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

Section 5. The Liquor Control Act of 1934 is amended by changing
Section 6-11 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 6-11. Sale near churches, schools, and hospitals.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least $1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of the effective date of this amendatory Act of 1998.

(c) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

(d) In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or

New matter indicated by italics - deletions by strikeout.
hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee.

For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

(e) Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(f) Nothing in this Section shall prohibit a church or church affiliated school located in a home rule municipality or in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(g) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at premises within 100 feet, but not less than 90 feet, of a public school if (1) the premises have been continuously licensed to sell alcoholic liquor for a period of at least 50 years, (2) the premises are located in a municipality having a population of over 500,000 inhabitants, (3) the licensee is an individual who is a member of a family that has held the previous 3 licenses for that location for more than 25 years, (4) the principal of the school and the alderman of the ward in which the school is located have delivered a written statement to the local liquor control commissioner stating that they do not object to the issuance of a license under this subsection (g), and (5) the local liquor

New matter indicated by italics - deletions by strikeout.
control commissioner has received the written consent of a majority of the registered voters who live within 200 feet of the premises.

(h) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at a theater that is within 100 feet of a church if (1) the church owns the theater, (2) the church leases the theater to one or more entities, and (3) the theater is used by at least 5 different not-for-profit theater groups.

(Source: P.A. 91-357, eff. 7-29-99; 91-623, eff. 1-1-00; 92-720, eff. 7-25-02; 92-813, eff. 8-21-02; revised 9-18-02.)

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

Approved July 8, 2004.

PUBLIC ACT 93-0688
(House Bill No. 4031)

AN ACT concerning alcoholic liquor.

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

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-11 as follows:

(235 ILCS 5/6-11) (from Ch. 43, par. 127)
Sec. 6-11. Sale near churches, schools, and hospitals.
(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured.
to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least $1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of the effective date of this amendatory Act of 1998.

(c) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

(d) In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee.

For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

New matter indicated by italics - deletions by strikeout.
(e) Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(f) Nothing in this Section shall prohibit a church or church affiliated school located in a home rule municipality or in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(g) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at premises within 100 feet, but not less than 90 feet, of a public school if (1) the premises have been continuously licensed to sell alcoholic liquor for a period of at least 50 years, (2) the premises are located in a municipality having a population of over 500,000 inhabitants, (3) the licensee is an individual who is a member of a family that has held the previous 3 licenses for that location for more than 25 years, (4) the principal of the school and the alderman of the ward in which the school is located have delivered a written statement to the local liquor control commissioner stating that they do not object to the issuance of a license under this subsection (g), and (5) the local liquor control commissioner has received the written consent of a majority of the registered voters who live within 200 feet of the premises.

(h) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 300,000 inhabitants and is within 100 feet of a church, synagogue, or other place of worship if:

(1) the primary entrance of the premises and the primary entrance of the church, synagogue, or other place of worship are at least 100 feet apart, on parallel streets, and separated by an alley; and

(2) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to pensions.

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

Section 5. The Property Tax Code is amended by changing Section 18-185 as follows:

(35 ILCS 200/18-185)
Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:
"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.
"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.
"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.
"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided
in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount

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of any extension under this item (k) shall be certified by the school district to the county clerk; and (l) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (m) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section
of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 this amendatory Act of the 93rd General Assembly and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (o) made by the Chicago Park District for recreational programs for the handicapped under subsection (c) of Section 7.06 of the Chicago Park District Act; and (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (f) made for any taxing district to pay interest or principal on revenue bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (g) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; and (h) made for any taxing district to pay interest or principal on revenue bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held.

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is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); and (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds

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issued before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); and (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law

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applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-215 through 18-230.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the
assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, and (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area.

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the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property. The denominator shall not include the recovered tax increment value.

(Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04; 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; revised 12-10-03.)

Section 10. The Illinois Pension Code is amended by changing Sections 4-109.1, 4-109.2, 4-114, 4-118.1, and 4-134 and adding Sections 4-108.4, 4-109.3, and 7-139.10 as follows:

(40 ILCS 5/4-108.4 new)

Sec. 4-108.4. Transfer of creditable service from Article 7 fund.

(a) Any firefighter who was excluded from participation in an Article 4 fund because the firefighter earned credit for that service under Article 7 of this Code and who is a participant in the Illinois Municipal Retirement Fund may become an active participant in that firefighter pension fund by making a written application to the Board. Persons so applying shall begin participation on the first day of the month following the month in which the application is received by the Board. An employee who makes application for participation shall not be deemed ineligible to participate in the firefighter pension fund by reason of having failed to

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apply within the 3-month period specified in subsection (b) of Section 4-107.

(b) A firefighter who was excluded from participation in an Article 4 fund because the firefighter earned credit for that service under Article 7 of this Code and who is a participant in the Illinois Municipal Retirement Fund may also elect to establish creditable service for those periods of employment as a firefighter during which he or she was excluded from participation in an Article 4 fund by paying into the fund the amount that the person would have contributed had deductions from salary been made for this purpose at the time the service was rendered, together with interest thereon at 6% per annum, compounded annually, from the time the service was rendered until the date of payment, less any amounts transferred from the Illinois Municipal Retirement Fund under Section 7-139.10.

(c) In no event shall pension credit for the same service rendered by an employee be accredited in more than one pension fund or retirement system under this Code. If an employee applies for service credit under subsection (b), then any creditable service time accumulated in the Illinois Municipal Retirement Fund for the same period must be transferred to the Article 4 fund under Section 7-139.10.

(40 ILCS 5/4-109.1) (from Ch. 108 1/2, par. 4-109.1)

Sec. 4-109.1. Increase in pension.

(a) Except as provided in subsection (e), the monthly pension of a firefighter who retires after July 1, 1971 and prior to January 1, 1986, shall, upon either the first of the month following the first anniversary of the date of retirement if 60 years of age or over at retirement date, or upon the first day of the month following attainment of age 60 if it occurs after the first anniversary of retirement, be increased by 2% of the originally granted monthly pension and by an additional 2% in each January thereafter. Effective January 1976, the rate of the annual increase shall be 3% of the originally granted monthly pension.

(b) The monthly pension of a firefighter who retired from service with 20 or more years of service, on or before July 1, 1971, shall be increased, in January of the year following the year of attaining age 65 or in January 1972, if then over age 65, by 2% of the originally granted monthly pension, for each year the firefighter received pension payments. In each January thereafter, he or she shall receive an additional increase of 2% of the original monthly pension. Effective January 1976, the rate of the annual increase shall be 3%.

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(c) The monthly pension of a firefighter who is receiving a
disability pension under this Article shall be increased, in January of the
year following the year the firefighter attains age 60, or in January 1974, if
then over age 60, by 2% of the originally granted monthly pension for each
year he or she received pension payments. In each January thereafter, the
firefighter shall receive an additional increase of 2% of the original
monthly pension. Effective January 1976, the rate of the annual increase
shall be 3%.

(c-1) On January 1, 1998, every child's disability benefit payable
on that date under Section 4-110 or 4-110.1 shall be increased by an
amount equal to 1/12 of 3% of the amount of the benefit, multiplied by the
number of months for which the benefit has been payable. On each
January 1 thereafter, every child's disability benefit payable under Section
4-110 or 4-110.1 shall be increased by 3% of the amount of the benefit
then being paid, including any previous increases received under this
Article. These increases are not subject to any limitation on the maximum
benefit amount included in Section 4-110 or 4-110.1.

(c-2) On July 1, 2004, every pension payable to or on behalf of a
minor or disabled surviving child that is payable on that date under
Section 4-114 shall be increased by an amount equal to 1/12 of 3% of the
amount of the pension, multiplied by the number of months for which the
benefit has been payable. On July 1, 2005, July 1, 2006, July 1, 2007, and
July 1, 2008, every pension payable to or on behalf of a minor or disabled
surviving child that is payable under Section 4-114 shall be increased by
3% of the amount of the pension then being paid, including any previous
increases received under this Article. These increases are not subject to
any limitation on the maximum benefit amount included in Section 4-114.

(d) The monthly pension of a firefighter who retires after January
1, 1986, shall, upon either the first of the month following the first
anniversary of the date of retirement if 55 years of age or over, or upon the
first day of the month following attainment of age 55 if it occurs after the
first anniversary of retirement, be increased by 1/12 of 3% of the originally
granted monthly pension for each full month that has elapsed since the
pension began, and by an additional 3% in each January thereafter.

The changes made to this subsection (d) by this amendatory Act of
the 91st General Assembly apply to all initial increases that become
payable under this subsection on or after January 1, 1999. All initial
increases that became payable under this subsection on or after January 1,
1999 and before the effective date of this amendatory Act shall be

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recalculated and the additional amount accruing for that period, if any, shall be payable to the pensioner in a lump sum.

(e) Notwithstanding the provisions of subsection (a), upon the first day of the month following (1) the first anniversary of the date of retirement, or (2) the attainment of age 55, or (3) July 1, 1987, whichever occurs latest, the monthly pension of a firefighter who retired on or after January 1, 1977 and on or before January 1, 1986 and did not receive an increase under subsection (a) before July 1, 1987, shall be increased by 3% of the originally granted monthly pension for each full year that has elapsed since the pension began, and by an additional 3% in each January thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(Source: P.A. 90-32, eff. 6-27-97; 91-466, eff. 8-6-99.)

(40 ILCS 5/4-109.2) (from Ch. 108 1/2, par. 4-109.2)

Sec. 4-109.2. Minimum pension.

(a) Beginning January 1, 1984, the minimum disability pension granted under Section 4-110 or 4-111, the minimum surviving spouse's pension, and the minimum retirement pension granted to a firefighter with 20 or more years of creditable service, shall be $300 per month, without regard to whether the death, disability or retirement of the firefighter occurred prior to that date.

Beginning July 1, 1987, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $400 per month, without regard to whether the death, retirement or disability of the firefighter occurred prior to that date.

Beginning July 1, 1993, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service and the minimum surviving spouse's pension shall be $475 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of 1993.

(b) Beginning January 1, 1999, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $600 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

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In the case of a pensioner whose pension began before the effective date of this amendatory Act and is subject to increase under this subsection (b), the pensioner shall be entitled to a lump sum payment of the amount of that increase accruing from January 1, 1999 (or the date the pension began, if later) to the effective date of this amendatory Act.

(c) Beginning January 1, 2000, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $800 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

(d) Beginning January 1, 2001, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $1000 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

(e) Beginning July 1, 2004, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $1030 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(f) Beginning July 1, 2005, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $1060.90 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(g) Beginning July 1, 2006, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $1092.73 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(h) Beginning July 1, 2007, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $1125.51 per month.

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month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(i) Beginning July 1, 2008, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse’s pension shall be $1159.27 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(Source: P.A. 91-466, eff. 8-6-99.)

(40 ILCS 5/4-109.3 new)

Sec. 4-109.3. Employee creditable service.

(a) As used in this Section:

"Final monthly salary" means the monthly salary attached to the rank held by the firefighter at the time of his or her last withdrawal from service under a particular pension fund.

"Last pension fund" means the pension fund in which the firefighter was participating at the time of his or her last withdrawal from service.

(b) The benefits provided under this Section are available only to a firefighter who:

(1) is a firefighter at the time of withdrawal from the last pension fund and for at least the final 3 years of employment prior to that withdrawal;

(2) has established service credit with at least one pension fund established under this Article other than the last pension fund;

(3) has a total of at least 20 years of service under the various pension funds established under this Article and has attained age 50; and

(4) is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(c) A firefighter who is eligible for benefits under this Section may elect to receive a retirement pension from each pension fund under this Article in which the firefighter has at least one year of service credit but has not received a refund under Section 4-116 (unless the firefighter repays that refund under subsection (g)) or subsection (c) of Section 4-118.1, by applying in writing and paying the contribution required under subsection (i).

New matter indicated by italics - deletions by strikeout.
(d) From each such pension fund other than the last pension fund, in lieu of any retirement pension otherwise payable under this Article, a firefighter to whom this Section applies may elect to receive a monthly pension of 1/12th of 2.5% of his or her final monthly salary under that fund for each month of service in that fund, subject to a maximum of 75% of that final monthly salary.

(e) From the last pension fund, in lieu of any retirement pension otherwise payable under this Article, a firefighter to whom this Section applies may elect to receive a monthly pension calculated as follows:

The last pension fund shall calculate the retirement pension that would be payable to the firefighter under subsection (a) of Section 4-109 as if he or she had participated in that last pension fund during his or her entire period of service under all pension funds established under this Article (excluding any period of service for which the firefighter has received a refund under Section 4-116, unless the firefighter repays that refund under subsection (g), or for which the firefighter has received a refund under subsection (c) of Section 4-118.1). From this hypothetical pension there shall be subtracted the original amounts of the retirement pensions payable to the firefighter by all other pension funds under subsection (d). The remainder is the retirement pension payable to the firefighter by the last pension fund under this subsection (e).

(f) Pensions elected under this Section shall be subject to increases as provided in subsection (d) of Section 4-109.1.

(g) A current firefighter may reinstate creditable service in a pension fund established under this Article that was terminated upon receipt of a refund, by payment to that pension fund of the amount of the refund together with interest thereon at the rate of 6% per year, compounded annually, from the date of the refund to the date of payment. A repayment of a refund under this Section may be made in equal installments over a period of up to 10 years, but must be paid in full prior to retirement.

(h) As a condition of being hired to a position as a firefighter on or after the effective date of this amendatory Act of the 93rd General Assembly, a firefighter must notify the new employer, all of his or her previous employers under this Article, and the Public Pension Division of the Department of Insurance, within one year of being hired, of all periods of service of at least one year under a pension fund established under this Article.

New matter indicated by italics - deletions by strikeout.
(i) In order to receive a pension under this Section or an occupational disease disability pension for which he or she becomes eligible due to the application of subsection (m) of this Section, a firefighter must pay to each pension fund from which he or she has elected to receive a pension under this Section a contribution equal to 1/12th of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with interest thereon at the rate of 6% per annum, compounded annually, from the time the service was rendered to the date of payment.

(j) A retired firefighter who is receiving pension payments under Section 4-109 may reenter active service under this Article. Subject to the provisions of Section 4-117, the firefighter may receive credit for service performed after the reentry if the firefighter (1) applies to receive credit for that service, (2) suspends his or her pensions under this Section, and (3) makes the contributions required under subsection (i).

(k) A firefighter who is newly hired or promoted to a position as a firefighter shall not be denied participation in a fund under this Article based on his or her age.

(l) If a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to a disability pension under Section 4-110, the last pension fund is responsible to pay that disability pension and the amount of that disability pension shall be based only on the firefighter's service with the last pension fund.

(m) Notwithstanding any provision in Section 4-110.1 to the contrary, if a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to an occupational disease disability pension under Section 4-110.1, each pension fund to which the firefighter has made contributions under subsection (c) of Section 4-118.1 must pay a portion of that occupational disease disability pension equal to the proportion that the firefighter's service credit with that pension fund for which the contributions under subsection (c) of Section 4-118.1 have been made bears to the firefighter's total service credit with all of the pension funds for which the contributions under subsection (c) of Section 4-118.1 have been made. A firefighter who has made contributions under subsection (c) of Section 4-118.1 for at least 5 years of creditable service

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shall be deemed to have met the 5-year creditable service requirement under Section 4-110.1, regardless of whether the firefighter has 5 years of creditable service with the last pension fund.

(n) If a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to a disability pension under Section 4-111, the last pension fund is responsible to pay that disability pension, provided that the firefighter has at least 7 years of creditable service with the last pension fund.

(40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

Sec. 4-114. Pension to survivors. If a firefighter who is not receiving a disability pension under Section 4-110 or 4-110.1 dies (1) as a result of any illness or accident, or (2) from any cause while in receipt of a disability pension under this Article, or (3) during retirement after 20 years service, or (4) while vested for or in receipt of a pension payable under subsection (b) of Section 4-109, or (5) while a deferred pensioner, having made all required contributions, a pension shall be paid to his or her survivors, based on the monthly salary attached to the firefighter's rank on the last day of service in the fire department, as follows:

(a) To the surviving spouse, a monthly pension of 40% of the monthly salary, and to the guardian of any minor child or children including a child which has been conceived but not yet born, 12% of such monthly salary for each such child until attainment of age 18 or until the child's marriage, whichever occurs first. Beginning July 1, 1993, the monthly pension to the surviving spouse shall be 54% of the monthly salary for all persons receiving a surviving spouse pension under this Article, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

Beginning July 1, 2004, the total monthly pension payable under this paragraph (a) to the surviving spouse of a firefighter who died while receiving a retirement pension, including any amount payable on account of children, shall be no less than 100% of the monthly retirement pension that the deceased firefighter was receiving at the time of death, including any increases under Section 4-109.1. This minimum applies to all such surviving spouses who are eligible to receive a surviving spouse pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly, and notwithstanding any limitation on maximum pension under paragraph (d) or any other provision of this Article.

New matter indicated by italics - deletions by strikeout.
The pension to the surviving spouse shall terminate in the event of the surviving spouse's remarriage prior to July 1, 1993; remarriage on or after that date does not affect the surviving spouse's pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

The surviving spouse's pension shall be subject to the minimum established in Section 4-109.2.

(b) Upon the death of the surviving spouse leaving one or more minor children, to the duly appointed guardian of each such child, for support and maintenance of each such child until the child reaches age 18 or marries, whichever occurs first, a monthly pension of 20% of the monthly salary.

(c) If a deceased firefighter leaves no surviving spouse or unmarried minor children under age 18, but leaves a dependent father or mother, to each dependent parent a monthly pension of 18% of the monthly salary. To qualify for the pension, a dependent parent must furnish satisfactory proof that the deceased firefighter was at the time of his or her death the sole supporter of the parent or that the parent was the deceased's dependent for federal income tax purposes.

(d) The total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 75% of the monthly salary of the deceased firefighter (1) when paid to the survivor of a firefighter who has attained 20 or more years of service credit and who receives or is eligible to receive a retirement pension under this Article, or (2) when paid to the survivor of a firefighter who dies as a result of illness or accident, or (3) when paid to the survivor of a firefighter who dies from any cause while in receipt of a disability pension under this Article, or (4) when paid to the survivor of a deferred pensioner. For all other survivors of deceased firefighters, the total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 50% of the retirement annuity the firefighter would have received on the date of death.

The maximum pension limitations in this paragraph (d) do not control over any contrary provision of this Article explicitly establishing a minimum amount of pension or granting a one-time or annual increase in pension.

(e) If a firefighter leaves no eligible survivors under paragraphs (a), (b) and (c), the board shall refund to the firefighter's estate the amount of his or her accumulated contributions, less the amount of pension payments, if any, made to the firefighter while living.
(f) An adopted child is eligible for the pension provided under paragraph (a) if the child was adopted before the firefighter attained age 50.

(g) If a judgment of dissolution of marriage between a firefighter and spouse is judicially set aside subsequent to the firefighter's death, the surviving spouse is eligible for the pension provided in paragraph (a) only if the judicial proceedings are filed within 2 years after the date of the dissolution of marriage and within one year after the firefighter's death and the board is made a party to the proceedings. In such case the pension shall be payable only from the date of the court's order setting aside the judgment of dissolution of marriage.

(h) Benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged as a disabled person pursuant to Article Xla of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

(i) Beginning January 1, 2000, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1994 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding subsection (d) or any other provision of this Article.

(j) Beginning July 1, 2004, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1988 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding subsection (d) or any other provision of this Article.

(Source: P.A. 91-466, eff. 8-6-99.)

(40 ILCS 5/4-118.1) (from Ch. 108 1/2, par. 4-118.1)
Sec. 4-118.1. Contributions by firefighters.

(a) Beginning January 1, 1976 and until the effective date of this amendatory Act of the 91st General Assembly, each firefighter shall contribute to the pension fund 6 3/4% of salary towards the cost of his or
her pension. Beginning on the effective date of this amendatory Act of the 91st General Assembly, each firefighter shall contribute to the pension fund 6.955% of salary towards the cost of his or her pension.

(b) In addition, beginning January 1, 1976, each firefighter shall contribute 1% of salary toward the cost of the increase in pension provided in Section 4-109.1; beginning January 1, 1987, such contribution shall be 1.5% of salary; beginning July 1, 2004, the contribution shall be 2.5% of salary.

(c) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, each firefighter who elects to receive a pension under Section 4-109.3 and who has participated in at least one other pension fund under this Article for a period of at least one year shall contribute an additional 1.0% of salary toward the cost of the increase in pensions provided in Section 4-109.3.

In the event that a firefighter does not elect to receive a retirement pension provided under Section 4-109.3 from one or more of the pension funds in which the firefighter has credit, he or she shall, upon withdrawal from the last pension fund as defined in Section 4-109.3, be entitled to receive, from each such fund to which he or she has paid additional contributions under this subsection (c) and from which he or she does not receive a refund under Section 4-116, a refund of those contributions without interest.

A refund of total contributions to a particular firefighter pension fund under Section 4-116 shall include any refund of additional contributions paid to that fund under this subsection (c), but a firefighter who accepts a refund from a pension fund under Section 4-116 is thereafter ineligible to receive a pension provided under Section 4-109.3 from that fund. A firefighter who meets the eligibility requirements of Section 4-109.3 may receive a pension under Section 4-109.3 from any pension fund from which the firefighter has not received a refund under Section 4-116 or under this subsection (c).

(d) "Salary" means the annual salary, including longevity, attached to the firefighter's rank, as established by the municipality appropriation ordinance, including any compensation for overtime which is included in the salary so established, but excluding any "overtime pay", "holiday pay", "bonus pay", "merit pay", or any other cash benefit not included in the salary so established.

(e) The contributions shall be deducted and withheld from the salary of firefighters.

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Sec. 4-134. Report for tax levy. The board shall report to the city council or board of trustees of the municipality on the condition of the pension fund at the end of its most recently completed fiscal year. The report shall be made prior to the council or board meeting held for appropriating and levying taxes for the year for which the report is made.

The board in the report shall certify:

1. the assets of the fund and their current market value;
2. the estimated receipts during the next succeeding fiscal year from deductions from the salaries or wages of firefighters, and from all other sources;
3. the estimated amount necessary during the fiscal year to meet the annual actuarial requirements of the pension fund as provided in Sections 4-118 and 4-120; and
4. the total net income received from investment of assets, compared to such income received during the preceding fiscal year; and
5. the increase in employer pension contributions that results from the implementation of the provisions of this amendatory Act of the 93rd General Assembly.

Before the board makes its report, the municipality shall have the assets of the fund and their current market value verified by an independent certified public accountant of its choice.

Sec. 7-139.10. Transfer to Article 4 pension fund. A person who has elected under Section 4-108.4 to become an active participant in a firefighter pension fund established under Article 4 of this Code may apply for transfer to that Article 4 fund of his or her creditable service accumulated under this Article for municipal firefighter service. At the time of the transfer, the Fund shall pay to the firefighter pension fund an amount equal to:

1. the amounts accumulated to the credit of the applicant for municipal firefighter service, including interest;
2. any interest paid by the applicant in order to reinstate that service; and
3. the municipality credits based on that service, including interest.

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Participation in this fund with respect to the transferred credits shall terminate on the date of transfer.

For the purpose of this Section, "municipal firefighter service" means service with the fire department of a participating municipality for which the applicant established creditable service under this Article.

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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

Approved July 1, 2004.
Effective July 1, 2004.

PUBLIC ACT 93-0690

(House Bill No. 0753)

AN ACT relating to schools.

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

Section 5. The Property Tax Code is amended by changing Section 18-185 as follows:

(35 ILCS 200/18-185)

Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

New matter indicated by italics - deletions by strikeout.
"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section

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3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; and (l) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of the School Code, and (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are

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for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for museum projects; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 this amendatory Act of the 93rd General Assembly and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (o) made by the Chicago Park District for recreational programs for the handicapped under subsection (c) of Section 7.06 of the Chicago Park District Act.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to

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refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); and (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district,
excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); and (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for
those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), the debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-215 through 18-230.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to

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existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, and (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic

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Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property. The denominator shall not include the recovered tax increment value.

(Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04; 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; revised 12-10-03.)

Section 10. The School Code is amended by adding Section 17-2.2d as follows:

(105 ILCS 5/17-2.2d new)

Sec. 17-2.2d. Special taxing and bonding for temporary relocation expense and emergency replacement purposes.

(a) In addition to any other taxes and notwithstanding any limitation imposed by the Property Tax Extension Limitation Law or any other limitations specified in this Code or any other law, the school board of any district having a population of less than 500,000 inhabitants that meets the criteria specified in subsection (c) of this Section, may, by proper resolution, levy an annual tax not to exceed 0.05% upon the value of the taxable property as equalized or assessed by the Department of

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Revenue for a period not to exceed 7 years for the purpose of providing for the repayment of moneys distributed for temporary relocation expenses of the district pursuant to Section 2-3.77 of this Code.

(b) The school board of any district that meets the criteria specified in subsection (c) of this Section may repair, reconstruct, or replace a condemned building without seeking referendum approval for the repair, reconstruction, or replacement.

(c) In order for this Section to apply, the school district must (i) be located in a county subject to the Property Tax Extension Limitation Law, (ii) have had a total enrollment of at least 1,075 students as shown on the 2003 Illinois State Report Card, and (iii) have had a school building condemned after January 1, 2004 and prior to June 30, 2004.

(d) Notwithstanding any limitation imposed by the Property Tax Extension Limitation Law or any other limitations specified in this Code or any other law, the school board of any district that meets the criteria specified in subsection (c) of this Section, may, by proper resolution, issue bonds, without referendum, in an amount sufficient to finance the total cost of repair, reconstruction, or replacement of the condemned building. Any premium and all interest earnings on the proceeds of the bonds so issued shall be used for the purposes for which the bonds were issued. The proceeds of any bonds issued under this Section shall be deposited and accounted for separately within the district's site and construction/capital improvements fund. The recording officer of the board shall file in the office of the county clerk of each county in which a portion of the district is situated a certified copy of the resolution providing for the issuance of the bonds and levy of a tax without limit as to rate or amount to pay the bonds. Bonds issued under this Section and any bonds issued to refund these bonds are not subject to any debt limitation imposed by this Code.

(e) The school board, as an express condition to receiving a temporary relocation loan under Section 2-3.77 of this Code, must agree to levy the tax provided in this Section at the maximum rate permitted and to pay to the State of Illinois for deposit into the Temporary Relocation Expenses Revolving Grant Fund (i) all proceeds of the tax attributable to the first year and succeeding years for which the tax is levied after moneys appropriated for purposes of Section 2-3.77 have been distributed to the school district and (ii) all insurance proceeds that become payable to the district under those provisions of any contract or policy of insurance that provide reimbursement for or other coverage against loss with respect to any temporary relocation expenses of the district or proceeds of any legal

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judgment or settlement regarding the temporary relocation expenses incurred by the district, provided that the aggregate of any tax and insurance or other proceeds paid by the district to the State pursuant to this subsection (e) shall not exceed in amount the moneys distributed to the district pursuant to Section 2-3.77 as a loan or grant.

(f) If bonds under this Section have been issued by the school district and the purposes for which the bonds have been issued are accomplished and paid for in full and there remain funds on hand from the proceeds of the bonds or interest earnings or premiums, then the school board, by resolution, shall transfer those excess funds to the district's bond and interest fund for the purpose of abating taxes to pay debt service on the bonds or for defeasance of the debt or both.

(g) If the school district receives a construction grant under the School Construction Law or any other law and the purposes for which the grant was issued are accomplished and paid for in full and there remains funds on hand from the grant or interest earnings thereon, then the excess funds shall be paid to the State of Illinois for deposit into the School Construction Fund or other State fund from which the construction grant was paid.

(h) All insurance proceeds that become payable to the school district under those provisions of a contract or policy of insurance that provide reimbursement for or other coverage against losses other than with respect to any temporary relocation expenses of the district or proceeds of any legal judgment or settlement regarding the repair, reconstruction, or replacement of the condemned building shall be applied to the repair, reconstruction, or replacement. If the project is completed and, therefore, all costs have been paid for in full and there remain funds on hand, including any interest earnings thereon, from the insurance coverage, legal judgment, or settlement, then a portion of those excess funds equal to the State's share of the construction cost of the project shall be paid to the State of Illinois for deposit into the School Construction Fund or other State fund from which the construction grant was paid, and the remainder of the excess funds shall be transferred to the district's bond and interest fund for the purpose of abating taxes to pay debt service on the bonds or for defeasance of the debt or both. If no debt service remains to be paid, then the excess may be transferred to whichever fund that, as determined by the school board, is most in need of the funds.

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

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

Section 5. The Criminal Code of 1961 is amended by adding Section 17-28 as follows:

(720 ILCS 5/17-28 new)
Sec. 17-28. Defrauding drug and alcohol screening tests.
(a) It is unlawful for a person to:
   (1) manufacture, sell, give away, distribute, or market synthetic or human substances or other products in this State or transport urine into this State with the intent of using the synthetic or human substances or other products to defraud a drug or alcohol screening test;
   (2) attempt to foil or defeat a drug or alcohol screening test by the substitution or spiking of a sample or the advertisement of a sample substitution or other spiking device or measure;
   (3) adulterate synthetic or human substances with the intent to defraud a drug or alcohol screening test; or
   (4) manufacture, sell, or possess adulterants that are intended to be used to adulterate synthetic or human substances for the purpose of defrauding a drug or alcohol screening test.
(b) For the purpose of determining the intent of the defendant who is charged with a violation of this Section, the trier of fact may take into consideration whether or not a heating element or any other device used to thwart a drug or alcohol screening test accompanies the sale, giving, distribution, or marketing of synthetic or human substances or other products or whether or not instructions that provide a method for thwarting a drug or alcohol screening test accompany the sale, giving, distribution, or marketing of synthetic or human substances or other products.
(c) Sentence. A violation of this Section is a Class 4 felony for which the court shall impose a minimum fine of $1,000.

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(d) For the purposes of this Section, "drug or alcohol screening test" includes, but is not limited to, urine testing, hair follicle testing, perspiration testing, saliva testing, blood testing, fingernail testing, and eye drug testing.

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

Approved July 9, 2004.

PUBLIC ACT 93-0692
(House Bill No. 4023)

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 12-2 as follows:

(720 ILCS 5/12-2) (from Ch. 38, par. 12-2)
Sec. 12-2. Aggravated assault.
(a) A person commits an aggravated assault, when, in committing an assault, he:

(1) Uses a deadly weapon or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

(2) Is hooded, robed or masked in such manner as to conceal his identity or any device manufactured and designed to be substantially similar in appearance to a firearm;

(3) Knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee

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is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual assaulted to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees' discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual assaulted to be a peace officer, or a community policing volunteer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician paramedic, ambulance driver or other medical assistance or first aid personnel engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel

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medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

(8) Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(9) Or the individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;

(10) Knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein or a political subdivision thereof, engaged in the performance of his authorized duties as such employee;

(11) Knowingly and without legal justification, commits an assault on a physically handicapped person;

(12) Knowingly and without legal justification, commits an assault on a person 60 years of age or older;

(13) Discharges a firearm;

(14) Knows the individual assaulted to be a correctional officer, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties;

(15) Knows the individual assaulted to be a correctional employee or an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, while the employee is engaged in the execution of any of his or her official duties, or to prevent the employee from performing his or her official duties, or in retaliation for the employee performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee; or

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(16) Knows the individual assaulted to be an employee of a police or sheriff's department engaged in the performance of his or her official duties as such employee; or:

(17) Knows the individual assaulted to be a sports official or coach at any level of competition and the act causing the assault to the sports official or coach occurred within an athletic facility or an indoor or outdoor playing field or within the immediate vicinity of the athletic facility or an indoor or outdoor playing field at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. For the purposes of this paragraph (17), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(b) Sentence.

Aggravated assault as defined in paragraphs (1) through (5) and (8) through (12) and (17) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), and (15) of subsection (a) of this Section and as defined in subsection (a-5) of this Section is a Class 4 felony. Aggravated assault as defined in paragraphs (6), (7), and (16) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in paragraphs (6), (7), and (16) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault.

(Source: P.A. 91-672, eff. 1-1-00; 92-841, eff. 8-22-02; 92-865, eff. 1-3-03; revised 1-9-03.)

Approved July 9, 2004.
Effective January 1, 2005.
PUBLIC ACT 93-0693
(House Bill No. 4025)

AN ACT in relation to criminal law.

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

Section 5. The Unified Code of Corrections is amended by
changing Section 5-9-3 as follows:

(730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)
Sec. 5-9-3. Default.
(a) An offender who defaults in the payment of a fine or in any
installment of that fine may be held in contempt and imprisoned for
nonpayment. The court may issue a summons for his appearance or a
warrant of arrest.

(b) Unless the offender shows that his default was not due to his
intentional refusal to pay, or not due to a failure on his part to make a good
faith effort to pay, the court may order the offender imprisoned for a term
not to exceed 6 months if the fine was for a felony, or 30 days if the fine
was for a misdemeanor, a petty offense or a business offense. Payment of
the fine at any time will entitle the offender to be released, but
imprisonment under this Section shall not satisfy the payment of the fine.

(c) If it appears that the default in the payment of a fine is not
intentional under paragraph (b) of this Section, the court may enter an
order allowing the offender additional time for payment, reducing the
amount of the fine or of each installment, or revoking the fine or the
unpaid portion.

(d) When a fine is imposed on a corporation or unincorporated
organization or association, it is the duty of the person or persons
authorized to make disbursement of assets, and their superiors, to pay the
fine from assets of the corporation or unincorporated organization or
association. The failure of such persons to do so shall render them subject
to proceedings under paragraphs (a) and (b) of this Section.

(e) A default in the payment of a fine or any installment may be
collected by any and all means authorized for the collection of money
judgments rendered in favor of the State. The State's Attorney of the
county in which the fine was imposed may retain attorneys and private
collection agents for the purpose of collecting any default in payment of
any fine or installment of that fine. The fees and costs incurred by the
State's Attorney in any such collection and the fees and charges of

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attorneys and private collection agents retained by the State’s Attorney for those purposes shall be charged to the offender.
(Source: P. A. 78-255.)
Passed in the General Assembly May 5, 2004
Approved July 9, 2004.
Effective January 1, 2005.

PUBLIC ACT 93-0694
(House Bill No. 4120)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:
(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.
(a) Every person convicted of an offense shall be sentenced as provided in this Section.
(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:
   (1) A period of probation.
   (2) A term of periodic imprisonment.
   (3) A term of conditional discharge.
   (4) A term of imprisonment.
   (5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).
   (6) A fine.
   (7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
   (8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.
Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both

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may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501, Section 5-7, Section 5-16, or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $1,000 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 3.85 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

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(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.
(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(H) Criminal sexual assault.
(I) Aggravated battery of a senior citizen.
(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
(K) Vehicular hijacking.
(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

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(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.


(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) A violation of Section 11-501(c-1)(3) of the Illinois Vehicle Code.

(T) A second or subsequent violation of paragraph (6.6) of subsection (a), subsection (c-5), or subsection (d-5) of Section 401 of the Illinois Controlled Substances Act.

(3) A minimum term of imprisonment of not less than 5 days or 30 days of community service as may be determined by the court shall be imposed for a second violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance. In the case of a third or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a minimum term of either 10 days of imprisonment or 60 days of community service shall be imposed.

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving

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privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-
907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) When a person is convicted of violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or that person is
convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section 11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of $2,500.

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may

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include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:
   (A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
   (B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
      (i) removal from the household;
      (ii) restricted contact with the victim;
      (iii) continued financial support of the family;
      (iv) restitution for harm done to the victim;
   and
   (v) compliance with any other measures that the court may deem appropriate; and
(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

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Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to

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prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a

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similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who

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wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommitt the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

1. a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
2. the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

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(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; revised 10-9-03.)

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

Approved July 9, 2004.

New matter indicated by italics - deletions by strikeout.

PUBLIC ACT 93-0695
(House Bill No. 4389)

AN ACT concerning trusts.

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

Section 5. The Trusts and Trustees Act is amended by changing Section 4.20 as follows:

(760 ILCS 5/4.20) (from Ch. 17, par. 1674)

Sec. 4.20. To distribute income and discretionary amounts of principal in such one or more of the following ways as the trustee believes to be for the best interests of any beneficiary who at the time of distribution is under legal disability or in the opinion of the trustee is unable properly to manage his affairs because of illness, physical or mental disability or any other cause:

(a) directly to the beneficiary;
(b) to a duly appointed guardian of the beneficiary;
(c) to a custodian for the beneficiary under the Uniform Transfers to Minors Act;
(d) to an adult relative of the beneficiary;
(e) by expending the money or using the property directly for the benefit of the beneficiary; and the trustee is not required to see to the application of any distribution so made; and:
(f) to a trust, created prior to the time the distribution becomes payable, for the sole benefit of the beneficiary and those dependent upon the beneficiary during his or her lifetime, to be administered as a part thereof, except that any amounts distributed to the trust pursuant to this paragraph (f) shall be separately accounted for by the trustee of the trust and shall be indefeasibly vested in the beneficiary so that if the beneficiary dies prior to complete distribution of such amounts, the amounts and the accretions, earnings, and income thereon, if any, shall be paid to the beneficiary’s estate; provided, however, that this paragraph (f) shall not apply to the extent that it would cause a trust otherwise qualifying for the federal estate tax marital deduction not to so qualify.

(Source: P.A. 84-915.)

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

New matter indicated by italics - deletions by strikeout.
AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing
Section 11-19.1 as follows:
(720 ILCS 5/11-19.1) (from Ch. 38, par. 11-19.1)
Sec. 11-19.1. Juvenile Pimping and aggravated juvenile pimping.
(a) A person commits the offense of juvenile pimping if the person
knowingly receives any form of consideration derived from the practice of
prostitution, in whole or in part, and
(1) the prostitute was under the age of 16 at the time the act
of prostitution occurred; or
(2) the prostitute was a severely or profoundly mentally
retarded person at the time the act of prostitution occurred. Any
person who receives any money, property, token, object, or article
or anything of value from a prostitute under 16 years of age or from
a prostitute who is a severely or profoundly mentally
retarded person, not for a lawful consideration, knowing it was earned in
whole or in part from the practice of prostitution, commits juvenile
pimping.
(b) A person commits the offense of aggravated juvenile pimping if
the person knowingly receives any form of consideration derived from the
practice of prostitution, in whole or in part, and the prostitute was under
the age of 13 at the time the act of prostitution occurred.
(c) It is an affirmative defense to a charge of juvenile pimping that
the accused reasonably believed the person was of the age of 16 years or
over or was not a severely or profoundly mentally retarded person at the
time of the act giving rise to the charge.
(d) Sentence.
A person who commits a violation of subsection (a) is guilty of
Juvenile pimping is a Class 1 felony. A person who commits a violation of
subsection (b) is guilty of a Class X felony.

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Section 5. The Flag Display Act is amended by changing Section 1 as follows:

(5 ILCS 465/1) (from Ch. 1, par. 3301)
Sec. 1. It shall be the duty of each county board to provide United States national flags of not less than four by eight feet in size, to be unfurled and kept floating from a suitable flag-staff to be placed on the top of the court house in its respective county, and it is hereby made the duty of the sheriff of each and every county in the state to see that the flag so provided shall be hoisted on its flag-staff above the court house and kept floating from eight o'clock A. M. to five o'clock P. M. on each and every legal holiday of the year, and on such other days as the county board may direct.

The county board may provide for the display of an MIA flag at the court house in its county, either upon the same flag-staff as the United States national flag or otherwise.

Public Act 93-0697
(House Bill No. 7263)

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

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

Approved July 9, 2004.

Public Act 93-0698
(Senate Bill No. 1576)

AN ACT in relation to zoning.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Section 11-13-1 as follows:

(65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)
Sec. 11-13-1. To the end that adequate light, pure air, and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted, and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance; the corporate authorities in each municipality have the following powers:

(1) To regulate and limit the height and bulk of buildings hereafter to be erected; (2) to establish, regulate and limit, subject to the provisions of Division 14 of this Article 11, the building or set-back lines on or along any street, traffic-way, drive, parkway or storm or floodwater runoff channel or basin; (3) to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings; (4) to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses; (5) to divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification) as may be deemed best suited to carry out the purposes of this Division 13; (6) to fix standards to which buildings or structures therein shall conform; (7) to prohibit uses, buildings, or structures incompatible with the character of such districts; (8) to prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Division 13; (9) to classify, to regulate and restrict the use of property on the basis of family relationship, which family relationship may be defined as one or more persons each related to

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the other by blood, marriage or adoption and maintaining a common household; and (10) to regulate or forbid any structure or activity which may hinder access to solar energy necessary for the proper functioning of a solar energy system, as defined in Section 1.2 of The Comprehensive Solar Energy Act of 1977.

The powers enumerated may be exercised within the corporate limits or within contiguous territory not more than one and one-half miles beyond the corporate limits and not included within any municipality. However, if any municipality adopts a plan pursuant to Division 12 of Article 11 which plan includes in its provisions a provision that the plan applies to such contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality, then no other municipality shall adopt a plan that shall apply to any territory included within the territory provided in the plan first so adopted by another municipality. No municipality shall exercise any power set forth in this Division 13 outside the corporate limits thereof, if the county in which such municipality is situated has adopted "An Act in relation to county zoning", approved June 12, 1935, as amended. Nothing in this Section prevents a municipality of more than 112,000 population located in a county of less than 185,000 population that has adopted a zoning ordinance and the county that adopted the zoning ordinance from entering into an intergovernmental agreement that allows the municipality to exercise its zoning powers beyond its territorial limits; provided, however, that the intergovernmental agreement must be limited to the territory within the municipality's planning jurisdiction as defined by law or any existing boundary agreement. The county and the municipality must amend their individual zoning maps in the same manner as other zoning changes are incorporated into revised zoning maps. No such intergovernmental agreement may authorize a municipality to exercise its zoning powers, other than powers that a county may exercise under Section 5-12001 of the Counties Code, with respect to land used for agricultural purposes. This amendatory Act of the 92nd General Assembly is declarative of existing law. No municipality may exercise any power set forth in this Division 13 outside the corporate limits of the municipality with respect to a facility of a telecommunications carrier defined in Section 5-12001.1 of the Counties Code.

Notwithstanding any other provision of law to the contrary, at least 30 days prior to commencing construction of a new telecommunications facility within 1.5 miles of a municipality, the

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telecommunications carrier constructing the facility shall provide written notice of its intent to construct the facility. The notice shall include, but not be limited to, the following information: (i) the name, address, and telephone number of the company responsible for the construction of the facility and (ii) the address and telephone number of the governmental entity that issued the building permit for the telecommunications facility. The notice shall be provided in person, by overnight private courier, or by certified mail to all owners of property within 250 feet of the parcel in which the telecommunications carrier has a leasehold or ownership interest. For the purposes of this notice requirement, "owners" means those persons or entities identified from the authentic tax records of the county in which the telecommunications facility is to be located. If, after a bona fide effort by the telecommunications carrier to determine the owner and his or her address, the owner of the property on whom the notice must be served cannot be found at the owner’s last known address, or if the mailed notice is returned because the owner cannot be found at the last known address, the notice requirement of this paragraph is deemed satisfied. For the purposes of this paragraph, “facility” means that term as it is defined in Section 5-12001.1 of the Counties Code.

If a municipality adopts a zoning plan covering an area outside its corporate limits, the plan adopted shall be reasonable with respect to the area outside the corporate limits so that future development will not be hindered or impaired; it is reasonable for a municipality to regulate or prohibit the extraction of sand, gravel, or limestone even when those activities are related to an agricultural purpose. If all or any part of the area outside the corporate limits of a municipality which has been zoned in accordance with the provisions of this Division 13 is annexed to another municipality or municipalities, the annexing unit shall thereafter exercise all zoning powers and regulations over the annexed area.

In all ordinances passed under the authority of this Division 13, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire municipality and the uses to which the property is devoted at the time of the enactment of such an ordinance. The powers conferred by this Division 13 shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted, but provisions may be made for the gradual elimination of uses, buildings and structures which are incompatible with the character of the districts in which they are made or

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located, including, without being limited thereto, provisions (a) for the
elimination of such uses of unimproved lands or lot areas when the
existing rights of the persons in possession thereof are terminated or when
the uses to which they are devoted are discontinued; (b) for the elimination
of uses to which such buildings and structures are devoted, if they are
adaptable for permitted uses; and (c) for the elimination of such buildings
and structures when they are destroyed or damaged in major part, or when
they have reached the age fixed by the corporate authorities of the
municipality as the normal useful life of such buildings or structures.

This amendatory Act of 1971 does not apply to any municipality
which is a home rule unit.
(Source: P.A. 92-509, eff. 1-1-02.)

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

Approved July 9, 2004.

PUBLIC ACT 93-0699
(House Bill No. 5061)

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

Section 5. The Code of Criminal Procedure of 1963 is amended by
changing Section 110-14 as follows:

(725 ILCS 5/110-14) (from Ch. 38, par. 110-14)
Sec. 110-14. Credit for Incarceration on Bailable Offense.
(a) Any person incarcerated on a bailable offense who does not
supply bail and against whom a fine is levied on conviction of such
offense shall be allowed a credit of $5 for each day so incarcerated upon
application of the defendant. However, in no case shall the amount so
allowed or credited exceed the amount of the fine.

(b) Subsection (a) does not apply to a person incarcerated for
sexual assault as defined in paragraph (1) of subsection (a) of Section 5-9-
1.7 of the Unified Code of Corrections.
(Source: P.A. 88-287.)

Section 10. The Unified Code of Corrections is amended by
changing Section 5-9-1.7 as follows:

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(730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)
Sec. 5-9-1.7. Sexual assault fines.
(a) Definitions. The terms used in this Section shall have the following meanings ascribed to them:

(1) "Sexual assault" means the commission or attempted commission of the following: sexual exploitation of a child, criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, indecent solicitation of a child, public indecency, sexual relations within families, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, patronizing a juvenile prostitute, juvenile pimping, exploitation of a child, obscenity, child pornography, or harmful material, or ritualized abuse of a child, as those offenses are defined in the Criminal Code of 1961.

(2) "Family member" shall have the meaning ascribed to it in Section 12-12 of the Criminal Code of 1961.

(3) "Sexual assault organization" means any not-for-profit organization providing comprehensive, community-based services to victims of sexual assault. "Community-based services" include, but are not limited to, direct crisis intervention through a 24-hour response, medical and legal advocacy, counseling, information and referral services, training, and community education.

(b) Sexual assault fine; collection by clerk.

(1) In addition to any other penalty imposed, a fine of $100 shall be imposed upon any person who pleads guilty or who is convicted of, or who receives a disposition of court supervision for, a sexual assault or attempt of a sexual assault. Upon request of the victim or the victim's representative, the court shall determine whether the fine will impose an undue burden on the victim of the offense. For purposes of this paragraph, the defendant may not be considered the victim's representative. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine. The court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fine.

(2) Sexual assault fines shall be assessed by the court imposing the sentence and shall be collected by the circuit clerk. The circuit clerk shall retain 10% of the penalty to cover the costs.
involved in administering and enforcing this Section. The circuit clerk shall remit the remainder of each fine within one month of its receipt to the State Treasurer for deposit as follows:

(i) for family member offenders, one-half to the Sexual Assault Services Fund, and one-half to the Domestic Violence Shelter and Service Fund; and

(ii) for other than family member offenders, the full amount to the Sexual Assault Services Fund.

(c) Sexual Assault Services Fund; administration. There is created a Sexual Assault Services Fund. Moneys deposited into the Fund under this Section shall be appropriated to the Department of Public Health. Upon appropriation of moneys from the Sexual Assault Services Fund, the Department of Public Health shall make grants of these moneys from the Fund to sexual assault organizations with whom the Department has contracts for the purpose of providing community-based services to victims of sexual assault. Grants made under this Section are in addition to, and are not substitutes for, other grants authorized and made by the Department.

(Source: P.A. 88-45; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

Approved July 9, 2004.
Effective January 1, 2005.

PUBLIC ACT 93-0700
(Senate Bill No. 2335)

AN ACT in relation to health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Community Health Center Expansion Act is amended by adding Section 10.5 as follows:

(410 ILCS 66/10.5 new)

Sec. 10.5. Sustainability funding. Sustaining funds shall be available to grantees under Section 10 that have met the initial proposed project objectives and can demonstrate continued financial need. These funds shall be provided by the Department for a 3-year period, subject to appropriation. Funds granted each year under this Section shall be in an amount up to 50% of a grantee’s third-year-grant funding under subsection (b) of Section 10. The Department shall adopt rules and

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criteria to allow grantees to apply for continued sustainability funding under this Section.

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

Approved July 9, 2004.

PUBLIC ACT 93-0701
(Senate Bill No. 2337)

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

Section 5. The Criminal Code of 1961 is amended by changing Section 16-20 as follows:

(720 ILCS 5/16-20)
Sec. 16-20. Criminal penalties.
(a) Except for violations of Section 16-19 as provided for in subsection (b) or (c) of this Section, a person who violates Section 16-19 is guilty of a Class A misdemeanor.
(b) An offense under Section 16-19 is a Class 4 felony if:
   (1) the defendant has been convicted previously under Section 16-19 or convicted of any similar crime in this or any federal or other state jurisdiction; or
   (2) the violation of Section 16-19 involves at least 10, but not more than 50, unlawful communication or access devices; or:
      (3) a person engages in conduct identified in subdivision (3) of Section 16-19 for the purpose of, and with the intention of, substantially disrupting and impairing the ability of a communication service provider to deliver communication services to its lawful customers or subscribers.
(c) An offense under Section 16-19 is a Class 3 felony if:
   (1) the defendant has been convicted previously on 2 or more occasions for offenses under Section 16-19 or for any similar crime in this or any federal or other state jurisdiction; or
   (2) the violation of Section 16-19 involves more than 50 unlawful communication or access devices.

New matter indicated by italics - deletions by strikeout.
(d) For purposes of grading an offense based upon a prior conviction under Section 16-19 or for any similar crime under subdivisions (b)(1) and (c)(1) of this Section, a prior conviction shall consist of convictions upon separate indictments or criminal complaints for offenses under Section 16-19 or any similar crime in this or any federal or other state jurisdiction.

(e) As provided for in subdivisions (b)(1) and (c)(1) of this Section, in grading an offense under Section 16-19 based upon a prior conviction, the term "any similar crime" shall include, but not be limited to, offenses involving theft of service or fraud, including violations of the Cable Communications Policy Act of 1984 (Public Law 98-549, 98 Stat. 2779).

(f) Separate offenses. For purposes of all criminal penalties or fines established for violations of Section 16-19, the prohibited activity established in Section 16-19 as it applies to each unlawful communication or access device shall be deemed a separate offense.

(g) Fines. For purposes of imposing fines upon conviction of a defendant for an offense under Section 16-19, all fines shall be imposed in accordance with Article 9 of Chapter V of the Unified Code of Corrections.

(h) Restitution. The court shall, in addition to any other sentence authorized by law, sentence a person convicted of violating Section 16-19 to make restitution in the manner provided in Article 5 of Chapter V of the Unified Code of Corrections.

(i) Forfeiture of unlawful communication or access devices. Upon conviction of a defendant under Section 16-19, the court may, in addition to any other sentence authorized by law, direct that the defendant forfeit any unlawful communication or access devices in the defendant's possession or control which were involved in the violation for which the defendant was convicted.

(j) Venue. An offense under Section 16-19 may be deemed to have been committed at either the place where the defendant manufactured or assembled an unlawful communication or access device, or assisted others in doing so, or the place where the unlawful communication or access device was sold or delivered to a purchaser or recipient. It is not a defense to a violation of Section 16-19 that some of the acts constituting the offense occurred outside of the State of Illinois.

(Source: P.A. 92-728, eff. 1-1-03.)

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect upon becoming law.

Approved July 9, 2004.

PUBLIC ACT 93-0702
(Senate Bill No. 2429)

AN ACT in relation to transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 12-608 as follows:

(625 ILCS 5/12-608) (from Ch. 95 1/2, par. 12-608)
Sec. 12-608. Bumpers.
(a) It shall be unlawful to operate any motor vehicle with a gross vehicle weight rating of 9,000 pounds or less or any motor vehicle registered as a recreational vehicle under this Code on any highway of this State unless such motor vehicle is equipped with both a front and rear bumper.

Except as indicated below, maximum bumper heights of such motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure.

Maximum bumper heights are as follows:

<table>
<thead>
<tr>
<th>Maximum Front Bumper Height</th>
<th>Maximum Rear Bumper Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All motor vehicles of the first division except multipurpose passenger vehicles:</td>
<td>22 inches</td>
</tr>
<tr>
<td>Multipurpose passenger vehicles and all other motor vehicles:</td>
<td>24 inches</td>
</tr>
<tr>
<td>4,500 lbs. and under GVWR 4,501 lbs. through 7,500 lbs. GVWR 7,501 lbs. through 9,000 lbs. GVWR</td>
<td>27 inches</td>
</tr>
<tr>
<td>28 inches</td>
<td>30 inches</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
It is unlawful to operate upon any highway of this State any vehicle with a front bumper height that exceeds 28 inches or a rear bumper height that exceeds 30 inches, regardless of the GVWR of the vehicle, except those vehicles covered by Chapter 18b of this Code.

For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. The bumper on any vehicle so modified or altered shall be at least 4.5 inches in vertical height and extend no less than the width of the respective wheel tracks outermost distance.

However, nothing in this Section shall prevent the installation of bumper guards.

(b) This Section shall not apply to street rods, custom vehicles, motor vehicles designed or modified primarily for off-highway purposes while such vehicles are in tow or to motorcycles or motor driven cycles, nor to motor vehicles registered as antique vehicles when the original design of such antique vehicles did not include bumpers. The provisions of this Section shall not apply to any motor vehicle driven during the first 1000 recorded miles of that vehicle, when such vehicle is owned or operated by a manufacturer, dealer or transporter displaying a special plate or plates as described in Chapter 3 of this Code while such vehicle is (1) being delivered from the manufacturing or assembly plant directly to the purchasing dealer or distributor, or from one dealership or distributor to another; (2) being moved by the most direct route from one location to another for the purpose of installing special bodies or equipment; or (3) being driven for purposes of demonstration by a prospective buyer with the dealer or his agent present in the cab of the vehicle during the demonstration.

The dealer shall, prior to the receipt of any deposit made or any contract signed by the buyer to secure the purchase of a vehicle, inform such buyer, by written statement signed by the purchaser to indicate acknowledgement of the contents thereof, of the legal requirements of this Section regarding front and rear bumpers if such vehicle is not to be equipped with bumpers at the time of delivery.

(c) Any violation of this Section is a Class C misdemeanor. A second conviction under this Section shall be punishable with a fine of not less than $500. An officer making an arrest under this Section shall order

New matter indicated by italics - deletions by strikeout.
the vehicle driver to remove the vehicle from the highway. A person convicted under this Section shall be ordered to bring his vehicle into compliance with this Section.

(Source: P.A. 92-668, eff. 1-1-03.)

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

Approved July 9, 2004.

PUBLIC ACT 93-0703
(Senate Bill No. 2442)

AN ACT concerning municipalities.

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

Section 5. The Illinois Municipal Code is amended by changing Section 11-91-1 as follows:

(65 ILCS 5/11-91-1) (from Ch. 24, par. 11-91-1)
Sec. 11-91-1. Whenever the corporate authorities of any municipality, whether incorporated by special act or under any general law, determine that the public interest will be subserved by vacating any street or alley, or part thereof, within their jurisdiction in any incorporated area, they may vacate that street or alley, or part thereof, by an ordinance. The ordinance shall provide the legal description or permanent index number of the particular parcel or parcels of property acquiring title to the vacated property. But this ordinance shall be passed by the affirmative vote of at least three-fourths of the aldermen, trustees or commissioners then holding office. This vote shall be taken by ayes and noes and entered on the records of the corporate authorities.

No ordinance shall be passed vacating any street or alley under a municipality's jurisdiction and within an unincorporated area without notice thereof and a hearing thereon. At least 15 days prior to such a hearing, notice of its time, place and subject matter shall be published in a newspaper of general circulation within the unincorporated area which the street or alley proposed for vacation serves. At the hearing all interested persons shall be heard concerning the proposal for vacation.

The ordinance may provide that it shall not become effective until the owners of all property or the owner or owners of a particular parcel or

New matter indicated by italics - deletions by strikeout.
parcels of property abutting upon the street or alley, or part thereof so
vacated, shall pay compensation in an amount which, in the judgment of
the corporate authorities, shall be the fair market value of the property
acquired or of the benefits which will accrue to them by reason of that
vacation, and if there are any public service facilities in such street or
alley, or part thereof, the ordinance shall may also reserve to the
municipality or to the public utility, as the case may be, owning such
facilities, such property, rights of way and easements as, in the judgment
of the corporate authorities, are necessary or desirable for continuing
public service by means of those facilities and for the maintenance,
renewal and reconstruction thereof. If the ordinance provides that only the
owner or owners of one particular parcel of abutting property shall make
payment, then the owner or owners of the particular parcel shall acquire
title to the entire vacated street or alley, or the part thereof vacated.

The determination of the corporate authorities that the nature and
extent of the public use or public interest to be subserved in such as to
warrant the vacation of any street or alley, or part thereof, is conclusive,
and the passage of such an ordinance is sufficient evidence of that
determination, whether so recited in the ordinance or not. The relief to the
public from further burden and responsibility of maintaining any street or
alley, or part thereof, constitutes a public use or public interest authorizing
the vacation.

When property is damaged by the vacation or closing of any street
or alley, the damage shall be ascertained and paid as provided by law.
(Source: P.A. 93-383, eff. 7-25-03.)

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

Approved July 9, 2004.

PUBLIC ACT 93-0704
(Senate Bill No. 2480)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Highway Code is amended by changing
Section 6-408 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 6-408. Contracts for constructing and repairing roads and bridges on road district lines shall be let by the highway commissioners of the 2 districts who shall meet and act together when taking action upon the letting of such contract for the construction or repair of such roads and bridges, or acceptance of the work. When such contracts are for the expenditure of a sum exceeding $1,000 they shall not let a contract or make any payment for the same without the approval of the county superintendent or highway board of auditors, as the case may be, as provided in Section 6-407.

(Source: Laws 1959, p. 888.)

Section 10. The Illinois Highway Code is amended by repealing Section 6-407.

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

Approved July 9, 2004.

PUBLIC ACT 93-0705
(Senate Bill No. 2502)

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 11-907 and 11-908 as follows:

(625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

Sec. 11-907. Operation of vehicles and streetcars on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Code or a police vehicle properly and lawfully making use of an audible or visual signal,

(1) the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall, if necessary to permit the safe

New matter indicated by italics - deletions by strikeout.
passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer and

(2) the operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(b) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(c) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

As used in this subsection (c), "authorized emergency vehicle" includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under Section 12-215 of this Code, while the owner or operator of the vehicle is engaged in his or her official duties.

(d) A person who violates subsection (c) of this Section commits a business offense punishable by a fine of not less than $100 or more than $10,000. A person charged with the offense must appear in court to answer the charges. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of this Code.

(e) If a violation of subsection (c) of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(f) If a violation of subsection (c) of this Section results in injury to another person, in addition to any other penalty imposed, the person's
driving privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

(g) If a violation of subsection (c) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.

(h) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (c) of this Section:

(1) suspend the person's driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory period.

(Source: P.A. 92-283, eff. 1-1-02; 92-872, eff. 6-1-03; 93-173, eff. 7-11-03.)

(625 ILCS 5/11-908) (from Ch. 95 1/2, par. 11-908)

Sec. 11-908. Vehicle approaching or entering a highway construction or maintenance area or zone.

(a) The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.

(a-1) Upon entering a construction or maintenance zone when workers are present, a person who drives a vehicle shall:

(1) proceeding with due caution, make a lane change into a lane not adjacent to that of the workers present, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(a-2) A person who violates subsection (a-1) of this Section commits a business offense punishable by a fine of not less than $100 and not more than $10,000. A person charged with the offense must appear in court to answer the charges. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of this Code.

(a-3) If a violation of subsection (a-1) of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

New matter indicated by italics - deletions by strikeout.
(a-4) If a violation of subsection (a-1) of this Section results in injury to another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

(a-5) If a violation of subsection (a-1) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.

(a-6) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (a-1) of this Section:

(1) suspend the person's driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory period.

(b) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway whenever the vehicle engaged in construction or maintenance work displays flashing lights as provided in Section 12-215 of this Act.

(c) The driver of a vehicle shall stop if signaled to do so by a flagger or a traffic control signal and remain in such position until signaled to proceed. If a driver of a vehicle fails to stop when signaled to do so by a flagger, the flagger is authorized to report such offense to the State's Attorney or authorized prosecutor. The penalties imposed for a violation of this subsection (c) shall be in addition to any penalties imposed for a violation of subsection (a-1).

(Source: P.A. 92-872, eff. 6-1-03.)

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

Approved July 9, 2004.

PUBLIC ACT 93-0706
(Senate Bill No. 2810)

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 9-12 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 9-12. Ballots for the election of school officers shall be in one of the following forms:

(FORMAT 1

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used by Boards of School Directors. School Directors are elected at large.)

OFFICIAL BALLOT
FOR MEMBERS OF THE BOARD OF SCHOOL DIRECTORS TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....

( ) ........................................
( ) ........................................
( ) ........................................

FOR MEMBERS OF THE BOARD OF SCHOOL DIRECTORS TO SERVE AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

( ) .......................................
( ) .......................................
( ) .......................................

(FORMAT 2

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used when school board members are elected at large. Membership on the school board is not restricted by area of residence.

Types of school districts generally using this format are:
Common school districts;
Community unit and community consolidated school districts formed on or after January 1, 1975;
Community unit school districts formed prior to January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8;
Community unit, community consolidated and combined school districts in which more than 90% of the population is in one congressional township;

New matter indicated by italics - deletions by strikeout.
High school districts in which less than 15% of the taxable property is located in unincorporated territory; and unit districts (OLD TYPE);

Combined school districts formed on or after July 1, 1983;
Combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7.)

OFFICIAL BALLOT
FOR MEMBERS OF THE BOARD OF
EDUCATION TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....
( ) .......................................
( ) .......................................
( ) .......................................

FOR MEMBERS OF THE BOARD OF
EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....
( ) .......................................
( ) .......................................
( ) .....................................

(FORMATS 2a and 2b

Ballot position for at large candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1 and ballot position for candidates grouped by "affected school district", as that term is defined in Section 9-11.2, shall be determined by order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

Format 2a is used only in electing, to unstaggered terms expiring on the date of the regular school election held in calendar year 2001, the initial 7 members of the board of education of a combined school district that is established as provided in subsection (a-5) of Section 11B-7, and Format 2b is used only in electing, when required under Section 10-10, a successor to serve the remainder of the unstaggered, unexpired term of any such initial board member in whose office a vacancy has occurred.)

Format 2a:

OFFICIAL BALLOT
FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE A FULL TERM EXPIRING ON
(Insert date of regular school election in 2001)

New matter indicated by italics - deletions by strikeout.
Instructions to voter: One member of the board of education is to be elected at large from within the territory included within the boundaries of (insert name of the combined school district as proposed or formed), 3 members are to be elected from the territory included within the boundaries of (former) Elementary School District No. ...., and 3 members are to be elected from the territory included within the boundaries of (former) Elementary School District No. ....

FOR THE MEMBER
OF THE BOARD OF EDUCATION
TO BE ELECTED AT LARGE
VOTE FOR ONE

( ) ...............................  

( ) ...............................  

FOR MEMBERS OF
THE BOARD OF EDUCATION
TO BE ELECTED FROM
(FORMER) ELEMENTARY SCHOOL DISTRICT NO. ....
VOTE FOR THREE

( ) ...............................  

( ) ...............................  

( ) ...............................  

( ) ...............................  

FOR MEMBERS OF
THE BOARD OF EDUCATION
TO BE ELECTED FROM
(FORMER) ELEMENTARY SCHOOL DISTRICT NO.....
VOTE FOR THREE

( ) ...............................  

( ) ...............................  

( ) ...............................  

( ) ...............................  

Format 2b:

OFFICIAL BALLOT
FOR A MEMBER OF THE BOARD OF EDUCATION
TO BE ELECTED AT LARGE
TO SERVE AN UNEXPIRED TERM ENDING ON
(Insert date of regular school election in 2001)
VOTE FOR ONE

( ) ...............................  

New matter indicated by italics - deletions by strikeout.
Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by community unit, community consolidated and combined school districts when the territory is less than 2 congressional townships, or 72 square miles, but consists of more than one congressional township, or 36 square miles, outside of the corporate limits of any city, village or incorporated town within the school district. The School Code requires that not more than 5 board members shall be selected from any city, village or incorporated town in the school district. At least two board members must reside in the unincorporated area of the school district.

Except for those community unit school districts formed before January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 and except for combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the

New matter indicated by italics - deletions by strikeout.
district under subsection (c) of Section 11B-7, this format applies to community unit and community consolidated school districts formed prior to January 1, 1975 and combined school districts formed prior to July 1, 1983.)

OFFICIAL BALLOT
Instructions to voter: The board of education shall be composed of members from both the incorporated and the unincorporated area; not more than 5 board members shall be selected from any city, village or incorporated town.

On the basis of existing board membership, not more than .... may be elected from the incorporated areas.

FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....

............... Area
( ) ......................
( ) ......................

FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....

............... Area
( ) ......................
( ) ......................

FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

............... Area
( ) ......................
( ) ......................

FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

............... Area
( ) ......................
( ) ......................

(FORMAT 4
Ballot position for township areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

New matter indicated by italics - deletions by strikeout.
Except for those community unit school districts formed prior to January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 and except for those combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7, this format applies to community unit and community consolidated school districts formed prior to January 1, 1975 and combined school districts formed prior to July 1, 1983 when the territory of the school district is greater than 2 congressional townships, or 72 square miles. This format applies only when less than 75% of the population is in one congressional township. Congressional townships of less than 100 inhabitants shall not be considered for the purpose of such mandatory board representation. In this case, not more than 3 board members may be selected from any one congressional township.)

OFFICIAL BALLOT

Instructions to voter: Membership on the board of education is restricted to a maximum of 3 members from any congressional township. On the basis of existing board membership, members may be elected in the following numbers from each congressional township.

Not more than .... may be elected from Township .... Range ....

Not more than .... may be elected from Township .... Range ....

Not more than .... may be elected from Township .... Range ....

(Include each remaining congressional township in district as needed)

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....

Township ............ Range ............

( ) ............................

( ) ............................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....

Township ............ Range ............

( ) ............................

( ) ............................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPRIED 2-YEAR TERM
VOTE FOR ....

Township .............. Range ..............
( ) ............................
( ) ............................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPRIED 2-YEAR TERM
VOTE FOR ....

Township .............. Range ..............
( ) ............................
( ) ............................

(Format 5)

Ballot position for township areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

Except for those community unit school districts formed before January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 and except for those combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7, this format is used by community unit and community consolidated school districts formed prior to January 1, 1975, and combined school districts formed prior to July 1, 1983, when the territory of the school district is greater than 2 congressional townships, or 72 square miles and when at least 75%, but not more than 90%, of the population resides in one congressional township. In this case, 4 school board members shall be selected from that one congressional township and the 3 remaining board members shall be selected from the rest of the district. If a school district from which school board members are to be selected is located in a county under township organization and if the surveyed boundaries of a congressional township from which one or more of those school board members is to be selected, as described by township number and range, are coterminous with the boundaries of the township as identified by the township name assigned to it as a political subdivision of the State, then that township may be referred to on the ballot by both its township name and by township number and range.)

OFFICIAL BALLOT

New matter indicated by italics - deletions by strikeout.
Instructions to voter: Membership on the board of education is to consist of 4 members from the congressional township that has at least 75% but not more than 90% of the population, and 3 board members from the remaining congressional townships in the school district. On the basis of existing board membership, members may be elected in the following numbers from each congressional township.

FOR MEMBER OF THE BOARD OF EDUCATION
TO SERVE AN UNEXPIRED 2-YEAR TERM
FROM (name)........ TOWNSHIP ..... RANGE ..... VOTE FOR ONE
( )..........................
( )..........................

FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....
..... shall be elected from (name)...... Township ..... Range ....; ...... board members shall be elected from the remaining congressional townships.

The Remaining Congressional Townships
( )..........................
( )..........................

(BALLOT)

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used by school districts in which voters have approved a referendum to elect school board members by school board district. The school district is then divided into 7 school board districts, each of which elects one member to the board of education.)

OFFICIAL BALLOT

DISTRICT ...... (1 through 7)
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ONE
( )..........................

New matter indicated by italics - deletions by strikeout.
(-OR-) 

OFFICIAL BALLOT
DISTRICT ....... (1 through 7)
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ONE

( ) ....................................
( ) ....................................
( ) ....................................

REVERSE SIDE:

OFFICIAL BALLOT
DISTRICT ....... (1 through 7)
(Precinct name or number)
School District No. ......, .......... County, Illinois
Election Tuesday (insert date)
(facsimile signature of Election Authority)
(County)

(FORMAT 7

Ballot position for incorporated and unincorporated areas shall be
determined by the order of petition filing or lottery held pursuant to
Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 15% but
less than 30% of the taxable property is located in the unincorporated
territory of the school district. In this case, at least one board member shall
be a resident of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voter: More than 15% but less than 30% of the
taxable property of this high school district is located in the
unincorporated territory of the district, therefore, at least one board
member shall be a resident of the unincorporated areas.

On the basis of existing board membership, at least one member
shall be elected from the unincorporated area.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....

............... Area
( ) .........................

New matter indicated by italics - deletions by strikeout.
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....

............... Area
( ) ...........................
( ) ...........................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

............... Area
( ) ...........................
( ) ...........................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

............... Area
( ) ...........................
( ) ...........................

(FORMAT 7a)
Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.
This format is used by high school districts if more than 15% but less than 30% of the taxable property is located in the unincorporated territory of the school district and on the basis of existing board membership no board member is required to be elected from the unincorporated area.}

OFFICIAL BALLOT
Instruction to voter: More than 15% but less than 30% of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least one board member shall be a resident of the unincorporated areas.
On the basis of existing board membership, members may be elected from any area or areas.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....

( ) ...............................
( ) ...............................

New matter indicated by italics - deletions by strikeout.
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPRIRED 2-YEAR TERM
VOTE FOR....

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR....

OFFICIAL BALLOT
Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

On the basis of existing board membership at least 2 members shall be elected from the unincorporated area.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR....

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPRIRED 2-YEAR TERM
VOTE FOR....
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

................ Area

( ) ......................

( ) ......................

(FORMAT 8a)

Ballot position for incorporated and unincorporated areas shall be
determined by the order of petition filing or lottery
held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the
taxable property is located in the unincorporated territory of the school
district. In this case, at least two board members shall be residents of the
unincorporated territory.)

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable
property of this high school district is located in the unincorporated
territory of the district, therefore, at least two board members shall be
residents of the unincorporated territory.

On the basis of existing board membership at least one member
shall be elected from the unincorporated area.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....

................ Area

( ) ......................

( ) ......................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....

................ Area

( ) ......................

( ) ......................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

................ Area

( ) ......................

New matter indicated by italics - deletions by strikeout.
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPED 2-YEAR TERM
VOTE FOR ....

.......................... Area

.......................... ...

.......................... ...

.......................... ...

(FORMAT 8b)

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

On the basis of existing board membership, members may be elected from any area or areas.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....

.......................... ...

.......................... ...

.......................... ...

.......................... ...

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPRIED 2-YEAR TERM
VOTE FOR ....

.......................... ...

.......................... ...

.......................... ...

.......................... ...

(Source: P.A. 90-14, eff. 7-1-97; 90-459, eff. 8-17-97; 91-357, eff. 7-29-99.)

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect upon becoming law.

Approved July 9, 2004.

PUBLIC ACT 93-0707
(Senate Bill No. 3091)

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

Section 5. The School Code is amended by changing Section 2-3.25g as follows:

(a) In this Section:
"Board" means a school board or the governing board or administrative district, as the case may be, for a joint agreement.
"Eligible applicant" means a school district, joint agreement made up of school districts, or regional superintendent of schools on behalf of schools and programs operated by the regional office of education.
"State Board" means the State Board of Education.

(b) Notwithstanding any other provisions of this School Code or any other law of this State to the contrary, eligible applicants school districts may petition the State Board of Education for the waiver or modification of the mandates of this School Code or of the administrative rules and regulations promulgated by the State Board of Education. Waivers or modifications of administrative rules and regulations and modifications of mandates of this School Code may be requested when an eligible applicant a school district demonstrates that it can address the intent of the rule or mandate in a more effective, efficient, or economical manner or when necessary to stimulate innovation or improve student performance. Waivers of mandates of the School Code may be requested when the waivers are necessary to stimulate innovation or improve student performance. Waivers may not be requested from laws, rules, and regulations pertaining to special education, teacher certification, or teacher

New matter indicated by italics - deletions by strikeout.
tenure and seniority or from compliance with the No Child Left Behind Act of 2001 (Public Law 107-110).

(c) Eligible applicants school districts, as a matter of inherent managerial policy, and any Independent Authority established under Section 2-3.25f may submit an application for a waiver or modification authorized under this Section. Each application must include a written request by the eligible applicant school district or Independent Authority and must demonstrate that the intent of the mandate can be addressed in a more effective, efficient, or economical manner or be based upon a specific plan for improved student performance and school improvement. Any eligible applicant district requesting a waiver or modification for the reason that intent of the mandate can be addressed in a more economical manner shall include in the application a fiscal analysis showing current expenditures on the mandate and projected savings resulting from the waiver or modification. Applications and plans developed by eligible applicants school districts must be approved by the each board or regional superintendent of schools applying on behalf of schools or programs operated by the regional office of education of education following a public hearing on the application and plan and the opportunity for the board or regional superintendent to hear testimony from educators directly involved in its implementation, parents, and students. If the applicant is a school district or joint agreement, the public hearing shall be held on a day other than the day on which a regular meeting of the board is held. If the applicant is a school district, the public hearing must be preceded by at least one published notice occurring at least 7 days prior to the hearing in a newspaper of general circulation within the school district that sets forth the time, date, place, and general subject matter of the hearing. If the applicant is a joint agreement or regional superintendent, the public hearing must be preceded by at least one published notice (setting forth the time, date, place, and general subject matter of the hearing) occurring at least 7 days prior to the hearing in a newspaper of general circulation in each school district that is a member of the joint agreement or that is served by the educational service region, provided that a notice appearing in a newspaper generally circulated in more than one school district shall be deemed to fulfill this requirement with respect to all of the affected districts. The eligible applicant school district must notify in writing the affected exclusive collective bargaining agent and those State legislators representing the eligible applicant's territory district holding the public hearing of the district's its intent to seek approval of a waiver or

New matter indicated by italics - deletions by strikeout.
modification and of the hearing to be held to take testimony from educators. The affected exclusive collective bargaining agents shall be notified of such public hearing at least 7 days prior to the date of the hearing and shall be allowed to attend such public hearing. The eligible applicant district shall attest to compliance with all of the notification and procedural requirements set forth in this Section.

(d) A request for a waiver or modification of administrative rules and regulations or for a modification of mandates contained in this School Code shall be submitted to the State Board of Education within 15 days after approval by the board or regional superintendent of schools of education. The application as submitted to the State Board of Education shall include a description of the public hearing. Following receipt of the request, the State Board shall have 45 days to review the application and request. If the State Board fails to disapprove the application within that 45 day period, the waiver or modification shall be deemed granted. The State Board may disapprove any request if it is not based upon sound educational practices, endangers the health or safety of students or staff, compromises equal opportunities for learning, or fails to demonstrate that the intent of the rule or mandate can be addressed in a more effective, efficient, or economical manner or have improved student performance as a primary goal. Any request disapproved by the State Board may be appealed to the General Assembly by the eligible applicant requesting school district as outlined in this Section.

A request for a waiver from mandates contained in this School Code shall be submitted to the State Board within 15 days after approval by the board or regional superintendent of schools of education. The application as submitted to the State Board of Education shall include a description of the public hearing. The description shall include, but need not be limited to, the means of notice, the number of people in attendance, the number of people who spoke as proponents or opponents of the waiver, a brief description of their comments, and whether there were any written statements submitted. The State Board shall review the applications and requests for completeness and shall compile the requests in reports to be filed with the General Assembly. The State Board shall file reports outlining the waivers requested by eligible applicants school districts and appeals by eligible applicants school districts of requests disapproved by the State Board with the Senate and the House of Representatives before each May 1 and October 1. The General Assembly may disapprove the report of the State Board in whole or in part within 30

New matter indicated by italics - deletions by strikeout.
calendar days after each house of the General Assembly next convenes after the report is filed by adoption of a resolution by a record vote of the majority of members elected in each house. If the General Assembly fails to disapprove any waiver request or appealed request within such 30 day period, the waiver or modification shall be deemed granted. Any resolution adopted by the General Assembly disapproving a report of the State Board in whole or in part shall be binding on the State Board.

(e) An approved waiver or modification may remain in effect for a period not to exceed 5 school years and may be renewed upon application by the eligible applicant school district. However, such waiver or modification may be changed within that 5-year period by a local school district board or regional superintendent of schools applying on behalf of schools or programs operated by the regional office of education following the procedure as set forth in this Section for the initial waiver or modification request. If neither the State Board of Education nor the General Assembly disapproves, the change is deemed granted.

(f) On or before February 1, 1998, and each year thereafter, the State Board of Education shall submit a cumulative report summarizing all types of waivers of waiver mandates and modifications of mandates granted by the State Board or the General Assembly. The report shall identify the topic of the waiver along with the number and percentage of eligible applicants school districts for which the waiver has been granted. The report shall also include any recommendations from the State Board regarding the repeal or modification of waived mandates.

(Source: P.A. 93-470, eff. 8-8-03; 93-557, eff. 8-20-03; revised 9-11-03.)

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

Approved July 9, 2004.

PUBLIC ACT 93-0708
(House Bill No. 6691)

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

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes,
depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory

New matter indicated by italics - deletions by strikeout.
facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of
inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

New matter indicated by italics - deletions by strikeout.
(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused railyards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to

New matter indicated by italics - deletions by strikeout.
flooding within the same watershed, but only if the 
redevelopment project provides for facilities or 
improvements to contribute to the alleviation of all or part 
of the flooding. 

(D) The area consists of an unused or illegal 
disposal site containing earth, stone, building debris, or 
similar materials that were removed from construction, 
demolition, excavation, or dredge sites. 

(E) Prior to November 1, 1999, the area is not less 
than 50 nor more than 100 acres and 75% of which is 
vacant (notwithstanding that the area has been used for 
commercial agricultural purposes within 5 years prior to the 
designation of the redevelopment project area), and the area 
meets at least one of the factors itemized in paragraph (1) 
of this subsection, the area has been designated as a town or 
village center by ordinance or comprehensive plan adopted 
prior to January 1, 1982, and the area has not been 
developed for that designated purpose. 

(F) The area qualified as a blighted improved area 
immediately prior to becoming vacant, unless there has 
been substantial private investment in the immediately 
surrounding area. 

(b) For any redevelopment project area that has been designated 
pursuant to this Section by an ordinance adopted prior to November 1, 
1999 (the effective date of Public Act 91-478), "conservation area" shall 
have the meaning set forth in this Section prior to that date. 

On and after November 1, 1999, "conservation area" means any 
improved area within the boundaries of a redevelopment project area 
located within the territorial limits of the municipality in which 50% or 
more of the structures in the area have an age of 35 years or more. Such an 
area is not yet a blighted area but because of a combination of 3 or more of 
the following factors is detrimental to the public safety, health, morals or 
welfare and such an area may become a blighted area: 

(1) Dilapidation. An advanced state of disrepair or neglect 
of necessary repairs to the primary structural components of 
buildings or improvements in such a combination that a 
documented building condition analysis determines that major 
repair is required or the defects are so serious and so extensive that 
the buildings must be removed. 

New matter indicated by italics - deletions by strikeout.
(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of

New matter indicated by italics - deletions by strikeout.
insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage

New matter indicated by italics - deletions by strikeout.
tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

New matter indicated by italics - deletions by strikeout.
(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal

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Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any

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distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public

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Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

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(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

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(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.
(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

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(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
   (I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
   (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
   (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
   (L) if the ordinance was adopted in September 1988 by Sauk Village, or
   (M) if the ordinance was adopted in October 1993 by Sauk Village, or
   (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
   (O) if the ordinance was adopted in March 1991 by the City of Centreville, or
   (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
   (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
   (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
   (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
   (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
   (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
   (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
   (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
   (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
   (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or

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(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

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Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family

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units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall

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make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred,
and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing

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ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

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(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less

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than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have
received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district

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waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to

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this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall

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be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

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(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax

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Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the

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applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

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(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

(65 ILCS 5/11-74.4-7)(from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as

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to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be

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submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated,
and shall constitute the authority for the extension and collection of the
taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or
in part, obligations theretofore issued by such municipality under the
authority of this Act, whether at or prior to maturity, provided however,
that the last maturity of the refunding obligations shall not be expressed to
mature later than December 31 of the year in which the payment to the
municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of
this Act is to be made with respect to ad valorem taxes levied in the
twenty-third calendar year after the year in which the ordinance approving
the redevelopment project area is adopted if the ordinance was adopted on
or after January 15, 1981, and not later than December 31 of the year in
which the payment to the municipal treasurer as provided in subsection (b)
of Section 11-74.4-8 of this Act is to be made with respect to ad valorem
taxes levied in the thirty-fifth calendar year after the year in which the
ordinance approving the redevelopment project area is adopted (A) if the
ordinance was adopted before January 15, 1981, or (B) if the ordinance
was adopted in December 1983, April 1984, July 1985, or December
1989, or (C) if the ordinance was adopted in December, 1987 and the
redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality
in Mason County, or (E) if the municipality is subject to the Local
Government Financial Planning and Supervision Act or the Financially
Distressed City Law, or (F) if the ordinance was adopted in December
1984 by the Village of Rosemont, or (G) if the ordinance was adopted on
December 31, 1986 by a municipality located in Clinton County for which
at least $250,000 of tax increment bonds were authorized on June 17,
1997, or if the ordinance was adopted on December 31, 1986 by a
municipality with a population in 1990 of less than 3,600 that is located in
a county with a population in 1990 of less than 34,000 and for which at
least $250,000 of tax increment bonds were authorized on June 17, 1997,
or (H) if the ordinance was adopted on October 5, 1982 by the City of
Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by
East St. Louis, or if the ordinance was adopted on November 12, 1991 by
the Village of Sauget, or (J) if the ordinance was adopted on February 11,
1985 by the City of Rock Island, or (K) if the ordinance was adopted
before December 18, 1986 by the City of Moline, or (L) if the ordinance
was adopted in September 1988 by Sauk Village, or (M) if the ordinance
was adopted in October 1993 by Sauk Village, or (N) if the ordinance was

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adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

New matter indicated by italics - deletions by strikeout.
Approved July 9, 2004.

PUBLIC ACT 93-0709
(Senate Bill No. 2258)

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

Section 5. The Home Equity Assurance Act is amended by
changing Sections 4 and 9 as follows:
(65 ILCS 95/4) (from Ch. 24, par. 1604)

Sec. 4. Creation of Commission. (a) Whenever in a municipality
with more than 1,000,000 inhabitants, the question of creating a home
equity program within a contiguous territory included entirely within the
municipality is initiated by resolution or ordinance of the corporate
authorities of the municipality or by a petition signed by not less than 10% of
the total number of registered voters of each precinct in the territory, the
registered voters of which are eligible to sign the petition, it shall be the
duty of the election authority having jurisdiction over such municipality to
submit the question of creating a home equity program to the electors of
each precinct within the territory at the regular election specified in the
resolution, ordinance or petition initiating the question. If the question is
initiated by petition and if the requisite number of signatures is not
obtained in any precinct included within the territory described in the
petition, then the petition shall be valid as to the territory encompassed by
those precincts for which the requisite number of signatures is obtained
and any such precinct for which the requisite number of signatures is not
obtained shall be excluded from the territory. A petition initiating a
question described in this Section shall be filed with the election authority
having jurisdiction over the municipality. The petition shall be filed and
objections thereto shall be made in the manner provided in the general
election law. A resolution, ordinance, or petition initiating a question
described in this Section shall specify the election at which the question is
to be submitted. The referendum on such question shall be held in
accordance with general election law. Such question, and the resolution,
ordinance, or petition initiating the question, shall include a description of
the territory, the name of the proposed home equity program, and the

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maximum rate at which the home equity program shall be able to levy a property tax. All of that area within the geographic boundaries of the territory described in such question shall be included in the program, and no area outside the geographic boundaries of the territory described in such question shall be included in the program. If the election authority determines that the description cannot be included within the space limitations of the ballot, the election authority shall prepare large printed copies of a notice of the question, which shall be prominently displayed in the polling place of each precinct in which the question is to be submitted.

(b) Whenever a majority of the voters on such public question approve the creation of a home equity program as certified by the proper election authorities, the mayor of the municipality shall appoint, with the consent of the corporate authorities, 9 individuals, to be known as commissioners, to serve as the governing body of the home equity program. The mayor shall choose 7 of the 9 individuals to be appointed to the governing commission from nominees submitted by a community organization or community organizations as defined in this Act. A community organization may recommend up to 20 individuals to serve on a governing commission.

No fewer than 5 commissioners serving at any one time shall reside within the territory of the program.

Upon creation of a governing commission, the terms of the initial commissioners shall be as follows: 3 shall serve for one year, 3 shall serve for 2 years, and 3 shall serve for 3 years and until a successor is appointed and qualified. All succeeding terms shall be for 3 years, or until a successor is appointed or qualified, and no commissioner may serve more than 2 consecutive terms. Commissioners shall serve without compensation except for reimbursement for reasonable expenses incurred in the performance of duties as a commissioner. A vacancy in the office of a member of a commission shall be filled in like manner as an original appointment.

All proceedings and meetings of the governing commission shall be conducted in accordance with the provisions of the Open Meetings Act, as now or hereafter amended.

(Source: P.A. 86-684.)

(65 ILCS 95/9) (from Ch. 24, par. 1609)

Sec. 9. Establishing a new guaranteed value and registration date.

(a) A member has the option of applying for a new program appraisal by a program appraiser in order to establish a new certificate of participation

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with a new registration date. The governing commission may exercise the right to require a second program appraisal in accordance with the procedures described in Section 6 of this Act. This new guaranteed value shall be subject to the following conditions:

1. A new guaranteed value established solely for the purpose of determining a property's increased value due to inflation may not be requested by the member until 5 years have elapsed from the member's most recent registration date or 3 years have elapsed from the most recent new registration date under this item (1), whichever is later.

2. A new guaranteed value established due to home improvements shall be granted only when the value of the home improvements exceed $5,000.

3. A member may not initiate a claim against the program based upon the new guaranteed value until 8 years after the member's initial registration date or 35 years after the new registration date, whichever is later. Until that time, coverage shall be based on the most recent certificate of participation which meets the time limitations which is at least 5 years old and the guaranteed value set forth in that certificate of participation.

4. If the governing commission, by majority vote, determines that the application for a new appraisal is due to substantial property improvements on the guaranteed residence, then the application fee for the appraisal shall be one-half of the registration fee then being charged by the program.

5. If the governing commission, by a majority vote, concludes that the application for a new appraisal is not due to substantial property improvements, the application fee for the new appraisal shall be the amount of the registration fee then being charged by the program.

6. A new guaranteed value shall be subject to all of the conditions, stipulations, and provisions of this Act.

(b) After following the above procedures, the member shall be issued a new certificate of participation which shall state the new guaranteed value and registration date.

(c) A member may request a new guaranteed value and registration date only once per year.

(Source: P.A. 85-1044.)

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

Approved July 9, 2004.

New matter indicated by italics - deletions by strikeout.

PUBLIC ACT 93-0710
(House Bill No. 4751)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 12-5 as follows:
(720 ILCS 5/12-5) (from Ch. 38, par. 12-5)
Sec. 12-5. Reckless conduct.
(a) A person who causes bodily harm to or endangers the bodily safety of an individual by any means, commits reckless conduct if he or she performs recklessly the acts that cause the harm or endanger safety, whether they otherwise are lawful or unlawful.
(a-5) A person who causes great bodily harm or permanent disability or disfigurement by any means, commits reckless conduct if he or she performs recklessly the acts that cause the harm, whether they otherwise are lawful or unlawful.
(b) Sentence.
Reckless conduct under subsection (a) is a Class A misdemeanor.
Reckless conduct under subsection (a-5) is a Class 4 felony.
(Source: P.A. 77-2638.)
Effective January 1, 2005.

PUBLIC ACT 93-0711
(Senate Bill No. 2171)

AN ACT concerning professional development.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Human Services Act is amended by changing Section 10-22 as follows:
(20 ILCS 1305/10-22)
Sec. 10-22. Great START program.

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(a) Beginning October 1, 2000 and until July 1, 2004, the Department of Human Services shall, subject to a specific appropriation for this purpose, operate a Great START (Strategy To Attract and Retain Teachers) program. The goal of the program is to improve children's developmental and educational outcomes in child care by encouraging increased professional preparation by staff and staff retention. The Great START program shall coordinate with the TEACH professional development program.

The program shall provide wage supplements and may include other incentives to licensed child care center personnel, including early childhood teachers, school-age workers, early childhood assistants, school-age assistants, and directors, as such positions are defined by administrative rule of the Department of Children and Family Services. The program shall provide wage supplements and may include other incentives to licensed family day care home personnel and licensed group day care home personnel, including caregivers and assistants as such positions are defined by administrative rule of the Department of Children and Family Services. Individuals will receive supplements commensurate with their qualifications.

(b) (Blank). The Department shall convene a working committee of its standing Child and Development Advisory Council to make recommendations by October 1, 2000 on the components of the Great START program. The working committee shall consist of experts from the child care and early childhood education field. In addition, the working committee shall include, when necessary, the Secretary of Human Services, the Director of Children and Family Services, the Director of Commerce and Community Affairs, the Director of Employment Security, the Superintendent of the State Board of Education, the Chair of the Community College Board, and the Chair of the Executive Committee of the Board of Higher Education, or their designees.

(c) The Department shall, by rule, define the scope and operation of the program, including a wage supplement scale. The scale shall pay increasing amounts for higher levels of educational attainment beyond minimum qualifications and shall recognize longevity of employment. Subject to the availability of sufficient appropriation, the wage supplements shall be paid to child care personnel in the form of bonuses at 6 month intervals. Six months of continuous service with a single employer is required to be eligible to receive a wage supplement bonus. Wage supplements shall be paid directly to individual day care personnel,

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not to their employers. Eligible individuals must provide to the Department or its agent all information and documentation, including but not limited to college transcripts, to demonstrate their qualifications for a particular wage supplement level.

If appropriations permit, the Department may include one-time signing bonuses or other incentives to help providers attract staff, provided that the signing bonuses are less than the supplement staff would have received if they had remained employed with another day care center or family day care home.

If appropriations permit, the Department may include one-time longevity bonuses or other incentives to recognize staff who have remained with a single employer.

(d) (Blank). The Department shall evaluate the Great START program, gather data on turnover rates, educational attainment, and other relevant issues, and submit a report to the General Assembly on the Great START program by December 31, 2002.

(Source: P.A. 91-831, eff. 6-15-00; revised 12-6-03.)

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


PUBLIC ACT 93-0712
(House Bill No. 4966)

AN ACT concerning vehicles.

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 6-103, 6-208, and 11-501 as follows:

(625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)
Sec. 6-103. What persons shall not be licensed as drivers or granted permits. The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code:

1. To any person, as a driver, who is under the age of 18 years except as provided in Section 6-107, and except that an instruction permit may be issued under paragraphs (a) and (b) of Section 6-105 to a child who is not less than 15 years of age if the
child is enrolled in an approved driver education course as defined in Section 1-103 of this Code and requires an instruction permit to participate therein, except that an instruction permit may be issued under the provisions of Section 6-107.1 to a child who is 17 years and 9 months of age without the child having enrolled in an approved driver education course and except that an instruction permit may be issued to a child who is at least 15 years and 6 months of age, is enrolled in school, meets the educational requirements of the Driver Education Act, and has passed examinations the Secretary of State in his or her discretion may prescribe;

2. To any person who is under the age of 18 as an operator of a motorcycle other than a motor driven cycle unless the person has, in addition to meeting the provisions of Section 6-107 of this Code, successfully completed a motorcycle training course approved by the Illinois Department of Transportation and successfully completes the required Secretary of State's motorcycle driver's examination;

3. To any person, as a driver, whose driver's license or permit has been suspended, during the suspension, nor to any person whose driver's license or permit has been revoked, except as provided in Sections 6-205, 6-206, and 6-208;

4. To any person, as a driver, who is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle;

5. To any person, as a driver, who has previously been adjudged to be afflicted with or suffering from any mental or physical disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as a driver, who is required by the Secretary of State to submit an alcohol and drug evaluation or take an examination provided for in this Code unless the person has successfully passed the examination and submitted any required evaluation;

7. To any person who is required under the provisions of the laws of this State to deposit security or proof of financial responsibility and who has not deposited the security or proof;

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8. To any person when the Secretary of State has good cause to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways, unless the person shall furnish to the Secretary of State a verified written statement, acceptable to the Secretary of State, from a competent medical specialist to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety;

9. To any person, as a driver, who is 69 years of age or older, unless the person has successfully complied with the provisions of Section 6-109;

10. To any person convicted, within 12 months of application for a license, of any of the sexual offenses enumerated in paragraph 2 of subsection (b) of Section 6-205;

11. To any person who is under the age of 21 years with a classification prohibited in paragraph (b) of Section 6-104 and to any person who is under the age of 18 years with a classification prohibited in paragraph (c) of Section 6-104;

12. To any person who has been either convicted of or adjudicated under the Juvenile Court Act of 1987 based upon a violation of the Cannabis Control Act or the Illinois Controlled Substances Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. The Secretary of State shall not issue a new license or permit for a period of one year;

13. To any person who is under the age of 18 years and who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101;

14. To any person who is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days' obligation or more and who has been found in contempt of court for failure to pay the support,

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subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code; or

15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide within 24 months of release from a term of imprisonment.

The Secretary of State shall retain all conviction information, if the information is required to be held confidential under the Juvenile Court Act of 1987.

(Source: P.A. 92-343, eff. 1-1-02; 93-174, eff. 1-1-04.)

(625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

Sec. 6-208. Period of Suspension - Application After Revocation.

(a) Except as otherwise provided by this Code or any other law of this State, the Secretary of State shall not suspend a driver's license, permit or privilege to drive a motor vehicle on the highways for a period of more than one year.

(b) Any person whose license, permit or privilege to drive a motor vehicle on the highways has been revoked shall not be entitled to have such license, permit or privilege renewed or restored. However, such person may, except as provided under subsection (d) of Section 6-205, make application for a license pursuant to Section 6-106 (i) if the revocation was for a cause which has been removed or (ii) as provided in the following subparagraphs:

1. Except as provided in subparagraphs 2, 3, and 4, the person may make application for a license after the expiration of one year from the effective date of the revocation or, in the case of a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance, after the expiration of 3 years from the effective date of the revocation or, in the case of a violation of Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to the offense of reckless homicide, after the expiration of 2 years from the effective date of the revocation or after the expiration of 24 months from the date of release from a period of imprisonment as provided in Section 6-103 of this Code, whichever is later.

2. If such person is convicted of committing a second violation within a 20 year period of:

   (A) Section 11-501 of this Code, or a similar provision of a local ordinance; or

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(B) Paragraph (b) of Section 11-401 of this Code, or a similar provision of a local ordinance; or

(C) Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or

(D) any combination of the above offenses committed at different instances;

then such person may not make application for a license until after the expiration of 5 years from the effective date of the most recent revocation. The 20 year period shall be computed by using the dates the offenses were committed and shall also include similar out-of-state offenses.

3. However, except as provided in subparagraph 4, if such person is convicted of committing a third, or subsequent, violation or any combination of the above offenses, including similar out-of-state offenses, contained in subparagraph 2, then such person may not make application for a license until after the expiration of 10 years from the effective date of the most recent revocation.

4. The person may not make application for a license if the person is convicted of committing a fourth or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance, Section 11-401 of this Code, Section 9-3 of the Criminal Code of 1961, or a combination of these offenses or similar provisions of local ordinances or similar out-of-state offenses.

Notwithstanding any other provision of this Code, all persons referred to in this paragraph (b) may not have their privileges restored until the Secretary receives payment of the required reinstatement fee pursuant to subsection (b) of Section 6-118.

In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to this Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

(c) (Blank). If a person prohibited under paragraph (2) or paragraph (3) of subsection (c-4) of Section 11-501 from driving any vehicle not equipped with an ignition interlock device nevertheless is convicted of driving a vehicle that is not equipped with the device, that person is prohibited from driving any vehicle not equipped with an ignition device.

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interlock device for an additional period of time equal to the initial time period that the person was required to use an ignition interlock device:
(Source: P.A. 91-357, eff. 7-29-99; 92-343, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02.)

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Except as provided under paragraphs (c-3), (c-4), and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a law of another state or local ordinance committed within 5 years of a previous

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violation of this Section or a similar provision of a local ordinance shall be
mandatorily sentenced to a minimum of 5 days of imprisonment or
assigned to a minimum of 30 days of community service as may be
determined by the court. Every person convicted of violating this Section
or a similar provision of a local ordinance shall be subject to an additional
mandatory minimum fine of $500 and an additional mandatory 5 days of
community service in a program benefiting children if the person
committed a violation of paragraph (a) or a similar provision of a local
ordinance while transporting a person under age 16. Every person
convicted a second time for violating this Section or a similar provision of
a local ordinance within 5 years of a previous violation of this Section or a
similar provision of a law of another state or local ordinance shall be
subject to an additional mandatory minimum fine of $500 and an
additional 10 days of mandatory community service in a program
benefiting children if the current offense was committed while
transporting a person under age 16. The imprisonment or assignment
under this subsection shall not be subject to suspension nor shall the
person be eligible for probation in order to reduce the sentence or
assignment.

(c-1) (1) A person who violates this Section during a period in
which his or her driving privileges are revoked or suspended,
where the revocation or suspension was for a violation of this
Section, Section 11-501.1, paragraph (b) of Section 11-401, or
Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4
felony.

(2) A person who violates this Section a third time during a
period in which his or her driving privileges are revoked or
suspended where the revocation or suspension was for a violation
of this Section, Section 11-501.1, paragraph (b) of Section 11-401,
or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 3
felony.

(3) A person who violates this Section a fourth or
subsequent time during a period in which his or her driving
privileges are revoked or suspended where the revocation or
suspension was for a violation of this Section, Section 11-501.1,
paragraph (b) of Section 11-401, or Section 9-3 of the Criminal
Code of 1961 is guilty of a Class 2 felony.

(c-2) (Blank).

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(c-3) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of imprisonment for a fourth or subsequent offense, in addition to the fine and community service required under subsection (c) and the possible imprisonment required under subsection (d). The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-4) When a person is convicted of violating Section 11-501 of this Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or when that person is convicted of violating this Section while transporting a child under the age of 16:

(1) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a first time, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(2) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a second time within 10 years, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(3) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a third time within 20 years is guilty of a Class 4 felony and, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(4) A person who is convicted of violating this subsection (c-4) a fourth or subsequent time is guilty of a Class 2 felony and, in addition to any other penalty that may be imposed under subsection (c), is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of

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alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of this Section, or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with children on board;

(C) the person in committing a violation of paragraph (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of paragraph (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of paragraph (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of paragraph (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of paragraph (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of paragraph (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year

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nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

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(h) Every person sentenced under paragraph (2) or (3) of subsection (c-1) of this Section or subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 60 days community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. If the person has been previously convicted of violating this Section or a similar provision of a local ordinance, the fine shall be $200. In the event that more than one agency is responsible for the arrest, the $100 or $200 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; revised 8-27-03.)

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to insurance.

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

Section 5. The Illinois Insurance Code is amended by changing Sections 143.11b, 143.14, 143.15, 143.16, 143.17, 143.17a, and 513a11 as follows:

(215 ILCS 5/143.11b)

Sec. 143.11b. Assignment or transfer of property and casualty policies. An assignment or transfer of a policy of insurance to which Section 143.11 applies among or between insurers within an insurance holding company system or insurers under common management or control, or as a result of a merger, acquisition, or restructuring of an insurance company, is not a nonrenewal for purposes of the notification requirements under Sections 143.12 through 143.24. However, in the event of an increase in the renewal premium of 30% or more, change in deductibles or change in coverage that materially alters any policy to which subsection b of Section 143.17a applies, the company shall adhere to the provisions set forth in subsection b of Section 143.17a. A company making an assignment or transfer of a policy among or between insurers within an insurance holding company system or insurers under common management or control, or as a result of a merger, acquisition, or restructuring of an insurance company, shall have delivered to the named insured notice of such assignment or transfer at least 60 days prior to the renewal date. An exact and unaltered copy of the notice shall also be sent to the insured's producer, if known, and agent of record. The assignment or transfer of a policy or policies of insurance among or between insurers shall not occur without the producer or agent of record, or both, having a signed agency contract with the entity to which the policy or policies are to be assigned or transferred. If there is not a signed agency contract, all of the notice requirements of Sections 143.17 and 143.17a shall apply. Nothing in this Section shall contravene any existing producer and company contract rights. For purposes of this Section, the insured's

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producer, if known, and agent of record may opt to accept notification of assignment or transfer of policies electronically.

(Source: P.A. 91-800, eff. 6-13-00.)

(215 ILCS 5/143.14) (from Ch. 73, par. 755.14)


(a) No notice of cancellation of any policy of insurance, to which Section 143.11 applies, shall be effective unless mailed by the company to the named insured and the mortgage or lien holder, at the last mailing address known by the company. The company shall maintain proof of mailing of such notice on a recognized U.S. Post Office form or a form acceptable to the U. S. Post Office or other commercial mail delivery service. A copy of all such notices shall be sent to the insured's broker if known, or the agent of record, and to the mortgagee or lienholder, if known, at the last mailing address known to the company. For purposes of this Section, the mortgage or lien holder, insured's broker, if known, or the agent of record may opt to accept notification electronically.

(b) Whenever a financed insurance contract is cancelled, the insurer shall return whatever gross unearned premiums are due under the insurance contract or contracts not to exceed the unpaid balance due the premium finance company directly to the premium finance company effecting the cancellation for the account of the named insured. The return premium must be mailed to the premium finance company within 60 days. The request for the unearned premium by the premium finance company shall be in the manner of a monthly account, current accounting by producer, policy number, unpaid balance and name of insured for each cancelled amount. In the event the insurance contract or contracts are subject to audit, the insurer shall retain the right to withhold the return of the portion of premium that can be identified to the contract or contracts until the audit is completed. Within 30 days of the completion of the audit, if a premium retained by the insurer after crediting the earned premium would result in a surplus, the insurer shall return the surplus directly to the premium finance company. If the audit should result in an additional premium due the insurer, the obligation for the collection of this premium shall fall upon the insurer and not affect any other contract or contracts currently being financed by the premium finance company for the named insured.

(c) Whenever a premium finance agreement contains a power of attorney enabling the premium finance company to cancel any insurance contract or contracts in the agreement, the insurer shall honor the date of
cancellation as set forth in the request from the premium finance company without requiring the return of the insurance contract or contracts. The insurer may mail to the named insured an acknowledgment of the notice of cancellation from the premium finance company but the named insured shall not incur any additional premium charge for any extension of coverage. The insurer need not maintain proof of mailing of this notice.

(d) All statutory regulatory and contractual restrictions providing that the insurance contract may not be cancelled unless the required notice is mailed to a governmental agency, mortgagee, lienholder, or other third party shall apply where cancellation is effected under a power of attorney under a premium finance agreement. The insurer shall have the right for a premium charge for this extension of coverage.

(Source: P.A. 86-370; 86-437; 86-1028; 87-811; 87-1123.)

(215 ILCS 5/143.15) (from Ch. 73, par. 755.15)

Sec. 143.15. Mailing of cancellation notice. All notices of cancellation of insurance as defined in subsections (a), (b) and (c) of Section 143.13 must be mailed at least 30 days prior to the effective date of cancellation to the named insured and mortgagee or lien holder, if known, at the last mailing address known to the company. All notices of cancellation shall include a specific explanation of the reason or reasons for cancellation. However, where cancellation is for nonpayment of premium, the notice of cancellation must be mailed at least 10 days before the effective date of the cancellation. For purposes of this Section, the mortgagee or lien holder, if known, may opt to accept notification electronically.

(Source: P.A. 89-669, eff. 1-1-97.)

(215 ILCS 5/143.16) (from Ch. 73, par. 755.16)

Sec. 143.16. Mailing of cancellation notice. All notices of cancellation of insurance to which Section 143.11 applies, except for those defined in subsections (a), (b) and (c) of Section 143.13 must be mailed at least 30 days prior to the effective date of cancellation during the first 60 days of coverage. After the coverage has been effective for 61 days or more, all notices must be mailed at least 60 days prior to the effective date of cancellation. All such notices shall include a specific explanation of the reason or reasons for cancellation and shall be mailed to the named insured and mortgagee or lien holder, if known, at the last mailing address known to the company. However, where cancellation is for nonpayment of premium, the notice of cancellation must be mailed at least 10 days before the effective date of the cancellation. For purposes of this Section, the

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mortgagee or lien holder, if known, may opt to accept notification electronically.
(Source: P.A. 89-669, eff. 1-1-97.)

(215 ILCS 5/143.17) (from Ch. 73, par. 755.17)

Sec. 143.17. Notice of intention not to renew.

a. No company shall fail to renew any policy of insurance, as defined in subsections (a), (b), (c), and (h) of Section 143.13, to which Section 143.11 applies, unless it shall send by mail to the named insured at least 30 days advance notice of its intention not to renew. The company shall maintain proof of mailing of such notice on a recognized U.S. Post Office form or a form acceptable to the U. S. Post Office or other commercial mail delivery service. An exact and unaltered copy of such notice shall also be sent to the insured's broker, if known, or the agent of record and to the mortgagee or lien holder at the last mailing address known by the company. However, where cancellation is for nonpayment of premium, the notice of cancellation must be mailed at least 10 days before the effective date of the cancellation.

b. This Section does not apply if the company has manifested its willingness to renew directly to the named insured. Such written notice shall specify the premium amount payable, including any premium payment plan available, and the name of any person or persons, if any, authorized to receive payment on behalf of the company. If no person is so authorized, the premium notice shall so state. The notice of nonrenewal and the proof of mailing shall be effected on the same date.

b-5. This Section does not apply if the company manifested its willingness to renew directly to the named insured. However, no company may impose changes in deductibles or coverage for any policy forms applicable to an entire line of business enumerated in subsections (a), (b), (c), and (h) of Section 143.13 to which Section 143.11 applies unless the company mails to the named insured written notice of the change in deductible or coverage at least 60 days prior to the renewal or anniversary date. An exact and unaltered copy of the notice shall also be sent to the insured's broker, if known, or the agent of record.

c. Should a company fail to comply with (a) or (b) of this Section, the policy shall terminate only on the effective date of any similar insurance procured by the insured with respect to the same subject or location designated in both policies.
d. Renewal of a policy does not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

e. In all notices of intention not to renew any policy of insurance, as defined in Section 143.11 the company shall provide a specific explanation of the reasons for nonrenewal.

f. For purposes of this Section, the insured's broker, if known, or the agent of record and the mortgagee or lien holder may opt to accept notification electronically.

(Source: P.A. 91-597, eff. 1-1-00.)

Sec. 143.17a. Notice of intention not to renew.

a. No company shall fail to renew any policy of insurance, to which Section 143.11 applies, except for those defined in subsections (a), (b), (c), and (h) of Section 143.13, unless it shall send by mail to the named insured at least 60 days advance notice of its intention not to renew. The company shall maintain proof of mailing of such notice on one of the following forms: a recognized U.S. Post Office form or a form acceptable to the U.S. Post Office or other commercial mail delivery service. An exact and unaltered copy of such notice shall also be sent to the insured's broker, if known, or the agent of record and to the mortgagee or lien holder at the last mailing address known by the company. However, where cancellation is for nonpayment of premium, the notice of cancellation must be mailed at least 10 days before the effective date of the cancellation.

b. This Section does not apply if the company has manifested its willingness to renew directly to the named insured. Provided, however, that no company may increase the renewal premium on any policy of insurance to which Section 143.11 applies, except for those defined in subsections (a), (b), (c), and (h) of Section 143.13, by 30% or more, nor impose changes in deductibles or coverage that materially alter the policy, unless the company shall have mailed or delivered to the named insured written notice of such increase or change in deductible or coverage at least 60 days prior to the renewal or anniversary date. The increase in premium shall be the renewal premium based on the known exposure as of the date of the quotation compared to the premium as of the last day of coverage for the current year's policy, annualized. The premium on the renewal policy may be subsequently amended to reflect any change in exposure or reinsurance costs not considered in the quotation. An exact and unaltered

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copy of such notice shall also be sent to the insured's broker, if known, or the agent of record. If an insurer fails to provide the notice required by this subsection, then the company must extend the current policy under the same terms, conditions, and premium to allow 60 days notice of renewal and provide the actual renewal premium quotation and any change in coverage or deductible on the policy. Proof of mailing or proof of receipt may be proven by a sworn affidavit by the insurer as to the usual and customary business practices of mailing notice pursuant to this Section or may be proven consistent with Illinois Supreme Court Rule 236.

c. Should a company fail to comply with the non-renewal notice requirements of subsection a., the policy shall be extended for an additional year or until the effective date of any similar insurance procured by the insured, whichever is less, on the same terms and conditions as the policy sought to be terminated, unless the insurer has manifested its intention to renew at a different premium that represents an increase not exceeding 30%.

d. Renewal of a policy does not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

e. In all notices of intention not to renew any policy of insurance, as defined in Section 143.11 the company shall provide a specific explanation of the reasons for nonrenewal.

f. For purposes of this Section, the insured's broker, if known, or the agent of record and the mortgagee or lien holder may opt to accept notification electronically.

(Source: P.A. 93-477, eff. 8-8-03.)

(215 ILCS 5/513a11) (from Ch. 73, par. 1065.60a11)

Sec. 513a11. Cancellation requirements upon default.

(a) When a premium finance agreement contains a power of attorney enabling the premium finance company to cancel any insurance contract or contracts listed in the premium finance agreement, the insurance contract or contracts shall not be cancelled by the premium finance company unless the request for cancellation is effectuated under this Section.

(b) Not less than 10 days written notice shall be mailed to the named insured of the intent of the premium finance company to cancel the insurance contract unless the default is cured within the 10 day period.

(c) After expiration of the 10 day period, the premium finance company may request, in the name of the named insured, cancellation of

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the insurance contract or contracts by mailing or hand delivering to the insurer a request for cancellation, and the insurance contract shall be cancelled as if the request for cancellation had been submitted by the named insured, but without requiring the return of the insurance contract or contracts. The premium finance company shall also mail a copy of the request for cancellation to the named insured at his last known address.

(d) All statutory, regulatory, and contractual restrictions providing that the insurance contract may not be cancelled unless notice is given to a governmental agency, mortgagee, or other third party shall apply where cancellation is effected under provisions of this Section. The insurer shall give the notice to any governmental agency, mortgagee, or other third party on or before the fifth business day after it receives the notice of cancellation from the premium finance company. *For purposes of this Section, any governmental agency, mortgagee, or other third party may opt to receive notices electronically.*

(e) In the event that the collection of return premiums for the account of the named insured results in a surplus over the amount due from the named insured, the premium finance company shall refund the excess to the named insured; however, no refund is required if it amounts to less than $5.

(f) All cancellation provisions required of the premium finance company and insurer are applicable to any policy to which Section 143.11 applies.

(Source: P.A. 87-811.)

Approved July 12, 2005.
Effective January 1, 2005.

PUBLIC ACT 93-0714
(Senate Bill No. 2530)

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

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

(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.

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(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Director of the Governor's Office of Management and Budget may from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of 8% of the revenues to be deposited into the fund during that year or 25% of the beginning balance in the fund. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use or to any funds in the Motor Fuel Tax Fund or the Hospital Provider Fund. Notwithstanding any other provision of this Section, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed 5% of the revenues to be deposited into the fund during that year.

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

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

(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04.)

Section 10. The Community Senior Services and Resources Act is amended by adding Section 32 as follows:

(320 ILCS 60/32 new)

Sec. 32. Bequests and gifts; awareness campaign.
(a) The Director may accept monetary grants, gifts, and bequests for deposit into the Community Senior Services and Resources Fund.
(b) The Director may accept monetary grants, gifts, and bequests for the benefit of a specified center or distinct area of the State. Each such grant, gift, or bequest shall be kept in a distinct fund. The Department may make grants from these funds for the purposes established for the

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Community Senior Services and Resources Fund and in accordance with the terms and conditions of the grant, gift, or bequest. These funds are exempt from Section 8h of the State Finance Act.

(c) The Department, in conjunction with the Community Senior Services and Resource Center Advisory Committee, shall design an awareness campaign that can be implemented by senior services and resource centers at their individual expense.

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


PUBLIC ACT 93-0715
(Senate Bill No. 2112)

AN ACT in relation to taxes.

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

Section 5. The Economic Development Area Tax Increment Allocation Act is amended by changing Section 6 as follows:

(20 ILCS 620/6) (from Ch. 67 1/2, par. 1006)
Sec. 6. Filing with county clerk; certification of initial equalized assessed value.

(a) The municipality shall file a certified copy of any ordinance authorizing tax increment allocation financing for an economic development project area with the county clerk, and the county clerk shall immediately thereafter determine (1) the most recently ascertained equalized assessed value of each lot, block, tract or parcel of real property within the economic development project area from which shall be deducted the homestead exemptions provided by Sections 15-170, and 15-175, and 15-176 of the Property Tax Code, which value shall be the "initial equalized assessed value" of each such piece of property, and (2) the total equalized assessed value of all taxable real property within the economic development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such economic development project area, from which shall be deducted the homestead exemptions provided by Sections 15-170, and 15-175, and 15-176 of the Property Tax Code, and

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shall certify such amount as the "total initial equalized assessed value" of the taxable real property within the economic development project area.

(b) After the county clerk has certified the "total initial equalized assessed value" of the taxable real property in the economic development project area, then in respect to every taxing district containing an economic development project area, the county clerk or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within that taxing district for the purpose of computing the rate per cent of tax to be extended upon taxable property within that taxing district, shall in every year that tax increment allocation financing is in effect ascertain the amount of value of taxable property in an economic development project area by including in that amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value" of all taxable real property in such area. The rate per cent of tax determined shall be extended to the current equalized assessed value of all property in the economic development project area in the same manner as the rate per cent of tax is extended to all other taxable property in the taxing district. The method of allocating taxes established under this Section shall terminate when the municipality adopts an ordinance dissolving the special tax allocation fund for the economic development project area, terminating the economic development project area, and terminating the use of tax increment allocation financing for the economic development project area. This Act shall not be construed as relieving property owners within an economic development project area from paying a uniform rate of taxes upon the current equalized assessed value of their taxable property as provided in the Property Tax Code.

(Source: P.A. 88-670, eff. 12-2-94.)

Section 10. The Property Tax Code is amended by changing Sections 14-15, 15-10, 15-170, 15-172, 15-175, 15-180, and 20-178 and by adding Section 15-176 as follows:

(35 ILCS 200/14-15)
Sec. 14-15. Certificate of error; counties of 3,000,000 or more.
(a) In counties with 3,000,000 or more inhabitants, if, after the assessment is certified pursuant to Section 16-150, but subject to the limitations of subsection (c) of this Section, the county assessor discovers an error or mistake in the assessment, the assessor shall execute a certificate setting forth the nature and cause of the error. The certificate when endorsed by the county assessor, or when endorsed by the county assessor and board of appeals (until the first Monday in December 1998

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and the board of review beginning the first Monday in December 1998 and thereafter) where the certificate is executed for any assessment which was the subject of a complaint filed in the board of appeals (until the first Monday in December 1998 and the board of review beginning the first Monday in December 1998 and thereafter) for the tax year for which the certificate is issued, may, either be certified according to the procedure authorized by this Section or be presented and received in evidence in any court of competent jurisdiction. Certification is authorized, at the discretion of the county assessor, for: (1) certificates of error allowing homestead exemptions pursuant to Sections 15-170, 15-172, and 15-175, and 15-176; (2) certificates of error on residential property of 6 units or less; (3) certificates of error allowing exemption of the property pursuant to Section 14-25; and (4) other certificates of error reducing assessed value by less than $100,000. Any certificate of error not certified shall be presented to the court. The county assessor shall develop reasonable procedures for the filing and processing of certificates of error. Prior to the certification or presentation to the court, the county assessor or his or her designee shall execute and include in the certificate of error a statement attesting that all procedural requirements pertaining to the issuance of the certificate of error have been met and that in fact an error exists. When so introduced in evidence such certificate shall become a part of the court records, and shall not be removed from the files except upon the order of the court.

Certificates of error that will be presented to the court shall be filed as an objection in the application for judgment and order of sale for the year in relation to which the certificate is made or as an amendment to the objection under subsection (b). Certificates of error that are to be certified according to the procedure authorized by this Section need not be presented to the court as an objection or an amendment under subsection (b). The State's Attorney of the county in which the property is situated shall mail a copy of any final judgment entered by the court regarding any certificate of error to the taxpayer of record for the year in question.

Any unpaid taxes after the entry of the final judgment by the court or certification on certificates issued under this Section may be included in a special tax sale, provided that an advertisement is published and a notice is mailed to the person in whose name the taxes were last assessed, in a form and manner substantially similar to the advertisement and notice required under Sections 21-110 and 21-135. The advertisement and sale shall be subject to all provisions of law regulating the annual

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advertisement and sale of delinquent property, to the extent that those provisions may be made applicable.

A certificate of error certified under this Section shall be given effect by the county treasurer, who shall mark the tax books and, upon receipt of one of the following certificates from the county assessor or the county assessor and the board of review where the board of review is required to endorse the certificate of error, shall issue refunds to the taxpayer accordingly:

"CERTIFICATION
I, .................., county assessor, hereby certify that the Certificates of Error set out on the attached list have been duly issued to correct an error or mistake in the assessment."

"CERTIFICATION
I, .................., county assessor, and we, ........................................, members of the board of review, hereby certify that the Certificates of Error set out on the attached list have been duly issued to correct an error or mistake in the assessment and that any certificates of error required to be endorsed by the board of review have been so endorsed."

The county treasurer has the power to mark the tax books to reflect the issuance of certificates of error certified according to the procedure authorized in this Section for certificates of error issued under Section 14-25 or certificates of error issued to and including 3 years after the date on which the annual judgment and order of sale for that tax year was first entered. The county treasurer has the power to issue refunds to the taxpayer as set forth above until all refunds authorized by this Section have been completed.

To the extent that the certificate of error obviates the liability for nonpayment of taxes, certification of a certificate of error according to the procedure authorized in this Section shall operate to vacate any judgment or forfeiture as to that year's taxes, and the warrant books and judgment books shall be marked to reflect that the judgment or forfeiture has been vacated.

(b) Nothing in subsection (a) of this Section shall be construed to prohibit the execution, endorsement, issuance, and adjudication of a certificate of error if (i) the annual judgment and order of sale for the tax year in question is reopened for further proceedings upon consent of the county collector and county assessor, represented by the State's Attorney, and (ii) a new final judgment is subsequently entered pursuant to the
certificate. This subsection (b) shall be construed as declarative of existing law and not as a new enactment.

(c) No certificate of error, other than a certificate to establish an exemption under Section 14-25, shall be executed for any tax year more than 3 years after the date on which the annual judgment and order of sale for that tax year was first entered, except that during calendar years 1999 and 2000 a certificate of error may be executed for any tax year, provided that the error or mistake in the assessment was discovered no more than 3 years after the date on which the annual judgment and order of sale for that tax year was first entered.

(d) The time limitation of subsection (c) shall not apply to a certificate of error correcting an assessment to $1, under Section 10-35, on a parcel that a subdivision or planned development has acquired by adverse possession, if during the tax year for which the certificate is executed the subdivision or planned development used the parcel as common area, as defined in Section 10-35, and if application for the certificate of error is made prior to December 1, 1997.

(e) The changes made by this amendatory Act of the 91st General Assembly apply to certificates of error issued before, on, and after the effective date of this amendatory Act of the 91st General Assembly.

(Source: P.A. 90-4, eff. 3-7-97; 90-288, eff. 8-1-97; 90-655, eff. 7-30-98; 91-393, eff. 7-30-99; 91-686, eff. 1-26-00.)

(35 ILCS 200/15-10)

Sec. 15-10. Exempt property; procedures for certification. All property granted an exemption by the Department pursuant to the requirements of Section 15-5 and described in the Sections following Section 15-30 and preceding Section 16-5, to the extent therein limited, is exempt from taxation. In order to maintain that exempt status, the titleholder or the owner of the beneficial interest of any property that is exempt must file with the chief county assessment officer, on or before January 31 of each year (May 31 in the case of property exempted by Section 15-170), an affidavit stating whether there has been any change in the ownership or use of the property or the status of the owner-resident, or that a disabled veteran who qualifies under Section 15-165 owned and used the property as of January 1 of that year. The nature of any change shall be stated in the affidavit. Failure to file an affidavit shall, in the discretion of the assessment officer, constitute cause to terminate the exemption of that property, notwithstanding any other provision of this Code. Owners of 5 or more such exempt parcels within a county may file a

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single annual affidavit in lieu of an affidavit for each parcel. The
assessment officer, upon request, shall furnish an affidavit form to the
owners, in which the owner may state whether there has been any change
in the ownership or use of the property or status of the owner or resident as
of January 1 of that year. The owner of 5 or more exempt parcels shall list
all the properties giving the same information for each parcel as required
of owners who file individual affidavits.

However, titleholders or owners of the beneficial interest in any
property exempted under any of the following provisions are not required
to submit an annual filing under this Section:

(1) Section 15-45 (burial grounds) in counties of less than
3,000,000 inhabitants and owned by a not-for-profit organization.
(2) Section 15-40.
(3) Section 15-50 (United States property).

If there is a change in use or ownership, however, notice must be
filed pursuant to Section 15-20.

An application for homestead exemptions shall be filed as provided
in Section 15-170 (senior citizens homestead exemption), Section 15-172
(senior citizens assessment freeze homestead exemption), and Sections
Section 15-175 and 15-176 (general homestead exemption), respectively.
(Source: P.A. 92-333, eff. 8-10-01; 92-729, eff. 7-25-02.)

(35 ILCS 200/15-170)

Sec. 15-170. Senior Citizens Homestead Exemption. An annual
homestead exemption limited, except as described here with relation to
cooperatives or life care facilities, to a maximum reduction set forth below
from the property's value, as equalized or assessed by the Department, is
granted for property that is occupied as a residence by a person 65 years of
age or older who is liable for paying real estate taxes on the property and is
an owner of record of the property or has a legal or equitable interest
therein as evidenced by a written instrument, except for a leasehold
interest, other than a leasehold interest of land on which a single family
residence is located, which is occupied as a residence by a person 65 years
or older who has an ownership interest therein, legal, equitable or as a
lessee, and on which he or she is liable for the payment of property taxes.

Before taxable year 2004, the The maximum reduction shall be $2,500 in
counties with 3,000,000 or more inhabitants and $2,000 in all other
counties. For taxable years 2004 and thereafter, the maximum reduction
shall be $3,000 in all counties. For land improved with an apartment
building owned and operated as a cooperative, the maximum reduction

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from the value of the property, as equalized by the Department, shall be multiplied by the number of apartments or units occupied by a person 65 years of age or older who is liable, by contract with the owner or owners of record, for paying property taxes on the property and is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. For land improved with a life care facility, the maximum reduction from the value of the property, as equalized by the Department, shall be multiplied by the number of apartments or units occupied by persons 65 years of age or older, irrespective of any legal, equitable, or leasehold interest in the facility, who are liable, under a contract with the owner or owners of record of the facility, for paying property taxes on the property. In a cooperative or a life care facility where a homestead exemption has been granted, the cooperative association or the management firm of the cooperative or facility shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner or resident who qualified for the exemption. Any person who willfully refuses to so credit the savings shall be guilty of a Class B misdemeanor. Under this Section and Sections Section 15-175 and 15-176, "life care facility" means a facility as defined in Section 2 of the Life Care Facilities Act, with which the applicant for the homestead exemption has a life care contract as defined in that Act.

When a homestead exemption has been granted under this Section and the person qualifying subsequently becomes a resident of a facility licensed under the Nursing Home Care Act, the exemption shall continue so long as the residence continues to be occupied by the qualifying person's spouse if the spouse is 65 years of age or older, or if the residence remains unoccupied but is still owned by the person qualified for the homestead exemption.

A person who will be 65 years of age during the current assessment year shall be eligible to apply for the homestead exemption during that assessment year. Application shall be made during the application period in effect for the county of his residence.

Beginning with assessment year 2003, for taxes payable in 2004, property that is first occupied as a residence after January 1 of any assessment year by a person who is eligible for the senior citizens homestead exemption under this Section must be granted a pro-rata exemption for the assessment year. The amount of the pro-rata exemption is the exemption allowed in the county under this Section divided by 365 and multiplied by the number of days during the assessment year the

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property is occupied as a residence by a person eligible for the exemption under this Section. The chief county assessment officer must adopt reasonable procedures to establish eligibility for this pro-rata exemption.

The assessor or chief county assessment officer may determine the eligibility of a life care facility to receive the benefits provided by this Section, by affidavit, application, visual inspection, questionnaire or other reasonable methods in order to insure that the tax savings resulting from the exemption are credited by the management firm to the apportioned tax liability of each qualifying resident. The assessor may request reasonable proof that the management firm has so credited the exemption.

The chief county assessment officer of each county with less than 3,000,000 inhabitants shall provide to each person allowed a homestead exemption under this Section a form to designate any other person to receive a duplicate of any notice of delinquency in the payment of taxes assessed and levied under this Code on the property of the person receiving the exemption. The duplicate notice shall be in addition to the notice required to be provided to the person receiving the exemption, and shall be given in the manner required by this Code. The person filing the request for the duplicate notice shall pay a fee of $5 to cover administrative costs to the supervisor of assessments, who shall then file the executed designation with the county collector. Notwithstanding any other provision of this Code to the contrary, the filing of such an executed designation requires the county collector to provide duplicate notices as indicated by the designation. A designation may be rescinded by the person who executed such designation at any time, in the manner and form required by the chief county assessment officer.

The assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption provided by this Section by application, visual inspection, questionnaire or other reasonable methods. The determination shall be made in accordance with guidelines established by the Department.

In counties with less than 3,000,000 inhabitants, the county board may by resolution provide that if a person has been granted a homestead exemption under this Section, the person qualifying need not reapply for the exemption.

In counties with less than 3,000,000 inhabitants, if the assessor or chief county assessment officer requires annual application for verification of eligibility for an exemption once granted under this Section, the application shall be mailed to the taxpayer.

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The assessor or chief county assessment officer shall notify each person who qualifies for an exemption under this Section that the person may also qualify for deferral of real estate taxes under the Senior Citizens Real Estate Tax Deferral Act. The notice shall set forth the qualifications needed for deferral of real estate taxes, the address and telephone number of county collector, and a statement that applications for deferral of real estate taxes may be obtained from the county collector.

Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 92-196, eff. 1-1-02; 93-511, eff. 8-11-03.)

(35 ILCS 200/15-172)

Sec. 15-172. Senior Citizens Assessment Freeze Homestead Exemption.

(a) This Section may be cited as the Senior Citizens Assessment Freeze Homestead Exemption.

(b) As used in this Section:

"Applicant" means an individual who has filed an application under this Section.

"Base amount" means the base year equalized assessed value of the residence plus the first year's equalized assessed value of any added improvements which increased the assessed value of the residence after the base year.

"Base year" means the taxable year prior to the taxable year for which the applicant first qualifies and applies for the exemption provided that in the prior taxable year the property was improved with a permanent structure that was occupied as a residence by the applicant who was liable for paying real property taxes on the property and who was either (i) an owner of record of the property or had legal or equitable interest in the property as evidenced by a written instrument or (ii) had a legal or equitable interest as a lessee in the parcel of property that was single family residence. If in any subsequent taxable year for which the applicant applies and qualifies for the exemption the equalized assessed value of the residence is less than the equalized assessed value in the existing base year (provided that such equalized assessed value is not based on an assessed value that results from a temporary irregularity in the property that reduces the assessed value for one or more taxable years), then that subsequent taxable year shall become the base year until a new base year is established under the terms of this paragraph. For taxable year 1999 only, the Chief

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County Assessment Officer shall review (i) all taxable years for which the applicant applied and qualified for the exemption and (ii) the existing base year. The assessment officer shall select as the new base year the year with the lowest equalized assessed value. An equalized assessed value that is based on an assessed value that results from a temporary irregularity in the property that reduces the assessed value for one or more taxable years shall not be considered the lowest equalized assessed value. The selected year shall be the base year for taxable year 1999 and thereafter until a new base year is established under the terms of this paragraph.

"Chief County Assessment Officer" means the County Assessor or Supervisor of Assessments of the county in which the property is located.

"Equalized assessed value" means the assessed value as equalized by the Illinois Department of Revenue.

"Household" means the applicant, the spouse of the applicant, and all persons using the residence of the applicant as their principal place of residence.

"Household income" means the combined income of the members of a household for the calendar year preceding the taxable year.

"Income" has the same meaning as provided in Section 3.07 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, except that, beginning in assessment year 2001, "income" does not include veteran's benefits.

"Internal Revenue Code of 1986" means the United States Internal Revenue Code of 1986 or any successor law or laws relating to federal income taxes in effect for the year preceding the taxable year.

"Life care facility that qualifies as a cooperative" means a facility as defined in Section 2 of the Life Care Facilities Act.

"Residence" means the principal dwelling place and appurtenant structures used for residential purposes in this State occupied on January 1 of the taxable year by a household and so much of the surrounding land, constituting the parcel upon which the dwelling place is situated, as is used for residential purposes. If the Chief County Assessment Officer has established a specific legal description for a portion of property constituting the residence, then that portion of property shall be deemed the residence for the purposes of this Section.

"Taxable year" means the calendar year during which ad valorem property taxes payable in the next succeeding year are levied.

(c) Beginning in taxable year 1994, a senior citizens assessment freeze homestead exemption is granted for real property that is improved

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with a permanent structure that is occupied as a residence by an applicant who (i) is 65 years of age or older during the taxable year, (ii) has a household income of $35,000 or less prior to taxable year 1999, or $40,000 or less in taxable years 1999 through 2003, and $45,000 or less in taxable year 2004 and thereafter, (iii) is liable for paying real property taxes on the property, and (iv) is an owner of record of the property or has a legal or equitable interest in the property as evidenced by a written instrument. This homestead exemption shall also apply to a leasehold interest in a parcel of property improved with a permanent structure that is a single family residence that is occupied as a residence by a person who (i) is 65 years of age or older during the taxable year, (ii) has a household income of $35,000 or less prior to taxable year 1999, or $40,000 or less in taxable years 1999 through 2003, and $45,000 or less in taxable year 2004 and thereafter, (iii) has a legal or equitable ownership interest in the property as lessee, and (iv) is liable for the payment of real property taxes on that property.

The amount of this exemption shall be the equalized assessed value of the residence in the taxable year for which application is made minus the base amount.

When the applicant is a surviving spouse of an applicant for a prior year for the same residence for which an exemption under this Section has been granted, the base year and base amount for that residence are the same as for the applicant for the prior year.

Each year at the time the assessment books are certified to the County Clerk, the Board of Review or Board of Appeals shall give to the County Clerk a list of the assessed values of improvements on each parcel qualifying for this exemption that were added after the base year for this parcel and that increased the assessed value of the property.

In the case of land improved with an apartment building owned and operated as a cooperative or a building that is a life care facility that qualifies as a cooperative, the maximum reduction from the equalized assessed value of the property is limited to the sum of the reductions calculated for each unit occupied as a residence by a person or persons (i) 65 years of age or older, (ii) with a household income of $35,000 or less prior to taxable year 1999, or $40,000 or less in taxable years 1999 through 2003, and $45,000 or less in taxable year 2004 and thereafter, (iii) who is liable, by contract with the owner or owners of record, for paying real property taxes on the property, and (iv) who is an owner of record of a legal or equitable interest in the cooperative apartment

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building, other than a leasehold interest. In the instance of a cooperative where a homestead exemption has been granted under this Section, the cooperative association or its management firm shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner who qualified for the exemption. Any person who willfully refuses to credit that savings to an owner who qualifies for the exemption is guilty of a Class B misdemeanor.

When a homestead exemption has been granted under this Section and an applicant then becomes a resident of a facility licensed under the Nursing Home Care Act, the exemption shall be granted in subsequent years so long as the residence (i) continues to be occupied by the qualified applicant's spouse or (ii) if remaining unoccupied, is still owned by the qualified applicant for the homestead exemption.

Beginning January 1, 1997, when an individual dies who would have qualified for an exemption under this Section, and the surviving spouse does not independently qualify for this exemption because of age, the exemption under this Section shall be granted to the surviving spouse for the taxable year preceding and the taxable year of the death, provided that, except for age, the surviving spouse meets all other qualifications for the granting of this exemption for those years.

When married persons maintain separate residences, the exemption provided for in this Section may be claimed by only one of such persons and for only one residence.

For taxable year 1994 only, in counties having less than 3,000,000 inhabitants, to receive the exemption, a person shall submit an application by February 15, 1995 to the Chief County Assessment Officer of the county in which the property is located. In counties having 3,000,000 or more inhabitants, for taxable year 1994 and all subsequent taxable years, to receive the exemption, a person may submit an application to the Chief County Assessment Officer of the county in which the property is located during such period as may be specified by the Chief County Assessment Officer. The Chief County Assessment Officer in counties of 3,000,000 or more inhabitants shall annually give notice of the application period by mail or by publication. In counties having less than 3,000,000 inhabitants, beginning with taxable year 1995 and thereafter, to receive the exemption, a person shall submit an application by July 1 of each taxable year to the Chief County Assessment Officer of the county in which the property is located. A county may, by ordinance, establish a date for submission of applications that is different than July 1. The applicant shall submit with

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the application an affidavit of the applicant's total household income, age, marital status (and if married the name and address of the applicant's spouse, if known), and principal dwelling place of members of the household on January 1 of the taxable year. The Department shall establish, by rule, a method for verifying the accuracy of affidavits filed by applicants under this Section. The applications shall be clearly marked as applications for the Senior Citizens Assessment Freeze Homestead Exemption.

Notwithstanding any other provision to the contrary, in counties having fewer than 3,000,000 inhabitants, if an applicant fails to file the application required by this Section in a timely manner and this failure to file is due to a mental or physical condition sufficiently severe so as to render the applicant incapable of filing the application in a timely manner, the Chief County Assessment Officer may extend the filing deadline for a period of 30 days after the applicant regains the capability to file the application, but in no case may the filing deadline be extended beyond 3 months of the original filing deadline. In order to receive the extension provided in this paragraph, the applicant shall provide the Chief County Assessment Officer with a signed statement from the applicant's physician stating the nature and extent of the condition, that, in the physician's opinion, the condition was so severe that it rendered the applicant incapable of filing the application in a timely manner, and the date on which the applicant regained the capability to file the application.

Beginning January 1, 1998, notwithstanding any other provision to the contrary, in counties having fewer than 3,000,000 inhabitants, if an applicant fails to file the application required by this Section in a timely manner and this failure to file is due to a mental or physical condition sufficiently severe so as to render the applicant incapable of filing the application in a timely manner, the Chief County Assessment Officer may extend the filing deadline for a period of 3 months. In order to receive the extension provided in this paragraph, the applicant shall provide the Chief County Assessment Officer with a signed statement from the applicant's physician stating the nature and extent of the condition, and that, in the physician's opinion, the condition was so severe that it rendered the applicant incapable of filing the application in a timely manner.

In counties having less than 3,000,000 inhabitants, if an applicant was denied an exemption in taxable year 1994 and the denial occurred due to an error on the part of an assessment official, or his or her agent or employee, then beginning in taxable year 1997 the applicant's base year,

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for purposes of determining the amount of the exemption, shall be 1993 rather than 1994. In addition, in taxable year 1997, the applicant's exemption shall also include an amount equal to (i) the amount of any exemption denied to the applicant in taxable year 1995 as a result of using 1994, rather than 1993, as the base year, (ii) the amount of any exemption denied to the applicant in taxable year 1996 as a result of using 1994, rather than 1993, as the base year, and (iii) the amount of the exemption erroneously denied for taxable year 1994.

For purposes of this Section, a person who will be 65 years of age during the current taxable year shall be eligible to apply for the homestead exemption during that taxable year. Application shall be made during the application period in effect for the county of his or her residence.

The Chief County Assessment Officer may determine the eligibility of a life care facility that qualifies as a cooperative to receive the benefits provided by this Section by use of an affidavit, application, visual inspection, questionnaire, or other reasonable method in order to insure that the tax savings resulting from the exemption are credited by the management firm to the apportioned tax liability of each qualifying resident. The Chief County Assessment Officer may request reasonable proof that the management firm has so credited that exemption.

Except as provided in this Section, all information received by the chief county assessment officer or the Department from applications filed under this Section, or from any investigation conducted under the provisions of this Section, shall be confidential, except for official purposes or pursuant to official procedures for collection of any State or local tax or enforcement of any civil or criminal penalty or sanction imposed by this Act or by any statute or ordinance imposing a State or local tax. Any person who divulges any such information in any manner, except in accordance with a proper judicial order, is guilty of a Class A misdemeanor.

Nothing contained in this Section shall prevent the Director or chief county assessment officer from publishing or making available reasonable statistics concerning the operation of the exemption contained in this Section in which the contents of claims are grouped into aggregates in such a way that information contained in any individual claim shall not be disclosed.

(d) Each Chief County Assessment Officer shall annually publish a notice of availability of the exemption provided under this Section. The notice shall be published at least 60 days but no more than 75 days prior to

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the date on which the application must be submitted to the Chief County Assessment Officer of the county in which the property is located. The notice shall appear in a newspaper of general circulation in the county.

Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.
(Source: P.A. 90-14, eff. 7-1-97; 90-204, eff. 7-25-97; 90-523, eff. 11-13-97; 90-524, eff. 1-1-98; 90-531, eff. 1-1-98; 90-655, eff. 7-30-98; 91-45, eff. 6-30-99; 91-56, eff. 6-30-99; 91-819, eff. 6-13-00.)
(35 ILCS 200/15-175)

Sec. 15-175. General homestead exemption. Except as provided in Section 15-176, homestead property is entitled to an annual homestead exemption limited, except as described here with relation to cooperatives, to a reduction in the equalized assessed value of homestead property equal to the increase in equalized assessed value for the current assessment year above the equalized assessed value of the property for 1977, up to the maximum reduction set forth below. If however, the 1977 equalized assessed value upon which taxes were paid is subsequently determined by local assessing officials, the Property Tax Appeal Board, or a court to have been excessive, the equalized assessed value which should have been placed on the property for 1977 shall be used to determine the amount of the exemption.

Except as provided in Section 15-176, the maximum reduction before taxable year 2004 shall be $4,500 in counties with 3,000,000 or more inhabitants and $3,500 in all other counties. Except as provided in Section 15-176, for taxable years 2004 and thereafter, the maximum reduction shall be $5,000 in all counties. If a county has elected to subject itself to the provisions of Section 15-176 as provided in subsection (k) of that Section, then, for the first taxable year only after the provisions of Section 15-176 no longer apply, for owners (i) who have not been granted a senior citizens assessment freeze homestead exemption under Section 15-172 for the taxable year and (ii) whose qualified property has an assessed valuation that has increased by more than 20% over the previous assessed valuation of the property, there shall be an additional exemption of $5,000 for owners with a household income of $30,000 or less. For purposes of this paragraph, "household income" has the meaning set forth in this Section 15-175.

In counties with fewer than 3,000,000 inhabitants, if, based on the most recent assessment, the equalized assessed value of the homestead

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property for the current assessment year is greater than the equalized assessed value of the property for 1977, the owner of the property shall automatically receive the exemption granted under this Section in an amount equal to the increase over the 1977 assessment up to the maximum reduction set forth in this Section.

If in any assessment year beginning with the 2000 assessment year, homestead property has a pro-rata valuation under Section 9-180 resulting in an increase in the assessed valuation, a reduction in equalized assessed valuation equal to the increase in equalized assessed value of the property for the year of the pro-rata valuation above the equalized assessed value of the property for 1977 shall be applied to the property on a proportionate basis for the period the property qualified as homestead property during the assessment year. The maximum proportionate homestead exemption shall not exceed the maximum homestead exemption allowed in the county under this Section divided by 365 and multiplied by the number of days the property qualified as homestead property.

"Homestead property" under this Section includes residential property that is occupied by its owner or owners as his or their principal dwelling place, or that is a leasehold interest on which a single family residence is situated, which is occupied as a residence by a person who has an ownership interest therein, legal or equitable or as a lessee, and on which the person is liable for the payment of property taxes. For land improved with an apartment building owned and operated as a cooperative or a building which is a life care facility as defined in Section 15-170 and considered to be a cooperative under Section 15-170, the maximum reduction from the equalized assessed value shall be limited to the increase in the value above the equalized assessed value of the property for 1977, up to the maximum reduction set forth above, multiplied by the number of apartments or units occupied by a person or persons who is liable, by contract with the owner or owners of record, for paying property taxes on the property and is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. For purposes of this Section, the term "life care facility" has the meaning stated in Section 15-170.

"Household", as used in this Section, means the owner, the spouse of the owner, and all persons using the residence of the owner as their principal place of residence.

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"Household income", as used in this Section, means the combined income of the members of a household for the calendar year preceding the taxable year.

"Income", as used in this Section, has the same meaning as provided in Section 3.07 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, except that "income" does not include veteran's benefits.

In a cooperative where a homestead exemption has been granted, the cooperative association or its management firm shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner who qualified for the exemption. Any person who willfully refuses to so credit the savings shall be guilty of a Class B misdemeanor.

Where married persons maintain and reside in separate residences qualifying as homestead property, each residence shall receive 50% of the total reduction in equalized assessed valuation provided by this Section.

In all counties with more than 3,000,000 inhabitants, the assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption and the amount of the exemption by application, visual inspection, questionnaire or other reasonable methods. The determination shall be made in accordance with guidelines established by the Department, provided that the taxpayer applying for an additional general exemption under this Section shall submit to the chief county assessment officer an application with an affidavit of the applicant's total household income, age, marital status (and, if married, the name and address of the applicant's spouse, if known), and principal dwelling place of members of the household on January 1 of the taxable year. The Department shall issue guidelines establishing a method for verifying the accuracy of the affidavits filed by applicants under this paragraph. The applications shall be clearly marked as applications for the Additional General Homestead Exemption.

In counties with fewer than 3,000,000 inhabitants, in the event of a sale of homestead property the homestead exemption shall remain in effect for the remainder of the assessment year of the sale. The assessor or chief county assessment officer may require the new owner of the property to apply for the homestead exemption for the following assessment year.

Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

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Sec. 15-176. Alternative general homestead exemption.

(a) For the assessment years as determined under subsection (j), in any county that has elected, by an ordinance in accordance with subsection (k), to be subject to the provisions of this Section in lieu of the provisions of Section 15-175, homestead property is entitled to an annual homestead exemption equal to a reduction in the property's equalized assessed value calculated as provided in this Section.

(b) As used in this Section:

(1) "Assessor" means the supervisor of assessments or the chief county assessment officer of each county.

(2) "Adjusted homestead value" means the lesser of the following values:

(A) The property's base homestead value increased by 7% for each tax year after the base year through and including the current tax year, or, if the property is sold or ownership is otherwise transferred, the property's base homestead value increased by 7% for each tax year after the year of the sale or transfer through and including the current tax year. The increase by 7% each year is an increase by 7% over the prior year.

(B) The property's equalized assessed value for the current tax year minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter.

(3) "Base homestead value".

(A) Except as provided in subdivision (b)(3)(B), "base homestead value" means the equalized assessed value of the property for the base year prior to exemptions, minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter, provided that it was assessed for that year as residential property qualified for any of the homestead exemptions under Sections 15-170 through 15-175 of this Code, then in force, and further provided that the property's assessment was not based on a reduced assessed value resulting from a temporary irregularity in

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the property for that year. Except as provided in subdivision (b)(3)(B), if the property did not have a residential equalized assessed value for the base year, then "base homestead value" means the base homestead value established by the assessor under subsection (c).

(B) If the property is sold or ownership is otherwise transferred, other than sales or transfers between spouses or between a parent and a child, "base homestead value" means the equalized assessed value of the property at the time of the sale or transfer prior to exemptions, minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter, provided that it was assessed as residential property qualified for any of the homestead exemptions under Sections 15-170 through 15-175 of this Code, then in force, and further provided that the property's assessment was not based on a reduced assessed value resulting from a temporary irregularity in the property.

(3.5) "Base year" means (i) tax year 2002 in Cook County or (ii) tax year 2002 or 2003 in all other counties in accordance with the designation made by the county as provided in subsection (k).

(4) "Current tax year" means the tax year for which the exemption under this Section is being applied.

(5) "Equalized assessed value" means the property's assessed value as equalized by the Department.

(6) "Homestead" or "homestead property" means:

(A) Residential property that as of January 1 of the tax year is occupied by its owner or owners as his, her, or their principal dwelling place, or that is a leasehold interest on which a single family residence is situated, that is occupied as a residence by a person who has a legal or equitable interest therein evidenced by a written instrument, as an owner or as a lessee, and on which the person is liable for the payment of property taxes. Residential units in an apartment building owned and operated as a cooperative, or as a life care facility, which are occupied by persons who hold a legal or equitable interest in the cooperative apartment building or life care

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facility as owners or lessees, and who are liable by contract for the payment of property taxes, shall be included within this definition of homestead property.

(B) A homestead includes the dwelling place, appurtenant structures, and so much of the surrounding land constituting the parcel on which the dwelling place is situated as is used for residential purposes. If the assessor has established a specific legal description for a portion of property constituting the homestead, then the homestead shall be limited to the property within that description.

(7) "Life care facility" means a facility as defined in Section 2 of the Life Care Facilities Act.

c) If the property did not have a residential equalized assessed value for the base year as provided in subdivision (b)(3)(A) of this Section, then the assessor shall first determine an initial value for the property by comparison with assessed values for the base year of other properties having physical and economic characteristics similar to those of the subject property, so that the initial value is uniform in relation to assessed values of those other properties for the base year. The product of the initial value multiplied by the equalized factor for the base year for homestead properties in that county, less (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter, is the base homestead value.

For any tax year for which the assessor determines or adjusts an initial value and hence a base homestead value under this subsection (c), the initial value shall be subject to review by the same procedures applicable to assessed values established under this Code for that tax year.

d) The base homestead value shall remain constant, except that the assessor may revise it under the following circumstances:

(1) If the equalized assessed value of a homestead property for the current tax year is less than the previous base homestead value for that property, then the current equalized assessed value (provided it is not based on a reduced assessed value resulting from a temporary irregularity in the property) shall become the base homestead value in subsequent tax years.

(2) For any year in which new buildings, structures, or other improvements are constructed on the homestead property that would increase its assessed value, the assessor shall adjust the

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base homestead value as provided in subsection (c) of this Section with due regard to the value added by the new improvements.

(3) If the property is sold or ownership is otherwise transferred, the base homestead value of the property shall be adjusted as provided in subdivision (b)(3)(B). This item (3) does not apply to sales or transfers between spouses or between a parent and a child.

(e) The amount of the exemption under this Section is the equalized assessed value of the homestead property for the current tax year, minus the adjusted homestead value, with the following exceptions:

1. The exemption under this Section shall not exceed $20,000 for any taxable year.
2. In the case of homestead property that also qualifies for the exemption under Section 15-172, the property is entitled to the exemption under this Section, limited to the amount of (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter.

(f) In the case of an apartment building owned and operated as a cooperative, or as a life care facility, that contains residential units that qualify as homestead property under this Section, the maximum cumulative exemption amount attributed to the entire building or facility shall not exceed the sum of the exemptions calculated for each qualified residential unit. The cooperative association, management firm, or other person or entity that manages or controls the cooperative apartment building or life care facility shall credit the exemption attributable to each residential unit only to the apportioned tax liability of the owner or other person responsible for payment of taxes as to that unit. Any person who willfully refuses to so credit the exemption is guilty of a Class B misdemeanor.

(g) When married persons maintain separate residences, the exemption provided under this Section shall be claimed by only one such person and for only one residence.

(h) In the event of a sale or other transfer in ownership of the homestead property, the exemption under this Section shall remain in effect for the remainder of the tax year in which the sale or transfer occurs, but (other than for sales or transfers between spouses or between a parent and a child) shall be calculated using the new base homestead value as provided in subdivision (b)(3)(B). The assessor may require the

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new owner of the property to apply for the exemption in the following year.

(i) The assessor may determine whether property qualifies as a homestead under this Section by application, visual inspection, questionnaire, or other reasonable methods. Each year, at the time the assessment books are certified to the county clerk by the board of review, the assessor shall furnish to the county clerk a list of the properties qualified for the homestead exemption under this Section. The list shall note the base homestead value of each property to be used in the calculation of the exemption for the current tax year.

(j) In counties with 3,000,000 or more inhabitants, the provisions of this Section apply as follows:

(1) If the general assessment year for the property is 2003, this Section applies for assessment years 2003, 2004, and 2005. Thereafter, the provisions of Section 15-175 apply.

(2) If the general assessment year for the property is 2004, this Section applies for assessment years 2004, 2005, and 2006. Thereafter, the provisions of Section 15-175 apply.

(3) If the general assessment year for the property is 2005, this Section applies for assessment years 2005, 2006, and 2007. Thereafter, the provisions of Section 15-175 apply.

In counties with less than 3,000,000 inhabitants, this Section applies for assessment years (i) 2003, 2004, and 2005 if 2002 is the designated base year or (ii) 2004, 2005, and 2006 if 2003 is the designated base year. Thereafter, the provisions of Section 15-175 apply.

(k) To be subject to the provisions of this Section in lieu of Section 15-175, a county must adopt an ordinance to subject itself to the provisions of this Section within 6 months after the effective date of this amendatory Act of the 93rd General Assembly. In a county other than Cook County, the ordinance must designate either tax year 2002 or tax year 2003 as the base year.

(l) Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(35 ILCS 200/15-180)

Sec. 15-180. Homestead improvements. Homestead properties that have been improved and residential structures on homestead property that have been rebuilt following a catastrophic event are entitled to a homestead improvement exemption, limited to $30,000 per year through

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December 31, 1997, and $45,000 beginning January 1, 1998 and through December 31, 2003, and $75,000 per year for that homestead property beginning January 1, 2004 and thereafter, in fair cash value, when that property is owned and used exclusively for a residential purpose and upon demonstration that a proposed increase in assessed value is attributable solely to a new improvement of an existing structure or the rebuilding of a residential structure following a catastrophic event. To be eligible for an exemption under this Section after a catastrophic event, the residential structure must be rebuilt within 2 years after the catastrophic event. The exemption for rebuilt structures under this Section applies to the increase in value of the rebuilt structure over the value of the structure before the catastrophic event. The amount of the exemption shall be limited to the fair cash value added by the new improvement or rebuilding and shall continue for 4 years from the date the improvement or rebuilding is completed and occupied, or until the next following general assessment of that property, whichever is later.

A proclamation of disaster by the President of the United States or Governor of the State of Illinois is not a prerequisite to the classification of an occurrence as a catastrophic event under this Section. A "catastrophic event" may include an occurrence of widespread or severe damage or loss of property resulting from any catastrophic cause including but not limited to fire, including arson (provided the fire was not caused by the willful action of an owner or resident of the property), flood, earthquake, wind, storm, explosion, or extended periods of severe inclement weather. In the case of a residential structure affected by flooding, the structure shall not be eligible for this homestead improvement exemption unless it is located within a local jurisdiction which is participating in the National Flood Insurance Program.

In counties of less than 3,000,000 inhabitants, in addition to the notice requirement under Section 12-30, a supervisor of assessments, county assessor, or township or multi-township assessor responsible for adding an assessable improvement to a residential property's assessment shall either notify a taxpayer whose assessment has been changed since the last preceding assessment that he or she may be eligible for the exemption provided under this Section or shall grant the exemption automatically.

Beginning January 1, 1999, in counties of 3,000,000 or more inhabitants, an application for a homestead improvement exemption for a residential structure that has been rebuilt following a catastrophic event must be submitted to the Chief County Assessment Officer with a
valuation complaint and a copy of the building permit to rebuild the
structure. The Chief County Assessment Officer may require additional
documentation which must be provided by the applicant.

Notwithstanding Sections 6 and 8 of the State Mandates Act, no
reimbursement by the State is required for the implementation of any
mandate created by this Section.

(Source: P.A. 89-595, eff. 1-1-97; 89-690, eff. 6-1-97; 90-14, eff. 7-1-97;
90-186, eff. 7-24-97; 90-655, eff. 7-30-98; 90-704, eff. 8-7-98.)

(35 ILCS 200/20-178)
Sec. 20-178. Certificate of error; refund; interest. When the county
collector makes any refunds due on certificates of error issued under
Sections 14-15 through 14-25 that have been either certified or
adjudicated, the county collector shall pay the taxpayer interest on the
amount of the refund at the rate of 0.5% per month.

No interest shall be due under this Section for any time prior to 60
days after the effective date of this amendatory Act of the 91st General
Assembly. For certificates of error issued prior to the effective date of this
amendatory Act of the 91st General Assembly, the county collector shall
pay the taxpayer interest from 60 days after the effective date of this
amendatory Act of the 91st General Assembly until the date the refund is
paid. For certificates of error issued on or after the effective date of this
amendatory Act of the 91st General Assembly, interest shall be paid from
60 days after the certificate of error is issued by the chief county
assessment officer to the date the refund is made. To cover the cost of
interest, the county collector shall proportionately reduce the distribution
of taxes collected for each taxing district in which the property is situated.

This Section shall not apply to any certificate of error granting a
homestead exemption under Section 15-170, 15-172, or 15-175, or 15-
176.

(Source: P.A. 91-393, eff. 7-30-99.)

Section 13. The Longtime Owner-Occupant Property Tax Relief
Act is amended by changing Section 20 as follows:

(35 ILCS 250/20)
Sec. 20. Conditions of deferral or exemption.
(a) Any deferral or exemption of payment of an increase in real
property taxes granted under this Act shall be limited to real property that
meets both of the following conditions:

(1) The property is owned and occupied by a longtime
owner-occupant.

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(2) The property is the principal residence and domicile of the longtime owner-occupant.

The corporate authorities of a county, by ordinance or resolution, may impose additional criteria for qualifying for a deferral or exemption under this Act including, but not limited to, (i) requiring the owner-occupant to have owned and occupied the same dwelling place as principal residence and domicile for a period of more than 10 years, (ii) establishing age criteria for eligibility of an owner-occupant, and (iii) establishing income criteria for eligibility of an owner-occupant. A deferral or exemption, or combination thereof, under an ordinance or resolution adopted pursuant to this Act, may not exceed $20,000 in equalized assessed value per tax year.

(b) No penalties or interest shall accrue on the portion of any deferral granted under this Act.

c) Except as provided in subsection (d) of Section 15, school districts and municipalities within a county to which this Act applies may determine whether financial need, age, or both, of the longtime owner-occupant shall be used to determine eligibility.

(Source: P.A. 90-648, eff. 7-24-98.)

Section 15. The County Economic Development Project Area Property Tax Allocation Act is amended by changing Section 6 as follows:

(55 ILCS 85/6) (from Ch. 34, par. 7006)

Sec. 6. Filing with county clerk; certification of initial equalized assessed value.

(a) The county shall file a certified copy of any ordinance authorizing property tax allocation financing for an economic development project area with the county clerk, and the county clerk shall immediately thereafter determine (1) the most recently ascertained equalized assessed value of each lot, block, tract or parcel of real property within the economic development project area from which shall be deducted the homestead exemptions provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code, which value shall be the "initial equalized assessed value" of each such piece of property, and (2) the total equalized assessed value of all taxable real property within the economic development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such economic development project area, from which shall be deducted the homestead exemptions provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code. Upon receiving written

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notice from the Department of its approval and certification of such economic development project area, the county clerk shall immediately certify such amount as the "total initial equalized assessed value" of the taxable property within the economic development project area.

(b) After the county clerk has certified the "total initial equalized assessed value" of the taxable real property in the economic development project area, then in respect to every taxing district containing an economic development project area, the county clerk or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within that taxing district for the purpose of computing the rate percent of tax to be extended upon taxable property within the taxing district, shall in every year that property tax allocation financing is in effect ascertain the amount of value of taxable property in an economic development project area by including in that amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value" of all taxable real property in such area. The rate percent of tax determined shall be extended to the current equalized assessed value of all property in the economic development project area in the same manner as the rate percent of tax is extended to all other taxable property in the taxing district. The method of allocating taxes established under this Section shall terminate when the county adopts an ordinance dissolving the special tax allocation fund for the economic development project area. This Act shall not be construed as relieving property owners within an economic development project area from paying a uniform rate of taxes upon the current equalized assessed value of their taxable property as provided in the Property Tax Code.

(Source: P.A. 88-670, eff. 12-2-94.)

Section 20. The County Economic Development Project Area Tax Increment Allocation Act of 1991 is amended by changing Section 45 as follows:

(55 ILCS 90/45) (from Ch. 34, par. 8045)

Sec. 45. Filing with county clerk; certification of initial equalized assessed value.

(a) A county that has by ordinance approved an economic development plan, established an economic development project area, and adopted tax increment allocation financing for that area shall file certified copies of the ordinance or ordinances with the county clerk. Upon receiving the ordinance or ordinances, the county clerk shall immediately determine (i) the most recently ascertained equalized assessed value of

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each lot, block, tract, or parcel of real property within the economic development project area from which shall be deducted the homestead exemptions provided by Sections 15-170, and 15-175, and 15-176 of the Property Tax Code (that value being the "initial equalized assessed value" of each such piece of property) and (ii) the total equalized assessed value of all taxable real property within the economic development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within the economic development project area, from which shall be deducted the homestead exemptions provided by Sections 15-170, and 15-175, and 15-176 of the Property Tax Code, and shall certify that amount as the "total initial equalized assessed value" of the taxable real property within the economic development project area.

(b) After the county clerk has certified the "total initial equalized assessed value" of the taxable real property in the economic development project area, then in respect to every taxing district containing an economic development project area, the county clerk or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within the taxing district for the purpose of computing the rate per cent of tax to be extended upon taxable property within the taxing district shall, in every year that tax increment allocation financing is in effect, ascertain the amount of value of taxable property in an economic development project area by including in that amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value" of all taxable real property in the area. The rate per cent of tax determined shall be extended to the current equalized assessed value of all property in the economic development project area in the same manner as the rate per cent of tax is extended to all other taxable property in the taxing district. The method of extending taxes established under this Section shall terminate when the county adopts an ordinance dissolving the special tax allocation fund for the economic development project area. This Act shall not be construed as relieving property owners within an economic development project area from paying a uniform rate of taxes upon the current equalized assessed value of their taxable property as provided in the Property Tax Code.

(Source: P.A. 87-1; 88-670, eff. 12-2-94.)

Section 25. The Illinois Municipal Code is amended by changing Sections 11-74.4-8, 11-74.4-9, and 11-74.6-40 as follows:

(65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

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Sec. 11-74.4-8. Tax increment allocation financing. A municipality may not adopt tax increment financing in a redevelopment project area after the effective date of this amendatory Act of 1997 that will encompass an area that is currently included in an enterprise zone created under the Illinois Enterprise Zone Act unless that municipality, pursuant to Section 5.4 of the Illinois Enterprise Zone Act, amends the enterprise zone designating ordinance to limit the eligibility for tax abatements as provided in Section 5.4.1 of the Illinois Enterprise Zone Act. A municipality, at the time a redevelopment project area is designated, may adopt tax increment allocation financing by passing an ordinance providing that the ad valorem taxes, if any, arising from the levies upon taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 each year after the effective date of the ordinance until redevelopment project costs and all municipal obligations financing redevelopment project costs incurred under this Division have been paid shall be divided as follows:

(a) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the redevelopment project area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(b) Except from a tax levied by a township to retire bonds issued to satisfy court-ordered damages, that portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the project area shall be allocated to and when collected shall be paid to the municipal treasurer who shall deposit said taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof. In any county with a population of 3,000,000 or more that has adopted a procedure for collecting taxes that provides for one or more of the installments of the taxes to be billed and collected on an estimated basis, the municipal treasurer shall be paid for deposit in the special tax allocation fund of the

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municipality, from the taxes collected from estimated bills issued for property in the redevelopment project area, the difference between the amount actually collected from each taxable lot, block, tract, or parcel of real property within the redevelopment project area and an amount determined by multiplying the rate at which taxes were last extended against the taxable lot, block, track, or parcel of real property in the manner provided in subsection (c) of Section 11-74.4-9 by the initial equalized assessed value of the property divided by the number of installments in which real estate taxes are billed and collected within the county; provided that the payments on or before December 31, 1999 to a municipal treasurer shall be made only if each of the following conditions are met:

(1) The total equalized assessed value of the redevelopment project area as last determined was not less than 175% of the total initial equalized assessed value.

(2) Not more than 50% of the total equalized assessed value of the redevelopment project area as last determined is attributable to a piece of property assigned a single real estate index number.

(3) The municipal clerk has certified to the county clerk that the municipality has issued its obligations to which there has been pledged the incremental property taxes of the redevelopment project area or taxes levied and collected on any or all property in the municipality or the full faith and credit of the municipality to pay or secure payment for all or a portion of the redevelopment project costs. The certification shall be filed annually no later than September 1 for the estimated taxes to be distributed in the following year; however, for the year 1992 the certification shall be made at any time on or before March 31, 1992.

(4) The municipality has not requested that the total initial equalized assessed value of real property be adjusted as provided in subsection (b) of Section 11-74.4-9.

The conditions of paragraphs (1) through (4) do not apply after December 31, 1999 to payments to a municipal treasurer made by a county with 3,000,000 or more inhabitants that has adopted an estimated billing procedure for collecting taxes. If a county that has adopted the estimated billing procedure makes an erroneous overpayment of tax revenue to the municipal treasurer, then the county may seek a refund of that overpayment. The county shall send the municipal treasurer a notice of liability for the overpayment on or before the mailing date of the next real

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estate tax bill within the county. The refund shall be limited to the amount of the overpayment.

It is the intent of this Division that after the effective date of this amendatory Act of 1988 a municipality's own ad valorem tax arising from levies on taxable real property be included in the determination of incremental revenue in the manner provided in paragraph (c) of Section 11-74.4-9. If the municipality does not extend such a tax, it shall annually deposit in the municipality's Special Tax Increment Fund an amount equal to 10% of the total contributions to the fund from all other taxing districts in that year. The annual 10% deposit required by this paragraph shall be limited to the actual amount of municipally produced incremental tax revenues available to the municipality from taxpayers located in the redevelopment project area in that year if: (a) the plan for the area restricts the use of the property primarily to industrial purposes, (b) the municipality establishing the redevelopment project area is a home-rule community with a 1990 population of between 25,000 and 50,000, (c) the municipality is wholly located within a county with a 1990 population of over 750,000 and (d) the redevelopment project area was established by the municipality prior to June 1, 1990. This payment shall be in lieu of a contribution of ad valorem taxes on real property. If no such payment is made, any redevelopment project area of the municipality shall be dissolved.

If a municipality has adopted tax increment allocation financing by ordinance and the County Clerk thereafter certifies the "total initial equalized assessed value as adjusted" of the taxable real property within such redevelopment project area in the manner provided in paragraph (b) of Section 11-74.4-9, each year after the date of the certification of the total initial equalized assessed value as adjusted until redevelopment project costs and all municipal obligations financing redevelopment project costs have been paid the ad valorem taxes, if any, arising from the levies upon the taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 shall be divided as follows:

(1) That portion of the taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or "current equalized assessed value as adjusted" or the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property existing at the time tax increment financing was adopted, minus the

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total current homestead exemptions provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code in the redevelopment project area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the redevelopment project area, over and above the initial equalized assessed value of each property existing at the time tax increment financing was adopted, minus the total current homestead exemptions pertaining to each piece of property provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code in the redevelopment project area, shall be allocated to and when collected shall be paid to the municipal Treasurer, who shall deposit said taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof.

The municipality may pledge in the ordinance the funds in and to be deposited in the special tax allocation fund for the payment of such costs and obligations. No part of the current equalized assessed valuation of each property in the redevelopment project area attributable to any increase above the total initial equalized assessed value, or the total initial equalized assessed value as adjusted, of such properties shall be used in calculating the general State school aid formula, provided for in Section 18-8 of the School Code, until such time as all redevelopment project costs have been paid as provided for in this Section.

Whenever a municipality issues bonds for the purpose of financing redevelopment project costs, such municipality may provide by ordinance for the appointment of a trustee, which may be any trust company within the State, and for the establishment of such funds or accounts to be maintained by such trustee as the municipality shall deem necessary to provide for the security and payment of the bonds. If such municipality provides for the appointment of a trustee, such trustee shall be considered the assignee of any payments assigned by the municipality pursuant to such ordinance and this Section. Any amounts paid to such trustee as assignee shall be deposited in the funds or accounts established pursuant to

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such trust agreement, and shall be held by such trustee in trust for the benefit of the holders of the bonds, and such holders shall have a lien on and a security interest in such funds or accounts so long as the bonds remain outstanding and unpaid. Upon retirement of the bonds, the trustee shall pay over any excess amounts held to the municipality for deposit in the special tax allocation fund.

When such redevelopment projects costs, including without limitation all municipal obligations financing redevelopment project costs incurred under this Division, have been paid, all surplus funds then remaining in the special tax allocation fund shall be distributed by being paid by the municipal treasurer to the Department of Revenue, the municipality and the county collector; first to the Department of Revenue and the municipality in direct proportion to the tax incremental revenue received from the State and the municipality, but not to exceed the total incremental revenue received from the State or the municipality less any annual surplus distribution of incremental revenue previously made; with any remaining funds to be paid to the County Collector who shall immediately thereafter pay said funds to the taxing districts in the redevelopment project area in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Upon the payment of all redevelopment project costs, the retirement of obligations, the distribution of any excess monies pursuant to this Section, and final closing of the books and records of the redevelopment project area, the municipality shall adopt an ordinance dissolving the special tax allocation fund for the redevelopment project area and terminating the designation of the redevelopment project area as a redevelopment project area. Title to real or personal property and public improvements acquired by or for the municipality as a result of the redevelopment project and plan shall vest in the municipality when acquired and shall continue to be held by the municipality after the redevelopment project area has been terminated. Municipalities shall notify affected taxing districts prior to November 1 if the redevelopment project area is to be terminated by December 31 of that same year. If a municipality extends estimated dates of completion of a redevelopment project and retirement of obligations to finance a redevelopment project, as allowed by this amendatory Act of 1993, that extension shall not extend the property tax increment allocation financing authorized by this Section. Thereafter the rates of the taxing districts shall be extended and taxes

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levied, collected and distributed in the manner applicable in the absence of the adoption of tax increment allocation financing.

Nothing in this Section shall be construed as relieving property in such redevelopment project areas from being assessed as provided in the Property Tax Code or as relieving owners of such property from paying a uniform rate of taxes, as required by Section 4 of Article 9 of the Illinois Constitution.

(Source: P.A. 92-16, eff. 6-28-01; 93-298, eff. 7-23-03.)

(65 ILCS 5/11-74.4-9) (from Ch. 24, par. 11-74.4-9)

Sec. 11-74.4-9. Equalized assessed value of property.

(a) If a municipality by ordinance provides for tax increment allocation financing pursuant to Section 11-74.4-8, the county clerk immediately thereafter shall determine (1) the most recently ascertained equalized assessed value of each lot, block, tract or parcel of real property within such redevelopment project area from which shall be deducted the homestead exemptions provided by Sections 15-170, and 15-175, and 15-176 of the Property Tax Code, which value shall be the "initial equalized assessed value" of each such piece of property, and (2) the total equalized assessed value of all taxable real property within such redevelopment project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such project area, from which shall be deducted the homestead exemptions provided by Sections 15-170, and 15-175, and 15-176 of the Property Tax Code, and shall certify such amount as the "total initial equalized assessed value" of the taxable real property within such project area.

(b) In reference to any municipality which has adopted tax increment financing after January 1, 1978, and in respect to which the county clerk has certified the "total initial equalized assessed value" of the property in the redevelopment area, the municipality may thereafter request the clerk in writing to adjust the initial equalized value of all taxable real property within the redevelopment project area by deducting therefrom the exemptions provided for by Sections 15-170, and 15-175, and 15-176 of the Property Tax Code applicable to each lot, block, tract or parcel of real property within such redevelopment project area. The county clerk shall immediately after the written request to adjust the total initial equalized value is received determine the total homestead exemptions in the redevelopment project area provided by Sections 15-170, and 15-175, and 15-176 of the Property Tax Code by adding together the homestead

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exemptions provided by said Sections on each lot, block, tract or parcel of real property within such redevelopment project area and then shall deduct the total of said exemptions from the total initial equalized assessed value. The county clerk shall then promptly certify such amount as the "total initial equalized assessed value as adjusted" of the taxable real property within such redevelopment project area.

(c) After the county clerk has certified the "total initial equalized assessed value" of the taxable real property in such area, then in respect to every taxing district containing a redevelopment project area, the county clerk or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within such district for the purpose of computing the rate per cent of tax to be extended upon taxable property within such district, shall in every year that tax increment allocation financing is in effect ascertain the amount of value of taxable property in a redevelopment project area by including in such amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value" of all taxable real property in such area, except that after he has certified the "total initial equalized assessed value as adjusted" he shall in the year of said certification if tax rates have not been extended and in every year thereafter that tax increment allocation financing is in effect ascertain the amount of value of taxable property in a redevelopment project area by including in such amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value as adjusted" of all taxable real property in such area. The rate per cent of tax determined shall be extended to the current equalized assessed value of all property in the redevelopment project area in the same manner as the rate per cent of tax is extended to all other taxable property in the taxing district. The method of extending taxes established under this Section shall terminate when the municipality adopts an ordinance dissolving the special tax allocation fund for the redevelopment project area. This Division shall not be construed as relieving property owners within a redevelopment project area from paying a uniform rate of taxes upon the current equalized assessed value of their taxable property as provided in the Property Tax Code.

(Source: P.A. 88-670, eff. 12-2-94.)

(65 ILCS 5/11-74.6-40)

Sec. 11-74.6-40. Equalized assessed value determination; property tax extension.
(a) If a municipality by ordinance provides for tax increment allocation financing under Section 11-74.6-35, the county clerk immediately thereafter:

(1) shall determine the initial equalized assessed value of each parcel of real property in the redevelopment project area, which is the most recently established equalized assessed value of each lot, block, tract or parcel of taxable real property within the redevelopment project area, minus the homestead exemptions provided by Sections 15-170, and 15-175, and 15-176 of the Property Tax Code; and

(2) shall certify to the municipality the total initial equalized assessed value of all taxable real property within the redevelopment project area.

(b) Any municipality that has established a vacant industrial buildings conservation area may, by ordinance passed after the adoption of tax increment allocation financing, provide that the county clerk immediately thereafter shall again determine:

(1) the updated initial equalized assessed value of each lot, block, tract or parcel of real property, which is the most recently ascertained equalized assessed value of each lot, block, tract or parcel of real property within the vacant industrial buildings conservation area; and

(2) the total updated initial equalized assessed value of all taxable real property within the redevelopment project area, which is the total of the updated initial equalized assessed value of all taxable real property within the vacant industrial buildings conservation area.

The county clerk shall certify to the municipality the total updated initial equalized assessed value of all taxable real property within the industrial buildings conservation area.

(c) After the county clerk has certified the total initial equalized assessed value or the total updated initial equalized assessed value of the taxable real property in the area, for each taxing district in which a redevelopment project area is situated, the county clerk or any other official required by law to determine the amount of the equalized assessed value of all taxable property within the district for the purpose of computing the percentage rate of tax to be extended upon taxable property within the district, shall in every year that tax increment allocation financing is in effect determine the total equalized assessed value of

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taxable property in a redevelopment project area by including in that amount the lower of the current equalized assessed value or the certified total initial equalized assessed value or, if the total of updated equalized assessed value has been certified, the total updated initial equalized assessed value of all taxable real property in the redevelopment project area. After he has certified the total initial equalized assessed value he shall in the year of that certification, if tax rates have not been extended, and in every subsequent year that tax increment allocation financing is in effect, determine the amount of equalized assessed value of taxable property in a redevelopment project area by including in that amount the lower of the current total equalized assessed value or the certified total initial equalized assessed value or, if the total of updated initial equalized assessed values have been certified, the total updated initial equalized assessed value of all taxable real property in the redevelopment project area.

(d) The percentage rate of tax determined shall be extended on the current equalized assessed value of all property in the redevelopment project area in the same manner as the rate per cent of tax is extended to all other taxable property in the taxing district. The method of extending taxes established under this Section shall terminate when the municipality adopts an ordinance dissolving the special tax allocation fund for the redevelopment project area. This Law shall not be construed as relieving property owners within a redevelopment project area from paying a uniform rate of taxes upon the current equalized assessed value of their taxable property as provided in the Property Tax Code.

(Source: P.A. 88-537; 88-670, eff. 12-2-94.)

Section 30. The Economic Development Project Area Tax Increment Allocation Act of 1995 is amended by changing Section 45 as follows:

(65 ILCS 110/45)

Sec. 45. Filing with county clerk; certification of initial equalized assessed value.

(a) A municipality that has by ordinance approved an economic development plan, established an economic development project area, and adopted tax increment allocation financing for that area shall file certified copies of the ordinance or ordinances with the county clerk. Upon receiving the ordinance or ordinances, the county clerk shall immediately determine (i) the most recently ascertained equalized assessed value of each lot, block, tract, or parcel of real property within the economic

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development project area from which shall be deducted the homestead exemptions provided by Sections 15-170, and 15-175, and 15-176 of the Property Tax Code (that value being the "initial equalized assessed value" of each such piece of property) and (ii) the total equalized assessed value of all taxable real property within the economic development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within the economic development project area, from which shall be deducted the homestead exemptions provided by Sections 15-170, and 15-175, and 15-176 of the Property Tax Code, and shall certify that amount as the "total initial equalized assessed value" of the taxable real property within the economic development project area.

(b) After the county clerk has certified the "total initial equalized assessed value" of the taxable real property in the economic development project area, then in respect to every taxing district containing an economic development project area, the county clerk or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within the taxing district for the purpose of computing the rate per cent of tax to be extended upon taxable property within the taxing district shall, in every year that tax increment allocation financing is in effect, ascertain the amount of value of taxable property in an economic development project area by including in that amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value" of all taxable real property in the area. The rate per cent of tax determined shall be extended to the current equalized assessed value of all property in the economic development project area in the same manner as the rate per cent of tax is extended to all other taxable property in the taxing district. The method of extending taxes established under this Section shall terminate when the municipality adopts an ordinance dissolving the special tax allocation fund for the economic development project area. This Act shall not be construed as relieving owners or lessees of property within an economic development project area from paying a uniform rate of taxes upon the current equalized assessed value of their taxable property as provided in the Property Tax Code.
(Source: P.A. 89-176, eff. 1-1-96.)

Section 35. The School Code is amended by changing Section 18-8.05 as follows:

(105 ILCS 5/18-8.05)
Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not

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having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

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

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

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

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(B) Foundation Level.

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

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

(3) For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is $4,560.

(4) For the 2003-2004 school year and each school year thereafter, the Foundation Level of support is $4,810 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

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

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

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as

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that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance.

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

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

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

(E) Computation of General State Aid.

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

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

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

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

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

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

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(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

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

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

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

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

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

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

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

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

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day

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kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

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

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

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

The Department of Revenue shall add to the equalized assessed value of all taxable property of each school district situated entirely or partially within a county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 of the Property Tax Code (i) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 of the Property Tax Code for

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real property situated in that school district exceeds the total amount that would have been allowed in that school district if the maximum reduction under Section 15-176 was (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter and (ii) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. The county clerk of any county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each school district all homestead exemption amounts under Section 15-176 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. It is the intent of this paragraph that if the general homestead exemption for a parcel of property is determined under Section 15-176 of the Property Tax Code rather than Section 15-175, then the calculation of Available Local Resources shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this paragraph that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than $30,000, then the calculation of Available Local Resources shall not be affected by the difference, if any, because of those additional exemptions.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

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

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the

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Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

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

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

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

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

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

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

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

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

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

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

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation

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

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

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid,
which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services based on the number of pupils

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who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

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

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

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

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

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

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

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

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each

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school year shall be $355 multiplied by the low income eligible pupil count.

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

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

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

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

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2005-2006 school year only, the grant...
shall be no less than the grant for the 2002-2003 school year multiplied by 0.33.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

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

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

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

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

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

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

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

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of

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the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

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

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

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

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

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

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

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

(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the division (pursuant to petition under Section 11A-2) of one or more other unit school districts into 2 or more parts and which together include all of the parts into which such other unit school district or districts are so divided, for the first year during which the change of boundaries attributable to such annexation or division becomes effective for all purposes as determined under Section 7-9 or 11A-10, as the case may be, the general State aid and supplemental general State aid calculated under this Section shall be computed for each annexing or resulting district as constituted after the annexation or division and for each annexing and annexed district, or for each resulting and divided district, as constituted prior to the annexation or division; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing or resulting districts as constituted after the annexation or division is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, or for the resulting and divided districts, as constituted

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prior to the annexation or division, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing or resulting districts, as constituted upon such annexation or division, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing or resulting districts in the same ratio as the pupil enrollment from that portion of the annexed or divided district or districts which is annexed to or included in each such annexing or resulting district bears to the total pupil enrollment from the entire annexed or divided district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.

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

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

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect.
(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

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

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

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

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

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

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

(2) (Blank).

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

(M) Education Funding Advisory Board.

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

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

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

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

(N) (Blank).

(O) References.

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

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

(Source: P.A. 92-16, eff. 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff. 8-7-01; 92-604, eff. 7-1-02; 92-636, eff. 7-11-02; 92-651, eff. 7-11-02; 93-21, eff. 7-1-03.)

Section 40. The Criminal Code of 1961 is amended by changing Section 17A-1 as follows:

(720 ILCS 5/17A-1) (from Ch. 38, par. 17A-1)

Sec. 17A-1. Persons under deportation order; ineligible for benefits. An individual against whom a United States Immigration Judge has issued an order of deportation which has been affirmed by the Board of Immigration Review, as well as an individual who appeals such an order pending appeal, under paragraph 19 of Section 241(a) of the Immigration and Nationality Act relating to persecution of others on account of race, religion, national origin or political opinion under the direction of or in association with the Nazi government of Germany or its allies, shall be ineligible for the following benefits authorized by State law:

(a) The homestead exemptions and homestead improvement exemption under Sections 15-170, 15-175, 15-176, and 15-180 of the Property Tax Code.
(b) Grants under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.
(c) The double income tax exemption conferred upon persons 65 years of age or older by Section 204 of the Illinois Income Tax Act.
(d) Grants provided by the Department on Aging.
(e) Reductions in vehicle registration fees under Section 3-806.3 of the Illinois Vehicle Code.
(f) Free fishing and reduced fishing license fees under Sections 20-5 and 20-40 of the Fish and Aquatic Life Code.
(g) Tuition free courses for senior citizens under the Senior Citizen Courses Act.
(h) Any benefits under the Illinois Public Aid Code.

New matter indicated by italics - deletions by strikeout.
Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by the Senior Citizens Assessment Freeze Homestead Exemption under Section 15-172 of the Property Tax Code, the General Homestead Exemption under Section 15-175 of the Property Tax Code, the alternative General Homestead Exemption under Section 15-176 of the Property Tax Code, the Homestead Improvements Exemption under Section 15-180 of the Property Tax Code, and by this amendatory Act of the 93rd General Assembly.

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


PUBLIC ACT 93-0716
(House Bill No. 3937)

AN ACT concerning propane.

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

Section 5. The Illinois Propane Education and Research Act of 1997 is amended by changing Section 15 as follows:

(430 ILCS 27/15)

Sec. 15. Illinois Propane Education and Research Council.

(a) The qualified industry organizations shall select all retail marketers, public, and producer members of the Council. The producer organizations shall select the producer members of the Council, the retail marketer organizations shall select retail marketer members, and all qualified industry organizations shall jointly select the public members. Vacancies in the unfinished terms of Council members shall be filled in the same manner as were the original appointments.

(b) In selecting members of the Council, the qualified industry organizations shall give due regard to selecting a Council that is representative of the industry, including representation of:

New matter indicated by italics - deletions by strikeout.
(1) gas processors and oil refiners among producers;
(2) interstate and intrastate operators among retail marketers;
(3) large and small companies among producers and retail marketers, including agricultural cooperatives; and
(4) diverse geographic regions of the State.

(c) The Council shall consist of 12 members, with 6 members representing retail marketers, 4 members representing producers, and 2 public members. Other than the public members, Council members shall be full-time employees or owners of businesses in the industry or representatives of agricultural cooperatives. No employee of a qualified industry organization shall serve as a member of the Council, and no member of the Council may serve concurrently as an officer of the board of directors of a qualified industry organization or other trade association. Only one person at a time from any company or its affiliate may serve on the Council. The Director may serve as an ex-officio non-voting member of the Council.

(d) Council members shall receive no compensation for their services, nor shall Council members be reimbursed for expenses relating to their service, except that public members, upon request, may be reimbursed for reasonable expenses directly related to their participation in Council meetings.

(e) Council members shall serve terms of 3 years and may not serve more than 2 full consecutive terms. Members filling unexpired terms may serve not more than a total of 7 consecutive years. Former members of the Council may be returned to the Council if they have not been members for a period of 2 years. Initial appointments to the council shall be for terms of 1, 2, and 3 years staggered to provide for the selection of 4 members each year. The Council shall notify the Director of the name, address, and propane-related affiliation, if any, of a Council member within 30 days after the appointment of the member to the Council.

(f) The Council shall develop programs and projects and enter into contracts or agreements for implementing this Act, including programs to enhance consumer and employee safety and training, to provide for research and development of clean and efficient propane utilization equipment, to inform and educate the public about safety and other issues associated with the use of propane, and to provide for the payment of the costs thereof with funds collected pursuant to this Act. The Council shall coordinate its activities with industry trade associations and others as

New matter indicated by italics - deletions by strikeout.
appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(g) Issues related to research and development, safety, education, and training shall be given priority by the Council in the development of its programs and projects.

(h) The Council shall select from among its members a Chairperson and other officers as necessary, may establish committees and subcommittees of the Council, and shall adopt rules and bylaws for the conduct of business and the implementation of this Act. The Council shall establish procedures for the solicitation of industry comment and recommendations on any significant plans, programs, and projects to be funded by the Council. The Council may establish advisory committees of persons other than Council members.

(i) At the beginning of each fiscal period, the Council shall prepare a budget plan for the next fiscal period, including the probable cost of all programs, projects, and contracts and a recommended rate of assessment sufficient to cover such costs. The Council shall submit the proposed budget to the Director for review and comment. The Director may recommend programs and activities considered appropriate.

(j) The Council shall keep minutes, books, and records that clearly reflect all of the acts and transactions of the Council and make public such information. The books of the Council shall be audited by a certified public accountant at least once each fiscal year and at such other times as the Council may designate. The expense of the audit shall be the responsibility of the Council. Copies of such audit shall be provided to all members of the Council, all qualified industry organizations, and to other members of the industry upon request.

(Source: P.A. 90-305, eff. 1-1-98.)

Effective January 1, 2005.

PUBLIC ACT 93-0717
(House Bill No. 4103)

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

New matter indicated by italics - deletions by strikeout.
Section 5. The Illinois Vehicle Code is amended by changing Section 3-634 as follows:

(625 ILCS 5/3-634)

Sec. 3-634. Illinois Fire Fighters' License Plate.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates designated to be Illinois Fire Fighters' Memorial license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, recreational vehicles as defined in Section 1-169 of this Code, and subject to the staggered registration system. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be wholly within the discretion of the Secretary of State. The Secretary of State may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary of State shall prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $27 fee for original issuance in addition to the applicable registration fee. Of this additional fee, $15 shall be deposited into the Secretary of State Special License Plate Fund and $12 shall be deposited into the Illinois Fire Fighters' Memorial Fund. For each registration renewal period, a $17 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $15 shall be deposited into the Illinois Fire Fighters' Memorial Fund.

(d) In addition to the purpose specified in Section 2-119(n), moneys in the Illinois Fire Fighters' Memorial Fund shall, subject to appropriation by the General Assembly and approval by the Secretary, be used for maintaining the Illinois Fire Fighters' Memorial, for holding an annual memorial commemoration and Medal of Honor ceremony and related activities, and for providing scholarships to children of fire fighters killed in the line of duty.

(Source: P.A. 90-14, eff. 7-1-97; 91-832, eff. 6-16-00.)

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

New matter indicated by italics - deletions by strikeout.
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 15-301 and by adding Section 15-308.3 as follows:
(625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)
Sec. 15-301. Permits for excess size and weight.
(a) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application and good cause being shown therefor, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Act or otherwise not in conformity with this Act upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which the party is responsible. Applications and permits other than those in written or printed form may only be accepted from and issued to the company or individual making the movement. Except for an application to move directly across a highway, it shall be the duty of the applicant to establish in the application that the load to be moved by such vehicle or combination is composed of a single nondivisible object that cannot reasonably be dismantled or disassembled. For the purpose of over length movements, more than one object may be carried side by side as long as the height, width, and weight laws are not exceeded and the cause for the over length is not due to multiple objects. For the purpose of over height movements, more than one object may be carried as long as the cause for the over height is not due to multiple objects and the length, width, and weight laws are not exceeded. For the purpose of an over width movement, more than one object may be carried as long as the cause for the over width is not due to multiple objects and length, height, and weight laws are not exceeded. No state or local agency shall authorize the issuance of excess size or weight permits for vehicles and loads that are divisible and that can be carried,
when divided, within the existing size or weight maximums specified in this Chapter. Any excess size or weight permit issued in violation of the provisions of this Section shall be void at issue and any movement made thereunder shall not be authorized under the terms of the void permit. In any prosecution for a violation of this Chapter when the authorization of an excess size or weight permit is at issue, it is the burden of the defendant to establish that the permit was valid because the load to be moved could not reasonably be dismantled or disassembled, or was otherwise nondivisible.

(b) The application for any such permit shall: (1) state whether such permit is requested for a single trip or for limited continuous operation; (2) state if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law, if so, his certificate, registration or permit number issued by the Illinois Commerce Commission; (3) specifically describe and identify the vehicle or vehicles and load to be operated or moved except that for vehicles or vehicle combinations registered by the Department as provided in Section 15-319 of this Chapter, only the Illinois Department of Transportation's (IDT) registration number or classification need be given; (4) state the routing requested including the points of origin and destination, and may identify and include a request for routing to the nearest certified scale in accordance with the Department's rules and regulations, provided the applicant has approval to travel on local roads; and (5) state if the vehicles or loads are being transported for hire. No permits for the movement of a vehicle or load for hire shall be issued to any applicant who is required under the Illinois Motor Carrier of Property Law to have a certificate, registration or permit and does not have such certificate, registration or permit.

(c) The Department or local authority when not inconsistent with traffic safety is authorized to issue or withhold such permit at its discretion; or, if such permit is issued at its discretion to prescribe the route or routes to be traveled, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operations of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. The Department shall maintain a daily record of each permit

New matter indicated by italics - deletions by strikeout.
issued along with the fee and the stipulated dimensions, weights, conditions and restrictions authorized and this record shall be presumed correct in any case of questions or dispute. The Department shall install an automatic device for recording applications received and permits issued by telephone. In making application by telephone, the Department and applicant waive all objections to the recording of the conversation.

(d) The Department shall, upon application in writing from any local authority, issue an annual permit authorizing the local authority to move oversize highway construction, transportation, utility and maintenance equipment over roads under the jurisdiction of the Department. The permit shall be applicable only to equipment and vehicles owned by or registered in the name of the local authority, and no fee shall be charged for the issuance of such permits.

(e) As an exception to paragraph (a) of this Section, the Department and local authorities, with respect to highways under their respective jurisdictions, in their discretion and upon application in writing may issue a special permit for limited continuous operation, authorizing the applicant to move loads of sweet corn, soybeans, corn, wheat, milo, other small grains and ensilage during the harvest season only on a 2 axle single vehicle registered by the Secretary of State with axle loads not to exceed 35% above those provided in Section 15-111. Permits may be issued for a period not to exceed 40 days and moves may be made of a distance not to exceed 25 miles from a field to a specified processing plant over any highway except the National System of Interstate and Defense Highways. All such vehicles shall be operated in the daytime except when weather or crop conditions require emergency operation at night, but with respect to such night operation, every such vehicle with load shall be equipped with flashing amber lights as specified under Section 12-215. Upon a declaration by the Governor that an emergency harvest situation exists, a special permit issued by the Department under this Section shall not be required from September 1 through December 31 during harvest season emergencies, provided that the weight does not exceed 20% above the limits provided in Section 15-111. All other restrictions that apply to permits issued under this Section shall apply during the declared time period. With respect to highways under the jurisdiction of local authorities, the local authorities may, at their discretion, waive special permit requirements during harvest season emergencies. This permit exemption shall apply to all vehicles eligible to obtain permits under this Section, including commercial vehicles in use during the declared time period.

New matter indicated by italics - deletions by strikeout.
(f) The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction. Every permit shall be in written form and carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit and no person shall violate any of the terms or conditions of such special permit. Violation of the terms and conditions of the permit shall not be deemed a revocation of the permit; however, any vehicle and load found to be off the route prescribed in the permit shall be held to be operating without a permit. Any off route vehicle and load shall be required to obtain a new permit or permits, as necessary, to authorize the movement back onto the original permit routing. No rule or regulation, nor anything herein shall be construed to authorize any police officer, court, or authorized agent of any authority granting the permit to remove the permit from the possession of the permittee unless the permittee is charged with a fraudulent permit violation as provided in paragraph (i). However, upon arrest for an offense of violation of permit, operating without a permit when the vehicle is off route, or any size or weight offense under this Chapter when the permittee plans to raise the issuance of the permit as a defense, the permittee, or his agent, must produce the permit at any court hearing concerning the alleged offense.

If the permit designates and includes a routing to a certified scale, the permittee, while en route to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than the following amounts:

- Single axle: 2000 pounds
- Tandem axle: 3000 pounds
- Gross: 5000 pounds

(g) The Department is authorized to adopt, amend, and to make available to interested persons a policy concerning reasonable rules, limitations and conditions or provisions of operation upon highways under its jurisdiction in addition to those contained in this Section for the movement by special permit of vehicles, combinations, or loads which cannot reasonably be dismantled or disassembled, including manufactured and modular home sections and portions thereof. All rules, limitations and conditions or provisions adopted in the policy shall have due regard for the safety of the traveling public and the protection of the highway system and

New matter indicated by italics - deletions by strikeout.
shall have been promulgated in conformity with the provisions of the Illinois Administrative Procedure Act. The requirements of the policy for flagmen and escort vehicles shall be the same for all moves of comparable size and weight. When escort vehicles are required, they shall meet the following requirements:

(1) All operators shall be 18 years of age or over and properly licensed to operate the vehicle.

(2) Vehicles escorting oversized loads more than 12-feet wide must be equipped with a rotating or flashing amber light mounted on top as specified under Section 12-215.

The Department shall establish reasonable rules and regulations regarding liability insurance or self insurance for vehicles with oversized loads promulgated under The Illinois Administrative Procedure Act. Police vehicles may be required for escort under circumstances as required by rules and regulations of the Department.

(h) Violation of any rule, limitation or condition or provision of any permit issued in accordance with the provisions of this Section shall not render the entire permit null and void but the violator shall be deemed guilty of violation of permit and guilty of exceeding any size, weight or load limitations in excess of those authorized by the permit. The prescribed route or routes on the permit are not mere rules, limitations, conditions, or provisions of the permit, but are also the sole extent of the authorization granted by the permit. If a vehicle and load are found to be off the route or routes prescribed by any permit authorizing movement, the vehicle and load are operating without a permit. Any off route movement shall be subject to the size and weight maximums, under the applicable provisions of this Chapter, as determined by the type or class highway upon which the vehicle and load are being operated.

(i) Whenever any vehicle is operated or movement made under a fraudulent permit the permit shall be void, and the person, firm, or corporation to whom such permit was granted, the driver of such vehicle in addition to the person who issued such permit and any accessory, shall be guilty of fraud and either one or all persons may be prosecuted for such violation. Any person, firm, or corporation committing such violation shall be guilty of a Class 4 felony and the Department shall not issue permits to the person, firm or corporation convicted of such violation for a period of one year after the date of conviction. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of other Sections of this Act.
(j) Whenever any vehicle is operated or movement made in violation of a permit issued in accordance with this Section, the person to whom such permit was granted, or the driver of such vehicle, is guilty of such violation and either, but not both, persons may be prosecuted for such violation as stated in this subsection (j). Any person, firm or corporation convicted of such violation shall be guilty of a petty offense and shall be fined for the first offense, not less than $50 nor more than $200 and, for the second offense by the same person, firm or corporation within a period of one year, not less than $200 nor more than $300 and, for the third offense by the same person, firm or corporation within a period of one year after the date of the first offense, not less than $300 nor more than $500 and the Department shall not issue permits to the person, firm or corporation convicted of a third offense during a period of one year after the date of conviction for such third offense.

(k) Whenever any vehicle is operated on local roads under permits for excess width or length issued by local authorities, such vehicle may be moved upon a State highway for a distance not to exceed one-half mile without a permit for the purpose of crossing the State highway.

(l) Notwithstanding any other provision of this Section, the Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may at their discretion authorize the movement of a vehicle in violation of any size or weight requirement, or both, that would not ordinarily be eligible for a permit, when there is a showing of extreme necessity that the vehicle and load should be moved without unnecessary delay.

For the purpose of this subsection, showing of extreme necessity shall be limited to the following: shipments of livestock, hazardous materials, liquid concrete being hauled in a mobile cement mixer, or hot asphalt.

(m) Penalties for violations of this Section shall be in addition to any penalties imposed for violating any other Section of this Code.

(n) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to operate a tow-truck that exceeds the weight limits provided for in subsection (d) of Section 15-111, provided:

(1) no rear single axle of the tow-truck exceeds 26,000 pounds;

New matter indicated by italics - deletions by strikeout.
(2) no rear tandem axle of the tow-truck exceeds 50,000 pounds;
(3) neither the disabled vehicle nor the disabled combination of vehicles exceed the weight restrictions imposed by this Chapter 15, or the weight limits imposed under a permit issued by the Department prior to hookup;
(4) the tow-truck prior to hookup does not exceed the weight restrictions imposed by this Chapter 15;
(5) during the tow operation the tow-truck does not violate any weight restriction sign;
(6) the tow-truck is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;
(7) the tow-truck is specifically designed and licensed as a tow-truck;
(8) the tow-truck has a gross vehicle weight rating of sufficient capacity to safely handle the load;
(9) the tow-truck is equipped with air brakes;
(10) the tow-truck is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles;
(11) the tow distance of the tow does not exceed 50 miles from the point of disablement to a place of repair or safekeeping;
(12) the permit issued to the tow-truck is carried in the tow-truck and exhibited on demand by a police officer; and
(13) the movement shall be valid only on state routes approved by the Department.

(o) The Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to transport raw milk that exceeds the weight limits provided for in subsections (b) and (f) of Section 15-111 of this Code, provided:
(1) no single axle exceeds 20,000 pounds;
(2) no gross weight exceeds 80,000 pounds;
(3) permits issued by the State are good only for federal and State highways and are not applicable to interstate highways; and
(4) all road and bridge postings must be obeyed.

New matter indicated by italics - deletions by strikeout.
Sec. 15-308.3 Fees for special permits to transport raw milk. The fee for a special permit to transport raw milk is $12.50 quarterly and $50.00 annually.

Effective January 1, 2005.

PUBLIC ACT 93-0719
(House Bill No. 5175)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 7-602 as follows:

(625 ILCS 5/7-602) (from Ch. 95 1/2, par. 7-602)
Sec. 7-602. Insurance card. Every operator of a motor vehicle subject to Section 7-601 of this Code shall carry within the vehicle evidence of insurance. The evidence shall be legible and sufficient to demonstrate that the motor vehicle currently is covered by a liability insurance policy as required under Section 7-601 of this Code and may include, but is not limited to, the following:

(a) an insurance card provided by the insurer under this Section;

(b) the combination of proof of purchase of the motor vehicle within the previous 60 days and a current insurance card issued for the motor vehicle replaced by such purchase;

(c) the current declarations page of a liability insurance policy;

(d) a liability insurance binder, certificate of liability insurance or receipt for payment to an insurer or its authorized representative for a liability insurance premium, provided such document contains all information the Secretary of State by rule and regulation may require;

(e) a current rental agreement;

New matter indicated by italics - deletions by strikeout.
(f) registration plates, registration sticker or other evidence of registration issued by the Secretary only upon submission of proof of liability insurance pursuant to this Code;

(g) a certificate, decal, or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability pursuant to law.

An insurance card shall be provided for each motor vehicle insured by the insurer issuing the liability insurance policy.

The form, contents and manner of issuance of the insurance card shall be prescribed by rules and regulations of the Secretary of State. The Secretary shall adopt rules requiring that reasonable measures be taken to prevent the fraudulent production of insurance cards. The insurance card shall display an effective date and an expiration date covering a period of time not to exceed 12 months. The insurance card shall contain the following disclaimer: "Examine policy exclusions carefully. This form does not constitute any part of your insurance policy." If the insurance policy represented by the insurance card does not cover any driver operating the motor vehicle with the owner's permission, or the owner when operating a motor vehicle other than the vehicle for which the policy is issued, the insurance card shall contain a warning of such limitations in the coverage provided by the policy.

No insurer shall issue a card, similar in appearance, form and content to the insurance card required under this Section, in connection with an insurance policy that does not provide the liability insurance coverage required under Section 7-601 of this Code.

The evidence of insurance shall be displayed upon request made by any law enforcement officer wearing a uniform or displaying a badge or other sign of authority. Any person who fails or refuses to comply with such request is in violation of Section 3-707 of this Code. Any person who displays evidence of insurance, knowing there is no valid liability insurance in effect on the motor vehicle as required under Section 7-601 of this Code or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid, is in violation of Section 3-710 of this Code.

"Display" means the manual surrender of the evidence of insurance into the hands of the law enforcement officer, court, or officer of the court making the request for the officer's, court's, or officer of the court's inspection thereof.

(Source: P.A. 88-315; 89-565, eff. 7-26-96.)

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect January 1, 2005.
Effective January 1, 2005.

PUBLIC ACT 93-0720
(House Bill No. 6618)

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

Section 5. The Child Labor Law is amended by changing Section 2.5 as follows:
(820 ILCS 205/2.5)
Sec. 2.5. Officiating youth activities. Nothing in this Act prohibits a minor who is 12 or 13 years of age from officiating youth sports activities for a not-for-profit youth club, park district, or municipal parks and recreation department if each of the following restrictions is met:

(1) The parent or guardian of the minor who is officiating or an adult designated by the parent or guardian shall be responsible for being present at the youth sports activity while the minor is officiating. Failure of the parent or guardian or designated adult to be present may result in the revocation of the employment certificate.

(2) The employer must obtain certification as provided for in Section 9 of this Act.

(3) The minor may work as a sports official for a maximum of 3 hours per day on school days and a maximum of 4 hours per day on non-school days, may not exceed 10 hours of officiating in any week, and may not work later than 9 p.m.

(4) The participants in the youth sports activity must be at least 3 years younger than the officiating minor, or an adult must be officiating the same youth sports activity. For the purposes of this subdivision (4), "adult" means an individual 16 years of age or older.
(Source: P.A. 92-592, eff. 6-27-02.)

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

New matter indicated by italics - deletions by strikeout.
AN ACT concerning workers' compensation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Intergovernmental Cooperation Act is amended by changing Section 6 as follows:

(5 ILCS 220/6)(from Ch. 127, par. 746)

Sec. 6. Joint self-insurance. An intergovernmental contract may, among other undertakings, authorize public agencies to jointly self-insure and authorize each public agency member of the contract to utilize its funds to pay to a joint insurance pool its costs and reserves to protect, wholly or partially, itself or any public agency member of the contract against liability or loss in the designated insurable area. A joint insurance pool shall have an annual audit performed by an independent certified public accountant and shall file an annual audited financial report with the Director of Insurance no later than 150 days after the end of the pool's immediately preceding fiscal year. The Director of Insurance shall issue rules necessary to implement this audit and report requirement. The rule shall establish the due date for filing the initial annual audited financial report. Within 30 days after January 1, 1991, and within 30 days after each January 1 thereafter, public agencies that are jointly self-insured to protect against liability under the Workers' Compensation Act and the Workers' Occupational Diseases Act shall file with the Illinois Workers' Compensation Industrial Commission a report indicating an election to self-insure.

For purposes of this Section, "public agency member" means any public agency defined or created under this Act, any local public entity as defined in Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act, and any public agency, authority, instrumentality, council, board, service region, district, unit, bureau, or, commission, or any municipal corporation, college, or university, whether corporate or otherwise, and any other local governmental body or similar entity that is presently existing or created after the effective date of this amendatory Act of the 92nd General Assembly, whether or not specified in

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this Section. Only public agency members with tax receipts, tax revenues, taxing authority, or other resources sufficient to pay costs and to service debt related to intergovernmental activities described in this Section, or public agency members created by or as part of a public agency with these powers, may enter into contracts or otherwise associate among themselves as permitted in this Section.
(Source: P.A. 92-530, eff. 2-8-02.)

Section 10. The Illinois Governmental Ethics Act is amended by changing Section 2-104 as follows:

(5 ILCS 420/2-104)(from Ch. 127, par. 602-104)

Sec. 2-104. No legislator may accept or participate in any way in any representation case, as that term is defined in Section 1-113, before (1) the Court of Claims of this State or (2) before the Illinois Workers' Compensation Industrial Commission of this State, when the State of Illinois is the respondent.

This Section does not prohibit participation in such a representation case by a person with whom the legislator maintains a close economic association, unless the fact of that association is used to influence or attempt to influence the State agency in the rendering of its decision.

A violation of this Section is a Class A misdemeanor.
(Source: P. A. 78-695.)

Section 15. The Executive Reorganization Implementation Act is amended by changing Section 3.1 as follows:

(15 ILCS 15/3.1)(from Ch. 127, par. 1803.1)

Sec. 3.1. "Agency directly responsible to the Governor" or "agency" means any office, officer, division, or part thereof, and any other office, nonelective officer, department, division, bureau, board, or commission in the executive branch of State government, except that it does not apply to any agency whose primary function is service to the General Assembly or the Judicial Branch of State government, or to any agency administered by the Attorney General, Secretary of State, State Comptroller or State Treasurer. In addition the term does not apply to the following agencies created by law with the primary responsibility of exercising regulatory or adjudicatory functions independently of the Governor:

(1) the State Board of Elections;
(2) the State Board of Education;
(3) the Illinois Commerce Commission;

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(4) the Illinois Workers' Compensation Industrial Commission;
(5) the Civil Service Commission;
(6) the Fair Employment Practices Commission;
(7) the Pollution Control Board;
(8) the Department of State Police Merit Board.
(Source: P.A. 84-25.)

Section 20. The Personnel Code is amended by changing Sections 4c, 4d, and 11 as follows:

(20 ILCS 415/4c)(from Ch. 127, par. 63b104c)
Sec. 4c. General exemptions. The following positions in State service shall be exempt from jurisdictions A, B, and C, unless the jurisdictions shall be extended as provided in this Act:

(1) All officers elected by the people.
(2) All positions under the Lieutenant Governor, Secretary of State, State Treasurer, State Comptroller, State Board of Education, Clerk of the Supreme Court, and Attorney General.
(3) Judges, and officers and employees of the courts, and notaries public.
(4) All officers and employees of the Illinois General Assembly, all employees of legislative commissions, all officers and employees of the Illinois Legislative Reference Bureau, the Legislative Research Unit, and the Legislative Printing Unit.
(5) All positions in the Illinois National Guard and Illinois State Guard, paid from federal funds or positions in the State Military Service filled by enlistment and paid from State funds.
(6) All employees of the Governor at the executive mansion and on his immediate personal staff.
(7) Directors of Departments, the Adjutant General, the Assistant Adjutant General, the Director of the Illinois Emergency Management Agency, members of boards and commissions, and all other positions appointed by the Governor by and with the consent of the Senate.
(8) The presidents, other principal administrative officers, and teaching, research and extension faculties of Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, University of Illinois, State

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Universities Civil Service System, University Retirement System of Illinois, and the administrative officers and scientific and technical staff of the Illinois State Museum.

(9) All other employees except the presidents, other principal administrative officers, and teaching, research and extension faculties of the universities under the jurisdiction of the Board of Regents and the colleges and universities under the jurisdiction of the Board of Governors of State Colleges and Universities, Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, Board of Governors of State Colleges and Universities, the Board of Regents, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, so long as these are subject to the provisions of the State Universities Civil Service Act.

(10) The State Police so long as they are subject to the merit provisions of the State Police Act.

(11) The scientific staff of the State Scientific Surveys and the Waste Management and Research Center.

(12) The technical and engineering staffs of the Department of Transportation, the Department of Nuclear Safety, the Pollution Control Board, and the Illinois Commerce Commission, and the technical and engineering staff providing architectural and engineering services in the Department of Central Management Services.

(13) All employees of the Illinois State Toll Highway Authority.

(14) The Secretary of the Illinois Workers' Compensation Industrial Commission.

(15) All persons who are appointed or employed by the Director of Insurance under authority of Section 202 of the Illinois Insurance Code to assist the Director of Insurance in discharging his responsibilities relating to the rehabilitation, liquidation, conservation, and dissolution of companies that are subject to the jurisdiction of the Illinois Insurance Code.

(16) All employees of the St. Louis Metropolitan Area Airport Authority.

(17) All investment officers employed by the Illinois State Board of Investment.

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(19) Seasonal employees of the Department of Agriculture for the operation of the Illinois State Fair and the DuQuoin State Fair, no one person receiving more than 29 days of such employment in any calendar year.

(20) All "temporary" employees hired under the Department of Natural Resources' Illinois Conservation Service, a youth employment program that hires young people to work in State parks for a period of one year or less.

(21) All hearing officers of the Human Rights Commission.

(22) All employees of the Illinois Mathematics and Science Academy.

(23) All employees of the Kankakee River Valley Area Airport Authority.

(Source: P.A. 90-490, eff. 8-17-97; 91-214, eff. 1-1-00; 91-357, eff. 7-29-99.)

(20 ILCS 415/4d)(from Ch. 127, par. 63b104d)

Sec. 4d. Partial exemptions. The following positions in State service are exempt from jurisdictions A, B, and C to the extent stated for each, unless those jurisdictions are extended as provided in this Act:

(1) In each department, board or commission that now maintains or may hereafter maintain a major administrative division, service or office in both Sangamon County and Cook County, 2 private secretaries for the director or chairman thereof, one located in the Cook County office and the other located in the Sangamon County office, shall be exempt from jurisdiction B; in all other departments, boards and commissions one private secretary for the director or chairman thereof shall be exempt from jurisdiction B. In all departments, boards and commissions one confidential assistant for the director or chairman thereof shall be exempt from jurisdiction B. This paragraph is subject to such modifications or waiver of the exemptions as may be necessary to assure the continuity of federal contributions in those agencies supported in whole or in part by federal funds.

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(2) The resident administrative head of each State charitable, penal and correctional institution, the chaplains thereof, and all member, patient and inmate employees are exempt from jurisdiction B.

(3) The Civil Service Commission, upon written recommendation of the Director of Central Management Services, shall exempt from jurisdiction B other positions which, in the judgment of the Commission, involve principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out, except positions in agencies which receive federal funds if such exemption is inconsistent with federal requirements, and except positions in agencies supported in whole by federal funds.

(4) All beauticians and teachers of beauty culture and teachers of barbering, and all positions heretofore paid under Section 1.22 of "An Act to standardize position titles and salary rates", approved June 30, 1943, as amended, shall be exempt from jurisdiction B.

(5) Licensed attorneys in positions as legal or technical advisors, positions in the Department of Natural Resources requiring incumbents to be either a registered professional engineer or to hold a bachelor's degree in engineering from a recognized college or university, licensed physicians in positions of medical administrator or physician or physician specialist (including psychiatrists), and registered nurses (except those registered nurses employed by the Department of Public Health), except those in positions in agencies which receive federal funds if such exemption is inconsistent with federal requirements and except those in positions in agencies supported in whole by federal funds, are exempt from jurisdiction B only to the extent that the requirements of Section 8b.1, 8b.3 and 8b.5 of this Code need not be met.

(6) All positions established outside the geographical limits of the State of Illinois to which appointments of other than Illinois citizens may be made are exempt from jurisdiction B.

(7) Staff attorneys reporting directly to individual Commissioners of the Illinois Workers' Compensation Industrial Commission are exempt from jurisdiction B.

(Source: P.A. 89-77, eff. 6-30-95; 89-439, eff. 6-1-96; 89-626, eff. 8-9-96.)

(20 ILCS 415/11)(from Ch. 127, par. 63b111)

Sec. 11. Hearing - Disciplinary action. No officer or employee under jurisdiction B, relating to merit and fitness, who has been appointed under the rules and after examination, shall be removed discharged or

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demoted, or be suspended for a period of more than 30 days, in any 12 month period, except for cause, upon written charges approved by the Director of Central Management Services, and after an opportunity to be heard in his own defense if he makes written request to the Commission within 15 days after the serving of the written charges upon him. Upon the filing of such a request for a hearing, the Commission shall grant a hearing within 30 days. The time and place of the hearing shall be fixed by the Commission, and due notice thereof given the appointing officer and the employee. The hearing shall be public, and the officer or employee is entitled to call witnesses in his own defense and to have the aid of counsel. The finding and decision of the Commission, or the approval by the Commission of the finding and decision of the officer or board appointed by it to conduct such investigation, shall be rendered within 60 days after the receipt of the transcript of the proceedings. If the finding and decision is not rendered within 60 days after receipt of the transcript of the proceedings, the employee shall be considered to be reinstated and shall receive full compensation for the period for which he was suspended. The finding and decision of the Commission or officer or board appointed by it to conduct investigation, when approved by the Commission, shall be certified to the Director, and shall be forthwith enforced by the Director. In making its finding and decision, or in approving the finding and decision of some officer or board appointed by it to conduct such investigation, the Civil Service Commission may, for disciplinary purposes, suspend an employee for a period of time not to exceed 90 days, and in no event to exceed a period of 120 days from the date of any suspension of such employee, pending investigation of such charges. If the Commission certifies a decision that an officer or employee is to be retained in his position and if it does not order a suspension for disciplinary purposes, the officer or employee shall receive full compensation for any period during which he was suspended pending the investigation of the charges.

Nothing in this Section shall limit the authority to suspend an employee for a reasonable period not exceeding 30 days, in any 12 month period. Notwithstanding the provisions of this Section, an arbitrator of the Illinois Workers' Compensation Industrial Commission, appointed pursuant to Section 14 of the Workers' Compensation Act, may be removed by the Governor upon the recommendation of the Commission Review Board pursuant to Section 14.1 of such Act.

Notwithstanding the provisions of this Section, a policy making officer of a State agency, as defined in the Employee Rights Violation Act,
shall be discharged from State employment as provided in the Employee Rights Violation Act, enacted by the 85th General Assembly.
(Source: P.A. 85-1436.)

Section 25. The State Finance Act is amended by changing Sections 5.454 and 8.3 as follows:
(30 ILCS 105/5.454)
Sec. 5.454. The Illinois Workers’ Compensation Industrial Commission Operations Fund.
(Source: P.A. 90-109, eff. 1-1-98; 90-655, eff. 7-30-98.)
(30 ILCS 105/8.3)(from Ch. 127, par. 144.3)
Sec. 8.3. Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code, except the cost of administration of Articles I and II of Chapter 3 of that Code; and

secondly -- for expenses of the Department of Transportation for construction, reconstruction, improvement, repair, maintenance, operation, and administration of highways in accordance with the provisions of laws relating thereto, or for any purpose related or incident to and connected therewith, including the separation of grades of those highways with railroads and with highways and including the payment of awards made by the Illinois Workers’ Compensation Industrial Commission under the terms of the Workers’ Compensation Act, Workers’ Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation; or for the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway right-of-way or for investigations to determine the reasonably anticipated future highway needs; or for making of surveys, plans, specifications and estimates for and in the construction and maintenance of flight strips and of highways necessary to provide access to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials and for replacing existing highways and highway

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connections shut off from general public use at military and naval reservations and defense-industry sites, or for the purchase of right-of-way, except that the State shall be reimbursed in full for any expense incurred in building the flight strips; or for the operating and maintaining of highway garages; or for patrolling and policing the public highways and conserving the peace; or for any of those purposes or any other purpose that may be provided by law.

Appropriations for any of those purposes are payable from the Road Fund. Appropriations may also be made from the Road Fund for the administrative expenses of any State agency that are related to motor vehicles or arise from the use of motor vehicles.

Beginning with fiscal year 1980 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of Public Health;
2. Department of Transportation, only with respect to subsidies for one-half fare Student Transportation and Reduced Fare for Elderly;
3. Department of Central Management Services, except for expenditures incurred for group insurance premiums of appropriate personnel;

Beginning with fiscal year 1981 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except for expenditures with respect to the Division of Operations;
2. Department of Transportation, only with respect to Intercity Rail Subsidies and Rail Freight Services.

Beginning with fiscal year 1982 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement: Department of Central Management Services, except for awards made by the Illinois

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Workers' Compensation Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except not more than 40% of the funds appropriated for the Division of Operations;
2. State Officers.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to any Department or agency of State government for administration, grants, or operations except as provided hereafter; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement. It shall not be lawful to circumvent the above appropriation limitations by governmental reorganization or other methods. Appropriations shall be made from the Road Fund only in accordance with the provisions of this Section.

Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging during each fiscal year the principal and interest on that bonded indebtedness as it becomes due and payable as provided in the Transportation Bond Act, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code; and
secondly -- no Road Fund monies derived from fees, excises, or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of those vehicles, shall be appropriated or expended other than for costs of administering the laws imposing those fees, excises, and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of Transportation, payment of debts and liabilities incurred in

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construction and reconstruction of public highways and bridges, acquisition of rights-of-way for and the cost of construction, reconstruction, maintenance, repair, and operation of public highways and bridges under the direction and supervision of the State, political subdivision, or municipality collecting those monies, and the costs for patrolling and policing the public highways (by State, political subdivision, or municipality collecting that money) for enforcement of traffic laws. The separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossing shall also be permissible.

Appropriations for any of such purposes are payable from the Road Fund or the Grade Crossing Protection Fund as provided in Section 8 of the Motor Fuel Tax Law.

Except as provided in this paragraph, beginning with fiscal year 1991 and thereafter, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of its total fiscal year 1990 Road Fund appropriations for those purposes unless otherwise provided in Section 5g of this Act. For fiscal years 2003 and 2004 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $97,310,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods unless otherwise provided in Section 5g of this Act.

In fiscal year 1994, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1991 Road Fund appropriations to the Secretary of State for those purposes, plus $9,800,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other method.

Beginning with fiscal year 1995 and thereafter, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1994 Road Fund appropriations to the Secretary of State for those purposes. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

Beginning with fiscal year 2000, total Road Fund appropriations to the Secretary of State for the purposes of this Section shall not exceed the amounts specified for the following fiscal years:

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Fiscal Year 2000 $80,500,000;
Fiscal Year 2001 $80,500,000;
Fiscal Year 2002 $80,500,000;
Fiscal Year 2003 $130,500,000;
Fiscal Year 2004 $130,500,000;
Fiscal Year 2005 and each year thereafter $30,500,000.

It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

No new program may be initiated in fiscal year 1991 and thereafter that is not consistent with the limitations imposed by this Section for fiscal year 1984 and thereafter, insofar as appropriation of Road Fund monies is concerned.

Nothing in this Section prohibits transfers from the Road Fund to the State Construction Account Fund under Section 5e of this Act; nor to the General Revenue Fund, as authorized by this amendatory Act of the 93rd General Assembly.

The additional amounts authorized for expenditure in this Section by this amendatory Act of the 92nd General Assembly shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

The additional amounts authorized for expenditure by the Secretary of State and the Department of State Police in this Section by this amendatory Act of the 93rd General Assembly shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

(Source: P.A. 92-600, eff. 6-28-02; 93-25, eff. 6-20-03.)

Section 30. The State Employee Industrial Commission Awards Act is amended by changing Sections 0.01, 3, and 4 as follows:

(30 ILCS 260/0.01)(from Ch. 127, par. 179.9)

Sec. 0.01. Short title. This Act may be cited as the State Employee Illinois Workers' Compensation Industrial Commission Awards Act.

(Source: P.A. 86-1324.)

(30 ILCS 260/3)(from Ch. 127, par. 180)

New matter indicated by italics - deletions by strikeout.
Sec. 3. Whenever the *Illinois Workers' Compensation* *Industrial*
Commission or the Court of Claims makes an award under the terms of the
Workers' Compensation Act or the Workers' Occupational Diseases Act
for personal injuries or death of any State employee, and such award is
approved by the Department of Central Management Services, such award
shall be certified to the State Comptroller. Upon the approval of such
award by the Department of Central Management Services, the
Comptroller is directed to draw his warrant payable to the payee named,
for the amount so certified, payable from the General Revenue Fund,
except in cases of compensation of employees of the Division of
Highways, Department of Transportation, which shall be paid from the
Road Fund.
(Source: P.A. 83-316.)

(30 ILCS 260/4)(from Ch. 127, par. 181)

Sec. 4. In the event the award provides for payments in
installments, the *Illinois Workers' Compensation* *Industrial*
Commission or the clerk of the Court of Claims, as the case may be, shall furnish the State
Comptroller and the Department of Central Management Services with a
certified copy of such award and upon receipt thereof the Comptroller and
the Department of Central Management Services shall pay such award at
such intervals and in such amount as awarded.
(Source: P.A. 82-789.)

Section 35. The Illinois Income Tax Act is amended by changing
Section 917 as follows:

(35 ILCS 5/917)(from Ch. 120, par. 9-917)

Sec. 917. Confidentiality and information sharing.

(a) Confidentiality. Except as provided in this Section, all
information received by the Department from returns filed under this Act,
or from any investigation conducted under the provisions of this Act, shall
be confidential, except for official purposes within the Department or
pursuant to official procedures for collection of any State tax or pursuant
to an investigation or audit by the Illinois State Scholarship Commission
of a delinquent student loan or monetary award or enforcement of any civil
or criminal penalty or sanction imposed by this Act or by another statute
imposing a State tax, and any person who divulges any such information in
any manner, except for such purposes and pursuant to order of the Director
or in accordance with a proper judicial order, shall be guilty of a Class A
misdemeanor. However, the provisions of this paragraph are not
applicable to information furnished to a licensed attorney representing the

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taxpayer where an appeal or a protest has been filed on behalf of the taxpayer.

(b) Public information. Nothing contained in this Act shall prevent the Director from publishing or making available to the public the names and addresses of persons filing returns under this Act, or from publishing or making available reasonable statistics concerning the operation of the tax wherein the contents of returns are grouped into aggregates in such a way that the information contained in any individual return shall not be disclosed.

(c) Governmental agencies. The Director may make available to the Secretary of the Treasury of the United States or his delegate, or the proper officer or his delegate of any other state imposing a tax upon or measured by income, for exclusively official purposes, information received by the Department in the administration of this Act, but such permission shall be granted only if the United States or such other state, as the case may be, grants the Department substantially similar privileges. The Director may exchange information with the Illinois Department of Public Aid and the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and the Illinois Public Aid Code. The Director may exchange information with the Director of the Department of Employment Security for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and Acts administered by the Department of Employment Security. The Director may make available to the Illinois Workers' Compensation Industrial Commission information regarding employers for the purpose of verifying the insurance coverage required under the Workers' Compensation Act and Workers' Occupational Diseases Act.

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may make available to any State agency, including the Illinois Supreme Court, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to file returns under this Act or pay the tax, penalty, and interest shown therein,
or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

The Director may make available to any State agency, including the Illinois Supreme Court, units of local government, and school districts, information regarding whether a bidder or contractor is an affiliate of a person who is not collecting and remitting Illinois Use taxes, for the limited purpose of enforcing bidder and contractor certifications.

The Director may also make available to the Secretary of State information that a corporation which has been issued a certificate of incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted. For taxable years ending on or after December 31, 1987, the Director may make available to the Director or principal officer of any Department of the State of Illinois, information that a person employed by such Department has failed to file returns under this Act or pay the tax, penalty and interest shown therein. For purposes of this paragraph, the word "Department" shall have the same meaning as provided in Section 3 of the State Employees Group Insurance Act of 1971.

(d) The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

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(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

(e) Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer, by an authorized representative of the taxpayer, or, in the case of information related to a joint return, by the spouse filing the joint return with the taxpayer.

(Source: P.A. 93-25, eff. 6-20-03.)

Section 40. The Illinois Pension Code is amended by changing Sections 9-159, 12-141, 13-309, 14-123, 14-123.1, 14-128, 14-129, 16-149.1, and 17-117.1 as follows:

(40 ILCS 5/9-159)(from Ch. 108 1/2, par. 9-159)

Sec. 9-159. When disability benefit not payable. (a) If an employee receiving duty disability or ordinary disability benefit refuses to submit to examination by a physician appointed by the board, he shall have no further right to receive the benefit.

(b) Disability benefit shall not be paid for any time for which the employee receives any part of his salary, or while employed by any public body supported in whole or in part by taxation.

(c) If an employee who shall be disabled, or his widow or children receive any compensation or payment from the county for specific loss, disability or death under the Workers' Compensation Act or Workers' Occupational Diseases Act, the disability benefit or any annuity for him or his widow or children payable as the result of such specific loss, disability or death shall be reduced by any amount so received or recoverable. If the

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amount received as such compensation or payment exceeds such disability benefit or other annuity payable as the result of such specific loss, disability or death, no payment of disability benefit or other annuity shall be made until the accumulative amounts thereof equals the amount of such compensation or payment. In such calculation no interest shall be considered. In adjusting the amount of any annuity in relation to compensation received or recoverable during any period of time, the annuity to the widow shall be first reduced.

If any employee, or widow shall be denied compensation by such county under the aforesaid Acts, or if such county shall fail to act, such denial or failure to act shall not be considered final until the claim has been adjudicated by the Illinois Workers' Compensation Industrial Commission of the State of Illinois.

(Source: P.A. 81-992.)

(40 ILCS 5/12-141)(from Ch. 108 1/2, par. 12-141)

Sec. 12-141. Workers' compensation offset. If an employee or surviving spouse and minor children receive any compensation or payment for specific loss, disability or death under or by virtue of the Workers' Compensation Act or the Workers' Occupational Diseases Act on account of disability or death resulting from the performance of an act of duty, the benefit payable to them under this Article shall be reduced by the amount of such compensation. If the amount received as compensation exceeds such benefits, no payment shall be made to the employee or surviving spouse until the expiration of the period during which the benefit payments, accumulated at the rates herein stated, becomes equal to the sum received as compensation; provided, that the commutation of compensation to a lump sum basis as provided by the aforesaid Acts shall not increase the benefits payable by the fund but such benefits shall be adjusted to the amount of the compensation awarded under the aforesaid Acts prior to any commutation of such compensation. No interest shall be considered in these calculations.

If any employee or surviving spouse and children are denied compensation by the park or city under those Acts, or if the park or city fails to act, the denial or failure to act shall not be considered final until the claim has been adjudicated by the Illinois Workers' Compensation Industrial Commission of the State of Illinois.

(Source: P.A. 87-1265.)

(40 ILCS 5/13-309)(from Ch. 108 1/2, par. 13-309)

Sec. 13-309. Duty disability benefit.

New matter indicated by italics - deletions by strikeout.
(a) Any employee who becomes disabled, which disability is the result of an injury or illness compensable under the Illinois Workers' Compensation Act or the Illinois Workers' Occupational Diseases Act, is entitled to a duty disability benefit during the period of disability for which the employee does not receive any part of salary, or any part of a retirement annuity under this Article; except that in the case of an employee who first enters service on or after the effective date of this amendatory Act of 1997, a duty disability benefit is not payable for the first 3 days of disability that would otherwise be payable under this Section if the disability does not continue for at least 11 additional days. This benefit shall be 75% of salary at the date disability begins. However, if the disability in any measure resulted from any physical defect or disease which existed at the time such injury was sustained or such illness commenced, the duty disability benefit shall be 50% of salary.

Unless the employer acknowledges that the disability is a result of injury or illness compensable under the Workers' Compensation Act or the Workers' Occupational Diseases Act, the duty disability benefit shall not be payable until the issue of compensability under those Acts is finally adjudicated. The period of disability shall be as determined by the Illinois Workers' Compensation Industrial Commission or acknowledged by the employer.

The first payment shall be made not later than one month after the benefit is granted, and subsequent payments shall be made at least monthly. The Board shall by rule prescribe for the payment of such benefits on the basis of the amount of salary lost during the period of disability.

(b) The benefit shall be allowed only if the following requirements are met by the employee:

1. Application is made to the Board within 90 days from the date disability begins;
2. A medical report is submitted by at least one licensed and practicing physician as part of the employee's application; and
3. The employee is examined by at least one licensed and practicing physician appointed by the Board and found to be in a disabled physical condition, and shall be re-examined at least annually thereafter during the continuance of disability. The employee need not be re-examined by a licensed and practicing physician if the attorney for the district certifies in writing that the

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employee is entitled to receive compensation under the Workers' Compensation Act or the Workers' Occupational Diseases Act.

(c) The benefit shall terminate when:

(1) The employee returns to work or receives a retirement annuity paid wholly or in part under this Article;

(2) The disability ceases;

(3) The employee attains age 65, but if the employee becomes disabled at age 60 or later, benefits may be extended for a period of no more than 5 years after disablement;

(4) The employee (i) refuses to submit to reasonable examinations by physicians or other health professionals appointed by the Board, (ii) fails or refuses to consent to and sign an authorization allowing the Board to receive copies of or to examine the employee's medical and hospital records, or (iii) fails or refuses to provide complete information regarding any other employment for compensation he or she has received since becoming disabled; or

(5) The employee willfully and continuously refuses to follow medical advice and treatment to enable the employee to return to work. However this provision does not apply to an employee who relies in good faith on treatment by prayer through spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof.

In the case of a duty disability recipient who returns to work, the employee must make application to the Retirement Board within 2 years from the date the employee last received duty disability benefits in order to become again entitled to duty disability benefits based on the injury for which a duty disability benefit was theretofore paid.

(Source: P.A. 90-12, eff. 6-13-97; 91-887, eff. 7-6-00.)

(40 ILCS 5/14-123)(from Ch. 108 1/2, par. 14-123)

Sec. 14-123. Occupational disability benefits. A member who becomes incapacitated to perform the duties of his position as the proximate result of bodily injuries sustained or a hazard undergone while in the performance and within the scope of the member's duties, shall receive an occupational disability benefit; provided:

(a) application is made within 12 months after the date that such disability results in the loss of pay, or 12 months after the date that the Illinois Workers' Compensation Industrial Commission of Illinois rules on

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the application for an occupational disability, or 12 months after the occurrence of disablement if an occupational disease; and

(b) proper proof is received from one or more physicians designated by the Board certifying that the member is mentally or physically incapacitated.

The benefit shall be 75% of the member's final average compensation at date of disability and shall be payable until the first of the following dates occurs:

(1) the date on which disability ceases;
(2) the date on which the member engages in gainful employment;
(3) the end of the month in which the member attains age 65, in the case of benefits commencing prior to attainment of age 60;
(4) the end of the month following the fifth anniversary of the effective date of the benefit, or of the temporary disability benefit if one was received, in the case of benefits commencing on or after attainment of age 60; or
(5) the end of the month in which the death of the member occurs.

At the end of the month in which the benefits cease as prescribed in paragraphs (3) or (4) above, if the member is still disabled, he shall become entitled to a retirement annuity and the minimum period of service prescribed for the receipt of such annuity shall be waived.

In the event that a temporary disability benefit has been received, the benefit paid under this Section shall be subject to adjustment by the Board under Section 14-123.1.

The Board shall prescribe rules and regulations governing the filing of claims for occupational disability benefits, and the investigation, control and supervision of such claims.

(Source: P.A. 86-272.)

(40 ILCS 5/14-123.1)(from Ch. 108 1/2, par. 14-123.1)
Sec. 14-123.1. Temporary disability benefit.
(a) A member who has at least 18 months of creditable service and who becomes physically or mentally incapacitated to perform the duties of his position shall receive a temporary disability benefit, provided that:

(1) the agency responsible for determining the liability of the State (i) has formally denied all employer-paid temporary total disability benefits under the Workers' Compensation Act or the Workers' Occupational Diseases Act and an appeal of that denial is pending before the Illinois Workers' Compensation Industrial Commission of Illinois, or (ii) has granted and then terminated for

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any reason an employer-paid temporary total disability benefit and
the member has filed a petition for emergency hearing under
Section 19(b-1) of the Workers' Compensation Act or Section
19(b-1) of the Workers' Occupational Diseases Act; and
(2) application is made not later than (i) 12 months after the
date that the disability results in loss of pay, (ii) 12 months after the
date the agency responsible for determining the liability of the
State under the Workers' Compensation Act or Workers'
Occupational Diseases Act has formally denied or terminated the
employer-paid temporary total disability benefit, or (iii) in the case
of termination of an employer-paid temporary total disability
benefit, 12 months after the effective date of this amendatory Act
of 1995, whichever occurs last; and
(3) proper proof is received from one or more physicians
designated by the Board certifying that the member is mentally or
physically incapacitated.
(b) In the case of a denial of benefits, the temporary disability
benefit shall begin to accrue on the 31st day of absence from work on
account of disability, but the benefit shall not become actually payable to
the member until the expiration of 31 days from the day upon which the
member last received or had a right to receive any compensation.

In the case of termination of an employer-paid temporary total
disability benefit, the temporary disability benefit under this Section shall
be calculated from the day following the date of termination of the
employer-paid benefit or the 31st day of absence from work on account of
disability, whichever is later, but shall not become payable to the member
until (i) the member's right to an employer-paid temporary total disability
benefit is denied as a result of the emergency hearing held under Section
19(b-1) of the Workers' Compensation Act or Section 19(b-1) of the
Workers' Occupational Diseases Act or (ii) the expiration of 150 days
from the date of termination of the employer-paid benefit, whichever
occurs first. If a terminated employer-paid temporary total disability
benefit is resumed or replaced with another employer-paid disability
benefit and the resumed or replacement benefit is later terminated and the
member again files a petition for emergency hearing under Section 19(b-1)
of the Workers' Compensation Act or Section 19(b-1) of the Workers'
Occupational Diseases Act, the member may again become eligible to
receive a temporary disability benefit under this Section. The waiting
period before the temporary disability benefit under this Section becomes payable applies each time that the benefit is reinstated.

The benefit shall continue to accrue until the first of the following events occurs:

(1) the disability ceases;
(2) the member engages in gainful employment;
(3) the end of the month in which the member attains age 65, in the case of benefits commencing prior to attainment of age 60;
(4) the end of the month following the fifth anniversary of the effective date of the benefit in the case of benefits commencing on or after attainment of age 60;
(5) the end of the month in which the death of the member occurs;
(6) the end of the month in which the aggregate period for which temporary disability payments have been made becomes equal to 1/2 of the member's total period of creditable service, not including the time for which he has received a temporary disability benefit or nonoccupational disability benefit; for purposes of this item (6) only, in the case of a member to whom Section 14-108.2a or 14-108.2b applies and who, at the time disability commences, is performing services for the Illinois Department of Public Health or the Department of State Police relating to the transferred functions referred to in that Section and has less than 10 years of creditable service under this Article, the member's "total period of creditable service"shall be augmented by an amount equal to (i) one half of the member's period of creditable service in the Fund established under Article 8 (excluding any creditable service over 20 years), minus (ii) the amount of the member's creditable service under this Article;
(7) a payment is made on the member's claim pursuant to a determination made by the agency responsible for determining the liability of the State under the Workers' Compensation Act or the Workers' Occupational Diseases Act;
(8) a final determination is made on the member's claim by the Illinois Workers' Compensation Industrial Commission of Illinois.

(c) The temporary disability benefit shall be 50% of the member's final average compensation at the date of disability.
If a covered employee is eligible under the Social Security Act for a disability benefit before attaining age 65, or a retirement benefit on or after attaining age 65, then the amount of the member's temporary disability benefit shall be reduced by the amount of primary benefit the member is eligible to receive under the Social Security Act, whether or not such eligibility came about as the result of service as a covered employee under this Article. The Board may make such reduction pending a determination of eligibility if it appears that the employee may be so eligible, and shall make an appropriate adjustment if necessary after such determination has been made. The amount of temporary disability benefit payable under this Article shall not be reduced by reason of any increase in benefits payable under the Social Security Act which occurs after the reduction required by this paragraph has been applied.

(d) The temporary disability benefit provided under this Section is intended as a temporary payment of occupational or nonoccupational disability benefit, whichever is appropriate, in cases in which the occupational or nonoccupational character of the disability has not been finally determined.

When an employer-paid disability benefit is paid or resumed, the Board shall calculate the benefit that is payable under Section 14-123 and shall deduct from the benefit payable under Section 14-123 the amounts already paid under this Section; those amounts shall then be treated as if they had been paid under Section 14-123.

When a final determination of the character of the disability has been made by the Illinois Workers' Compensation Industrial Commission of Illinois, or by settlement between the parties to the disputed claim, the Board shall calculate the benefit that is payable under Section 14-123 or 14-124, whichever is applicable, and shall deduct from such benefit the amounts already paid under this Section; such amounts shall then be treated as if they had been paid under such Section 14-123 or 14-124.

(e) Any excess benefits paid under this Section shall be subject to recovery by the System from benefits payable under the Workers' Compensation Act or the Workers' Occupational Diseases Act or from third parties as provided in Section 14-129, or from any other benefits payable either to the member or on his behalf under this Article. A member who accepts benefits under this Section acknowledges and authorizes these recovery rights of the System.

(f) Service credits under the State Universities Retirement System and the Teachers' Retirement System of the State of Illinois shall be
considered for the purposes of determining temporary disability benefit eligibility under this Section, and for determining the total period of time for which such benefits are payable.

(g) The Board shall prescribe rules and regulations governing the filing of claims for temporary disability benefits, and the investigation, control and supervision of such claims.

(h) References in this Section to employer-paid benefits include benefits paid for by the State, either directly or through a program of insurance or self-insurance, whether paid through the member's own department or through some other department or entity; but the term does not include benefits paid by the System under this Article.

(Source: P.A. 88-535; 89-136, eff. 7-14-95; 89-246, eff. 8-4-95; 89-626, eff. 8-9-96.)

(40 ILCS 5/14-128)(from Ch. 108 1/2, par. 14-128)

Sec. 14-128. Occupational death benefit. An occupational death benefit is provided for a member of the System whose death, prior to retirement, is the proximate result of bodily injuries sustained or a hazard undergone while in the performance and within the scope of the member's duties.

(a) Conditions for payment.

Exclusive of the lump sum payment provided for herein, all annuities under this Section shall accrue and be payable for complete calendar months, beginning on the first day of the month next following the month in which the initiating event occurs and ending on the last day of the month in which the terminating event occurs.

The following named survivors of the member may be eligible for an annuity under this Section:

(i) The member's spouse.

(ii) An unmarried child of the member under age 18 (under age 22 if a full-time student); an unmarried stepchild under age 18 (under age 22 if a full-time student) who has been such for at least one year at the date of the member's death; an unmarried adopted child under age 18 (under age 22 if a full-time student) if the adoption proceedings were initiated at least one year prior to the death of the member; and an unmarried child over age 18 who is dependent by reason of a physical or mental disability, for so long as such physical or mental disability continues. For the purposes of this Section disability means inability to engage in any substantial gainful activity by reason of any medically determinable physical

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or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

(iii) If no spouse or eligible children survive: a dependent parent of the member; a dependent step-parent by a marriage contracted before the member attained age 18; or a dependent adopting parent by whom the member was adopted before he or she attained age 18.

The term "dependent" relating to an occupational death benefit means a survivor of the member who was receiving from the member at the date of the member's death at least 1/2 of the support for maintenance including board, lodging, medical care and like living costs.

Payment of the annuity shall continue until the occurrence of the following:

(1) remarriage before age 55 that occurs before the effective date of this amendatory Act of the 91st General Assembly or death, in the case of a surviving spouse;

(2) attainment of age 18 or termination of disability, death, or marriage, in the case of an eligible child;

(3) remarriage before age 55 or death, in the case of a dependent parent.

If none of the aforementioned beneficiaries is living at the date of death of the member, no occupational death benefit shall be payable, but the nonoccupational death benefit shall be payable as provided in this Article.

The change made to this subsection by this amendatory Act of the 91st General Assembly (pertaining to remarriage prior to age 55) applies without regard to whether the deceased member was in service on or after the effective date of this amendatory Act.

(b) Amount of benefit.

The member's accumulated contributions plus credited interest shall be payable in a lump sum to such person as the member has nominated by written direction, duly acknowledged and filed with the Board, or if no such nomination to the estate of the member. When an annuitant is re-employed by a Department, the accumulated contributions plus credited interest payable on the member's account shall, if the member has not previously elected a reversionary annuity, consist of the excess, if any, of the member's total accumulated contributions plus

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credited interest for all creditable service over the total amount of all retirement annuity payments received by the member prior to death.

In addition to the foregoing payment, an annuity is provided for eligible survivors as follows:

(1) If the survivor is a spouse only, the annuity shall be 50% of the member's final average compensation.

(2) If the spouse has in his or her care an eligible child or children, the annuity shall be increased by an amount equal to 15% of the final average compensation on account of each such child, subject to a limitation on the combined annuities to a surviving spouse and children of 75% of final average compensation.

(3) If there is no surviving spouse, or if the surviving spouse dies or remarries while a child remains eligible, then each such child shall be entitled to an annuity of 15% of the deceased member's final average compensation, subject to a limitation of 50% of final average compensation to all such children.

(4) If there is no surviving spouse or eligible children, then an annuity shall be payable to the member's dependent parents, equal to 25% of final average compensation to each such beneficiary.

If any annuity payable under this Section is less than the corresponding survivors annuity, the beneficiary or beneficiaries of the annuity under this Section may elect to receive the survivors annuity and the nonoccupational death benefit provided for in this Article in lieu of the annuity provided under this Section.

(c) Occupational death claims pending adjudication by the Illinois Workers' Compensation Industrial Commission or a ruling by the agency responsible for determining the liability of the State under the "Workers' Compensation Act" or "Workers' Occupational Diseases Act" shall be payable under Sections 14-120 and 14-121 until a ruling or adjudication occurs, if the beneficiary or beneficiaries: (1) meet all conditions for payment as prescribed in this Article; and (2) execute an assignment of benefits payable as a result of adjudication by the Illinois Workers' Compensation Industrial Commission or a ruling by the agency responsible for determining the liability of the State under such Acts. The assignment shall be made to the System and shall be for an amount equal to the excess of benefits paid under Sections 14-120 and 14-121 over benefits payable as a result of adjudication of the workers' compensation claim computed from the date of death of the member.

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(d) Every occupational death annuity payable under this Section shall be increased on each January 1 occurring on or after (i) January 1, 1990, or (ii) the first anniversary of the commencement of the annuity, whichever occurs later, by an amount equal to 3% of the current amount of the annuity, including any previous increases under this Article, without regard to whether the deceased member was in service on the effective date of this amendatory Act of 1991.

(Source: P.A. 90-448, eff. 8-16-97; 91-887, eff. 7-6-00.)

(40 ILCS 5/14-129)(from Ch. 108 1/2, par. 14-129)

Sec. 14-129. Determination of compensability - Offset - Subrogation. Except as provided in Section 14-128 of this Act with respect to occupational death claims, and except as provided in Section 14-123.1 for temporary disability benefits, before the board takes any action on an application for an occupational disability or occupational death benefit, adjudication by the Illinois Workers' Compensation Industrial Commission of Illinois or a ruling by the agency responsible for determining the liability of the State under the Workers' Compensation Act or the Workers' Occupational Diseases Act shall be had on a claim to establish that the disability or death was incurred while in the performance and within the scope of the member's duties, under the terms of the Illinois Workers' Compensation Act or the Workers' Occupational Diseases Act, whichever applies. The system shall make payment of an occupational disability or occupational death benefit only if the claim is found to be compensable under one or both of those Acts.

Any amounts provided for a member or his dependents under those Acts shall be applied for the period of time prescribed by such Acts for payments thereunder as an offset to any occupational disability or occupational death benefit or to a survivors annuity or annuities provided in this Article in such manner as may be prescribed by the rules of the board.

In those cases where the injury or death for which an occupational disability or death benefit is payable under this Article was caused under circumstances creating a legal liability for damages on the part of some person other than the employer, all of the rights and privileges, including the right to notice of suit brought against such other person and the right to commence or join in such suit, as given the employer, together with the conditions or obligations imposed under paragraph (b) of Section 5 of the "Workers' Compensation Act", are also given and granted to the System, to the end that the System created by this Article may be paid or

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reimbursed for the amount of temporary disability, occupational disability or death benefit paid or to be paid by the System to the injured employee, or his personal representative in the event of death, including any contribution amounts credited to the account of the member under Section 14-127, out of any judgment, settlement, or payment for such injury or death obtained by such injured employee or his personal representative from such other person, or be paid or reimbursed for such amount paid or to be paid by the System to the surviving spouse or children of such employee by virtue of the injury or the death of such employee from such injury.

(Source: P.A. 84-1028.)

(40 ILCS 5/16-149.1)(from Ch. 108 1/2, par. 16-149.1)
Sec. 16-149.1. Occupational disability benefit.

(a) A member who becomes totally and immediately incapacitated for duty as the proximate result of bodily injuries sustained or a hazard undergone while in the performance and within the scope of his or her duties, if such injuries or hazard were not the consequence of the member's willful negligence, shall receive an occupational disability benefit upon making proper application. If application is made more than 90 days subsequent to the later of the commencement of disability or the date eligibility for salary ceases, benefits shall begin to accrue from the date of application, but service credit and credit for contributions will be earned from the date of disability. The benefit is not payable to, and credit for service and contributions may not be earned under this Section by, a member who is receiving a benefit under Section 16-133, 16-149, or 16-149.2, or who is receiving salary as a teacher, or is employed in any capacity as a teacher by the employers included under this System or in an equivalent capacity in any other public or private school, college or university.

Proper proof of disability shall consist of: (1) a written certificate by at least 2 licensed and practicing physicians designated by the System, certifying that member is disabled and unable to perform assigned duties; (2) a written statement from the employer certifying that the member is disabled and not receiving a salary, and related information as to the cause and commencement of disability; and (3) a written statement from the member certifying that the member is not and has not been engaged in gainful employment.

Occupational disability benefits under this Section shall be payable only if (1) on the basis of a claim filed by the applicant with the Illinois
Workers' Compensation Industrial Commission of Illinois, it is determined by the Commission that the disability was incurred while in the performance and within the scope of assigned duties, under the terms of the Illinois Workers' Compensation or Occupational Diseases Act, whichever applies, and the claim is adjudicated as compensable by the Commission under either of the aforesaid Acts; or (2) on the basis of a claim filed by the applicant with an insurance carrier with which the employer of the applicant has a workers' compensation insurance policy, it is determined under the terms of the aforesaid policy that the disability was incurred while in the performance and within the scope of the member's assigned duties and the claim is approved as compensable.

(b) The occupational disability benefit shall be the greater of 60% of the member's contract salary rate at the time the disability benefit becomes payable or the member's annual contract rate on the date the disability commenced, and shall be payable monthly in equal installments. For part-time and substitute teachers after June 30, 1990, the benefit shall be the greater of the member's most recent annualized salary rate at the time the disability benefit becomes payable or the annualized salary rate or annual contract rate at the time the disability commenced.

Any amounts provided for a member or a member's dependents under the Illinois Workers' Compensation Act, the Illinois Occupational Diseases Act or a workers' compensation insurance policy provided by the employer shall be applied as an offset to any occupational benefit provided under this Section in such manner as may be prescribed by the board.

In addition to the above benefit, the member shall receive creditable service and credit for contributions that the member would have made in active employment during the period of disability. Creditable service and credit for contributions shall be calculated on the basis of the annual salary rate used in computing the benefit; however, such credit shall not be used in the determination of the period for which disability benefits are payable. A member who remains disabled after the termination of benefits due to age or the expiration of the maximum period for which benefits are payable shall be entitled to the retirement annuity provided under Section 16-133, notwithstanding that the member may not have the required minimum period of creditable service prescribed for such annuity.

(c) Effective January 1, 1988, the occupational disability benefit shall continue until the time one of the following first occurs: (1) disability ceases; (2) the member requests termination of the benefit; or (3) the

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member is engaged or found to be able to engage in gainful employment. If the disability benefit is discontinued under item (3) but the member is subsequently found to be unable to be gainfully employed due to the disability which was the cause for his or her most recent incapacity to perform the duties of a teacher, the disability benefit will be resumed, upon notification of the System, as soon as the member is not eligible to receive salary.

(d) The board shall prescribe rules governing the filing, investigation, control, and supervision of disability claims. Costs incurred by a claimant in connection with completing a claim for disability benefits shall be paid by the claimant.

(Source: P.A. 86-272; 86-273; 86-1488; 87-794; 87-1265.)

Sec. 17-117.1. Duty disability. A teacher who becomes wholly and presumably permanently incapacitated for duty while under age 65 as the proximate result of injuries sustained or a hazardous condition encountered in the performance and within the scope of his duties, if such injury or hazard was not the result of his own negligence, shall be entitled to a duty disability benefit, provided:

(1) application for the benefit is made to the Board not more than 6 months after a final settlement or an award from the Illinois Workers' Compensation Industrial Commission or within 6 months of the manifestation of an injury or illness that can be traced directly to an injury or illness for which a claim was filed with the Illinois Workers' Compensation Industrial Commission;

(2) certification is received from 2 or more physicians designated by the Board that the teacher is physically incapacitated for teaching service; and

(3) the teacher provides the Board with a copy of the notice of the occurrence that was filed with the Employer within the time provided by law.

The benefit shall be payable during disability and shall be 75% of the salary in effect at date of disability, payable until the teacher's attainment of age 65. At such time if disability still exists, the teacher shall become entitled to a service retirement pension. Creditable service shall accrue during the period the disability benefit is payable.

Before any action is taken by the Board on an application for a duty disability benefit, the teacher shall file a claim with the Illinois Workers' Compensation Industrial Commission to establish that the disability was
incurred while the teacher was acting within the scope of and in the course of his duties under the terms of the Workers' Compensation or Occupational Diseases Acts, whichever may be applicable. The benefit shall be payable after a finding by the Commission that the claim was compensable under either of the aforesaid Acts; but if such finding is appealed the benefit shall be payable only upon affirmance of the Commission's finding. After the teacher has made timely application for a duty disability benefit supported by the certificate of two or more physicians, he shall be entitled to a disability retirement pension provided in Section 17-117 of this Act until such time as the Illinois Workers' Compensation Industrial Commission award finding that his disability is duty-connected as provided in this Section becomes final.

Any amounts provided for the teacher under such Acts shall be applied as an offset to the duty disability benefit payable hereunder in such manner as may be prescribed by the rules of the Board.

(Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

Section 45. The Nursing Education Scholarship Law is amended by changing Section 3 as follows:

(110 ILCS 975/3)(from Ch. 144, par. 2753)

Sec. 3. Definitions.

The following terms, whenever used or referred to, have the following meanings except where the context clearly indicates otherwise:

(1) "Board" means the Board of Higher Education created by the Board of Higher Education Act.

(2) "Department" means the Illinois Department of Public Health.

(3) "Approved institution" means a public community college, private junior college, hospital-based diploma in nursing program, or public or private college or university located in this State that has approval by the Department of Professional Regulation for an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, or certificate in practical nursing program.

(4) "Baccalaureate degree in nursing program" means a program offered by an approved institution and leading to a bachelor of science degree in nursing.

(5) "Enrollment" means the establishment and maintenance of an individual's status as a student in an approved institution, regardless of the terms used at the institution to describe such status.

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(6) "Academic year" means the period of time from September 1 of one year through August 31 of the next year or as otherwise defined by the academic institution.

(7) "Associate degree in nursing program or hospital-based diploma in nursing program" means a program offered by an approved institution and leading to an associate degree in nursing, associate degree in applied sciences in nursing, or hospital-based diploma in nursing.

(8) "Director" means the Director of the Illinois Department of Public Health.

(9) "Accepted for admission" means a student has completed the requirements for entry into an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, or certificate in practical nursing program at an approved institution, as documented by the institution.

(10) "Fees" means those mandatory charges, in addition to tuition, that all enrolled students must pay, including required course or lab fees.

(11) "Full-time student" means a student enrolled for at least 12 hours per term or as otherwise determined by the academic institution.

(12) "Law" means the Nursing Education Scholarship Law.

(13) "Nursing employment obligation" means employment in this State as a registered professional nurse or licensed practical nurse in direct patient care for at least one year for each year of scholarship assistance received through the Nursing Education Scholarship Program.

(14) "Part-time student" means a person who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students.

(15) "Practical nursing program" means a program offered by an approved institution leading to a certificate in practical nursing.

(16) "Registered professional nurse" means a person who is currently licensed as a registered professional nurse by the Department of Professional Regulation under the Nursing and Advanced Practice Nursing Act.

(17) "Licensed practical nurse" means a person who is currently licensed as a licensed practical nurse by the Department of Professional Regulation under the Nursing and Advanced Practice Nursing Act.

(18) "School term" means an academic term, such as a semester, quarter, trimester, or number of clock hours, as defined by an approved institution.

New matter indicated by italics - deletions by strikeout.
(19) "Student in good standing" means a student maintaining a cumulative grade point average equivalent to at least the academic grade of a "C".

(20) "Total and permanent disability" means a physical or mental impairment, disease, or loss of a permanent nature that prevents nursing employment with or without reasonable accommodation. Proof of disability shall be a declaration from the social security administration, Illinois Workers' Compensation Industrial Commission, Department of Defense, or an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor.

(21) "Tuition" means the established charges of an institution of higher learning for instruction at that institution.

(Source: P.A. 92-43, eff. 1-1-02.)

Section 50. The Illinois Insurance Code is amended by changing Section 416 as follows:

(215 ILCS 5/416)


(a) As of the effective date of this amendatory Act of the 93rd General Assembly, every company licensed or authorized by the Illinois Department of Insurance and insuring employers' liabilities arising under the Workers' Compensation Act or the Workers' Occupational Diseases Act shall remit to the Director a surcharge based upon the annual direct written premium, as reported under Section 136 of this Act, of the company in the manner provided in this Section. Such proceeds shall be deposited into the Illinois Workers' Compensation Industrial Commission Operations Fund as established in the Workers' Compensation Act. If a company survives or was formed by a merger, consolidation, reorganization, or reincorporation, the direct written premiums of all companies party to the merger, consolidation, reorganization, or reincorporation shall, for purposes of determining the amount of the fee imposed by this Section, be regarded as those of the surviving or new company.

(b)(1) Except as provided in subsection (b)(2) of this Section, beginning on July 1, 2004 and each year thereafter, the Director shall charge an annual Illinois Workers' Compensation Industrial Commission Operations Fund Surcharge from every company subject to subsection (a) of this Section equal to 1.5% of its direct written premium for insuring employers' liabilities arising under the Workers' Compensation Act or
Workers' Occupational Diseases Act as reported in each company's annual statement filed for the previous year as required by Section 136. The Illinois Workers' Compensation *Industrial* Commission Operations Fund Surcharge shall be collected by companies subject to subsection (a) of this Section as a separately stated surcharge on insured employers at the rate of 1.5% of direct written premium. All sums collected by the Department of Insurance under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Illinois Workers' Compensation *Industrial* Commission Operations Fund in the State treasury.

(b)(2) Prior to July 1, 2004, the Director shall charge and collect the surcharge set forth in subparagraph (b)(1) of this Section on or before September 1, 2003, December 1, 2003, March 1, 2004 and June 1, 2004. For purposes of this subsection (b)(2), the company shall remit the amounts to the Director based on estimated direct premium for each quarter beginning on July 1, 2003, together with a sworn statement attesting to the reasonableness of the estimate, and the estimated amount of direct premium written forming the bases of the remittance.

(c) In addition to the authority specifically granted under Article XXV of this Code, the Director shall have such authority to adopt rules or establish forms as may be reasonably necessary for purposes of enforcing this Section. The Director shall also have authority to defer, waive, or abate the surcharge or any penalties imposed by this Section if in the Director's opinion the company's solvency and ability to meet its insured obligations would be immediately threatened by payment of the surcharge due.

(d) When a company fails to pay the full amount of any annual Illinois Workers' Compensation *Industrial* Commission Operations Fund Surcharge of $100 or more due under this Section, there shall be added to the amount due as a penalty the greater of $1,000 or an amount equal to 5% of the deficiency for each month or part of a month that the deficiency remains unpaid.

(e) The Department of Insurance may enforce the collection of any delinquent payment, penalty, or portion thereof by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State.

(f) Whenever it appears to the satisfaction of the Director that a company has paid pursuant to this Act an Illinois Workers' Compensation *Industrial* Commission Operations Fund Surcharge in an amount in excess

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of the amount legally collectable from the company, the Director shall issue a credit memorandum for an amount equal to the amount of such overpayment. A credit memorandum may be applied for the 2-year period from the date of issuance, against the payment of any amount due during that period under the surcharge imposed by this Section or, subject to reasonable rule of the Department of Insurance including requirement of notification, may be assigned to any other company subject to regulation under this Act. Any application of credit memoranda after the period provided for in this Section is void.

(g) Annually, the Governor may direct a transfer of up to 2% of all moneys collected under this Section to the Insurance Financial Regulation Fund.

(Source: P.A. 93-32, eff. 6-20-03.)

Section 55. The Local Governmental and Governmental Employees Tort Immunity Act is amended by changing Section 9-103 as follows:

(745 ILCS 10/9-103)(from Ch. 85, par. 9-103)

Sec. 9-103. (a) A local public entity may protect itself against any property damage or against any liability or loss which may be imposed upon it or one of its employees for a tortious act under Federal or State common or statutory law, or imposed upon it under the Workers' Compensation Act, the Workers' Occupational Diseases Act, or the Unemployment Insurance Act by means including, but not limited to, insurance, individual or joint self-insurance, including all operating and administrative costs and expenses directly associated therewith, claims services and risk management directly attributable to loss prevention and loss reduction, legal services directly attributable to the insurance, self-insurance, or joint self-insurance program, educational, inspectional, and supervisory services directly relating to loss prevention and loss reduction, or participation in a reciprocal insurer as provided in Sections 72, 76 and 81 of the Illinois Insurance Code. Insurance shall be carried with a company authorized by the Department of Insurance to write such insurance coverage in Illinois.

(a-5) A local public entity may individually or jointly self-insure provided it complies with any other statutory requirements specifically related to individual or joint self-insurance by local public entities. Whenever the terms "self-insure" or "self-insurance" are utilized within this Act, such term shall apply to both individual and joint self-insurance. The expenditure of funds of a local public entity to protect itself or its

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employees against liability is proper for any local public entity. A local public entity that has individually self-insured may establish reserves for expected losses for any liability or loss for which the local public entity is authorized to purchase insurance under this Act. The decision of the local public entity to establish a reserve and the amount of the reserve shall be based on reasonable actuarial or insurance underwriting evidence. Property taxes shall not be levied or extended if the effect is to increase the reserve beyond 125% of the actuary's or insurance underwriter's estimated ultimate losses at the 95% confidence level. Certification of the amount of the reserve shall be made by the independent auditor, actuary, or insurance underwriter and included in an annual report. The annual report shall also list all expenditures from the reserve or from property taxes levied or extended for tort immunity purposes. Total claims payments and total reserves must be listed in aggregate amounts. All other expenditures must be identified individually. A local public entity that maintains a self-insurance reserve or that levies and extends a property tax for tort immunity purposes must include in its audit or annual report any expenditures made from the property tax levy or self-insurance reserve within the scope of the audit or annual report.

(b) A local public entity may contract for or purchase any of the guaranteed fund certificates or shares of guaranteed capital as provided for in Section 56 of the Illinois Insurance Code. The expenditure of funds of the local public entity for said contract or purchase is proper for any local public entity.

(c) Any insurance company that provides insurance coverage to a local public entity shall utilize any immunities or may assert any defenses to which the insured local public entity or its employees are entitled. Public entities which are individually or jointly self-insured shall be entitled to assert all of the immunities provided by this Act or by common law or statute on behalf of themselves or their employees unless the local public entities shall elect by action of their corporate authorities or specifically contract to waive in whole or in part such immunities.

(d) Within 30 days after January 1, 1991, and within 30 days after each January 1 thereafter, local public entities that are individually or jointly self-insured to protect against liability under the Workers' Compensation Act and the Workers' Occupational Diseases Act shall file with the Illinois Workers' Compensation Industrial Commission a report indicating an election to self-insure.

(Source: P.A. 91-628, eff. 1-1-00.)
Section 60. The Child Labor Law is amended by changing Section 17.6 as follows:

(820 ILCS 205/17.6)

Sec. 17.6. Reports of work related death, injury, or illness. If an employer is required to file a report with the Illinois Workers' Compensation Industrial Commission under Section 6 of the Workers' Compensation Act or Section 6 of the Workers' Occupational Diseases Act, and the report relates to the work related death, injury, or illness of a minor, the employer shall file a copy of the report with the Department of Labor. The Department may, by rule, require other employers to submit reports of work related deaths, injuries and illnesses of minors to the Department.

(Source: P.A. 88-365.)

Section 70. The Workers' Compensation Act is amended by changing Sections 1, 4, 4a-2, 4a-3, 4a-7, 4d, 6, 7, 8, 13, 14, 14.1, 16a, 17, 19, 23, and 26 as follows:

(820 ILCS 305/1)(from Ch. 48, par. 138.1)

Sec. 1. This Act may be cited as the Workers' Compensation Act.

(a) The term "employer" as used in this Act means:

1. The State and each county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein.

2. Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious or charitable corporations or associations who has any person in service or under any contract for hire, express or implied, oral or written, and who is engaged in any of the enterprises or businesses enumerated in Section 3 of this Act, or who at or prior to the time of the accident to the employee for which compensation under this Act may be claimed, has in the manner provided in this Act elected to become subject to the provisions of this Act, and who has not, prior to such accident, effected a withdrawal of such election in the manner provided in this Act.

3. Any one engaging in any business or enterprise referred to in subsections 1 and 2 of Section 3 of this Act who undertakes to do any work enumerated therein, is liable to pay compensation to his own immediate employees in accordance with the provisions of this Act, and in addition thereto if he directly or indirectly engages any contractor whether principal or sub-contractor to do any such work, he is liable to pay compensation to the employees of any such contractor or sub-contractor unless such contractor or sub-contractor has insured, in any company or

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association authorized under the laws of this State to insure the liability to pay compensation under this Act, or guaranteed his liability to pay such compensation. With respect to any time limitation on the filing of claims provided by this Act, the timely filing of a claim against a contractor or subcontractor, as the case may be, shall be deemed to be a timely filing with respect to all persons upon whom liability is imposed by this paragraph.

In the event any such person pays compensation under this subsection he may recover the amount thereof from the contractor or subcontractor, if any, and in the event the contractor pays compensation under this subsection he may recover the amount thereof from the sub-contractor, if any.

This subsection does not apply in any case where the accident occurs elsewhere than on, in or about the immediate premises on which the principal has contracted that the work be done.

4. Where an employer operating under and subject to the provisions of this Act loans an employee to another such employer and such loaned employee sustains a compensable accidental injury in the employment of such borrowing employer and where such borrowing employer does not provide or pay the benefits or payments due such injured employee, such loaning employer is liable to provide or pay all benefits or payments due such employee under this Act and as to such employee the liability of such loaning and borrowing employers is joint and several, provided that such loaning employer is in the absence of agreement to the contrary entitled to receive from such borrowing employer full reimbursement for all sums paid or incurred pursuant to this paragraph together with reasonable attorneys' fees and expenses in any hearings before the Illinois Workers' Compensation Industrial Commission or in any action to secure such reimbursement. Where any benefit is provided or paid by such loaning employer the employee has the duty of rendering reasonable cooperation in any hearings, trials or proceedings in the case, including such proceedings for reimbursement.

Where an employee files an Application for Adjustment of Claim with the Illinois Workers' Compensation Industrial Commission alleging that his claim is covered by the provisions of the preceding paragraph, and joining both the alleged loaning and borrowing employers, they and each of them, upon written demand by the employee and within 7 days after receipt of such demand, shall have the duty of filing with the Illinois Workers' Compensation Industrial Commission a written admission or

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denial of the allegation that the claim is covered by the provisions of the preceding paragraph and in default of such filing or if any such denial be ultimately determined not to have been bona fide then the provisions of Paragraph K of Section 19 of this Act shall apply.

An employer whose business or enterprise or a substantial part thereof consists of hiring, procuring or furnishing employees to or for other employers operating under and subject to the provisions of this Act for the performance of the work of such other employers and who pays such employees their salary or wages notwithstanding that they are doing the work of such other employers shall be deemed a loaning employer within the meaning and provisions of this Section.

(b) The term "employee" as used in this Act means:

1. Every person in the service of the State, including members of the General Assembly, members of the Commerce Commission, members of the Illinois Workers' Compensation Industrial Commission, and all persons in the service of the University of Illinois, county, including deputy sheriffs and assistant state's attorneys, city, town, township, incorporated village or school district, body politic, or municipal corporation therein, whether by election, under appointment or contract of hire, express or implied, oral or written, including all members of the Illinois National Guard while on active duty in the service of the State, and all probation personnel of the Juvenile Court appointed pursuant to Article VI of the Juvenile Court Act of 1987, and including any official of the State, any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein except any duly appointed member of a police department in any city whose population exceeds 200,000 according to the last Federal or State census, and except any member of a fire insurance patrol maintained by a board of underwriters in this State. A duly appointed member of a fire department in any city, the population of which exceeds 200,000 according to the last federal or State census, is an employee under this Act only with respect to claims brought under paragraph (c) of Section 8.

One employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic or municipal corporation therein, through its representatives, is not considered as an employee of the State, county, city, town, township, incorporated village, school district, body politic or municipal corporation which made the contract.
2. Every person in the service of another under any contract of hire, express or implied, oral or written, including persons whose employment is outside of the State of Illinois where the contract of hire is made within the State of Illinois, persons whose employment results in fatal or non-fatal injuries within the State of Illinois where the contract of hire is made outside of the State of Illinois, and persons whose employment is principally localized within the State of Illinois, regardless of the place of the accident or the place where the contract of hire was made, and including aliens, and minors who, for the purpose of this Act are considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees.

3. Every sole proprietor and every partner of a business may elect to be covered by this Act.

An employee or his dependents under this Act who shall have a cause of action by reason of any injury, disablement or death arising out of and in the course of his employment may elect to pursue his remedy in the State where injured or disabled, or in the State where the contract of hire is made, or in the State where the employment is principally localized.

However, any employer may elect to provide and pay compensation to any employee other than those engaged in the usual course of the trade, business, profession or occupation of the employer by complying with Sections 2 and 4 of this Act. Employees are not included within the provisions of this Act when excluded by the laws of the United States relating to liability of employers to their employees for personal injuries where such laws are held to be exclusive.

The term "employee" does not include persons performing services as real estate broker, broker-salesman, or salesman when such persons are paid by commission only.

(c) "Commission" means the Industrial Commission created by Section 5 of "The Civil Administrative Code of Illinois", approved March 7, 1917, as amended, or the Illinois Workers' Compensation Industrial Commission created by Section 13 of this Act.

(Source: P.A. 85-1209.)

(820 ILCS 305/4)(from Ch. 48, par. 138.4)

Sec. 4. (a) Any employer, including but not limited to general contractors and their subcontractors, who shall come within the provisions of Section 3 of this Act, and any other employer who shall elect to provide and pay the compensation provided for in this Act shall:

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(1) File with the Commission annually an application for approval as a self-insurer which shall include a current financial statement, and annually, thereafter, an application for renewal of self-insurance, which shall include a current financial statement. Said application and financial statement shall be signed and sworn to by the president or vice president and secretary or assistant secretary of the employer if it be a corporation, or by all of the partners, if it be a copartnership, or by the owner if it be neither a copartnership nor a corporation. All initial applications and all applications for renewal of self-insurance must be submitted at least 60 days prior to the requested effective date of self-insurance. An employer may elect to provide and pay compensation as provided for in this Act as a member of a group workers' compensation pool under Article V 3/4 of the Illinois Insurance Code. If an employer becomes a member of a group workers' compensation pool, the employer shall not be relieved of any obligations imposed by this Act.

If the sworn application and financial statement of any such employer does not satisfy the Commission of the financial ability of the employer who has filed it, the Commission shall require such employer to,

(2) Furnish security, indemnity or a bond guaranteeing the payment by the employer of the compensation provided for in this Act, provided that any such employer whose application and financial statement shall not have satisfied the Commission of his or her financial ability and who shall have secured his liability in part by excess liability insurance shall be required to furnish to the Commission security, indemnity or bond guaranteeing his or her payment up to the effective limits of the excess coverage, or

(3) Insure his entire liability to pay such compensation in some insurance carrier authorized, licensed, or permitted to do such insurance business in this State. Every policy of an insurance carrier, insuring the payment of compensation under this Act shall cover all the employees and the entire compensation liability of the insured: Provided, however, that any employer may insure his or her compensation liability with 2 or more insurance carriers or may insure a part and qualify under subsection 1, 2, or 4 for the remainder of his or her liability to pay such compensation, subject to the following two provisions:

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Firstly, the entire compensation liability of the employer to employees working at or from one location shall be insured in one such insurance carrier or shall be self-insured, and

Secondly, the employer shall submit evidence satisfactorily to the Commission that his or her entire liability for the compensation provided for in this Act will be secured. Any provisions in any policy, or in any endorsement attached thereto, attempting to limit or modify in any way, the liability of the insurance carriers issuing the same except as otherwise provided herein shall be wholly void.

Nothing herein contained shall apply to policies of excess liability carriage secured by employers who have been approved by the Commission as self-insurers, or

(4) Make some other provision, satisfactory to the Commission, for the securing of the payment of compensation provided for in this Act, and

(5) Upon becoming subject to this Act and thereafter as often as the Commission may in writing demand, file with the Commission in form prescribed by it evidence of his or her compliance with the provision of this Section.

(a-1) Regardless of its state of domicile or its principal place of business, an employer shall make payments to its insurance carrier or group self-insurance fund, where applicable, based upon the premium rates of the situs where the work or project is located in Illinois if:

(A) the employer is engaged primarily in the building and construction industry; and

(B) subdivision (a)(3) of this Section applies to the employer or the employer is a member of a group self-insurance plan as defined in subsection (1) of Section 4a.

The Illinois Workers' Compensation Industrial Commission shall impose a penalty upon an employer for violation of this subsection (a-1) if:

(i) the employer is given an opportunity at a hearing to present evidence of its compliance with this subsection(a-1); and

(ii) after the hearing, the Commission finds that the employer failed to make payments upon the premium rates of the situs where the work or project is located in Illinois.

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The penalty shall not exceed $1,000 for each day of work for which the employer failed to make payments upon the premium rates of the situs where the work or project is located in Illinois, but the total penalty shall not exceed $50,000 for each project or each contract under which the work was performed.

Any penalty under this subsection (a-1) must be imposed not later than one year after the expiration of the applicable limitation period specified in subsection (d) of Section 6 of this Act. Penalties imposed under this subsection (a-1) shall be deposited into the Illinois Workers’ Compensation Industrial Commission Operations Fund, a special fund that is created in the State treasury. Subject to appropriation, moneys in the Fund shall be used solely for the operations of the Illinois Workers’ Compensation Industrial Commission.

(b) The sworn application and financial statement, or security, indemnity or bond, or amount of insurance, or other provisions, filed, furnished, carried, or made by the employer, as the case may be, shall be subject to the approval of the Commission.

Deposits under escrow agreements shall be cash, negotiable United States government bonds or negotiable general obligation bonds of the State of Illinois. Such cash or bonds shall be deposited in escrow with any State or National Bank or Trust Company having trust authority in the State of Illinois.

Upon the approval of the sworn application and financial statement, security, indemnity or bond or amount of insurance, filed, furnished or carried, as the case may be, the Commission shall send to the employer written notice of its approval thereof. The certificate of compliance by the employer with the provisions of subparagraphs (2) and (3) of paragraph (a) of this Section shall be delivered by the insurance carrier to the Illinois Workers’ Compensation Industrial Commission within five days after the effective date of the policy so certified. The insurance so certified shall cover all compensation liability occurring during the time that the insurance is in effect and no further certificate need be filed in case such insurance is renewed, extended or otherwise continued by such carrier. The insurance so certified shall not be cancelled or in the event that such insurance is not renewed, extended or otherwise continued, such insurance shall not be terminated until at least 10 days after receipt by the Illinois Workers’ Compensation Industrial Commission of notice of the cancellation or termination of said insurance; provided, however, that if the employer has secured insurance from another

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insurance carrier, or has otherwise secured the payment of compensation in accordance with this Section, and such insurance or other security becomes effective prior to the expiration of the 10 days, cancellation or termination may, at the option of the insurance carrier indicated in such notice, be effective as of the effective date of such other insurance or security.

(c) Whenever the Commission shall find that any corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or other insurer effecting workers' compensation insurance in this State shall be insolvent, financially unsound, or unable to fully meet all payments and liabilities assumed or to be assumed for compensation insurance in this State, or shall practice a policy of delay or unfairness toward employees in the adjustment, settlement, or payment of benefits due such employees, the Commission may after reasonable notice and hearing order and direct that such corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or insurer, shall from and after a date fixed in such order discontinue the writing of any such workers' compensation insurance in this State. Subject to such modification of the order as the Commission may later make on review of the order, as herein provided, it shall thereupon be unlawful for any such corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or insurer to effect any workers' compensation insurance in this State. A copy of the order shall be served upon the Director of Insurance by registered mail. Whenever the Commission finds that any service or adjustment company used or employed by a self-insured employer or by an insurance carrier to process, adjust, investigate, compromise or otherwise handle claims under this Act, has practiced or is practicing a policy of delay or unfairness toward employees in the adjustment, settlement or payment of benefits due such employees, the Commission may after reasonable notice and hearing order and direct that such service or adjustment company shall from and after a date fixed in such order be prohibited from processing, adjusting, investigating, compromising or otherwise handling claims under this Act.

Whenever the Commission finds that any self-insured employer has practiced or is practicing delay or unfairness toward employees in the adjustment, settlement or payment of benefits due such employees, the Commission may, after reasonable notice and hearing, order and direct that after a date fixed in the order such self-insured employer shall be disqualified to operate as a self-insurer and shall be required to insure his

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entire liability to pay compensation in some insurance carrier authorized, licensed and permitted to do such insurance business in this State, as provided in subparagraph 3 of paragraph (a) of this Section.

All orders made by the Commission under this Section shall be subject to review by the courts, said review to be taken in the same manner and within the same time as provided by Section 19 of this Act for review of awards and decisions of the Commission, upon the party seeking the review filing with the clerk of the court to which said review is taken a bond in an amount to be fixed and approved by the court to which the review is taken, conditioned upon the payment of all compensation awarded against the person taking said review pending a decision thereof and further conditioned upon such other obligations as the court may impose. Upon the review the Circuit Court shall have power to review all questions of fact as well as of law. The penalty hereinafter provided for in this paragraph shall not attach and shall not begin to run until the final determination of the order of the Commission.

(d) Upon a finding by the Commission, after reasonable notice and hearing, of the knowing and wilful failure or refusal of an employer to comply with any of the provisions of paragraph (a) of this Section or the failure or refusal of an employer, service or adjustment company, or an insurance carrier to comply with any order of the Illinois Workers' Compensation Industrial Commission pursuant to paragraph (c) of this Section disqualifying him or her to operate as a self insurer and requiring him or her to insure his or her liability, the Commission may assess a civil penalty of up to $500 per day for each day of such failure or refusal after the effective date of this amendatory Act of 1989. The minimum penalty under this Section shall be the sum of $10,000. Each day of such failure or refusal shall constitute a separate offense. The Commission may assess the civil penalty personally and individually against the corporate officers and directors of a corporate employer, the partners of an employer partnership, and the members of an employer limited liability company, after a finding of a knowing and willful refusal or failure of each such named corporate officer, director, partner, or member to comply with this Section. The liability for the assessed penalty shall be against the named employer first, and if the named employer fails or refuses to pay the penalty to the Commission within 30 days after the final order of the Commission, then the named corporate officers, directors, partners, or members who have been found to have knowingly and willfully refused or failed to comply with this Section shall be liable for the unpaid penalty or any unpaid penalty.
portion of the penalty. All penalties collected under this Section shall be deposited in the *Illinois Workers' Compensation Industrial* Commission Operations Fund.

Upon the failure or refusal of any employer, service or adjustment company or insurance carrier to comply with the provisions of this Section and with the orders of the Commission under this Section, or the order of the court on review after final adjudication, the Commission may bring a civil action to recover the amount of the penalty in Cook County or in Sangamon County in which litigation the Commission shall be represented by the Attorney General. The Commission shall send notice of its finding of non-compliance and assessment of the civil penalty to the Attorney General. It shall be the duty of the Attorney General within 30 days after receipt of the notice, to institute prosecutions and promptly prosecute all reported violations of this Section.

(e) This Act shall not affect or disturb the continuance of any existing insurance, mutual aid, benefit, or relief association or department, whether maintained in whole or in part by the employer or whether maintained by the employees, the payment of benefits of such association or department being guaranteed by the employer or by some person, firm or corporation for him or her: Provided, the employer contributes to such association or department an amount not less than the full compensation herein provided, exclusive of the cost of the maintenance of such association or department and without any expense to the employee. This Act shall not prevent the organization and maintaining under the insurance laws of this State of any benefit or insurance company for the purpose of insuring against the compensation provided for in this Act, the expense of which is maintained by the employer. This Act shall not prevent the organization or maintaining under the insurance laws of this State of any voluntary mutual aid, benefit or relief association among employees for the payment of additional accident or sick benefits.

(f) No existing insurance, mutual aid, benefit or relief association or department shall, by reason of anything herein contained, be authorized to discontinue its operation without first discharging its obligations to any and all persons carrying insurance in the same or entitled to relief or benefits therein.

(g) Any contract, oral, written or implied, of employment providing for relief benefit, or insurance or any other device whereby the employee is required to pay any premium or premiums for insurance against the compensation provided for in this Act shall be null and void. Any

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employer withholding from the wages of any employee any amount for the purpose of paying any such premium shall be guilty of a Class B misdemeanor.

In the event the employer does not pay the compensation for which he or she is liable, then an insurance company, association or insurer which may have insured such employer against such liability shall become primarily liable to pay to the employee, his or her personal representative or beneficiary the compensation required by the provisions of this Act to be paid by such employer. The insurance carrier may be made a party to the proceedings in which the employer is a party and an award may be entered jointly against the employer and the insurance carrier.

(h) It shall be unlawful for any employer, insurance company or service or adjustment company to interfere with, restrain or coerce an employee in any manner whatsoever in the exercise of the rights or remedies granted to him or her by this Act or to discriminate, attempt to discriminate, or threaten to discriminate against an employee in any way because of his or her exercise of the rights or remedies granted to him or her by this Act.

It shall be unlawful for any employer, individually or through any insurance company or service or adjustment company, to discharge or to threaten to discharge, or to refuse to rehire or recall to active service in a suitable capacity an employee because of the exercise of his or her rights or remedies granted to him or her by this Act.

(i) If an employer elects to obtain a life insurance policy on his employees, he may also elect to apply such benefits in satisfaction of all or a portion of the death benefits payable under this Act, in which case, the employer's compensation premium shall be reduced accordingly.

(j) Within 45 days of receipt of an initial application or application to renew self-insurance privileges the Self-Insurers Advisory Board shall review and submit for approval by the Chairman of the Commission recommendations of disposition of all initial applications to self-insure and all applications to renew self-insurance privileges filed by private self-insurers pursuant to the provisions of this Section and Section 4a-9 of this Act. Each private self-insurer shall submit with its initial and renewal applications the application fee required by Section 4a-4 of this Act.

The Chairman of the Commission shall promptly act upon all initial applications and applications for renewal in full accordance with the recommendations of the Board or, should the Chairman disagree with any recommendation of disposition of the Self-Insurer's Advisory Board, he

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shall within 30 days of receipt of such recommendation provide to the Board in writing the reasons supporting his decision. The Chairman shall also promptly notify the employer of his decision within 15 days of receipt of the recommendation of the Board.

If an employer is denied a renewal of self-insurance privileges pursuant to application it shall retain said privilege for 120 days after receipt of a notice of cancellation of the privilege from the Chairman of the Commission.

All orders made by the Chairman under this Section shall be subject to review by the courts, such review to be taken in the same manner and within the same time as provided by subsection (f) of Section 19 of this Act for review of awards and decisions of the Commission, upon the party seeking the review filing with the clerk of the court to which such review is taken a bond in an amount to be fixed and approved by the court to which the review is taken, conditioned upon the payment of all compensation awarded against the person taking such review pending a decision thereof and further conditioned upon such other obligations as the court may impose. Upon the review the Circuit Court shall have power to review all questions of fact as well as of law.

(Source: P.A. 91-375, eff. 1-1-00; 91-757, eff. 1-1-01; 92-324, eff. 8-9-01.)

(820 ILCS 305/4a-2) (from Ch. 48, par. 138.4a-2)
Sec. 4a-2. As used in Sections 4a-1 through 4a-9:
(a) "Board" means the Self-Insurers Advisory Board created by Section 4a-1.
(b) "Chairman" means the Chairman of the Illinois Workers' Compensation Industrial Commission.
(c) "Private self-insurer" means a private employer that has been authorized to self-insure its payment of workers' compensation benefits pursuant to subsection (a) of Section 4 of this Act or to self-insure its payment of occupational disease benefits pursuant to subsection (a) of Section 4 of the Workers' Occupational Diseases Act but does not include group self-insured employers under Section 4a of this Act or Section 4a of the Workers' Occupational Diseases Act or the State of Illinois, any political subdivision of the State, unit of local government or school district, or any other public authorities or quasi-governmental bodies including any subunits of the foregoing entities.
(d) "Insolvent self-insurer" means a private self-insurer financially unable to pay compensation due under this Act, which (i) has filed either

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prior to or after the effective date of this Section or (ii) is the subject party 
in any proceeding under the Federal Bankruptcy Reform Act of 1978, or is 
the subject party in any proceeding in which a receiver, custodian, 
liquidator, rehabilitator, sequestator, trustee or similar officer has been 
appointed by any Court to act in lieu of or on behalf of that self-insurer. 
(e) "Fund" means the Self-Insurers Security Fund established by Section 
4a-5.

(f) "Trustee" means a member of the Self-Insurers Advisory Board. 
(g) "Self-Insurers Administration Fund" means the Fund 
established by Section 4a-6.1.

(h) "Application fee" means the application fee provided for in 
Section 4a-4.
(Source: P.A. 85-1385.)

(820 ILCS 305/4a-3)(from Ch. 48, par. 138.4a-3)
Sec. 4a-3. (a) The Board shall consist of the Chairman of the 
Illinois Workers' Compensation Industrial Commission, as Chairman of 
the Board, and six other members appointed by the Chairman who shall be 
expert in matters of self-insurance for workers' compensation liability. One 
such member shall represent the general public. The Trustees shall initially 
be appointed by the Chairman within 30 days of the effective date of this 
amendatory Act of 1985. Three of the Trustees initially appointed by the 
Chairman shall serve for a two-year term ending January 1, 1988, and 
three shall serve for a four-year term ending January 1, 1990. Thereafter, 
each Trustee shall be appointed to a four-year term and shall continue to 
serve until his successor is appointed.

(b) A vacancy in the office of any appointed member shall occur 
upon his resignation, death, or conviction of a felony. The Chairman may 
remove any member from office on a formal finding of incompetence, 
neglect of duty or malfeasance in office. Within 30 days after the office of 
any appointed member becomes vacant for any reason, the Chairman shall 
fill that vacancy for the unexpired term in the same manner as that in 
which appointments are made.
(Source: P.A. 84-1097.)

(820 ILCS 305/4a-7)(from Ch. 48, par. 138.4a-7)
Sec. 4a-7. (a) The Commission may upon direction of the Board 
from time to time assess each of the private self-insurers a pro rata share of 
the funding reasonably necessary to carry out its activities under this 
Section. The prorations shall be made on the basis of each self-insured's 
most recent payment into the rate adjustment fund under Section 7(f) of

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this Act. In no event shall a private self-insurer be assessed at one time in excess of .6% of the compensation paid by that private self-insurer during the previous calendar year for claims incurred as a self-insurer. Total assessments against it in any calendar year shall not exceed 1.2% of the compensation it has paid during the previous calendar year as a self-insurer for claims incurred. Funds obtained by such assessments shall be used only for the purposes set forth in this Section, and shall be deposited upon receipt by the Commission into the Self-Insurers Security Fund. If payment of any assessment made under this subsection is not made within 30 days of the sending of the notice to the private self-insurer, the Commission at the direction of the Board shall proceed in circuit court for judgment against that private self-insurer which judgment shall include the amount of the assessment, the costs of suit, interest and reasonable attorneys' fees.

(b) A private self-insurer which ceases to be a self-insurer shall be liable for any and all assessments made pursuant to this Section during the period following the date its certificate of authority to self-insure is withdrawn, revoked or surrendered until such time as it has discharged all obligations to pay compensation which arose during the period of time said former self-insurer was self-insured. Assessments of such a former private self-insurer shall be based on the compensation paid by the former private self-insurer during the preceding calendar year on claims that arose during the period of time said former private self-insurer was self-insured.

(c) The Board on behalf of the Commission shall annually contract for an independent certified audit of the financial activities of the Fund, and an annual report as of June 30 shall be submitted promptly by the Board to the Chairman of the Illinois Workers' Compensation Industrial Commission and to each Trustee. Written reports of all activities shall be submitted to the Commission by the Board on a monthly basis.

(d) If there are monies remaining in the Fund after all outstanding obligations of all insolvent self-insurers have been satisfied and the costs of administration and defense have been paid, such amounts shall be returned by the Commission from the Fund as directed by the Board to the then private self-insurers in that proportion which each said private self-insurer has contributed to the Fund one year thereafter, provided no outstanding liabilities remain against the Fund.

(e) Each private self-insurer shall be subject to the direction of the Commission as provided in this Section as a condition of obtaining and maintaining its certificate of authority to self-insure.

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Sec. 4d. Illinois Workers' Compensation Industrial Commission Operations Fund Fee.

(a) As of the effective date of this amendatory Act of the 93rd General Assembly, each employer that self-insures its liabilities arising under this Act or Workers' Occupational Diseases Act shall pay a fee measured by the annual actual wages paid in this State of such an employer in the manner provided in this Section. Such proceeds shall be deposited in the Illinois Workers' Compensation Industrial Commission Operations Fund. If an employer survives or was formed by a merger, consolidation, reorganization, or reincorporation, the actual wages paid in this State of all employers party to the merger, consolidation, reorganization, or reincorporation shall, for purposes of determining the amount of the fee imposed by this Section, be regarded as those of the surviving or new employer.

(b) Beginning on the effective date of this amendatory Act of the 93rd General Assembly and on July 1 of each year thereafter, the Chairman shall charge and collect an annual Illinois Workers' Compensation Industrial Commission Operations Fund Fee from every employer subject to subsection (a) of this Section equal to 0.045% of its annual actual wages paid in this State as reported in each employer's annual self-insurance renewal filed for the previous year as required by Section 4 of this Act and Section 4 of the Workers' Occupational Diseases Act. All sums collected by the Commission under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Illinois Workers' Compensation Industrial Commission Operations Fund.

(c) In addition to the authority specifically granted under Section 16, the Chairman shall have such authority to adopt rules or establish forms as may be reasonably necessary for purposes of enforcing this Section. The Commission shall have authority to defer, waive, or abate the fee or any penalties imposed by this Section if in the Commission's opinion the employer's solvency and ability to meet its obligations to pay workers' compensation benefits would be immediately threatened by payment of the fee due.

(d) When an employer fails to pay the full amount of any annual Illinois Workers' Compensation Industrial Commission Operations Fund Fee of $100 or more due under this Section, there shall be added to the

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amount due as a penalty the greater of $1,000 or an amount equal to 5% of
the deficiency for each month or part of a month that the deficiency
remains unpaid.

(e) The Commission may enforce the collection of any delinquent
payment, penalty or portion thereof by legal action or in any other manner
by which the collection of debts due the State of Illinois may be enforced
under the laws of this State.

(f) Whenever it appears to the satisfaction of the Chairman that an
employer has paid pursuant to this Act an Illinois Workers’ Compensation
Industrial Commission Operations Fund Fee in an amount in excess of the
amount legally collectable from the employer, the Chairman shall issue a
credit memorandum for an amount equal to the amount of such
overpayment. A credit memorandum may be applied for the 2-year period
from the date of issuance against the payment of any amount due during
that period under the fee imposed by this Section or, subject to reasonable
rule of the Commission including requirement of notification, may be
assigned to any other employer subject to regulation under this Act. Any
application of credit memoranda after the period provided for in this
Section is void.

(Source: P.A. 93-32, eff. 6-20-03.)

(820 ILCS 305/6)(from Ch. 48, par. 138.6)

Sec. 6. (a) Every employer within the provisions of this Act, shall,
under the rules and regulations prescribed by the Commission, post printed
notices in their respective places of employment in such number and at
such places as may be determined by the Commission, containing such
information relative to this Act as in the judgment of the Commission may
be necessary to aid employees to safeguard their rights under this Act in
event of injury.

In addition thereto, the employer shall post in a conspicuous place
on the place of the employment a printed or typewritten notice stating
whether he is insured or whether he has qualified and is operating as a
self-insured employer. In the event the employer is insured, the notice
shall state the name and address of his insurance carrier, the number of the
insurance policy, its effective date and the date of termination. In the event
of the termination of the policy for any reason prior to the termination date
stated, the posted notice shall promptly be corrected accordingly. In the
event the employer is operating as a self-insured employer the notice shall
state the name and address of the company, if any, servicing the

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compensation payments of the employer, and the name and address of the person in charge of making compensation payments.

(b) Every employer subject to this Act shall maintain accurate records of work-related deaths, injuries and illness other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job and file with the Commission, in writing, a report of all accidental deaths, injuries and illnesses arising out of and in the course of the employment resulting in the loss of more than 3 scheduled work days. In the case of death such report shall be made no later than 2 working days following the accidental death. In all other cases such report shall be made between the 15th and 25th of each month unless required to be made sooner by rule of the Commission. In case the injury results in permanent disability, a further report shall be made as soon as it is determined that such permanent disability has resulted or will result from the injury. All reports shall state the date of the injury, including the time of day or night, the nature of the employer’s business, the name, address, age, sex, conjugal condition of the injured person, the specific occupation of the injured person, the direct cause of the injury and the nature of the accident, the character of the injury, the length of disability, and in case of death the length of disability before death, the wages of the injured person, whether compensation has been paid to the injured person, or to his or her legal representative or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians’, surgeons’ and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses if known. The reports shall be made on forms and in the manner as prescribed by the Commission and shall contain such further information as the Commission shall deem necessary and require. The making of these reports releases the employer from making such reports to any other officer of the State and shall satisfy the reporting provisions as contained in the "Health and Safety Act" and "An Act in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act therein named", approved July 18, 1955, as now or hereafter amended. The reports filed with the Commission pursuant to this Section shall be made available by the Commission to the Director of Labor or his representatives and to all other departments of the State of Illinois which shall require such information for the proper discharge of their official duties. Failure to file with the Commission any of the reports required in this Section is a petty offense.

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Except as provided in this paragraph, all reports filed hereunder shall be confidential and any person having access to such records filed with the Illinois Workers’ Compensation Industrial Commission as herein required, who shall release any information therein contained including the names or otherwise identify any persons sustaining injuries or disabilities, or give access to such information to any unauthorized person, shall be subject to discipline or discharge, and in addition shall be guilty of a Class B misdemeanor. The Commission shall compile and distribute to interested persons aggregate statistics, taken from the reports filed hereunder. The aggregate statistics shall not give the names or otherwise identify persons sustaining injuries or disabilities or the employer of any injured or disabled person.

(c) Notice of the accident shall be given to the employer as soon as practicable, but not later than 45 days after the accident. Provided:

(1) In case of the legal disability of the employee or any dependent of a deceased employee who may be entitled to compensation under the provisions of this Act, the limitations of time by this Act provided do not begin to run against such person under legal disability until a guardian has been appointed.

(2) In cases of injuries sustained by exposure to radiological materials or equipment, notice shall be given to the employer within 90 days subsequent to the time that the employee knows or suspects that he has received an excessive dose of radiation.

No defect or inaccuracy of such notice shall be a bar to the maintenance of proceedings on arbitration or otherwise by the employee unless the employer proves that he is unduly prejudiced in such proceedings by such defect or inaccuracy.

Notice of the accident shall give the approximate date and place of the accident, if known, and may be given orally or in writing.

(d) Every employer shall notify each injured employee who has been granted compensation under the provisions of Section 8 of this Act of his rights to rehabilitation services and advise him of the locations of available public rehabilitation centers and any other such services of which the employer has knowledge.

In any case, other than one where the injury was caused by exposure to radiological materials or equipment or asbestos unless the application for compensation is filed with the Commission within 3 years after the date of the accident, where no compensation has been paid, or within 2 years after the date of the last payment of compensation, where

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any has been paid, whichever shall be later, the right to file such application shall be barred.

In any case of injury caused by exposure to radiological materials or equipment or asbestos, unless application for compensation is filed with the Commission within 25 years after the last day that the employee was employed in an environment of hazardous radiological activity or asbestos, the right to file such application shall be barred.

If in any case except one where the injury was caused by exposure to radiological materials or equipment or asbestos, the accidental injury results in death application for compensation for death may be filed with the Commission within 3 years after the date of death where no compensation has been paid or within 2 years after the date of the last payment of compensation where any has been paid, whichever shall be later, but not thereafter.

If an accidental injury caused by exposure to radiological material or equipment or asbestos results in death within 25 years after the last day that the employee was so exposed application for compensation for death may be filed with the Commission within 3 years after the date of death where no compensation has been paid, or within 2 years after the date of the last payment of compensation where any has been paid, whichever shall be later, but not thereafter.

(e) Any contract or agreement made by any employer or his agent or attorney with any employee or any other beneficiary of any claim under the provisions of this Act within 7 days after the injury shall be presumed to be fraudulent.

(Source: P.A. 84-981.)

(820 ILCS 305/7)(from Ch. 48, par. 138.7)

Sec. 7. The amount of compensation which shall be paid for an accidental injury to the employee resulting in death is:

(a) If the employee leaves surviving a widow, widower, child or children, the applicable weekly compensation rate computed in accordance with subparagraph 2 of paragraph (b) of Section 8, shall be payable during the life of the widow or widower and if any surviving child or children shall not be physically or mentally incapacitated then until the death of the widow or widower or until the youngest child shall reach the age of 18, whichever shall come later; provided that if such child or children shall be enrolled as a full time student in any accredited educational institution, the payments shall continue until such child has attained the age of 25. In the event any surviving child or children shall be physically or mentally

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incapacitated, the payments shall continue for the duration of such incapacity.

The term "child" means a child whom the deceased employee left surviving, including a posthumous child, a child legally adopted, a child whom the deceased employee was legally obligated to support or a child to whom the deceased employee stood in loco parentis. The term "children" means the plural of "child".

The term "physically or mentally incapacitated child or children" means a child or children incapable of engaging in regular and substantial gainful employment.

In the event of the remarriage of a widow or widower, where the decedent did not leave surviving any child or children who, at the time of such remarriage, are entitled to compensation benefits under this Act, the surviving spouse shall be paid a lump sum equal to 2 years compensation benefits and all further rights of such widow or widower shall be extinguished.

If the employee leaves surviving any child or children under 18 years of age who at the time of death shall be entitled to compensation under this paragraph (a) of this Section, the weekly compensation payments herein provided for such child or children shall in any event continue for a period of not less than 6 years.

Any beneficiary entitled to compensation under this paragraph (a) of this Section shall receive from the special fund provided in paragraph (f) of this Section, in addition to the compensation herein provided, supplemental benefits in accordance with paragraph (g) of Section 8.

(b) If no compensation is payable under paragraph (a) of this Section and the employee leaves surviving a parent or parents who at the time of the accident were totally dependent upon the earnings of the employee then weekly payments equal to the compensation rate payable in the case where the employee leaves surviving a widow or widower, shall be paid to such parent or parents for the duration of their lives, and in the event of the death of either, for the life of the survivor.

(c) If no compensation is payable under paragraphs (a) or (b) of this Section and the employee leaves surviving any child or children who are not entitled to compensation under the foregoing paragraph (a) but who at the time of the accident were nevertheless in any manner dependent upon the earnings of the employee, or leaves surviving a parent or parents who at the time of the accident were partially dependent upon the earnings of the employee, then there shall be paid to such dependent or dependents

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for a period of 8 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all the rights under this paragraph shall be extinguished.

(d) If no compensation is payable under paragraphs (a), (b) or (c) of this Section and the employee leaves surviving any grandparent, grandparents, grandchild or grandchildren or collateral heirs dependent upon the employee's earnings to the extent of 50% or more of total dependency, then there shall be paid to such dependent or dependents for a period of 5 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all rights hereunder shall be extinguished.

(e) The compensation to be paid for accidental injury which results in death, as provided in this Section, shall be paid to the persons who form the basis for determining the amount of compensation to be paid by the employer, the respective shares to be in the proportion of their respective dependency at the time of the accident on the earnings of the deceased. The Commission or an Arbitrator thereof may, in its or his discretion, order or award the payment to the parent or grandparent of a child for the latter's support the amount of compensation which but for such order or award would have been paid to such child as its share of the compensation payable, which order or award may be modified from time to time by the Commission in its discretion with respect to the person to whom shall be paid the amount of the order or award remaining unpaid at the time of the modification.

The payments of compensation by the employer in accordance with the order or award of the Commission discharges such employer from all further obligation as to such compensation.

(f) The sum of $4200 for burial expenses shall be paid by the employer to the widow or widower, other dependent, next of kin or to the person or persons incurring the expense of burial.

In the event the employer failed to provide necessary first aid, medical, surgical or hospital service, he shall pay the cost thereof to the

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person or persons entitled to compensation under paragraphs (a), (b), (c) or (d) of this Section, or to the person or persons incurring the obligation therefore, or providing the same.

On January 15 and July 15, 1981, and on January 15 and July 15 of each year thereafter the employer shall within 60 days pay a sum equal to 1/8 of 1% of all compensation payments made by him after July 1, 1980, either under this Act or the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including hospital, surgical or rehabilitation payments, made during the first 6 months and during the second 6 months respectively of the fiscal year next preceding the date of the payments, into a special fund which shall be designated the "Second Injury Fund", of which the State Treasurer is ex-officio custodian, such special fund to be held and disbursed for the purposes hereinafter stated in paragraphs (f) and (g) of Section 8, either upon the order of the Commission or of a competent court. Said special fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every 6 months. It is subject to audit the same as State funds and accounts and is protected by the General bond given by the State Treasurer. It is considered always appropriated for the purposes of disbursements as provided in Section 8, paragraph (f), of this Act, and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose.

On January 15, 1991, the employer shall further pay a sum equal to one half of 1% of all compensation payments made by him from January 1, 1990 through June 30, 1990 either under this Act or under the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including hospital, surgical or rehabilitation payments, into an additional Special Fund which shall be designated as the "Rate Adjustment Fund". On March 15, 1991, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made from July 1, 1990 through December 31, 1990. Within 60 days after July 15, 1991, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made from January 1, 1991 through June 30, 1991. Within 60 days after January 15 of 1992 and each subsequent year through 1996, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 1992 and each subsequent year through 1995, the employer shall pay

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into the Rate Adjustment Fund a sum equal to one half of 1% of all such
compensation payments made in the first 6 months of the same calendar
year. Within 60 days after January 15 of 1997 and each subsequent year,
the employer shall pay into the Rate Adjustment Fund a sum equal to
three-fourths of 1% of all such compensation payments made in the last 6
months of the preceding calendar year. Within 60 days after July 15 of
1996 and each subsequent year, the employer shall pay into the Rate
Adjustment Fund a sum equal to three-fourths of 1% of all such
compensation payments made in the first 6 months of the same calendar
year. The administrative costs of collecting assessments from employers
for the Rate Adjustment Fund shall be paid from the Rate Adjustment
Fund. The cost of an actuarial audit of the Fund shall be paid from the
Rate Adjustment Fund and the audit shall be completed no later than July
1, 1997. The State Treasurer is ex officio custodian of such Special Fund
and the same shall be held and disbursed for the purposes hereinafter
stated in paragraphs (f) and (g) of Section 8 upon the order of the
Commission or of a competent court. The Rate Adjustment Fund shall be
deposited the same as are State funds and any interest accruing thereon
shall be added thereto every 6 months. It shall be subject to audit the same
as State funds and accounts and shall be protected by the general bond
given by the State Treasurer. It is considered always appropriated for the
purposes of disbursements as provided in paragraphs (f) and (g) of Section
8 of this Act and shall be paid out and disbursed as therein provided and
shall not at any time be appropriated or diverted to any other use or
purpose. Within 5 days after the effective date of this amendatory Act of
1990, the Comptroller and the State Treasurer shall transfer $1,000,000
from the General Revenue Fund to the Rate Adjustment Fund. By
February 15, 1991, the Comptroller and the State Treasurer shall transfer
$1,000,000 from the Rate Adjustment Fund to the General Revenue Fund.
The Comptroller and Treasurer are authorized to make transfers at the
request of the Chairman up to a total of $15,000,000 from the Second
Injury Fund, the General Revenue Fund, and the Workers' Compensation
Benefit Trust Fund to the Rate Adjustment Fund to the extent that there is
insufficient money in the Rate Adjustment Fund to pay claims and
obligations. Amounts may be transferred from the General Revenue Fund
only if the funds in the Second Injury Fund or the Workers' Compensation
Benefit Trust Fund are insufficient to pay claims and obligations of the
Rate Adjustment Fund. All amounts transferred from the Second Injury
Fund, the General Revenue Fund, and the Workers' Compensation Benefit

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Trust Fund shall be repaid from the Rate Adjustment Fund within 270 days of a transfer, together with interest at the rate earned by moneys on deposit in the Fund or Funds from which the moneys were transferred.

Upon a finding by the Commission, after reasonable notice and hearing, that any employer has willfully and knowingly failed to pay the proper amounts into the Second Injury Fund or the Rate Adjustment Fund required by this Section or if such payments are not made within the time periods prescribed by this Section, the employer shall, in addition to such payments, pay a penalty of 20% of the amount required to be paid or $2,500, whichever is greater, for each year or part thereof of such failure to pay. This penalty shall only apply to obligations of an employer to the Second Injury Fund or the Rate Adjustment Fund accruing after the effective date of this amendatory Act of 1989. All or part of such a penalty may be waived by the Commission for good cause shown.

Any obligations of an employer to the Second Injury Fund and Rate Adjustment Fund accruing prior to the effective date of this amendatory Act of 1989 shall be paid in full by such employer within 5 years of the effective date of this amendatory Act of 1989, with at least one-fifth of such obligation to be paid during each year following the effective date of this amendatory Act of 1989. If the Commission finds, following reasonable notice and hearing, that an employer has failed to make timely payment of any obligation accruing under the preceding sentence, the employer shall, in addition to all other payments required by this Section, be liable for a penalty equal to 20% of the overdue obligation or $2,500, whichever is greater, for each year or part thereof that obligation is overdue. All or part of such a penalty may be waived by the Commission for good cause shown.

The Chairman of the Illinois Workers' Compensation Industrial Commission shall, annually, furnish to the Director of the Department of Insurance a list of the amounts paid into the Second Injury Fund and the Rate Adjustment Fund by each insurance company on behalf of their insured employers. The Director shall verify to the Chairman that the amounts paid by each insurance company are accurate as best as the Director can determine from the records available to the Director. The Chairman shall verify that the amounts paid by each self-insurer are accurate as best as the Chairman can determine from records available to the Chairman. The Chairman may require each self-insurer to provide information concerning the total compensation payments made upon which contributions to the Second Injury Fund and the Rate Adjustment

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Fund are predicated and any additional information establishing that such payments have been made into these funds. Any deficiencies in payments noted by the Director or Chairman shall be subject to the penalty provisions of this Act.

The State Treasurer, or his duly authorized representative, shall be named as a party to all proceedings in all cases involving claim for the loss of, or the permanent and complete loss of the use of one eye, one foot, one leg, one arm or one hand.

The State Treasurer or his duly authorized agent shall have the same rights as any other party to the proceeding, including the right to petition for review of any award. The reasonable expenses of litigation, such as medical examinations, testimony, and transcript of evidence, incurred by the State Treasurer or his duly authorized representative, shall be borne by the Second Injury Fund.

If the award is not paid within 30 days after the date the award has become final, the Commission shall proceed to take judgment thereon in its own name as is provided for other awards by paragraph (g) of Section 19 of this Act and take the necessary steps to collect the award.

Any person, corporation or organization who has paid or become liable for the payment of burial expenses of the deceased employee may in his or its own name institute proceedings before the Commission for the collection thereof.

For the purpose of administration, receipts and disbursements, the Special Fund provided for in paragraph (f) of this Section shall be administered jointly with the Special Fund provided for in Section 7, paragraph (f) of the Workers' Occupational Diseases Act.

(g) All compensation, except for burial expenses provided in this Section to be paid in case accident results in death, shall be paid in installments equal to the percentage of the average earnings as provided for in Section 8, paragraph (b) of this Act, at the same intervals at which the wages or earnings of the employees were paid. If this is not feasible, then the installments shall be paid weekly. Such compensation may be paid in a lump sum upon petition as provided in Section 9 of this Act. However, in addition to the benefits provided by Section 9 of this Act where compensation for death is payable to the deceased's widow, widower or to the deceased's widow, widower and one or more children, and where a partial lump sum is applied for by such beneficiary or beneficiaries within 18 months after the deceased's death, the Commission may, in its discretion, grant a partial lump sum of not to exceed 100 weeks

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of the compensation capitalized at their present value upon the basis of interest calculated at 3% per annum with annual rests, upon a showing that such partial lump sum is for the best interest of such beneficiary or beneficiaries.

(h) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (a), (b), (c), (d) and (f) of this Section shall be increased 50%.

Nothing herein contained repeals or amends the provisions of the Child Labor Law relating to the employment of minors under the age of 16 years.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor Law or work permit issued pursuant to the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section only.

(i) Whenever the dependents of a deceased employee are aliens not residing in the United States, Mexico or Canada, the amount of compensation payable is limited to the beneficiaries described in paragraphs (a), (b) and (c) of this Section and is 50% of the compensation provided in paragraphs (a), (b) and (c) of this Section, except as otherwise provided by treaty.

In a case where any of the persons who would be entitled to compensation is living at any place outside of the United States, then payment shall be made to the personal representative of the deceased employee. The distribution by such personal representative to the persons entitled shall be made to such persons and in such manner as the Commission orders.

(Source: P.A. 92-714, eff. 1-1-03.)

(820 ILCS 305/8)(from Ch. 48, par. 138.8)

Sec. 8. The amount of compensation which shall be paid to the employee for an accidental injury not resulting in death is:

(a) The employer shall provide and pay for all the necessary first aid, medical and surgical services, and all necessary medical, surgical and hospital services thereafter incurred, limited, however, to that which is reasonably required to cure or relieve from the effects of the accidental injury. The employer shall also pay for treatment, instruction and training necessary for the physical, mental and vocational rehabilitation of the

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employee, including all maintenance costs and expenses incidental thereto. If as a result of the injury the employee is unable to be self-sufficient the employer shall further pay for such maintenance or institutional care as shall be required.

The employee may at any time elect to secure his own physician, surgeon and hospital services at the employer's expense, or,

Upon agreement between the employer and the employees, or the employees' exclusive representative, and subject to the approval of the Illinois Workers' Compensation Industrial Commission, the employer shall maintain a list of physicians, to be known as a Panel of Physicians, who are accessible to the employees. The employer shall post this list in a place or places easily accessible to his employees. The employee shall have the right to make an alternative choice of physician from such Panel if he is not satisfied with the physician first selected. If, due to the nature of the injury or its occurrence away from the employer's place of business, the employee is unable to make a selection from the Panel, the selection process from the Panel shall not apply. The physician selected from the Panel may arrange for any consultation, referral or other specialized medical services outside the Panel at the employer's expense. Provided that, in the event the Commission shall find that a doctor selected by the employee is rendering improper or inadequate care, the Commission may order the employee to select another doctor certified or qualified in the medical field for which treatment is required. If the employee refuses to make such change the Commission may relieve the employer of his obligation to pay the doctor's charges from the date of refusal to the date of compliance.

Every hospital, physician, surgeon or other person rendering treatment or services in accordance with the provisions of this Section shall upon written request furnish full and complete reports thereof to, and permit their records to be copied by, the employer, the employee or his dependents, as the case may be, or any other party to any proceeding for compensation before the Commission, or their attorneys.

Notwithstanding the foregoing, the employer's liability to pay for such medical services selected by the employee shall be limited to:

(1) all first aid and emergency treatment; plus
(2) all medical, surgical and hospital services provided by the physician, surgeon or hospital initially chosen by the employee or by any other physician, consultant, expert, institution or other provider of services recommended by said initial service provider

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or any subsequent provider of medical services in the chain of
referrals from said initial service provider; plus

(3) all medical, surgical and hospital services provided by
any second physician, surgeon or hospital subsequently chosen by
the employee or by any other physician, consultant, expert,
institution or other provider of services recommended by said
second service provider or any subsequent provider of medical
services in the chain of referrals from said second service provider.

Thereafter the employer shall select and pay for all necessary
medical, surgical and hospital treatment and the employee may not
select a provider of medical services at the employer's expense
unless the employer agrees to such selection. At any time the
employee may obtain any medical treatment he desires at his own
expense. This paragraph shall not affect the duty to pay for
rehabilitation referred to above.

When an employer and employee so agree in writing, nothing in
this Act prevents an employee whose injury or disability has been
established under this Act, from relying in good faith, on treatment by
prayer or spiritual means alone, in accordance with the tenets and practice
of a recognized church or religious denomination, by a duly accredited
practitioner thereof, and having nursing services appropriate therewith,
without suffering loss or diminution of the compensation benefits under
this Act. However, the employee shall submit to all physical examinations
required by this Act. The cost of such treatment and nursing care shall be
paid by the employee unless the employer agrees to make such payment.

Where the accidental injury results in the amputation of an arm,
hand, leg or foot, or the enucleation of an eye, or the loss of any of the
natural teeth, the employer shall furnish an artificial of any such members
lost or damaged in accidental injury arising out of and in the course of
employment, and shall also furnish the necessary braces in all proper and
necessary cases. In cases of the loss of a member or members by
amputation, the employer shall, whenever necessary, maintain in good
repair, refit or replace the artificial limbs during the lifetime of the
employee. Where the accidental injury accompanied by physical injury
results in damage to a denture, eye glasses or contact eye lenses, or where
the accidental injury results in damage to an artificial member, the
employer shall replace or repair such denture, glasses, lenses, or artificial
member.

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The furnishing by the employer of any such services or appliances is not an admission of liability on the part of the employer to pay compensation.

The furnishing of any such services or appliances or the servicing thereof by the employer is not the payment of compensation.

(b) If the period of temporary total incapacity for work lasts more than 3 working days, weekly compensation as hereinafter provided shall be paid beginning on the 4th day of such temporary total incapacity and continuing as long as the total temporary incapacity lasts. In cases where the temporary total incapacity for work continues for a period of 14 days or more from the day of the accident compensation shall commence on the day after the accident.

1. The compensation rate for temporary total incapacity under this paragraph (b) of this Section shall be equal to 66 2/3% of the employee's average weekly wage computed in accordance with Section 10, provided that it shall be not less than the following amounts in the following cases:
   - $100.90 in case of a single person;
   - $105.50 in case of a married person with no children;
   - $108.30 in case of one child;
   - $113.40 in case of two children;
   - $117.40 in case of three children;
   - $124.30 in case of four or more children;

   nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

2. The compensation rate in all cases other than for temporary total disability under this paragraph (b), and other than for serious and permanent disfigurement under paragraph (c) and other than for permanent partial disability under subparagraph (2) of paragraph (d) or under paragraph (e), of this Section shall be equal to 66 2/3% of the employee's average weekly wage computed in accordance with the provisions of Section 10, provided that it shall be not less than the following amounts in the following cases:
   - $80.90 in case of a single person;
   - $83.20 in case of a married person with no children;
   - $86.10 in case of one child;
   - $88.90 in case of two children;
   - $91.80 in case of three children;

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$96.90 in case of 4 or more children;
nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

2.1. The compensation rate in all cases of serious and permanent disfigurement under paragraph (c) and of permanent partial disability under subparagraph (2) of paragraph (d) or under paragraph (e) of this Section shall be equal to 60% of the employee's average weekly wage computed in accordance with the provisions of Section 10, provided that it shall be not less than the following amounts in the following cases:

- $80.90 in case of a single person;
- $83.20 in case of a married person with no children;
- $86.10 in case of one child;
- $88.90 in case of 2 children;
- $91.80 in case of 3 children;
- $96.90 in case of 4 or more children;

nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

3. As used in this Section the term "child" means a child of the employee including any child legally adopted before the accident or whom at the time of the accident the employee was under legal obligation to support or to whom the employee stood in loco parentis, and who at the time of the accident was under 18 years of age and not emancipated. The term "children" means the plural of "child".

4. All weekly compensation rates provided under subparagraphs 1, 2 and 2.1 of this paragraph (b) of this Section shall be subject to the following limitations:

The maximum weekly compensation rate from July 1, 1975, except as hereinafter provided, shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act, that being the wage that most closely approximates the State's average weekly wage.

The maximum weekly compensation rate, for the period July 1, 1984, through June 30, 1987, except as hereinafter provided, shall be $293.61. Effective July 1, 1987 and on July 1 of each year thereafter the maximum weekly compensation rate, except as hereinafter provided, shall be determined as follows: if during the preceding 12 month period there shall have been an increase in the State's average weekly wage in covered industries

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under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act during such period.

The maximum weekly compensation rate, for the period January 1, 1981 through December 31, 1983, except as hereinafter provided, shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act in effect on January 1, 1981. Effective January 1, 1984 and on January 1, of each year thereafter the maximum weekly compensation rate, except as hereinafter provided, shall be determined as follows: if during the preceding 12 month period there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act during such period.

From July 1, 1977 and thereafter such maximum weekly compensation rate in death cases under Section 7, and permanent total disability cases under paragraph (f) or subparagraph 18 of paragraph (3) of this Section and for temporary total disability under paragraph (b) of this Section and for amputation of a member or enucleation of an eye under paragraph (e) of this Section shall be increased to 133-1/3% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

4.1. Any provision herein to the contrary notwithstanding, the weekly compensation rate for compensation payments under subparagraph 18 of paragraph (e) of this Section and under paragraph (f) of this Section and under paragraph (a) of Section 7, shall in no event be less than 50% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

4.2. Any provision to the contrary notwithstanding, the total compensation payable under Section 7 shall not exceed the greater of $250,000 or 20 years.
5. For the purpose of this Section this State's average weekly wage in covered industries under the Unemployment Insurance Act on July 1, 1975 is hereby fixed at $228.16 per week and the computation of compensation rates shall be based on the aforesaid average weekly wage until modified as hereinafter provided.

6. The Department of Employment Security of the State shall on or before the first day of December, 1977, and on or before the first day of June, 1978, and on the first day of each December and June of each year thereafter, publish the State's average weekly wage in covered industries under the Unemployment Insurance Act and the Illinois Workers' Compensation Industrial Commission shall on the 15th day of January, 1978 and on the 15th day of July, 1978 and on the 15th day of each January and July of each year thereafter, post and publish the State's average weekly wage in covered industries under the Unemployment Insurance Act as last determined and published by the Department of Employment Security. The amount when so posted and published shall be conclusive and shall be applicable as the basis of computation of compensation rates until the next posting and publication as aforesaid.

7. The payment of compensation by an employer or his insurance carrier to an injured employee shall not constitute an admission of the employer's liability to pay compensation.

(c) For any serious and permanent disfigurement to the hand, head, face, neck, arm, leg below the knee or the chest above the axillary line, the employee is entitled to compensation for such disfigurement, the amount determined by agreement at any time or by arbitration under this Act, at a hearing not less than 6 months after the date of the accidental injury, which amount shall not exceed 150 weeks at the applicable rate provided in subparagraph 2.1 of paragraph (b) of this Section.

No compensation is payable under this paragraph where compensation is payable under paragraphs (d), (e) or (f) of this Section.

A duly appointed member of a fire department in a city, the population of which exceeds 200,000 according to the last federal or State census, is eligible for compensation under this paragraph only where such serious and permanent disfigurement results from burns.

(d) 1. If, after the accidental injury has been sustained, the employee as a result thereof becomes partially incapacitated from pursuing

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his usual and customary line of employment, he shall, except in cases compensated under the specific schedule set forth in paragraph (e) of this Section, receive compensation for the duration of his disability, subject to the limitations as to maximum amounts fixed in paragraph (b) of this Section, equal to 66-2/3% of the difference between the average amount which he would be able to earn in the full performance of his duties in the occupation in which he was engaged at the time of the accident and the average amount which he is earning or is able to earn in some suitable employment or business after the accident.

2. If, as a result of the accident, the employee sustains serious and permanent injuries not covered by paragraphs (c) and (e) of this Section or having sustained injuries covered by the aforesaid paragraphs (c) and (e), he shall have sustained in addition thereto other injuries which injuries do not incapacitate him from pursuing the duties of his employment but which would disable him from pursuing other suitable occupations, or which have otherwise resulted in physical impairment; or if such injuries partially incapacitate him from pursuing the duties of his usual and customary line of employment but do not result in an impairment of earning capacity, or having resulted in an impairment of earning capacity, the employee elects to waive his right to recover under the foregoing subparagraph 1 of paragraph (d) of this Section then in any of the foregoing events, he shall receive in addition to compensation for temporary total disability under paragraph (b) of this Section, compensation at the rate provided in subparagraph 2.1 of paragraph (b) of this Section for that percentage of 500 weeks that the partial disability resulting from the injuries covered by this paragraph bears to total disability. If the employee shall have sustained a fracture of one or more vertebra or fracture of the skull, the amount of compensation allowed under this Section shall be not less than 6 weeks for a fractured skull and 6 weeks for each fractured vertebra, and in the event the employee shall have sustained a fracture of any of the following facial bones: nasal, lachrymal, vomer, zygoma, maxilla, palatine or mandible, the amount of compensation allowed under this Section shall be not less than 2 weeks for each such fractured bone, and for a fracture of each transverse process not less than 3 weeks. In the event such injuries shall result in the loss of a kidney, spleen or lung, the amount of compensation allowed under this Section shall be not less than 10 weeks for each such organ. Compensation awarded under this subparagraph 2 shall not take into consideration injuries covered under paragraphs (c) and (e) of this Section and the

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compensation provided in this paragraph shall not affect the employee's right to compensation payable under paragraphs (b), (c) and (e) of this Section for the disabilities therein covered.

(e) For accidental injuries in the following schedule, the employee shall receive compensation for the period of temporary total incapacity for work resulting from such accidental injury, under subparagraph 1 of paragraph (b) of this Section, and shall receive in addition thereto compensation for a further period for the specific loss herein mentioned, but shall not receive any compensation under any other provisions of this Act. The following listed amounts apply to either the loss of or the permanent and complete loss of use of the member specified, such compensation for the length of time as follows:

1. Thumb-70 weeks.
2. First, or index finger-40 weeks.
3. Second, or middle finger-35 weeks.
4. Third, or ring finger-25 weeks.
5. Fourth, or little finger-20 weeks.
7. Each toe other than great toe-12 weeks.
8. The loss of the first or distal phalanx of the thumb or any finger or toe shall be considered to be equal to the loss of one-half of such thumb, finger or toe and the compensation payable shall be one-half of the amount above specified. The loss of more than one phalanx shall be considered as the loss of the entire thumb, finger or toe. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

9. Hand-190 weeks. The loss of 2 or more digits, or one or more phalanges of 2 or more digits, of a hand may be compensated on the basis of partial loss of use of a hand, provided, further, that the loss of 4 digits, or the loss of use of 4 digits, in the same hand shall constitute the complete loss of a hand.

10. Arm-235 weeks. Where an accidental injury results in the amputation of an arm below the elbow, such injury shall be compensated as a loss of an arm. Where an accidental injury results in the amputation of an arm above the elbow, compensation for an additional 15 weeks shall be paid, except where the accidental injury results in the amputation of an arm at the shoulder joint, or so close to shoulder joint that an artificial arm cannot be used, or

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results in the disarticulation of an arm at the shoulder joint, in which case compensation for an additional 65 weeks shall be paid.

11. Foot-155 weeks.

12. Leg-200 weeks. Where an accidental injury results in the amputation of a leg below the knee, such injury shall be compensated as loss of a leg. Where an accidental injury results in the amputation of a leg above the knee, compensation for an additional 25 weeks shall be paid, except where the accidental injury results in the amputation of a leg at the hip joint, or so close to the hip joint that an artificial leg cannot be used, or results in the disarticulation of a leg at the hip joint, in which case compensation for an additional 75 weeks shall be paid.

13. Eye-150 weeks. Where an accidental injury results in the enucleation of an eye, compensation for an additional 10 weeks shall be paid.

14. Loss of hearing of one ear-50 weeks; total and permanent loss of hearing of both ears-200 weeks.

15. Testicle-50 weeks; both testicles-150 weeks.

16. For the permanent partial loss of use of a member or sight of an eye, or hearing of an ear, compensation during that proportion of the number of weeks in the foregoing schedule provided for the loss of such member or sight of an eye, or hearing of an ear, which the partial loss of use thereof bears to the total loss of use of such member, or sight of eye, or hearing of an ear.

(a) Loss of hearing for compensation purposes shall be confined to the frequencies of 1,000, 2,000 and 3,000 cycles per second. Loss of hearing ability for frequency tones above 3,000 cycles per second are not to be considered as constituting disability for hearing.

(b) The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness, shall be calculated as the average in decibels for the thresholds of hearing for the frequencies of 1,000, 2,000 and 3,000 cycles per second. Pure tone air conduction audiometric instruments, approved by nationally recognized authorities in this field, shall be used for measuring hearing loss. If the losses of hearing average 30 decibels or less in the 3 frequencies, such losses of hearing shall not then constitute any compensable hearing disability. If the losses

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of hearing average 85 decibels or more in the 3 frequencies, then the same shall constitute and be total or 100% compensable hearing loss.

(c) In measuring hearing impairment, the lowest measured losses in each of the 3 frequencies shall be added together and divided by 3 to determine the average decibel loss. For every decibel of loss exceeding 30 decibels an allowance of 1.82% shall be made up to the maximum of 100% which is reached at 85 decibels.

(d) If a hearing loss is established to have existed on July 1, 1975 by audiometric testing the employer shall not be liable for the previous loss so established nor shall he be liable for any loss for which compensation has been paid or awarded.

(e) No consideration shall be given to the question of whether or not the ability of an employee to understand speech is improved by the use of a hearing aid.

(f) No claim for loss of hearing due to industrial noise shall be brought against an employer or allowed unless the employee has been exposed for a period of time sufficient to cause permanent impairment to noise levels in excess of the following:

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<th>Sound Level DBA</th>
<th>Slow Response</th>
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This subparagraph (f) shall not be applied in cases of hearing loss resulting from trauma or explosion.

17. In computing the compensation to be paid to any employee who, before the accident for which he claims compensation, had before that time sustained an injury resulting in the loss by amputation or partial loss by amputation of any
member, including hand, arm, thumb or fingers, leg, foot or any toes, such loss or partial loss of any such member shall be deducted from any award made for the subsequent injury. For the permanent loss of use or the permanent partial loss of use of any such member or the partial loss of sight of an eye, for which compensation has been paid, then such loss shall be taken into consideration and deducted from any award for the subsequent injury.

18. The specific case of loss of both hands, both arms, or both feet, or both legs, or both eyes, or of any two thereof, or the permanent and complete loss of the use thereof, constitutes total and permanent disability, to be compensated according to the compensation fixed by paragraph (f) of this Section. These specific cases of total and permanent disability do not exclude other cases.

Any employee who has previously suffered the loss or permanent and complete loss of the use of any of such members, and in a subsequent independent accident loses another or suffers the permanent and complete loss of the use of any one of such members the employer for whom the injured employee is working at the time of the last independent accident is liable to pay compensation only for the loss or permanent and complete loss of the use of the member occasioned by the last independent accident.

19. In a case of specific loss and the subsequent death of such injured employee from other causes than such injury leaving a widow, widower, or dependents surviving before payment or payment in full for such injury, then the amount due for such injury is payable to the widow or widower and, if there be no widow or widower, then to such dependents, in the proportion which such dependency bears to total dependency.

Beginning July 1, 1980, and every 6 months thereafter, the Commission shall examine the Second Injury Fund and when, after deducting all advances or loans made to such Fund, the amount therein is $500,000 then the amount required to be paid by employers pursuant to paragraph (f) of Section 7 shall be reduced by one-half. When the Second Injury Fund reaches the sum of $600,000 then the payments shall cease entirely. However, when the Second Injury Fund has been reduced to $400,000, payment of one-half of the amounts required by paragraph (f) of Section 7 shall be resumed, in the manner herein provided, and when the Second Injury Fund has been reduced to $300,000, payment of the full amounts required by paragraph (f) of Section 7 shall be resumed, in the

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manner herein provided. The Commission shall make the changes in payment effective by general order, and the changes in payment become immediately effective for all cases coming before the Commission thereafter either by settlement agreement or final order, irrespective of the date of the accidental injury.

On August 1, 1996 and on February 1 and August 1 of each subsequent year, the Commission shall examine the special fund designated as the "Rate Adjustment Fund" and when, after deducting all advances or loans made to said fund, the amount therein is $4,000,000, the amount required to be paid by employers pursuant to paragraph (f) of Section 7 shall be reduced by one-half. When the Rate Adjustment Fund reaches the sum of $5,000,000 the payment therein shall cease entirely. However, when said Rate Adjustment Fund has been reduced to $3,000,000 the amounts required by paragraph (f) of Section 7 shall be resumed in the manner herein provided.

(f) In case of complete disability, which renders the employee wholly and permanently incapable of work, or in the specific case of total and permanent disability as provided in subparagraph 18 of paragraph (e) of this Section, compensation shall be payable at the rate provided in subparagraph 2 of paragraph (b) of this Section for life.

An employee entitled to benefits under paragraph (f) of this Section shall also be entitled to receive from the Rate Adjustment Fund provided in paragraph (f) of Section 7 of the supplementary benefits provided in paragraph (g) of this Section 8.

If any employee who receives an award under this paragraph afterwards returns to work or is able to do so, and earns or is able to earn as much as before the accident, payments under such award shall cease. If such employee returns to work, or is able to do so, and earns or is able to earn part but not as much as before the accident, such award shall be modified so as to conform to an award under paragraph (d) of this Section. If such award is terminated or reduced under the provisions of this paragraph, such employees have the right at any time within 30 months after the date of such termination or reduction to file petition with the Commission for the purpose of determining whether any disability exists as a result of the original accidental injury and the extent thereof.

Disability as enumerated in subdivision 18, paragraph (e) of this Section is considered complete disability.

If an employee who had previously incurred loss or the permanent and complete loss of use of one member, through the loss or the permanent

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and complete loss of the use of one hand, one arm, one foot, one leg, or one eye, incurs permanent and complete disability through the loss or the permanent and complete loss of the use of another member, he shall receive, in addition to the compensation payable by the employer and after such payments have ceased, an amount from the Second Injury Fund provided for in paragraph (f) of Section 7, which, together with the compensation payable from the employer in whose employ he was when the last accidental injury was incurred, will equal the amount payable for permanent and complete disability as provided in this paragraph of this Section.

The custodian of the Second Injury Fund provided for in paragraph (f) of Section 7 shall be joined with the employer as a party respondent in the application for adjustment of claim. The application for adjustment of claim shall state briefly and in general terms the approximate time and place and manner of the loss of the first member.

In its award the Commission or the Arbitrator shall specifically find the amount the injured employee shall be weekly paid, the number of weeks compensation which shall be paid by the employer, the date upon which payments begin out of the Second Injury Fund provided for in paragraph (f) of Section 7 of this Act, the length of time the weekly payments continue, the date upon which the pension payments commence and the monthly amount of the payments. The Commission shall 30 days after the date upon which payments out of the Second Injury Fund have begun as provided in the award, and every month thereafter, prepare and submit to the State Comptroller a voucher for payment for all compensation accrued to that date at the rate fixed by the Commission. The State Comptroller shall draw a warrant to the injured employee along with a receipt to be executed by the injured employee and returned to the Commission. The endorsed warrant and receipt is a full and complete acquittance to the Commission for the payment out of the Second Injury Fund. No other appropriation or warrant is necessary for payment out of the Second Injury Fund. The Second Injury Fund is appropriated for the purpose of making payments according to the terms of the awards. As of July 1, 1980 to July 1, 1982, all claims against and obligations of the Second Injury Fund shall become claims against and obligations of the Rate Adjustment Fund to the extent there is insufficient money in the Second Injury Fund to pay such claims and obligations. In that case, all references to "Second Injury Fund" in this Section shall also include the Rate Adjustment Fund.

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(g) Every award for permanent total disability entered by the Commission on and after July 1, 1965 under which compensation payments shall become due and payable after the effective date of this amendatory Act, and every award for death benefits or permanent total disability entered by the Commission on and after the effective date of this amendatory Act shall be subject to annual adjustments as to the amount of the compensation rate therein provided. Such adjustments shall first be made on July 15, 1977, and all awards made and entered prior to July 1, 1975 and on July 15 of each year thereafter. In all other cases such adjustment shall be made on July 15 of the second year next following the date of the entry of the award and shall further be made on July 15 annually thereafter. If during the intervening period from the date of the entry of the award, or the last periodic adjustment, there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act. The increase in the compensation rate under this paragraph shall in no event bring the total compensation rate to an amount greater than the prevailing maximum rate. Such increase shall be paid in the same manner as herein provided for payments under the Second Injury Fund to the injured employee, or his dependents, as the case may be, out of the Rate Adjustment Fund provided in paragraph (f) of Section 7 of this Act. Payments shall be made at the same intervals as provided in the award or, at the option of the Commission, may be made in quarterly payment on the 15th day of January, April, July and October of each year. In the event of a decrease in such average weekly wage there shall be no change in the then existing compensation rate. The within paragraph shall not apply to cases where there is disputed liability and in which a compromise lump sum settlement between the employer and the injured employee, or his dependents, as the case may be, has been duly approved by the Illinois Workers’ Compensation Industrial Commission.

Provided, that in cases of awards entered by the Commission for injuries occurring before July 1, 1975, the increases in the compensation rate adjusted under the foregoing provision of this paragraph (g) shall be limited to increases in the State's average weekly wage in covered industries under the Unemployment Insurance Act occurring after July 1, 1975.
(h) In case death occurs from any cause before the total compensation to which the employee would have been entitled has been paid, then in case the employee leaves any widow, widower, child, parent (or any grandchild, grandparent or other lineal heir or any collateral heir dependent at the time of the accident upon the earnings of the employee to the extent of 50% or more of total dependency) such compensation shall be paid to the beneficiaries of the deceased employee and distributed as provided in paragraph (g) of Section 7.

(h-1) In case an injured employee is under legal disability at the time when any right or privilege accrues to him or her under this Act, a guardian may be appointed pursuant to law, and may, on behalf of such person under legal disability, claim and exercise any such right or privilege with the same effect as if the employee himself or herself had claimed or exercised the right or privilege. No limitations of time provided by this Act run so long as the employee who is under legal disability is without a conservator or guardian.

(i) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (b), (c), (d), (e) and (f) of this Section is increased 50%.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor Law or work permit issued pursuant to the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section.

Nothing herein contained repeals or amends the provisions of the Child Labor Law relating to the employment of minors under the age of 16 years.

(j) 1. In the event the injured employee receives benefits, including medical, surgical or hospital benefits under any group plan covering non-occupational disabilities contributed to wholly or partially by the employer, which benefits should not have been payable if any rights of recovery existed under this Act, then such amounts so paid to the employee from any such group plan as shall be consistent with, and limited to, the provisions of paragraph 2 hereof, shall be credited to or against any compensation payment for temporary total incapacity for work or any medical, surgical or hospital benefits made or to be made under this Act. In such event, the period of time for giving notice of accidental injury

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and filing application for adjustment of claim does not commence to run until the termination of such payments. This paragraph does not apply to payments made under any group plan which would have been payable irrespective of an accidental injury under this Act. Any employer receiving such credit shall keep such employee safe and harmless from any and all claims or liabilities that may be made against him by reason of having received such payments only to the extent of such credit.

Any excess benefits paid to or on behalf of a State employee by the State Employees' Retirement System under Article 14 of the Illinois Pension Code on a death claim or disputed disability claim shall be credited against any payments made or to be made by the State of Illinois to or on behalf of such employee under this Act, except for payments for medical expenses which have already been incurred at the time of the award. The State of Illinois shall directly reimburse the State Employees' Retirement System to the extent of such credit.

2. Nothing contained in this Act shall be construed to give the employer or the insurance carrier the right to credit for any benefits or payments received by the employee other than compensation payments provided by this Act, and where the employee receives payments other than compensation payments, whether as full or partial salary, group insurance benefits, bonuses, annuities or any other payments, the employer or insurance carrier shall receive credit for each such payment only to the extent of the compensation that would have been payable during the period covered by such payment.

3. The extension of time for the filing of an Application for Adjustment of Claim as provided in paragraph 1 above shall not apply to those cases where the time for such filing had expired prior to the date on which payments or benefits enumerated herein have been initiated or resumed. Provided however that this paragraph 3 shall apply only to cases wherein the payments or benefits hereinabove enumerated shall be received after July 1, 1969.

(Source: P.A. 89-470, eff. 6-13-96.)

(820 ILCS 305/13)(from Ch. 48, par. 138.13)

Sec. 13. There is created an Illinois Workers' Compensation Industrial Commission consisting of 7 members to be appointed by the Governor, by and with the consent of the Senate, 2 of whom shall be representative citizens of the employing class operating under this Act and 2 of whom shall be representative citizens of the class of employees covered under this Act, and 3 of whom shall be representative citizens not

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identified with either the employing or employee classes. Not more than 4 members of the Commission shall be of the same political party.

One of the 3 members not identified with either the employing or employee classes shall be designated by the Governor as Chairman. The Chairman shall be the chief administrative and executive officer of the Commission; and he or she shall have general supervisory authority over all personnel of the Commission, including arbitrators and Commissioners, and the final authority in all administrative matters relating to the Commissioners, including but not limited to the assignment and distribution of cases and assignment of Commissioners to the panels, except in the promulgation of procedural rules and orders under Section 16 and in the determination of cases under this Act.

Notwithstanding the general supervisory authority of the Chairman, each Commissioner, except those assigned to the temporary panel, shall have the authority to hire and supervise 2 staff attorneys each. Such staff attorneys shall report directly to the individual Commissioner.

A formal training program for newly-appointed Commissioners shall be implemented. The training program shall include the following:

(a) substantive and procedural aspects of the office of Commissioner;
(b) current issues in workers' compensation law and practice;
(c) medical lectures by specialists in areas such as orthopedics, ophthalmology, psychiatry, rehabilitation counseling;
(d) orientation to each operational unit of the Illinois Workers' Compensation Industrial Commission;
(e) observation of experienced arbitrators and Commissioners conducting hearings of cases, combined with the opportunity to discuss evidence presented and rulings made;
(f) the use of hypothetical cases requiring the newly-appointed Commissioner to issue judgments as a means to evaluating knowledge and writing ability;
(g) writing skills.

A formal and ongoing professional development program including, but not limited to, the above-noted areas shall be implemented to keep Commissioners informed of recent developments and issues and to assist them in maintaining and enhancing their professional competence.

The Commissioner candidates, other than the Chairman, must meet one of the following qualifications: (a) licensed to practice law in the State

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of Illinois; or (b) served as an arbitrator at the Illinois Workers' Compensation Industrial Commission for at least 3 years; or (c) has at least 4 years of professional labor relations experience. The Chairman candidate must have public or private sector management and budget experience, as determined by the Governor.

Each Commissioner shall devote full time to his duties and any Commissioner who is an attorney-at-law shall not engage in the practice of law, nor shall any Commissioner hold any other office or position of profit under the United States or this State or any municipal corporation or political subdivision of this State, nor engage in any other business, employment, or vocation.

The term of office of each member of the Commission holding office on the effective date of this amendatory Act of 1989 is abolished, but the incumbents shall continue to exercise all of the powers and be subject to all of the duties of Commissioners until their respective successors are appointed and qualified.

The Illinois Workers' Compensation Industrial Commission shall administer this Act.

The members shall be appointed by the Governor, with the advice and consent of the Senate, as follows:

(a) After the effective date of this amendatory Act of 1989, 3 members, at least one of each political party, and one of whom shall be a representative citizen of the employing class operating under this Act, one of whom shall be a representative citizen of the class of employees covered under this Act, and one of whom shall be a representative citizen not identified with either the employing or employee classes, shall be appointed to hold office until the third Monday in January of 1993, and until their successors are appointed and qualified, and 4 members, one of whom shall be a representative citizen of the employing class operating under this Act, one of whom shall be a representative citizen of the class of employees covered in this Act, and two of whom shall be representative citizens not identified with either the employing or employee classes, one of whom shall be designated by the Governor as Chairman (at least one of each of the two major political parties) shall be appointed to hold office until the third Monday of January in 1991, and until their successors are appointed and qualified.

New matter indicated by italics - deletions by strikeout.
(a-5) Notwithstanding any other provision of this Section, the term of each member of the Commission who was appointed by the Governor and is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the successor members to be appointed pursuant to this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later. As soon as possible, the Governor shall appoint persons to fill the vacancies created by this amendatory Act. Of the initial commissioners appointed pursuant to this amendatory Act of the 93rd General Assembly, 3 shall be appointed for terms ending on the third Monday in January, 2005, and 4 shall be appointed for terms ending on the third Monday in January, 2007.

(b) Members shall thereafter be appointed to hold office for terms of 4 years from the third Monday in January of the year of their appointment, and until their successors are appointed and qualified. All such appointments shall be made so that the composition of the Commission is in accordance with the provisions of the first paragraph of this Section.

The Chairman shall receive an annual salary of $42,500, or a salary set by the Compensation Review Board, whichever is greater, and each other member shall receive an annual salary of $38,000, or a salary set by the Compensation Review Board, whichever is greater.

In case of a vacancy in the office of a Commissioner during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office. Any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his successor is appointed and qualified.

The Illinois Workers' Compensation Industrial Commission created by this amendatory Act of 1989 shall succeed to all the rights, powers, duties, obligations, records and other property and employees of the Industrial Commission which it replaces as modified by this amendatory Act of 1989 and all applications and reports to actions and proceedings of such prior Industrial Commission shall be considered as applications and reports to actions and proceedings of the Illinois Workers' Compensation Industrial Commission created by this amendatory Act of 1989.

Notwithstanding any other provision of this Act, in the event the Chairman shall make a finding that a member is or will be unavailable to
fulfill the responsibilities of his or her office, the Chairman shall advise the Governor and the member in writing and shall designate a certified arbitrator to serve as acting Commissioner. The certified arbitrator shall act as a Commissioner until the member resumes the duties of his or her office or until a new member is appointed by the Governor, by and with the consent of the Senate, if a vacancy occurs in the office of the Commissioner, but in no event shall a certified arbitrator serve in the capacity of Commissioner for more than 6 months from the date of appointment by the Chairman. A finding by the Chairman that a member is or will be unavailable to fulfill the responsibilities of his or her office shall be based upon notice to the Chairman by a member that he or she will be unavailable or facts and circumstances made known to the Chairman which lead him to reasonably find that a member is unavailable to fulfill the responsibilities of his or her office. The designation of a certified arbitrator to act as a Commissioner shall be considered representative of citizens not identified with either the employing or employee classes and the arbitrator shall serve regardless of his or her political affiliation. A certified arbitrator who serves as an acting Commissioner shall have all the rights and powers of a Commissioner, including salary.

Notwithstanding any other provision of this Act, the Governor shall appoint a special panel of Commissioners comprised of 3 members who shall be chosen by the Governor, by and with the consent of the Senate, from among the current ranks of certified arbitrators. Three members shall hold office until the Commission in consultation with the Governor determines that the caseload on review has been reduced sufficiently to allow cases to proceed in a timely manner or for a term of 18 months from the effective date of their appointment by the Governor, whichever shall be earlier. The 3 members shall be considered representative of citizens not identified with either the employing or employee classes and shall serve regardless of political affiliation. Each of the 3 members shall have only such rights and powers of a Commissioner necessary to dispose of those cases assigned to the special panel. Each of the 3 members appointed to the special panel shall receive the same salary as other Commissioners for the duration of the panel.

The Commission may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Commission.
On the effective date of this amendatory Act of the 93rd General Assembly, the name of the Industrial Commission is changed to the Illinois Workers' Compensation Commission. References in any law, appropriation, rule, form, or other document: (i) to the Industrial Commission are deemed, in appropriate contexts, to be references to the Illinois Workers' Compensation Commission for all purposes; (ii) to the Industrial Commission Operations Fund are deemed, in appropriate contexts, to be references to the Illinois Workers' Compensation Commission Operations Fund for all purposes; (iii) to the Industrial Commission Operations Fund Fee are deemed, in appropriate contexts, to be references to the Illinois Workers' Compensation Commission Operations Fund Fee for all purposes; and (iv) to the Industrial Commission Operations Fund Surcharge are deemed, in appropriate contexts, to be references to the Illinois Workers' Compensation Commission Operations Fund Surcharge for all purposes.

(Source: P.A. 93-509, eff. 8-11-03.)

(820 ILCS 305/14)(from Ch. 48, par. 138.14)

Sec. 14. The Commission shall appoint a secretary, an assistant secretary, and arbitrators and shall employ such assistants and clerical help as may be necessary.

Each arbitrator appointed after November 22, 1977 shall be required to demonstrate in writing and in accordance with the rules and regulations of the Illinois Department of Central Management Services his or her knowledge of and expertise in the law of and judicial processes of the Workers' Compensation Act and the Occupational Diseases Act.

A formal training program for newly-hired arbitrators shall be implemented. The training program shall include the following:

(a) substantive and procedural aspects of the arbitrator position;
(b) current issues in workers' compensation law and practice;
(c) medical lectures by specialists in areas such as orthopedics, ophthalmology, psychiatry, rehabilitation counseling;
(d) orientation to each operational unit of the Illinois Workers' Compensation Industrial Commission;
(e) observation of experienced arbitrators conducting hearings of cases, combined with the opportunity to discuss evidence presented and rulings made;
(f) the use of hypothetical cases requiring the trainee to issue judgments as a means to evaluating knowledge and writing ability;
(g) writing skills.

New matter indicated by italics - deletions by strikeout.
A formal and ongoing professional development program including, but not limited to, the above-noted areas shall be implemented to keep arbitrators informed of recent developments and issues and to assist them in maintaining and enhancing their professional competence.

Each arbitrator shall devote full time to his or her duties and shall serve when assigned as an acting Commissioner when a Commissioner is unavailable in accordance with the provisions of Section 13 of this Act. Any arbitrator who is an attorney-at-law shall not engage in the practice of law, nor shall any arbitrator hold any other office or position of profit under the United States or this State or any municipal corporation or political subdivision of this State. Notwithstanding any other provision of this Act to the contrary, an arbitrator who serves as an acting Commissioner in accordance with the provisions of Section 13 of this Act shall continue to serve in the capacity of Commissioner until a decision is reached in every case heard by that arbitrator while serving as an acting Commissioner.

Each arbitrator appointed after the effective date of this amendatory Act of 1989 shall be appointed for a term of 6 years. Each arbitrator shall be appointed for a subsequent term unless the Chairman makes a recommendation to the Commission, no later than 60 days prior to the expiration of the term, not to reappoint the arbitrator. Notice of such a recommendation shall also be given to the arbitrator no later than 60 days prior to the expiration of the term. Upon such recommendation by the Chairman, the arbitrator shall be appointed for a subsequent term unless 5 of 7 members of the Commission, including the Chairman, vote not to reappoint the arbitrator.

All arbitrators shall be subject to the provisions of the Personnel Code, and the performance of all arbitrators shall be reviewed by the Chairman on an annual basis. The Chairman shall allow input from the Commissioners in all such reviews.

The Secretary and each arbitrator shall receive a per annum salary of $4,000 less than the per annum salary of members of The Illinois Workers’ Compensation Industrial Commission as provided in Section 13 of this Act, payable in equal monthly installments.

The members of the Commission, Arbitrators and other employees whose duties require them to travel, shall have reimbursed to them their actual traveling expenses and disbursements made or incurred by them in the discharge of their official duties while away from their place of residence in the performance of their duties.

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The Commission shall provide itself with a seal for the authentication of its orders, awards and proceedings upon which shall be inscribed the name of the Commission and the words "Illinois--Seal".

The Secretary or Assistant Secretary, under the direction of the Commission, shall have charge and custody of the seal of the Commission and also have charge and custody of all records, files, orders, proceedings, decisions, awards and other documents on file with the Commission. He shall furnish certified copies, under the seal of the Commission, of any such records, files, orders, proceedings, decisions, awards and other documents on file with the Commission as may be required. Certified copies so furnished by the Secretary or Assistant Secretary shall be received in evidence before the Commission or any Arbitrator thereof, and in all courts, provided that the original of such certified copy is otherwise competent and admissible in evidence. The Secretary or Assistant Secretary shall perform such other duties as may be prescribed from time to time by the Commission.

(Source: P.A. 86-998.)

(820 ILCS 305/14.1)(from Ch. 48, par. 138.14-1)

Sec. 14.1. There is created a Commission Review Board consisting of the Chairman of the Illinois Workers' Compensation Industrial Commission, the Commissioner with the most seniority who is a representative citizen of the class of employees covered under this Act, the Commissioner with the most seniority who is a representative citizen of the employing class operating under this Act, two Arbitrators, one assigned to hear cases filed in counties with a population of 3,000,000 or more and one assigned to hear cases in any other county, both selected by a vote of a majority of the appointed Arbitrators pursuant to an election conducted by the Chairman, and 2 members designated by the Governor who are not commissioners, Arbitrators or employees of the Illinois Workers' Compensation Industrial Commission. Members of the Board shall serve without compensation, but shall be reimbursed for actual expenses incurred. All appointments for the initial terms shall be made and elections concluded by October 1, 1984, with each initial term commencing on October 1, 1984 and extending through February 28, 1987, until the office holder's successor is appointed or elected and qualified. Thereafter each term shall commence on March 1 of each odd-numbered year and extend through March 1 of the next succeeding odd-numbered year, until the office holder's successor is appointed or elected and qualified. The Governor shall certify his appointments, and the

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Chairman shall certify the results of the elections by the Arbitrators, to the Secretary of the Illinois Workers' Compensation Industrial Commission. A vacancy in the office of a member of the Commission Review Board shall be filled for the remainder of the vacating member's term in the same manner as that in which the member was appointed or elected.

The Chairman of the Illinois Workers' Compensation Industrial Commission shall serve as the Chairman of the Commission Review Board. It shall be the duty of the Chairman to compile, audit, and retain complaints registered against Commissioners and Arbitrators. The Chairman shall immediately advise a Commissioner or Arbitrator in writing of the nature of any and all complaints filed against him, preserving the identity of the complainant.

At a proceeding before the Commission Review Board, it shall then become the duty of any complainant to testify regarding his or her previously filed complaint, or said complaint shall be considered null and void.

The Commission Review Board shall advise any Commissioner or Arbitrator in writing of necessary remedial action to correct any deficiency and shall afford said individual the opportunity to report or respond to a complaint within a prescribed period of time.

In matters of serious concern to the State, the Commission Review Board may recommend that the Governor: 1) dismiss any Arbitrator who is found unfit to serve; or 2) not reappoint a Commissioner who it finds unfit to serve. This action shall require a record vote of at least 5 members of the Board. The Governor, in his discretion, may act on the recommendation of the Commission Review Board.

(Source: P.A. 83-1125.)

(820 ILCS 305/16a)(from Ch. 48, par. 138.16a)

Sec. 16a. (A) In the establishment or approval of attorney's fees in relation to claims brought under this Act, the Commission shall be guided by the provisions of this Section and by the legislative intent, hereby declared, to encourage settlement and prompt administrative handling of such claims and thereby reduce expenses to claimants for compensation under this Act.

(B) With respect to any and all proceedings in connection with any initial or original claim under this Act, no claim of any attorney for services rendered in connection with the securing of compensation for an employee or his dependents, whether secured by agreement, order, award or a judgment in any court shall exceed 20% of the amount of

New matter indicated by italics - deletions by strikeout.
compensation recovered and paid, unless further fees shall be allowed to the attorney upon a hearing by the Commission fixing fees, and subject to the other provisions of this Section. However, except as hereinafter provided in this Section, in death cases, total disability cases and partial disability cases, the amount of an attorney's fees shall not exceed 20% of the sum which would be due under this Act for 364 weeks of permanent total disability based upon the employee's average gross weekly wage prior to the date of the accident and subject to the maximum weekly benefits provided in this Act unless further fees shall be allowed to the attorney upon a hearing by the Commission fixing fees.

(C) All attorneys' fees in connection with the initial or original claim for compensation shall be fixed pursuant to a written contract on forms prescribed by the Commission between the attorney and the employee or his dependents, and every attorney, whether the disposition of the original claim is by agreement, settlement, award, judgment or otherwise, shall file his contract with the Chairman of the Commission who shall approve the contract only if it is in accordance with all provisions of this Section.

(D) No attorneys' fees shall be charged with respect to compensation for undisputed medical expenses.

(E) No attorneys' fees shall be charged in connection with any temporary total disability compensation unless the payment of such compensation in a timely manner or in the proper amount is refused, or unless such compensation is terminated by the employer and the payment of such compensation is obtained or reinstated by the efforts of the attorney, whether by agreement, settlement, award or judgment.

(F) In the following cases in which there is no dispute between the parties as to the liability of the respondent to pay compensation in a timely manner or in the proper amount and there is no dispute that the accident has resulted in:

1. the death of the employee; or
2. a statutory permanent disability; or
3. the amputation of a finger, toe, or member; or
4. the removal of a testicle; or
5. the enucleation of or 100% loss of vision of an eye; the legal fees, if any, for services rendered are to be fixed by the Illinois Workers' Compensation Industrial Commission at a nominal amount, not exceeding $100.

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(G) In the following cases in which there is no dispute between the parties as to the liability of the respondent to pay compensation and there is no dispute that the accident has resulted in:

1. a fracture of one or more vertebrae; or
2. a skull fracture; or
3. a fracture of one or more spinous or transverse processes; or
4. a fracture of one or more facial bones; or
5. the removal of a kidney, spleen or lung;

the legal fees, if any, for services rendered are to be fixed by the Illinois Workers' Compensation Industrial Commission at a nominal amount, not exceeding $100, provided that the employee is awarded the minimum amount for the above injuries as specified in Section 8(d)2.

(H) With regard to any claim where the amount to be paid for compensation does not exceed the written offer made to the claimant or claimants by the employer or his agent prior to representation by an attorney, no fees shall be paid to any such attorney.

(I) All attorneys' fees for representation of an employee or his dependents shall be only recoverable from compensation actually paid to such employee or dependents.

(J) Any and all disputes regarding attorneys' fees, whether such disputes relate to which one or more attorneys represents the claimant or claimants or is entitled to the attorneys' fees, or a division of attorneys' fees where the claimant or claimants are or have been represented by more than one attorney, or any other disputes concerning attorneys' fees or contracts for attorneys' fees, shall be heard and determined by the Commission after reasonable notice to all interested parties and attorneys.

(K) After reasonable notice and hearing before the Commission, any attorney found to be in violation of any provision of this Section shall be required to make restitution of any excess fees charged plus interest at a reasonable rate as determined by the Commission.

(Source: P.A. 84-1438.)

(820 ILCS 305/17)(from Ch. 48, par. 138.17)

Sec. 17. The Commission shall cause to be printed and furnish free of charge upon request by any employer or employee such blank forms as may facilitate or promote efficient administration and the performance of the duties of the Commission. It shall provide a proper record in which shall be entered and indexed the name of any employer who shall file a notice of declination or withdrawal under this Act, and the date of the

New matter indicated by italics - deletions by strikeout.
filing thereof; and a proper record in which shall be entered and indexed the name of any employee who shall file such notice of declination or withdrawal, and the date of the filing thereof; and such other notices as may be required by this Act; and records in which shall be recorded all proceedings, orders and awards had or made by the Commission or by the arbitration committees, and such other books or records as it shall deem necessary, all such records to be kept in the office of the Commission.

The Commission may destroy all papers and documents which have been on file for more than 5 years where there is no claim for compensation pending or where more than 2 years have elapsed since the termination of the compensation period.

The Commission shall compile and distribute to interested persons aggregate statistics, taken from any records and reports in the possession of the Commission. The aggregate statistics shall not give the names or otherwise identify persons sustaining injuries or disabilities or the employer of any injured or disabled person.

The Commission is authorized to establish reasonable fees and methods of payment limited to covering only the costs to the Commission for processing, maintaining and generating records or data necessary for the computerized production of documents, records and other materials except to the extent of any salaries or compensation of Commission officers or employees.

All fees collected by the Commission under this Section shall be deposited in the Statistical Services Revolving Fund and credited to the account of the Illinois Workers' Compensation Industrial Commission. (Source: P.A. 83-489.)

(820 ILCS 305/19)(from Ch. 48, par. 138.19)

Sec. 19. Any disputed questions of law or fact shall be determined as herein provided.

(a) It shall be the duty of the Commission upon notification that the parties have failed to reach an agreement, to designate an Arbitrator.

1. Whenever any claimant misconceives his remedy and files an application for adjustment of claim under this Act and it is subsequently discovered, at any time before final disposition of such cause, that the claim for disability or death which was the basis for such application should properly have been made under the Workers' Occupational Diseases Act, then the provisions of Section 19, paragraph (a-1) of the Workers' Occupational Diseases Act having reference to such application shall apply.

New matter indicated by italics - deletions by strikeout.
2. Whenever any claimant misconceives his remedy and files an application for adjustment of claim under the Workers' Occupational Diseases Act and it is subsequently discovered, at any time before final disposition of such cause that the claim for injury or death which was the basis for such application should properly have been made under this Act, then the application so filed under the Workers' Occupational Diseases Act may be amended in form, substance or both to assert claim for such disability or death under this Act and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to this Act. When such amendment is submitted, further or additional evidence may be heard by the Arbitrator or Commission when deemed necessary. Nothing in this Section contained shall be construed to be or permit a waiver of any provisions of this Act with reference to notice but notice if given shall be deemed to be a notice under the provisions of this Act if given within the time required herein.

(b) The Arbitrator shall make such inquiries and investigations as he or they shall deem necessary and may examine and inspect all books, papers, records, places, or premises relating to the questions in dispute and hear such proper evidence as the parties may submit.

The hearings before the Arbitrator shall be held in the vicinity where the injury occurred after 10 days' notice of the time and place of such hearing shall have been given to each of the parties or their attorneys of record.

The Arbitrator may find that the disabling condition is temporary and has not yet reached a permanent condition and may order the payment of compensation up to the date of the hearing, which award shall be reviewable and enforceable in the same manner as other awards, and in no instance be a bar to a further hearing and determination of a further amount of temporary total compensation or of compensation for permanent disability, but shall be conclusive as to all other questions except the nature and extent of said disability.

The decision of the Arbitrator shall be filed with the Commission which Commission shall immediately send to each party or his attorney a copy of such decision, together with a notification of the time when it was filed. Beginning January 1, 1981, all decisions of the Arbitrator shall set forth in writing findings of fact and conclusions of law, separately stated.

New matter indicated by italics - deletions by strikeout.
Unless a petition for review is filed by either party within 30 days after the receipt by such party of the copy of the decision and notification of time when filed, and unless such party petitioning for a review shall within 35 days after the receipt by him of the copy of the decision, file with the Commission either an agreed statement of the facts appearing upon the hearing before the Arbitrator, or if such party shall so elect a correct transcript of evidence of the proceedings at such hearings, then the decision shall become the decision of the Commission and in the absence of fraud shall be conclusive. The Petition for Review shall contain a statement of the petitioning party's specific exceptions to the decision of the arbitrator. The jurisdiction of the Commission to review the decision of the arbitrator shall not be limited to the exceptions stated in the Petition for Review. The Commission, or any member thereof, may grant further time not exceeding 30 days, in which to file such agreed statement or transcript of evidence. Such agreed statement of facts or correct transcript of evidence, as the case may be, shall be authenticated by the signatures of the parties or their attorneys, and in the event they do not agree as to the correctness of the transcript of evidence it shall be authenticated by the signature of the Arbitrator designated by the Commission.

(b-1) If the employee is not receiving medical, surgical or hospital services as provided in paragraph (a) of Section 8 or compensation as provided in paragraph (b) of Section 8, the employee, in accordance with Commission Rules, may file a petition for an emergency hearing by an Arbitrator on the issue of whether or not he is entitled to receive payment of such compensation or services as provided therein. Such petition shall have priority over all other petitions and shall be heard by the Arbitrator and Commission with all convenient speed.

Such petition shall contain the following information and shall be served on the employer at least 15 days before it is filed:

(i) the date and approximate time of accident;
(ii) the approximate location of the accident;
(iii) a description of the accident;
(iv) the nature of the injury incurred by the employee;
(v) the identity of the person, if known, to whom the accident was reported and the date on which it was reported;
(vi) the name and title of the person, if known, representing the employer with whom the employee conferred in any effort to obtain compensation pursuant to paragraph (b) of Section 8 of this

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Act or medical, surgical or hospital services pursuant to paragraph (a) of Section 8 of this Act and the date of such conference;

(vii) a statement that the employer has refused to pay compensation pursuant to paragraph (b) of Section 8 of this Act or for medical, surgical or hospital services pursuant to paragraph (a) of Section 8 of this Act;

(viii) the name and address, if known, of each witness to the accident and of each other person upon whom the employee will rely to support his allegations;

(ix) the dates of treatment related to the accident by medical practitioners, and the names and addresses of such practitioners, including the dates of treatment related to the accident at any hospitals and the names and addresses of such hospitals, and a signed authorization permitting the employer to examine all medical records of all practitioners and hospitals named pursuant to this paragraph;

(x) a copy of a signed report by a medical practitioner, relating to the employee's current inability to return to work because of the injuries incurred as a result of the accident or such other documents or affidavits which show that the employee is entitled to receive compensation pursuant to paragraph (b) of Section 8 of this Act or medical, surgical or hospital services pursuant to paragraph (a) of Section 8 of this Act. Such reports, documents or affidavits shall state, if possible, the history of the accident given by the employee, and describe the injury and medical diagnosis, the medical services for such injury which the employee has received and is receiving, the physical activities which the employee cannot currently perform as a result of any impairment or disability due to such injury, and the prognosis for recovery;

(xi) complete copies of any reports, records, documents and affidavits in the possession of the employee on which the employee will rely to support his allegations, provided that the employer shall pay the reasonable cost of reproduction thereof;

(xii) a list of any reports, records, documents and affidavits which the employee has demanded by subpoena and on which he intends to rely to support his allegations;

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(xiii) a certification signed by the employee or his representative that the employer has received the petition with the required information 15 days before filing.

Fifteen days after receipt by the employer of the petition with the required information the employee may file said petition and required information and shall serve notice of the filing upon the employer. The employer may file a motion addressed to the sufficiency of the petition. If an objection has been filed to the sufficiency of the petition, the arbitrator shall rule on the objection within 2 working days. If such an objection is filed, the time for filing the final decision of the Commission as provided in this paragraph shall be tolled until the arbitrator has determined that the petition is sufficient.

The employer shall, within 15 days after receipt of the notice that such petition is filed, file with the Commission and serve on the employee or his representative a written response to each claim set forth in the petition, including the legal and factual basis for each disputed allegation and the following information: (i) complete copies of any reports, records, documents and affidavits in the possession of the employer on which the employer intends to rely in support of his response, (ii) a list of any reports, records, documents and affidavits which the employer has demanded by subpoena and on which the employer intends to rely in support of his response, (iii) the name and address of each witness on whom the employer will rely to support his response, and (iv) the names and addresses of any medical practitioners selected by the employer pursuant to Section 12 of this Act and the time and place of any examination scheduled to be made pursuant to such Section.

Any employer who does not timely file and serve a written response without good cause may not introduce any evidence to dispute any claim of the employee but may cross examine the employee or any witness brought by the employee and otherwise be heard.

No document or other evidence not previously identified by either party with the petition or written response, or by any other means before the hearing, may be introduced into evidence without good cause. If, at the hearing, material information is discovered which was not previously disclosed, the Arbitrator may extend the time for closing proof on the motion of a party for a reasonable period of time which may be more than 30 days. No evidence may be introduced pursuant to this paragraph as to permanent disability. No award may be entered for permanent disability

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pursuant to this paragraph. Either party may introduce into evidence the testimony taken by deposition of any medical practitioner. The Commission shall adopt rules, regulations and procedures whereby the final decision of the Commission is filed not later than 90 days from the date the petition for review is filed but in no event later than 180 days from the date the petition for an emergency hearing is filed with the Illinois Workers' Compensation Industrial Commission.

All service required pursuant to this paragraph (b-1) must be by personal service or by certified mail and with evidence of receipt. In addition for the purposes of this paragraph, all service on the employer must be at the premises where the accident occurred if the premises are owned or operated by the employer. Otherwise service must be at the employee's principal place of employment by the employer. If service on the employer is not possible at either of the above, then service shall be at the employer's principal place of business. After initial service in each case, service shall be made on the employer's attorney or designated representative.

(c) (1) At a reasonable time in advance of and in connection with the hearing under Section 19(e) or 19(h), the Commission may on its own motion order an impartial physical or mental examination of a petitioner whose mental or physical condition is in issue, when in the Commission's discretion it appears that such an examination will materially aid in the just determination of the case. The examination shall be made by a member or members of a panel of physicians chosen for their special qualifications by the Illinois State Medical Society. The Commission shall establish procedures by which a physician shall be selected from such list.

(2) Should the Commission at any time during the hearing find that compelling considerations make it advisable to have an examination and report at that time, the commission may in its discretion so order.

(3) A copy of the report of examination shall be given to the Commission and to the attorneys for the parties.

(4) Either party or the Commission may call the examining physician or physicians to testify. Any physician so called shall be subject to cross-examination.

(5) The examination shall be made, and the physician or physicians, if called, shall testify, without cost to the parties. The Commission shall determine the compensation and the pay of the physician or physicians. The compensation for this service shall not exceed the usual and customary amount for such service.

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(6) The fees and payment thereof of all attorneys and physicians for services authorized by the Commission under this Act shall, upon request of either the employer or the employee or the beneficiary affected, be subject to the review and decision of the Commission.

(d) If any employee shall persist in insanitary or injurious practices which tend to either imperil or retard his recovery or shall refuse to submit to such medical, surgical, or hospital treatment as is reasonably essential to promote his recovery, the Commission may, in its discretion, reduce or suspend the compensation of any such injured employee. However, when an employer and employee so agree in writing, the foregoing provision shall not be construed to authorize the reduction or suspension of compensation of an employee who is relying in good faith, on treatment by prayer or spiritual means alone, in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof.

(e) This paragraph shall apply to all hearings before the Commission. Such hearings may be held in its office or elsewhere as the Commission may deem advisable. The taking of testimony on such hearings may be had before any member of the Commission. If a petition for review and agreed statement of facts or transcript of evidence is filed, as provided herein, the Commission shall promptly review the decision of the Arbitrator and all questions of law or fact which appear from the statement of facts or transcript of evidence.

In all cases in which the hearing before the arbitrator is held after December 18, 1989, no additional evidence shall be introduced by the parties before the Commission on review of the decision of the Arbitrator. In reviewing decisions of an arbitrator the Commission shall award such temporary compensation, permanent compensation and other payments as are due under this Act. The Commission shall file in its office its decision thereon, and shall immediately send to each party or his attorney a copy of such decision and a notification of the time when it was filed. Decisions shall be filed within 60 days after the Statement of Exceptions and Supporting Brief and Response thereto are required to be filed or oral argument whichever is later.

In the event either party requests oral argument, such argument shall be had before a panel of 3 members of the Commission (or before all available members pursuant to the determination of 5 members of the Commission that such argument be held before all available members of the Commission) pursuant to the rules and regulations of the Commission.

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A panel of 3 members, which shall be comprised of not more than one representative citizen of the employing class and not more than one representative citizen of the employee class, shall hear the argument; provided that if all the issues in dispute are solely the nature and extent of the permanent partial disability, if any, a majority of the panel may deny the request for such argument and such argument shall not be held; and provided further that 5 members of the Commission may determine that the argument be held before all available members of the Commission. A decision of the Commission shall be approved by a majority of Commissioners present at such hearing if any; provided, if no such hearing is held, a decision of the Commission shall be approved by a majority of a panel of 3 members of the Commission as described in this Section. The Commission shall give 10 days' notice to the parties or their attorneys of the time and place of such taking of testimony and of such argument.

In any case the Commission in its decision may find specially upon any question or questions of law or fact which shall be submitted in writing by either party whether ultimate or otherwise; provided that on issues other than nature and extent of the disability, if any, the Commission in its decision shall find specially upon any question or questions of law or fact, whether ultimate or otherwise, which are submitted in writing by either party; provided further that not more than 5 such questions may be submitted by either party. Any party may, within 20 days after receipt of notice of the Commission's decision, or within such further time, not exceeding 30 days, as the Commission may grant, file with the Commission either an agreed statement of the facts appearing upon the hearing, or, if such party shall so elect, a correct transcript of evidence of the additional proceedings presented before the Commission, in which report the party may embody a correct statement of such other proceedings in the case as such party may desire to have reviewed, such statement of facts or transcript of evidence to be authenticated by the signature of the parties or their attorneys, and in the event that they do not agree, then the authentication of such transcript of evidence shall be by the signature of any member of the Commission.

If a reporter does not for any reason furnish a transcript of the proceedings before the Arbitrator in any case for use on a hearing for review before the Commission, within the limitations of time as fixed in this Section, the Commission may, in its discretion, order a trial de novo before the Commission in such case upon application of either party. The applications for adjustment of claim and other documents in the nature of

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pleadings filed by either party, together with the decisions of the Arbitrator and of the Commission and the statement of facts or transcript of evidence hereinbefore provided for in paragraphs (b) and (c) shall be the record of the proceedings of the Commission, and shall be subject to review as hereinafter provided.

At the request of either party or on its own motion, the Commission shall set forth in writing the reasons for the decision, including findings of fact and conclusions of law separately stated. The Commission shall by rule adopt a format for written decisions for the Commission and arbitrators. The written decisions shall be concise and shall succinctly state the facts and reasons for the decision. The Commission may adopt in whole or in part, the decision of the arbitrator as the decision of the Commission. When the Commission does so adopt the decision of the arbitrator, it shall do so by order. Whenever the Commission adopts part of the arbitrator's decision, but not all, it shall include in the order the reasons for not adopting all of the arbitrator's decision. When a majority of a panel, after deliberation, has arrived at its decision, the decision shall be filed as provided in this Section without unnecessary delay, and without regard to the fact that a member of the panel has expressed an intention to dissent. Any member of the panel may file a dissent. Any dissent shall be filed no later than 10 days after the decision of the majority has been filed.

Decisions rendered by the Commission and dissents, if any, shall be published together by the Commission. The conclusions of law set out in such decisions shall be regarded as precedents by arbitrators for the purpose of achieving a more uniform administration of this Act.

(f) The decision of the Commission acting within its powers, according to the provisions of paragraph (e) of this Section shall, in the absence of fraud, be conclusive unless reviewed as in this paragraph hereinafter provided. However, the Arbitrator or the Commission may on his or its own motion, or on the motion of either party, correct any clerical error or errors in computation within 15 days after the date of receipt of any award by such Arbitrator or any decision on review of the Commission and shall have the power to recall the original award on arbitration or decision on review, and issue in lieu thereof such corrected award or decision. Where such correction is made the time for review herein specified shall begin to run from the date of the receipt of the corrected award or decision.

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(1) Except in cases of claims against the State of Illinois, in which case the decision of the Commission shall not be subject to judicial review, the Circuit Court of the county where any of the parties defendant may be found, or if none of the parties defendant can be found in this State then the Circuit Court of the county where the accident occurred, shall by summons to the Commission have power to review all questions of law and fact presented by such record.

A proceeding for review shall be commenced within 20 days of the receipt of notice of the decision of the Commission. The summons shall be issued by the clerk of such court upon written request returnable on a designated return day, not less than 10 or more than 60 days from the date of issuance thereof, and the written request shall contain the last known address of other parties in interest and their attorneys of record who are to be served by summons. Service upon any member of the Commission or the Secretary or the Assistant Secretary thereof shall be service upon the Commission, and service upon other parties in interest and their attorneys of record shall be by summons, and such service shall be made upon the Commission and other parties in interest by mailing notices of the commencement of the proceedings and the return day of the summons to the office of the Commission and to the last known place of residence of other parties in interest or their attorney or attorneys of record. The clerk of the court issuing the summons shall on the day of issue mail notice of the commencement of the proceedings which shall be done by mailing a copy of the summons to the office of the Commission, and a copy of the summons to the other parties in interest or their attorney or attorneys of record and the clerk of the court shall make certificate that he has so sent said notices in pursuance of this Section, which shall be evidence of service on the Commission and other parties in interest.

The Commission shall not be required to certify the record of their proceedings to the Circuit Court, unless the party commencing the proceedings for review in the Circuit Court as above provided, shall pay to the Commission the sum of 80¢ per page of testimony taken before the Commission, and 35¢ per page of all other matters contained in such record, except as otherwise provided by Section 20 of this Act. Payment for photostatic copies

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of exhibit shall be extra. It shall be the duty of the Commission upon such payment, or failure to pay as permitted under Section 20 of this Act, to prepare a true and correct typewritten copy of such testimony and a true and correct copy of all other matters contained in such record and certified to by the Secretary or Assistant Secretary thereof.

In its decision on review the Commission shall determine in each particular case the amount of the probable cost of the record to be filed as a part of the summons in that case and no request for a summons may be filed and no summons shall issue unless the party seeking to review the decision of the Commission shall exhibit to the clerk of the Circuit Court proof of payment by filing a receipt showing payment or an affidavit of the attorney setting forth that payment has been made of the sums so determined to the Secretary or Assistant Secretary of the Commission, except as otherwise provided by Section 20 of this Act.

(2) No such summons shall issue unless the one against whom the Commission shall have rendered an award for the payment of money shall upon the filing of his written request for such summons file with the clerk of the court a bond conditioned that if he shall not successfully prosecute the review, he will pay the award and the costs of the proceedings in the courts. The amount of the bond shall be fixed by any member of the Commission and the surety or sureties of the bond shall be approved by the clerk of the court. The acceptance of the bond by the clerk of the court shall constitute evidence of his approval of the bond.

Every county, city, town, township, incorporated village, school district, body politic or municipal corporation against whom the Commission shall have rendered an award for the payment of money shall not be required to file a bond to secure the payment of the award and the costs of the proceedings in the court to authorize the court to issue such summons.

The court may confirm or set aside the decision of the Commission. If the decision is set aside and the facts found in the proceedings before the Commission are sufficient, the court may enter such decision as is justified by law, or may remand the cause to the Commission for further proceedings and may state the questions requiring further hearing, and give such other

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instructions as may be proper. Appeals shall be taken to the Industrial Commission Division of the Appellate Court in accordance with Supreme Court Rules 22(g) and 303. Appeals shall be taken from the Industrial Commission Division of the Appellate Court to the Supreme Court in accordance with Supreme Court Rule 315.

It shall be the duty of the clerk of any court rendering a decision affecting or affirming an award of the Commission to promptly furnish the Commission with a copy of such decision, without charge.

The decision of a majority of the members of the panel of the Commission, shall be considered the decision of the Commission.

(g) Except in the case of a claim against the State of Illinois, either party may present a certified copy of the award of the Arbitrator, or a certified copy of the decision of the Commission when the same has become final, when no proceedings for review are pending, providing for the payment of compensation according to this Act, to the Circuit Court of the county in which such accident occurred or either of the parties are residents, whereupon the court shall enter a judgment in accordance therewith. In a case where the employer refuses to pay compensation according to such final award or such final decision upon which such judgment is entered the court shall in entering judgment thereon, tax as costs against him the reasonable costs and attorney fees in the arbitration proceedings and in the court entering the judgment for the person in whose favor the judgment is entered, which judgment and costs taxed as therein provided shall, until and unless set aside, have the same effect as though duly entered in an action duly tried and determined by the court, and shall with like effect, be entered and docketed. The Circuit Court shall have power at any time upon application to make any such judgment conform to any modification required by any subsequent decision of the Supreme Court upon appeal, or as the result of any subsequent proceedings for review, as provided in this Act.

Judgment shall not be entered until 15 days' notice of the time and place of the application for the entry of judgment shall be served upon the employer by filing such notice with the Commission, which Commission shall, in case it has on file the address of the employer or the name and address of its agent upon whom notices may be served, immediately send a copy of the notice to the employer or such designated agent.

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(h) An agreement or award under this Act providing for compensation in installments, may at any time within 18 months after such agreement or award be reviewed by the Commission at the request of either the employer or the employee, on the ground that the disability of the employee has subsequently recurred, increased, diminished or ended.

However, as to accidents occurring subsequent to July 1, 1955, which are covered by any agreement or award under this Act providing for compensation in installments made as a result of such accident, such agreement or award may at any time within 30 months after such agreement or award be reviewed by the Commission at the request of either the employer or the employee on the ground that the disability of the employee has subsequently recurred, increased, diminished or ended.

On such review, compensation payments may be re-established, increased, diminished or ended. The Commission shall give 15 days notice to the parties of the hearing for review. Any employee, upon any petition for such review being filed by the employer, shall be entitled to one day's notice for each 100 miles necessary to be traveled by him in attending the hearing of the Commission upon the petition, and 3 days in addition thereto. Such employee shall, at the discretion of the Commission, also be entitled to 5 cents per mile necessarily traveled by him within the State of Illinois in attending such hearing, not to exceed a distance of 300 miles, to be taxed by the Commission as costs and deposited with the petition of the employer.

When compensation which is payable in accordance with an award or settlement contract approved by the Commission, is ordered paid in a lump sum by the Commission, no review shall be had as in this paragraph mentioned.

(i) Each party, upon taking any proceedings or steps whatsoever before any Arbitrator, Commission or court, shall file with the Commission his address, or the name and address of any agent upon whom all notices to be given to such party shall be served, either personally or by registered mail, addressed to such party or agent at the last address so filed with the Commission. In the event such party has not filed his address, or the name and address of an agent as above provided, service of any notice may be had by filing such notice with the Commission.

(j) Whenever in any proceeding testimony has been taken or a final decision has been rendered and after the taking of such testimony or after such decision has become final, the injured employee dies, then in any

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subsequent proceedings brought by the personal representative or beneficiaries of the deceased employee, such testimony in the former proceeding may be introduced with the same force and effect as though the witness having so testified were present in person in such subsequent proceedings and such final decision, if any, shall be taken as final adjudication of any of the issues which are the same in both proceedings.

(k) In case where there has been any unreasonable or vexatious delay of payment or intentional underpayment of compensation, or proceedings have been instituted or carried on by the one liable to pay the compensation, which do not present a real controversy, but are merely frivolous or for delay, then the Commission may award compensation additional to that otherwise payable under this Act equal to 50% of the amount payable at the time of such award. Failure to pay compensation in accordance with the provisions of Section 8, paragraph (b) of this Act, shall be considered unreasonable delay.

(l) In case the employer or his insurance carrier shall without good and just cause fail, neglect, refuse or unreasonably delay the payment of weekly compensation benefits due to an injured employee during the period of temporary total disability the arbitrator or the Commission shall allow to the employee additional compensation in the sum of $10 per day for each day that a weekly compensation payment has been so withheld or refused, provided that such additional compensation shall not exceed the sum of $2,500. A delay in payment of 14 days or more shall create a rebuttable presumption of unreasonable delay.

(m) If the commission finds that an accidental injury was directly and proximately caused by the employer's wilful violation of a health and safety standard under the Health and Safety Act in force at the time of the accident, the arbitrator or the Commission shall allow to the injured employee or his dependents, as the case may be, additional compensation equal to 25% of the amount which otherwise would be payable under the provisions of this Act exclusive of this paragraph. The additional compensation herein provided shall be allowed by an appropriate increase in the applicable weekly compensation rate.

(n) After June 30, 1984, decisions of the Illinois Workers' Compensation Industrial Commission reviewing an award of an arbitrator of the Commission shall draw interest at a rate equal to the yield on indebtedness issued by the United States Government with a 26-week maturity next previously auctioned on the day on which the decision is filed. Said rate of interest shall be set forth in the Arbitrator's Decision.

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Interest shall be drawn from the date of the arbitrator's award on all accrued compensation due the employee through the day prior to the date of payments. However, when an employee appeals an award of an Arbitrator or the Commission, and the appeal results in no change or a decrease in the award, interest shall not further accrue from the date of such appeal.

The employer or his insurance carrier may tender the payments due under the award to stop the further accrual of interest on such award notwithstanding the prosecution by either party of review, certiorari, appeal to the Supreme Court or other steps to reverse, vacate or modify the award.

(o) By the 15th day of each month each insurer providing coverage for losses under this Act shall notify each insured employer of any compensable claim incurred during the preceding month and the amounts paid or reserved on the claim including a summary of the claim and a brief statement of the reasons for compensability. A cumulative report of all claims incurred during a calendar year or continued from the previous year shall be furnished to the insured employer by the insurer within 30 days after the end of that calendar year.

The insured employer may challenge, in proceeding before the Commission, payments made by the insurer without arbitration and payments made after a case is determined to be noncompensable. If the Commission finds that the case was not compensable, the insurer shall purge its records as to that employer of any loss or expense associated with the claim, reimburse the employer for attorneys' fees arising from the challenge and for any payment required of the employer to the Rate Adjustment Fund or the Second Injury Fund, and may not reflect the loss or expense for rate making purposes. The employee shall not be required to refund the challenged payment. The decision of the Commission may be reviewed in the same manner as in arbitrated cases. No challenge may be initiated under this paragraph more than 3 years after the payment is made. An employer may waive the right of challenge under this paragraph on a case by case basis.

(p) After filing an application for adjustment of claim but prior to the hearing on arbitration the parties may voluntarily agree to submit such application for adjustment of claim for decision by an arbitrator under this subsection (p) where such application for adjustment of claim raises only a dispute over temporary total disability, permanent partial disability or medical expenses. Such agreement shall be in writing in such form as

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provided by the Commission. Applications for adjustment of claim submitted for decision by an arbitrator under this subsection (p) shall proceed according to rule as established by the Commission. The Commission shall promulgate rules including, but not limited to, rules to ensure that the parties are adequately informed of their rights under this subsection (p) and of the voluntary nature of proceedings under this subsection (p). The findings of fact made by an arbitrator acting within his or her powers under this subsection (p) in the absence of fraud shall be conclusive. However, the arbitrator may on his own motion, or the motion of either party, correct any clerical errors or errors in computation within 15 days after the date of receipt of such award of the arbitrator and shall have the power to recall the original award on arbitration, and issue in lieu thereof such corrected award. The decision of the arbitrator under this subsection (p) shall be considered the decision of the Commission and proceedings for review of questions of law arising from the decision may be commenced by either party pursuant to subsection (f) of Section 19. The Advisory Board established under Section 13.1 shall compile a list of certified Commission arbitrators, each of whom shall be approved by at least 7 members of the Advisory Board. The chairman shall select 5 persons from such list to serve as arbitrators under this subsection (p). By agreement, the parties shall select one arbitrator from among the 5 persons selected by the chairman except that if the parties do not agree on an arbitrator from among the 5 persons, the parties may, by agreement, select an arbitrator of the American Arbitration Association, whose fee shall be paid by the State in accordance with rules promulgated by the Commission. Arbitration under this subsection (p) shall be voluntary.

(Source: P.A. 86-998; 87-435; 87-799.)

(820 ILCS 305/23)(from Ch. 48, par. 138.23)

Sec. 23. No employee, personal representative, or beneficiary shall have power to waive any of the provisions of this Act in regard to the amount of compensation which may be payable to such employee, personal representative or beneficiary hereunder except after approval by the Commission and any employer, individually or by his agent, service company or insurance carrier who shall enter into any payment purporting to compromise or settle the compensation rights of an employee, personal representative or beneficiary without first obtaining the approval of the Illinois Workers' Compensation Industrial Commission as aforesaid shall be barred from raising the defense of limitation in any proceedings

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subsequently brought by such employee, personal representative or beneficiary.

A minor death beneficiary, by parent or grandparent as next friend, may compromise disputes and may enter into and submit a settlement contract or lump sum petition, and upon approval by the Commission such settlement contract or lump sum order shall have the same force and effect as though such minor had been an adult.

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

(820 ILCS 305/26)(from Ch. 48, par. 138.26)
Sec. 26. Any wilful neglect, refusal or failure to do the things required to be done by any section, clause or provision of this Act, on the part of the persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any court officer, or any other person charged with the duty of administering or enforcing this Act, is a petty offense.

The Attorney General and the State's Attorney of each county, upon the request of the Illinois Workers' Compensation Industrial Commission, shall enforce any penalties set forth in this Act.

(Source: P. A. 78-255.)

Section 75. The Workers' Occupational Diseases Act is amended by changing Sections 1, 2, 3, 4, 6, 13, 17, 19, 23, and 26 as follows:
(820 ILCS 310/1)(from Ch. 48, par. 172.36)
Sec. 1. This Act shall be known and may be cited as the "Workers' Occupational Diseases Act".
(a) The term "employer" as used in this Act shall be construed to be:

1. The State and each county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein.
2. Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious or charitable corporations or associations, who has any person in service or under any contract for hire, express or implied, oral or written.
3. Where an employer operating under and subject to the provisions of this Act loans an employee to another such employer and such loaned employee sustains a compensable occupational disease in the employment of such borrowing employer and where such borrowing employer does not provide or pay the benefits or payments due such employee, such loaning employer shall be liable to provide or pay all benefits or payments due such employee under this Act and as to such

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employee the liability of such loaning and borrowing employers shall be joint and several, provided that such loaning employer shall in the absence of agreement to the contrary be entitled to receive from such borrowing employer full reimbursement for all sums paid or incurred pursuant to this paragraph together with reasonable attorneys' fees and expenses in any hearings before the Illinois Workers' Compensation Industrial Commission or in any action to secure such reimbursement. Where any benefit is provided or paid by such loaning employer, the employee shall have the duty of rendering reasonable cooperation in any hearings, trials or proceedings in the case, including such proceedings for reimbursement.

Where an employee files an Application for Adjustment of Claim with the Illinois Workers' Compensation Industrial Commission alleging that his or her claim is covered by the provisions of the preceding paragraph, and joining both the alleged loaning and borrowing employers, they and each of them, upon written demand by the employee and within 7 days after receipt of such demand, shall have the duty of filing with the Illinois Workers' Compensation Industrial Commission a written admission or denial of the allegation that the claim is covered by the provisions of the preceding paragraph and in default of such filing or if any such denial be ultimately determined not to have been bona fide then the provisions of Paragraph K of Section 19 of this Act shall apply.

An employer whose business or enterprise or a substantial part thereof consists of hiring, procuring or furnishing employees to or for other employers operating under and subject to the provisions of this Act for the performance of the work of such other employers and who pays such employees their salary or wage notwithstanding that they are doing the work of such other employers shall be deemed a loaning employer within the meaning and provisions of this Section.

(b) The term "employee" as used in this Act, shall be construed to mean:

1. Every person in the service of the State, county, city, town, township, incorporated village or school district, body politic or municipal corporation therein, whether by election, appointment or contract of hire, express or implied, oral or written, including any official of the State, or of any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein and except any duly appointed member of the fire department in any city whose population exceeds 500,000 according to the last Federal or State census, and except any member of a fire insurance patrol maintained by a board of

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underwriters in this State. One employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic or municipal corporation therein, through its representatives, shall not be considered as an employee of the State, county, city, town, township, incorporated village, school district, body politic or municipal corporation which made the contract.

2. Every person in the service of another under any contract of hire, express or implied, oral or written, who contracts an occupational disease while working in the State of Illinois, or who contracts an occupational disease while working outside of the State of Illinois but where the contract of hire is made within the State of Illinois, and any person whose employment is principally localized within the State of Illinois, regardless of the place where the disease was contracted or place where the contract of hire was made, including aliens, and minors who, for the purpose of this Act, except Section 3 hereof, shall be considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees. An employee or his or her dependents under this Act who shall have a cause of action by reason of an occupational disease, disablement or death arising out of and in the course of his or her employment may elect or pursue his or her remedy in the State where the disease was contracted, or in the State where the contract of hire is made, or in the State where the employment is principally localized.

(c) "Commission" means the Illinois Workers' Compensation Industrial Commission created by the Workers' Compensation Act, approved July 9, 1951, as amended.

(d) In this Act the term "Occupational Disease" means a disease arising out of and in the course of the employment or which has become aggravated and rendered disabling as a result of the exposure of the employment. Such aggravation shall arise out of a risk peculiar to or increased by the employment and not common to the general public.

A disease shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin or aggravation in a risk connected with the employment and to have flowed from that source as a rational consequence.

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An employee shall be conclusively deemed to have been exposed to the hazards of an occupational disease when, for any length of time however short, he or she is employed in an occupation or process in which the hazard of the disease exists; provided however, that in a claim of exposure to atomic radiation, the fact of such exposure must be verified by the records of the central registry of radiation exposure maintained by the Department of Public Health or by some other recognized governmental agency maintaining records of such exposures whenever and to the extent that the records are on file with the Department of Public Health or the agency.

The employer liable for the compensation in this Act provided shall be the employer in whose employment the employee was last exposed to the hazard of the occupational disease claimed upon regardless of the length of time of such last exposure, except, in cases of silicosis or asbestosis, the only employer liable shall be the last employer in whose employment the employee was last exposed during a period of 60 days or more after the effective date of this Act, to the hazard of such occupational disease, and, in such cases, an exposure during a period of less than 60 days, after the effective date of this Act, shall not be deemed a last exposure. If a miner who is suffering or suffered from pneumoconiosis was employed for 10 years or more in one or more coal mines there shall, effective July 1, 1973 be a rebuttable presumption that his or her pneumoconiosis arose out of such employment.

If a deceased miner was employed for 10 years or more in one or more coal mines and died from a respirable disease there shall, effective July 1, 1973, be a rebuttable presumption that his or her death was due to pneumoconiosis.

The insurance carrier liable shall be the carrier whose policy was in effect covering the employer liable on the last day of the exposure rendering such employer liable in accordance with the provisions of this Act.

(e) "Disablement" means an impairment or partial impairment, temporary or permanent, in the function of the body or any of the members of the body, or the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the hazards of the occupational disease by the employer from whom he or she claims compensation, or equal wages in other suitable employment; and "disability" means the state of being so incapacitated.

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(f) No compensation shall be payable for or on account of any occupational disease unless disablement, as herein defined, occurs within two years after the last day of the last exposure to the hazards of the disease, except in cases of occupational disease caused by berylliosis or by the inhalation of silica dust or asbestos dust and, in such cases, within 3 years after the last day of the last exposure to the hazards of such disease and except in the case of occupational disease caused by exposure to radiological materials or equipment, and in such case, within 25 years after the last day of last exposure to the hazards of such disease.

(Source: P.A. 81-992.)

(820 ILCS 310/2)(from Ch. 48, par. 172.37)

Sec. 2. (a) Where any employer in this State is automatically and without election subject to and bound by the provisions of the Workers' Compensation Act by reason of the provisions of Section 3 thereof, as heretofore or hereafter amended, then such employer and all of his employees working within this State shall be automatically and without election subject to and bound by the compensation provisions of this Act with respect to all cases in which the last day of the last exposure to the hazards of the disease claimed upon shall have been on or after July 1, 1957. However, nothing contained in this Act shall be construed to apply to any business, enterprise, household or residence which is exempt from the compensation provisions of the Workers' Compensation Act under paragraphs 17, 18 and 19 of Section 3 of that Act.

(b) Any employer in this State who does not come within the classes enumerated by Section 2 (a) of this Act may elect to provide and pay compensation according to the provisions of this Act, for disability or death resulting from occupational diseases, and such election, when effective, shall apply to all cases in which the last day of the last exposure as defined in this Act to the hazards of the occupational disease claimed upon shall have occurred on or after the effective date of such election, and shall relieve such employer of all liability under Section 3 of this Act and all other liability with respect to injury to health or death therefrom by reason of any disease contracted or sustained in the course of the employment. The State of Illinois hereby elects to provide and pay compensation according to the provisions of this Act.

(c) Election by any employer, pursuant to paragraph (b) of this Section shall be made by filing notice of such election with the Illinois Workers' Compensation Industrial Commission or by insuring his liability to pay compensation under this Act in some insurance carrier authorized,
licensed or permitted to do such insurance business in this State. Such employer shall either furnish to his employees personally or post in a conspicuous place in the place of employment notice of his election.

(d) Every employer who has elected pursuant to paragraphs (b) and (c) of this section to provide and pay compensation shall, from and after the effective date of such election be and operate under all provisions of this Act except Section 3 hereof, with respect to all his employees except those who have rejected in due time as provided in paragraph (e). Any employer having elected, prior to October 1, 1941, not to provide and pay compensation may at any time thereafter again elect pursuant to paragraphs (b) and (c) to provide and pay compensation, but having thus elected for the second time to provide and pay compensation such employer shall, from and after the effective date of such last said election, be and operate under all provisions of this Act, except Section 3 hereof, with respect to all employees except those who have rejected in due time as provided in paragraph (e) of this section.

(e) If any employer elects, pursuant to paragraph (b) and (c) of this section, then every employee of such employer, who may be employed at the time of such election by such employer, shall be deemed to have accepted all the compensation provisions of this Act and shall be bound thereby unless within 30 days after such election he shall file a notice to the contrary with the Commission whose duty it shall be immediately to notify the employer, and until such notice is given to the employer, the measure of liability of such employer shall be determined according to the compensation provisions of this Act; and every employee of such employer, hired after such employer's election, as a part of his contract of hiring shall be deemed to have accepted all of the compensation provisions of this Act, and shall have no right of rejection.

(f) Every employer within the provisions of this Act who has elected to provide any pay compensation according to the provisions of this Act by filing notice of such election with the Commission, shall be bound thereby as to all his employees until January 1st of the next succeeding year and for terms of each year thereafter.

Any such employer who may have once elected, may elect not to provide and pay the compensation herein provided for accidents resulting in either injury or death and occurring after the expiration of any such calendar year by filing notice of such election with the Commission at least 60 days prior to the expiration of any such calendar year, and by posting such notice at a conspicuous place in the plant, shop, office, room

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or place where such employee is employed, or by personal service, in
written or printed form, upon such employees, at least 60 days prior to the
expiration of any such calendar year.

Every employer within the provisions of this Act who has elected
to provide and pay compensation according to the provisions of this Act
by insuring his liability to pay compensation under this Act, as above
provided, shall be bound thereby as to all his employees until the date of
expiration or cancellation of such policy of insurance, or any renewal
thereof.
(Source: P.A. 81-992.)

(820 ILCS 310/3)(from Ch. 48, par. 172.38)

Sec. 3. Where an employee in this State sustains injury to health or
death by reason of a disease contracted or sustained in the course of the
employment and proximately caused by the negligence of the employer,
unless such employer shall be subject to this Act under the provisions of
paragraph (a) of Section 2 of this Act or shall have elected to provide and
pay compensation as provided in Section 2 of this Act, a right of action
shall accrue to the employee whose health has been so injured for any
damages sustained thereby; and in case of death, a right of action shall
accrue to the widow or widower of such deceased person, his or her lineal
heirs or adopted children, or to any person or persons who were, before
such loss of life, dependent for support upon such deceased person, for a
like recovery of damages for the injury sustained by reason of such death
not to exceed the sum of $10,000. Violation by any employer of any
effective rule or rules made by the Illinois Workers' Compensation
Industrial Commission pursuant to the "Health and Safety Act", approved
March 16, 1936, as amended, or violation by the employer of any statute
of this State, intended for the protection of the health of employees shall
be and constitute negligence of the employer within the meaning of this
Section. Every such action for damage for injury to the health shall be
commenced within 3 years after the last day of the last exposure to the
hazards of the disease and every such action for damages in case of death
shall be commenced within one year after the death of such employee and
within 5 years after the last day of the last exposure to the hazards of the
disease except where the disease is caused by atomic radiation, in which
case, every action for damages for injury to health shall be commenced
within 15 years after the last day of last exposure to the hazard of such
disease and every action for damages in case of death shall be commenced
within one year after the death of such employee and within 15 years after

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last exposure to the hazards of the disease. In any action to recover damages under this Section, it shall not be a defense that the employee either expressly or impliedly assumed the risk of the employment, or that the contraction or sustaining of the disease or death was caused in whole or in part by the negligence of a fellow servant or fellow servants, or that the contraction or sustaining of the disease or death resulting was caused in whole or in part by the contributory negligence of the employee, where such contributory negligence was not wilful.

(Source: P.A. 80-328.)

(820 ILCS 310/4)(from Ch. 48, par. 172.39)

Sec. 4. (a) Any employer, including but not limited to general contractors and their subcontractors, required by the terms of this Act or by election to pay the compensation provided for in this Act shall:

(1) File with the Commission an application for approval as a self-insurer which shall include a current financial statement. The application and financial statement shall be signed and sworn to by the president or vice-president and secretary or assistant secretary of the employer if it be a corporation, or by all of the partners if it be a copartnership, or by the owner if it be neither a copartnership nor a corporation. An employer may elect to provide and pay compensation as provided for in this Act as a member of a group workers' compensation pool under Article V 3/4 of the Illinois Insurance Code. If an employer becomes a member of a group workers' compensation pool, the employer shall not be relieved of any obligations imposed by this Act.

If the sworn application and financial statement of any such employer does not satisfy the Commission of the financial ability of the employer who has filed it, the Commission shall require such employer to:

(2) Furnish security, indemnity or a bond guaranteeing the payment by the employer of the compensation provided for in this Act, provided that any such employer who shall have secured his or her liability in part by excess liability coverage shall be required to furnish to the Commission security, indemnity or bond guaranteeing his or her payment up to the amount of the effective limits of the excess coverage in accordance with the provisions of this paragraph, or

(3) Insure his or her entire liability to pay such compensation in some insurance carrier authorized, licensed or

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permitted to do such insurance business in this State. All policies of such insurance carriers insuring the payment of compensation under this Act shall cover all the employees and all such employer's compensation liability in all cases in which the last day of the last exposure to the occupational disease involved is within the effective period of the policy, anything to the contrary in the policy notwithstanding. Provided, however, that any employer may insure his or her compensation liability under this Act with 2 or more insurance carriers or may insure a part and qualify under Subsection 1, 2, or 4 for the remainder of his liability to pay such compensation, subject to the following two provisions:

Firstly, the entire liability of the employer to employees working at or from one location shall be insured in one such insurance carrier or shall be self-insured.

Secondly, the employer shall submit evidence satisfactory to the Commission that his or her entire liability for the compensation provided for in this Act will be secured.

Any provision in a policy or in any endorsement attached thereto attempting to limit or modify in any way the liability of the insurance carrier issuing the same, except as otherwise provided herein, shall be wholly void.

The insurance or security in force to cover compensation liability under this Act shall be separate and distinct from the insurance or security under the "Workers' Compensation Act" and any insurance contract covering liability under either Act need not cover any liability under the other. Nothing herein contained shall apply to policies of excess liability carriage secured by employers who have been approved by the Commission as self-insurers, or

(4) Make some other provision, satisfactory to the Commission, for the securing of the payment of compensation provided for in this Act, and

(5) Upon becoming subject to this Act and thereafter as often as the Commission may in writing demand, file with the Commission in form prescribed by it evidence of his or her compliance with the provision of this Section.

(a-1) Regardless of its state of domicile or its principal place of business, an employer shall make payments to its insurance carrier or
group self-insurance fund, where applicable, based upon the premium rates of the situs where the work or project is located in Illinois if:

(A) the employer is engaged primarily in the building and construction industry; and

(B) subdivision (a)(3) of this Section applies to the employer or the employer is a member of a group self-insurance plan as defined in subsection (1) of Section 4a.

The Illinois Workers' Compensation Industrial Commission shall impose a penalty upon an employer for violation of this subsection (a-1) if:

(i) the employer is given an opportunity at a hearing to present evidence of its compliance with this subsection (a-1); and

(ii) after the hearing, the Commission finds that the employer failed to make payments upon the premium rates of the situs where the work or project is located in Illinois.

The penalty shall not exceed $1,000 for each day of work for which the employer failed to make payments upon the premium rates of the situs where the work or project is located in Illinois, but the total penalty shall not exceed $50,000 for each project or each contract under which the work was performed.

Any penalty under this subsection (a-1) must be imposed not later than one year after the expiration of the applicable limitation period specified in subsection (c) of Section 6 of this Act. Penalties imposed under this subsection (a-1) shall be deposited into the Illinois Workers' Compensation Industrial Commission Operations Fund created under Section 4 of the Workers' Compensation Act.

(b) The sworn application and financial statement, or security, indemnity or bond, or amount of insurance, or other provisions, filed, furnished, carried, or made by the employer, as the case may be, shall be subject to the approval of the Commission.

Deposits under escrow agreements shall be cash, negotiable United States government bonds or negotiable general obligation bonds of the State of Illinois. Such cash or bonds shall be deposited in escrow with any State or National Bank or Trust Company having trust authority in the State of Illinois.

Upon the approval of the sworn application and financial statement, security, indemnity or bond or amount of insurance, filed, furnished, or carried, as the case may be, the Commission shall send to the employer written notice of its approval thereof. Said certificate of compliance by the employer with the provisions of subparagraphs (2) and

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(3) of paragraph (a) of this Section shall be delivered by the insurance carrier to the Illinois Workers' Compensation Industrial Commission within 5 days after the effective date of the policy so certified. The insurance so certified shall cover all compensation liability occurring during the time that the insurance is in effect and no further certificate need be filed in case such insurance is renewed, extended or otherwise continued by such carrier. The insurance so certified shall not be cancelled or in the event that such insurance is not renewed, extended or otherwise continued, such insurance shall not be terminated until at least 10 days after receipt by the Illinois Workers' Compensation Industrial Commission of notice of the cancellation or termination of said insurance; provided, however, that if the employer has secured insurance from another insurance carrier, or has otherwise secured the payment of compensation in accordance with this Section, and such insurance or other security becomes effective prior to the expiration of said 10 days, cancellation or termination may, at the option of the insurance carrier indicated in such notice, be effective as of the effective date of such other insurance or security.

(c) Whenever the Commission shall find that any corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or other insurer effecting workers' occupational disease compensation insurance in this State shall be insolvent, financially unsound, or unable to fully meet all payments and liabilities assumed or to be assumed for compensation insurance in this State, or shall practice a policy of delay or unfairness toward employees in the adjustment, settlement, or payment of benefits due such employees, the Commission may after reasonable notice and hearing order and direct that such corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or insurer, shall from and after a date fixed in such order discontinue the writing of any such workers' occupational disease compensation insurance in this State. It shall thereupon be unlawful for any such corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or insurer to effect any workers' occupational disease compensation insurance in this State. A copy of the order shall be served upon the Director of Insurance by registered mail. Whenever the Commission finds that any service or adjustment company used or employed by a self-insured employer or by an insurance carrier to process, adjust, investigate, compromise or otherwise handle claims under this Act, has practiced or is practicing a policy of

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delay or unfairness toward employees in the adjustment, settlement or payment of benefits due such employees, the Commission may after reasonable notice and hearing order and direct that such service or adjustment company shall from and after a date fixed in such order be prohibited from processing, adjusting, investigating, compromising or otherwise handling claims under this Act.

Whenever the Commission finds that any self-insured employer has practiced or is practicing delay or unfairness toward employees in the adjustment, settlement or payment of benefits due such employees, the Commission may after reasonable notice and hearing order and direct that after a date fixed in the order such self-insured employer shall be disqualified to operate as a self-insurer and shall be required to insure his entire liability to pay compensation in some insurance carrier authorized, licensed and permitted to do such insurance business in this State as provided in subparagraph (3) of paragraph (a) of this Section.

All orders made by the Commission under this Section shall be subject to review by the courts, the review to be taken in the same manner and within the same time as provided by Section 19 of this Act for review of awards and decisions of the Commission, upon the party seeking the review filing with the clerk of the court to which said review is taken a bond in an amount to be fixed and approved by the court to which said review is taken, conditioned upon the payment of all compensation awarded against the person taking the review pending a decision thereof and further conditioned upon such other obligations as the court may impose. Upon the review the Circuit Court shall have power to review all questions of fact as well as of law. The penalty hereinafter provided for in this paragraph shall not attach and shall not begin to run until the final determination of the order of the Commission.

(d) Upon a finding by the Commission, after reasonable notice and hearing, of the knowing and wilful failure of an employer to comply with any of the provisions of paragraph (a) of this Section or the failure or refusal of an employer, service or adjustment company, or insurance carrier to comply with any order of the Illinois Workers’ Compensation Industrial Commission pursuant to paragraph (c) of this Section the Commission may assess a civil penalty of up to $500 per day for each day of such failure or refusal after the effective date of this amendatory Act of 1989. Each day of such failure or refusal shall constitute a separate offense.
Upon the failure or refusal of any employer, service or adjustment company or insurance carrier to comply with the provisions of this Section and orders of the Commission under this Section, or the order of the court on review after final adjudication, the Commission may bring a civil action to recover the amount of the penalty in Cook County or in Sangamon County in which litigation the Commission shall be represented by the Attorney General. The Commission shall send notice of its finding of non-compliance and assessment of the civil penalty to the Attorney General. It shall be the duty of the Attorney General within 30 days after receipt of the notice, to institute prosecutions and promptly prosecute all reported violations of this Section.

(e) This Act shall not affect or disturb the continuance of any existing insurance, mutual aid, benefit, or relief association or department, whether maintained in whole or in part by the employer or whether maintained by the employees, the payment of benefits of such association or department being guaranteed by the employer or by some person, firm or corporation for him or her: Provided, the employer contributes to such association or department an amount not less than the full compensation herein provided, exclusive of the cost of the maintenance of such association or department and without any expense to the employee. This Act shall not prevent the organization and maintaining under the insurance laws of this State of any benefit or insurance company for the purpose of insuring against the compensation provided for in this Act, the expense of which is maintained by the employer. This Act shall not prevent the organization or maintaining under the insurance laws of this State of any voluntary mutual aid, benefit or relief association among employees for the payment of additional accident or sick benefits.

(f) No existing insurance, mutual aid, benefit or relief association or department shall, by reason of anything herein contained, be authorized to discontinue its operation without first discharging its obligations to any and all persons carrying insurance in the same or entitled to relief or benefits therein.

(g) Any contract, oral, written or implied, of employment providing for relief benefit, or insurance or any other device whereby the employee is required to pay any premium or premiums for insurance against the compensation provided for in this Act shall be null and void. Any employer withholding from the wages of any employee any amount for the purpose of paying any such premium shall be guilty of a Class B misdemeanor.

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In the event the employer does not pay the compensation for which he or she is liable, then an insurance company, association or insurer which may have insured such employer against such liability shall become primarily liable to pay to the employee, his personal representative or beneficiary the compensation required by the provisions of this Act to be paid by such employer. The insurance carrier may be made a party to the proceedings in which the employer is a party and an award may be entered jointly against the employer and the insurance carrier.

(h) It shall be unlawful for any employer, insurance company or service or adjustment company to interfere with, restrain or coerce an employee in any manner whatsoever in the exercise of the rights or remedies granted to him or her by this Act or to discriminate, attempt to discriminate, or threaten to discriminate against an employee in any way because of his exercise of the rights or remedies granted to him by this Act.

It shall be unlawful for any employer, individually or through any insurance company or service or adjustment company, to discharge or to threaten to discharge, or to refuse to rehire or recall to active service in a suitable capacity an employee because of the exercise of his or her rights or remedies granted to him or her by this Act.

(i) If an employer elects to obtain a life insurance policy on his employees, he may also elect to apply such benefits in satisfaction of all or a portion of the death benefits payable under this Act, in which case, the employer's premium for coverage for benefits under this Act shall be reduced accordingly.

(Source: P.A. 90-109, eff. 1-1-98; 91-375, eff. 1-1-00; 91-757, eff. 1-1-01.)

(820 ILCS 310/6)(from Ch. 48, par. 172.41)

Sec. 6. (a) Every employer operating under the compensation provisions of this Act, shall post printed notices in their respective places of employment in conspicuous places and in such number and at such places as may be determined by the Commission, containing such information relative to this Act as in the judgment of the Commission may be necessary to aid employees to safeguard their rights under this Act.

In addition thereto, the employer shall post in a conspicuous place on the premises of the employment a printed or typewritten notice stating whether he is insured or whether he has qualified and is operating as a self-insured employer. In the event the employer is insured, the notice shall state the name and address of his or her insurance carrier, the number

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of the insurance policy, its effective date and the date of termination. In the event of the termination of the policy for any reason prior to the termination date stated, the posted notice shall promptly be corrected accordingly. In the event the employer is operating as a self-insured employer the notice shall state the name and address of the company, if any, servicing the compensation payments of the employer, and the name and address of the person in charge of making compensation payments.

(b) Every employer subject to this Act shall maintain accurate records of work-related deaths, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion or transfer to another job and file with the Illinois Workers' Compensation Industrial Commission, in writing, a report of all occupational diseases arising out of and in the course of the employment and resulting in death, or disablement or illness resulting in the loss of more than 3 scheduled work days. In the case of death such report shall be made no later than 2 working days following the occupational death. In all other cases such report shall be made between the 15th and 25th of each month unless required to be made sooner by rule of the Illinois Workers' Compensation Industrial Commission. In case the occupational disease results in permanent disability, a further report shall be made as soon as it is determined that such permanent disability has resulted or will result therefrom. All reports shall state the date of the disablement, the nature of the employer's business, the name, address, the age, sex, conjugal condition of the disabled person, the specific occupation of the person, the nature and character of the occupational disease, the length of disability, and, in case of death, the length of disablement before death, the wages of the employee, whether compensation has been paid to the employee, or to his legal representative or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians', surgeons' and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses, if known. The reports shall be made on forms and in the manner as prescribed by the Illinois Workers' Compensation Industrial Commission and shall contain such further information as the Commission shall deem necessary and require. The making of such reports releases the employer from making such reports to any other officer of the State and shall satisfy the reporting provisions as contained in the "Health And Safety Act" and "An Act in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act therein named", approved July 18,
1955, as amended. The report filed with the Illinois Workers’ Compensation Industrial Commission pursuant to the provisions of this Section shall be made available by the Illinois Workers’ Compensation Industrial Commission to the Director of Labor or his representatives, to the Department of Public Health pursuant to the Illinois Health and Hazardous Substances Registry Act, and to all other departments of the State of Illinois which shall require such information for the proper discharge of their official duties. Failure to file with the Commission any of the reports required in this Section is a petty offense.

Except as provided in this paragraph, all reports filed hereunder shall be confidential and any person having access to such records filed with the Illinois Workers’ Compensation Industrial Commission as herein required, who shall release the names or otherwise identify any persons sustaining injuries or disabilities, or gives access to such information to any unauthorized person, shall be subject to discipline or discharge, and in addition shall be guilty of a Class B misdemeanor. The Commission shall compile and distribute to interested persons aggregate statistics, taken from the reports filed hereunder. The aggregate statistics shall not give the names or otherwise identify persons sustaining injuries or disabilities or the employer of any injured or disabled person.

(c) There shall be given notice to the employer of disablement arising from an occupational disease as soon as practicable after the date of the disablement. If the Commission shall find that the failure to give such notice substantially prejudices the rights of the employer the Commission in its discretion may order that the right of the employee to proceed under this Act shall be barred.

In case of legal disability of the employee or any dependent of a deceased employee who may be entitled to compensation, under the provisions of this Act, the limitations of time in this Section of this Act provided shall not begin to run against such person who is under legal disability until a conservator or guardian has been appointed. No defect or inaccuracy of such notice shall be a bar to the maintenance of proceedings on arbitration or otherwise by the employee unless the employer proves that he or she is unduly prejudiced in such proceedings by such defect or inaccuracy. Notice of the disabling disease may be given orally or in writing. In any case, other than injury or death caused by exposure to radiological materials or equipment or asbestos, unless application for compensation is filed with the Commission within 3 years after the date of the disablement, where no compensation has been paid, or within 2 years

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after the date of the last payment of compensation, where any has been paid, whichever shall be later, the right to file such application shall be barred. If the occupational disease results in death, application for compensation for death may be filed with the Commission within 3 years after the date of death where no compensation has been paid, or within 3 years after the last payment of compensation, where any has been paid, whichever is later, but not thereafter.

Effective July 1, 1973 in cases of disability caused by coal miners pneumoconiosis unless application for compensation is filed with the Commission within 5 years after the employee was last exposed where no compensation has been paid, or within 5 years after the last payment of compensation where any has been paid, the right to file such application shall be barred.

In cases of disability caused by exposure to radiological materials or equipment or asbestos, unless application for compensation is filed with the Commission within 25 years after the employee was so exposed, the right to file such application shall be barred.

In cases of death occurring within 25 years from the last exposure to radiological material or equipment or asbestos, application for compensation must be filed within 3 years of death where no compensation has been paid, or within 3 years, after the date of the last payment where any has been paid, but not thereafter.

(d) Any contract or agreement made by any employer or his agent or attorney with any employee or any other beneficiary of any claim under the provisions of this Act within 7 days after the disablement shall be presumed to be fraudulent.

(Source: P.A. 84-981.)

(820 ILCS 310/13)(from Ch. 48, par. 172.48)

Sec. 13. The Illinois Workers’ Compensation Industrial Commission shall have jurisdiction over the operation and administration of this Act and it shall have, exercise, perform and discharge the same rights, powers and duties with reference to this Act as it shall have, exercise, perform and discharge with reference to the Workers' Compensation Act or any amendment thereto or modification thereof.

(Source: P.A. 81-992.)

(820 ILCS 310/17)(from Ch. 48, par. 172.52)

Sec. 17. The Commission shall cause to be printed and shall furnish free of charge upon request by any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient

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administration of this Act, and the performance of the duties of the Commission. It shall provide a proper record in which shall be entered and indexed the name of any employer who shall file a notice of election under this Act, and the date of the filing thereof; and a proper record in which shall be entered and indexed the name of any employee who shall file a notice of election, and the date of the filing thereof; and such other notices as may be required by this Act; and records in which shall be recorded all proceedings, orders and awards had or made by the Commission, or by the arbitration committees, and such other books or records as it shall deem necessary, all such records to be kept in the office of the Commission. The Commission, in its discretion, may destroy all papers and documents except notices of election and waivers which have been on file for more than five years where there is no claim for compensation pending, or where more than two years have elapsed since the termination of the compensation period.

The Commission shall compile and distribute to interested persons aggregate statistics, taken from any records and reports in the possession of the Commission. The aggregate statistics shall not give the names or otherwise identify persons sustaining injuries or disabilities or the employer of any injured or disabled person.

The Commission is authorized to establish reasonable fees and methods of payment limited to covering only the costs to the Commission for processing, maintaining and generating records or data necessary for the computerized production of documents, records and other materials except to the extent of any salaries or compensation of Commission officers or employees.

All fees collected by the Commission under this Section shall be deposited in the Statistical Services Revolving Fund and credited to the account of the Illinois Workers’ Compensation Industrial Commission.

(820 ILCS 310/19)(from Ch. 48, par. 172.54)
Sec. 19. Any disputed questions of law or fact shall be determined as herein provided.

(a) It shall be the duty of the Commission upon notification that the parties have failed to reach an agreement to designate an Arbitrator.

(1) The application for adjustment of claim filed with the Commission shall state:

A. The approximate date of the last day of the last exposure and the approximate date of the disablement.

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B. The general nature and character of the illness or disease claimed.

C. The name and address of the employer by whom employed on the last day of the last exposure and if employed by any other employer after such last exposure and before disablement the name and address of such other employer or employers.

D. In case of death, the date and place of death.

(2) Amendments to applications for adjustment of claims which relate to the same disablement or disablement resulting in death originally claimed upon may be allowed by the Commissioner or an Arbitrator thereof, in their discretion, and in the exercise of such discretion, they may in proper cases order a trial de novo; such amendment shall relate back to the date of the filing of the original application so amended.

(3) Whenever any claimant misconceives his remedy and files an application for adjustment of claim under this Act and it is subsequently discovered, at any time before final disposition of such cause, that the claim for disability or death which was the basis for such application should properly have been made under the Workers' Compensation Act, then the provisions of Section 19 paragraph (a-1) of the Workers' Compensation Act having reference to such application shall apply.

Whenever any claimant misconceives his remedy and files an application for adjustment of claim under the Workers' Compensation Act and it is subsequently discovered, at any time before final disposition of such cause that the claim for injury or death which was the basis for such application should properly have been made under this Act, then the application so filed under the Workers' Compensation Act may be amended in form, substance or both to assert claim for such disability or death under this Act and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to the provisions of this Act. When such amendment is submitted, further or additional evidence may be heard by the Arbitrator or Commission when deemed necessary; provided, that nothing in this Section contained shall be construed to be or permit a waiver of any provisions of this Act with reference to notice, but notice if
given shall be deemed to be a notice under the provisions of this Act if given within the time required herein.

(b) The Arbitrator shall make such inquiries and investigations as he shall deem necessary and may examine and inspect all books, papers, records, places, or premises relating to the questions in dispute and hear such proper evidence as the parties may submit.

The hearings before the Arbitrator shall be held in the vicinity where the last exposure occurred, after 10 days' notice of the time and place of such hearing shall have been given to each of the parties or their attorneys of record.

The Arbitrator may find that the disabling condition is temporary and has not yet reached a permanent condition and may order the payment of compensation up to the date of the hearing, which award shall be reviewable and enforceable in the same manner as other awards, and in no instance be a bar to a further hearing and determination of a further amount of temporary total compensation or of compensation for permanent disability, but shall be conclusive as to all other questions except the nature and extent of such disability.

The decision of the Arbitrator shall be filed with the Commission which Commission shall immediately send to each party or his attorney a copy of such decision, together with a notification of the time when it was filed. Beginning January 1, 1981, all decisions of the Arbitrator shall set forth in writing findings of fact and conclusions of law, separately stated. Unless a petition for review is filed by either party within 30 days after the receipt by such party of the copy of the decision and notification of time when filed, and unless such party petitioning for a review shall within 35 days after the receipt by him of the copy of the decision, file with the Commission either an agreed statement of the facts appearing upon the hearing before the Arbitrator, or if such party shall so elect a correct transcript of evidence of the proceedings at such hearings, then the decision shall become the decision of the Commission and in the absence of fraud shall be conclusive. The Petition for Review shall contain a statement of the petitioning party's specific exceptions to the decision of the arbitrator. The jurisdiction of the Commission to review the decision of the arbitrator shall not be limited to the exceptions stated in the Petition for Review. The Commission, or any member thereof, may grant further time not exceeding 30 days, in which to file such agreed statement or transcript of evidence. Such agreed statement of facts or correct transcript of evidence, as the case may be, shall be authenticated by the signatures of

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the parties or their attorneys, and in the event they do not agree as to the correctness of the transcript of evidence it shall be authenticated by the signature of the Arbitrator designated by the Commission.

(b-1) If the employee is not receiving, pursuant to Section 7, medical, surgical or hospital services of the type provided for in paragraph (a) of Section 8 of the Workers' Compensation Act or compensation of the type provided for in paragraph (b) of Section 8 of the Workers' Compensation Act, the employee, in accordance with Commission Rules, may file a petition for an emergency hearing by an Arbitrator on the issue of whether or not he is entitled to receive payment of such compensation or services as provided therein. Such petition shall have priority over all other petitions and shall be heard by the Arbitrator and Commission with all convenient speed.

Such petition shall contain the following information and shall be served on the employer at least 15 days before it is filed:

(i) the date and approximate time of the last exposure;
(ii) the approximate location of the last exposure;
(iii) a description of the last exposure;
(iv) the nature of the disability incurred by the employee;
(v) the identity of the person, if known, to whom the disability was reported and the date on which it was reported;
(vi) the name and title of the person, if known, representing the employer with whom the employee conferred in any effort to obtain pursuant to Section 7 compensation of the type provided for in paragraph (b) of Section 8 of the Workers' Compensation Act or medical, surgical or hospital services of the type provided for in paragraph (a) of Section 8 of the Workers' Compensation Act and the date of such conference;
(vii) a statement that the employer has refused to pay compensation pursuant to Section 7 of the type provided for in paragraph (b) of Section 8 of the Workers' Compensation Act or for medical, surgical or hospital services pursuant to Section 7 of the type provided for in paragraph (a) of Section 8 of the Workers' Compensation Act;
(viii) the name and address, if known, of each witness to the last exposure and of each other person upon whom the employee will rely to support his allegations;
(ix) the dates of treatment related to the disability by medical practitioners, and the names and addresses of such practitioners.
practitioners, including the dates of treatment related to the
disability at any hospitals and the names and addresses of such
hospitals, and a signed authorization permitting the employer to
examine all medical records of all practitioners and hospitals
named pursuant to this paragraph;

(x) a copy of a signed report by a medical practitioner,
relating to the employee's current inability to return to work
because of the disability incurred as a result of the exposure or
such other documents or affidavits which show that the employee
is entitled to receive pursuant to Section 7 compensation of the
type provided for in paragraph (b) of Section 8 of the Workers'
Compensation Act or medical, surgical or hospital services of the
type provided for in paragraph (a) of Section 8 of the Workers'
Compensation Act. Such reports, documents or affidavits shall
state, if possible, the history of the exposure given by the
employee, and describe the disability and medical diagnosis, the
medical services for such disability which the employee has
received and is receiving, the physical activities which the
employee cannot currently perform as a result of such disability,
and the prognosis for recovery;

(xi) complete copies of any reports, records, documents and
affidavits in the possession of the employee on which the employee
will rely to support his allegations, provided that the employer shall
pay the reasonable cost of reproduction thereof;

(xii) a list of any reports, records, documents and affidavits
which the employee has demanded by subpoena and on which he
intends to rely to support his allegations;

(xiii) a certification signed by the employee or his
representative that the employer has received the petition with the
required information 15 days before filing.

Fifteen days after receipt by the employer of the petition with the
required information the employee may file said petition and required
information and shall serve notice of the filing upon the employer. The
employer may file a motion addressed to the sufficiency of the petition. If
an objection has been filed to the sufficiency of the petition, the arbitrator
shall rule on the objection within 2 working days. If such an objection is
filed, the time for filing the final decision of the Commission as provided
in this paragraph shall be tolled until the arbitrator has determined that the
petition is sufficient.

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The employer shall, within 15 days after receipt of the notice that such petition is filed, file with the Commission and serve on the employee or his representative a written response to each claim set forth in the petition, including the legal and factual basis for each disputed allegation and the following information: (i) complete copies of any reports, records, documents and affidavits in the possession of the employer on which the employer intends to rely in support of his response, (ii) a list of any reports, records, documents and affidavits which the employer has demanded by subpoena and on which the employer intends to rely in support of his response, (iii) the name and address of each witness on whom the employer will rely to support his response, and (iv) the names and addresses of any medical practitioners selected by the employer pursuant to Section 12 of this Act and the time and place of any examination scheduled to be made pursuant to such Section.

Any employer who does not timely file and serve a written response without good cause may not introduce any evidence to dispute any claim of the employee but may cross examine the employee or any witness brought by the employee and otherwise be heard.

No document or other evidence not previously identified by either party with the petition or written response, or by any other means before the hearing, may be introduced into evidence without good cause. If, at the hearing, material information is discovered which was not previously disclosed, the Arbitrator may extend the time for closing proof on the motion of a party for a reasonable period of time which may be more than 30 days. No evidence may be introduced pursuant to this paragraph as to permanent disability. No award may be entered for permanent disability pursuant to this paragraph. Either party may introduce into evidence the testimony taken by deposition of any medical practitioner.

The Commission shall adopt rules, regulations and procedures whereby the final decision of the Commission is filed not later than 90 days from the date the petition for review is filed but in no event later than 180 days from the date the petition for an emergency hearing is filed with the Illinois Workers' Compensation Industrial Commission.

All service required pursuant to this paragraph (b-1) must be by personal service or by certified mail and with evidence of receipt. In addition, for the purposes of this paragraph, all service on the employer must be at the premises where the accident occurred if the premises are owned or operated by the employer. Otherwise service must be at the employee's principal place of employment by the employer. If service on

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the employer is not possible at either of the above, then service shall be at the employer's principal place of business. After initial service in each case, service shall be made on the employer's attorney or designated representative.

(c) (1) At a reasonable time in advance of and in connection with the hearing under Section 19(e) or 19(h), the Commission may on its own motion order an impartial physical or mental examination of a petitioner whose mental or physical condition is in issue, when in the Commission's discretion it appears that such an examination will materially aid in the just determination of the case. The examination shall be made by a member or members of a panel of physicians chosen for their special qualifications by the Illinois State Medical Society. The Commission shall establish procedures by which a physician shall be selected from such list.

(2) Should the Commission at any time during the hearing find that compelling considerations make it advisable to have an examination and report at that time, the Commission may in its discretion so order.

(3) A copy of the report of examination shall be given to the Commission and to the attorneys for the parties.

(4) Either party or the Commission may call the examining physician or physicians to testify. Any physician so called shall be subject to cross-examination.

(5) The examination shall be made, and the physician or physicians, if called, shall testify, without cost to the parties. The Commission shall determine the compensation and the pay of the physician or physicians. The compensation for this service shall not exceed the usual and customary amount for such service.

The fees and payment thereof of all attorneys and physicians for services authorized by the Commission under this Act shall, upon request of either the employer or the employee or the beneficiary affected, be subject to the review and decision of the Commission.

(d) If any employee shall persist in insanitary or injurious practices which tend to either imperil or retard his recovery or shall refuse to submit to such medical, surgical, or hospital treatment as is reasonably essential to promote his recovery, the Commission may, in its discretion, reduce or suspend the compensation of any such employee; provided, that when an employer and employee so agree in writing, the foregoing provision shall not be construed to authorize the reduction or suspension of compensation of an employee who is relying in good faith, on treatment by prayer or spiritual means alone, in accordance with the tenets and practice of a

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recognized church or religious denomination, by a duly accredited practitioner thereof.

(e) This paragraph shall apply to all hearings before the Commission. Such hearings may be held in its office or elsewhere as the Commission may deem advisable. The taking of testimony on such hearings may be had before any member of the Commission. If a petition for review and agreed statement of facts or transcript of evidence is filed, as provided herein, the Commission shall promptly review the decision of the Arbitrator and all questions of law or fact which appear from the statement of facts or transcripts of evidence. In all cases in which the hearing before the arbitrator is held after the effective date of this amendatory Act of 1989, no additional evidence shall be introduced by the parties before the Commission on review of the decision of the Arbitrator. The Commission shall file in its office its decision thereon, and shall immediately send to each party or his attorney a copy of such decision and a notification of the time when it was filed. Decisions shall be filed within 60 days after the Statement of Exceptions and Supporting Brief and Response thereto are required to be filed or oral argument whichever is later.

In the event either party requests oral argument, such argument shall be had before a panel of 3 members of the Commission (or before all available members pursuant to the determination of 5 members of the Commission that such argument be held before all available members of the Commission) pursuant to the rules and regulations of the Commission. A panel of 3 members, which shall be comprised of not more than one representative citizen of the employing class and not more than one representative citizen of the employee class, shall hear the argument; provided that if all the issues in dispute are solely the nature and extent of the permanent partial disability, if any, a majority of the panel may deny the request for such argument and such argument shall not be held; and provided further that 5 members of the Commission may determine that the argument be held before all available members of the Commission. A decision of the Commission shall be approved by a majority of Commissioners present at such hearing if any; provided, if no such hearing is held, a decision of the Commission shall be approved by a majority of a panel of 3 members of the Commission as described in this Section. The Commission shall give 10 days' notice to the parties or their attorneys of the time and place of such taking of testimony and of such argument.

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In any case the Commission in its discretion may in its discretion find specially upon any question or questions of law or facts which shall be submitted in writing by either party whether ultimate or otherwise; provided that on issues other than nature and extent of the disablement, if any, the Commission in its decision shall find specially upon any question or questions of law or fact, whether ultimate or otherwise, which are submitted in writing by either party; provided further that not more than 5 such questions may be submitted by either party. Any party may, within 20 days after receipt of notice of the Commission's decision, or within such further time, not exceeding 30 days, as the Commission may grant, file with the Commission either an agreed statement of the facts appearing upon the hearing, or, if such party shall so elect, a correct transcript of evidence of the additional proceedings presented before the Commission in which report the party may embody a correct statement of such other proceedings in the case as such party may desire to have reviewed, such statement of facts or transcript of evidence to be authenticated by the signature of the parties or their attorneys, and in the event that they do not agree, then the authentication of such transcript of evidence shall be by the signature of any member of the Commission.

If a reporter does not for any reason furnish a transcript of the proceedings before the Arbitrator in any case for use on a hearing for review before the Commission, within the limitations of time as fixed in this Section, the Commission may, in its discretion, order a trial de novo before the Commission in such case upon application of either party. The applications for adjustment of claim and other documents in the nature of pleadings filed by either party, together with the decisions of the Arbitrator and of the Commission and the statement of facts or transcript of evidence hereinbefore provided for in paragraphs (b) and (c) shall be the record of the proceedings of the Commission, and shall be subject to review as hereinafter provided.

At the request of either party or on its own motion, the Commission shall set forth in writing the reasons for the decision, including findings of fact and conclusions of law, separately stated. The Commission shall by rule adopt a format for written decisions for the Commission and arbitrators. The written decisions shall be concise and shall succinctly state the facts and reasons for the decision. The Commission may adopt in whole or in part, the decision of the arbitrator as the decision of the Commission. When the Commission does so adopt the decision of the arbitrator, it shall do so by order. Whenever the

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Commission adopts part of the arbitrator's decision, but not all, it shall include in the order the reasons for not adopting all of the arbitrator's decision. When a majority of a panel, after deliberation, has arrived at its decision, the decision shall be filed as provided in this Section without unnecessary delay, and without regard to the fact that a member of the panel has expressed an intention to dissent. Any member of the panel may file a dissent. Any dissent shall be filed no later than 10 days after the decision of the majority has been filed.

Decisions rendered by the Commission after the effective date of this amendatory Act of 1980 and dissents, if any, shall be published together by the Commission. The conclusions of law set out in such decisions shall be regarded as precedents by arbitrators, for the purpose of achieving a more uniform administration of this Act.

(f) The decision of the Commission acting within its powers, according to the provisions of paragraph (e) of this Section shall, in the absence of fraud, be conclusive unless reviewed as in this paragraph hereinafter provided. However, the Arbitrator or the Commission may on his or its own motion, or on the motion of either party, correct any clerical error or errors in computation within 15 days after the date of receipt of any award by such Arbitrator or any decision on review of the Commission, and shall have the power to recall the original award on arbitration or decision on review, and issue in lieu thereof such corrected award or decision. Where such correction is made the time for review herein specified shall begin to run from the date of the receipt of the corrected award or decision.

(1) Except in cases of claims against the State of Illinois, in which case the decision of the Commission shall not be subject to judicial review, the Circuit Court of the county where any of the parties defendant may be found, or if none of the parties defendant be found in this State then the Circuit Court of the county where any of the exposure occurred, shall by summons to the Commission have power to review all questions of law and fact presented by such record.

A proceeding for review shall be commenced within 20 days of the receipt of notice of the decision of the Commission. The summons shall be issued by the clerk of such court upon written request returnable on a designated return day, not less than 10 or more than 60 days from the date of issuance thereof, and the written request shall contain the last known address of other parties

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in interest and their attorneys of record who are to be served by
summons. Service upon any member of the Commission or the
Secretary or the Assistant Secretary thereof shall be service upon
the Commission, and service upon other parties in interest and their
attorneys of record shall be by summons, and such service shall be
made upon the Commission and other parties in interest by mailing
notices of the commencement of the proceedings and the return
day of the summons to the office of the Commission and to the last
known place of residence of other parties in interest or their
attorney or attorneys of record. The clerk of the court issuing the
summons shall on the day of issue mail notice of the
 commencement of the proceedings which shall be done by mailing
a copy of the summons to the office of the Commission, and a copy
of the summons to the other parties in interest or their attorney or
attorneys of record and the clerk of the court shall make certificate
that he has so sent such notices in pursuance of this Section, which
shall be evidence of service on the Commission and other parties in
interest.

The Commission shall not be required to certify the record
of their proceedings in the Circuit Court unless the party
commencing the proceedings for review in the Circuit Court as
above provided, shall pay to the Commission the sum of 80 cents
per page of testimony taken before the Commission, and 35 cents
per page of all other matters contained in such record, except as
otherwise provided by Section 20 of this Act. Payment for
photostatic copies of exhibit shall be extra. It shall be the duty of
the Commission upon such payment, or failure to pay as permitted
under Section 20 of this Act, to prepare a true and correct
typewritten copy of such testimony and a true and correct copy of
all other matters contained in such record and certified to by the
Secretary or Assistant Secretary thereof.

In its decision on review the Commission shall determine in
each particular case the amount of the probable cost of the record
to be filed as a return to the summons in that case and no request
for a summons may be filed and no summons shall issue unless the
party seeking to review the decision of the Commission shall
exhibit to the clerk of the Circuit Court proof of payment by filing
a receipt showing payment or an affidavit of the attorney setting

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forth that payment has been made of the sums so determined to the Secretary or Assistant Secretary of the Commission.

(2) No such summons shall issue unless the one against whom the Commission shall have rendered an award for the payment of money shall upon the filing of his written request for such summons file with the clerk of the court a bond conditioned that if he shall not successfully prosecute the review, he will pay the award and the costs of the proceedings in the court. The amount of the bond shall be fixed by any member of the Commission and the surety or sureties of the bond shall be approved by the clerk of the court. The acceptance of the bond by the clerk of the court shall constitute evidence of his approval of the bond.

Every county, city, town, township, incorporated village, school district, body politic or municipal corporation having a population of 500,000 or more against whom the Commission shall have rendered an award for the payment of money shall not be required to file a bond to secure the payment of the award and the costs of the proceedings in the court to authorize the court to issue such summons.

The court may confirm or set aside the decision of the Commission. If the decision is set aside and the facts found in the proceedings before the Commission are sufficient, the court may enter such decision as is justified by law, or may remand the cause to the Commission for further proceedings and may state the questions requiring further hearing, and give such other instructions as may be proper. Appeals shall be taken to the Industrial Commission Division of the Appellate Court in accordance with Supreme Court Rules 22(g) and 303. Appeals shall be taken from the Industrial Commission Division of the Appellate Court to the Supreme Court in accordance with Supreme Court Rule 315.

It shall be the duty of the clerk of any court rendering a decision affecting or affirming an award of the Commission to promptly furnish the Commission with a copy of such decision, without charge.

The decision of a majority of the members of the panel of the Commission, shall be considered the decision of the Commission.
(g) Except in the case of a claim against the State of Illinois, either party may present a certified copy of the award of the Arbitrator, or a certified copy of the decision of the Commission when the same has become final, when no proceedings for review are pending, providing for the payment of compensation according to this Act, to the Circuit Court of the county in which such exposure occurred or either of the parties are residents, whereupon the court shall enter a judgment in accordance therewith. In case where the employer refuses to pay compensation according to such final award or such final decision upon which such judgment is entered, the court shall in entering judgment thereon, tax as costs against him the reasonable costs and attorney fees in the arbitration proceedings and in the court entering the judgment for the person in whose favor the judgment is entered, which judgment and costs taxed as herein provided shall, until and unless set aside, have the same effect as though duly entered in an action duly tried and determined by the court, and shall with like effect, be entered and docketed. The Circuit Court shall have power at any time upon application to make any such judgment conform to any modification required by any subsequent decision of the Supreme Court upon appeal, or as the result of any subsequent proceedings for review, as provided in this Act.

Judgment shall not be entered until 15 days' notice of the time and place of the application for the entry of judgment shall be served upon the employer by filing such notice with the Commission, which Commission shall, in case it has on file the address of the employer or the name and address of its agent upon whom notices may be served, immediately send a copy of the notice to the employer or such designated agent.

(h) An agreement or award under this Act providing for compensation in installments, may at any time within 18 months after such agreement or award be reviewed by the Commission at the request of either the employer or the employee on the ground that the disability of the employee has subsequently recurred, increased, diminished or ended.

However, as to disabements occurring subsequently to July 1, 1955, which are covered by any agreement or award under this Act providing for compensation in installments made as a result of such disablement, such agreement or award may at any time within 30 months after such agreement or award be reviewed by the Commission at the request of either the employer or the employee on the ground that the disability of the employee has subsequently recurred, increased, diminished or ended.

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On such review compensation payments may be re-established, increased, diminished or ended. The Commission shall give 15 days' notice to the parties of the hearing for review. Any employee, upon any petition for such review being filed by the employer, shall be entitled to one day's notice for each 100 miles necessary to be traveled by him in attending the hearing of the Commission upon the petition, and 3 days in addition thereto. Such employee shall, at the discretion of the Commission, also be entitled to 5 cents per mile necessarily traveled by him within the State of Illinois in attending such hearing, not to exceed a distance of 300 miles, to be taxed by the Commission as costs and deposited with the petition of the employer.

When compensation which is payable in accordance with an award or settlement contract approved by the Commission, is ordered paid in a lump sum by the Commission, no review shall be had as in this paragraph mentioned.

(i) Each party, upon taking any proceedings or steps whatsoever before any Arbitrator, Commission or court, shall file with the Commission his address, or the name and address of any agent upon whom all notices to be given to such party shall be served, either personally or by registered mail, addressed to such party or agent at the last address so filed with the Commission. In the event such party has not filed his address, or the name and address of an agent as above provided, service of any notice may be had by filing such notice with the Commission.

(j) Whenever in any proceeding testimony has been taken or a final decision has been rendered, and after the taking of such testimony or after such decision has become final, the employee dies, then in any subsequent proceeding brought by the personal representative or beneficiaries of the deceased employee, such testimony in the former proceeding may be introduced with the same force and effect as though the witness having so testified were present in person in such subsequent proceedings and such final decision, if any, shall be taken as final adjudication of any of the issues which are the same in both proceedings.

(k) In any case where there has been any unreasonable or vexatious delay of payment or intentional underpayment of compensation, or proceedings have been instituted or carried on by one liable to pay the compensation, which do not present a real controversy, but are merely frivolous or for delay, then the Commission may award compensation additional to that otherwise payable under this Act equal to 50% of the

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amount payable at the time of such award. Failure to pay compensation in accordance with the provisions of Section 8, paragraph (b) of this Act, shall be considered unreasonable delay.

(l) By the 15th day of each month each insurer providing coverage for losses under this Act shall notify each insured employer of any compensable claim incurred during the preceding month and the amounts paid or reserved on the claim including a summary of the claim and a brief statement of the reasons for compensability. A cumulative report of all claims incurred during a calendar year or continued from the previous year shall be furnished to the insured employer by the insurer within 30 days after the end of that calendar year.

The insured employer may challenge, in proceeding before the Commission, payments made by the insurer without arbitration and payments made after a case is determined to be noncompensable. If the Commission finds that the case was not compensable, the insurer shall purge its records as to that employer of any loss or expense associated with the claim, reimburse the employer for attorneys fee arising from the challenge and for any payment required of the employer to the Rate Adjustment Fund or the Second Injury Fund, and may not effect the loss or expense for rate making purposes. The employee shall not be required to refund the challenged payment. The decision of the Commission may be reviewed in the same manner as in arbitrated cases. No challenge may be initiated under this paragraph more than 3 years after the payment is made. An employer may waive the right of challenge under this paragraph on a case by case basis.

(m) After filing an application for adjustment of claim but prior to the hearing on arbitration the parties may voluntarily agree to submit such application for adjustment of claim for decision by an arbitrator under this subsection (m) where such application for adjustment of claim raises only a dispute over temporary total disability, permanent partial disability or medical expenses. Such agreement shall be in writing in such form as provided by the Commission. Applications for adjustment of claim submitted for decision by an arbitrator under this subsection (m) shall proceed according to rules established by the Commission. The Commission shall promulgate rules including, but not limited to, rules to ensure that the parties are adequately informed of their rights under this subsection (m) and of the voluntary nature of proceedings under this subsection (m). The findings of fact made by an arbitrator acting within his or her powers under this subsection (m) in the absence of fraud shall be

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conclusive. However, the arbitrator may on his own motion, or the motion of either party, correct any clerical errors or errors in computation within 15 days after the date of receipt of such award of the arbitrator and shall have the power to recall the original award on arbitration, and issue in lieu thereof such corrected award. The decision of the arbitrator under this subsection (m) shall be considered the decision of the Commission and proceedings for review of questions of law arising from the decision may be commenced by either party pursuant to subsection (f) of Section 19. The Advisory Board established under Section 13.1 of the Workers' Compensation Act shall compile a list of certified Commission arbitrators, each of whom shall be approved by at least 7 members of the Advisory Board. The chairman shall select 5 persons from such list to serve as arbitrators under this subsection (m). By agreement, the parties shall select one arbitrator from among the 5 persons selected by the chairman except, that if the parties do not agree on an arbitrator from among the 5 persons, the parties may, by agreement, select an arbitrator of the American Arbitration Association, whose fee shall be paid by the State in accordance with rules promulgated by the Commission. Arbitration under this subsection (m) shall be voluntary.

(820 ILCS 310/23)(from Ch. 48, par. 172.58)

Sec. 23. No employee, personal representative, or beneficiary shall have power to waive any of the provisions of this Act in regard to the amount of compensation which may be payable to such employee, personal representative or beneficiary hereunder except after approval by the Commission, and any employer, individually, or by his agent, service company, or insurance carrier who shall enter into an agreement purporting to compromise or settle the compensation rights of an employee, personal representative or beneficiary without first obtaining the approval of the Illinois Workers' Compensation Industrial Commission as aforesaid shall be barred from raising the defense of limitation in any proceedings subsequently brought by such employee, personal representative or beneficiary.

A minor death beneficiary, by parent or grandparent as next friend, may compromise disputes and may enter into and submit a settlement contract or lump sum petition, and upon approval by the Illinois Workers' Compensation Industrial Commission such settlement contract or lump sum order shall have the same force and effect as though such minor had been an adult.

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Sec. 26. No repeal of any Act or part thereof herein contained shall extinguish or in any way affect any right of action thereunder, existing at the time this Act takes effect. No employer shall be liable for compensation or damages under this Act in any case in which the disablement on which claim is predicated shall have occurred prior to the date this Act becomes effective. Any claims, disagreement or controversy existing or arising under "An Act to promote the general welfare of the people of this state by providing remedies for injuries suffered or death resulting from occupational diseases incurred in the course of employment; providing for enforcement and administration thereof, and to repeal an Act and a part of a certain Act herein named", approved March 16, 1936, as amended, shall be adjusted in accordance with the provisions of said Act, notwithstanding the repeal thereof, or may by agreement of the parties be adjusted in accordance with the method of procedure provided in this Act for the adjustment of differences, jurisdiction to adjust such differences so submitted by the parties being hereby conferred upon the Commission. Nothing in this section shall affect any case in which exposure as defined in this Act shall have taken place after the effective date of this Act.

The Attorney General and the State's Attorney of each county, upon request of the Illinois Workers' Compensation Industrial Commission, shall enforce any penalties set forth in this Act.

Section 80. The Unemployment Insurance Act is amended by changing Section 1900 as follows:

A. Except as provided in this Section, information obtained from any individual or employing unit during the administration of this Act shall:

1. be confidential,
2. not be published or open to public inspection,
3. not be used in any court in any pending action or proceeding,
4. not be admissible in evidence in any action or proceeding other than one arising out of this Act.

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B. No finding, determination, decision, ruling or order (including any finding of fact, statement or conclusion made therein) issued pursuant to this Act shall be admissible or used in evidence in any action other than one arising out of this Act, nor shall it be binding or conclusive except as provided in this Act, nor shall it constitute res judicata, regardless of whether the actions were between the same or related parties or involved the same facts.

C. Any officer or employee of this State, any officer or employee of any entity authorized to obtain information pursuant to this Section, and any agent of this State or of such entity who, except with authority of the Director under this Section, shall disclose information shall be guilty of a Class B misdemeanor and shall be disqualified from holding any appointment or employment by the State.

D. An individual or his duly authorized agent may be supplied with information from records only to the extent necessary for the proper presentation of his claim for benefits or with his existing or prospective rights to benefits. Discretion to disclose this information belongs solely to the Director and is not subject to a release or waiver by the individual. Notwithstanding any other provision to the contrary, an individual or his or her duly authorized agent may be supplied with a statement of the amount of benefits paid to the individual during the 18 months preceding the date of his or her request.

E. An employing unit may be furnished with information, only if deemed by the Director as necessary to enable it to fully discharge its obligations or safeguard its rights under the Act. Discretion to disclose this information belongs solely to the Director and is not subject to a release or waiver by the employing unit.

F. The Director may furnish any information that he may deem proper to any public officer or public agency of this or any other State or of the federal government dealing with:

1. the administration of relief,
2. public assistance,
3. unemployment compensation,
4. a system of public employment offices,
5. wages and hours of employment, or
6. a public works program.

The Director may make available to the Illinois Workers' Compensation Industrial Commission information regarding employers for

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the purpose of verifying the insurance coverage required under the Workers' Compensation Act and Workers' Occupational Diseases Act.

G. The Director may disclose information submitted by the State or any of its political subdivisions, municipal corporations, instrumentalities, or school or community college districts, except for information which specifically identifies an individual claimant.

H. The Director shall disclose only that information required to be disclosed under Section 303 of the Social Security Act, as amended, including:

1. any information required to be given the United States Department of Labor under Section 303(a)(6); and
2. the making available upon request to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of unemployment compensation, and a statement of such recipient's right to further compensation under such law as required by Section 303(a)(7); and
3. records to make available to the Railroad Retirement Board as required by Section 303(c)(1); and
4. information that will assure reasonable cooperation with every agency of the United States charged with the administration of any unemployment compensation law as required by Section 303(c)(2); and
5. information upon request and on a reimbursable basis to the United States Department of Agriculture and to any State food stamp agency concerning any information required to be furnished by Section 303(d); and
6. any wage information upon request and on a reimbursable basis to any State or local child support enforcement agency required by Section 303(e); and
7. any information required under the income eligibility and verification system as required by Section 303(f); and
8. information that might be useful in locating an absent parent or that parent's employer, establishing paternity or establishing, modifying, or enforcing child support orders for the purpose of a child support enforcement program under Title IV of the Social Security Act upon the request of and on a reimbursable basis.

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basis to the public agency administering the Federal Parent Locator Service as required by Section 303(h); and

 9. information, upon request, to representatives of any federal, State or local governmental public housing agency with respect to individuals who have signed the appropriate consent form approved by the Secretary of Housing and Urban Development and who are applying for or participating in any housing assistance program administered by the United States Department of Housing and Urban Development as required by Section 303(i).

I. The Director, upon the request of a public agency of Illinois, of the federal government or of any other state charged with the investigation or enforcement of Section 10-5 of the Criminal Code of 1961 (or a similar federal law or similar law of another State), may furnish the public agency information regarding the individual specified in the request as to:

 1. the current or most recent home address of the individual, and

 2. the names and addresses of the individual's employers.

J. Nothing in this Section shall be deemed to interfere with the disclosure of certain records as provided for in Section 1706 or with the right to make available to the Internal Revenue Service of the United States Department of the Treasury, or the Department of Revenue of the State of Illinois, information obtained under this Act.

K. The Department shall make available to the Illinois Student Assistance Commission, upon request, information in the possession of the Department that may be necessary or useful to the Commission in the collection of defaulted or delinquent student loans which the Commission administers.

L. The Department shall make available to the State Employees' Retirement System, the State Universities Retirement System, and the Teachers' Retirement System of the State of Illinois, upon request, information in the possession of the Department that may be necessary or useful to the System for the purpose of determining whether any recipient of a disability benefit from the System is gainfully employed.

M. This Section shall be applicable to the information obtained in the administration of the State employment service, except that the Director may publish or release general labor market information and may furnish information that he may deem proper to an individual, public officer or public agency of this or any other State or the federal

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government (in addition to those public officers or public agencies specified in this Section) as he prescribes by Rule.

N. The Director may require such safeguards as he deems proper to insure that information disclosed pursuant to this Section is used only for the purposes set forth in this Section.

O. (Blank).

P. Within 30 days after the effective date of this amendatory Act of 1993 and annually thereafter, the Department shall provide to the Department of Financial Institutions a list of individuals or entities that, for the most recently completed calendar year, report to the Department as paying wages to workers. The lists shall be deemed confidential and may not be disclosed to any other person.

Q. The Director shall make available to an elected federal official the name and address of an individual or entity that is located within the jurisdiction from which the official was elected and that, for the most recently completed calendar year, has reported to the Department as paying wages to workers, where the information will be used in connection with the official duties of the official and the official requests the information in writing, specifying the purposes for which it will be used. For purposes of this subsection, the use of information in connection with the official duties of an official does not include use of the information in connection with the solicitation of contributions or expenditures, in money or in kind, to or on behalf of a candidate for public or political office or a political party or with respect to a public question, as defined in Section 1-3 of the Election Code, or in connection with any commercial solicitation. Any elected federal official who, in submitting a request for information covered by this subsection, knowingly makes a false statement or fails to disclose a material fact, with the intent to obtain the information for a purpose not authorized by this subsection, shall be guilty of a Class B misdemeanor.

R. The Director may provide to any State or local child support agency, upon request and on a reimbursable basis, information that might be useful in locating an absent parent or that parent's employer, establishing paternity, or establishing, modifying, or enforcing child support orders.

S. The Department shall make available to a State's Attorney of this State or a State's Attorney's investigator, upon request, the current address or, if the current address is unavailable, current employer
information, if available, of a victim of a felony or a witness to a felony or a person against whom an arrest warrant is outstanding.

(Source: P.A. 93-311, eff. 1-1-04.)

Effective January 1, 2005.

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Statutes amended in order of appearance

5 ILCS 220/6 from Ch. 127, par. 746
5 ILCS 420/2-104 from Ch. 127, par. 602-104
15 ILCS 15/3.1 from Ch. 127, par. 1803.1
20 ILCS 415/4c from Ch. 127, par. 63b104c
20 ILCS 415/4d from Ch. 127, par. 63b104d
20 ILCS 415/11 from Ch. 127, par. 63b111
30 ILCS 105/5.454
30 ILCS 105/8.3 from Ch. 127, par. 144.3
30 ILCS 260/0.01 from Ch. 127, par. 179.9
30 ILCS 260/3 from Ch. 127, par. 180
30 ILCS 260/4 from Ch. 127, par. 181
35 ILCS 5/917 from Ch. 120, par. 9-917
40 ILCS 5/9-159 from Ch. 108 1/2, par. 9-159
40 ILCS 5/12-141 from Ch. 108 1/2, par. 12-141
40 ILCS 5/13-309 from Ch. 108 1/2, par. 13-309
40 ILCS 5/14-123 from Ch. 108 1/2, par. 14-123
40 ILCS 5/14-123.1 from Ch. 108 1/2, par. 14-123.1
40 ILCS 5/14-128 from Ch. 108 1/2, par. 14-128
40 ILCS 5/14-129 from Ch. 108 1/2, par. 14-129
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40 ILCS 5/17-117.1 from Ch. 108 1/2, par. 17-117.1
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820 ILCS 305/1 from Ch. 48, par. 138.1
820 ILCS 305/4 from Ch. 48, par. 138.4
820 ILCS 305/4a-2 from Ch. 48, par. 138.4a-2
820 ILCS 305/4a-3 from Ch. 48, par. 138.4a-3
820 ILCS 305/4a-7 from Ch. 48, par. 138.4a-7
820 ILCS 305/4d

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to the transfer of real property.

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

Section 5. The Director of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to the Village of Aroma Park, an Illinois unit of local government, of the County of Kankakee, State of Illinois, for and in consideration of $1 paid to the Department, a quit claim deed to the following described real property:

TRACT 1:

A 60 foot road, the West and South line of which are described as follows: Commencing at a point on the West line of the Southwest Quarter of Section 23, Township 30 North, Range 13 West of the Second Principal Meridian, in Kankakee County, Illinois, said

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point being 200.0 feet South of the Southwest corner of the Northwest Quarter of said Section 23; thence North along the West line of said Section 23 a distance of 530.0 feet to a point; thence West on a line parallel with the South line of the West Half of the Northwest Quarter of said Section 23 a distance of 150 feet to a point which is 330 feet North and 150 feet West of the Southwest corner of the Northwest Quarter of said Section 23, said point being the point of ending of this description;

TRACT 2:
A 60 foot road, the center line of which is described as follows: Commencing at the Southwest corner of the Northwest Quarter of Section 23, Township 30 North, Range 13 West of the Second Principal Meridian, in Kankakee County, Illinois; thence North along the West line of the Northwest Quarter of said Section 23 a distance of 330.0 feet to a point; thence East on a line parallel with the South line of the West Half of the Northwest Quarter of said Section 23 a distance of 1,434.60 feet to a point on the center line of Bridge Street extended in the Village of Aroma Park; thence North along the centerline of Bridge Street, extended a distance of 359.7 feet to a point, said point to be known as the point of beginning. From said point of beginning; thence West on a line parallel with the South line of the West Half of the Northwest Quarter of said Section 23 a distance of 1,693.1 feet to a point; thence Southerly a distance of 432.1 feet to a point which is 330 feet North and 150 feet West of the Southwest corner of the Northwest Quarter of said Section 23, said point being the point of ending of this description; and

TRACT 3:
Commencing at the Southwest corner of the Northwest Quarter of Section 23, Township 30 North, Range 13 West of the Second Principal Meridian in Kankakee County, Illinois; thence North along the West line of the Northwest Quarter of said Section 23 a distance of 330.0 feet to a point; thence West along a line parallel with the South line of the West Half of the Northwest Quarter of said Section 23 a distance of 265.4 feet to a point; thence continuing West along the last described line 20 feet more or less to the low water line of the Easterly bank of the Iroquois River, said point to be known as the point of beginning. From said point of beginning; thence East along a line parallel with the South line

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of the West Half of the Northwest Quarter of said Section 23 a
distance of 20 feet more or less to a point; thence continuing East
along the last described line a distance of 115.4 feet to a point on
the center line of a road; thence Northerly along said center line a
distance of 432.1 feet to a point which is 689.7 feet North of the
South line of the West Half of the Northwest Quarter of said
Section 23 and 1,693.1 feet West of the center line of Bridge Street
extended in the Village of Aroma Park; thence East on a line
parallel with the South line of the West Half of the Northwest
Quarter of said Section 23 a distance of 1,693.1 feet to a point on
the center line of Bridge Street extended; thence North along the
center line of Bridge Street extended a distance of 185.0 feet to a
point; thence South 89 degrees 04 minutes West a distance of
437.9 feet to a point; thence Northwest a distance of 13 feet more
or less to a point on the low water line of the Southerly bank of the
Kankakee River; thence Westerly and Northwesternly along the
Southerly low water line of the Kankakee River and Southerly
along the Easterly low water line of the Iroquois River to the point
of beginning, EXCEPTING the West Half and the North Half of
the 60 foot road described as follows: Commencing at the
Southwest corner of the Northwest Quarter of said Section 23;
thence North along the West line of the Northwest Quarter of said
Section 23 a distance of 330.0 feet to a point; thence East on a line
parallel with the South line of the West Half of the Northwest
Quarter of said Section 23 a distance of 1,434.60 feet to a point on
the center line of Bridge Street extended in the Village of Aroma
Park, thence North along the center line of Bridge Street extended
a distance of 359.7 feet to a point, said point to be known as the
point of beginning. From said point of beginning; thence West on a
line parallel with the South line of the West Half of the Northwest
Quarter of said Section 23 a distance of 1,693.1 feet to a point;
thence Southerly a distance of 432.1 feet to a point which is 330
feet North and 150 feet West of the Southwest corner of the
Northwest Quarter of said Section 23, said point being the point of
ending, SUBJECT TO the right of way of County Highway 3.
ALSO EXCEPTING the South 200.00 feet of that part lying West
of the 60 foot road as measured perpendicular to the South line of
said Tract 3;

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Tracts 1, 2 and 3 containing a total of 20.66 acres, more or less, all situated in Kankakee County, Illinois.

Section 10. The conveyance of real property authorized by Section 5 shall be made subject to: (1) existing public utilities, existing public roads, and any and all reservations, easements, covenants, and restrictions of record; and (2) the express condition that if the real property ceases to be used for public recreational purposes, it shall revert to the State of Illinois, Department of Natural Resources.

Section 15. The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be conveyed, and this Section within 60 days after its effective date and, upon receipt of the payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the County in which the land is located.

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


PUBLIC ACT 93-0723
(Senate Bill No. 2122)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 3-405 and 3-415 as follows:
(625 ILCS 5/3-405) (from Ch. 95 1/2, par. 3-405)
Sec. 3-405. Application for registration.
(a) Every owner of a vehicle subject to registration under this Code shall make application to the Secretary of State for the registration of such vehicle upon the appropriate form or forms furnished by the Secretary. Every such application shall bear the signature of the owner written with pen and ink and contain:
1. The name, bona fide residence (except as otherwise provided in this paragraph 1) and mail address of the owner or

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business address of the owner if a firm, association or corporation. If the mailing address is a post office box number, the address listed on the driver license record may be used to verify residence. A police officer, a deputy sheriff, an elected sheriff, a law enforcement officer for the Department of State Police, or a fire investigator may elect to furnish the address of the headquarters of the governmental entity or police district where he or she works instead of his or her residence address, in which case that address shall be deemed to be his or her residence address for all purposes under this Chapter 3. The spouse and children of a person who may elect under this paragraph 1 to furnish the address of the headquarters of the government entity or police district where the person works instead of the person's residence address may, if they reside with that person, also elect to furnish the address of the headquarters of the government entity or police district where the person works as their residence address, in which case that address shall be deemed to be their residence address for all purposes under this Chapter 3. In this paragraph 1: (A) "police officer" has the meaning ascribed to "policeman" in Section 10-3-1 of the Illinois Municipal Code; (B) "deputy sheriff" means a deputy sheriff appointed under Section 3-6008 of the Counties Code; (C) "elected sheriff" means a sheriff commissioned pursuant to Section 3-6001 of the Counties Code; and (D) "fire investigator" means a person classified as a peace officer under the Peace Officer Fire Investigation Act.

2. A description of the vehicle, including such information as is required in an application for a certificate of title, determined under such standard rating as may be prescribed by the Secretary.

3. Information, as may be required by the Secretary, relating to the insurance policy for the motor vehicle, including, but not limited to, the name of the insurer which issued the policy, the policy number, and the expiration date of the policy.

4. Such further information as may reasonably be required by the Secretary to enable him to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

5. An affirmation by the applicant that all information set forth is true and correct. If the application is for the registration of a motor vehicle, the applicant also shall affirm that the motor

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vehicle is insured as required by this Code, that such insurance will be maintained throughout the period for which the motor vehicle shall be registered, and that neither the owner, nor any person operating the motor vehicle with the owner's permission, shall operate the motor vehicle unless the required insurance is in effect. If the person signing the affirmation is not the sole owner of the vehicle, such person shall be deemed to have affirmed on behalf of all the owners of the vehicle. If the person signing the affirmation is not an owner of the vehicle, such person shall be deemed to have affirmed on behalf of the owner or owners of the vehicle. The lack of signature on the application shall not in any manner exempt the owner or owners from any provisions, requirements or penalties of this Code.

(b) When such application refers to a new vehicle purchased from a dealer the application shall be accompanied by a Manufacturer's Statement of Origin from the dealer, and a statement showing any lien retained by the dealer.

(Source: P.A. 91-575, eff. 8-14-99.)

(625 ILCS 5/3-415) (from Ch. 95 1/2, par. 3-415)

Sec. 3-415. Application for and renewal of registration.

(a) Calendar year. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered on a calendar registration year, not later than December 1 of each year, upon proper application and by payment of the registration fee and tax for such vehicle, as provided by law except that application for renewal of a vehicle registration, as to those vehicles required to be registered on a staggered calendar year basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(b) Fiscal year. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered on a fiscal registration year, not later than June 1 of each year, upon proper application and by payment of the registration fee and tax for such vehicle as provided by law except that application for renewal of a vehicle registration, as to those vehicles required to be registered on a staggered fiscal year basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(c) Two calendar years. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered for 2 calendar years, not later than December 1 of the year
preceding commencement of the 2-year registration period, except that application for renewal of a vehicle registration, as to those vehicles required to be registered for 2 years on a staggered registration basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(d) Two fiscal years. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered for 2 fiscal years, not later than June 1 immediately preceding commencement of the 2-year registration period, except that application for renewal of a vehicle registration, as to those vehicles required to be registered for 2 fiscal years on a staggered registration basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(e) Time of application. The Secretary of State may receive applications for renewal of registration and grant the same and issue new registration cards and plates or registration stickers at any time prior to expiration of registration. No person shall display upon a vehicle, the new registration plates or registration stickers prior to the dates the Secretary of State in his discretion may select.

(f) Verification. The Secretary of State may further require, as to vehicles for-hire, that applications be accompanied by verification that fees due under the Illinois Motor Carrier of Property Law, as amended, have been paid.

(g) Applications for registration renewal shall include information relating to the insurance policy for the motor vehicle, including the name of the insurer that issued the policy, the policy number, and the expiration date of the policy.

(Source: P.A. 80-230; 80-1185.)

Section 99. Effective date. This Act takes effect January 1, 2005.
Effective January 1, 2005.
Section 5. The Use Tax Act is amended by changing Section 3-40 as follows:

(35 ILCS 105/3-40) (from Ch. 120, par. 439.3-40)

Sec. 3-40. Gasohol. As used in this Act, "gasohol" means motor fuel that is a blend of no more than 90% gasoline and at least 10% denatured ethanol and gasoline that contains no more than 1.25% water by weight. The blend must contain 90% gasoline and 10% denatured ethanol. A maximum of one percent error factor in the amount of denatured ethanol used in the blend is allowable to compensate for blending equipment variations. Any person who knowingly sells or represents as gasohol any fuel that does not qualify as gasohol under this Act is guilty of a business offense and shall be fined not more than $100 for each day that the sale or representation takes place after notification from the Department of Agriculture that the fuel in question does not qualify as gasohol.

(Source: P.A. 91-51, eff. 6-30-99.)

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


PUBLIC ACT 93-0725
(Senate Bill No. 2894)

AN ACT concerning vehicles.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 12-215 as follows:

(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;

2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a

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law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;

3. Vehicles of local fire departments and State or federal firefighting vehicles;

4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;

5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;


7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act; and

8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the tow vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;

2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

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4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, or control agency;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

New matter indicated by italics - deletions by strikeout.
15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.
(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:
   1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:
      voluntary firefighter;
      paid firefighter;
      part-paid firefighter;
      call firefighter;
      member of the board of trustees of a fire protection district;
      paid or unpaid member of a rescue squad;
      paid or unpaid member of a voluntary ambulance unit; or
      paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.
      However, such lights are not to be lighted except when responding to a bona fide emergency.
      Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying him or her as a member of a bona fide fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency. The card or letter must include:
      (A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;
      (B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;
      (C) the member's term of service; and
      (D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or

New matter indicated by italics - deletions by strikeout.
emergency management services agency to contact to verify the information provided.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.


8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue

New matter indicated by italics - deletions by strikeout.
oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives may be so equipped; furthermore, such lights shall not be lighted on vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 92-138, eff. 7-24-01; 92-407, eff. 8-17-01; 92-651, eff. 7-11-02; 92-782, eff. 8-6-02; 92-820, eff. 8-21-02; 92-872, eff. 6-1-03; 93-181, eff. 1-1-04.)

Passed in the General Assembly May 11, 2004
Effective January 1, 2005.
Section 5. The Women's Business Ownership Act is amended by changing Section 20 as follows:

(20 ILCS 705/20)

Section scheduled to be repealed on September 1, 2004

Sec. 20. Repeal. This Act is repealed September 1, 2008.

(Source: P.A. 91-476, eff. 8-11-99; 91-511, eff. 8-13-99.)

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


PUBLIC ACT 93-0727
(Senate Bill No. 2329)

AN ACT in relation to housing.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Federally Subsidized Housing Preservation Act is amended by changing Sections 1, 3, 4, 5, 6, 7, 8, and 10.1 as follows:

(310 ILCS 60/1) (from Ch. 67 1/2, par. 1151)

Sec. 1. Short title. This Act shall be known and may be cited as the Federally Assisted Subsidized Housing Preservation Act.

(Source: P.A. 86-810.)

(310 ILCS 60/3) (from Ch. 67 1/2, par. 1153)

Sec. 3. Definitions. As used in this Act:

(a) "IHDA" means the Illinois Housing Development Authority.
(b) (Blank).
(c) "FmHA" means the Farmers Home Administration or a local housing authority administering an FmHA program.
(d) (Blank).
(e) "HUD" means the United States Department of Housing and Urban Development, or the Federal Housing Administration or a local housing authority administering a HUD program.
(f) "Owner" means the person, partnership, or corporation that holds title to an assisted housing development.

New matter indicated by italics - deletions by strikeout.
(e) "Assisted housing" or "assisted housing development" means a rental housing development, or a mixed use development that includes rental housing, that receives government assistance under any of the following programs:

(1) New construction, substantial rehabilitation, moderate rehabilitation, property disposition and loan management set-aside programs, or any other program providing project-based rental assistance, under Section 8 of the United States Housing Act of 1937, as amended.

(2) The Below-Market-Interest-Rate Program under Section 221(d)(3) of the National Housing Act.

(3) Section 236 of the National Housing Act.

(4) Section 202 of the National Housing Act.

(5) Programs for rent supplement assistance under Section 101 of the Housing and Urban Development Act of 1965, as amended.

(6) Programs under Section 514 or 515 of the Housing Act of 1949.

(7) Section 42 of the Internal Revenue Code. "Subsidized housing" means any housing or unit of housing financed by a loan or mortgage insured or held by HUD as follows:

(1) insured or held by HUD under Section 221(d)(3) of the National Housing Act and assisted under Section 101 of the Housing and Urban Development Act of 1965 or Section 8 of the United States Housing Act of 1937;

(2) insured or held by HUD and bears interest at a rate determined under the proviso of Section 221(d)(3) of the National Housing Act;

(3) insured, assisted or held by HUD under Section 236 of the National Housing Act;

(4) insured or held by HUD under Section 514 or 515 of the Housing Act of 1949; or

(5) held by HUD and formerly insured under a program listed in this subsection (e).

(f) "Tenant" means a tenant, subtenant, lessee, sublessee or other person entitled to possession, occupancy or benefits of a rental unit within the assisted subsidized housing.

(g) "Tenant Association" means an association, corporation or other organization that represents at least a majority of the tenants in the assisted subsidized housing building.

New matter indicated by italics - deletions by strikeout.
(h) "Prepayment" means the payment in full or refinancing of the federally insured or federally held mortgage indebtedness prior to its original maturity date, or the voluntary cancellation of mortgage insurance, on an assisted housing development described in paragraph (2), (3), or (4) of subsection (e) that would have the effect of removing the affordability restrictions applicable to the assisted housing development under the programs described in paragraph (2), (3), or (4) of subsection (e).

(i) "Termination" means:

1. the expiration or early termination of an assisted housing development's participation in a federal subsidy program for assisted housing described in paragraph (1) of subsection (e), or

2. the expiration or early termination of an assisted housing development's affordability restrictions described in Section 42(g) of the Internal Revenue Code for assisted housing described in paragraph (7) of subsection (e), when that event results in an increase in tenant rents, a change in the form of subsidy from project-based to tenant-based, or a change in use of the assisted housing development to a use other than rental housing.

(j) "Affected public entities" means: the mayor of the city in which the assisted housing development is located or, if the development is located in an unincorporated area, the chairperson of the county board; the public housing authority in whose jurisdiction the assisted housing development is located, if any; and IHDA.

(k) "Affordability restrictions" means limits on rents that owners may charge for occupancy of a rental unit in assisted housing and limits on tenant income for persons or families seeking to qualify as tenants in assisted housing.

(Source: P.A. 86-810.)

(310 ILCS 60/4) (from Ch. 67 1/2, par. 1154)

Sec. 4. Notice of intent to sell.

(a) An owner may not sell or otherwise dispose of assisted subsidized housing, complete prepayment, or complete a termination unless, not less than 12 6 months before the prepayment, termination, sale, or disposal, the owner submits to all tenants of the assisted subsidized housing and to all affected public entities IHDA a notice of intent to

New matter indicated by italics - deletions by strikeout.
complete prepayment, complete termination, sell, or otherwise dispose of the property.

(a-5) Every notice required under subsection (a) must include the address of the assisted housing, characteristics of the property including the number of units, and the names and addresses of the owners. The notice must also include the date on which the owner intends to sell, lease, complete prepayment, complete termination, or otherwise dispose of the property, as well as a detailed list of affordability restrictions applicable to the property. IHDA shall adopt rules concerning the content, format, delivery, and publication of such notices.

(b) Within 60 days after the date of the owner's notice pursuant to subsection (a), the tenants may notify the owner that they have formed a Tenant Association meeting the requirements of this Act and shall designate the name of its representative or representatives in the notice. The Tenant Association may enter into an agreement with a not-for-profit corporation or private purchaser in which the not-for-profit corporation or private purchaser agrees to represent the residents and maintain the development in a manner that preserves the housing development's existing affordability restrictions or that would qualify the housing development as affordable housing as defined in the Illinois Affordable Housing Act. The agreement must set forth the minimum length of time that the affordability restrictions will be in effect. The Tenant Association and individual tenants in the assisted housing shall each have the right to bring an action for specific performance or other injunctive relief for enforcement of the agreement, and the agreement must contain provisions to this effect along with such other remedies for breach as the Tenant Association and the not-for-profit corporation or private purchaser may agree. Once such an agreement is entered into, the not-for-profit corporation or private purchaser shall assume all rights and responsibilities attributed to the Tenant Association under this Act.

(310 ILCS 60/5) (from Ch. 67 1/2, par. 1155)

Sec. 5. Offer for sale to Tenant Association. Within 60 days after the Tenant Association has complied with the requirements of Section 4, the owner shall, before selling, leasing, completing prepayment, completing termination, or otherwise disposing of the property, provide to the Tenant Association a bona fide offer for sale of the property which shall contain the essential terms of the sale, including, at a minimum, the following: the sales price; the terms of seller financing, if any, including

New matter indicated by italics - deletions by strikeout.
the amount, the interest rate, and amortization rate thereof; the terms of assumable financing, if any, including the amount, the interest rate, and the amortization rate thereof; and proposed improvements, if any, to the property to be made by the owner in connection with the sale. (Source: P.A. 86-810.)

(310 ILCS 60/6) (from Ch. 67 1/2, par. 1156)

Sec. 6. Notice of intent to purchase.

(a) The Tenant Association shall notify the owner in writing, within 90 days after the receipt of the bona fide offer of sale, of its intent to purchase the assisted subsidized housing.

(b) The owner shall, after receiving a notice pursuant to subsection (a), comply with any reasonable request to make documents available to the Tenant Association, during normal business hours at the owner's principal place of business within 15 days of receiving such a request, including but not limited to: a floor plan of the development; itemized lists of monthly operating expenses, capital expenditures in each of the 2 preceding calendar years and deferred maintenance costs; the amount of project reserves; utility consumption rates; copies of financial and physical inspection reports filed with federal, State or local agencies; the most recent rent roll; a list of tenants; a list of vacant units; and a statement of the vacancy rate at the development for each of the 2 preceding calendar years. (Source: P.A. 86-810.)

(310 ILCS 60/7) (from Ch. 67 1/2, par. 1157)

Sec. 7. Bona fide offer to purchase; contract.

(a) The Tenant Association shall, within 90 days after it notifies the owner of its intent to purchase, provide the owner with a bona fide offer to purchase evidenced by a purchase contract reflecting a sales price and terms agreed to by the parties or the sales price and terms determined pursuant to subsection (b) of this Section and an earnest money deposit equal to 5% of the bona fide offer to purchase.

(b) If the parties are unable to agree to a sales price within the first 60 days of the 90 day period specified in subsection (a), the sale price of the assisted subsidized housing shall be based upon its fair market value, based on its highest and best use, without affordability restrictions, as determined by 2 independent appraisers qualified to perform multi-family housing appraisals. One appraiser shall be selected and paid by the owner and the other shall be selected and paid by the Tenant Association. If the appraisers fail to agree upon a fair market value, the owner and the Tenant

New matter indicated by italics - deletions by strikeout.
Association shall either jointly select and pay a third appraiser whose appraisal shall be binding, or agree to take an average of the 2 appraisals. All appraisers shall be MAI certified. The determination of the sales price pursuant to this subsection shall be completed within the 90 day period specified in subsection (a) of this Section.

(c) The Tenant Association shall agree to close on the sale within 90 days from the date the parties sign the contract to purchase.

(Source: P.A. 86-810; 86-1352.)

Sec. 8. The provisions of this Act shall not apply to any of the following: a government taking by eminent domain or negotiated purchase; a forced sale pursuant to a foreclosure; or a transfer by gift, devise or operation of law; or an owner's sale or other disposition of assisted housing in a manner pursuant to which the property after the sale or other disposition continues to be assisted housing as defined in this Act.

(Source: P.A. 86-810.)

Sec. 10.1. Civil action against owner. The Tenant Association, or one or more tenants in the assisted subsidized housing, may bring a civil action against an owner who has violated this Act. An owner found to have violated any provision of this Act shall, in addition to any other damages, pay a civil penalty to each tenant in the assisted subsidized housing in the amount of $500 per tenant, and shall also pay the attorney's fees and costs incurred in bringing the action.

(Source: P.A. 86-810; 86-1352)

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


Sec. 2QQ. Insurance cards; social security number.

(a) As used in this Section, "insurance card" means a card that a person or entity provides to an individual so that the individual may present the card to establish the eligibility of the individual or his or her dependents to receive health, dental, optical, or accident insurance benefits, prescription drug benefits, or benefits under a managed care plan or a plan provided by a health maintenance organization, a health services plan corporation, or a similar entity.

(b) A person or entity may not print an individual's social security number on an insurance card. A person or entity that provides an insurance card must print on the card an identification number unique to the holder of the card in the format prescribed by Section 15 of the Uniform Prescription Drug Information Card Act.

(c) An insurance card issued to an individual before the effective date of this amendatory Act of the 93rd General Assembly that does not comply with subsection (b) must be replaced by January 1, 2006 with an insurance card that complies with subsection (b) if the individual's eligibility for benefits continues after the effective date of this amendatory Act of the 93rd General Assembly.

(d) A violation of this Section constitutes an unlawful practice within the meaning of this Act.

Section 99. Effective date. This Act takes effect January 1, 2005.
Effective January 1, 2005.

PUBLIC ACT 93-0729
(House Bill No. 4560)

AN ACT concerning public health.

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

Section 5. The Poison Control System Act is amended by adding Section 13 as follows:

(410 ILCS 47/13 new)

Sec. 13. Funding; study. To ensure the stability of funding for the Illinois Poison Control System, the Department of Public Health and the Illinois Poison Advisory Board shall conduct a study to determine the feasibility of establishing a formula that sets State goals for funding the

New matter indicated by italics - deletions by strikeout.
As part of the study, the Department of Public Health and the Illinois Poison Advisory Board shall consider the adoption of a formula of funding for the Illinois Poison Control System that establishes a minimum threshold of funding set on a per capita basis. Also, as part of the study, the Department of Public Health and the Illinois Poison Advisory Board shall consider the feasibility of implementing a separate source of funding for the Illinois Poison Control System separate from the General Revenue Fund. The Department of Public Health and the Illinois Poison Advisory Board shall complete the study by December 31, 2005 and shall present their findings to the Illinois General Assembly for its consideration.

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


PUBLIC ACT 93-0730
(House Bill No. 4831)

AN ACT concerning community development.

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

Section 5. The Children and Family Services Act is amended by adding Section 17a-15 as follows:

(20 ILCS 505/17a-15 new)

Sec. 17a-15. Community service programs; Department of Human Services.

(a) The Department of Human Services must establish a program to award grants to area projects to plan, establish, operate, coordinate, and evaluate community services programs. For purposes of this Section, "area project" means an entity whose purpose is to develop, manage, provide, and coordinate a community services program and "community services program" means a program, based on the Chicago Area Project Model, aimed at changing social, cultural, and environmental conditions that prevent youth and families from maximizing their potential and that place youth in a condition that increases their tendency to become involved in the juvenile justice or child welfare systems.

(b) The Department of Human Services must, by rule, establish the eligibility criteria for an area project, including the composition and...
responsibilities of the governing authority of an area project, application requirements, service components of community services programs, and the review and monitoring of community services program plans. At a minimum, an area project must be a not-for-profit organization (i)(A) whose preponderance of resources is directed to community services programs that are different than intervention-oriented youth services or (B) that creates through an amendment to its by-laws or other binding agreement a specific body whose purpose is to develop, manage, provide, and coordinate a community services program and (ii) that includes representation from any community committee, as defined by rule of the Department of Human Services, of the area project and may also include business and industry leaders, educators, and other concerned citizens.

(c) The Department of Human Services shall fund community services programs by grants made through negotiated contracts, which are written agreements mutually agreed upon by the Department and the area project. The payment of funds to area projects under the community services program shall be in the form of a grant paid in equal monthly installments. In the event of reduced or insufficient funding, existing grants shall receive proportionate reductions.

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


PUBLIC ACT 93-0731
(House Bill No. 5207)

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

Section 5. The State Commemorative Dates Act is amended by adding Section 31 as follows:
(5 ILCS 490/31 new)

Sec. 31. Great Grandparents Day. The first Sunday after Labor Day of each year is designated as Great Grandparents Day to encourage the citizens of Illinois to honor and celebrate great grandparents throughout the State.


New matter indicated by italics - deletions by strikeout.
AN ACT concerning adoption.

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

Section 5. The Adoption Act is amended by changing Sections 1, 9, 10, 13.1, and 14 as follows:

(750 ILCS 50/1) (from Ch. 40, par. 1501)

Sec. 1. Definitions. When used in this Act, unless the context otherwise requires:

A. "Child" means a person under legal age subject to adoption under this Act.

B. "Related child" means a child subject to adoption where either or both of the adopting parents stands in any of the following relationships to the child by blood or marriage: parent, grand-parent, brother, sister, step-parent, step-grandparent, step-brother, step-sister, uncle, aunt, great-uncle, great-aunt, or cousin of first degree. A child whose parent has executed a final irrevocable consent to adoption or a final irrevocable surrender for purposes of adoption, or whose parent has had his or her parental rights terminated, is not a related child to that person, unless the consent is determined to be void or is void pursuant to subsection O of Section 10.

C. "Agency" for the purpose of this Act means a public child welfare agency or a licensed child welfare agency.

D. "Unfit person" means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following, except that a person shall not be considered an unfit person for the sole reason that the person has relinquished a child in accordance with the Abandoned Newborn Infant Protection Act:

(a) Abandonment of the child.

(a-1) Abandonment of a newborn infant in a hospital.

(a-2) Abandonment of a newborn infant in any setting where the evidence suggests that the parent intended to relinquish his or her parental rights.

New matter indicated by italics - deletions by strikeout.
(b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.

(c) Desertion of the child for more than 3 months next preceding the commencement of the Adoption proceeding.

(d) Substantial neglect of the child if continuous or repeated.

(d-1) Substantial neglect, if continuous or repeated, of any child residing in the household which resulted in the death of that child.

(e) Extreme or repeated cruelty to the child.

(f) Two or more findings of physical abuse to any children under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987, the most recent of which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; a criminal conviction or a finding of not guilty by reason of insanity resulting from the death of any child by physical child abuse; or a finding of physical child abuse resulting from the death of any child under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987.

(g) Failure to protect the child from conditions within his environment injurious to the child's welfare.

(h) Other neglect of, or misconduct toward the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgment affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be had under either this Act, the Juvenile Court Act or the Juvenile Court Act of 1987.

(i) Depravity. Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence: (1) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 of a parent of the child to be adopted; (2) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (3) attempt or conspiracy.
to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (4) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or (5) aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961.

There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory; and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.

There is a rebuttable presumption that a parent is depraved if that parent has been criminally convicted of either first or second degree murder of any person as defined in the Criminal Code of 1961 within 10 years of the filing date of the petition or motion to terminate parental rights.

(j) Open and notorious adultery or fornication.

(j-1) (Blank).

(k) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding.

There is a rebuttable presumption that a parent is unfit under this subsection with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

(l) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a newborn child during the first 30 days after its birth.

New matter indicated by italics - deletions by strikeout.
(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or (ii) to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, or (iii) to make reasonable progress toward the return of the child to the parent during any 9-month period after the end of the initial 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, "failure to make reasonable progress toward the return of the child to the parent" includes (I) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987 and (II) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period after the end of the initial 9-month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

(m-1) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22 month period which begins on or after the effective date of this amendatory Act of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987. The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that (i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made or (ii) the parent

New matter indicated by italics - deletions by strikeout.
filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made. For purposes of this subdivision (m-1), the date of entering foster care is the earlier of: (i) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or (ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(n) Evidence of intent to forgo his or her parental rights, whether or not the child is a ward of the court, (1) as manifested by his or her failure for a period of 12 months: (i) to visit the child, (ii) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or (iii) to maintain contact with or plan for the future of the child, although physically able to do so, or (2) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth, (i) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984 or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of this Act, that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or (ii) to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this subparagraph (n)(2)(ii) shall only be available where the petition is brought by the mother or the husband of the mother.

Contact or communication by a parent with his or her child that does not demonstrate affection and concern does not constitute reasonable contact and planning under subdivision (n). In the absence of evidence to the contrary, the ability to visit, communicate, maintain contact, pay expenses and plan for the future shall be presumed. The subjective intent of the parent, whether expressed or otherwise, unsupported by evidence of the foregoing parental acts manifesting that intent, shall not preclude a determination that the parent has intended to forgo his or her parental rights. In making this determination, the court may

New matter indicated by italics - deletions by strikeout.
consider but shall not require a showing of diligent efforts by an authorized agency to encourage the parent to perform the acts specified in subdivision (n).

It shall be an affirmative defense to any allegation under paragraph (2) of this subsection that the father's failure was due to circumstances beyond his control or to impediments created by the mother or any other person having legal custody. Proof of that fact need only be by a preponderance of the evidence.

(o) Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, or shelter.

(p) Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or mental retardation as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code, or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period. However, this subdivision (p) shall not be construed so as to permit a licensed clinical social worker to conduct any medical diagnosis to determine mental illness or mental impairment.

(q) The parent has been criminally convicted of aggravated battery, heinous battery, or attempted murder of any child.

(r) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.

(s) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination of parental rights is filed, the parent has been repeatedly incarcerated

New matter indicated by italics - deletions by strikeout.
as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child.

(t) A finding that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.

E. "Parent" means the father or mother of a legitimate or illegitimate child. For the purpose of this Act, a person who has executed a final and irrevocable consent to adoption or a final and irrevocable surrender for purposes of adoption, or whose parental rights have been terminated by a court, is not a parent of the child who was the subject of the consent or surrender, unless the consent is void pursuant to subsection O of Section 10.

F. A person is available for adoption when the person is:

(a) a child who has been surrendered for adoption to an agency and to whose adoption the agency has thereafter consented;

(b) a child to whose adoption a person authorized by law, other than his parents, has consented, or to whose adoption no consent is required pursuant to Section 8 of this Act;

(c) a child who is in the custody of persons who intend to adopt him through placement made by his parents;

(c-1) a child for whom a parent has signed a specific consent pursuant to subsection O of Section 10;

(d) an adult who meets the conditions set forth in Section 3 of this Act; or

(e) a child who has been relinquished as defined in Section 10 of the Abandoned Newborn Infant Protection Act.

A person who would otherwise be available for adoption shall not be deemed unavailable for adoption solely by reason of his or her death.

New matter indicated by italics - deletions by strikeout.
G. The singular includes the plural and the plural includes the singular and the "male" includes the "female", as the context of this Act may require.

H. "Adoption disruption" occurs when an adoptive placement does not prove successful and it becomes necessary for the child to be removed from placement before the adoption is finalized.

I. "Foreign placing agency" is an agency or individual operating in a country or territory outside the United States that is authorized by its country to place children for adoption either directly with families in the United States or through United States based international agencies.

J. "Immediate relatives" means the biological parents, the parents of the biological parents and siblings of the biological parents.

K. "Intercountry adoption" is a process by which a child from a country other than the United States is adopted.

L. "Intercountry Adoption Coordinator" is a staff person of the Department of Children and Family Services appointed by the Director to coordinate the provision of services by the public and private sector to prospective parents of foreign-born children.

M. "Interstate Compact on the Placement of Children" is a law enacted by most states for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

N. "Non-Compact state" means a state that has not enacted the Interstate Compact on the Placement of Children.

O. "Preadoption requirements" are any conditions established by the laws or regulations of the Federal Government or of each state that must be met prior to the placement of a child in an adoptive home.

P. "Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon the child physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to the child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

New matter indicated by italics - deletions by strikeout.
(c) commits or allows to be committed any sex offense against the child, as sex offenses are defined in the Criminal Code of 1961 and extending those definitions of sex offenses to include children under 18 years of age;
  (d) commits or allows to be committed an act or acts of torture upon the child; or
  (e) inflicts excessive corporal punishment.

Q. "Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare.

A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of the Abused and Neglected Child Reporting Act. A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for the child's welfare failed to vaccinate, delayed vaccination, or refused vaccination for the child due to a waiver on religious or medical grounds as permitted by law.

R. "Putative father" means a man who may be a child's father, but who (1) is not married to the child's mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. "Putative father" does not mean a man who is the child's father as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961. A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for the child's welfare failed to vaccinate, delayed vaccination, or refused vaccination for the child due to a waiver on religious or medical grounds as permitted by law.

New matter indicated by italics - deletions by strikeout.
S. "Standby adoption" means an adoption in which a terminally ill parent consents to custody and termination of parental rights to become effective upon the occurrence of a future event, which is either the death of the terminally ill parent or the request of the parent for the entry of a final judgment of adoption.

T. (Blank). "Terminally ill parent" means a person who has a medical prognosis by a physician licensed to practice medicine in all of its branches that the person has an incurable and irreversible condition which will lead to death.

(750 ILCS 50/9) (from Ch. 40, par. 1511)
Sec. 9. Time for taking a consent or surrender.
A. A consent or a surrender taken not less than 72 hours after the birth of the child is irrevocable except as provided in Section 11 of this Act.
B. No consent or surrender shall be taken within the 72 hour period immediately following the birth of the child.
C. A consent or a surrender may be taken from the father prior to the birth of the child. Such consent or surrender shall be revoked if, within 72 hours after the birth of the child, the father who gave such consent or surrender, notifies in writing the person, agency or court representative who took the surrender or consent or any individual representing or connected with such person, agency or court representative of the revocation of the consent or surrender.
D. Any consent or surrender taken in accordance with paragraph C above which is not revoked within 72 hours after the birth of the child is irrevocable except as provided in Section 11 of this Act.
E. Consent may be given to a standby adoption by a terminally ill parent whose consent is required pursuant to Section 8 of this Act to become effective when the consenting terminally ill parent of the child dies or that parent requests that the final judgment of adoption be entered.

(750 ILCS 50/10) (from Ch. 40, par. 1512)
Sec. 10. Forms of consent and surrender; execution and acknowledgment thereof.
A. The form of consent required for the adoption of a born child shall be substantially as follows:

New matter indicated by italics - deletions by strikeout.
FINAL AND IRREVOCABLE CONSENT TO ADOPTION
I, ...., (relationship, e.g., mother, father, relative, guardian) of ...., a male child, state:
That such child was born on .... at ....
That I reside at ...., County of .... and State of ....
That I am of the age of .... years.
That I hereby enter my appearance in this proceeding and waive service of summons on me.
That I do hereby consent and agree to the adoption of such child.
That I wish to and understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child.
That I understand such child will be placed for adoption and that I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over such child. That I have read and understand the above and I am signing it as my free and voluntary act.
Dated (insert date).
...........................................

If under Section 8 the consent of more than one person is required, then each such person shall execute a separate consent.

B. The form of consent required for the adoption of an unborn child shall be substantially as follows:
CONSENT TO ADOPTION OF UNBORN CHILD
I, ...., state:
That I am the father of a child expected to be born on or about .... to .... (name of mother).
That I reside at .... County of ...., and State of .....
That I am of the age of .... years.
That I hereby enter my appearance in such adoption proceeding and waive service of summons on me.
That I do hereby consent and agree to the adoption of such child, and that I have not previously executed a consent or surrender with respect to such child.
That I wish to and do understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child, except that I have the right to revoke this consent by giving written notice of my revocation not later than 72 hours after the birth of the child.

New matter indicated by italics - deletions by strikeout.
That I understand such child will be placed for adoption and that, except as hereinabove provided, I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over such child.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

........................

B-5. (1) The parent of a child may execute a consent to standby adoption by a specified person or persons. A consent under this subsection B-5 shall be acknowledged by a parent pursuant to subsection H and subsection K of this Section. The form of consent required for the standby adoption of a born child effective at a future date when the consenting terminally ill parent of the child dies or requests that a final judgment of adoption be entered shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT
TO STANDBY ADOPTION

I, ..., (relationship, e.g. mother or father) of ..... a ..male child, state:

That the child was born on ..... at .....  
That I reside at ..... County of ..... and State of ..... 
That I am of the age of ..... years. 
That I hereby enter my appearance in this proceeding and waive service of summons on me in this action only.

That I do hereby consent and agree to the standby adoption of the child, and that I have not previously executed a consent or surrender with respect to the child.

That (I am terminally ill) (the child's other parent is terminally ill). That I wish to and understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to the child, effective upon (my death) (the child's other parent's death) or upon (my) (the other terminally ill parent's) request for the entry of a final judgment for adoption if ..... (specified person or persons) adopt my child.

That I understand that until (I die) (the child's other parent dies), I retain all legal rights and obligations concerning the child, but at that time, I irrevocably give all custody and other parental rights to ..... (specified person or persons).

I understand my child will be adopted by ..... (specified person or persons) only and that I cannot, under any circumstances, after signing this
document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over my child if ..... (specified person or persons) adopt my child.

I understand that this consent to standby adoption is valid only if the petition for standby adoption is filed and that if ....... (specified person or persons), for any reason, cannot or will not file a petition for standby adoption or if his, her, or their petition for standby adoption is denied, then this consent is void. I have the right to notice of any other proceeding that could affect my parental rights.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....................

If under Section 8 the consent of more than one person is required, then each such person shall execute a separate consent. A separate consent shall be executed for each child.

(2) If the parent consents to a standby adoption by 2 specified persons, then the form shall contain 2 additional paragraphs in substantially the following form:

If .... (specified persons) obtain a judgment of dissolution of marriage before the judgment for adoption is entered, then ..... (specified person) shall adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody of my child if ..... (specified persons) obtain a judgment of dissolution of marriage and ..... (specified person) adopts my child. I understand that I cannot change my mind and revoke this consent if ..... (specified persons) obtain a judgment of dissolution of marriage before the adoption is final. I understand that this consent to adoption has no effect on who will get custody of my child if ..... (specified persons) obtain a judgment of dissolution of marriage after the adoption is final. I understand that if either ..... (specified persons) dies before the petition to adopt my child is granted, then the surviving person may adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody of my child if the surviving person adopts my child.

A consent to standby adoption by specified persons on this form shall have no effect on a court's determination of custody or visitation under the Illinois Marriage and Dissolution of Marriage Act if the marriage of the specified persons is dissolved before the adoption is final.

New matter indicated by italics - deletions by strikeout.
The form of the certificate of acknowledgment for a Final and Irrevocable Consent for Standby Adoption shall be substantially as follows:

STATE OF ....)

) SS.

COUNTY OF ....)

I, ....... (name of Judge or other person) ..... (official title, name, and address), certify that ......., personally known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent to Standby Adoption, appeared before me this day in person and acknowledged that (she) (he) signed and delivered the consent as (her) (his) free and voluntary act, for the specified purpose.

I have fully explained that this consent to adoption is valid only if the petition to adopt is filed, and that if the specified person or persons, for any reason, cannot or will not adopt the child or if the adoption petition is denied, then this consent will be void. I have fully explained that if the specified person or persons adopt the child, by signing this consent (she) (he) is irrevocably and permanently relinquishing all parental rights to the child, and (she) (he) has stated that such is (her) (his) intention and desire.

Dated (insert date).

Signature........................................

If a consent to standby adoption is executed in this form, the consent shall be valid only if the specified person or persons adopt the child. The consent shall be void if:

(a) the specified person or persons do not file a petition for standby adoption of the child; or

(b) a court denies the standby adoption petition.

The parent shall not need to take further action to revoke the consent if the standby adoption by the specified person or persons does not occur, notwithstanding the provisions of Section 11 of this Act.

C. The form of surrender to any agency given by a parent of a born child who is to be subsequently placed for adoption shall be substantially as follows and shall contain such other facts and statements as the particular agency shall require.

FINAL AND IRREVOCABLE SURRENDER
FOR PURPOSES OF ADOPTION

I, .... (relationship, e.g., mother, father, relative, guardian) of ...., a ..male child, state:

That such child was born on ...., at .....
That I reside at ..., County of ...., and State of ..... 
That I am of the age of .... years.
That I do hereby surrender and entrust the entire custody and control of such child to the .... (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of ...., County of .... and State of ...., for the purpose of enabling it to care for and supervise the care of such child, to place such child for adoption and to consent to the legal adoption of such child.

That I hereby grant to the Agency full power and authority to place such child with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of such child by such person or persons; and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment including inoculation and anaesthesia for such child.

That I wish to and understand that by signing this surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

That I understand I cannot under any circumstances, after signing this surrender, change my mind and revoke or cancel this surrender or obtain or recover custody or any other rights over such child.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

....................... 

D. The form of surrender to an agency given by a parent of an unborn child who is to be subsequently placed for adoption shall be substantially as follows and shall contain such other facts and statements as the particular agency shall require.

SURRENDER OF UNBORN CHILD FOR PURPOSES OF ADOPTION

I, .... (father), state:
That I am the father of a child expected to be born on or about .... to .... (name of mother).
That I reside at ...., County of ...., and State of ..... 
That I am of the age of .... years.
That I do hereby surrender and entrust the entire custody and control of such child to the .... (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of ...., County of .... and

New matter indicated by italics - deletions by strikeout.
State of ...., for the purpose of enabling it to care for and supervise the care of such child, to place such child for adoption and to consent to the legal adoption of such child, and that I have not previously executed a consent or surrender with respect to such child.

That I hereby grant to the Agency full power and authority to place such child with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of such child by such person or persons; and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment, including inoculation and anaesthesia for such child.

That I wish to and understand that by signing this surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

That I understand I cannot under any circumstances, after signing this surrender, change my mind and revoke or cancel this surrender or obtain or recover custody or any other rights over such child, except that I have the right to revoke this surrender by giving written notice of my revocation not later than 72 hours after the birth of such child.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

E. The form of consent required from the parents for the adoption of an adult, when such adult elects to obtain such consent, shall be substantially as follows:

CONSENT
I, ...., (father) (mother) of ...., an adult, state:
That I reside at ...., County of .... and State of ..... 
That I do hereby consent and agree to the adoption of such adult by .... and ..... 
Dated (insert date).

F. The form of consent required for the adoption of a child of the age of 14 years or upwards, or of an adult, to be given by such person, shall be substantially as follows:

CONSENT
I, ...., state:
That I reside at ...., County of .... and State of ..... 

New matter indicated by italics - deletions by strikeout.
That I am of the age of .... years. That I consent and agree to my adoption by .... and .....  
Dated (insert date).

G. The form of consent given by an agency to the adoption by specified persons of a child previously surrendered to it shall set forth that the agency has the authority to execute such consent. The form of consent given by a guardian of the person of a child sought to be adopted, appointed by a court of competent jurisdiction, shall set forth the facts of such appointment and the authority of the guardian to execute such consent.

H. A consent (other than that given by an agency, or guardian of the person of the child sought to be adopted appointed by a court of competent jurisdiction) shall be acknowledged by a parent before the presiding judge of the court in which the petition for adoption has been, or is to be filed or before any other judge or hearing officer designated or subsequently approved by the court, or the circuit clerk if so authorized by the presiding judge or, except as otherwise provided in this Act, before a representative of the Department of Children and Family Services or a licensed child welfare agency, or before social service personnel under the jurisdiction of a court of competent jurisdiction, or before social service personnel of the Cook County Department of Supportive Services designated by the presiding judge.

I. A surrender, or any other document equivalent to a surrender, by which a child is surrendered to an agency shall be acknowledged by the person signing such surrender, or other document, before a judge or hearing officer or the clerk of any court of record, either in this State or any other state of the United States, or before a representative of an agency or before any other person designated or approved by the presiding judge of the court in which the petition for adoption has been, or is to be, filed.

J. The form of the certificate of acknowledgment for a consent, a surrender, or any other document equivalent to a surrender, shall be substantially as follows:

STATE OF ....)                                    ) SS.
COUNTY OF ...)                                    
I, .... (Name of judge or other person), .... (official title, name and location of court or status or position of other person), certify that ...., personally known to me to be the same person whose name is subscribed

New matter indicated by italics - deletions by strikeout.
to the foregoing (consent) (surrender), appeared before me this day in person and acknowledged that (she) (he) signed and delivered such (consent) (surrender) as (her) (his) free and voluntary act, for the specified purpose.

I have fully explained that by signing such (consent) (surrender) (she) (he) is irrevocably relinquishing all parental rights to such child or adult and (she) (he) has stated that such is (her) (his) intention and desire.

Dated (insert date).
Signature ..............

K. When the execution of a consent or a surrender is acknowledged before someone other than a judge or the clerk of a court of record, such other person shall have his signature on the certificate acknowledged before a notary public, in form substantially as follows:
STATE OF ....)
) SS.
COUNTY OF ....)
I, a Notary Public, in and for the County of ......, in the State of ......, certify that ...., personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgment, appeared before me in person and acknowledged that (she) (he) signed such certificate as (her) (his) free and voluntary act and that the statements made in the certificate are true.
Dated (insert date).
Signature ...................... Notary Public
(official seal)

There shall be attached a certificate of magistracy, or other comparable proof of office of the notary public satisfactory to the court, to a consent signed and acknowledged in another state.

L. A surrender or consent executed and acknowledged outside of this State, either in accordance with the law of this State or in accordance with the law of the place where executed, is valid.

M. Where a consent or a surrender is signed in a foreign country, the execution of such consent shall be acknowledged or affirmed in a manner conformable to the law and procedure of such country.

N. If the person signing a consent or surrender is in the military service of the United States, the execution of such consent or surrender may be acknowledged before a commissioned officer and the signature of such officer on such certificate shall be verified or acknowledged before a
notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

O. (1) The parent or parents of a child in whose interests a petition under Section 2-13 of the Juvenile Court Act of 1987 is pending may, with the approval of the designated representative of the Department of Children and Family Services, execute a consent to adoption by a specified person or persons:

(a) in whose physical custody the child has resided for at least 6 months; or

(b) in whose physical custody at least one sibling of the child who is the subject of this consent has resided for at least 6 months, and the child who is the subject of this consent is currently residing in this foster home; or

(c) in whose physical custody a child under one year of age has resided for at least 3 months.

A consent under this subsection O shall be acknowledged by a parent pursuant to subsection H and subsection K of this Section.

(2) The consent to adoption by a specified person or persons shall have the caption of the proceeding in which it is to be filed and shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY A SPECIFIED PERSON OR PERSONS

I, ......................................, the .................. (mother or father) of a ....male child, state:

1. My child ................................ (name of child) was born on (insert date) at .................... Hospital in ............. County, State of ...............

2. I reside at ......................, County of .......... and State of ............

3. I, .................................., am .... years old.

4. I enter my appearance in this action to adopt my child by the person or persons specified herein by me and waive service of summons on me in this action only.

5. I consent to the adoption of my child by ................................ (specified person or persons) only.

6. I wish to sign this consent and I understand that by signing this consent I irrevocably and permanently give up all parental rights I have to my child if my child is adopted by ................................ (specified person or persons).

New matter indicated by italics - deletions by strikeout.
7. I understand my child will be adopted by ....................... (specified person or persons) only and that I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over my child if ....................... (specified person or persons) adopt my child.

8. I understand that this consent to adoption is valid only if the petition to adopt is filed within one year from the date that I sign it and that if ....................... (specified person or persons), for any reason, cannot or will not file a petition to adopt my child within that one year period or if their adoption petition is denied, then this consent will be voidable after one year upon the timely filing of my motion. If I file this motion before the filing of the petition for adoption, I understand that the court shall revoke this specific consent. I have the right to notice of any other proceeding that could affect my parental rights, except for the proceeding for ....................... (specified person or persons) to adopt my child.

9. I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.............................................
Signature of parent

(3) If the parent consents to an adoption by 2 specified persons, then the form shall contain 2 additional paragraphs in substantially the following form:

10. If ............... (specified persons) get a divorce before the petition to adopt my child is granted, then ............... (specified person) shall adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody over my child if ............... (specified persons) divorce and ............... (specified person) adopts my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody over my child if ............... (specified persons) divorce after the adoption is final. I understand that this consent to adoption has no effect on who will get custody of my child if they divorce after the adoption is final.

11. I understand that if either ............... (specified persons) dies before the petition to adopt my child is granted, then the surviving person can adopt my child. I understand that I cannot
change my mind and revoke this consent or obtain or recover custody over my child if the surviving person adopts my child.

A consent to adoption by specified persons on this form shall have no effect on a court's determination of custody or visitation under the Illinois Marriage and Dissolution of Marriage Act if the marriage of the specified persons is dissolved after the adoption is final.

(4) The form of the certificate of acknowledgement for a Final and Irrevocable Consent for Adoption by a Specified Person or Persons shall be substantially as follows:

STATE OF................)
) SS.
COUNTY OF................)

I, ..................... (Name of Judge or other person), ..................... (official title, name, and address), certify that ................, personally known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent for Adoption by a Specified Person or Persons, appeared before me this day in person and acknowledged that (she)(he) signed and delivered the consent as (her)(his) free and voluntary act, for the specified purpose.

I have fully explained that this consent to adoption is valid only if the petition to adopt is filed within one year from the date that it is signed, and that if the specified person or persons, for any reason, cannot or will not adopt the child or if the adoption petition is denied, then this consent will be voidable after one year upon the timely filing of a motion by the parent to revoke the consent. I explained that if this motion is filed before the filing of the petition for adoption, the court shall revoke this specific consent. I have fully explained that if the specified person or persons adopt the child, by signing this consent this parent is irrevocably and permanently relinquishing all parental rights to the child, and this parent has stated that such is (her)(his) intention and desire.

Dated (insert date).

............................
Signature

(5) If a consent to adoption by a specified person or persons is executed in this form, the following provisions shall apply. The consent shall be valid only if that specified person or persons adopt the child. The consent shall be voidable after one year if:

(a) the specified person or persons do not file a petition to adopt the child within one year after the consent is signed and the

New matter indicated by italics - deletions by strikeout.
parent files a timely motion to revoke this consent. If this motion is filed before the filing of the petition for adoption the court shall revoke this consent; or

(b) a court denies the adoption petition; or

(c) the Department of Children and Family Services Guardianship Administrator determines that the specified person or persons will not or cannot complete the adoption, or in the best interests of the child should not adopt the child.

Within 30 days of the consent becoming void, the Department of Children and Family Services Guardianship Administrator shall make good faith attempts to notify the parent in writing and shall give written notice to the court and all additional parties in writing that the adoption has not occurred or will not occur and that the consent is void. If the adoption by a specified person or persons does not occur, no proceeding for termination of parental rights shall be brought unless the biological parent who executed the consent to adoption by a specified person or persons has been notified of the proceeding pursuant to Section 7 of this Act or subsection (4) of Section 2-13 of the Juvenile Court Act of 1987. The parent shall not need to take further action to revoke the consent if the specified adoption does not occur, notwithstanding the provisions of Section 11 of this Act.

(6) The Department of Children and Family Services is authorized to promulgate rules necessary to implement this subsection O.

(7) The Department shall collect and maintain data concerning the efficacy of specific consents. This data shall include the number of specific consents executed and their outcomes, including but not limited to the number of children adopted pursuant to the consents, the number of children for whom adoptions are not completed, and the reason or reasons why the adoptions are not completed.

(Source: P.A. 91-357, eff. 7-29-99; 91-572, eff. 1-1-00; 92-320, eff. 1-1-02.)

(750 ILCS 50/13.1)
Sec. 13.1. Order for standby adoption.
(a) If it is proved to the satisfaction of the court, after such investigation as the court deems necessary, that the child's parent consents to or fails to object to the standby adoption and adoption by the petitioner will be for the welfare of the child, the court may enter an order for standby adoption. However, the consenting parent's parental rights may not be terminated until consent becomes effective.
(b) The order for standby adoption shall be final as to all findings and shall be followed in the judgment of adoption unless the court finds by clear and convincing evidence that it is no longer in the best interest of the child for the adoption to be finalized.

(c) Once the standby adoptive parent receives knowledge of the death of the consenting terminally ill parent, or the consented terminally ill parent requests that a final judgment for adoption be entered, the standby adoptive parent shall have 60 days to apply for a judgment for adoption.

(Source: P.A. 91-572, eff. 1-1-00.)

(750 ILCS 50/14) (from Ch. 40, par. 1517)


(a) Prior to the entry of the judgment for order of adoption in any case other than an adoption of a related child or of an adult, each petitioner and each person, agency, association, corporation, institution, society or organization involved in the adoption of the child, except a child welfare agency, shall execute an affidavit setting forth the hospital and medical costs, legal fees, counseling fees, and any other fees or expenditures paid in accordance with the Adoption Compensation Prohibition Act.

(b) Before the entry of the judgment for adoption, each child welfare agency involved in the adoption of the child shall file an affidavit concerning the costs, expenses, contributions, fees, compensation, or other things of value which have been given, promised, or received including but not limited to hospital and medical costs, legal fees, social services, living expenses, or any other expenses related to the adoption paid in accordance with the Adoption Compensation Prohibition Act.

If the total amount paid by the child welfare agency is $4,500 or more, the affidavit shall contain an itemization of expenditures.

If the total amount paid by the child welfare agency is less than $4,500, the agency may file an unitemized affidavit stating that the total amount paid is less than $4,500 unless the court, in its discretion, requires that agency to file an itemized affidavit.

(c) No affidavit need be filed in the case of an adoption of a related child or an adult, nor shall an affidavit be required to be filed by a non-consenting parent, or by any judge, or clerk, involved in an official capacity in the adoption proceedings.

(d) All affidavits filed in accordance with this Section shall be under penalty of perjury and shall include, but are not limited to, hospital and medical costs, legal fees, social services, living expenses or any other

New matter indicated by italics - deletions by strikeout.
expenses related to the adoption or to the placement of the child, whether or not the payments are permitted by applicable laws.

(e) Upon the expiration of 6 months after the date of any interim order vesting temporary care, custody and control of a child, other than a related child, in the petitioners, entered pursuant to this Act, the petitioners may apply to the court for a judgment of adoption. Notice of such application shall be served by the petitioners upon the investigating agency or the person making such investigation, and the guardian ad litem. After the hearing on such application, at which the petitioners and the child shall appear in person, unless their presence is waived by the court for good cause shown, the court may enter a judgment for adoption, provided the court is satisfied from the report of the investigating agency or the person making the investigation, and from the evidence, if any, introduced, that the adoption is for the welfare of the child and that there is a valid consent, or that no consent is required as provided in Section 8 of this Act.

(f) A judgment for adoption of a related child, an adult, or a child as to whose adoption an agency or person authorized by law has the right of authority to consent may be entered at any time after service of process and after the return day designated therein.

(f-5) A standby adoption judgment may be entered upon notice of the death of the consenting terminally ill parent or upon the consenting terminally ill parent's request that a final judgment for adoption be entered. The notice must be provided to the court within 60 days after the standby adoptive parent's receipt of knowledge of death of the consenting terminally ill parent or the consenting terminally ill parent's request that a final judgment for adoption be entered. If the court finds that adoption is for the welfare of the child and that there is a valid consent, including consent for standby adoption, which is still in effect, or that no consent is required under Section 8 of the Act, a judgment for adoption shall be entered unless the court finds by clear and convincing evidence that it is no longer in the best interest of the child for the adoption to be finalized.

(g) No special findings of fact or certificate of evidence shall be necessary in any case to support the judgment.

(h) Only the circuit court that entered the judgment of the adoption may order the issuance of any contents of the court file or that the original birth record of the adoptee be provided to any persons.

(Source: P.A. 91-572, eff. 1-1-00.)


New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0732 1232

Effective January 1, 2005.

PUBLIC ACT 93-0733
(Senate Bill No. 2448)

AN ACT concerning children and families.

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

Section 5. The Children and Family Services Act is amended by adding Section 21.5 as follows:

(20 ILCS 505/21.5 new)

Sec. 21.5. Training; advice to subjects of investigation. The Department shall train all child protective investigators concerning the statutory and constitutional rights of individuals subject to investigation for child abuse and neglect and shall require all child protective investigators to inform individuals subject to a child abuse and neglect investigation concerning the specific complaints or allegations made against the individual.

Effective January 1, 2005.

PUBLIC ACT 93-0734
(Senate Bill No. 2879)

AN ACT concerning mosquito abatement districts.

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

Section 5. The Mosquito Abatement District Act is amended by changing Section 8 as follows:

(70 ILCS 1005/8) (from Ch. 111 1/2, par. 81)

Sec. 8. The board of trustees of any mosquito abatement district shall, in its work, advise and cooperate with the Department of Public Health of the State, and the board of trustees of such district shall submit to such Department, on or before January 1st of each year, a report of the work done and results obtained by the district during the preceding year.

The board of trustees of any mosquito abatement district, or its designee, shall conduct routine surveillance of mosquitoes to detect the presence of mosquito-borne diseases of public health significance. The

New matter indicated by italics - deletions by strikeout.
surveillance shall be conducted in accordance with mosquito abatement and control guidelines as set forth by the U.S. Centers for Disease Control and Prevention. Areas reporting disease in humans shall be included in the surveillance activities. Mosquito abatement districts shall report to the local certified public health department the results of any positive mosquito samples infected with any arboviral infections, including, but not limited to: West Nile Virus, St. Louis Encephalitis, and Eastern Equine Encephalitis. Reports shall be made to the local certified public health department’s director of environmental health, or a designee of the department, within 24 hours after receiving a positive report. The report shall include the type of infection, the number of mosquitoes collected in the trapping device, the type of trapping device used, and the type of laboratory testing used to confirm the infection. Any trustee of a mosquito abatement district, or designee of the board of trustees of a mosquito abatement district, that fails to comply with the requirements of this Act is guilty of a Class A Misdemeanor.

(Source: Laws 1927, p. 694.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

Section 99. This Act takes effect upon becoming law.


PUBLIC ACT 93-0735
(House Bill No. 966)

AN ACT in relation to executive agency reorganization.

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

Section 5. If and only if Executive Order No. 2004-6 becomes effective in accordance with Section 11 of Article V of the Illinois Constitution, then the Civil Administrative Code of Illinois is amended by adding Section 5-710 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 5-710. Executive Order provision superseded.

(a) Executive Order No. 2004-6 creates the Department of Financial and Professional Regulation and, in subdivision I(B), provides in part: "The new agency shall have an officer as its head known as the Secretary who shall be responsible for all agency functions. Appointment to this office shall be made by the Governor, by and with the advice and consent of the Senate."

(b) Executive Order No. 2004-6, in subdivision I(C), provides in part: "None of the four Directors, nor any such assistants or deputies, shall be state officers subject to Senate confirmation."

(c) The sentence of subdivision I(C) of Executive Order 2004-6 that is quoted in subsection (b), to the extent that it exempts the appointments of the 4 Directors of the Department of Financial and Professional Regulation from Senate confirmation, is superseded by subsection (d) of this Section and is of no force or effect as to the appointment of the 4 Directors of the Department of Financial and Professional Regulation.

(d) In addition to appointments to the Office of Secretary of Financial and Professional Regulation, appointments to the 4 Offices of Director of Financial and Professional Regulation must each be made by the Governor, by and with the advice and consent of the Senate.

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


PUBLIC ACT 93-0736
(House Bill No. 4310)

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

Section 5. The Illinois Banking Act is amended by changing Section 48.4 as follows:

Sec. 48.4. Enforcement of Administrative liens for past due child support.

New matter indicated by italics - deletions by strikeout.
(a) Any bank governed by this Act shall encumber or surrender accounts or assets held by the bank on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Illinois Department of Public Aid or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien or levy from any other state's agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

(b) Within 90 days after receiving notice from the Department of Public Aid that the Department has adopted a child support enforcement debit authorization form as required under the Illinois Public Aid Code, each bank governed by this Act shall take all appropriate steps to implement the use of the form in relation to accounts held by the bank. Upon receiving from the Department of Public Aid a copy of a child support enforcement debit authorization form signed by an obligor, a bank holding an account on behalf of the obligor shall debit the account and transfer the debited amounts to the State Disbursement Unit according to the instructions in the child support enforcement debit authorization form.

(Source: P.A. 92-811, eff. 8-21-02.)

Section 10. The Illinois Savings and Loan Act of 1985 is amended by changing Section 1-6d as follows:

(205 ILCS 105/1-6d)

Sec. 1-6d. Enforcement of Administrative liens for past-due child support.

(a) Any association governed by this Act shall encumber or surrender accounts or assets held by the association on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Illinois Department of Public Aid or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien or levy from any other state's agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

(b) Within 90 days after receiving notice from the Department of Public Aid that the Department has adopted a child support enforcement debit authorization form as required under the Illinois Public Aid Code, each association governed by this Act shall take all appropriate steps to implement the use of the form in relation to accounts held by the association. Upon receiving from the Department of Public Aid a copy of a child support enforcement debit authorization form signed by an

New matter indicated by italics - deletions by strikeout.
obligor, an association holding an account on behalf of the obligor shall debit the account and transfer the debited amounts to the State Disbursement Unit according to the instructions in the child support enforcement debit authorization form.

(Source: P.A. 92-811, eff. 8-21-02.)

Section 15. The Savings Bank Act is amended by changing Section 7007 as follows:

(205 ILCS 205/7007)
Sec. 7007. Enforcement of Administrative liens for past-due child support.

(a) Any savings bank governed by this Act shall encumber or surrender accounts or assets held by the savings bank on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Illinois Department of Public Aid or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien or levy from any other state's agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

(b) Within 90 days after receiving notice from the Department of Public Aid that the Department has adopted a child support enforcement debit authorization form as required under the Illinois Public Aid Code, each savings bank governed by this Act shall take all appropriate steps to implement the use of the form in relation to accounts held by the savings bank. Upon receiving from the Department of Public Aid a copy of a child support enforcement debit authorization form signed by an obligor, a savings bank holding an account on behalf of the obligor shall debit the account and transfer the debited amounts to the State Disbursement Unit according to the instructions in the child support enforcement debit authorization form.

(Source: P.A. 92-811, eff. 8-21-02.)

Section 20. The Illinois Credit Union Act is amended by changing Section 43.1 as follows:

(205 ILCS 305/43.1)
Sec. 43.1. Enforcement of Administrative liens for past-due child support.

(a) Any credit union governed by this Act shall encumber or surrender accounts or assets held by the credit union on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Illinois Department of Public Aid or its successor

New matter indicated by italics - deletions by strikeout.
agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien from any other state's agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

(b) Within 90 days after receiving notice from the Department of Public Aid that the Department has adopted a child support enforcement debit authorization form as required under the Illinois Public Aid Code, each credit union governed by this Act shall take all appropriate steps to implement the use of the form in relation to accounts held by the credit union. Upon receiving from the Department of Public Aid a copy of a child support enforcement debit authorization form signed by an obligor, a credit union holding an account on behalf of the obligor shall debit the account and transfer the debited amounts to the State Disbursement Unit according to the instructions in the child support enforcement debit authorization form.

(Source: P.A. 90-18, eff. 7-1-97.)

Section 25. The Foreign Banking Office Act is amended by changing Section 20 as follows:

(205 ILCS 645/20)
Sec. 20. Enforcement of administrative liens for past-due child support.

(a) Any foreign banking corporation governed by this Act shall encumber or surrender accounts or assets held by the foreign banking corporation on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Illinois Department of Public Aid or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien from any other state's agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

(b) Within 90 days after receiving notice from the Department of Public Aid that the Department has adopted a child support enforcement debit authorization form as required under the Illinois Public Aid Code, each foreign banking corporation governed by this Act shall take all appropriate steps to implement the use of the form in relation to accounts held by the corporation. Upon receiving from the Department of Public Aid a copy of a child support enforcement debit authorization form signed by an obligor, a foreign banking corporation holding an account on behalf of the obligor shall debit the account and transfer the debited amounts to

New matter indicated by italics - deletions by strikeout.
the State Disbursement Unit according to the instructions in the child support enforcement debit authorization form.
(Source: P.A. 90-18, eff. 7-1-97; 90-655, eff. 7-30-98.)

Section 30. The Illinois Public Aid Code is amended by adding Section 10-16.7 as follows:

(305 ILCS 5/10-16.7 new)
Sec. 10-16.7. Child support enforcement debit authorization.
(a) For purposes of this Section:
"Financial institution" and "account" are defined as set forth in Section 10-24.
"Payor" is defined as set forth in Section 15 of the Income Withholding for Support Act.
"Order for support" means any order for periodic payment of funds to the State Disbursement Unit for the support of a child or, where applicable, for support of a child and a parent with whom the child resides, that is entered or modified under this Code or under the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, or the Illinois Parentage Act of 1984, or that is entered or registered for modification or enforcement under the Uniform Interstate Family Support Act.
"Obligor" means an individual who owes a duty to make payments under an order for support in a case in which child support enforcement services are being provided under this Article X.

(b) The Department of Public Aid shall adopt a child support enforcement debit authorization form that, upon being signed by an obligor, authorizes a financial institution holding an account on the obligor's behalf to debit the obligor's account periodically in an amount equal to the amount of child support that the obligor is required to pay periodically and transfer that amount to the State Disbursement Unit. The form shall include instructions to the financial institution concerning the debiting of accounts held on behalf of obligors and the transfer of the debited amounts to the State Disbursement Unit. In adopting the form, the Department may consult with the Office of Banks and Real Estate and the Department of Financial Institutions. The Department must adopt the form within 6 months after the effective date of this amendatory Act of the 93rd General Assembly. Promptly after adopting the form, the Department must notify each financial institution conducting business in this State that the form has been adopted and is ready for use.

New matter indicated by italics - deletions by strikeout.
(c) An obligor who does not have a payor may sign a child support debit authorization form adopted by the Department under this Section. The obligor may sign a form in relation to any or all of the financial institutions holding an account on the obligor's behalf. Promptly after an obligor signs a child support debit authorization form, the Department shall send the original signed form to the appropriate financial institution. Subject to subsection (e), upon receiving the form, the financial institution shall debit the account and transfer the debited amounts to the State Disbursement Unit according to the instructions in the form. A financial institution that complies with a child support debit authorization form signed by an obligor and issued under this Section shall not be subject to civil liability with respect to any individual or any agency.

(d) The signing and issuance of a child support debit authorization form under this Section does not relieve the obligor from responsibility for compliance with any requirement under the order for support.

(e) A financial institution is obligated to debit the account of an obligor pursuant to this Section only if or to the extent:

1. the financial institution reasonably believes the debit authorization form is a true and authentic original document;
2. there are finally collected funds in the account; and
3. the account is not subject to offsetting claims of the financial institution, whether due at the time of receipt of the debit authorization form or thereafter to become due and whether liquidated or unliquidated.

To the extent the account of the obligor is pledged or held by the financial institution as security for a loan or other obligation, or that the financial institution has any other claim or lien against the account, the financial institution is entitled to retain the account.

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


PUBLIC ACT 93-0737
(House Bill No. 3857)

AN ACT in relation to transplants.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-330 as follows:

(20 ILCS 2310/2310-330) (was 20 ILCS 2310/55.46)
Sec. 2310-330. Sperm and tissue bank registry; AIDS test for donors; penalties.

(a) The Department shall establish a registry of all sperm banks and tissue banks operating in this State. All sperm banks and tissue banks operating in this State shall register with the Department by May 1 of each year. Any person, hospital, clinic, corporation, partnership, or other legal entity that operates a sperm bank or tissue bank in this State and fails to register with the Department pursuant to this Section commits a business offense and shall be subject to a fine of $5000.

(b) All donors of semen for purposes of artificial insemination, or donors of corneas, bones, organs, or other human tissue for the purpose of injecting, transfusing, or transplanting any of them in the human body, shall be tested for evidence of exposure to human immunodeficiency virus (HIV) and any other identified causative agent of acquired immunodeficiency syndrome (AIDS) at the time of or after the donation but prior to the semen, corneas, bones, organs, or other human tissue being made available for that use. However, when in the opinion of the attending physician the life of a recipient of a bone, organ, or other human tissue donation would be jeopardized by delays caused by testing for evidence of exposure to HIV and any other causative agent of AIDS, testing shall not be required.

(c) Except as otherwise provided in subsection (c-5), no person may intentionally, knowingly, recklessly, or negligently use the semen, corneas, bones, organs, or other human tissue of a donor unless the requirements of subsection (b) have been met. Except as otherwise provided in subsection (c-5), no person may intentionally, knowingly, recklessly, or negligently use the semen, corneas, bones, organs, or other human tissue of a donor who has tested positive for exposure to HIV or any other identified causative agent of AIDS. Violation of this subsection (c) shall be a Class 4 felony.

(c-5) It is not a violation of this Section for a person to perform a solid organ transplant of an organ from an HIV infected donor to a person who has tested positive for exposure to HIV or any other identified

New matter indicated by italics - deletions by strikeout.
causative agent of AIDS and who is in immediate threat of death unless the transplant is performed. A tissue bank that provides an organ from an HIV infected donor under this subsection (c-5) may not be criminally or civilly liable for the furnishing of that organ under this subsection (c-5).

(d) For the purposes of this Section:

"Human tissue" shall not be construed to mean whole blood or its component parts.

For the purposes of this Section, "Tissue bank" means any facility or program that is involved in procuring, furnishing, donating, processing, or distributing corneas, bones, organs, or other human tissue for the purpose of injecting, transfusing, or transplanting any of them in the human body.

"Solid organ transplant" means the surgical transplantation of internal organs including, but not limited to, the liver, kidney, pancreas, lungs, or heart. "Solid organ transplant" does not mean a bone marrow based transplant or a blood transfusion.

"HIV infected donor" means a deceased donor who was infected with HIV or a living donor known to be infected with HIV and who is willing to donate a part or all of one or more of his or her organs. A determination of the donor's HIV infection is made by the donor's medical history or by specific tests that document HIV infection, such as HIV RNA or DNA, or by antibodies to HIV.

(Source: P.A. 91-239, eff. 1-1-00.)

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


PUBLIC ACT 93-0738
(House Bill No. 3877)

AN ACT regarding higher education.

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

Section 5. The University of Illinois Act is amended by changing Section 7e-5 as follows:

(110 ILCS 305/7e-5)

Sec. 7e-5. In-state tuition charge.

New matter indicated by italics - deletions by strikeout.
(a) Notwithstanding any other provision of law to the contrary, for tuition purposes, the Board of Trustees shall deem an individual an Illinois resident, until the individual establishes a residence outside of this State, if all of the following conditions are met:

1. The individual resided with his or her parent or guardian while attending a public or private high school in this State.
2. The individual graduated from a public or private high school or received the equivalent of a high school diploma in this State.
3. The individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma.
4. The individual registers as an entering student in the University not earlier than the 2003 fall semester.
5. In the case of an individual who is not a citizen or a permanent resident of the United States, the individual provides the University with an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so.

(b) This subsection (a) Section applies only to tuition for a term or semester that begins on or after May 20, 2003 (the effective date of Public Act 93-7) this amendatory Act of the 93rd General Assembly. Any revenue lost by the University in implementing this subsection (a) Section shall be absorbed by the University Income Fund.

(b) If a person is on active military duty and stationed in Illinois, then the Board of Trustees shall deem that person and any of his or her dependents Illinois residents for tuition purposes.

(Source: P.A. 93-7, eff. 5-20-03.)

Section 10. The Southern Illinois University Management Act is amended by changing Section 8d-5 as follows:

(110 ILCS 520/8d-5)

Sec. 8d-5. In-state tuition charge.

(a) Notwithstanding any other provision of law to the contrary, for tuition purposes, the Board shall deem an individual an Illinois resident, until the individual establishes a residence outside of this State, if all of the following conditions are met:

1. The individual resided with his or her parent or guardian while attending a public or private high school in this State.

New matter indicated by italics - deletions by strikeout.
(2) The individual graduated from a public or private high school or received the equivalent of a high school diploma in this State.

(3) The individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma.

(4) The individual registers as an entering student in the University not earlier than the 2003 fall semester.

(5) In the case of an individual who is not a citizen or a permanent resident of the United States, the individual provides the University with an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so.

(b) This subsection (a) Section applies only to tuition for a term or semester that begins on or after May 20, 2003 (the effective date of Public Act 93-7) and shall be absorbed by the University Income Fund.

(b) If a person is on active military duty and stationed in Illinois, then the Board shall deem that person and any of his or her dependents Illinois residents for tuition purposes.

(Source: P.A. 93-7, eff. 5-20-03.)

Section 15. The Chicago State University Law is amended by changing Section 5-88 as follows:

(110 ILCS 660/5-88)
Sec. 5-88. In-state tuition charge.

(a) Notwithstanding any other provision of law to the contrary, for tuition purposes, the Board shall deem an individual an Illinois resident, until the individual establishes a residence outside of this State, if all of the following conditions are met:

(1) The individual resided with his or her parent or guardian while attending a public or private high school in this State.

(2) The individual graduated from a public or private high school or received the equivalent of a high school diploma in this State.

(3) The individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma.

New matter indicated by italics - deletions by strikeout.
(4) The individual registers as an entering student in the University not earlier than the 2003 fall semester.

(5) In the case of an individual who is not a citizen or a permanent resident of the United States, the individual provides the University with an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so.

(b) This subsection (a) Section applies only to tuition for a term or semester that begins on or after May 20, 2003 (the effective date of Public Act 93-7) this amendatory Act of the 93rd General Assembly. Any revenue lost by the University in implementing this subsection (a) Section shall be absorbed by the University Income Fund.

(b) If a person is on active military duty and stationed in Illinois, then the Board shall deem that person and any of his or her dependents Illinois residents for tuition purposes.

(Source: P.A. 93-7, eff. 5-20-03.)

Section 20. The Eastern Illinois University Law is amended by changing Section 10-88 as follows:

(110 ILCS 665/10-88)

Sec. 10-88. In-state tuition charge.

(a) Notwithstanding any other provision of law to the contrary, for tuition purposes, the Board shall deem an individual an Illinois resident, until the individual establishes a residence outside of this State, if all of the following conditions are met:

(1) The individual resided with his or her parent or guardian while attending a public or private high school in this State.

(2) The individual graduated from a public or private high school or received the equivalent of a high school diploma in this State.

(3) The individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma.

(4) The individual registers as an entering student in the University not earlier than the 2003 fall semester.

(5) In the case of an individual who is not a citizen or a permanent resident of the United States, the individual provides the University with an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so.

New matter indicated by italics - deletions by strikeout.
(b) This subsection (a) applies only to tuition for a term or semester that begins on or after May 20, 2003 (the effective date of Public Act 93-7) this amendatory Act of the 93rd General Assembly. Any revenue lost by the University in implementing this subsection (a) shall be absorbed by the University Income Fund.

(b) If a person is on active military duty and stationed in Illinois, then the Board shall deem that person and any of his or her dependents Illinois residents for tuition purposes.

(Source: P.A. 93-7, eff. 5-20-03.)

Section 25. The Governors State University Law is amended by changing Section 15-88 as follows:

(110 ILCS 670/15-88)
Sec. 15-88. In-state tuition charge.

(a) Notwithstanding any other provision of law to the contrary, for tuition purposes, the Board shall deem an individual an Illinois resident, until the individual establishes a residence outside of this State, if all of the following conditions are met:

1. The individual resided with his or her parent or guardian while attending a public or private high school in this State.
2. The individual graduated from a public or private high school or received the equivalent of a high school diploma in this State.
3. The individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma.
4. The individual registers as an entering student in the University not earlier than the 2003 fall semester.
5. In the case of an individual who is not a citizen or a permanent resident of the United States, the individual provides the University with an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so.

(b) This subsection (a) applies only to tuition for a term or semester that begins on or after May 20, 2003 (the effective date of Public Act 93-7) this amendatory Act of the 93rd General Assembly. Any revenue lost by the University in implementing this subsection (a) shall be absorbed by the University Income Fund.

New matter indicated by italics - deletions by strikeout.
(b) If a person is on active military duty and stationed in Illinois, then the Board shall deem that person and any of his or her dependents Illinois residents for tuition purposes.
(Source: P.A. 93-7, eff. 5-20-03.)

Section 30. The Illinois State University Law is amended by changing Section 20-88 as follows:

(110 ILCS 675/20-88)
Sec. 20-88. In-state tuition charge.
(a) Notwithstanding any other provision of law to the contrary, for tuition purposes, the Board shall deem an individual an Illinois resident, until the individual establishes a residence outside of this State, if all of the following conditions are met:

(1) The individual resided with his or her parent or guardian while attending a public or private high school in this State.
(2) The individual graduated from a public or private high school or received the equivalent of a high school diploma in this State.
(3) The individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma.
(4) The individual registers as an entering student in the University not earlier than the 2003 fall semester.
(5) In the case of an individual who is not a citizen or a permanent resident of the United States, the individual provides the University with an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so.

(b) This subsection (a) Section applies only to tuition for a term or semester that begins on or after May 20, 2003 (the effective date of Public Act 93-7) this amendatory Act of the 93rd General Assembly. Any revenue lost by the University in implementing this subsection (a) Section shall be absorbed by the University Income Fund.

(b) If a person is on active military duty and stationed in Illinois, then the Board shall deem that person and any of his or her dependents Illinois residents for tuition purposes.
(Source: P.A. 93-7, eff. 5-20-03.)

Section 35. The Northeastern Illinois University Law is amended by changing Section 25-88 as follows:

(110 ILCS 680/25-88)

New matter indicated by italics - deletions by strikeout.
Sec. 25-88. In-state tuition charge.
(a) Notwithstanding any other provision of law to the contrary, for tuition purposes, the Board shall deem an individual an Illinois resident, until the individual establishes a residence outside of this State, if all of the following conditions are met:

1. The individual resided with his or her parent or guardian while attending a public or private high school in this State.
2. The individual graduated from a public or private high school or received the equivalent of a high school diploma in this State.
3. The individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma.
4. The individual registers as an entering student in the University not earlier than the 2003 fall semester.
5. In the case of an individual who is not a citizen or a permanent resident of the United States, the individual provides the University with an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so.

(b) This subsection (a) Section applies only to tuition for a term or semester that begins on or after May 20, 2003 (the effective date of Public Act 93-7) this amendatory Act of the 93rd General Assembly. Any revenue lost by the University in implementing this subsection (a) Section shall be absorbed by the University Income Fund.

(b) If a person is on active military duty and stationed in Illinois, then the Board shall deem that person and any of his or her dependents Illinois residents for tuition purposes.

(Source: P.A. 93-7, eff. 5-20-03.)

Section 40. The Northern Illinois University Law is amended by changing Section 30-88 as follows:

(110 ILCS 685/30-88)

Sec. 30-88. In-state tuition charge.
(a) Notwithstanding any other provision of law to the contrary, for tuition purposes, the Board shall deem an individual an Illinois resident, until the individual establishes a residence outside of this State, if all of the following conditions are met:

1. The individual resided with his or her parent or guardian while attending a public or private high school in this State.

New matter indicated by italics - deletions by strikeout.
(2) The individual graduated from a public or private high school or received the equivalent of a high school diploma in this State.

(3) The individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma.

(4) The individual registers as an entering student in the University not earlier than the 2003 fall semester.

(5) In the case of an individual who is not a citizen or a permanent resident of the United States, the individual provides the University with an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so.

(b) This subsection (a) Section applies only to tuition for a term or semester that begins on or after May 20, 2003 (the effective date of Public Act 93-7) this amendatory Act of the 93rd General Assembly. Any revenue lost by the University in implementing this subsection (a) Section shall be absorbed by the University Income Fund.

(b) If a person is on active military duty and stationed in Illinois, then the Board shall deem that person and any of his or her dependents Illinois residents for tuition purposes.

(Source: P.A. 93-7, eff. 5-20-03.)

Section 45. The Western Illinois University Law is amended by changing Section 35-88 as follows:

(110 ILCS 690/35-88)
Sec. 35-88. In-state tuition charge.

(a) Notwithstanding any other provision of law to the contrary, for tuition purposes, the Board shall deem an individual an Illinois resident, until the individual establishes a residence outside of this State, if all of the following conditions are met:

(1) The individual resided with his or her parent or guardian while attending a public or private high school in this State.

(2) The individual graduated from a public or private high school or received the equivalent of a high school diploma in this State.

(3) The individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma.

New matter indicated by italics - deletions by strikeout.
(4) The individual registers as an entering student in the University not earlier than the 2003 fall semester.

(5) In the case of an individual who is not a citizen or a permanent resident of the United States, the individual provides the University with an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so.

(b) This subsection (a) Section applies only to tuition for a term or semester that begins on or after May 20, 2003 (the effective date of Public Act 93-7) this amendatory Act of the 93rd General Assembly. Any revenue lost by the University in implementing this subsection (a) Section shall be absorbed by the University Income Fund.

(b) If a person is on active military duty and stationed in Illinois, then the Board shall deem that person and any of his or her dependents Illinois residents for tuition purposes.

(Source: P.A. 93-7, eff. 5-20-03.)

Section 99. Effective date. This Act takes effect on July 1, 2004.

PUBLIC ACT 93-0739
(House Bill No. 4712)

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

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2QQ as follows:

(815 ILCS 505/2QQ new)

Sec. 2QQ. Use of Social Security numbers.

(a) Except as otherwise provided in this Section, a person may not do any of the following:

(1) Publicly post or publicly display in any manner an individual's social security number. As used in this Section, "publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

(2) Print an individual's social security number on any card required for the individual to access products or services provided

New matter indicated by italics - deletions by strikeout.
by the person or entity; however, a person or entity that provides
an insurance card must print on the card an identification number
unique to the holder of the card in the format prescribed by Section
15 of the Uniform Prescription Drug Information Card Act.

(3) Require an individual to transmit his or her social
security number over the Internet, unless the connection is secure
or the social security number is encrypted.

(4) Require an individual to use his or her social security
number to access an Internet web site, unless a password or
unique personal identification number or other authentication
device is also required to access the Internet Web site.

(5) Print an individual's social security number on any
materials that are mailed to the individual, unless State or federal
law requires the social security number to be on the document to
be mailed. Notwithstanding any provision in this Section to the
contrary, social security numbers may be included in applications
and forms sent by mail, including documents sent as part of an
application or enrollment process or to establish, amend, or
terminate an account, contract, or policy or to confirm the
accuracy of the social security number. A social security number
that may permissibly be mailed under this Section may not be
printed, in whole or in part, on a postcard or other mailer that
does not require an envelope or be visible on an envelope or
visible without the envelope having been opened.

(b) A person that used, before July 1, 2005, an individual's social
security number in a manner inconsistent with subsection (a) may
continue using that individual's social security number in the same
manner on or after July 1, 2005 if all of the following conditions are met:

(1) The use of the social security number is continuous. If
the use is stopped for any reason, subsection (a) shall apply.

(2) The individual is provided an annual disclosure that
informs the individual that he or she has the right to stop the use of
his or her social security number in a manner prohibited by
subsection (a).

A written request by an individual to stop the use of his or her
social security number in a manner prohibited by subsection (a) shall be
implemented within 30 days of the receipt of the request. There shall be no
fee or charge for implementing the request. A person shall not deny

New matter indicated by italics - deletions by strikeout.
services to an individual because the individual makes such a written request.

(c) This Section does not apply to the collection, use, or release of a social security number as required by State or federal law or the use of a social security number for internal verification or administrative purposes. This Section does not apply to the collection, use, or release of a social security number by the State, a subdivision of the State, or an individual in the employ of the State or a subdivision of the State in connection with his or her official duties.

(d) This Section does not apply to documents that are recorded or required to be open to the public under State or federal law, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

(e) If a federal law takes effect requiring the United States Department of Health and Human Services to establish a national unique patient health identifier program, any person who complies with the federal law shall be deemed to be in compliance with this Section.

(f) A person may not encode or embed a social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, or other technology, in place of removing the social security number as required by this Section.

(g) Any person who violates this Section commits an unlawful practice within the meaning of this Act.

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

PUBLIC ACT 93-0740
(Senate Bill No. 2444)

AN ACT concerning schools.

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

Section 5. The School Code is amended by changing Section 10-22.5a and adding Section 34-18.30 as follows:

(105 ILCS 5/10-22.5a) (from Ch. 122, par. 10-22.5a)
Sec. 10-22.5a. Attendance by dependents of United States military personnel, foreign exchange students, and certain nonresident pupils.

New matter indicated by italics - deletions by strikeout.
(a) To enter into written agreements with cultural exchange organizations, or with nationally recognized eleemosynary institutions that promote excellence in the arts, mathematics, or science. The written agreements may provide for tuition free attendance at the local district school by foreign exchange students, or by nonresident pupils of eleemosynary institutions. The local board of education, as part of the agreement, may require that the cultural exchange program or the eleemosynary institutions provide services to the district in exchange for the waiver of nonresident tuition.

To enter into written agreements with adjacent school districts to provide for tuition free attendance by a student of the adjacent district when requested for the student's health and safety by the student or parent and both districts determine that the student's health or safety will be served by such attendance. Districts shall not be required to enter into such agreements nor be required to alter existing transportation services due to the attendance of such non-resident pupils.

(a-5) If, at the time of enrollment, a dependent of United States military personnel is housed in temporary housing located outside of a school district, but will be living within the district within 60 days after the time of initial enrollment, the dependent must be allowed to enroll, subject to the requirements of this subsection (a-5), and must not be charged tuition. Any United States military personnel attempting to enroll a dependent under this subsection (a-5) shall provide proof that the dependent will be living within the district within 60 days after the time of initial enrollment. Proof of residency may include, but is not limited to, postmarked mail addressed to the military personnel and sent to an address located within the district, a lease agreement for occupancy of a residence located within the district, or proof of ownership of a residence located within the district.

(b) Nonresident pupils and foreign exchange students attending school on a tuition free basis under such agreements and nonresident dependents of United States military personnel attending school on a tuition free basis may be counted for the purposes of determining the apportionment of State aid provided under Section 18-8.05 of this Code, provided that any cultural exchange organization or eleemosynary institutions wishing to participate in an agreement authorized under this Section must be approved in writing by the State Board of Education. The State Board of Education may establish reasonable rules to determine the eligibility of cultural exchange

New matter indicated by italics - deletions by strikeout.
organizations or eleemosynary institutions wishing to participate in agreements authorized under this Section. No organization or institution participating in agreements authorized under this Section may exclude any individual for participation in its program on account of the person's race, color, sex, religion or nationality.

(Source: P.A. 89-480, eff. 1-1-97; 89-622, eff. 8-9-96; 90-14, eff. 7-1-97.)

(105 ILCS 5/34-18.30 new)

Sec. 34-18.30. Dependents of military personnel; no tuition charge. If, at the time of enrollment, a dependent of United States military personnel is housed in temporary housing located outside of the school district, but will be living within the district within 60 days after the time of initial enrollment, the dependent must be allowed to enroll, subject to the requirements of this Section, and must not be charged tuition. Any United States military personnel attempting to enroll a dependent under this Section shall provide proof that the dependent will be living within the district within 60 days after the time of initial enrollment. Proof of residency may include, but is not limited to, postmarked mail addressed to the military personnel and sent to an address located within the district, a lease agreement for occupancy of a residence located within the district, or proof of ownership of a residence located within the district. Non-resident dependents of United States military personnel attending school on a tuition-free basis may be counted for the purposes of determining the apportionment of State aid provided under Section 18-8.05 of this Code.

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


PUBLIC ACT 93-0741
(House Bill No. 5889)

AN ACT concerning public aid.

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

Section 5. The Illinois Public Aid Code is amended by changing Sections 3-1 and 3-5 as follows:

(305 ILCS 5/3-1) (from Ch. 23, par. 3-1)

New matter indicated by italics - deletions by strikeout.
Sec. 3-1. Eligibility Requirements. Financial aid in meeting basic maintenance requirements for a livelihood compatible with health and well-being shall be given under this Article to or in behalf of aged, blind, or disabled persons who meet the eligibility conditions of Sections 3-1.1 through 3-1.7. Financial aid under this Article shall be available only for persons who are receiving Supplemental Security Income (SSI) or who have been found ineligible for SSI (i) on the basis of income or (ii) due to expiration of the period of eligibility for refugees and asylees pursuant to 8 U.S.C. 1612(a)(2). Financial aid based on item (ii) of this paragraph shall be available until July 1, 2006.

"Aged person" means a person who has attained age 65, as demonstrated by such evidence of age as the Illinois Department may by rule prescribe.

"Blind person" means a person who has no vision or whose vision with corrective glasses is so defective as to prevent the performance of ordinary duties or tasks for which eyesight is essential. The Illinois Department shall define blindness in terms of ophthalmic measurements or ocular conditions. For purposes of this Act, an Illinois Disabled Person Identification Card issued pursuant to The Illinois Identification Card Act, indicating that the person thereon named has a Type 3 disability shall be evidence that such person is a blind person within the meaning of this Section; however, such a card shall not qualify such person for aid as a blind person under this Act, and eligibility for aid as a blind person shall be determined as provided in this Act.

"Disabled person" means a person age 18 or over who has a physical or mental impairment, disease, or loss which is of a permanent nature and which substantially impairs his ability to perform labor or services or to engage in useful occupations for which he is qualified, as determined by rule and regulation of the Illinois Department. For purposes of this Act, an Illinois Disabled Person Identification Card issued pursuant to The Illinois Identification Card Act, indicating that the person thereon named has a Type 1 or 2, Class 2 disability shall be evidence that such person is a disabled person under this Section; however, such a card shall not qualify such person for aid as a disabled person under this Act, and eligibility for aid as a disabled person shall be determined as provided in this Act. If federal law or regulation permit or require the inclusion of blind or disabled persons whose blindness or disability is not of the degree specified in the foregoing definitions, or permit or require the inclusion of disabled persons under age 18 or aged persons under age 65, the Illinois

New matter indicated by italics - deletions by strikeout.
Department, upon written approval of the Governor, may provide by rule that all aged, blind or disabled persons toward whose aid federal funds are available be eligible for assistance under this Article as is given to those who meet the foregoing definitions of blind person and disabled person or aged person.

(Source: P.A. 89-21, eff. 7-1-95.)

(305 ILCS 5/3-5) (from Ch. 23, par. 3-5)

Sec. 3-5. Amount of aid. The amount and nature of financial aid granted to or in behalf of aged, blind, or disabled persons shall be determined in accordance with the standards, grant amounts, rules and regulations of the Illinois Department. Due regard shall be given to the requirements and conditions existing in each case, and to the amount of property owned and the income, money contributions, and other support, and resources received or obtainable by the person, from whatever source. However, the amount and nature of any financial aid is not affected by the payment of any grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The aid shall be sufficient, when added to all other income, money contributions and support, to provide the person with a grant in the amount established by Department regulation for such a person, based upon standards providing a livelihood compatible with health and well-being.

Financial aid under this Article granted to persons who have been found ineligible for Supplemental Security Income (SSI) due to expiration of the period of eligibility for refugees and asylees pursuant to 8 U.S.C. 1612(a)(2) shall not exceed $500 per month.

(Source: P.A. 91-676, eff. 12-23-99.)

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


PUBLIC ACT 93-0742
(House Bill No. 3865)

AN ACT in relation to gaming.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Bingo License and Tax Act is amended by changing Section 1 as follows:

(230 ILCS 25/1) (from Ch. 120, par. 1101)

Sec. 1. The Department of Revenue shall, upon application therefor on forms prescribed by such Department, and upon the payment of an annual fee of $200 or a triennial fee of $600, and upon a determination by the Department that the applicant meets all of the qualifications specified in this Section, issue a license for the conducting of bingo to any bona fide religious, charitable, labor, fraternal, youth athletic, senior citizen, educational or veterans' organization organized in Illinois which operates without profit to its members, which has been in existence in Illinois continuously for a period of 5 years immediately before making application for a license and which has had during that entire 5 year period a bona fide membership engaged in carrying out its objects. However, the 5 year requirement shall be reduced to 2 years, as applied to a local organization which is affiliated with and chartered by a national organization which meets the 5 year requirement. Each annual license expires at midnight, June 30 following its date of issuance, except that, beginning with applicants whose licenses expire on June 30, 1983, the Department shall stagger license expiration dates by dividing the applicants into 4 groups which are substantially equal in number. Licenses issued and license fees charged to applicants in each group shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Group No.</th>
<th>License Expiration Date</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>December 31, 1983</td>
<td>$100</td>
</tr>
<tr>
<td>2</td>
<td>March 31, 1984</td>
<td>$150</td>
</tr>
<tr>
<td>3</td>
<td>June 30, 1984</td>
<td>$200</td>
</tr>
<tr>
<td>4</td>
<td>September 30, 1984</td>
<td>$250</td>
</tr>
</tbody>
</table>

Following expiration under this schedule, each renewed license shall be in effect for one year from its date of issuance unless suspended or revoked by Department action before that date. After June 30, 1983, every new annual license shall expire one year from the date of issuance unless suspended or revoked and every new triennial license issued or renewed on or after July 1, 2004 shall be in effect for 3 years from its date of issuance unless suspended or revoked by Department action before that date. A licensee may hold only one license and that license is valid for only one location.

New matter indicated by italics - deletions by strikeout.
For purposes of this Act, the following definitions apply: "Organization": A corporation, agency, partnership, association, firm or other entity consisting of 2 or more persons joined by a common interest or purpose. "Non-profit organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation. "Charitable organization": An organization or institution organized and operated to benefit an indefinite number of the public. "Educational organization": An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools. "Religious organization": Any church, congregation, society, or organization founded for the purpose of religious worship. "Fraternal organization": An organization of persons, including but not limited to ethnic organizations, having a common interest, organized and operated exclusively to promote the welfare of its members and to benefit the general public on a continuing and consistent basis. "Veterans organization": An organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit. "Labor organization": An organization composed of labor unions or workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations. "Youth athletic organization": An organization having as its exclusive purpose the promotion and provision of athletic activities for youth aged 18 and under. "Senior citizens organization": An organization or association comprised of members of which substantially all are individuals who are senior citizens, as defined in Section 3.05 of the Illinois Act on the Aging, the primary purpose of which is to promote the welfare of its members.

Licensing for the conducting of bingo is subject to the following restrictions:

(1) The license application, when submitted to the Department of Revenue, must contain a sworn statement attesting to the not-for-profit character of the prospective licensee.
organization, signed by the presiding officer and the secretary of that organization.

(2) The application for license shall be prepared in accordance with the rules of the Department of Revenue.

(3) Each license shall state which day of the week and at what location the licensee is permitted to conduct bingo. The Department may, on special application made by any organization having a bingo license, issue a special operator's permit for conducting bingo at other premises and on other days not exceeding 7 consecutive days, except that a licensee may conduct bingo at the Illinois State Fair or any county fair held in Illinois during each day that the fair is in effect; such bingo games conducted at the Illinois State Fair or a county fair shall not require a special operator's permit. No more than 2 special operator's permits may be issued in one year to any one organization. Any organization, qualified for a license but not holding one, upon application and payment of a $50 fee may receive a limited license to conduct bingo at no more than 2 indoor or outdoor festivals in a year for a maximum of 5 days on each occasion or, upon application and payment of a $150 fee, may receive a limited license to conduct bingo at no more than 2 indoor or outdoor festivals in a year for up to 3 years for a maximum of 5 days on each occasion. Such limited license shall be prominently displayed at the site of the bingo games.

(4) The licensee shall display a license in a prominent place in the area where it is to conduct bingo.

(5) The proceeds from the license fee imposed by this Act shall be paid into the General Revenue Fund of the State Treasury.

(6) A license authorizes the licensee to conduct the game commonly known as bingo, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

(7) The Director has the power to issue or to refuse to issue a license permitting a person, firm or corporation to provide premises for the conduct of bingo; provided, however, that a municipality shall not be required to obtain a license to provide such premises. The fee for such providers' license is $200. A person, firm or corporation holding such a license may receive reasonable expenses for providing premises for conducting bingo.

New matter indicated by italics - deletions by strikeout.
Reasonable expenses shall include only those expenses defined as reasonable by rules promulgated by the Department.

(8) The Department may issue restricted licenses to senior citizens organizations. The fee for a restricted license is $10 per year or $30 for 3 years. Restricted licenses shall be subject to the following conditions:

(A) Bingo shall be conducted only at a facility which is owned by a unit of local government to which the corporate authorities have given their approval and which is used to provide social services or a meeting place to senior citizens, or in common areas in multi-unit federally assisted rental housing maintained solely for the elderly and handicapped;

(B) The price paid for a single card shall not exceed 5 cents;

(C) The aggregate retail value of all prizes or merchandise awarded in any one game of bingo shall not exceed $1;

(D) No person or organization shall participate in the management or operation of bingo under a restricted license if the person or organization would be ineligible for a license under this Section;

(E) No license is required to provide premises for bingo conducted under a restricted license; and

(F) The Department may, by rule, exempt restricted licensees from such requirements of this Act as the Department may deem appropriate.

The Director has the power to issue a license permitting an Illinois person, firm or corporation to sell, lease or distribute to any organization licensed to conduct bingo games or to any licensed bingo supplier all cards, boards, sheets, markers, pads and all other supplies, devices and equipment designed for use in the play of bingo. No person, firm or corporation shall sell, lease or distribute bingo supplies or equipment without having first obtained a license therefor upon written application made, verified and filed with the Department in the form prescribed by the rules and regulations of the Department. The fee for such license is $200.

Applications for providers' and suppliers' licenses shall be made in writing in accordance with Department rules. Each providers' or suppliers'
license is valid for one year from date of issuance, unless suspended or revoked by Department action before that date.

The following are ineligible for any license under this Act:
(a) any person who has been convicted of a felony;
(b) any person who has been convicted of a violation of Article 28 of the "Criminal Code of 1961";
(c) any person found gambling, participating in gambling or knowingly permitting gambling on premises where bingo is being conducted;
(d) any firm or corporation in which a person defined in (a), (b) or (c) has a proprietary, equitable or credit interest, or in which such person is active or employed;
(e) any organization in which a person defined in (a), (b) or (c) is an officer, director, or employee, whether compensated or not;
(f) any organization in which a person defined in (a), (b) or (c) is to participate in the management or operation of a bingo game.

(Source: P.A. 87-758.)
Section 99. Effective date. This Act takes effect July 1, 2004.

PUBLIC ACT 93-0743
(House Bill No. 4026)

AN ACT in relation to townships.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Township Code is amended by changing Sections 85-10, 140-5, and 240-5 as follows:
(60 ILCS 1/85-10)
Sec. 85-10. Township corporate powers.
(a) Every township has the corporate capacity to exercise the powers granted to it, or necessarily implied, and no others. Every township has the powers specified in this Section.
(b) A township may sue and be sued.

New matter indicated by italics - deletions by strikeout.
(c) A township may acquire (by purchase, gift, or legacy) and hold property, both real and personal, for the use of its inhabitants and may sell and convey that property. A township may purchase any real estate or personal property for public purposes under contracts providing for payment in installments over a period of time of not more than 20 years in the case of real estate and not more than 10 years in the case of personal property. A township may finance the purchase of any real estate or personal property for public purpose under finance contracts providing for payment in installments over a period of time of not more than 20 years in the case of real estate and not more than 10 years in the case of personal property. A township may construct a township hall under contracts providing for payment over a period of time of not more than 10 years. The interest on the unpaid balance shall not exceed that permitted in the Bond Authorization Act.

(d) A township may make all contracts necessary in the exercise of the township's powers.

(e) A township may expend or contract for the expenditure of any federal funds made available to the township by law for any purpose for which taxes imposed upon township property or property within the township may be expended.

(f) A township may acquire (singly or jointly with a municipality or municipalities) land or any interest in land located within its township limits. The township may acquire the land or interest by gift, purchase, or otherwise, but not by condemnation. A township may (singly or jointly) improve or arrange for the improvement of the land for industrial or commercial purposes and may donate and convey the land or interest in land so acquired and so improved to the Illinois Finance Authority.

(g) (Blank)

(h) It is the policy of this State that all powers granted either expressly or by necessary implication by this Code, any other Illinois statute, or the Illinois Constitution to townships may be exercised by those townships notwithstanding effects on competition. It is the intention of the General Assembly that the "State action exemption" to the application of federal antitrust statutes be fully available to townships to the extent their activities are authorized by law as stated in this Code.

(i) A township may receive funds under the federal Housing and Community Development Act of 1974 and may expend or contract for the expenditure of those funds and other township funds for the activities specified in Section 105 of that Act. The powers granted under this

New matter indicated by italics - deletions by strikeout.
subsection (i) are in addition to powers otherwise possessed by a township and shall not be construed as a limitation of those other powers.

(j) A township may establish reasonable fees for recreation and instructional programs sponsored by the township.
(Source: P.A. 93-205, eff. 1-1-04.)

(60 ILCS 1/140-5)
Sec. 140-5. Petition and referendum for township hall.
(a) Whenever it is desired to build, purchase, or lease, for a longer period than 10 years, a township hall, a multi-purpose senior center, or a combination township hall and multi-purpose senior center in any township, at least 25 electors of the township may, before the time of giving notice of the annual township meeting, file with the township clerk a petition in writing that the proposition of building, purchasing, or leasing a township hall, a multi-purpose senior center, or a combination township hall and multi-purpose senior center and issuing bonds for the building, purchase, or lease be submitted to the voters of the township at the next ensuing general election. The proposition shall be clearly stated in the petition substantially as follows: "Shall (name of township) borrow $(amount) to (build, purchase, or lease) a (township hall, multi-purpose senior center, or combination multi-purpose township hall and senior center) and issue bonds for the (building, purchase, or lease)?" The petition shall be filed in the office of the township clerk.

(b) The township clerk shall certify the proposition to the proper election officials, who shall submit the proposition to the legal voters of the township at an election in accordance with the general election law. The form of the proposition shall be substantially as follows:

Shall (name of township) borrow $(amount) to (build, purchase, or lease) a (township hall, multi-purpose senior center, or combination township hall and multi-purpose senior center) and issue bonds for the (building, purchase, or lease)?

The votes shall be recorded as "Yes" or "No".
(Source: P.A. 87-1254; 88-62.)

(60 ILCS 1/240-5)
Sec. 240-5. Borrowing money. The township board may borrow money (i) from any bank or financial institution if the money is to be repaid within 10 years from the time it is borrowed or (ii) ; with the approval of the highway commissioner, from a township road district fund, if the money is to be repaid within one year from the time it is borrowed. "Financial institution" means any bank subject to the Illinois Banking Act, any
savings and loan association subject to the Illinois Savings and Loan Act of 1985, and any federally chartered commercial bank or savings and loan association organized and operated in this State under the laws of the United States.
(Source: P.A. 86-1179; 88-62.)

Section 10. The Illinois Highway Code is amended by changing Section 6-107.1 as follows:

(605 ILCS 5/6-107.1) (from Ch. 121, par. 6-107.1)

Sec. 6-107.1. Road districts may borrow money from any bank or other financial institution or, in a township road district and with the approval of the town board of trustees, from the town fund, provided such money shall be repaid within 10 years one year from the time the money is borrowed. "Financial institution" means any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, and any federally chartered commercial bank or savings and loan association organized and operated in this State pursuant to the laws of the United States.
(Source: P.A. 85-514; 86-1179.)

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


PUBLIC ACT 93-0744
(House Bill No. 4132)

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

Section 5. The Plat Act is amended by adding Section 56 as follows:

(765 ILCS 205/56 new)
Sec. 56. Duty of counties issuing building/improvement permits. Counties that are authorized by law to exercise land use control through a building/improvement permit process may deny the issuance of a building permit for building or other improvement to be constructed on a parcel of land subdivided contrary to the provisions of this Act.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning professional regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Clinical Psychologist Licensing Act is amended by changing Section 7 as follows:

(225 ILCS 15/7) (from Ch. 111, par. 5357)
(Section scheduled to be repealed on January 1, 2007)
Sec. 7. Board. The Director shall appoint a Board that shall serve in an advisory capacity to the Director.

The Board shall consist of 7 persons, 4 of whom are licensed clinical psychologists, and actively engaged in the practice of clinical psychology, 2 of whom are licensed clinical psychologists and are full time faculty members of accredited colleges or universities who are engaged in training clinical psychologists, and one of whom is a public member who is not a licensed health care provider. In appointing members of the Board, the Director shall give due consideration to the adequate representation of the various fields of health care psychology such as clinical psychology, school psychology and counseling psychology. In appointing members of the Board, the Director shall give due consideration to recommendations by members of the profession of clinical psychology and by the State-wide organizations representing the interests of clinical psychologists and organizations representing the interests of academic programs as well as recommendations by approved doctoral level psychology programs in the State of Illinois. The members shall be appointed for a term of 4 years. No member shall be eligible to serve for more than 2 full terms. Any appointment to fill a vacancy shall be for the unexpired portion of the term. A member appointed to fill a vacancy for an unexpired term for a duration of 2 years or more may be reappointed for a maximum of one term and a member appointed to fill a vacancy for an unexpired term for a duration of less than 2 years may be
reappointed for a maximum of 2 terms shall be eligible for reappointment to only one full term. The Director may remove any member for cause at any time prior to the expiration of his or her term.

The Board shall annually elect one of its members as chairperson and vice chairperson.

The members of the Board shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the Board.

The Director shall give due consideration to all recommendations of the Board. In the event the Director disagrees with or takes action contrary to the recommendation of the Board, he or she shall provide the Board with a written and specific explanation of his or her actions.

A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

Members of the Board shall have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as a member of the Board.

The Director may terminate the appointment of any member for cause which in the opinion of the Director reasonably justifies such termination.

(Source: P.A. 89-702, eff. 7-1-97.)

Section 10. The Electrologist Licensing Act is amended by changing Section 30 as follows:

(225 ILCS 412/30)
(Section scheduled to be repealed on January 1, 2014)
Sec. 30. Qualifications for licensure. A person shall be qualified for licensure as an electrologist if that person has met all of the following requirements:

(1) Has applied in writing on the prescribed forms and has paid the required fees.

(2) Has not violated any of the provisions of Section 75 of this Act or the rules promulgated under this Act. The Department shall take into consideration any felony conviction of the applicant, but a conviction shall not operate as an absolute bar to licensure.

(3) Is at least 18 years of age.

(4) Has received his or her high school diploma or equivalent.

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(5) Has completed a total of 600 hours in the study of electrology over a period of not less than 16 weeks nor more than 2 consecutive years at a program approved by the Department. **If an applicant completed a program before December 31, 2003, the program may be less than 600 hours if it is approved by the Department.**

(6) Has successfully completed an examination approved by the Department that tests the applicant's knowledge of the theory and clinical practice of electrology.

(Source: P.A. 92-750, eff. 1-1-03.)

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


**PUBLIC ACT 93-0746**

(House Bill No. 4239)

AN ACT concerning counties.

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

Section 5. The Neutral Site Custody Exchange Funding Act is amended by changing Section 15 as follows:

(55 ILCS 82/15)

Sec. 15. Fund; fee; administration.

(a) In any county with a population of over 100,000 and less than 1,000,000 inhabitants, a neutral site custody exchange fund may be established by the passage of an ordinance by the county board.

(b) In each county in which a county board has enacted an ordinance authorizing a neutral site custody exchange fund to be established, the county board shall set a fee to be collected by the clerk of the circuit court on all civil case filings of not less than $1 nor more than $8 to be paid by the plaintiff at the time of the filing of the case and by the defendant at the time of filing an appearance. The county board shall review the amount of the fee on an annual basis and shall increase the amount of the fee, not to exceed the $8 maximum, if the demand for neutral site custody exchanges requires additional funding.

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(c) In each county in which a county board has enacted an ordinance authorizing a neutral site custody exchange fund to be established, the clerk of the circuit court shall charge and collect a neutral site custody exchange fund fee as established by the county ordinance. The fee shall be paid by the parties to the action at the time of filing the first pleading in all civil cases. The fees shall not be charged in any proceeding commenced by or on behalf of a unit of local government.

The fees shall be in addition to all other fees and charges of the clerk, shall be assessable as costs, shall be remitted by the clerk monthly to the county treasurer, and shall be deposited monthly by the county treasurer in the neutral site custody exchange fund established under this Section. Each such clerk shall commence the charging and collection of the fee upon receipt of written notice from the county board that a neutral site custody exchange fund has been established.

(Source: P.A. 91-811, eff. 6-13-00.)

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


PUBLIC ACT 93-0747
(House Bill No. 4263)

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

Section 5. The Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

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On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

   (A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

   (B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

   (C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

   (D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

   (E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local
laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions:

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insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which

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information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the

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development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

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(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration,
including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of

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buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is

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increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

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(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service...
Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax

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Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.
(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment

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allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
(H) a commitment to fair employment practices and an affirmative action plan;

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(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is

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adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were

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entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise
constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

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Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

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(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

1. Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of

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the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be

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demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school

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district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced

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by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.
increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year.

School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

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(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when
sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and

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very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11).

The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are

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determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen,

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other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from

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October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a

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preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in

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direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more

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newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and

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the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11,
1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations.

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obligations or any other taxing district for the purpose of any limitation imposed by law.
(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)


PUBLIC ACT 93-0748
(House Bill No. 4370)

AN ACT concerning counties.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by changing Section 5-39001 as follows:

(55 ILCS 5/5-39001) (from Ch. 34, par. 5-39001)

Sec. 5-39001. Establishment and use; fee. The county board of any county may establish and maintain a county law library, to be located in any county building or privately or publicly owned building at the county seat of government. The term "county building" includes premises leased by the county from a public building commission created under the Public Building Commission Act. After August 2, 1976, the county board of any county may establish and maintain a county law library at the county seat of government and, in addition, branch law libraries in other locations within that county as the county board deems necessary.

The facilities of those libraries shall be freely available to all licensed Illinois attorneys, judges, other public officers of the county, and all members of the public, whenever the court house is open.

The expense of establishing and maintaining those libraries shall be borne by the county. To defray that expense, in any county having established a county law library or libraries, the clerk of all trial courts located at the county seat of government shall charge and collect a county law library fee of $2, and the county board may authorize a county law library fee of not to exceed $13 $10, to be charged and collected by the clerks of all trial courts located in the county. The fee shall be paid at the time of filing the first pleading, paper, or other appearance filed by each

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party in all civil cases, but no additional fee shall be required if more than 
one party is represented in a single pleading, paper, or other appearance.

Each clerk shall commence those charges and collections upon 
receipt of written notice from the chairman of the county board that the 
board has acted under this Division to establish and maintain a law library.

The fees shall be in addition to all other fees and charges of the 
clerks, assessable as costs, remitted by the clerks monthly to the county 
treasurer, and retained by the county treasurer in a special fund designated 
as the County Law Library Fund. Except as otherwise provided in this 
paragraph, disbursements from the fund shall be by the county treasurer, 
on order of a majority of the resident circuit judges of the circuit court of 
the county. In any county with more than 2,000,000 inhabitants, the county 
board shall order disbursements from the fund and the presiding officer of 
the county board, with the advice and consent of the county board, may 
appoint a library committee of not less than 9 members, who, by majority 
vote, may recommend to the county board as to disbursements of the fund 
and the operation of the library. In single county circuits with 2,000,000 or 
fewer inhabitants, disbursements from the County Law Library Fund shall 
be made by the county treasurer on the order of the chief judge of the 
circuit court of the county. In those single county circuits, the number of 
personnel necessary to operate and maintain the county law library shall be 
set by and those personnel shall be appointed by the chief judge. The 
county law library personnel shall serve at the pleasure of the appointing 
authority. The salaries of those personnel shall be fixed by the county 
board of the county. Orders shall be pre-audited, funds shall be audited by 
the county auditor, and a report of the orders and funds shall be rendered 
to the county board and to the judges.

Fees shall not be charged in any criminal or quasi-criminal case, in 
any matter coming to the clerk on change of venue, or in any proceeding to 
review the decision of any administrative officer, agency, or body. 
(Source: P.A. 90-92, eff. 1-1-98; 90-589, eff. 6-5-98.)

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

AN ACT concerning housing.

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

Section 5. The Housing Authorities Act is amended by changing Section 25 as follows:

(310 ILCS 10/25) (from Ch. 67 1/2, par. 25)
Sec. 25. Rentals and tenant selection. In the operation or management of housing projects an Authority shall at all times observe the following duties with respect to rentals and tenant selection:

(a) It shall not accept any person as a tenant in any dwelling in a housing project if the persons who would occupy the dwelling have an aggregate annual income which equals or exceeds the amount which the Authority determines (which determination shall be conclusive) to be necessary in order to enable such persons to secure safe, sanitary and uncongested dwelling accommodations within the area of operation of the Authority and to provide an adequate standard of living for themselves.

(b) It may rent or lease the dwelling accommodations therein only at rentals within the financial reach of persons who lack the amount of income which it determines (pursuant to (a) of this Section) to be necessary in order to obtain safe, sanitary and uncongested dwelling accommodations within the area of operation of the Authority and to provide an adequate standard of living.

(c) It may rent or lease to a tenant a dwelling consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding.

(d) It shall not change the residency preference of any prospective tenant once the application has been accepted by the authority.

(e) It may refuse to certify or recertify applicants, current tenants, or other household members if, after due notice and an impartial hearing, that person or any of the proposed occupants of the dwelling has, prior to or during a term of tenancy or occupancy in any housing project operated by an Authority, been convicted of a criminal offense relating to the sale or distribution of controlled substances under the laws of this State, the United States or any other state. If an Authority desires a criminal history records check of all

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50 states or a 50-state confirmation of a conviction record, the Authority shall submit the fingerprints of the relevant applicant, tenant, or other household member to the Department of State Police in a manner prescribed by the Department of State Police. Confirmation of conviction data shall be determined by a fingerprint based criminal history records check. In such cases, the tenant or proposed occupant to whom the disqualifying conviction record belongs shall have his or her fingerprints submitted to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish pursuant to positive identification, records of conviction to the Authority.

(f) It may, if a tenant has created or maintained a threat constituting a serious and clear danger to the health or safety of other tenants or Authority employees, after 3 days' written notice of termination and without a hearing, file suit against any such tenant for recovery of possession of the premises. The tenant shall be given the opportunity to contest the termination in the court proceedings. A serious and clear danger to the health or safety of other tenants or Authority employees shall include, but not be limited to, any of the following activities of the tenant or of any other person on the premises with the consent of the tenant:

(1) Physical assault or the threat of physical assault.
(2) Illegal use of a firearm or other weapon or the threat to use in an illegal manner a firearm or other weapon.
(3) Possession of a controlled substance by the tenant or any other person on the premises with the consent of the tenant if the tenant knew or should have known of the possession by the other person of a controlled substance, unless the controlled substance was obtained directly from or pursuant to a valid prescription.
(4) Streetgang membership as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act.

The management of low-rent public housing projects financed and developed under the U.S. Housing Act of 1937 shall be in accordance with that Act.

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Nothing contained in this Section or any other Section of this Act shall be construed as limiting the power of an Authority to vest in a bondholder or trustee the right, in the event of a default by the Authority, to take possession and operate a housing project or cause the appointment of a receiver thereof, free from all restrictions imposed by this Section or any other Section of this Act.

(Source: P.A. 93-418, eff. 1-1-04.)

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


PUBLIC ACT 93-0750
(Senate Bill No. 2946)

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

Section 5. The Illinois Civil Rights Act of 2003 is amended by changing Section 5 as follows:

(740 ILCS 23/5)
Sec. 5. Discrimination prohibited.
(a) No unit of State, county, or local government in Illinois shall:
   (1) exclude a person from participation in, deny a person the benefits of, or subject a person to discrimination under any program or activity on the grounds of that person's race, color, or national origin; or
   (2) utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, or national origin.

(b) Any party aggrieved by conduct that violates subsection (a) may bring a civil lawsuit, in a federal district court or State circuit court, against the offending unit of government. Any State claim brought in federal district court shall be a supplemental claim to a federal claim. This lawsuit must be brought not later than 2 years after the violation of subsection (a). If the court finds that a violation of paragraph (1) or (2) of subsection (a) has occurred, the court may award to the plaintiff actual and punitive damages and if the court finds that a violation of paragraph (2) of

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subsection (a) has occurred, the court may award to the plaintiff actual damages. The court, as it deems appropriate, may grant as relief any permanent or preliminary negative or mandatory injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the violation of subsection (a) or mandating affirmative action.

(c) Upon motion, a court shall award reasonable attorneys' fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in any action brought:

(1) pursuant to subsection (b); or
(2) to enforce a right arising under the Illinois Constitution.

In awarding reasonable attorneys' fees, the court shall consider the degree to which the relief obtained relates to the relief sought.

(d) For the purpose of this Act, the term "prevailing party" includes any party:

(1) who obtains some of his or her requested relief through a judicial judgment in his or her favor;
(2) who obtains some of his or her requested relief through any settlement agreement approved by the court; or
(3) whose pursuit of a non-frivolous claim was a catalyst for a unilateral change in position by the opposing party relative to the relief sought.

(Source: P.A. 93-425, eff. 1-1-04.)
Effective January 1, 2005.

PUBLIC ACT 93-0751
(Senate Bill No. 3174)

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

Section 5. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 10 as follows:

(740 ILCS 110/10) (from Ch. 91 1/2, par. 810)

Sec. 10. (a) Except as provided herein, in any civil, criminal, administrative, or legislative proceeding, or in any proceeding preliminary thereto, a recipient, and a therapist on behalf and in the interest of a

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recipient, has the privilege to refuse to disclose and to prevent the disclosure of the recipient's record or communications.

(1) Records and communications may be disclosed in a civil, criminal or administrative proceeding in which the recipient introduces his mental condition or any aspect of his services received for such condition as an element of his claim or defense, if and only to the extent the court in which the proceedings have been brought, or, in the case of an administrative proceeding, the court to which an appeal or other action for review of an administrative determination may be taken, finds, after in camera examination of testimony or other evidence, that it is relevant, probative, not unduly prejudicial or inflammatory, and otherwise clearly admissible; that other satisfactory evidence is demonstrably unsatisfactory as evidence of the facts sought to be established by such evidence; and that disclosure is more important to the interests of substantial justice than protection from injury to the therapist-recipient relationship or to the recipient or other whom disclosure is likely to harm. Except in a criminal proceeding in which the recipient, who is accused in that proceeding, raises the defense of insanity, no record or communication between a therapist and a recipient shall be deemed relevant for purposes of this subsection, except the fact of treatment, the cost of services and the ultimate diagnosis unless the party seeking disclosure of the communication clearly establishes in the trial court a compelling need for its production. However, for purposes of this Act, in any action brought or defended under the Illinois Marriage and Dissolution of Marriage Act, or in any action in which pain and suffering is an element of the claim, mental condition shall not be deemed to be introduced merely by making such claim and shall be deemed to be introduced only if the recipient or a witness on his behalf first testifies concerning the record or communication.

(2) Records or communications may be disclosed in a civil proceeding after the recipient's death when the recipient's physical or mental condition has been introduced as an element of a claim or defense by any party claiming or defending through or as a beneficiary of the recipient, provided the court finds, after in camera examination of the evidence, that it is relevant, probative, and otherwise clearly admissible; that other satisfactory evidence is not available regarding the facts sought to be established by such

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evidence; and that disclosure is more important to the interests of substantial justice than protection from any injury which disclosure is likely to cause.

(3) In the event of a claim made or an action filed by a recipient, or, following the recipient's death, by any party claiming as a beneficiary of the recipient for injury caused in the course of providing services to such recipient, the therapist and other persons whose actions are alleged to have been the cause of injury may disclose pertinent records and communications to an attorney or attorneys engaged to render advice about and to provide representation in connection with such matter and to persons working under the supervision of such attorney or attorneys, and may testify as to such records or communication in any administrative, judicial or discovery proceeding for the purpose of preparing and presenting a defense against such claim or action.

(4) Records and communications made to or by a therapist in the course of examination ordered by a court for good cause shown may, if otherwise relevant and admissible, be disclosed in a civil, criminal, or administrative proceeding in which the recipient is a party or in appropriate pretrial proceedings, provided such court has found that the recipient has been as adequately and as effectively as possible informed before submitting to such examination that such records and communications would not be considered confidential or privileged. Such records and communications shall be admissible only as to issues involving the recipient's physical or mental condition and only to the extent that these are germane to such proceedings.

(5) Records and communications may be disclosed in a proceeding under the Probate Act of 1975, to determine a recipient's competency or need for guardianship, provided that the disclosure is made only with respect to that issue.

(6) Records and communications may be disclosed when such are made during treatment which the recipient is ordered to undergo to render him fit to stand trial on a criminal charge, provided that the disclosure is made only with respect to the issue of fitness to stand trial.

(7) Records and communications of the recipient may be disclosed in any civil or administrative proceeding involving the validity of or benefits under a life, accident, health or disability

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insurance policy or certificate, or Health Care Service Plan Contract, insuring the recipient, but only if and to the extent that the recipient's mental condition, or treatment or services in connection therewith, is a material element of any claim or defense of any party, provided that information sought or disclosed shall not be redisclosed except in connection with the proceeding in which disclosure is made.

(8) Records or communications may be disclosed when such are relevant to a matter in issue in any action brought under this Act and proceedings preliminary thereto, provided that any information so disclosed shall not be utilized for any other purpose nor be redisclosed except in connection with such action or preliminary proceedings.

(9) Records and communications of the recipient may be disclosed in investigations of and trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide.

(10) Records and communications of a deceased recipient may be disclosed to a coroner conducting a preliminary investigation into the recipient's death under Section 3-3013 of the Counties Code. However, records and communications of the deceased recipient disclosed in an investigation shall be limited solely to the deceased recipient's records and communications relating to the factual circumstances of the incident being investigated in a mental health facility.

(11) Records and communications of a recipient shall be disclosed in a proceeding where a petition or motion is filed under the Juvenile Court Act of 1987 and the recipient is named as a parent, guardian, or legal custodian of a minor who is the subject of a petition for wardship as described in Section 2-3 of that Act or a minor who is the subject of a petition for wardship as described in Section 2-4 of that Act alleging the minor is abused, neglected, or dependent or the recipient is named as a parent of a child who is the subject of a petition, supplemental petition, or motion to appoint a guardian with the power to consent to adoption under Section 2-29 of the Juvenile Court Act of 1987.

(12) Records and communications of a recipient may be disclosed when disclosure is necessary to collect sums or receive third party payment representing charges for mental health or

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developmental disabilities services provided by a therapist or agency to a recipient; however, disclosure shall be limited to information needed to pursue collection, and the information so disclosed may not be used for any other purposes nor may it be redisclosed except in connection with collection activities. Whenever records are disclosed pursuant to this subdivision (12), the recipient of the records shall be advised in writing that any person who discloses mental health records and communications in violation of this Act may be subject to civil liability pursuant to Section 15 of this Act or to criminal penalties pursuant to Section 16 of this Act or both.

(b) Before a disclosure is made under subsection (a), any party to the proceeding or any other interested person may request an in camera review of the record or communications to be disclosed. The court or agency conducting the proceeding may hold an in camera review on its own motion. When, contrary to the express wish of the recipient, the therapist asserts a privilege on behalf and in the interest of a recipient, the court may require that the therapist, in an in camera hearing, establish that disclosure is not in the best interest of the recipient. The court or agency may prevent disclosure or limit disclosure to the extent that other admissible evidence is sufficient to establish the facts in issue. The court or agency may enter such orders as may be necessary to protect the confidentiality, privacy, and safety of the recipient or of other persons. Any order to disclose or to not disclose shall be considered a final order for purposes of appeal and shall be subject to interlocutory appeal.

(c) A recipient's records and communications may be disclosed to a duly authorized committee, commission or subcommittee of the General Assembly which possesses subpoena and hearing powers, upon a written request approved by a majority vote of the committee, commission or subcommittee members. The committee, commission or subcommittee may request records only for the purposes of investigating or studying possible violations of recipient rights. The request shall state the purpose for which disclosure is sought.

The facility shall notify the recipient, or his guardian, and therapist in writing of any disclosure request under this subsection within 5 business days after such request. Such notification shall also inform the recipient, or guardian, and therapist of their right to object to the disclosure within 10 business days after receipt of the notification and shall include the name, address and telephone number of the committee, commission or
subcommittee member or staff person with whom an objection shall be filed. If no objection has been filed within 15 business days after the request for disclosure, the facility shall disclose the records and communications to the committee, commission or subcommittee. If an objection has been filed within 15 business days after the request for disclosure, the facility shall disclose the records and communications only after the committee, commission or subcommittee has permitted the recipient, guardian or therapist to present his objection in person before it and has renewed its request for disclosure by a majority vote of its members.

Disclosure under this subsection shall not occur until all personally identifiable data of the recipient and provider are removed from the records and communications. Disclosure under this subsection shall not occur in any public proceeding.

(d) No party to any proceeding described under paragraphs (1), (2), (3), (4), (7), or (8) of subsection (a) of this Section, nor his or her attorney, shall serve a subpoena seeking to obtain access to records or communications under this Act unless the subpoena is accompanied by a written order issued by a judge, authorizing the disclosure of the records or the issuance of the subpoena. No person shall comply with a subpoena for records or communications under this Act, unless the subpoena is accompanied by a written order authorizing the issuance of the subpoena or the disclosure of the records.

(e) When a person has been transported by a peace officer to a mental health facility, then upon the request of a peace officer, if the person is allowed to leave the mental health facility within 48 hours of arrival, excluding Saturdays, Sundays, and holidays, the facility director shall notify the local law enforcement authority prior to the release of the person. The local law enforcement authority may re-disclose the information as necessary to alert the appropriate enforcement or prosecuting authority.

(f) A recipient's records and communications shall be disclosed to the Inspector General of the Department of Human Services within 10 business days of a request by the Inspector General (i) in the course of an investigation authorized by the Abused and Neglected Long Term Care Facility Residents Reporting Act and applicable rule or (ii) during the course of an assessment authorized by the Abuse of Adults with Disabilities Intervention Act and applicable rule. The request shall be in writing and signed by the Inspector General or his or her designee. The

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request shall state the purpose for which disclosure is sought. Any person who knowingly and willfully refuses to comply with such a request is guilty of a Class A misdemeanor.
(Source: P.A. 91-726, eff. 6-2-00; 92-358, eff. 8-15-01; 92-708, eff. 7-19-02.)

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

PUBLIC ACT 93-0752
(House Bill No. 5320)

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

Section 5. The Illinois Vehicle Code is amended by adding Section 6-105.1 as follows:

(625 ILCS 5/6-105.1 new)
Sec. 6-105.1. Temporary visitor's driver's license.
(a) The Secretary of State may issue a temporary visitor's driver's license to a foreign national who (i) resides in this State, (ii) is ineligible to obtain a social security number, and (iii) presents to the Secretary documentation, issued by United States Citizenship and Immigration Services, authorizing the person's presence in this country.

(b) A temporary visitor's driver's license is valid for 3 years, or for the period of time the individual is authorized to remain in this country, whichever ends sooner.

(c) The Secretary shall adopt rules for implementing this Section, including rules regarding the design and content of the temporary visitor's driver's license.

Effective January 1, 2005.
AN ACT concerning taxes.

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

Section 5. The Property Tax Code is amended by changing Section 10-300 as follows:

(35 ILCS 200/10-300)
Sec. 10-300. Veterans organization assessment freeze.
(a) For the taxable year 2000 and thereafter, the assessed value of real property owned and used by a veterans organization chartered under federal law, on which is located the principal building for the post, camp, or chapter, and, for taxable years 2004 and thereafter, the assessed value of real property owned by such an organization and used by the organization's members and guests for parking at the principal building for the post, camp, or chapter, must be frozen by the chief county assessment officer at (i) 15% of the 1999 assessed value of the property for property that qualifies for the assessment freeze in taxable year 2000 or (ii) 15% of the assessed value of the property for the taxable year that the property first qualifies for the assessment freeze after taxable year 2000. If, in any year, improvements or additions are made to the property that would increase the assessed value of the property were it not for this Section, then 15% of the assessed value of such improvements shall be added to the assessment of the property for that year and all subsequent years the property is eligible for the freeze.
(b) The veterans organization must annually submit an application to the chief county assessment officer on or before (i) January 31 of the assessment year in counties with a population of 3,000,000 or more and (ii) December 31 of the assessment year in all other counties. The initial application must contain the information required by the Department of Revenue, including (i) a copy of the organization's congressional charter, (ii) the location or description of the property on which is located the principal building for the post, camp, or chapter, (iii) a written instrument evidencing that the organization is the record owner or has a legal or equitable interest in the property, (iv) an affidavit that the organization is liable for paying the real property taxes on the property, and (v) the signature of the organization's chief presiding officer. Subsequent applications shall include any changes in the initial application and shall

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be signed by the organization's chief presiding officer. All applications shall be notarized.

(c) This Section shall not apply to parcels exempt under Section 15-145.
(Source: P.A. 91-635, eff. 8-20-99; 92-16, eff. 6-28-01.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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


PUBLIC ACT 93-0754
(House Bill No. 4410)

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

Section 5. The Illinois Optometric Practice Act of 1987 is amended by changing Section 4.5 as follows:

(225 ILCS 80/4.5)

(Section scheduled to be repealed on January 1, 2007)

Sec. 4.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice optometry without being licensed under this Act or any individual or entity that causes or attempts to cause a licensed optometrist or any other person under that individual's or entity's control to violate this Act or any other State or federal law or rule related to the practice of optometry shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in

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accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 89-474, eff. 6-18-96.)

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


PUBLIC ACT 93-0755
(House Bill No. 4461)

AN ACT concerning taxes.

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

Section 5. The Property Tax Code is amended by changing Sections 10-235, 10-245, and 10-250 as follows:

(35 ILCS 200/10-235)
Sec. 10-235. Low-income housing project valuation policy; intent. It is the policy of this State that low-income housing projects developed under Section 515 of the federal Housing Act or that qualify for the low-income housing tax credit under Section 42 of the Internal Revenue Code shall be valued at 33 and one-third percent of the fair market value of their economic productivity to the owners of the projects to help insure that their valuation for property taxation does not result in taxes so high that rent levels must be raised to cover this project expense, which can cause excess vacancies, project loan defaults, and eventual loss of rental housing facilities for those most in need of them, low-income families and the elderly. It is the intent of this State that the valuation required by this Division is the closest representation of cash value required by law and is the method established as proper and fair.
(Source: P.A. 92-16, eff. 6-28-01; 93-533, eff. 1-1-04.)
(35 ILCS 200/10-245)

New matter indicated by italics - deletions by strikeout.
Sec. 10-245. Method of valuation of low-income housing projects. Notwithstanding Section 1-55 and except in counties with a population of more than 200,000 that classify property for the purposes of taxation, to determine 33 and one-third percent of the fair cash value of any low-income housing project developed under the Section 515 program or that qualifies for the low-income housing tax credit under Section 42 of the Internal Revenue Code, in assessing the project, local assessment officers must consider the actual or probable net operating income attributable to the project, using a vacancy rate of not more than 5%, capitalized at normal market rates. The interest rate to be used in developing the normal market value capitalization rate shall be one that reflects the prevailing cost of cash for other types of commercial real estate in the geographic market in which the low-income housing project is located.
(Source: P.A. 93-533, eff. 1-1-04.)

(35 ILCS 200/10-250)
Sec. 10-250. Certification procedure and effective date of implementation.

(a) After (i) an application for a Section 515 low-income housing project certificate is filed with the State Director of the United States Department of Agriculture Rural Development Office in a manner and form prescribed in regulations issued by the office and (ii) the certificate is issued certifying that the housing is a Section 515 low-income housing project as defined in Section 2 of this Act, the certificate must be presented to the appropriate local assessment officer to receive the property assessment valuation under this Division. The local assessment officer must assess the property according to this Act. Beginning on January 1, 2000 and through taxable year 2003, all certified Section 515 low-income housing projects shall be assessed in accordance with Section 10-245.

(b) Beginning with taxable year 2004, all low-income housing projects that qualify for the low-income housing tax credit under Section 42 of the Internal Revenue Code shall be assessed in accordance with Section 10-245 if the owner or owners of the low-income housing project certify to the appropriate local assessment officer that the owner or owners qualify for the low-income housing tax credit under Section 42 of the Internal Revenue Code for the property.
(Source: P.A. 93-533, eff. 1-1-04.)

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


New matter indicated by italics - deletions by strikeout.

PUBLIC ACT 93-0756
(House Bill No. 4495)

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

Section 5. The Public Funds Investment Act is amended by adding Section 6.5 as follows:

(30 ILCS 235/6.5 new)
Sec. 6.5. Federally insured deposits at Illinois financial institutions.

(a) Notwithstanding any other provision of this Act or any other statute, whenever a public agency invests public funds in an interest-bearing savings account, interest-bearing certificate of deposit, or interest-bearing time deposit under Section 2 of this Act, the provisions of Section 6 of this Act and any other statutory requirements pertaining to the eligibility of a bank to receive or hold public deposits or to the pledging of collateral by a bank to secure public deposits do not apply to any bank receiving or holding all or part of the invested public funds if (i) the public agency initiates the investment at or through a bank located in Illinois and (ii) the invested public funds are at all time fully insured by an agency or instrumentality of the federal government.

(b) Nothing in this Section is intended to:

(1) prohibit a public agency from requiring the bank at or through which the investment of public funds is initiated to provide the public agency with the information otherwise required by subsections (a), (b), or (c) of Section 6 of this Act as a condition of investing the public funds at or through that bank; or

(2) permit a bank to receive or hold public deposits if that bank is prohibited from doing so by any rule, sanction, or order issued by a regulatory agency or by a court.

(c) For purposes of this Section, the term "bank" includes any person doing a banking business whether subject to the laws of this or any other jurisdiction.

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

New matter indicated by italics - deletions by strikeout.
AN ACT concerning cemeteries.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by adding Section 11-49-5 as follows:

(65 ILCS 5/11-49-5 new)
Sec. 11-49-5. Scattering garden. The corporate authorities of any municipality may establish a scattering garden in any municipal cemetery for the purpose of scattering cremated remains.

Effective January 1, 2005.

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

Section 5. The Property Tax Code is amended by changing Section 16-180 as follows:

(35 ILCS 200/16-180)
Sec. 16-180. Procedure for determination of correct assessment. The Property Tax Appeal Board shall establish by rules an informal procedure for the determination of the correct assessment of property which is the subject of an appeal. The procedure, to the extent that the Board considers practicable, shall eliminate formal rules of pleading, practice and evidence, and except for any reasonable filing fee determined by the Board, may provide that costs shall be in the discretion of the Board. A copy of the appellant's petition shall be mailed by the clerk of the Property Tax Appeal Board to the board of review whose decision is being appealed. In all cases where a change in assessed valuation of $100,000 or

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more is sought, the board of review shall serve a copy of the petition on all
taxing districts as shown on the last available tax bill. The chairman of the
Property Tax Appeal Board shall provide for the speedy hearing of all such
appeals. Each appeal shall be limited to the grounds listed in the petition
filed with the Property Tax Appeal Board. All appeals shall be considered
de novo and the Property Tax Appeal Board shall not be limited to the
evidence presented to the board of review of the county. A party
participating in the hearing before the Property Tax Appeal Board is
entitled to introduce evidence that is otherwise proper and admissible
without regard to whether that evidence has previously been introduced at
a hearing before the board of review of the county. Where no complaint
has been made to the board of review of the county where the property is
located and the appeal is based solely on the effect of an equalizing factor
assigned to all property or to a class of property by the board of review, the
Property Tax Appeal Board shall not grant a reduction in assessment
greater than the amount that was added as the result of the equalizing
factor.

The provisions added to this Section by this amendatory Act of the
93rd General Assembly shall be construed as declaratory of existing law
and not as a new enactment.

(Source: P.A. 93-248, eff. 7-22-03.)

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

county is divided into assessment districts as provided in Section 9-220, the county assessor shall publish a complete assessment list as soon as the assessment is completed as required under this Section. **If the county assessor revises the assessment after the complete assessment list is published, then the county assessor must publish a subsequent list of all the revised assessments for that year.** In years other than years of a general assessment or reassessment, the county assessor shall cause to be published, within the time and in the manner described here, a complete list of assessments in which changes are made together with the changes made in the valuation or assessment of property since the last preceding assessment. The publication shall contain a copy of the land value map for the township, if required by the Department.

The publication of the assessments or the changes shall be printed in some newspaper or newspapers of general circulation published in the county except that, in every township or incorporated town which has superseded a civil township, in which there is published one or more newspapers of general circulation, the assessment list of each township shall be published in one of the newspapers. In cities of more than 2,000,000 inhabitants, the assessment list of the city shall be printed in one or more newspapers of general circulation published in the township assessment district within the city or, in the event a newspaper of general circulation is not published within the township assessment district, in one or more newspapers of general circulation published within the city.

Any newspaper publishing an assessment list under this Section is entitled to a fee of 40¢ per column line for publishing the list.

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

Effective January 1, 2005.

**PUBLIC ACT 93-0760**
(House Bill No. 5130)

AN ACT concerning fees.

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

Section 5. The Clerks of Courts Act is amended by changing Sections 27.2, 27.2a and 27.3 as follows:
(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

New matter indicated by italics - deletions by strikeout.
Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 500,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, counties with more than 500,000 inhabitants but less than 3,000,000 inhabitants must charge the minimum fee listed in this Section and may charge up to the maximum fee if the county board has by resolution increased the fee. In addition, the minimum fees authorized in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $150 and a maximum of $190.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, a minimum of $10 and a maximum of $15.

(B) When that amount exceeds $250 but does not exceed $1,000, a minimum of $20 and a maximum of $40.

(C) When that amount exceeds $1,000 but does not exceed $2500, a minimum of $30 and a maximum of $50.

(D) When that amount exceeds $2500 but does not exceed $5,000, a minimum of $75 and a maximum of $100.

(D-5) When the amount exceeds $5,000 but does not exceed $15,000, a minimum of $75 and a maximum of $150.

(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(F) No fees shall be charged by the clerk to a petitioner in any order of protection including, but not limited to, filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, or for issuing alias summons, or for any related filing service, certifying, modifying, vacating, or photocopying any orders of protection.

(b) Forcible Entry and Detainer.

New matter indicated by italics - deletions by strikeout.
In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $40 and a maximum of $75. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $150 and a maximum of $225.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, a minimum of $50 and a maximum of $60. When the amount exceeds $1500, but does not exceed $5,000, $75. When the amount exceeds $5,000, but does not exceed $15,000, $175. When the amount exceeds $15,000, a minimum of $200 and a maximum of $250.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of $50 and a maximum of $75, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $20 and a maximum of $40.

(B) When the amount in the case does not exceed $1500, a minimum of $20 and a maximum of $40.

(C) When the amount in the case exceeds $1500 but does not exceed $15,000, a minimum of $40 and a maximum of $60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $10 and a maximum of $15; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $20 and

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a maximum of $30; and when the amount exceeds $5,000, a minimum of $30 and a maximum of $50.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $40 and a maximum of $50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $60 and a maximum of $75.

(3) Petition to vacate order of bond forfeiture, a minimum of $20 and a maximum of $40.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of $6 and a maximum of $10, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $10 and a maximum of $15.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of $80 and a maximum of $125.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $4 and a maximum of $6.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $50 and a maximum of $75.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $120 and a maximum of $150.
(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 and a maximum of 25 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, $2.
(B) Next 19 pages, 50 cents per page.
(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $4 and a maximum of $6 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $4 and a maximum of $6.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank).

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of $4 and a maximum of $5.

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(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $192.50 and a maximum of $212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $10 and a maximum of $20; for recording the same, a minimum of 25¢ and a maximum of 50¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $30 and a maximum of $60 for each expungement petition filed.
and an additional fee of a minimum of $2 and a maximum of $4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

1. For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $100 and a maximum of $150, plus the fees specified in subsection (v)(3), except:
   
   A. When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.
   
   B. When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $25 and a maximum of $40.

2. For administration of the estate of a ward, a minimum of $50 and a maximum of $75, plus the fees specified in subsection (v)(3), except:

   A. When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

   B. When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $10 and a maximum of $20.

3. In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

   A. For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $15 and a maximum of $25.
(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $10 and a maximum of $20; when the amount claimed is $500 or more but less than $10,000, a minimum of $25 and a maximum of $40; when the amount claimed is $10,000 or more, a minimum of $40 and a maximum of $60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $40 and a maximum of $60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $10 and a maximum of $30.

(F) For each jury demand, a minimum of $102.50 and a maximum of $137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $30 and a maximum of $50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $10 and a maximum of $20.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $1 and a maximum of $2, plus a minimum of 50¢ and a maximum of $1 per page in excess of 3 pages for the document certified.

New matter indicated by italics - deletions by strikeout.
(I) For each exemplification, a minimum of $1 and a maximum of $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $80 and a maximum of $125.

(B) Misdemeanor complaints, a minimum of $50 and a maximum of $75.

(C) Business offense complaints, a minimum of $50 and a maximum of $75.

(D) Petty offense complaints, a minimum of $50 and a maximum of $75.

(E) Minor traffic or ordinance violations, $20.

(F) When court appearance required, $30.

(G) Motions to vacate or amend final orders, a minimum of $20 and a maximum of $40.

(H) Motions to vacate bond forfeiture orders, a minimum of $20 and a maximum of $30.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $20 and a maximum of $30.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $20 and a maximum of $25.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $20 and a maximum of $40.

New matter indicated by italics - deletions by strikeout.
(2) In counties having a population of more than 500,000 but fewer than 3,000,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.
(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $50 and a maximum of $112.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.
For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.
(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.
(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $25 and a maximum of $40.

(z) Tax objection complaints.
For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of $25 and a maximum of $50.

(aa) Tax Deeds.
(1) Petition for tax deed, if only one parcel is involved, a minimum of $150 and a maximum of $250.
(2) For each additional parcel, add a fee of a minimum of $50 and a maximum of $100.

(bb) Collections.

New matter indicated by italics - deletions by strikeout.
(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2.5% and a maximum of 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $15 and a maximum of $25.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance

New matter indicated by italics - deletions by strikeout.
with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of authorized involuntary treatment in the form of medication under the Mental Health and Developmental Disabilities Code.

(ee) Adoptions.

(1) For an adoption .........................................$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act.

(gg) Unpaid fees.

Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived pursuant to court order, the clerk of the court may add to any unpaid fees and costs under this Section a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publication. The additional delinquency amounts collected under this Section shall be used to defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid fees and costs.

(Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03; revised 9-8-03.)

New matter indicated by italics - deletions by strikeout.
Sec. 27.2a. The fees of the clerks of the circuit court in all counties having a population of 3,000,000 or more inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $190 and a maximum of $240.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, a minimum of $15 and a maximum of $22.

(B) When that amount exceeds $250 but does not exceed $1000, a minimum of $40 and a maximum of $75.

(C) When that amount exceeds $1000 but does not exceed $2500, a minimum of $50 and a maximum of $80.

(D) When that amount exceeds $2500 but does not exceed $5000, a minimum of $100 and a maximum of $130.

(E) When that amount exceeds $5000 but does not exceed $15,000, $150.

(F) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(G) For the final determination of parking, standing, and compliance violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of the Illinois Vehicle Code, $25.

(H) No fees shall be charged by the clerk to a petitioner in any order of protection including, but not limited to, filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, or for issuing alias summons, or for any related filing service,
certifying, modifying, vacating, or photocopying any orders of protection.

(b) Forcible Entry and Detainer.
In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $75 and a maximum of $140. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $225 and a maximum of $335.

(c) Counterclaim or Joining Third Party Defendant.
When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.
In a confession of judgment when the amount does not exceed $1500, a minimum of $60 and a maximum of $70. When the amount exceeds $1500, but does not exceed $5000, a minimum of $75 and a maximum of $150. When the amount exceeds $5000, but does not exceed $15,000, a minimum of $175 and a maximum of $260. When the amount exceeds $15,000, a minimum of $250 and a maximum of $310.

(e) Appearance.
The fee for filing an appearance in each civil case shall be a minimum of $75 and a maximum of $110, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $40 and a maximum of $80.

(B) When the amount in the case does not exceed $1500, a minimum of $40 and a maximum of $80.

(C) When that amount exceeds $1500 but does not exceed $15,000, a minimum of $60 and a maximum of $90.

(f) Garnishment, Wage Deduction, and Citation.

New matter indicated by italics - deletions by strikeout.
In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $15 and a maximum of $25; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $30 and a maximum of $45; and when the amount exceeds $5,000, a minimum of $50 and a maximum of $80.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $50 and a maximum of $60.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $75 and a maximum of $90.

(3) Petition to vacate order of bond forfeiture, a minimum of $40 and a maximum of $80.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of $10 and a maximum of $15, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $15 and a maximum of $20.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of $125 and a maximum of $190.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $6 and a maximum of $9.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $75 and a maximum of $110.

New matter indicated by italics - deletions by strikeout.
(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $150 and a maximum of $185.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 25 and a maximum of 30 cents per page.

(5) For reproduction of any document contained in the clerk's files:
   (A) First page, $2.
   (B) Next 19 pages, 50 cents per page.
   (C) All remaining pages, 25 cents per page.

(l) Remands.

   In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

   For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $6 and a maximum of $9 for each year searched.

(n) Hard Copy.

   For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $6 and a maximum of $9.

(o) Index Inquiry and Other Records.

   No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank).

New matter indicated by italics - deletions by strikeout.
(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of $5 and a maximum of $6.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $212.50 and maximum of $230, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $20 and a maximum of $40; for recording the same, a minimum of 50¢ and a maximum of $0.80 for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

New matter indicated by italics - deletions by strikeout.
(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $60 and a maximum of $120 for each expungement petition filed and an additional fee of a minimum of $4 and a maximum of $8 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $150 and a maximum of $225, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $40 and a maximum of $65.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $40 and a maximum of $65.

(2) For administration of the estate of a ward, a minimum of $75 and a maximum of $110, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $40 and a maximum of $65.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $20 and a maximum of $40.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

New matter indicated by italics - deletions by strikeout.
(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $25 and a maximum of $40.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $20 and a maximum of $40; when the amount claimed is $500 or more but less than $10,000, a minimum of $40 and a maximum of $65; when the amount claimed is $10,000 or more, a minimum of $60 and a maximum of $90; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $60 and a maximum of $90.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $30 and a maximum of $90.

(F) For each jury demand, a minimum of $137.50 and a maximum of $180.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $50 and a maximum of $80, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $20 and a maximum of $40.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $2 and a

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maximum of $4, plus $1 per page in excess of 3 pages for the document certified.

(1) For each exemplification, $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $125 and a maximum of $190.

(B) Misdemeanor complaints, a minimum of $75 and a maximum of $110.

(C) Business offense complaints, a minimum of $75 and a maximum of $110.

(D) Petty offense complaints, a minimum of $75 and a maximum of $110.

(E) Minor traffic or ordinance violations, $30.

(F) When court appearance required, $50.

(G) Motions to vacate or amend final orders, a minimum of $40 and a maximum of $80.

(H) Motions to vacate bond forfeiture orders, a minimum of $30 and a maximum of $45.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $30 and a maximum of $45.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $25 and a maximum of $30.

New matter indicated by italics - deletions by strikeout.
(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $40 and a maximum of $50.

(2) In counties having a population of 3,000,000 or more, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:
   (A) Minor traffic or ordinance violations, $30.
   (B) When court appearance required, $50.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $112.50 and a maximum of $250 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.
   For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.
   (1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.
   (2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $40 and a maximum of $65.

(z) Tax objection complaints.
   For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of $50 and a maximum of $100.

(aa) Tax Deeds.
   (1) Petition for tax deed, if only one parcel is involved, a minimum of $250 and a maximum of $400.
(2) For each additional parcel, add a fee of a minimum of $100 and a maximum of $200.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $25 and a maximum of $40.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this

New matter indicated by italics - deletions by strikeout.
Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(3) The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of authorized involuntary treatment in the form of medication under the Mental Health and Developmental Disabilities Code.

(ee) Adoption.

(1) For an adoption ...................................$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act.

(gg) Unpaid fees.

Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived pursuant to court order, the clerk of the court may add to any unpaid fees and costs under this Section a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publication. The additional delinquency amounts collected under this Section shall be used to

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defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid fees and costs.

(Section: P.A. 92-521, eff. 6-1-02; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03; revised 9-8-03.)

(705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

Sec. 27.3b. The clerk of court may accept payment of fines, penalties, or costs by credit card or debit card approved by the clerk from an offender who has been convicted of or placed on court supervision for a traffic offense, petty offense, ordinance offense, or misdemeanor or who has been convicted of a felony offense. The clerk of the circuit court may accept credit card payments over the Internet for fines, penalties, or costs from offenders on voluntary electronic pleas of guilty in minor traffic and conservation offenses to satisfy the requirement of written pleas of guilty as provided in Illinois Supreme Court Rule 529. The clerk of the court may also accept payment of statutory fees by a credit card or debit card. The clerk of the court may also accept the credit card or debit card for the cash deposit of bail bond fees up to $300.

The Clerk of the circuit court is authorized to enter into contracts with credit card or debit card companies approved by the clerk and to pay those companies fees normally charged by those companies for allowing the clerk of the circuit court to accept their credit cards or debit cards in payment as authorized herein. Where the offender pays fines, penalties, or costs by credit card or debit card, or anyone paying statutory fees of the circuit court clerk or the posting of cash bail, the clerk shall collect a service fee of up to $5 or the amount charged to the clerk for use of its services by the credit card or debit card issuer. This service fee shall be in addition to any other fines, penalties, or costs.

(Section: P.A. 93-391, eff. 1-1-04.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 110-7 as follows:

(725 ILCS 5/110-7) (from Ch. 38, par. 110-7)


(a) The person for whom bail has been set shall execute the bail bond and deposit with the clerk of the court before which the proceeding is pending a sum of money equal to 10% of the bail, but in no event shall such deposit be less than $25. The clerk of the court shall provide a space on each form for a person other than the accused who has provided the money for the posting of bail to so indicate and a space signed by an accused who has executed the bail bond indicating whether a person other

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than the accused has provided the money for the posting of bail. The form shall also include a written notice to such person who has provided the defendant with the money for the posting of bail indicating that the bail may be used to pay costs, attorney's fees, fines, or other purposes authorized by the court and if the defendant fails to comply with the conditions of the bail bond, the court shall enter an order declaring the bail to be forfeited. The written notice must be: (1) distinguishable from the surrounding text; (2) in bold type or underscored; and (3) in a type size at least 2 points larger than the surrounding type. When a person for whom bail has been set is charged with an offense under the "Illinois Controlled Substances Act" which is a Class X felony, the court may require the defendant to deposit a sum equal to 100% of the bail. Where any person is charged with a forcible felony while free on bail and is the subject of proceedings under Section 109-3 of this Code the judge conducting the preliminary examination may also conduct a hearing upon the application of the State pursuant to the provisions of Section 110-6 of this Code to increase or revoke the bail for that person's prior alleged offense.

(b) Upon depositing this sum and any bond fee authorized by law, the person shall be released from custody subject to the conditions of the bail bond.

(c) Once bail has been given and a charge is pending or is thereafter filed in or transferred to a court of competent jurisdiction the latter court shall continue the original bail in that court subject to the provisions of Section 110-6 of this Code.

(d) After conviction the court may order that the original bail stand as bail pending appeal or deny, increase or reduce bail subject to the provisions of Section 110-6.2.

(e) After the entry of an order by the trial court allowing or denying bail pending appeal either party may apply to the reviewing court having jurisdiction or to a justice thereof sitting in vacation for an order increasing or decreasing the amount of bail or allowing or denying bail pending appeal subject to the provisions of Section 110-6.2.

(f) When the conditions of the bail bond have been performed and the accused has been discharged from all obligations in the cause the clerk of the court shall return to the accused or to the defendant's designee by an assignment executed at the time the bail amount is deposited, unless the court orders otherwise, 90% of the sum which had been deposited and shall retain as bail bond costs 10% of the amount deposited. However, in no event shall the amount retained by the clerk as bail bond costs be less
than $5. Bail bond deposited by or on behalf of a defendant in one case may be used, in the court's discretion, to satisfy financial obligations of that same defendant incurred in a different case due to a fine, court costs, restitution or fees of the defendant's attorney of record. In counties with a population of 3,000,000 or more, the court shall not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs and attorney's fees in the case in which the bail bond has been deposited and any other unpaid child support obligations are satisfied. In counties with a population of less than 3,000,000, the court shall not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs in the case in which the bail bond has been deposited.

At the request of the defendant the court may order such 90% of defendant's bail deposit, or whatever amount is repayable to defendant from such deposit, to be paid to defendant's attorney of record.

(g) If the accused does not comply with the conditions of the bail bond the court having jurisdiction shall enter an order declaring the bail to be forfeited. Notice of such order of forfeiture shall be mailed forthwith to the accused at his last known address. If the accused does not appear and surrender to the court having jurisdiction within 30 days from the date of the forfeiture or within such period satisfy the court that appearance and surrender by the accused is impossible and without his fault the court shall enter judgment for the State if the charge for which the bond was given was a felony or misdemeanor, or if the charge was quasi-criminal or traffic, judgment for the political subdivision of the State which prosecuted the case, against the accused for the amount of the bail and costs of the court proceedings; however, in counties with a population of less than 3,000,000, instead of the court entering a judgment for the full amount of the bond the court may, in its discretion, enter judgment for the cash deposit on the bond, less costs, retain the deposit for further disposition or, if a cash bond was posted for failure to appear in a matter involving enforcement of child support or maintenance, the amount of the cash deposit on the bond, less outstanding costs, may be awarded to the person or entity to whom the child support or maintenance is due. The deposit made in accordance with paragraph (a) shall be applied to the payment of costs. If judgment is entered and any amount of such deposit remains after the payment of costs it shall be applied to payment of the

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Judgment and transferred to the treasury of the municipal corporation wherein the bond was taken if the offense was a violation of any penal ordinance of a political subdivision of this State, or to the treasury of the county wherein the bond was taken if the offense was a violation of any penal statute of this State. The balance of the judgment may be enforced and collected in the same manner as a judgment entered in a civil action.

(h) After a judgment for a fine and court costs or either is entered in the prosecution of a cause in which a deposit had been made in accordance with paragraph (a) the balance of such deposit, after deduction of bail bond costs, shall be applied to the payment of the judgment.

(Source: P.A. 92-16, eff. 6-28-01; 93-371, eff. 1-1-04.)


Effective January 1, 2005.

Public Act 93-0761

(Senate Bill No. 2140)

An act concerning property taxes.

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

Section 5. The Property Tax Code is amended by changing Section 9-230 as follows:

(35 ILCS 200/9-230)

Sec. 9-230. Return of township or multi-township assessment books. The township or multi-township assessors in counties with less than 600,000 inhabitants, based on the 2000 federal decennial census, shall, on or before April 15 of the assessment year, return the assessment books or workbooks to the supervisor of assessments. The township or multi-township assessors in counties with 600,000 or more but no more than 700,000 inhabitants, based on the 2000 federal decennial census, shall, on or before October 15 of the assessment year, return the assessment books or workbooks to the supervisor of assessments. The township or multi-township assessors in counties with less than 3,000,000 inhabitants, but more than 700,000 inhabitants, based on the 2000 federal decennial census, shall, on or before November 15 of the assessment year, return the assessment books or workbooks to the supervisor of assessments. If a township or multi-township assessor in a county with less than 3,000,000 inhabitants, but more than 600,000

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inhabitants, based on the 2000 federal decennial census, does not return the assessment books or work books within the required time, the supervisor of assessments may take possession of the books and complete the assessments pursuant to law. Each of the books shall be verified by affidavit by the assessor substantially as follows:

State of Illinois)

County of .......

I do solemnly swear that the book or books .... in number, to which this affidavit is attached, contains a complete list of all of the property in the township or multi-township or assessment district herein described subject to taxation for the year .... so far as I have been able to ascertain, and that the assessed value set down in the proper column opposite the descriptions of property is a just and equal assessment of the property according to law.

Dated ............... 

If the supervisor of assessments determines that the township or multi-township assessor has not completed the assessments as required by law before returning the assessment books under this Section, the county board may submit a bill to the township board of trustees for the reasonable costs incurred by the supervisor of assessments in completing the assessments.

(Source: P.A. 85-1253; 88-455.)

Section 99. Effective date. This Act takes effect January 1, 2005.


Effective January 1, 2005.

PUBLIC ACT 93-0762
(Senate Bill No. 2238)

AN ACT in relation to insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by changing Section 143a-2 as follows:

(215 ILCS 5/143a-2) (from Ch. 73, par. 755a-2)
Sec. 143a-2. (1) Additional uninsured motor vehicle coverage. No policy insuring against loss resulting from liability imposed by law for

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bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be renewed or delivered or issued for delivery in this State with respect to any motor vehicle designed for use on public highways and required to be registered in this State unless uninsured motorist coverage as required in Section 143a of this Code is included in an amount equal to the insured's bodily injury liability limits unless specifically rejected by the insured as provided in paragraph (2) of this Section. Each insurance company providing the coverage must provide applicants with a brief description of the coverage and advise them of their right to reject the coverage in excess of the limits set forth in Section 7-203 of The Illinois Vehicle Code. The provisions of this amendatory Act of 1990 apply to policies of insurance applied for after June 30, 1991.

(2) Right of rejection of additional uninsured motorist coverage. Any named insured or applicant after June 30, 1991, every application for motor vehicle coverage must contain a space for indicating the rejection of additional uninsured motorist coverage. No rejection of that coverage may be effective unless the applicant signs or initials the indication of rejection. The applicant may reject additional uninsured motorist coverage in excess of the limits set forth in Section 7-203 of the Illinois Vehicle Code by making a written request for limits of uninsured motorist coverage which are less than bodily injury liability limits or a written rejection of limits in excess of those required by law. This election or rejection shall be binding on all persons insured under the policy. In those cases, including policies first issued before July 1, 1991, where the insured has elected to purchase limits of uninsured motorist coverage which are less than bodily injury liability limits or to reject limits in excess of those required by law, the insurer need not provide in any renewal, reinstatement, reissuance, substitute, amended, replacement or supplementary policy, coverage in excess of that elected by the insured in connection with a policy previously issued to such insured by the same insurer unless the insured subsequently makes a written request for such coverage.

(3) The original document application indicating the applicant's selection of uninsured motorist coverage limits shall constitute sufficient evidence of the applicant's selection of uninsured motorist coverage limits and shall be binding on all persons insured under the policy. For purposes of this Section any reproduction of the document application by means of photograph, photostat, microfiche, computerized optical imaging process,

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or other similar process or means of reproduction shall be deemed the equivalent of the original document application.

(4) For the purpose of this Code the term "underinsured motor vehicle" means a motor vehicle whose ownership, maintenance or use has resulted in bodily injury or death of the insured, as defined in the policy, and for which the sum of the limits of liability under all bodily injury liability insurance policies or under bonds or other security required to be maintained under Illinois law applicable to the driver or to the person or organization legally responsible for such vehicle and applicable to the vehicle, is less than the limits for underinsured coverage provided the insured as defined in the policy at the time of the accident. The limits of liability for an insurer providing underinsured motorist coverage shall be the limits of such coverage, less those amounts actually recovered under the applicable bodily injury insurance policies, bonds or other security maintained on the underinsured motor vehicle. However, the maximum amount payable by the underinsured motorist coverage carrier shall not exceed the amount by which the limits of the underinsured motorist coverage exceed the limits of the bodily injury liability insurance of the owner or operator of the underinsured motor vehicle.

On or after July 1, 1983, no policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be renewed or delivered or issued for delivery in this State with respect to any motor vehicle designed for use on public highways and required to be registered in this State unless underinsured motorist coverage is included in such policy in an amount equal to the total amount of uninsured motorist coverage provided in that policy where such uninsured motorist coverage exceeds the limits set forth in Section 7-203 of the Illinois Vehicle Code.

The changes made to this subsection (4) by this amendatory Act of the 93rd General Assembly apply to policies issued or renewed on or after December 1, 2004.

(5) Scope. Nothing herein shall prohibit an insurer from setting forth policy terms and conditions which provide that if the insured has coverage available under this Section under more than one policy or provision of coverage, any recovery or benefits may be equal to, but may not exceed, the higher of the applicable limits of the respective coverage, and the limits of liability under this Section shall not be increased because of multiple motor vehicles covered under the same policy of insurance.

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Insurers providing liability coverage on an excess or umbrella basis are neither required to provide, nor are they prohibited from offering or making available coverages conforming to this Section on a supplemental basis. Notwithstanding the provisions of this Section, an insurer shall not be prohibited from solely providing a combination of uninsured and underinsured motorist coverages where the limits of liability under each coverage is in the same amount.

(6) Subrogation against underinsured motorists. No insurer shall exercise any right of subrogation under a policy providing additional uninsured motorist coverage against an underinsured motorist where the insurer has been provided with written notice in advance of a settlement between its insured and the underinsured motorist and the insurer fails to advance a payment to the insured, in an amount equal to the tentative settlement, within 30 days following receipt of such notice.

(7) A policy which provides underinsured motor vehicle coverage may include a clause which denies payment until the limits of liability or portion thereof under all bodily injury liability insurance policies applicable to the underinsured motor vehicle and its operators have been partially or fully exhausted by payment of judgment or settlement. A judgment or settlement of the bodily injury claim in an amount less than the limits of liability of the bodily injury coverages applicable to the claim shall not preclude the claimant from making an underinsured motorist claim against the underinsured motorist coverage. Any such provision in a policy of insurance shall be inapplicable if the insured, or the legal representative of the insured, and the insurer providing underinsured motor vehicle coverage agree that the insured has suffered bodily injury or death as the result of the negligent operation, maintenance, or use of an underinsured motor vehicle and, without arbitration, agree also on the amount of damages that the insured is legally entitled to collect. The maximum amount payable pursuant to such an underinsured motor vehicle insurance settlement agreement shall not exceed the amount by which the limits of the underinsured motorist coverage exceed the limits of the bodily injury liability insurance of the owner or operator of the underinsured motor vehicle. Any such agreement shall be final as to the amount due and shall be binding upon both the insured and the underinsured motorist insurer regardless of the amount of any judgment, or any settlement reached between any insured and the person or persons responsible for the accident. No such settlement agreement shall be concluded unless: (i) the insured has complied with all other applicable
policy terms and conditions; and (ii) before the conclusion of the settlement agreement, the insured has filed suit against the underinsured motor vehicle owner or operator and has not abandoned the suit, or settled the suit without preserving the rights of the insurer providing underinsured motor vehicle coverage in the manner described in paragraph (6) of this Section.

(Source: P.A. 89-658, eff. 1-1-97.)

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

Approved July 16, 2004

PUBLIC ACT 93-0763
(Senate Bill No. 2839)

AN ACT in relation to certain land.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. Notwithstanding any other law to the contrary, upon the payment of the sum of one dollar to the City of Dixon, and subject to the conditions set forth in Section 900 of this Act, the City of Dixon is authorized to convey by quitclaim deed all right, title, and interest in and to the following property to the Lee County Industrial Development Association:

Lots 7, 8, and 9 in Lee County Business Park - Phase 2, City of Dixon, Lee County, Illinois;
ALSO,
Lot 6 in Lee County Business Park - Phase 2, City of Dixon, Lee County, Illinois, EXCEPT that part transferred to Commonwealth Edison by Warranty Deed recorded in Deed Book 0302 at page 3448, and described as follows: Beginning at the southeast corner of said Lot 6, and running thence North 90 degrees 00 minutes 00 seconds West (assumed bearing) on the south line of said Lot 6, a distance of 210.00 feet; thence North 0 degrees 13 minutes 41 seconds West, parallel with the east line of said Lot 6, a distance of 110.00 feet; thence South 90 degrees 00 minutes 00 seconds East, parallel with the south line of said Lot 6, a distance of 210.00 feet to the east line of said Lot 6; thence South 0 degrees 13 minutes 41

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seconds East on said east line, a distance of 110.00 feet to the point of beginning.

Section 900. The Clerk of the City of Dixon shall obtain a certified copy of the portions of this Act containing the title, enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be transferred or otherwise affected, and this Section within 60 days after its effective date and, upon receipt of payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county in which the land is located.

Section 999. Effective date. This Act takes effect upon becoming law.


Public Act 93-0764
(House Bill 3893)

AN ACT in relation to criminal law.

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

Section 5. The Criminal Code of 1961 is amended by adding Section 12-7.6 as follows:

(720 ILCS 5/12-7.6 new)
Sec. 12-7.6. Cross burning.
(a) A person commits the offense of cross burning who, with the intent to intimidate any other person or group of persons, burns or causes to be burned a cross.

(b) Sentence. Cross burning is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(c) For the purposes of this Section, a person acts with the "intent to intimidate" when he or she intentionally places or attempts to place another person in fear of physical injury or fear of damage to that other person's property.

Effective January 1, 2005.

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AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 12-7.1 as follows:

(720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

Sec. 12-7.1. Hate crime.

(a) A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action or disorderly conduct as these crimes are defined in Sections 12-1, 12-2, 12-3, 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, and 26-1 of this Code, respectively, or harassment by telephone as defined in Section 1-1 of the Harassing and Obscene Communications Act, or harassment through electronic communications as defined in clause (a)(4) of Section 1-2 of the Harassing and Obscene Communications Act.

(b) Except as provided in subsection (b-5), hate crime is a Class 4 felony for a first offense and a Class 2 felony for a second or subsequent offense.

(b-5) Hate crime is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense if committed:

(1) in a church, synagogue, mosque, or other building, structure, or place used for religious worship or other religious purpose;

(2) in a cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;

(3) in a school or other educational facility, including an administrative facility or public or private dormitory facility of or associated with the school or other educational facility;

(4) in a public park or an ethnic or religious community center;

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(5) on the real property comprising any location specified in clauses (1) through (4) of this subsection (b-5); or
(6) on a public way within 1,000 feet of the real property comprising any location specified in clauses (1) through (4) of this subsection (b-5).

(b-10) Upon imposition of any sentence, the trial court shall also either order restitution paid to the victim or impose a fine up to $1,000. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of hate crime. The court may also impose any other condition of probation or conditional discharge under this Section.

(c) Independent of any criminal prosecution or the result thereof, any person suffering injury to his person or damage to his property as a result of hate crime may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs. The parents or legal guardians, other than guardians appointed pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, of an unemancipated minor shall be liable for the amount of any judgment for actual damages rendered against such minor under this subsection (c) in any amount not exceeding the amount provided under Section 5 of the Parental Responsibility Law.

(d) "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

(Source: P.A. 92-830, eff. 1-1-03; 93-463, eff. 8-8-03.)

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

Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 3 as follows:

(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)
(Section scheduled to be repealed on July 1, 2008)
Sec. 3. Definitions. As used in this Act:
"Health care facilities" means and includes the following facilities and organizations:

1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;
2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;
3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;
4. Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease treatment centers maintained by the State or any department or agency thereof;
5. Kidney disease treatment centers, including a free-standing hemodialysis unit required to be licensed under the End Stage Renal Disease Facility Act; and
6. An institution, place, building, or room used for the performance of outpatient surgical procedures that is leased, owned, or operated by or on behalf of an out-of-state facility.

No federally owned facility shall be subject to the provisions of this Act, nor facilities used solely for healing by prayer or spiritual means.

No facility licensed under the Supportive Residences Licensing Act or the Assisted Living and Shared Housing Act shall be subject to the provisions of this Act.

A facility designated as a supportive living facility that is in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

This Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act. However, if a demonstration project under that Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.

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This Act does not apply to a dialysis facility that provides only dialysis training, support, and related services to individuals with end-stage renal disease who have elected to receive home dialysis. This Act does not apply to a dialysis unit located in a licensed nursing home that offers or provides dialysis-related services to residents with end-stage renal disease who have elected to receive home dialysis within the nursing home. The Board, however, may require these dialysis facilities and licensed nursing homes to report statistical information on a quarterly basis to the Board to be used by the Board to conduct analyses on the need for proposed kidney disease treatment centers.

This Act shall not apply to the closure of an entity or a portion of an entity licensed under the Nursing Home Care Act that elects to convert, in whole or in part, to an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act.

With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion which is subject to facility licensing requirements, irrespective of the party responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.

"Consumer" means any person other than a person (a) whose major occupation currently involves or whose official capacity within the last 12 months has involved the providing, administering or financing of any type of health care facility, (b) who is engaged in health research or the teaching of health, (c) who has a material financial interest in any activity which involves the providing, administering or financing of any type of

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health care facility, or (d) who is or ever has been a member of the immediate family of the person defined by (a), (b), or (c).

"State Board" means the Health Facilities Planning Board.

"Construction or modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership, of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any capital expenditure made by or on behalf of a health care facility for the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act shall be excluded from any obligations under this Act.

"Establish" means the construction of a health care facility or the replacement of an existing facility on another site.

"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall

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be included in determining if such expenditure exceeds the capital expenditures minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the equipment or facilities at fair market value would be subject to review.

"Capital expenditure minimum" means $6,000,000, which shall be annually adjusted to reflect the increase in construction costs due to inflation, for major medical equipment and for all other capital expenditures; provided, however, that when a capital expenditure is for the construction or modification of a health and fitness center, "capital expenditure minimum" means the capital expenditure minimum for all other capital expenditures in effect on March 1, 2000, which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"Non-clinical service area" means an area (i) for the benefit of the patients, visitors, staff, or employees of a health care facility and (ii) not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; news stands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for health service and having within it one or more local areas for health planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be
part of such major area. The term "subregion" may be used synonymously with the term "local".

"Areawide health planning organization" or "Comprehensive health planning organization" means the health systems agency designated by the Secretary, Department of Health and Human Services or any successor agency.

"Local health planning organization" means those local health planning organizations that are designated as such by the areawide health planning organization of the appropriate area.

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.

"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

"Director" means the Director of the Illinois Department of Public Health.

"Agency" means the Illinois Department of Public Health.

"Comprehensive health planning" means health planning concerned with the total population and all health and associated problems that affect the well-being of people and that encompasses health services, health manpower, and health facilities; and the coordination among these and with those social, economic, and environmental factors that affect health.

"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.

"Out-of-state facility" means a person that is both (i) licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and (ii) not licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility, its parent, or Illinois physicians licensed to practice medicine in all its branches shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act.

New matter indicated by italics - deletions by strikeout.
"Change of ownership of a health care facility" means a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change in ownership is indicated by the following transactions: sale, transfer, acquisition, lease, change of sponsorship, or other means of transferring control.

"Related person" means any person that: (i) is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or (ii) owns, directly or indirectly, at least 50% of the health care facility.

(Source: P.A. 93-41, eff. 6-27-03.)

Section 10. The End Stage Renal Disease Facility Act is amended by changing Sections 10 and 20 as follows:

(210 ILCS 62/10)
Sec. 10. License required. Except as provided by this Act, no person shall open, manage, conduct, offer, maintain, or advertise an end stage renal disease facility without a valid license issued by the Department.

Each ESRDF, including those that provide only training services, may oversee remote station facilities for home dialysis patients in licensed nursing homes under the ESRDF’s license. These remote station facilities are not required to obtain a separate license under this Act, but shall be inspected under Department rules as remote stations of the ESRDF.

Notwithstanding any other provisions of this Section, all end stage renal disease facilities in existence as of the effective date of rules adopted by the Department to implement this Act (the "Implementation Date") may continue to operate but must obtain a valid license to operate within one year after the Implementation Date adoption of rules to implement this Act.

(Source: P.A. 92-794, eff. 7-1-03.)

(210 ILCS 62/20)
Sec. 20. Issuance and renewal of license.
(a) An applicant for a license under this Act shall submit an application on forms prescribed by the Department.
(b) Each application shall be accompanied by a non-refundable license fee, as established by rule of the Department.
(c) Each application shall contain evidence that there is at least one physician responsible for the medical direction of the facility and that each dialysis technician on staff has completed a training program as required by this Act.

New matter indicated by italics - deletions by strikeout.
(d) The Department may grant a temporary initial license to an applicant. A temporary initial license expires on the earlier of (i) the date the Department issues or denies the license or (ii) the date 6 months after the temporary initial license was issued. The Department may issue subsequent temporary licenses when necessary.

(e) The Department shall issue a license if, after application, inspection, and investigation, it finds the applicant meets the requirements of this Act and the standards adopted pursuant to this Act. The Department may include participation as a supplier of end stage renal disease services under Titles XVIII and XIX of the federal Social Security Act as a condition of licensure. The Department may consider facilities and remote stations certified under Titles XVIII and XIX of the federal Social Security Act as meeting the licensure requirements under this Section.

(f) The license is renewable annually after submission of (i) the renewal application and fee and (ii) an annual report on a form prescribed by the Department that includes information related to quality of care at the end stage renal disease facility. The report must be in the form and documented by evidence as required by Department rule.

(Source: P.A. 92-794, eff. 7-1-03.)

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


PUBLIC ACT 93-0767
(Senate Bill No. 1631)

AN ACT in relation to the Metropolitan Water Reclamation District.

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

Section 5. The Property Tax Code is amended by changing Section 15-143 as follows:

(35 ILCS 200/15-143)

Sec. 15-143. Metropolitan Water Reclamation Districts in counties with a population greater than 3,000,000. All property that is located in a county with a population greater than 3,000,000 and that is owned by a metropolitan water reclamation district districts in a county counties with

New matter indicated by italics - deletions by strikeout.
a population greater than 3,000,000 is exempt. Any such property leased to an entity that is not exempt shall remain exempt, and the leasehold interest of the lessee shall be assessed under Section 9-195 of this Code. The changes made by this amendatory Act of the 93rd General Assembly are declaratory of existing law.

(Source: P.A. 91-546, eff. 8-14-99.)

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


PUBLIC ACT 93-0768
(House Bill No. 4032)

AN ACT in relation to criminal law.

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

Section 5. The Unified Code of Corrections is amended by changing Section 5-8-4 as follows:

(730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)
Sec. 5-8-4. Concurrent and Consecutive Terms of Imprisonment.
(a) When multiple sentences of imprisonment are imposed on a defendant at the same time, or when a term of imprisonment is imposed on a defendant who is already subject to sentence in this State or in another state, or for a sentence imposed by any district court of the United States, the sentences shall run concurrently or consecutively as determined by the court. When a term of imprisonment is imposed on a defendant by an Illinois circuit court and the defendant is subsequently sentenced to a term of imprisonment by another state or by a district court of the United States, the Illinois circuit court which imposed the sentence may order that the Illinois sentence be made concurrent with the sentence imposed by the other state or district court of the United States. The defendant must apply to the circuit court within 30 days after the defendant's sentence imposed by the other state or district of the United States is finalized. The court shall impose consecutive sentences if:

(i) one of the offenses for which defendant was convicted was first degree murder or a Class X or Class 1 felony and the defendant inflicted severe bodily injury, or

New matter indicated by italics - deletions by strikeout.
(ii) the defendant was convicted of a violation of Section 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961, or

(iii) the defendant was convicted of armed violence based upon the predicate offense of solicitation of murder, solicitation of murder for hire, heinous battery, aggravated battery of a senior citizen, criminal sexual assault, a violation of subsection (g) of Section 5 of the Cannabis Control Act, cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, calculated criminal drug conspiracy, or streetgang criminal drug conspiracy, or

(iv) the defendant was convicted of the offense of leaving the scene of a motor vehicle accident involving death or personal injuries under Section 11-401 and either: (A) aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof under Section 11-501 of the Illinois Vehicle Code, or (B) reckless homicide under Section 9-3 of the Criminal Code of 1961, or both an offense described in subdivision (A) and an offense described in subdivision (B), or

(v) the defendant was convicted of a violation of Section 9-3.1 (concealment of homicidal death) or Section 12-20.5 (dismembering a human body) of the Criminal Code of 1961, in which event the court shall enter sentences to run consecutively. Sentences shall run concurrently unless otherwise specified by the court.

(b) Except in cases where consecutive sentences are mandated, the court shall impose concurrent sentences unless, having regard to the nature and circumstances of the offense and the history and character of the defendant, it is of the opinion that consecutive sentences are required to protect the public from further criminal conduct by the defendant, the basis for which the court shall set forth in the record.

(c) (1) For sentences imposed under law in effect prior to February 1, 1978 the aggregate maximum of consecutive sentences shall not exceed the maximum term authorized under Section 5-8-1 for the 2 most serious felonies involved. The aggregate minimum period of consecutive sentences shall not exceed the highest minimum term authorized under Section 5-8-1 for the 2 most serious felonies involved. When sentenced
only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(2) For sentences imposed under the law in effect on or after February 1, 1978, the aggregate of consecutive sentences for offenses that were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective shall not exceed the sum of the maximum terms authorized under Section 5-8-2 for the 2 most serious felonies involved, but no such limitation shall apply for offenses that were not committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(d) An offender serving a sentence for a misdemeanor who is convicted of a felony and sentenced to imprisonment shall be transferred to the Department of Corrections, and the misdemeanor sentence shall be merged in and run concurrently with the felony sentence.

(e) In determining the manner in which consecutive sentences of imprisonment, one or more of which is for a felony, will be served, the Department of Corrections shall treat the offender as though he had been committed for a single term with the following incidents:

(1) the maximum period of a term of imprisonment shall consist of the aggregate of the maximums of the imposed indeterminate terms, if any, plus the aggregate of the imposed determinate sentences for felonies plus the aggregate of the imposed determinate sentences for misdemeanors subject to paragraph (c) of this Section;

(2) the parole or mandatory supervised release term shall be as provided in paragraph (e) of Section 5-8-1 of this Code for the most serious of the offenses involved;

(3) the minimum period of imprisonment shall be the aggregate of the minimum and determinate periods of imprisonment imposed by the court, subject to paragraph (c) of this Section; and

(4) the offender shall be awarded credit against the aggregate maximum term and the aggregate minimum term of imprisonment for all time served in an institution since the
commission of the offense or offenses and as a consequence thereof at the rate specified in Section 3-6-3 of this Code.

(f) A sentence of an offender committed to the Department of Corrections at the time of the commission of the offense shall be served consecutive to the sentence under which he is held by the Department of Corrections. However, in case such offender shall be sentenced to punishment by death, the sentence shall be executed at such time as the court may fix without regard to the sentence under which such offender may be held by the Department.

(g) A sentence under Section 3-6-4 for escape or attempted escape shall be served consecutive to the terms under which the offender is held by the Department of Corrections.

(h) If a person charged with a felony commits a separate felony while on pre-trial release or in pretrial detention in a county jail facility or county detention facility, the sentences imposed upon conviction of these felonies shall be served consecutively regardless of the order in which the judgments of conviction are entered.

(i) If a person admitted to bail following conviction of a felony commits a separate felony while free on bond or if a person detained in a county jail facility or county detention facility following conviction of a felony commits a separate felony while in detention, any sentence following conviction of the separate felony shall be consecutive to that of the original sentence for which the defendant was on bond or detained.

(Source: P.A. 92-16, eff. 6-28-01; 92-674, eff. 1-1-03; 93-160, eff. 7-10-03.)

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


PUBLIC ACT 93-0769
(House Bill No. 4947)

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

Section 5. The Illinois Procurement Code is amended by changing Section 45-45 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 45-45. Small businesses.

(a) Set-asides. The chief procurement officer has authority to designate as small business set-asides a fair proportion of construction, supply, and service contracts for award to small businesses in Illinois. Advertisements for bids or offers for those contracts shall specify designation as small business set-asides. In awarding the contracts, only bids or offers from qualified small businesses shall be considered.

(b) Small business. "Small business" means a business that is independently owned and operated and that is not dominant in its field of operation. The chief procurement officer shall establish a detailed definition by rule, using in addition to the foregoing criteria other criteria, including the number of employees and the dollar volume of business. When computing the size status of a bidder, annual sales and receipts of the bidder and all of its affiliates shall be included. The maximum number of employees and the maximum dollar volume that a small business may have under the rules promulgated by the chief procurement officer may vary from industry to industry to the extent necessary to reflect differing characteristics of those industries, subject to the following limitations:

   (1) No wholesale business is a small business if its annual sales for its most recently completed fiscal year exceed $10,000,000.
   (2) No retail business or business selling services is a small business if its annual sales and receipts exceed $6,000,000.
   (3) No manufacturing business is a small business if it employs more than 250 persons.
   (4) No construction business is a small business if its annual sales and receipts exceed $10,000,000.

(c) Fair proportion. For the purpose of subsection (a), for State agencies of the executive branch, a fair proportion of construction contracts shall be no less than 25% nor more than 40% of the annual total contracts for construction.

(d) Withdrawal of designation. A small business set-aside designation may be withdrawn by the purchasing agency when deemed in the best interests of the State. Upon withdrawal, all bids or offers shall be rejected, and the bidders or offerors shall be notified of the reason for rejection. The contract shall then be awarded in accordance with this Code without the designation of small business set-aside.
(e) Small business specialist. The chief procurement officer shall designate a State purchasing officer who will be responsible for engaging an experienced contract negotiator to serve as its small business specialist, whose duties shall include:

1. Compiling and maintaining a comprehensive bidders list of small businesses. In this duty, he or she shall cooperate with the Federal Small Business Administration in locating potential sources for various products and services.
2. Assisting small businesses in complying with the procedures for bidding on State contracts.
3. Examining requests from State agencies for the purchase of property or services to help determine which invitations to bid are to be designated small business set-asides.
4. Making recommendations to the chief procurement officer for the simplification of specifications and terms in order to increase the opportunities for small business participation.
5. Assisting in investigations by purchasing agencies to determine the responsibility of bidders on small business set-asides.

(f) Small business annual report. The State purchasing officer designated under subsection (e) shall annually before December 1 report in writing to the General Assembly concerning the awarding of contracts to small businesses. The report shall include the total value of awards made in the preceding fiscal year under the designation of small business set-aside. The report shall also include the total value of awards made to businesses owned by minorities, females, and persons with disabilities, as defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, in the preceding fiscal year under the designation of small business set-aside.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act.

(Source: P.A. 92-60, eff. 7-12-01.)

Effective January 1, 2005.
PUBLIC ACT 93-0770
(House Bill No. 0722)

AN ACT in relation to mental health.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Mental Health and Developmental Disabilities Code
is amended by changing Sections 3-605 and 3-819 as follows:

(405 ILCS 5/3-605) (from Ch. 91 1/2, par. 3-605)
Sec. 3-605. (a) In counties with a population of 3,000,000 or more,
upon receipt of a petition and certificate prepared pursuant to this Article,
the county sheriff of the county in which a respondent is found shall take a
respondent into custody and transport him to a mental health facility, or
may make arrangements with another public or private entity including a
licensed ambulance service to transport the respondent to the mental health
facility. In the event it is determined by such facility that the respondent is
in need of commitment or treatment at another mental health facility, the
county sheriff shall transport the respondent to the appropriate mental
health facility, or the county sheriff may make arrangements with another
public or private entity including a licensed ambulance service to transport
the respondent to the mental health facility.

(b) The county sheriff may delegate his duties under subsection (a)
hereunder to another law enforcement body within that county if that law
enforcement body agrees.

(b-5) In counties with a population under 3,000,000, upon receipt
of a petition and certificate prepared pursuant to this Article, the
Department shall make arrangements to appropriately transport the
respondent to a mental health facility. In the event it is determined by the
facility that the respondent is in need of commitment or treatment at
another mental health facility, the Department shall make arrangements to
appropriately transport the respondent to another mental health facility.
The making of such arrangements and agreements with public or private
entities is independent of the Department's role as a provider of mental
health services and does not indicate that the respondent is admitted to
any Department facility. In making such arrangements and agreements
with other public or private entities, the Department shall include
provisions to ensure (i) the provision of trained personnel and the use of
an appropriate vehicle for the safe transport of the respondent and (ii)
that the respondent's insurance carrier as well as other programs, both

New matter indicated by italics - deletions by strikeout.
public and private, that provide payment for such transportation services are fully utilized to the maximum extent possible.

The Department may not make arrangements with an existing hospital or grant-in-aid or fee-for-service community provider for transportation services under this Section unless the hospital or provider has voluntarily submitted a proposal for its transportation services. This requirement does not eliminate or reduce any responsibility on the part of a hospital or community provider to ensure transportation that may arise independently through other State or federal law or regulation.

(c) The transporting authority acting in good faith and without negligence in connection with the transportation of respondents shall incur no liability, civil or criminal, by reason of such transportation.

(d) The respondent and the estate of that respondent are liable for the payment of transportation costs for transporting the respondent to a mental health facility. If the respondent is a beneficiary of a trust described in Section 15.1 of the Trusts and Trustees Act, the trust shall not be considered a part of the respondent's estate and shall not be subject to payment for transportation costs for transporting the respondent to a mental health facility under this Section except to the extent permitted under Section 15.1 of the Trusts and Trustees Act. If the respondent is unable to pay or if the estate of the respondent is insufficient, the responsible relatives are severally liable for the payment of those sums or for the balance due in case less than the amount owing has been paid. If the respondent is covered by insurance, the insurance carrier shall be liable for payment to the extent authorized by the respondent's insurance policy.

(Source: P.A. 87-1158.)

(405 ILCS 5/3-819) (from Ch. 91 1/2, par. 3-819)

Sec. 3-819. (a) In counties with a population of 3,000,000 or more, when a recipient is hospitalized upon court order, the order may authorize a relative or friend of the recipient to transport the recipient to the facility if such person is able to do so safely and humanely. When the Department indicates that it has transportation to the facility available, the order may authorize the Department to transport the recipient there. The court may order the sheriff of the county in which such proceedings are held to transport the recipient to the facility. When a recipient is hospitalized upon court order, and the recipient has been transported to a mental health facility, other than a state-operated mental health facility, and it is determined by the facility that the recipient is in need of commitment or treatment at another mental health facility, the court shall determine

New matter indicated by italics - deletions by strikeout.
whether a relative or friend of the recipient or the Department is authorized to transport the recipient between facilities, or whether the county sheriff is responsible for transporting the recipient between facilities. The sheriff may make arrangements with another public or private entity including a licensed ambulance service to transport the recipient to the facility. The transporting entity acting in good faith and without negligence in connection with the transportation of recipients shall incur no liability, civil or criminal, by reason of such transportation.

(a-5) In counties with a population under 3,000,000, when a recipient is hospitalized upon court order, the order may authorize a relative or friend of the recipient to transport the recipient to the facility if the person is able to do so safely and humanely. The court may order the Department to transport the recipient to the facility. When a recipient is hospitalized upon court order, and the recipient has been transported to a mental health facility other than a State-operated mental health facility, and it is determined by the facility that the recipient is in need of commitment or treatment at another mental health facility, the court shall determine whether a relative or friend of the recipient is authorized to transport the recipient between facilities, or whether the Department is responsible for transporting the recipient between facilities. If the court determines that the Department is responsible for the transportation, the Department shall make arrangements either directly or through agreements with another public or private entity, including a licensed ambulance service, to appropriately transport the recipient to the facility. The making of such arrangements and agreements with public or private entities is independent of the Department’s role as a provider of mental health services and does not indicate that the recipient is admitted to any Department facility. In making such arrangements and agreements with other public or private entities, the Department shall include provisions to ensure (i) the provision of trained personnel and the use of an appropriate vehicle for the safe transport of the recipient and (ii) that the recipient’s insurance carrier as well as other programs, both public and private, that provide payment for such transportation services are fully utilized to the maximum extent possible.

The Department may not make arrangements with an existing hospital or grant-in-aid or fee-for-service community provider for transportation services under this Section unless the hospital or provider has voluntarily submitted a proposal for its transportation services. This requirement does not eliminate or reduce any responsibility on the part of
a hospital or community provider to ensure transportation that may arise independently through other State or federal law or regulation.

A transporting entity acting in good faith and without negligence in connection with the transportation of a recipient incurs no liability, civil or criminal, by reason of that transportation.

(b) The court may authorize the transporting entity may to bill the recipient, the estate of the recipient, legally responsible relatives, or insurance carrier for the cost of providing transportation of the recipient to a mental health facility. The recipient and the estate of the recipient are liable for the payment of transportation costs for transporting the recipient to a mental health facility. If the recipient is a beneficiary of a trust described in Section 15.1 of the Trusts and Trustees Act, the trust shall not be considered a part of the recipient's estate and shall not be subject to payment for transportation costs for transporting the recipient to a mental health facility under this section, except to the extent permitted under Section 15.1 of the Trusts and Trustees Act. If the recipient is unable to pay or if the estate of the recipient is insufficient, the responsible relatives are severally liable for the payment of those sums or for the balance due in case less than the amount owing has been paid. If the recipient is covered by insurance, the insurance carrier shall be liable for payment to the extent authorized by the recipient's insurance policy.

(c) Upon the delivery of a recipient to a facility, in accordance with the procedure set forth in this Article, the facility director of the facility shall sign a receipt acknowledging custody of the recipient and for any personal property belonging to him, which receipt shall be filed with the clerk of the court entering the hospitalization order.

(Source: P.A. 87-1158; 88-380.)


PUBLIC ACT 93-0771
(House Bill No. 1082)

AN ACT in relation to health care.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Medical Patient Rights Act is amended by adding Section 7 as follows:

(410 ILCS 50/7 new)

Sec. 7. Patient examination. Any physician, medical student, resident, advanced practice nurse, registered nurse, or physician assistant who provides treatment or care to a patient shall inform the patient of his or her profession upon providing the treatment or care, which includes but is not limited to any physical examination, such as a pelvic examination. In the case of an unconscious patient, any care or treatment must be related to the patient’s illness, condition, or disease.

Section 99. Effective date. This Act takes effect July 1, 2004.

PUBLIC ACT 93-0772
(House Bill No. 2572)

AN ACT in relation to property.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Cemetery Protection Act is amended by changing Section 16 and by adding Section 14.5 as follows:

(765 ILCS 835/14.5 new)

Sec. 14.5. Correction of encroachment on interment, entombment, or inurnment rights.

(a) Whenever a cemetery becomes aware that there is an encroachment on or in the lawful interment, inurnment, or entombment rights of another, and when the cemetery buried or placed or permitted the burial or placement of the encroaching item in or on these rights, the cemetery may correct the encroachment in accordance with this Section. This Section shall not apply to, or be utilized in connection with, any eminent domain, quick-take, or other condemnation proceeding that is designed to relocate a cemetery or portion thereof to another location.

(b) When the encroaching item is a marker, monument or memorial that should be placed on or in another interment, inurnment, or entombment right located within the cemetery, or when the item is the foundation or base for any of the foregoing, the cemetery may with reasonable promptness, and without being required to obtain any permit,

New matter indicated by italics - deletions by strikeout.
relocate the item to its proper place. Notice of the corrective action shall be given no later than 30 days following the correction in accordance with subsection (d) of this Section.

(c) When the encroaching item is a vault, casket, urn, outer burial container, or human remains that should be placed in or on another interment, inurnment, or entombment right located within the cemetery, the cemetery may with reasonable promptness, and without being required to obtain any permit, relocate the item to its proper place. Except as otherwise provided in this subsection, notice of the corrective action shall be given no later than 30 days prior to the correction in accordance with subsection (d) of this Section. When the involved encroachment would, if uncorrected within 30 days, interfere with a scheduled interment, inurnment, or entombment, then the notice shall be given in accordance with subsection (d) of this Section with as much advance notice as reasonably possible or, if advance notice is not reasonably possible, no later than 30 days following the correction. In the event the correction is to occur in a religious cemetery that, for religious reasons, maintains rules that preclude advance notice of corrections, the notice shall occur no later than 30 days following the correction.

(d) Notice under this Section shall be by certified mail or other delivery method that has a confirmation procedure, in 12-point type, to the owner of any affected interment, inurnment, or entombment right or, when the owner is deceased, to the surviving spouse of the deceased, or if none, any surviving children of the deceased, or if no surviving spouse or children, a parent, brother, or sister of the deceased, or, if failing all of the above, any other listed heir of the deceased in the cemetery records. In providing notice, the cemetery authority shall exercise due diligence to engage in a reasonable search of available funeral home of record or cemetery records to obtain the current address of the party to be notified. The notice shall provide a clear statement of the correction taken or to be taken, together with the reasons for the correction, and shall outline a simple process for the notified person to obtain additional information regarding the correction from the cemetery. When advance notice is required, the notice shall inform the notified party of his or her right to be present for any reinterment, reinurnment, or reentombment, as well as his or her option to object by obtaining an injunction enjoining the contemplated correction. The cemetery shall maintain for no less than 5 years a record of any notice provided under this Section.

New matter indicated by italics - deletions by strikeout.
(e) Nothing in this Section shall make a cemetery financially responsible for the correction of encroachments that are directly or indirectly caused by the owner of an interment, inurnment, or entombment right or by his or her heirs or by an act of God, war, or vandalism. The cemetery shall be financially responsible for the correction of all other encroachments covered by this Section.

(f) Nothing in this Section shall be construed to limit the liability of any party.

(765 ILCS 835/16)

Sec. 16. When a multiple interment right owner becomes deceased, the ownership of any unused rights of interment shall pass in accordance with the specific bequest in the decedent's will. If there is no will or specific bequest then the ownership and use of the unused rights of interment shall be determined by a cemetery authority in accordance with the information set out on a standard affidavit for cemetery interment rights use form if such a form has been prepared. The unused right of interment shall be used for the interment of the first deceased heir listed on the standard affidavit and continue in sequence until all listed heirs are deceased. In the event that an interment right is not used, the interment right shall pass to the heirs of the heirs of the deceased interment right owner in perpetuity. This shall not preclude the ability of the heirs to sell said interment rights, in the event that all listed living heirs are in agreement. If the standard affidavit for cemetery interment rights use, showing heirship of decedent interment right owner's living heirs is provided to and followed by a cemetery authority, the cemetery authority shall be released of any liability in relying on that affidavit.

The following is the form of the standard affidavit:

STATE OF ILLINOIS             )
 ) SS
COUNTY OF ....................)

AFFIDAVIT FOR CEMETERY INTERMENT RIGHTS USE

I, ................, being first duly sworn on oath depose and say that:

1. A. My place of residence is ..................
   B. My post office address is ..................
   C. I understand that I am providing the information contained in this affidavit to the ..............("Cemetery") and the Cemetery shall, in the absence of directions to the contrary in my will, rely on this information to allow the listed individuals to be interred in any unused interment rights in the order of their death.

New matter indicated by italics - deletions by strikeout.
D. I understand that, if I am an out-of-state resident, I submit myself to the jurisdiction of Illinois courts for all matters related to the preparation and use of this affidavit. My agent for service of process in Illinois is:

Name ................ Address ................
City .............. Telephone .............

Items 2 through 6 must be completed by the executor of the decedent's estate, a personal representative, owner's surviving spouse, or surviving heir.

2. The decedent's name is .........................
3. The date of decedent's death was ............... 
4. The decedent's place of residence immediately before his or her death was ......................... 
5. My relationship to the decedent is ............... and I am authorized to sign and file this affidavit.
6. At the time of death, the decedent (had no) (had a) surviving spouse. The name of the surviving spouse, if any, is ....................., and he or she (has) (has not) remarried.
7. The following is a list of the cemetery interment rights that may be used by the heirs if the owner is deceased:

                        ............................................................
                        ............................................................

8. The following persons have an ownership interest in and the right to use the cemetery interment rights in the order of their death:

                        ............................................................
                        ............................................................ 
                        ............................................................
                        ............................................................ 
                        ............................................................

9. This affidavit is made for the purpose of obtaining the consent of the undersigned to transfer the right of interment at the above mentioned cemetery property to the listed heirs. Affiants agree that they will save, hold harmless, and indemnify Cemetery, its heirs, successors, employees, and assigns, from all claims, loss, or damage whatsoever that may result from relying on this affidavit to record said transfer in its records and allow interments on the basis of the information contained in this affidavit.

New matter indicated by italics - deletions by strikeout.
WHEREFORE affiant requests Cemetery to recognize the above named heirs-at-law as those rightfully entitled to the ownership of and use of said interment (spaces).

THE FOREGOING STATEMENT IS MADE UNDER THE PENALTIES OF PERJURY. (A FRAUDULENT STATEMENT MADE UNDER THE PENALTIES OF PERJURY IS PERJURY AS DEFINED IN THE CRIMINAL CODE OF 1961.)

Dated this ........ day of ............, ..... ................................ (Seal) (To be signed by the owner or the individual who completes items 2 through 6 above.) Subscribed and sworn to before me, a Notary Public in and for the County and State of ............ aforesaid this ........ day of ............, ..... ................................ Notary Public.

(Source: P.A. 92-419, eff. 1-1-02.)

Effective January 1, 2005.

PUBLIC ACT 93-0773
(House Bill No. 4502)

AN ACT in relation to persons with disabilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 57 as follows:

Sec. 57. In order to identify the service needs of persons with autism, the Department shall study the needs of the population. The Department of Human Services shall periodically convene a special task force of representatives of the various State agencies with related programs and services together with other interested parties and stakeholders to study and assess the service needs of persons with autism. The Secretary of Human Services shall submit the report submitted in accordance with Public Act 84-1291. The Secretary of Human Services shall submit a report of the task force's findings and recommendations and the Secretary's priorities to the Governor and the General Assembly by September 1, 2005. The Secretary shall provide annual progress reports to the Governor and the General Assembly by

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January 1 of each year, beginning on January 1, 2006. The reports shall include an analysis of progress made since the submission of that report in the areas outlined in that report, with emphasis on the following areas:

a. Early intervention services for children with autism and their parents;

b. Enhancement of family support mechanisms to enable persons with autism to remain in a home-based or community family home environment in the least-restrictive setting possible, including progress on the implementation of plans to provide assistance to individuals and families; the plan shall include, but not be limited to, (i) identification of the services required, (ii) the availability of services, especially those within the home community of the person with autism, (iii) the number of persons requiring the services, (iv) the cost of the services, (v) the capacity of the person with autism and his or her family to independently provide the services and the extent to which the State may support the individual and family effort, (vi) the extent of existing and planned State support, (vii) the availability and utilization of federal financial participation in the cost of services, and (viii) the outcomes and impact of services being provided;

c. Services for adequate transition for people with autism from public school programs to adult work and day programs; and

d. Plans, programs, and services under the Disabilities Services Act of 2003 Facilitation of placement of persons with autism in the least restrictive community setting.

The Department of Human Services and the Department of Public Aid shall determine the availability of federal financial participation in the cost of developing a family support program, which would include medical assistance coverage for children diagnosed with autism who would otherwise qualify for medical assistance under the Illinois Public Aid Code except for family income. The program would include services to support persons with autism in their homes and communities that are not provided through local school systems, early intervention programs, or the medical assistance program under the Illinois Public Aid Code. The departments shall determine the feasibility of obtaining federal financial participation and may apply for any applicable waiver under Section 1915(c) of the federal Social Security Act.

For the purpose of this service needs review, autism means a severely incapacitating life-long developmental disability which:

a. may be manifested before a person is 30 months of age,

b. may be caused by physical disorders of the brain, and

New matter indicated by italics - deletions by strikeout.
c. is characterized by uneven intellectual development and a combination of disturbances in the rates and sequences of cognitive, affective, psychomotor, language and speech development. This syndrome is further evidenced by abnormal responses to sensory stimuli, problems in developing social relationships, and ritualistic and compulsive behavior. (Source: P.A. 85-971.)

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


PUBLIC ACT 93-0774
(House Bill No. 4818)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by adding Section 3-2.5 as follows:

(305 ILCS 5/3-2.5 new)

Sec. 3-2.5. Sheltered care rates. The Department of Human Services shall increase the sheltered care rates in effect on June 30, 2004, by 10%.

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

Passed in the General Assembly June 1, 2004.

PUBLIC ACT 93-0775
(House Bill No. 4837)

AN ACT concerning the Department on Aging.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Act on the Aging is amended by adding Section 4.02c as follows:

(20 ILCS 105/4.02c new)

New matter indicated by italics - deletions by strikeout.
Sec. 4.02c. Comprehensive Care in Residential Settings Demonstration Project.

(a) The Department may establish and fund a demonstration program of bundled services designed to support the specialized needs of clients currently residing in projects that were formerly designated as Community Based Residential Facilities. Participating projects must hold a valid license, which remains unsuspended, unrevoked, and unexpired, under the provisions of the Assisted Living and Shared Housing Act.

(b) The demonstration program must include, at a minimum:

1. 3 meals per day;
2. routine housekeeping services;
3. 24-hour-a-day security;
4. an emergency response system;
5. personal laundry and linen service;
6. assistance with activities of daily living;
7. medication management; and
8. money management.

Optional services, such as transportation and social activities, may be provided.

(c) Reimbursement for the program shall be based on the client’s level of need and functional impairment, as determined by the Department. Clients must meet all eligibility requirements established by rule. The Department may establish a capitated reimbursement mechanism based on the client’s level of need and functional impairment. Reimbursement for program must be made to the Department-contracted provider delivering the services.

(d) The Department shall adopt rules and provide oversight for the project, with assistance and advice provided by the Assisted Living and Shared Housing Advisory Board and Assisted Living and Shared Housing Quality of Life Committee.

The project may be funded through the Department appropriations that may include Medicaid waiver funds.

(e) Before January 1, 2008, the Department, in consultation with the Assisted Living and Shared Housing Advisory Board, must report to the General Assembly on the results of the demonstration project. The report must include, without limitation, any recommendations for changes or improvements, including changes or improvements in the administration of the program and an evaluation.

New matter indicated by italics - deletions by strikeout.
Section 10. The Assisted Living and Shared Housing Act is amended by changing Sections 90 and 140 as follows:

(210 ILCS 9/90)

Sec. 90. Contents of service delivery contract. A contract between an establishment and a resident must be entitled "assisted living establishment contract" or "shared housing establishment contract" as applicable, shall be printed in no less than 12 point type, and shall include at least the following elements in the body or through supporting documents or attachments:

(1) the name, street address, and mailing address of the establishment;
(2) the name and mailing address of the owner or owners of the establishment and, if the owner or owners are not natural persons, the type of business entity of the owner or owners;
(3) the name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease agreement, if the managing agent is different from the owner or owners;
(4) the name and address of at least one natural person who is authorized to accept service on behalf of the owners and managing agent;
(5) a statement describing the license status of the establishment and the license status of all providers of health-related or supportive services to a resident under arrangement with the establishment;
(6) the duration of the contract;
(7) the base rate to be paid by the resident and a description of the services to be provided as part of this rate;
(8) a description of any additional services to be provided for an additional fee by the establishment directly or by a third party provider under arrangement with the establishment;
(9) the fee schedules outlining the cost of any additional services;
(10) a description of the process through which the contract may be modified, amended, or terminated;
(11) a description of the establishment's complaint resolution process available to residents and notice of the availability of the Department on Aging's Senior Helpline for complaints;

New matter indicated by italics - deletions by strikeout.
(12) the name of the resident's designated representative, if any;
(13) the resident's obligations in order to maintain residency and receive services including compliance with all assessments required under Section 15;
(14) the billing and payment procedures and requirements;
(15) a statement affirming the resident's freedom to receive services from service providers with whom the establishment does not have a contractual arrangement, which may also disclaim liability on the part of the establishment for those services;
(16) a statement that medical assistance under Article V or Article VI of the Illinois Public Aid Code is not available for payment for services provided in an establishment, excluding contracts executed with residents residing in licensed establishments participating in the Department on Aging's Comprehensive Care in Residential Settings Demonstration Project;
(17) a statement detailing the admission, risk management, and residency termination criteria and procedures;
(18) a statement listing the rights specified in Section 95 and acknowledging that, by contracting with the assisted living or shared housing establishment, the resident does not forfeit those rights; and
(19) a statement detailing the Department's annual on-site review process including what documents contained in a resident's personal file shall be reviewed by the on-site reviewer as defined by rule.

(Source: P.A. 91-656, eff. 1-1-01.)

(210 ILCS 9/140)
Sec. 140. State and private funding. Nothing in this Act shall:
(1) require or authorize the State agency responsible for the administration of the medical assistance program established under Article V and Article VI of the Illinois Public Aid Code to approve, supply, or cover services provided in an assisted living or shared housing establishment, with the exception of licensed facilities that participate in the Department on Aging's Comprehensive Care in Residential Settings Demonstration Project, which may be covered under provisions of the Illinois Public Aid Code;

New matter indicated by italics - deletions by strikeout.
(2) require an agency or a managed care organization to approve, supply, or cover services provided in an assisted living or shared housing establishment; or
(3) require any other third party payer to approve, supply or cover medically necessary home care services provided in an assisted living establishment.
(Source: P.A. 91-656, eff. 1-1-01.)
(20 ILCS 105/4.02b rep.)(from Ch. 23, par. 6104.02b)
Section 90. The Illinois Act on the Aging is amended by repealing Section 4.02b.
Approved July 21, 2004
Effective January 1, 2005.

PUBLIC ACT 93-0776
(House Bill No. 5157)

AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Veterans Affairs Act is amended by adding Section 2g as follows:
(20 ILCS 2805/2g new)
Sec. 2g. The Illinois Veterans’ Homes Fund. The Illinois Veterans’ Homes Fund is hereby created as a special fund in the State treasury. From appropriations to the Department from the Fund the Department shall purchase needed equipment and supplies to enhance the lives of the residents at and to enhance the operations of veterans’ homes in Illinois.
Section 10. The State Finance Act is amended by adding Section 5.625 as follows:
(30 ILCS 105/5.625 new)
Sec. 5.625. The Illinois Veterans' Homes Fund.
Section 15. The Illinois Income Tax Act is amended by changing Sections 509 and 510 and by adding Section 507DD as follows:
(35 ILCS 5/507DD new)
Sec. 507DD. The Illinois Veterans’ Homes Fund checkoff. For taxable years ending on or after December 31, 2004, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Illinois Veterans' Homes

New matter indicated by italics - deletions by strikeout.
Fund, as authorized by this amendatory Act of the 93rd General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer’s refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required by this Act), the Penny Sevens Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, to the Illinois Military Family Relief Fund, the Illinois Veterans' Homes Fund, and the Asthma and Lung Research Fund.

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; revised 9-8-03.)

(35 ILCS 5/510) (from Ch. 120, par. 5-510)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the

New matter indicated by italics - deletions by strikeout.
Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, to the Illinois Military Family Relief Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Veterans' Homes Fund, and the Asthma and Lung Research Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; revised 9-8-03.)

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


PUBLIC ACT 93-0777
(House Bill No. 6616)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by changing Section 7-132 as follows:
(40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)
Sec. 7-132. Municipalities, instrumentalities and participating instrumentalities included and effective dates.
(A) Municipalities and their instrumentalities.
(a) The following described municipalities, but not including any with more than 1,000,000 inhabitants, and the instrumentalities thereof, shall be included within and be subject to this Article beginning upon the effective dates specified by the Board:

New matter indicated by italics - deletions by strikeout.
(1) Except as to the municipalities and instrumentalities thereof specifically excluded under this Article, every county shall be subject to this Article, and all cities, villages and incorporated towns having a population in excess of 5,000 inhabitants as determined by the last preceding decennial or subsequent federal census, shall be subject to this Article following publication of the census by the Bureau of the Census. Within 90 days after publication of the census, the Board shall notify any municipality that has become subject to this Article as a result of that census, and shall provide information to the corporate authorities of the municipality explaining the duties and consequences of participation. The notification shall also include a proposed date upon which participation by the municipality will commence.

However, for any city, village or incorporated town that attains a population over 5,000 inhabitants after having provided social security coverage for its employees under the Social Security Enabling Act, participation under this Article shall not be mandatory but may be elected in accordance with subparagraph (3) or (4) of this paragraph (a), whichever is applicable.

(2) School districts, other than those specifically excluded under this Article, shall be subject to this Article, without election, with respect to all employees thereof.

(3) Towns and all other bodies politic and corporate which are formed by vote of, or are subject to control by, the electors in towns and are located in towns which are not participating municipalities on the effective date of this Act, may become subject to this Article by election pursuant to Section 7-132.1.

(4) Any other municipality (together with its instrumentalities), other than those specifically excluded from participation and those described in paragraph (3) above, may elect to be included either by referendum under Section 7-134 or by the adoption of a resolution or ordinance by its governing body. A copy of such resolution or ordinance duly authenticated and certified by the clerk of the municipality or other appropriate official of its governing body shall constitute the required notice to the board of such action.

(b) A municipality that is about to begin participation shall submit to the Board an application to participate, in a form acceptable to the Board, not later than 90 days prior to the proposed effective date of

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participation. The Board shall act upon the application within 90 days, and if it finds that the application is in conformity with its requirements and the requirements of this Article, participation by the applicant shall commence on a date acceptable to the municipality and specified by the Board, but in no event more than one year from the date of application.

(c) A participating municipality which succeeds to the functions of a participating municipality which is dissolved or terminates its existence shall assume and be transferred the net accumulation balance in the municipality reserve and the municipality account receivable balance of the terminated municipality.

(d) In the case of a Veterans Assistance Commission whose employees were being treated by the Fund on January 1, 1990 as employees of the county served by the Commission, the Fund may continue to treat the employees of the Veterans Assistance Commission as county employees for the purposes of this Article, unless the Commission becomes a participating instrumentality in accordance with subsection (B) of this Section.

(B) Participating instrumentalities.

(a) The participating instrumentalities designated in paragraph (b) of this subsection shall be included within and be subject to this Article if:

(1) an application to participate, in a form acceptable to the Board and adopted by a two-thirds vote of the governing body, is presented to the Board not later than 90 days prior to the proposed effective date; and

(2) the Board finds that the application is in conformity with its requirements, that the applicant has reasonable expectation to continue as a political entity for a period of at least 10 years and has the prospective financial capacity to meet its current and future obligations to the Fund, and that the actuarial soundness of the Fund may be reasonably expected to be unimpaired by approval of participation by the applicant.

The Board shall notify the applicant of its findings within 90 days after receiving the application, and if the Board approves the application, participation by the applicant shall commence on the effective date specified by the Board.

(b) The following participating instrumentalities, so long as they meet the requirements of Section 7-108 and the area served by them or within their jurisdiction is not located entirely within a municipality having more than one million inhabitants, may be included hereunder:

New matter indicated by italics - deletions by strikeout.
i. Township School District Trustees.

ii. Multiple County and Consolidated Health Departments created under Division 5-25 of the Counties Code or its predecessor law.

iii. Public Building Commissions created under the Public Building Commission Act, and located in counties of less than 1,000,000 inhabitants.

iv. A multitype, consolidated or cooperative library system created under the Illinois Library System Act. Any library system created under the Illinois Library System Act that has one or more predecessors that participated in the Fund may participate in the Fund upon application. The Board shall establish procedures for implementing the transfer of rights and obligations from the predecessor system to the successor system.

v. Regional Planning Commissions created under Division 5-14 of the Counties Code or its predecessor law.

vi. Local Public Housing Authorities created under the Housing Authorities Act, located in counties of less than 1,000,000 inhabitants.


x. Illinois Association of Park Districts.

xi. Illinois Supervisors, County Commissioners and Superintendents of Highways Association.

xii. Tri-City Regional Port District.

xiii. An association, or not-for-profit corporation, membership in which is authorized under Section 85-15 of the Township Code.

xiv. Drainage Districts operating under the Illinois Drainage Code.

xv. Local mass transit districts created under the Local Mass Transit District Act.

xvi. Soil and water conservation districts created under the Soil and Water Conservation Districts Law.

xvii. Commissions created to provide water supply or sewer services or both under Division 135 or Division 136 of Article 11 of the Illinois Municipal Code.

New matter indicated by italics - deletions by strikeout.
xviii. Public water districts created under the Public Water District Act.

xix. Veterans Assistance Commissions established under Section 9 of the Military Veterans Assistance Act that serve counties with a population of less than 1,000,000.

xx. The governing body of an entity, other than a vocational education cooperative, created under an intergovernmental cooperative agreement established between participating municipalities under the Intergovernmental Cooperation Act, which by the terms of the agreement is the employer of the persons performing services under the agreement under the usual common law rules determining the employer-employee relationship. The governing body of such an intergovernmental cooperative entity established prior to July 1, 1988 may make participation retroactive to the effective date of the agreement and, if so, the effective date of participation shall be the date the required application is filed with the fund. If any such entity is unable to pay the required employer contributions to the fund, then the participating municipalities shall make payment of the required contributions and the payments shall be allocated as provided in the agreement or, if not so provided, equally among them.

xxi. The Illinois Municipal Electric Agency.

xxii. The Waukegan Port District.

xxiii. The Fox Waterway Agency created under the Fox Waterway Agency Act.

xxiv. The Illinois Municipal Gas Agency.

xxv. The Kaskaskia Regional Port District.

xxvi. The Southwestern Illinois Development Authority.

xxvii. The Cairo Public Utility Company.

(c) The governing boards of special education joint agreements created under Section 10-22.31 of the School Code without designation of an administrative district shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special education joint agreement in effect before September 5, 1975 shall not be subject to this Article unless the joint agreement is modified by the school districts to provide that the governing board is subject to this Article, except as otherwise provided by this Section.
The governing board of the Special Education District of Lake County shall become subject to this Article as a participating instrumentality on July 1, 1997. Notwithstanding subdivision (a)1 of Section 7-139, on the effective date of participation, employees of the governing board of the Special Education District of Lake County shall receive creditable service for their prior service with that employer, up to a maximum of 5 years, without any employee contribution. Employees may establish creditable service for the remainder of their prior service with that employer, if any, by applying in writing and paying an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service must be made before July 1, 1998; the payment may be made at any time while the employee is still in service. The employer may elect to make the required contribution on behalf of the employee.

The governing board of a special education joint agreement created under Section 10-22.31 of the School Code for which an administrative district has been designated, if there are employees of the cooperative educational entity who are not employees of the administrative district, may elect to participate in the Fund and be included within this Article as a participating instrumentality, subject to such application procedures and rules as the Board may prescribe.

The Boards of Control of cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code, whether or not the Boards act as their own administrative district, shall be included within and be subject to this Article as participating instrumentalities when the agreement establishing the cooperative or joint educational program or project becomes effective.

The governing board of a special education joint agreement entered into after June 30, 1984 and prior to September 17, 1985 which provides for representation on the governing board by less than all the participating districts shall be included within and subject to this Article as a participating instrumentality. Such participation shall be effective as of the date the joint agreement becomes effective.

The governing boards of educational service centers established under Section 2-3.62 of the School Code shall be included within and subject to this Article as participating instrumentalities. The governing
boards of vocational education cooperative agreements created under the Intergovernmental Cooperation Act and approved by the State Board of Education shall be included within and be subject to this Article as participating instrumentalities. If any such governing boards or boards of control are unable to pay the required employer contributions to the fund, then the school districts served by such boards shall make payment of required contributions as provided in Section 7-172. The payments shall be allocated among the several school districts in proportion to the number of students in average daily attendance for the last full school year for each district in relation to the total number of students in average attendance for such period for all districts served. If such educational service centers, vocational education cooperatives or cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code are dissolved, the assets and obligations shall be distributed among the districts in the same proportions unless otherwise provided.

(d) The governing boards of special recreation joint agreements created under Section 8-10b of the Park District Code, operating without designation of an administrative district or an administrative municipality appointed to administer the program operating under the authority of such joint agreement shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special recreation joint agreement in effect before January 1, 1980 shall not be subject to this Article unless the joint agreement is modified, by the districts and municipalities which are parties to the agreement, to provide that the governing board is subject to this Article.

If the Board returns any employer and employee contributions to any employer which erroneously submitted such contributions on behalf of a special recreation joint agreement, the Board shall include interest computed from the end of each year to the date of payment, not compounded, at the rate of 7% per annum.

(e) Each multi-township assessment district, the board of trustees of which has adopted this Article by ordinance prior to April 1, 1982, shall be a participating instrumentality included within and subject to this Article effective December 1, 1981. The contributions required under Section 7-172 shall be included in the budget prepared under and allocated in accordance with Section 2-30 of the Property Tax Code.

New matter indicated by italics - deletions by strikeout.
(f) Beginning January 1, 1992, each prospective participating municipality or participating instrumentality shall pay to the Fund the cost, as determined by the Board, of a study prepared by the Fund or its actuary, detailing the prospective costs of participation in the Fund to be expected by the municipality or instrumentality.
(Source: P.A. 92-424, eff. 8-17-01.)

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


PUBLIC ACT 93-0778
(Senate Bill No. 2820)

AN ACT in relation to housing.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Illinois Residential Building Code Act.

Section 5. Purpose. The purpose of this Act is to provide minimum requirements for safety and to safeguard property and the public welfare by regulating and controlling the design, construction, installation, and quality of materials of new residential construction as regulated by this Act.

Section 10. Definitions. In this Act:
"International Residential Code" means the International Residential Code for One and Two Family Dwellings published by the International Code Council, as now or hereafter amended by the Council.
"New residential construction" means any original construction of a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or town houses.
"Residential building code" means an ordinance, resolution, law, housing or building code, or zoning ordinance that establishes, for residential building contractors, construction-related activities applicable to single-family or 2-family residential structures.
"Residential building contractor" means any individual, corporation, or partnership that constructs a fixed building or structure for sale or use by another as a residence or that, for a price, commission, fee, wage, or other compensation, undertakes or offers to undertake the

New matter indicated by italics - deletions by strikeout.
construction of any building or structure to be used by another as a residence, if the individual, corporation, or partnership reasonably expects to earn a financial profit from that activity.

Section 15. Adoption of building code. A contract to build a home (1) in any municipality in this State that does not have a residential building code in effect or (2) in any portion of a county that is not located within a municipality and does not have a residential building code in effect must adopt as part of the construction contract the applicability of a residential building code that is agreed to by the home builder and the home purchaser as provided in this Section. The home builder and the home purchaser may agree to adopt any municipal residential building code or county residential building code that is in effect on the first day of construction in any county or municipality that is within 100 miles of the location of the new home. If the home builder and the home purchaser fail to agree to a residential building code or if no residential building code is stated in the contract, the plumbing code promulgated by the Illinois Department of Public Health under Section 35 of the Illinois Plumbing License Law, the National Electric Code as adopted by the American National Standards Institute, and the International Residential Code shall, by law, be adopted as part of the construction contract.

Section 20. Homes constructed for resale. If a builder constructs a home for resale, the builder must certify to the buyer that the builder has constructed the home in compliance with a code authorized under Section 15 and must identify that code.

(a) A veterans advisory council shall be established in the State of Illinois. The council shall consist of at least 17 members as follows:

(1) Four members of the General Assembly, appointed one each by the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, preferably from a legislative or representative district in which a State-operated veterans home is located.

(2) Six veterans appointed by the Director of Veterans' Affairs.

(3) One veteran appointed by the commander or president of each veterans service organization that is chartered by the federal government and by the State of Illinois and elects to appoint a member.

No member of the council shall be an employee or representative of the Department of Veterans' Affairs.

Members of the council shall serve without compensation or reimbursement.

(b) At the initial meeting of the council, the members shall elect from among themselves a chairman. The members shall draw lots to determine the length of their terms so that 9 members have terms that expire on July 1, 2005 and the remaining members have terms that expire on July 1, 2006. Thereafter, all members of the council shall be appointed for terms of 2 years.

The appointing authority may at any time make an appointment to fill a vacancy for the unexpired term of a member.

(c) The council shall meet quarterly or at the call of the chairman or at the call of the Director of Veterans' Affairs or the Governor. The Department shall provide meeting space and clerical and administrative support services for the council.

(d) The council has the power to do the following:

(1) Advise the Department of Veterans' Affairs with respect to the fulfillment of its statutory duties.

(2) Review and study the issues and concerns that are most significant to Illinois veterans and advise the Department on those issues and concerns.

(3) Receive a report from the Director of Veterans' Affairs or the Director's designee at each meeting with respect to the general activities of the Department.

New matter indicated by italics - deletions by strikeout.
(4) Report to the Governor and the General Assembly annually describing the issues addressed and the actions taken by the council during the year as well as any recommendations for future action.

(e) The council established under this Section replaces any Illinois Veterans Advisory Council established under Executive Order No. 3 (1982).

Section 99. Effective date. This Act takes effect July 1, 2004.

PUBLIC ACT 93-0780
(House Bill No. 0742)

AN ACT in relation to alcohol.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-11 as follows:

(235 ILCS 5/6-11) (from Ch. 43, par. 127)
Sec. 6-11. Sale near churches, schools, and hospitals.
(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary

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business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least $1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of the effective date of this amendatory Act of 1998.

(c) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

(d) In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, or in a grocery store having a minimum of 31,000 square feet of floor space in a single story building located a distance of more than 90 feet but less than 100 feet from a high school that opened in 1928 as a junior high school and became a senior high school in 1933, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee.

For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

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(e) Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(f) Nothing in this Section shall prohibit a church or church affiliated school located in a home rule municipality or in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(g) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at premises within 100 feet, but not less than 90 feet, of a public school if (1) the premises have been continuously licensed to sell alcoholic liquor for a period of at least 50 years, (2) the premises are located in a municipality having a population of over 500,000 inhabitants, (3) the licensee is an individual who is a member of a family that has held the previous 3 licenses for that location for more than 25 years, (4) the principal of the school and the alderman of the ward in which the school is located have delivered a written statement to the local liquor control commissioner stating that they do not object to the issuance of a license under this subsection (g), and (5) the local liquor control commissioner has received the written consent of a majority of the registered voters who live within 200 feet of the premises.

(h) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio area attached to premises that are located in a municipality with a population in excess of 300,000 inhabitants and that are within 100 feet of a church if:

1. the sale of alcoholic liquor at the premises is incidental to the sale of food,
2. the sale of liquor is not the principal business carried on by the licensee at the premises,
3. the premises are less than 1,000 square feet,
4. the premises are owned by the University of Illinois,

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(5) the premises are immediately adjacent to property owned by a church and are not less than 20 nor more than 40 feet from the church space used for worship services, and
(6) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing.

(Source: P.A. 91-357, eff. 7-29-99; 91-623, eff. 1-1-00; 92-720, eff. 7-25-02; 92-813, eff. 8-21-02; revised 9-18-02.)
Effective January 1, 2005.

PUBLIC ACT 93-0781
(House Bill 4424)
AN ACT concerning sexual assault.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Section 6.4 as follows:

(410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)
Sec. 6.4. Sexual assault evidence collection program.
(a) There is created a statewide sexual assault evidence collection program to facilitate the prosecution of persons accused of sexual assault. This program shall be administered by the Illinois State Police. The program shall consist of the following: (1) distribution of sexual assault evidence collection kits which have been approved by the Illinois State Police to hospitals that request them, or arranging for such distribution by the manufacturer of the kits, (2) collection of the kits from hospitals after the kits have been used to collect evidence, (3) analysis of the collected evidence and conducting of laboratory tests, and (4) maintaining the chain of custody and safekeeping of the evidence for use in a legal proceeding, and (5) the comparison of the collected evidence with the genetic marker grouping analysis information maintained by the Department of State Police under Section 5-4-3 of the Unified Code of Corrections and with the information contained in the Federal Bureau of Investigation's National DNA database; provided the amount and quality of genetic marker grouping results obtained from the evidence in the sexual assault case meets the requirements of both the Department of State Police and

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the Federal Bureau of Investigation's Combined DNA Index System (CODIS) policies. The standardized evidence collection kit for the State of Illinois shall be the State Police Evidence Collection Kit, also known as "S.P.E.C.K.". A sexual assault evidence collection kit may not be released by a hospital without the written consent of the sexual assault survivor. In the case of a survivor who is a minor 13 years of age or older, evidence and information concerning the alleged sexual assault may be released at the written request of the minor. If the survivor is a minor who is under 13 years of age, evidence and information concerning the alleged sexual assault may be released at the written request of the parent, guardian, investigating law enforcement officer, or Department of Children and Family Services. Any health care professional, including any physician or nurse, sexual assault nurse examiner, and any health care institution, including any hospital, who provides evidence or information to a law enforcement officer pursuant to a written request as specified in this Section is immune from any civil or professional liability that might arise from those actions, with the exception of willful or wanton misconduct. The immunity provision applies only if all of the requirements of this Section are met.

(a-5) All sexual assault evidence collected using the State Police Evidence Collection Kits before the effective date of this amendatory Act of the 93rd General Assembly that have not been previously analyzed and tested by the Department of State Police shall be analyzed and tested within 2 years after receipt of all necessary evidence and standards into the State Police Laboratory if sufficient staffing and resources are available. All sexual assault evidence collected using the State Police Evidence Collection Kits on or after the effective date of this amendatory Act of the 93rd General Assembly shall be analyzed and tested by the Department of State Police within one year after receipt of all necessary evidence and standards into the State Police Laboratory if sufficient staffing and resources are available.

(b) The Illinois State Police shall administer a program to train hospitals and hospital personnel participating in the sexual assault evidence collection program, in the correct use and application of the sexual assault evidence collection kits. A sexual assault nurse examiner may conduct examinations using the sexual assault evidence collection kits, without the presence or participation of a physician. The Department of Public Health shall cooperate with the Illinois State Police in this program as it pertains to medical aspects of the evidence collection.

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(c) In this Section, "sexual assault nurse examiner" means a registered nurse who has completed a sexual assault nurse examiner (SANE) training program that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.
(Source: P.A. 91-888, eff. 7-6-00; 92-514, eff. 1-1-02.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-4-3 as follows:

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)
Sec. 5-4-3. Persons convicted of, or found delinquent for, certain offenses or institutionalized as sexually dangerous; specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, convicted or found guilty of any offense classified as a felony under Illinois law, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after July 1, 1990 and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense;

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after January 1, 1997;

(2) ordered institutionalized as a sexually dangerous person on or after July 1, 1990;

(3) convicted of a qualifying offense or attempt of a qualifying offense before July 1, 1990 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation,

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conditional discharge or periodic imprisonment as a result of such conviction;

(3.5) convicted or found guilty of any offense classified as a felony under Illinois law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987 on or after August 22, 2002;

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense;

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of Corrections and the Interstate Compact for Adult Offender Supervision or the Interstate Agreements on Sexually Dangerous Persons Act.

Notwithstanding other provisions of this Section, any person incarcerated in a facility of the Illinois Department of Corrections on or after August 22, 2002 shall be required to submit a specimen of blood, saliva, or tissue prior to his or her final discharge or release on parole or mandatory supervised release, as a condition of his or her parole or mandatory supervised release.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide

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such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva samples. The collection of saliva samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue samples. The collection of tissue samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting tissue may collect tissue for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-5) To the extent that funds are available, the Illinois Department of State Police shall contract with qualified personnel and certified laboratories for the collection, analysis, and categorization of known samples.
(d-6) Agencies designated by the Illinois Department of State Police and the Illinois Department of State Police may contract with third parties to provide for the collection or analysis of DNA, or both, of an offender's blood, saliva, and tissue samples.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies, and to defense counsel as provided by Section 116-5 of the Code of Criminal Procedure of 1963. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for (i) valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database, (ii) technology validation purposes, (iii) a population statistics database, or (iv) quality assurance purposes if personally identifying information is removed, or (v) assisting in the defense of the criminally accused pursuant to Section 116-5 of the Code of Criminal Procedure of 1963, or (vi) identifying and assisting in the prosecution of a person who is suspected of committing a sexual assault as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State database, which may be uploaded into a national database, and which information may be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any samples, analyses, or other documents relating to such record, whether in the possession of the Department or any law enforcement or police agency, or any forensic

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DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed.

(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA sample, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than $5,000.

(f-6) The Illinois Department of State Police may contract with third parties for the purposes of implementing this amendatory Act of the 93rd General Assembly. Any other party contracting to carry out the functions of this Section shall be subject to the same restrictions and requirements of this Section insofar as applicable, as the Illinois Department of State Police, and to any additional restrictions imposed by the Illinois Department of State Police.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1) any violation or inchoate violation of Section 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the Criminal Code of 1961;
(1.1) any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001;
(2) any former statute of this State which defined a felony sexual offense;
(3) (blank);
(4) any inchoate violation of Section 9-3.1, 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961; or
(5) any violation or inchoate violation of Article 29D of the Criminal Code of 1961.

(g-5) (Blank).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) (1) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and

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any deliberate act by that person intended to impede, delay or stop
the collection of the blood, saliva, or tissue specimen is a Class A
misdemeanor.

(2) In the event that a person's DNA sample is not adequate
for any reason, the person shall provide another DNA sample for
analysis. Duly authorized law enforcement and corrections
personnel may employ reasonable force in cases in which an
individual refuses to provide a DNA sample required under this
Act.

(j) Any person required by subsection (a) to submit specimens of
blood, saliva, or tissue to the Illinois Department of State Police for
analysis and categorization into genetic marker grouping, in addition to
any other disposition, penalty, or fine imposed, shall pay an analysis fee of
$200. If the analysis fee is not paid at the time of sentencing, the court
shall establish a fee schedule by which the entire amount of the analysis
fee shall be paid in full, such schedule not to exceed 24 months from the
time of conviction. The inability to pay this analysis fee shall not be the
sole ground to incarcerate the person.

(k) All analysis and categorization fees provided for by subsection
(j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is
hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and
forwarded to the State Offender DNA Identification System Fund
for deposit. The clerk of the circuit court may retain the amount of
$10 from each collected analysis fee to offset administrative costs
incurred in carrying out the clerk's responsibilities under this
Section.

(3) Fees deposited into the State Offender DNA
Identification System Fund shall be used by Illinois State Police
crime laboratories as designated by the Director of State Police.
These funds shall be in addition to any allocations made pursuant
to existing laws and shall be designated for the exclusive use of
State crime laboratories. These uses may include, but are not
limited to, the following:

(A) Costs incurred in providing analysis and genetic
marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker
groupings as required by subsection (e).

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(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(l) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(m) If any provision of this amendatory Act of the 93rd General Assembly is held unconstitutional or otherwise invalid, the remainder of this amendatory Act of the 93rd General Assembly is not affected.

(Source: P.A. 92-16, eff. 6-28-01; 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff. 6-28-02; 92-829, eff. 8-22-02; 92-854, eff. 12-5-02; 93-216, eff. 1-1-04; 93-605, eff. 11-19-03; revised 12-9-03.)

Effective January 1, 2005.

PUBLIC ACT 93-0782
(Senate Bill No. 2164)

AN ACT in relation to vehicles.

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

Section 5. The Boat Registration and Safety Act is amended by changing Sections 5-2, 6-1, 11A-3, 11A-4, and 11A-5 as follows:

(625 ILCS 45/5-2) (from Ch. 95 1/2, par. 315-2)

Sec. 5-2. Reckless operation.

(a) No person shall operate any watercraft, specialty prop-craft, personal watercraft or manipulate any water skis, aquaplane, or similar device in such a manner as to willfully or wantonly endanger the life, limb

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or property of any person, to weave through congested traffic, to jump the
wake of another vessel unreasonably or unnecessarily close to the other
vessel or when visibility around the other vessel is obstructed, to wait until
the last possible moment to swerve to avoid collision, or operate any
watercraft so as to approach or pass another watercraft in such a manner or
at such a rate of speed as to create a hazardous wake or wash.

(b) A person convicted of committing a violation of this Section
shall be guilty of aggravated reckless operation of a watercraft if the
violation of this Section resulted in great bodily harm or permanent
disability or disfigurement of another, when the violation was a proximate
cause of the injuries.

(Source: P.A. 87-798.)

(625 ILCS 45/6-1) (from Ch. 95 1/2, par. 316-1)

Sec. 6-1. Collisions, accidents, and casualties; reports.

A. The operator of a vessel involved in a collision, accident, or
other casualty, so far as he can without serious danger to his own vessel,
crew, passengers and guests, if any, shall render to other persons affected
by the collision, accident, or other casualty assistance as may be
practicable and as may be necessary in order to save them from or
minimize any danger caused by the collision, accident, or other casualty,
and also shall give his name, address, and identification of his vessel to
any person injured and to the owner of any property damaged in the
collision, accident, or other casualty.

If the collision, accident, or other casualty has resulted in the
death of or personal injury to any person, failure to comply with this
subsection A is a Class A misdemeanor.

A-1. Any person who has failed to stop or to comply with the
requirements of subsection A must, as soon as possible but in no case later
than one hour after the collision, accident, or other casualty, or, if
hospitalized and incapacitated from reporting at any time during that
period, as soon as possible but in no case later than one hour after being
discharged from the hospital, report the date, place, and approximate time
of the collision, accident, or other casualty, the watercraft operator’s
name and address, the identification number of the watercraft, if any, and
the names of all other occupants of the watercraft, at a police station or
sheriff’s office near the location where the collision, accident, or other
casualty occurred. A report made as required under this subsection A-1
may not be used, directly or indirectly, as a basis for the prosecution of
any violation of subsection A.

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As used in this Section, personal injury means any injury requiring treatment beyond first aid.

Any person failing to comply with this subsection A-1 is guilty of a Class 4 felony if the collision, accident, or other casualty does not result in the death of any person. Any person failing to comply with this subsection A-1 when the collision, accident, or other casualty results in the death of any person is guilty of a Class 2 felony, for which the person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

B. In the case of collision, accident, or other casualty involving a vessel, the operator, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of $500, shall file with the Department a full description of the collision, accident, or other casualty, including information as the Department may by regulation require. Reports of the accidents must be filed with the Department on a Department Accident Report form within 5 days.

C. Reports of accidents resulting in personal injury, where a person is incapacitated for a period exceeding 72 hours, must be filed with the Department on a Department Accident Report form within 5 days. Accidents that result in loss of life shall be reported to the Department on a Department form within 48 hours.

D. All required accident reports and supplemental reports are without prejudice to the individual reporting, and are for the confidential use of the Department, except that the Department may disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies his presence at the accident. No report to the Department may be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department must furnish upon demand of any person who has or claims to have made a report or upon demand of any court a certificate showing that a specified accident report has or has not been made to the Department solely to prove a compliance or a failure to comply with the requirements that a report be made to the Department.

E.(1) Every coroner or medical examiner shall on or before the 10th day of each month report in writing to the Department the circumstances surrounding the death of any person that has occurred as the result of a boating accident within the examiner's jurisdiction during the preceding calendar month.

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(2) Within 6 hours after a death resulting from a boating accident, but in any case not more than 12 hours after the occurrence of the boating accident, a blood specimen of at least 10 cc shall be withdrawn from the body of the decedent by the coroner or medical examiner or by a qualified person at the direction of the physician. All morticians shall obtain a release from the coroner or medical examiner prior to proceeding with embalming any body coming under the scope of this Section. The blood so drawn shall be forwarded to a laboratory approved by the Department of State Police for analysis of the alcoholic content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each analysis to the Department. The Department shall keep a record of all examinations to be used for statistical purposes only. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the Department.

(Source: P.A. 91-828, eff. 1-1-01.)

(625 ILCS 45/11A-3) (from Ch. 95 1/2, par. 321A-3)

Sec. 11A-3. Any person who violates any of the provisions of Sections 5-1 or 5-2 of this Act is guilty of a Class B misdemeanor.

Any person who violates Section 5-2 of this Act is guilty of a Class A misdemeanor, except that aggravated reckless operation of a watercraft is a Class 4 felony.

(Source: P.A. 85-149.)

(625 ILCS 45/11A-4) (from Ch. 95 1/2, par. 321A-4)

Sec. 11A-4. Any person who is convicted of a violation of Sections 5-1, 5-2 or 11A-5 of this Act, in addition to any other penalties authorized in this Act, may in the discretion of the court be refused the privilege of operating any watercraft on any of the waterways of this State for a period of not less than one year.

Any person who is convicted of a violation of Section 5-2 of this Act or subsection A-1 of Section 6-1 of this Act, in addition to any other penalties authorized in this Act, shall have his or her privilege of operating any watercraft on any of the waterways of this State suspended by the Department for a period of not less than one year.

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Sec. 11A-5. Any person who operates any watercraft during the period when he is denied the privilege to so operate is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug

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evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501, Section 5-7, Section 5-16, or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $1,000 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 3.85 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which
relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) A violation of Section 11-501(c-1)(3) of the Illinois Vehicle Code.

(T) A second or subsequent violation of paragraph (6.6) of subsection (a), subsection (c-5), or subsection (d-5) of Section 401 of the Illinois Controlled Substances Act.

(3) A minimum term of imprisonment of not less than 5 days or 30 days of community service as may be determined by the court shall be imposed for a second violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance. In the case of a third or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a minimum term of either 10 days of imprisonment or 60 days of community service shall be imposed.

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service

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shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;
(B) a fine;
(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

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(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) When a person is convicted of violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or that person is convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a
mandatory minimum of 100 hours of community service and a minimum fine of $500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section 11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of $2,500.

(11) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety

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and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:
   (A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
   (B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
      (i) removal from the household;
      (ii) restricted contact with the victim;
      (iii) continued financial support of the family;
      (iv) restitution for harm done to the victim;
   and
   (v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for

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infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified

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causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by
certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or

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misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

1. a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
2. the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

1. a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
2. the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property
damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; revised 10-9-03.)

Effective January 1, 2005.

PUBLIC ACT 93-0783
(Senate Bill No. 2167)

AN ACT concerning the Office of the Secretary of State.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 2. The Illinois Vehicle Code is amended by changing Section 6-103 as follows:

(625 ILCS 5/6-103)(from Ch. 95 1/2, par. 6-103)
Sec. 6-103. What persons shall not be licensed as drivers or granted permits. The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code:

1. To any person, as a driver, who is under the age of 18 years except as provided in Section 6-107, and except that an instruction permit may be issued under paragraphs (a) and (b) of Section 6-105 to a child who is not less than 15 years of age if the child is enrolled in an approved driver education course as defined in Section 1-103 of this Code and requires an instruction permit to participate therein, except that an instruction permit may be issued under the provisions of Section 6-107.1 to a child who is 17 years

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and 9 months of age without the child having enrolled in an approved driver education course and except that an instruction permit may be issued to a child who is at least 15 years and 6 months of age, is enrolled in school, meets the educational requirements of the Driver Education Act, and has passed examinations the Secretary of State in his or her discretion may prescribe;

2. To any person who is under the age of 18 as an operator of a motorcycle other than a motor driven cycle unless the person has, in addition to meeting the provisions of Section 6-107 of this Code, successfully completed a motorcycle training course approved by the Illinois Department of Transportation and successfully completes the required Secretary of State's motorcycle driver's examination;

3. To any person, as a driver, whose driver's license or permit has been suspended, during the suspension, nor to any person whose driver's license or permit has been revoked, except as provided in Sections 6-205, 6-206, and 6-208;

4. To any person, as a driver, who is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle;

5. To any person, as a driver, who has previously been adjudged to be afflicted with or suffering from any mental or physical disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as a driver, who is required by the Secretary of State to submit an alcohol and drug evaluation or take an examination provided for in this Code unless the person has successfully passed the examination and submitted any required evaluation;

7. To any person who is required under the provisions of the laws of this State to deposit security or proof of financial responsibility and who has not deposited the security or proof;

8. To any person when the Secretary of State has good cause to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways, unless the person shall furnish to the Secretary of State a verified written statement, acceptable to the Secretary of

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State, from a competent medical specialist to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety;

9. To any person, as a driver, who is 69 years of age or older, unless the person has successfully complied with the provisions of Section 6-109;

10. To any person convicted, within 12 months of application for a license, of any of the sexual offenses enumerated in paragraph 2 of subsection (b) of Section 6-205;

11. To any person who is under the age of 21 years with a classification prohibited in paragraph (b) of Section 6-104 and to any person who is under the age of 18 years with a classification prohibited in paragraph (c) of Section 6-104;

12. To any person who has been either convicted of or adjudicated under the Juvenile Court Act of 1987 based upon a violation of the Cannabis Control Act or the Illinois Controlled Substances Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. The Secretary of State shall not issue a new license or permit for a period of one year;

13. To any person who is under the age of 18 years and who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101;

14. To any person who is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days' obligation or more and who has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code; or

15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 relating to

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reckless homicide within 24 months of release from a term of imprisonment; or

16. To any person who, with intent to influence any act related to the issuance of any driver’s license or permit, by an employee of the Secretary of State’s Office, or the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver’s license examination, promises or tenders to that person any property or personal advantage which that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver’s license or permit for 120 consecutive days. The Secretary of State shall establish by rule the procedures for implementing this period of disqualification and the procedures by which persons so disqualified may obtain administrative review of the decision to disqualify.

The Secretary of State shall retain all conviction information, if the information is required to be held confidential under the Juvenile Court Act of 1987.

(Source: P.A. 92-343, eff. 1-1-02; 93-174, eff. 1-1-04.)

Section 5. The Criminal Code of 1961 is amended by adding Section 33-6 as follows:

(720 ILCS 5/33-6 new)
Sec. 33-6. Bribery to obtain driving privileges.
(a) A person commits the offense of bribery to obtain driving privileges when:

(1) with intent to influence any act related to the issuance of any driver’s license or permit by an employee of the Illinois Secretary of State’s Office, or the owner or employee of any commercial driver training school licensed by the Illinois Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver’s license examination, he or she promises or tenders to that person any property or personal advantage which that person is not authorized by law to accept; or

(2) with intent to cause any person to influence any act related to the issuance of any driver’s license or permit by an employee of the Illinois Secretary of State’s Office, or the owner or
employee of any commercial driver training school licensed by the Illinois Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, he or she promises or tenders to that person any property or personal advantage which that person is not authorized by law to accept; or

(3) as an employee of the Illinois Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Illinois Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, solicits, receives, retains, or agrees to accept any property or personal advantage that he or she is not authorized by law to accept knowing that such property or personal advantage was promised or tendered with intent to influence the performance of any act related to the issuance of any driver's license or permit; or

(4) as an employee of the Illinois Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Illinois Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, solicits, receives, retains, or agrees to accept any property or personal advantage pursuant to an understanding that he or she shall improperly influence or attempt to influence the performance of any act related to the issuance of any driver's license or permit.

(b) Sentence. Bribery to obtain driving privileges is a Class 2 felony.

Effective January 1, 2005.

PUBLIC ACT 93-0784
(Senate Bill No. 2201)

AN ACT concerning forensic laboratory oversight.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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Section 1. Short title. This Act may be cited as the Illinois Laboratory Advisory Committee Act.

Section 5. Illinois Laboratory Advisory Committee; creation.
(a) There is created the Illinois Laboratory Advisory Committee (hereinafter referred to as the Committee).
(b) The Committee shall consist of 15 members appointed as follows:

(1) one member who is a scientist from the Department of Agriculture, appointed by the Director of Agriculture;
(2) one member who is a scientist from the Department of Natural Resources, appointed by the Director of Natural Resources;
(3) one member who is a scientist from the Department of Public Health, appointed by the Director of Public Health;
(4) one member who is a scientist from the Department of State Police, appointed by the Director of State Police;
(5) one member who is a scientist from the Environmental Protection Agency, appointed by the Director of the Environmental Protection Agency;
(6) one member who is a scientist from the Illinois Emergency Management Agency, appointed by the Director of the Illinois Emergency Management Agency;
(7) one member who is a scientist from the Department of Transportation, appointed by the Secretary of Transportation;
(8) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the Cook County Public Defender;
(9) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the Cook County State's Attorney;
(10) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the State Appellate Defender;
(11) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the Director of the Office of the State's Attorneys Appellate Prosecutor;
(12) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the Attorney General;
(13) one member who is an academic scientist with an advanced degree in life, physical, or medical sciences appointed by the Attorney General;

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(14) one member who is a scientist employed by the DuPage County Sheriff's Crime Laboratory appointed by the DuPage County Sheriff's Crime Laboratory Director; and
(15) one member who is an academic forensic scientist with an advanced degree in the life, physical, criminalistic, or medical sciences appointed by the president of the University of Illinois.

(c) The Committee Chairperson may appoint one ex officio member representing private laboratories, and one ex officio member who is a scientist representing the Northern Illinois Police Crime Laboratory. The president of the University of Illinois may appoint one ex officio member to the Committee representing social scientists.

(d) Appointments to the Committee shall be made within 90 days after the effective date of this Act with the first meeting of the Committee being held no later than 180 days following the effective date of this Act. The members of the Committee shall choose a chairperson from among its members. The chairperson shall serve a 2-year term and shall be responsible for convening meetings, setting agendas, and finalizing reports.

(e) For the purpose of ensuring continuity on the Committee, each member of the Committee shall serve a 4-year term except 5 members, chosen at random, who shall serve an initial term of 2 years, after which they shall be eligible for reappointment for a term of 4 years. Members shall serve at the discretion of their appointing authorities.

(f) Vacancies on the Committee shall be filled in accordance with subsections (b) and (e). A member of the Committee appointed to fill a vacancy shall serve for the unexpired term of the member whom he or she is succeeding.

(g) The Committee shall not be compensated. Travel costs associated with the Committee shall be reimbursed subject to the availability of State or the appointing agency's funds. Funds received from public or private sources shall be governed by all applicable laws to ensure ethics compliance. There is established the Illinois Laboratory Advisory Committee Act Fund in the State treasury into which funds received from public or private sources shall be deposited for use by the Committee.

(h) The Committee and individual members of the Committee are immune from any liability, whether civil or criminal, for the good faith performance of the duties of the Committee as specified in this Section.

(i) No member of the Committee shall be disqualified from holding public office or employment, nor shall he or she forfeit any such office or

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employment, by reason of appointment under this Act, and members may not be required to take and file oaths of office before serving on the Committee.

(j) Responsibilities of the Committee. The Committee shall:

(1) establish the rules and procedures concerning the conduct of Committee meetings and other affairs not inconsistent with law;

(2) make recommendations regarding improving policy and procedures to ensure counsel for the defense and prosecution are receiving all evidence, reports, and analytical documentation relevant to disclosure;

(3) make recommendations regarding accreditation and quality assurance as it applies to laboratory testing that will be in compliance with recognized International Organization for Standardization and applicable professional standards;

(4) make recommendations regarding training procedures to ensure training is conducted consistent with recognized scientific procedures;

(5) make recommendations regarding staffing and funding needs to ensure resources to obtain accurate, timely, and complete analysis of all samples submitted for testing;

(6) make recommendations regarding private laboratories conducting scientific testing, including forensic testing, to ensure quality assurance and accreditation standards are in concert with the governmental laboratories within the State;

(7) make recommendations to ensure consistency among judicial orders and rulings as it relates to evidence and discovery;

(8) examine ways to make more efficient use of the State laboratories, including facilities, personnel, and equipment;

(9) examine ways to reduce laboratory backlogs;

(10) review and comment on the proposed construction, expansion, or renovation of State laboratory facilities exceeding $250,000 and generally plan for future laboratory needs;

(11) conduct such other activities as may be necessary to provide for the safe and efficient operation of State laboratories;

(12) make recommendations on other laboratory issues not listed in this Section as the Committee deems appropriate;
(13) examine ways to enhance Illinois Homeland Security through coordination of laboratory services with the Illinois Terrorism Task Force;

(14) continue to ensure that analysts are provided all necessary tools and information needed to draw all relevant scientific conclusions, and consider methods to guarantee that observations and conclusions are not inadvertently influenced by extraneous information; and

(15) make annual recommendations in a report filed with the Governor, General Assembly, and Illinois Supreme Court to facilitate any of the responsibilities of the Committee. Reports shall be furnished to all members of the Committee.

Section 105. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Illinois Laboratory Advisory Committee Act Fund.
Effective January 1, 2005.

PUBLIC ACT 93-0785
(Senate Bill No. 3014)

AN ACT concerning criminal law.

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

Section 5. The Unified Code of Corrections is amended by adding Section 5-4-3a as follows:

(730 ILCS 5/5-4-3a new)

Sec. 5-4-3a. DNA testing backlog accountability.

(a) On or before February 1, 2005 and on or before February 1 of each year thereafter, the Department of State Police shall report to the Governor and both houses of the General Assembly the following information:

(1) the extent of the backlog of cases awaiting testing or awaiting DNA analysis by that Department, including but not limited to those tests conducted under Section 5-4-3, as of December 31 of the previous year; and

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(2) what measures have been and are being taken to reduce that backlog and the estimated costs or expenditures in doing so.
(b) The information reported under this Section shall be made available to the public, at the time it is reported, on the official web site of the Department of State Police.

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

PUBLIC ACT 93-0786
(Senate Bill No. 2707)

AN ACT concerning the Office of Banks and Real Estate.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Office of Banks and Real Estate Act is amended by changing Section 6 as follows:
(20 ILCS 3205/6) (from Ch. 17, par. 456)
Sec. 6. Duties. The Commissioner shall direct and supervise all the administrative and technical activities of the Office and shall:
(a) Apply and carry out this Act and the law and all rules adopted in pursuance thereof.
(b) Appoint, subject to the provisions of the Personnel Code, such employees, experts, and special assistants as may be necessary to carry out effectively the provisions of this Act and, if the rate of compensation is not otherwise fixed by law, fix their compensation; but neither the Commissioner nor any deputy commissioner shall be subject to the Personnel Code.
(c) Serve as Chairman of the State Banking Board of Illinois.
(d) Serve as Chairman of the Board of Trustees of the Illinois Bank Examiners' Education Foundation.
(e) Issue guidelines in the form of rules or regulations which will prohibit discrimination by any State chartered bank against any individual, corporation, partnership, association or other entity because it appears in a so-called blacklist issued by any domestic or foreign corporate or governmental entity.

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(f) Make an annual report to the Governor regarding the work of
the Office as the Commissioner may consider desirable or as the Governor
may request.

(g) Perform such other acts as may be requested by the State
Banking Board of Illinois pursuant to its lawful powers and perform any
other lawful act that the Commissioner considers to be necessary or
desirable to carry out the purposes and provisions of this Act.

(h) Adopt, in accordance with the Illinois Administrative
Procedure Act, reasonable rules that the Commissioner deems necessary
for the proper administration and enforcement of any Act the
administration of which is vested in the Commissioner or the Office of
Banks and Real Estate.

(i) Work in cooperation with the Director of Aging to encourage
all financial institutions regulated by the Office to participate fully in the
Department on Aging's financial exploitation of the elderly intervention
program.

(Source: P.A. 92-483, eff. 8-23-01.)

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

PUBLIC ACT 93-0787
(House Bill No. 0686)

AN ACT in relation to health.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Inclusion of Women and Minorities in Clinical
Research Act is amended by changing Sections 5 and 10 as follows:

(30 ILCS 785/5)
Sec. 5. Definitions. In this Act:
"Grantee" means any qualified public, private, or not-for-profit
agency or individual, including, but not limited to, a college, university,
hospital, laboratory, research institution, local health department,
voluntary health agency, health maintenance organization, corporation,
student, fellow, or entrepreneur, conducting clinical research using State

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funds. A grantee may also be a corporation that is headquartered in Illinois and that conducts research using State funds.

"Minority group" means a group that is a readily identifiable subset of the U.S. population that is distinguished by racial, ethnic, or cultural heritage. The following racial and ethnic categories shall be used as guidelines:

1. "American Indian or Alaskan Native" means a person having origins in any of the original native peoples of North America and who maintains a cultural identification through tribal affiliation or community recognition.

2. "Asian or Pacific Islander" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including, but not limited to, China, India, Japan, Korea, the Philippine Islands, and Samoa.

3. "Black" means someone not of Hispanic origin having origins in any of the black racial groups of Africa.

4. "Hispanic" means a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race is defined as in the 2000 National Institutes of Health guidelines.

"Project of clinical research" includes a clinical trial.

(Source: P.A. 93-514, eff. 1-1-04.)

Sec. 10. Inclusion of women and minorities. Except as provided in Section 15 or 30, in conducting or supporting a project of clinical research, a grantee must do all of the following:

1. Ensure that women, including, but not limited to, women over the age of 40 years, are included as subjects in each research project.

2. Ensure that members of minority groups are included as subjects in each research project.

3. Conduct or support outreach programs for the recruitment of women and members of minority groups as subjects in projects of clinical research.


(Source: P.A. 93-514, eff. 1-1-04.)

New matter indicated by italics - deletions by strikeout.
Effective January 1, 2005.

PUBLIC ACT 93-0788
(House Bill No. 4403)

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 6-103, 6-107, 6-118, 6-206, 6-208, and 6-306.6 and by adding Section 1-157.5 as follows:

(625 ILCS 5/1-157.5 new)

Sec. 1-157.5. Peace officer. Any person who by virtue of his or her public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

(625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

Sec. 6-103. What persons shall not be licensed as drivers or granted permits. The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code:

1. To any person, as a driver, who is under the age of 18 years except as provided in Section 6-107, and except that an instruction permit may be issued under Section 6-107.1 paragraphs (a) and (b) of Section 6-105 to a child who is not less than 15 years of age if the child is enrolled in an approved driver education course as defined in Section 1-103 of this Code and requires an instruction permit to participate therein, except that an instruction permit may be issued under the provisions of Section 6-107.1 to a child who is 17 years and 9 months of age without the child having enrolled in an approved driver education course and except that an instruction permit may be issued to a child who is at least 15 years and 6 months of age, is enrolled in school, meets the educational requirements of the Driver Education Act, and has passed examinations the Secretary of State in his or her discretion may prescribe;

2. To any person who is under the age of 18 as an operator of a motorcycle other than a motor driven cycle unless the person

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has, in addition to meeting the provisions of Section 6-107 of this Code, successfully completed a motorcycle training course approved by the Illinois Department of Transportation and successfully completes the required Secretary of State's motorcycle driver's examination;

3. To any person, as a driver, whose driver's license or permit has been suspended, during the suspension, nor to any person whose driver's license or permit has been revoked, except as provided in Sections 6-205, 6-206, and 6-208;

4. To any person, as a driver, who is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle;

5. To any person, as a driver, who has previously been adjudged to be afflicted with or suffering from any mental or physical disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as a driver, who is required by the Secretary of State to submit an alcohol and drug evaluation or take an examination provided for in this Code unless the person has successfully passed the examination and submitted any required evaluation;

7. To any person who is required under the provisions of the laws of this State to deposit security or proof of financial responsibility and who has not deposited the security or proof;

8. To any person when the Secretary of State has good cause to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways, unless the person shall furnish to the Secretary of State a verified written statement, acceptable to the Secretary of State, from a competent medical specialist to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety;

9. To any person, as a driver, who is 69 years of age or older, unless the person has successfully complied with the provisions of Section 6-109;

10. To any person convicted, within 12 months of application for a license, of any of the sexual offenses enumerated in paragraph 2 of subsection (b) of Section 6-205;

New matter indicated by italics - deletions by strikeout.
11. To any person who is under the age of 21 years with a classification prohibited in paragraph (b) of Section 6-104 and to any person who is under the age of 18 years with a classification prohibited in paragraph (c) of Section 6-104;

12. To any person who has been either convicted of or adjudicated under the Juvenile Court Act of 1987 based upon a violation of the Cannabis Control Act or the Illinois Controlled Substances Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. The Secretary of State shall not issue a new license or permit for a period of one year;

13. To any person who is under the age of 18 years and who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101;

14. To any person who is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days' obligation or more and who has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code; or

15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide or for violating subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, within 24 months of release from a term of imprisonment.

The Secretary of State shall retain all conviction information, if the information is required to be held confidential under the Juvenile Court Act of 1987.

(Source: P.A. 92-343, eff. 1-1-02; 93-174, eff. 1-1-04.)

New matter indicated by italics - deletions by strikeout.
Sec. 6-107. Graduated license.

(a) The purpose of the Graduated Licensing Program is to develop safe and mature driving habits in young, inexperienced drivers and reduce or prevent motor vehicle accidents, fatalities, and injuries by:

(1) providing for an increase in the time of practice period before granting permission to obtain a driver's license;

(2) strengthening driver licensing and testing standards for persons under the age of 21 years;

(3) sanctioning driving privileges of drivers under age 21 who have committed serious traffic violations or other specified offenses; and

(4) setting stricter standards to promote the public's health and safety.

(b) The application of any person under the age of 18 years, and not legally emancipated by marriage, for a driver's license or permit to operate a motor vehicle issued under the laws of this State, shall be accompanied by the written consent of either parent of the applicant; otherwise by the guardian having custody of the applicant, or in the event there is no parent or guardian, then by another responsible adult.

No graduated driver's license shall be issued to any applicant under 18 years of age, unless the applicant is at least 16 years of age and has:

(1) Held a valid instruction permit for a minimum of 3 months.

(2) Passed an approved driver education course and submits proof of having passed the course as may be required.

(3) Certification by the parent, legal guardian, or responsible adult that the applicant has had a minimum of 25 hours of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle.

(c) No graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101 of this Code and no graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of this Code or who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act or the Illinois Controlled Substances Act,
while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such.

(d) No graduated driver's license shall be issued for 6 months to any applicant under the age of 18 years who has been convicted of any offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance.

(e) No graduated driver's license holder under the age of 18 years shall operate any motor vehicle, except a motor driven cycle or motorcycle, with more than one passenger in the front seat of the motor vehicle and no more passengers in the back seats than the number of available seat safety belts as set forth in Section 12-603 of this Code.

(f) No graduated driver's license holder under the age of 18 shall operate a motor vehicle unless each driver and front or back seat passenger under the age of 18 is wearing a properly adjusted and fastened seat safety belt.

(g) If a graduated driver's license holder is under the age of 18 when he or she receives the license, for the first 6 months he or she holds the license or until he or she reaches the age of 18, whichever occurs sooner, the graduated license holder may not operate a motor vehicle with more than one passenger in the vehicle who is under the age of 20, unless any additional passenger or passengers are siblings, step-siblings, children, or stepchildren of the driver.

(Source: P.A. 93-101, eff. 1-1-04.) (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

Sec. 6-118. Fees.
(a) The fee for licenses and permits under this Article is as follows:
Original driver's license.................................$10
Original or renewal driver's license
  issued to 18, 19 and 20 year olds.......................5
All driver's licenses for persons
  age 69 through age 80....................................5
All driver's licenses for persons

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age 81 through age 86........................................2
All driver's licenses for persons
age 87 or older..........................................0
Renewal driver's license (except for
applicants ages 18, 19 and 20 or
age 69 and older).......................................10
Original instruction permit issued to
persons (except those age 69 and older)
who do not hold or have not previously
held an Illinois instruction permit or
driver's license..........................................20
Instruction permit issued to any person
holding an Illinois driver's license
who wishes a change in classifications,
other than at the time of renewal.................5
Any instruction permit issued to a person
age 69 and older........................................5
Instruction permit issued to any person,
under age 69, not currently holding a
valid Illinois driver's license or
instruction permit but who has
previously been issued either document
in Illinois.................................................10
Restricted driving permit............................8
Duplicate or corrected driver's license
or permit..................................................5
Duplicate or corrected restricted
driving permit..........................................5
Original or renewal M or L endorsement............5
SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE
The fees for commercial driver licenses and permits under
Article V shall be as follows:
Commercial driver's license:
$6 for the CDLIS/AAMVAnet Fund
(Commercial Driver's License Information
System/American Association of Motor Vehicle
Administrators network Trust Fund);
$20 for the Motor Carrier Safety Inspection Fund;
$10 for the driver's license;

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Renewal commercial driver's license:
$6 for the CDLIS/AAMVA.net Trust Fund;
$20 for the Motor Carrier Safety Inspection Fund;
$10 for the driver's license; and
$24 for the CDL: $60

Commercial driver instruction permit
issued to any person holding a valid
Illinois driver's license for the
purpose of changing to a
CDL classification: $6 for the
CDLIS/AAMVA.net Trust Fund;
$20 for the Motor Carrier
Safety Inspection Fund; and
$24 for the CDL classification: $50

Commercial driver instruction permit
issued to any person holding a valid
Illinois CDL for the purpose of
making a change in a classification,
endorsement or restriction: $5

CDL duplicate or corrected license: $5

In order to ensure the proper implementation of the Uniform Commercial Driver License Act, Article V of this Chapter, the Secretary of State is empowered to pro-rate the $24 fee for the commercial driver's license proportionate to the expiration date of the applicant's Illinois driver's license.

The fee for any duplicate license or permit shall be waived for any person age 60 or older who presents the Secretary of State's office with a police report showing that his license or permit was stolen.

No additional fee shall be charged for a driver's license, or for a commercial driver's license, when issued to the holder of an instruction permit for the same classification or type of license who becomes eligible for such license.

(b) Any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked under any provision of Chapter 6, Chapter 11, or Section 7-205, 7-303, or 7-702 of the Family Financial Responsibility Law of this Code, shall in addition to any other fees required by this Code, pay a reinstatement fee as follows:
Summary suspension under Section 11-501.1........$250

New matter indicated by italics - deletions by strikeout.
Other suspension...........................................$70
Revocation..................................................$500

However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 and each suspension or revocation was for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows:
Summary suspension under Section 11-501.1...........$500
Revocation..................................................$500

(c) All fees collected under the provisions of this Chapter 6 shall be paid into the Road Fund in the State Treasury except as follows:
1. The following amounts shall be paid into the Driver Education Fund:
   (A) $16 of the $20 fee for an original driver's instruction permit;
   (B) $5 of the $10 $20 fee for an original driver's license;
   (C) $5 of the $10 $20 fee for a 4 year renewal driver's license; and
   (D) $4 of the $8 fee for a restricted driving permit.
2. $30 of the $250 fee for reinstatement of a license summarily suspended under Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention Fund. However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or Section 9-3 of the Criminal Code of 1961, $190 of the $500 fee for reinstatement of a license summarily suspended under Section 11-501.1, and $190 of the $500 fee for reinstatement of a revoked license shall be deposited into the Drunk and Drugged Driving Prevention Fund.
3. $6 of such original or renewal fee for a commercial driver's license and $6 of the commercial driver instruction permit fee when such permit is issued to any person holding a valid

New matter indicated by italics - deletions by strikeout.
Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund.

4. $30 of the $70 fee for reinstatement of a license suspended under the Family Financial Responsibility Law shall be paid into the Family Responsibility Fund.

5. The $5 fee for each original or renewal M or L endorsement shall be deposited into the Cycle Rider Safety Training Fund.

6. $20 of any original or renewal fee for a commercial driver's license or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund.

7. The following amounts shall be paid into the General Revenue Fund:
   (A) $190 of the $250 reinstatement fee for a summary suspension under Section 11-501.1;
   (B) $40 of the $70 reinstatement fee for any other suspension provided in subsection (b) of this Section; and
   (C) $440 of the $500 reinstatement fee for a first offense revocation and $310 of the $500 reinstatement fee for a second or subsequent revocation.

(Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04.)

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)
Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in

New matter indicated by italics - deletions by strikeout.
the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of

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obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

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25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol

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concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code;

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance; or

39. Has committed a second or subsequent violation of Section 11-1201 of this Code; or:

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

New matter indicated by italics - deletions by strikeout.
(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

New matter indicated by italics - deletions by strikeout.
The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses,

New matter indicated by italics - deletions by strikeout.
or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to

New matter indicated by italics - deletions by strikeout.
participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff. 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04.)

(625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

Sec. 6-208. Period of Suspension - Application After Revocation.

(a) Except as otherwise provided by this Code or any other law of this State, the Secretary of State shall not suspend a driver's license, permit or privilege to drive a motor vehicle on the highways for a period of more than one year.

(b) Any person whose license, permit or privilege to drive a motor vehicle on the highways has been revoked shall not be entitled to have such license, permit or privilege renewed or restored. However, such person may, except as provided under subsection (d) of Section 6-205, make application for a license pursuant to Section 6-106 (i) if the revocation was for a cause which has been removed or (ii) as provided in the following subparagraphs:

1. Except as provided in subparagraphs 2, 3, and 4, the person may make application for a license after the expiration of one year from the effective date of the revocation or, in the case of a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance, after the expiration of 3 years from the effective date of the revocation or, in the case of a violation of Section 9-3 of the Criminal Code of 1961 relating to the offense of reckless homicide or a violation of subparagraph (F) of paragraph 1 of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, after the expiration of 2 years from the effective date of the revocation or after the expiration of 24 months from the date of
release from a period of imprisonment as provided in Section 6-103 of this Code, whichever is later.  

2. If such person is convicted of committing a second violation within a 20 year period of:
   (A) Section 11-501 of this Code, or a similar provision of a local ordinance; or
   (B) Paragraph (b) of Section 11-401 of this Code, or a similar provision of a local ordinance; or
   (C) Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or
   (D) any combination of the above offenses committed at different instances;
then such person may not make application for a license until after the expiration of 5 years from the effective date of the most recent revocation. The 20 year period shall be computed by using the dates the offenses were committed and shall also include similar out-of-state offenses.

3. However, except as provided in subparagraph 4, if such person is convicted of committing a third, or subsequent, violation or any combination of the above offenses, including similar out-of-state offenses, contained in subparagraph 2, then such person may not make application for a license until after the expiration of 10 years from the effective date of the most recent revocation.

4. The person may not make application for a license if the person is convicted of committing a fourth or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance, Section 11-401 of this Code, Section 9-3 of the Criminal Code of 1961, or a combination of these offenses or similar provisions of local ordinances or similar out-of-state offenses.

Notwithstanding any other provision of this Code, all persons referred to in this paragraph (b) may not have their privileges restored until the Secretary receives payment of the required reinstatement fee pursuant to subsection (b) of Section 6-118.

In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to this Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

New matter indicated by italics - deletions by strikeout.
(c) If a person prohibited under paragraph (2) or paragraph (3) of subsection (c-4) of Section 11-501 from driving any vehicle not equipped with an ignition interlock device nevertheless is convicted of driving a vehicle that is not equipped with the device, that person is prohibited from driving any vehicle not equipped with an ignition interlock device for an additional period of time equal to the initial time period that the person was required to use an ignition interlock device.

(Source: P.A. 91-357, eff. 7-29-99; 92-343, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02.)

(625 ILCS 5/6-306.6) (from Ch. 95 1/2, par. 6-306.6)

Sec. 6-306.6. Failure to pay traffic fines, penalties, or court costs.

(a) Whenever any resident of this State fails to pay any traffic fine, penalty, or cost imposed for a violation of this Code, or similar provision of local ordinance, the clerk may notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue or reinstatement of such resident's driving privileges until such fine, penalty, or cost has been paid in full. The clerk shall provide notice to the driver, at the driver's last known address as shown on the court's records, stating that such action will be effective on the 46th day following the date of the above notice if payment is not received in full by the court of venue.

(a-1) Whenever any resident of this State who has made a partial payment on any traffic fine, penalty, or cost that was imposed under a conviction entered on or after the effective date of this amendatory Act of the 93rd General Assembly, for a violation of this Code or a similar provision of a local ordinance, fails to pay the remainder of the outstanding fine, penalty, or cost within the time limit set by the court, the clerk may notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, penalty, or cost has been paid in full. The clerk shall provide notice to the driver, at the driver's last known address as shown on the court's records, stating that the action will be effective on the 46th day following the date of the notice if payment is not received in full by the court of venue.

(b) Following receipt of the report from the clerk, the Secretary of State shall make the proper notation to the driver's file to prohibit the renewal, reissue or reinstatement of such driver's driving privileges. Except as provided in paragraph (2) of subsection (d) of this Section, such

New matter indicated by italics - deletions by strikeout.
notation shall not be removed from the driver's record until the driver satisfies the outstanding fine, penalty, or and cost and an appropriate notice on a form prescribed by the Secretary is received by the Secretary from the court of venue, stating that such fine, penalty, or and cost has been paid in full. Upon payment in full of a traffic fine, penalty, or and court cost which has previously been reported under this Section as unpaid, the clerk of the court shall present the driver with a signed receipt containing the seal of the court indicating that such fine, penalty, or and cost has have been paid in full, and shall forward forthwith to the Secretary of State a notice stating that the fine, penalty, or and cost has have been paid in full.

(c) The provisions of this Section shall be limited to a single action per arrest and as a post conviction measure only. Fines, penalty, or and costs to be collected subsequent to orders of court supervision, or other available court diversions are not applicable to this Section. A driver making a partial payment of any outstanding fine, penalty, and cost is not a sufficient basis for the clerk to notify the Secretary for any subsequent action pursuant to this Section.

(d) (1) Notwithstanding the receipt of a report from the clerk as prescribed in subsection (a), nothing in this Section is intended to place any responsibility upon the Secretary of State to provide independent notice to the driver of any potential action to disallow the renewal, reissue or reinstatement of such driver's driving privileges.

(2) The Secretary of State shall renew, reissue or reinstate a driver's driving privileges which were previously refused pursuant to this Section upon presentation of an original receipt which is signed by the clerk of the court and contains the seal of the court indicating that the fine, penalty, or and cost have have been paid in full. The Secretary of State shall retain such receipt for his records.

(Source: P.A. 89-71, eff. 1-1-96.)

Effective January 1, 2005.

PUBLIC ACT 93-0789
(House Bill No. 4481)

AN ACT concerning public health.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Lead Poisoning Prevention Act is amended by changing Section 11.05 as follows:

(410 ILCS 45/11.05)
Sec. 11.05. Advisory Council.
(a) The General Assembly finds the following:
(1) Lead-based paint poisoning is a potentially devastating but preventable disease and is the number one environmental threat to children's health in the United States.
(2) The number of lead-poisoned children in Illinois is among the highest in the nation, especially in older, affordable properties.
(3) Lead poisoning causes irreversible damage to the development of a child's nervous system. Even at low and moderate levels, lead poisoning causes learning disabilities, speech problems, shortened attention span, hyperactivity, and behavioral problems. Recent research links high levels of lead exposure to lower IQ scores and to juvenile delinquency.
(4) Older housing is the number one risk factor for childhood lead poisoning. Properties built before 1950 are statistically much more likely to contain lead-based paint hazards than buildings constructed more recently.
(5) Illinois ranks 10th out of the 50 states in the age of its housing stock. More than 50% of the housing units in Chicago and in Rock Island, Peoria, Macon, Madison, and Kankakee counties were built before 1960 and more than 43% of the housing units in St. Clair, Winnebago, Sangamon, Kane, and Cook counties were built before 1950.
(6) There are nearly 1.4 million households with lead-based paint hazards in Illinois.
(7) Most children are lead-poisoned in their own homes through exposure to lead dust from deteriorated lead-paint surfaces, like windows, and when lead paint deteriorates or is disturbed through home renovation and repainting.
(8) The control of lead hazards significantly reduces lead poisoning rates. Other communities, including New York City and Milwaukee, have successfully reduced lead poisoning rates by removing lead-based paint hazards on windows.

New matter indicated by italics - deletions by strikeout.
(9) Windows are considered a higher lead exposure risk more often than other components in a housing unit. Windows are a major contributor of lead dust in the home, due to both weathering conditions and friction effects on paint.

(10) There is an insufficient pool of licensed lead abatement workers and contractors to address the problem in some areas of the State.

(11) Training, insurance, and licensing costs for lead removal workers are prohibitively high.

(12) Through grants from the United States Department of Housing and Urban Development, some communities in Illinois have begun to reduce lead poisoning of children. While this is an ongoing effort, it addresses only a small number of the low-income children statewide in communities with high levels of lead paint in the housing stock.

(b) For purposes of this Section:
"Advisory Council" means the Lead-Safe Housing Advisory Council created under subsection (c).
"Lead-Safe Housing Maintenance Standards" or "Standards" means standards developed by the Advisory Council pursuant to this Section.
"Low-income" means a household at or below 80% of the median income level for a given county as determined annually by the United States Department of Housing and Urban Development.
"Primary prevention" means removing lead hazards before a child is poisoned rather than relying on identification of a lead poisoned child as the triggering event.

(c) The Lead-Safe Housing Advisory Council is created to advise the Department on lead poisoning prevention activities. The Advisory Council shall be chaired by the Director or his or her designee and the chair of the Illinois Lead Safe Housing Task Force and provided with administrative support by the Department. The Advisory Council shall be comprised of (i) the directors, or their designees, of the Illinois Housing Development Authority and the Environmental Protection Agency; and (ii) the directors, or their designees, of public health departments of counties identified by the Department that contain communities with a concentration of high-risk, lead-contaminated properties.

The Advisory Council shall also include the following members appointed by the Governor:

New matter indicated by italics - deletions by strikeout.
(1) One representative from the Illinois Association of Realtors.

(2) One representative from the insurance industry.

(3) Two pediatricians or other physicians with knowledge of lead-paint poisoning.

(4) Two representatives from the private-sector, lead-based-paint-abatement industry who are licensed in Illinois as an abatement contractor, worker, or risk assessor.

(5) Two representatives from community based organizations in communities with a concentration of high risk lead contaminated properties. High-risk communities shall be identified based upon the prevalence of low-income families whose children are lead poisoned and the age of the housing stock.

(6) At least 3 lead-safe housing advocates, including (i) the parent of a lead-poisoned child, (ii) a representative from a child advocacy organization, and (iii) a representative from a tenant housing organization.

(7) One representative from the Illinois paint and coatings industry.

Within 9 months after its formation, the Advisory Council shall submit a written report to the Governor and the General Assembly on:

1. developing a primary prevention program for addressing lead poisoning;

2. developing a sufficient pool of lead abatement workers and contractors;

3. targeting blood lead screening to children residing in high-risk buildings and neighborhoods;

4. ensuring lead-safe work practices in all remodeling, rehabilitation, and weatherization work;

5. funding mechanisms to assist residential property owners in costs of lead abatement and mitigation;

6. providing insurance subsidies to licensed lead abatement contractors who target their work to high-risk communities; and

7. developing any necessary legislation or rulemaking to improve the effectiveness of State and local programs in lead abatement and other prevention and control activities.

New matter indicated by italics - deletions by strikeout.
The Advisory Council shall develop handbooks and training for property owners and tenants explaining the Standards and State and federal requirements for lead-safe housing.

The Advisory Council shall meet at least quarterly. Its members shall receive no compensation for their services, but their reasonable travel expenses actually incurred shall be reimbursed by the Department.

(Source: P.A. 93-348, eff. 1-1-04.)

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


PUBLIC ACT 93-0790
(House Bill No. 5023)

AN ACT concerning economic development.

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

Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-523 as follows:

(20 ILCS 605/605-523 new)

Sec. 605-523. Downtown development and improvement revolving loan and grant program. As used in this Section, "downtown" means the traditional center business district of a municipality that (i) has served as the center for socio-economic interaction in the municipality, (ii) is characterized by a cohesive core of commercial and mixed use buildings that may be interspersed with civic, religious, and residential buildings and public spaces, and (iii) is typically arranged along a main street and intersecting side streets and served by public infrastructure.

(a) The Department may administer the Downtown Development and Improvement Fund, a special fund in the State treasury, to make revolving loans and grants, subject to appropriation, to municipalities seeking financial assistance with the development and improvement of commercial or residential property in the downtown area of a municipality.

(b) The Department shall grant or loan the funds only for projects that are part of a downtown revitalization plan approved by the corporate
authorities of the municipality and that meet guidelines established by the Department by rule. In establishing those guidelines, the Department shall consult recognized standards and guidelines for the development of downtown areas, including standards and guidelines for the development of historically significant buildings and property.

(c) The funds shall be used for the following purposes:

(1) facade improvements;
(2) leasehold improvements, including: (i) interior demolition; (ii) stripping and paint removal; (iii) waste removal; (iv) cleaning; (v) window repair; (vi) building and security improvements; and (vii) any other improvements required by the Department by rule; and
(3) upper floor improvement for commercial or residential occupancy.

(d) Recipients may not use loan or grant funds for reimbursements for work they have completed themselves.

(e) Grants or loans made under this Section must not exceed the following amounts:

(1) For grants or loans for facade improvement projects, $20,000 per project, or 40% of the project cost.
(2) For grants or loans for leasehold improvement projects, $10,000 per project.
(3) For grants or loans for upper floor improvement projects for residential use, $5,000 for a one-bedroom residential unit, $7,500 for a two-bedroom residential unit, or 60% of the proposed residential unit cost.
(4) For grants or loans for upper floor improvement projects for commercial use, the lesser of $2 per square foot of leasable office space, or 60% of the project cost.

At no time shall the amount of a grant or loan exceed $50,000 per project.

(f) The term of a grant or loan made under this Section may not exceed:

(1) For grants or loans for facade improvement projects, 20 years.
(2) For grants or loans for leasehold improvement projects, 5 years.

(g) The Department may adopt any rules necessary to implement and operate this program.

New matter indicated by italics - deletions by strikeout.
Section 10. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Downtown Development and Improvement Fund.

Section 99. Effective date. This Act takes effect January 1, 2005.


Effective January 1, 2005.

PUBLIC ACT 93-0791

( House Bill No. 5340)

AN ACT in relation to transportation.

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

Section 5. The Illinois Vehicle Code is amended by adding Section 18c-7401.1 as follows:

(625 ILCS 5/18c-7401.1 new)

Sec. 18c-7401.1. Rules for safe railroad worker walkways. Within 90 days after the effective date of this amendatory Act of the 93rd General Assembly, the Commission shall adopt rules regarding safe walkways for railroad workers in areas where work is regularly performed on the ground. The rules must include, at a minimum, a requirement that any walkway (i) have a reasonably uniform surface, (ii) be maintained in a safe condition, and (iii) be reasonably free of obstacles, debris, and other hazards.


PUBLIC ACT 93-0792

( House Bill No. 6229)

AN ACT in relation to transportation.

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

Section 5. The Local Mass Transit District Act is amended by changing Section 4 as follows:

New matter indicated by italics - deletions by strikeout.
(70 ILCS 3610/4) (from Ch. 111 2/3, par. 354)
Sec. 4. The powers of the local Mass Transit District shall repose in, and be exercised by, a Board of Trustees. If the District is created by only one municipality or only one county the corporate authorities or the county board chairman with the consent of the county board of such municipality or county shall appoint either 3 or 5 trustees to the Board; provided that in any Metro East Mass Transit District created by a single county, 5 trustees shall be appointed and the trustees so appointed shall be: (1) a mayor of a municipality within the District; (2) a township supervisor from within the District, or if in a county without township supervisors, another mayor within the District; (3) the county board chairman in which the District was formed or such other county board member as he shall designate; and (4) 2 members of the general public. If the District is created by one or more municipalities or one or more counties or any combination thereof, the corporate authorities and the county board chairman of each participating municipality or county shall determine the percentage of service that the District provides to each municipality or county. Each participating municipality and county shall appoint trustees in proportion to the percentage of service received from the District by that municipality or county. The corporate authorities or the county board chairman, with the consent of the county board, of each participating municipality or county shall appoint one trustee to the Board for each 30% or fraction thereof of service that the municipality or county receives from the District. If an even number of trustees are appointed to the Board, the corporate authorities or the county board chairman, with the consent of the county board, of the municipality or county that receives the largest percentage of service from the District shall appoint one additional trustee. The corporate authorities or the county board chairman with the consent of the county board of each participating municipality or county shall appoint one trustee to the Board for every 100,000 inhabitants, or fraction thereof, of such municipality or county. The first Trustees appointed to the Board and any 2 additional trustees, initially appointed as a result of this amendatory Act of 1983 shall serve for terms of 4 years or less, the terms to be staggered to the extent possible so that they expire one year apart and so that the terms of not more than 2 trustees expire in the same year, with the Trustees to serve less than 4 years to be selected by lot. Thereafter, their successors shall serve for 4 years. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

New matter indicated by italics - deletions by strikeout.
Except in a Metro East Mass Transit District, no Trustee of any District may be an elected official of the municipality or municipalities or county or counties creating the District. A Trustee shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any Trustee shall be filed with the clerk or clerks and such certificate shall be conclusive evidence of the due and proper appointment of such Trustee. A Trustee shall receive, as compensation for his services, not more than $100 for each day devoted to the business of the Board but not more than $400 per month. For the purposes of this Section, each District may determine what constitutes a business day. He shall also be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. The powers of each District and the Board shall be vested in the Trustees thereof in office from time to time. A majority shall constitute a quorum of the Board for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the Board upon a vote of the majority of the Trustees present, unless in any case the bylaws of the Board shall require a larger number. The Board shall select a chairman and a vice-chairman from among the Trustees.

No Trustee or employee of the Board shall acquire or have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with operations of the District. For inefficiency or neglect of duty or misconduct in office, a Trustee may be removed by the person or body which made the original appointment, but a Trustee shall be removed only after he shall have been given a copy of the charges against him at least 10 days prior to the hearing thereon and has had an opportunity to be heard in person or by counsel. In the event of the removal of any Trustee, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk or clerks of the creating county or counties or municipality or municipalities.

The Board shall employ a managing director of the District and may employ a secretary, treasurer, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall fix and determine their qualifications, duties and compensation and the amount of bond to be furnished for such offices and positions. For such legal services as it may require, the Board may call upon any chief law officers of the municipality, municipalities, or the county or counties as the case may be, or may employ and fix the

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compensation of its own counsel and legal staff. The Board may delegate to one or more of its agents or employees such powers and duties as it may deem proper. Notwithstanding the other provisions of this paragraph, employment of any person other than a managing director or secretary by any Metro East Mass Transit District created by a single county shall require the authorization of the county board of such county.

Neither the District, the members of its Board nor its officers or employees shall be held liable for failure to provide a security or police force or, if a security or police force is provided, for failure to provide adequate police protection or security, failure to prevent the commission of crimes by fellow passengers or other third persons or for the failure to apprehend criminals.

(Source: P.A. 93-590, eff. 1-1-04.)

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


PUBLIC ACT 93-0793
(House Bill No 6567)

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

Section 5. The Illinois Highway Code is amended by adding Section 9-113.02 as follows:

(605 ILCS 5/9-113.02 new)

Sec. 9-113.02. Damage to State-owned roadway property. Any agency or instrumentality of the State of Illinois may seek recovery for the cost of the repair or replacement of damaged or destroyed roadway property. As used in this Section, "roadway property" includes road safety equipment and emergency equipment. Depreciation may not be used as a factor in determining the cost of the damaged or destroyed roadway property for which recovery is sought.

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


New matter indicated by italics - deletions by strikeout.
AN ACT concerning anatomical gifts.

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

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-330 as follows:

(20 ILCS 2310/2310-330) (was 20 ILCS 2310/55.46)
Sec. 2310-330. Sperm and tissue bank registry; AIDS test for donors; penalties.

(a) The Department shall establish a registry of all sperm banks and tissue banks operating in this State. All sperm banks and tissue banks operating in this State shall register with the Department by May 1 of each year. Any person, hospital, clinic, corporation, partnership, or other legal entity that operates a sperm bank or tissue bank in this State and fails to register with the Department pursuant to this Section commits a business offense and shall be subject to a fine of $5000.

(b) All donors of semen for purposes of artificial insemination, or donors of corneas, bones, organs, or other human tissue for the purpose of injecting, transfusing, or transplanting any of them in the human body, shall be tested for evidence of exposure to human immunodeficiency virus (HIV) and any other identified causative agent of acquired immunodeficiency syndrome (AIDS) at the time of or after the donation but prior to the semen, corneas, bones, organs, or other human tissue being made available for that use. However, when in the opinion of the attending physician the life of a recipient of a bone, organ, or other human tissue donation would be jeopardized by delays caused by testing for evidence of exposure to HIV and any other causative agent of AIDS, testing shall not be required.

(c) No person may intentionally, knowingly, recklessly, or negligently use the semen, corneas, bones, organs, or other human tissue of a donor unless the requirements of subsection (b) have been met. No person may intentionally, knowingly, recklessly, or negligently use the semen, corneas, bones, organs, or other human tissue of a donor who has
tested positive for exposure to HIV or any other identified causative agent of AIDS. Violation of this subsection (c) shall be a Class 4 felony.

(d) For the purposes of this Section, "human tissue" shall not be construed to mean organs or whole blood or its component parts.

For the purposes of this Section, "tissue bank" has the same meaning as set forth in the Illinois Anatomical Gift Act. means any facility or program that is involved in procuring, furnishing, donating, processing, or distributing corneas, bones, organs, or other human tissue for the purpose of injecting, transfusing, or transplanting any of them in the human body.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 10. The School Code is amended by changing Section 27-23.5 as follows:

(105 ILCS 5/27-23.5)

Sec. 27-23.5. Organ/tissue donor and transplantation programs. Each school district that maintains grades 9 and 10 may include in its curriculum and teach to the students of either such grade one unit of instruction on organ/tissue donor and transplantation programs. No student shall be required to take or participate in instruction on organ/tissue donor and transplantation programs if a parent or guardian files written objection thereto on constitutional grounds, and refusal to take or participate in such instruction on those grounds shall not be reason for suspension or expulsion of a student or result in any academic penalty.

The regional superintendent of schools in which a school district that maintains grades 9 and 10 is located shall obtain and distribute make available to each the school in his or her board of the district information and data that may be used by the school district in developing a unit of instruction under this Section. However, each school board shall determine the minimum amount of instructional time that shall qualify as a unit of instruction satisfying the requirements of this Section.

(Source: P.A. 90-635, eff. 7-24-98.)

Section 15. The Hospital Licensing Act is amended by changing Sections 6.16 and 10.4 as follows:

(210 ILCS 85/6.16)

Sec. 6.16. Agreement with designated organ procurement agency. Each hospital licensed under this Act shall have an agreement with its federally designated organ procurement agency providing for notification of the organ procurement agency when potential organ donors become

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available, as required in Section 5-25 of the Illinois Anatomical Gift Act of the Organ Donation Request Act. (Source: P.A. 89-393, eff. 8-20-95.)

Sec. 10.4. Medical staff privileges.

(a) Any hospital licensed under this Act or any hospital organized under the University of Illinois Hospital Act shall, prior to the granting of any medical staff privileges to an applicant, or renewing a current medical staff member's privileges, request of the Director of Professional Regulation information concerning the licensure status and any disciplinary action taken against the applicant's or medical staff member's license, except for medical personnel who enter a hospital to obtain organs and tissues for transplant from a deceased donor in accordance with the Illinois Uniform Anatomical Gift Act. The Director of Professional Regulation shall transmit, in writing and in a timely fashion, such information regarding the license of the applicant or the medical staff member, including the record of imposition of any periods of supervision or monitoring as a result of alcohol or substance abuse, as provided by Section 23 of the Medical Practice Act of 1987, and such information as may have been submitted to the Department indicating that the application or medical staff member has been denied, or has surrendered, medical staff privileges at a hospital licensed under this Act, or any equivalent facility in another state or territory of the United States. The Director of Professional Regulation shall define by rule the period for timely response to such requests.

No transmittal of information by the Director of Professional Regulation, under this Section shall be to other than the president, chief operating officer, chief administrative officer, or chief of the medical staff of a hospital licensed under this Act, a hospital organized under the University of Illinois Hospital Act, or a hospital operated by the United States, or any of its instrumentalities. The information so transmitted shall be afforded the same status as is information concerning medical studies by Part 21 of Article VIII of the Code of Civil Procedure, as now or hereafter amended.

(b) All hospitals licensed under this Act, except county hospitals as defined in subsection (c) of Section 15-1 of the Illinois Public Aid Code, shall comply with, and the medical staff bylaws of these hospitals shall include rules consistent with, the provisions of this Section in granting, limiting, renewing, or denying medical staff membership and clinical staff

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privileges. Hospitals that require medical staff members to possess faculty status with a specific institution of higher education are not required to comply with subsection (1) below when the physician does not possess faculty status.

(1) Minimum procedures for pre-applicants and applicants for medical staff membership shall include the following:

(A) Written procedures relating to the acceptance and processing of pre-applicants or applicants for medical staff membership, which should be contained in medical staff bylaws.

(B) Written procedures to be followed in determining a pre-applicant's or an applicant's qualifications for being granted medical staff membership and privileges.

(C) Written criteria to be followed in evaluating a pre-applicant's or an applicant's qualifications.

(D) An evaluation of a pre-applicant's or an applicant's current health status and current license status in Illinois.

(E) A written response to each pre-applicant or applicant that explains the reason or reasons for any adverse decision (including all reasons based in whole or in part on the applicant's medical qualifications or any other basis, including economic factors).

(2) Minimum procedures with respect to medical staff and clinical privilege determinations concerning current members of the medical staff shall include the following:

(A) A written notice of an adverse decision.

(B) An explanation of the reasons for an adverse decision including all reasons based on the quality of medical care or any other basis, including economic factors.

(C) A statement of the medical staff member's right to request a fair hearing on the adverse decision before a hearing panel whose membership is mutually agreed upon by the medical staff and the hospital governing board. The hearing panel shall have independent authority to recommend action to the hospital governing board. Upon the request of the medical staff member or the hospital governing board, the hearing panel shall make findings concerning the nature of each basis for any adverse decision

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recommended to and accepted by the hospital governing board.

(i) Nothing in this subparagraph (C) limits a hospital's or medical staff's right to summarily suspend, without a prior hearing, a person's medical staff membership or clinical privileges if the continuation of practice of a medical staff member constitutes an immediate danger to the public, including patients, visitors, and hospital employees and staff. A fair hearing shall be commenced within 15 days after the suspension and completed without delay.

(ii) Nothing in this subparagraph (C) limits a medical staff’s right to permit, in the medical staff bylaws, summary suspension of membership or clinical privileges in designated administrative circumstances as specifically approved by the medical staff. This bylaw provision must specifically describe both the administrative circumstance that can result in a summary suspension and the length of the summary suspension. The opportunity for a fair hearing is required for any administrative summary suspension. Any requested hearing must be commenced within 15 days after the summary suspension and completed without delay. Adverse decisions other than suspension or other restrictions on the treatment or admission of patients may be imposed summarily and without a hearing under designated administrative circumstances as specifically provided for in the medical staff bylaws as approved by the medical staff.

(iii) If a hospital exercises its option to enter into an exclusive contract and that contract results in the total or partial termination or reduction of medical staff membership or clinical privileges of a current medical staff member, the hospital shall provide the affected medical staff member 60 days prior notice of the effect on his or her medical staff

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membership or privileges. An affected medical staff member desiring a hearing under subparagraph (C) of this paragraph (2) must request the hearing within 14 days after the date he or she is so notified. The requested hearing shall be commenced and completed (with a report and recommendation to the affected medical staff member, hospital governing board, and medical staff) within 30 days after the date of the medical staff member's request. If agreed upon by both the medical staff and the hospital governing board, the medical staff bylaws may provide for longer time periods.

(D) A statement of the member's right to inspect all pertinent information in the hospital's possession with respect to the decision.

(E) A statement of the member's right to present witnesses and other evidence at the hearing on the decision.

(F) A written notice and written explanation of the decision resulting from the hearing.

(F-5) A written notice of a final adverse decision by a hospital governing board.

(G) Notice given 15 days before implementation of an adverse medical staff membership or clinical privileges decision based substantially on economic factors. This notice shall be given after the medical staff member exhausts all applicable procedures under this Section, including item (iii) of subparagraph (C) of this paragraph (2), and under the medical staff bylaws in order to allow sufficient time for the orderly provision of patient care.

(H) Nothing in this paragraph (2) of this subsection (b) limits a medical staff member's right to waive, in writing, the rights provided in subparagraphs (A) through (G) of this paragraph (2) of this subsection (b) upon being granted the written exclusive right to provide particular services at a hospital, either individually or as a member of a group. If an exclusive contract is signed by a representative of a group of physicians, a waiver contained in the contract shall apply to all members of the group unless stated otherwise in the contract.

New matter indicated by italics - deletions by strikeout.
(3) Every adverse medical staff membership and clinical privilege decision based substantially on economic factors shall be reported to the Hospital Licensing Board before the decision takes effect. These reports shall not be disclosed in any form that reveals the identity of any hospital or physician. These reports shall be utilized to study the effects that hospital medical staff membership and clinical privilege decisions based upon economic factors have on access to care and the availability of physician services. The Hospital Licensing Board shall submit an initial study to the Governor and the General Assembly by January 1, 1996, and subsequent reports shall be submitted periodically thereafter.

(4) As used in this Section:
"Adverse decision" means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges.
"Economic factor" means any information or reasons for decisions unrelated to quality of care or professional competency.
"Pre-applicant" means a physician licensed to practice medicine in all its branches who requests an application for medical staff membership or privileges.
"Privilege" means permission to provide medical or other patient care services and permission to use hospital resources, including equipment, facilities and personnel that are necessary to effectively provide medical or other patient care services. This definition shall not be construed to require a hospital to acquire additional equipment, facilities, or personnel to accommodate the granting of privileges.

(5) Any amendment to medical staff bylaws required because of this amendatory Act of the 91st General Assembly shall be adopted on or before July 1, 2001.

(c) All hospitals shall consult with the medical staff prior to closing membership in the entire or any portion of the medical staff or a department. If the hospital closes membership in the medical staff, any portion of the medical staff, or the department over the objections of the medical staff, then the hospital shall provide a detailed written explanation for the decision to the medical staff 10 days prior to the effective date of any closure. No applications need to be provided when membership in the medical staff or any relevant portion of the medical staff is closed.

New matter indicated by italics - deletions by strikeout.
Section 20. The AIDS Confidentiality Act is amended by changing Section 7 as follows:

(a) Notwithstanding the provisions of Sections 4, 5 and 6 of this Act, written informed consent is not required for a health care provider or health facility to perform a test when the health care provider or health facility procures, processes, distributes or uses a human body part donated for a purpose specified under the Illinois Uniform Anatomical Gift Act, or semen provided prior to the effective date of this Act for the purpose of artificial insemination, and such a test is necessary to assure medical acceptability of such gift or semen for the purposes intended.

(b) Written informed consent is not required for a health care provider or health facility to perform a test when a health care provider or employee of a health facility, or a firefighter or an EMT-A, EMT-I or EMT-P, is involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment. Should such test prove to be positive, the patient and the health care provider, health facility employee, firefighter, EMT-A, EMT-I, or EMT-P shall be provided appropriate counseling consistent with this Act.

(c) Written informed consent is not required for a health care provider or health facility to perform a test when a law enforcement officer is involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment. Should such test prove to be positive, the patient shall be provided appropriate counseling consistent with this Act. For purposes of this subsection (c), "law enforcement officer" means any person employed by the State, a county or a municipality as a policeman, peace officer, auxiliary policeman, correctional officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life.

Section 25. The Illinois Vehicle Code is amended by changing Sections 6-110 and 12-215 as follows:

(a) Licenses issued to drivers.
(a) The Secretary of State shall issue to every qualifying applicant a driver's license as applied for, which license shall bear a distinguishing number assigned to the licensee, the name, social security number, zip code, date of birth, address, and a brief description of the licensee, and a space where the licensee may write his usual signature.

If the licensee is less than 17 years of age, the license shall, as a matter of law, be invalid for the operation of any motor vehicle during any time the licensee is prohibited from being on any street or highway under the provisions of the Child Curfew Act.

Licenses issued shall also indicate the classification and the restrictions under Section 6-104 of this Code.

In lieu of the social security number, the Secretary may in his discretion substitute a federal tax number or other distinctive number.

A driver's license issued may, in the discretion of the Secretary, include a suitable photograph of a type prescribed by the Secretary.

(b) The Secretary of State shall provide a format on the reverse of each driver's license issued which the licensee may use to execute a document of gift conforming to the provisions of the Illinois Uniform Anatomical Gift Act. The format shall allow the licensee to indicate the gift intended, whether specific organs, any organ, or the entire body, and shall accommodate the signatures of the donor and 2 witnesses. The Secretary shall also inform each applicant or licensee of this format, describe the procedure for its execution, and may offer the necessary witnesses; provided that in so doing, the Secretary shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift. A brochure explaining this method of executing an anatomical gift document shall be given to each applicant or licensee. The brochure shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift, and that he or she may wish to consult with family, friends or clergy before doing so. The Secretary of State may undertake additional efforts, including education and awareness activities, to promote organ and tissue donation.

(c) The Secretary of State shall designate on each driver's license issued a space where the licensee may place a sticker or decal of the uniform size as the Secretary may specify, which sticker or decal may indicate in appropriate language that the owner of the license carries an Emergency Medical Information Card.

The sticker may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing the
Emergency Medical Information Card, but shall meet the specifications as the Secretary may by rule or regulation require.

(d) The Secretary of State shall designate on each driver's license issued a space where the licensee may indicate his blood type and RH factor.

(e) The Secretary of State shall provide that each original or renewal driver's license issued to a licensee under 21 years of age shall be of a distinct nature from those driver's licenses issued to individuals 21 years of age and older. The color designated for driver's licenses for licensees under 21 years of age shall be at the discretion of the Secretary of State.

(e-1) The Secretary shall provide that each driver's license issued to a person under the age of 21 displays the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(f) The Secretary of State shall inform all Illinois licensed commercial motor vehicle operators of the requirements of the Uniform Commercial Driver License Act, Article V of this Chapter, and shall make provisions to insure that all drivers, seeking to obtain a commercial driver's license, be afforded an opportunity prior to April 1, 1992, to obtain the license. The Secretary is authorized to extend driver's license expiration dates, and assign specific times, dates and locations where these commercial driver's tests shall be conducted. Any applicant, regardless of the current expiration date of the applicant's driver's license, may be subject to any assignment by the Secretary. Failure to comply with the Secretary's assignment may result in the applicant's forfeiture of an opportunity to receive a commercial driver's license prior to April 1, 1992.

(g) The Secretary of State shall designate on a driver's license issued, a space where the licensee may indicate that he or she has drafted a living will in accordance with the Illinois Living Will Act or a durable power of attorney for health care in accordance with the Illinois Power of Attorney Act.

(g-1) The Secretary of State, in his or her discretion, may designate on each driver's license issued a space where the licensee may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, that shall indicate in appropriate language that the owner of the license has renewed his or her driver's license.
(h) A person who acts in good faith in accordance with the terms of this Section is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his or her act.
(Source: P.A. 91-357, eff. 7-29-99; 92-689, eff. 1-1-03.)
(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)
(Text of Section before amendment by P.A. 92-872)
Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:
(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:
   1. Law enforcement vehicles of State, Federal or local authorities;
   2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;
   3. Vehicles of local fire departments and State or federal firefighting vehicles;
   4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;
   5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;
   6. Vehicles of the Illinois Emergency Management Agency, and vehicles of the Department of Nuclear Safety; and
   7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act; and
   8. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.
(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

New matter indicated by italics - deletions by strikeout.
1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;

2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

New matter indicated by italics - deletions by strikeout.
9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, or control agency; and

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:
   voluntary firefighter;
   paid firefighter;
   part-paid firefighter;
   call firefighter;
   member of the board of trustees of a fire protection district;
   paid or unpaid member of a rescue squad;
   paid or unpaid member of a voluntary ambulance unit; or

   paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.

New matter indicated by italics - deletions by strikeout.
However, such lights are not to be lighted except when responding to a bona fide emergency.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.


8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue
oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited, except motor vehicles or equipment of the State of Illinois, local authorities and contractors may be so equipped; furthermore, such lights shall not be lighted except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 91-357, eff. 7-29-99; 92-138, eff. 7-24-01; 92-407, eff. 8-17-01; 92-651, eff. 7-11-02; 92-782, eff. 8-6-02; 92-820, eff. 8-21-02; revised 8-26-02.)

(Text of Section after amendment by P.A. 92-872)
Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:
   1. Law enforcement vehicles of State, Federal or local authorities;
   2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;
   3. Vehicles of local fire departments and State or federal firefighting vehicles;

New matter indicated by italics - deletions by strikeout.
4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;

5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;

6. Vehicles of the Illinois Emergency Management Agency, and vehicles of the Department of Nuclear Safety; and

7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act; and

8. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;

2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

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4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, or control agency;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

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15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:
   voluntary firefighter;
   paid firefighter;
   part-paid firefighter;
   call firefighter;
   member of the board of trustees of a fire protection district;
   paid or unpaid member of a rescue squad;
   paid or unpaid member of a voluntary ambulance unit; or
   paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.
   However, such lights are not to be lighted except when responding to a bona fide emergency.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a

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member of the transplant team or a representative of the organ procurement organization.


8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives may be so equipped; furthermore, such lights shall not be lighted on vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from

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temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 91-357, eff. 7-29-99; 92-138, eff. 7-24-01; 92-407, eff. 8-17-01; 92-651, eff. 7-11-02; 92-782, eff. 8-6-02; 92-820, eff. 8-21-02; 92-872, eff. 6-1-03; revised 1-10-03.)

Section 30. The Criminal Code of 1961 is amended by changing Section 12-20 as follows:

(720 ILCS 5/12-20) (from Ch. 38, par. 12-20)
Sec. 12-20. Sale of body parts. (a) Except as provided in subsection (b), any person who knowingly buys or sells, or offers to buy or sell, a human body or any part of a human body, is guilty of a Class A misdemeanor for the first conviction and a Class 4 felony for subsequent convictions.

(b) This Section does not prohibit:
(1) An anatomical gift made in accordance with the Illinois Uniform Anatomical Gift Act.
(2) The removal and use of a human cornea in accordance with the Illinois Anatomical Gift Corneal Transplant Act.
(3) Reimbursement of actual expenses incurred by a living person in donating an organ, tissue or other body part or fluid for transplantation, implantation, infusion, injection, or other medical or scientific purpose, including medical costs, loss of income, and travel expenses.
(4) Payments provided under a plan of insurance or other health care coverage.
(5) Reimbursement of reasonable costs associated with the removal, storage or transportation of a human body or part thereof donated for medical or scientific purposes.
(6) Purchase or sale of blood, plasma, blood products or derivatives, other body fluids, or human hair.
(7) Purchase or sale of drugs, reagents or other substances made from human bodies or body parts, for use in medical or scientific research, treatment or diagnosis.

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(Source: P.A. 85-191.)

Section 35. The Illinois Living Will Act is amended by changing Section 6 as follows:

(755 ILCS 35/6) (from Ch. 110 1/2, par. 706)

Sec. 6. Physician Responsibilities. An attending physician who has been notified of the existence of a declaration executed under this Act, without delay after the diagnosis of a terminal condition of the patient, shall take the necessary steps to provide for written recording of the patient's terminal condition, so that the patient may be deemed to be a qualified patient under this Act, or shall notify the patient or, if the patient is unable to initiate a transfer, the person or persons described in subsection (d) of Section 3 in the order of priority stated therein that the physician is unwilling to comply with the provisions of the patient's declaration. In the event of the patient's death as determined by a physician, all medical care is to be terminated unless the patient is an organ donor, in which case appropriate organ donation treatment may be applied or continued temporarily.

(Source: P.A. 85-860.)

Section 40. The Health Care Surrogate Act is amended by changing Sections 20 and 65 as follows:

(755 ILCS 40/20) (from Ch. 110 1/2, par. 851-20)

Sec. 20. Private decision making process.

(a) Decisions whether to forgo life-sustaining or any other form of medical treatment involving an adult patient with decisional capacity may be made by that adult patient.

(b) Decisions whether to forgo life-sustaining treatment on behalf of a patient without decisional capacity are lawful, without resort to the courts or legal process, if the patient has a qualifying condition and if the decisions are made in accordance with one of the following paragraphs in this subsection and otherwise meet the requirements of this Act:

(1) Decisions whether to forgo life-sustaining treatment on behalf of a minor or an adult patient who lacks decisional capacity may be made by a surrogate decision maker or makers in consultation with the attending physician, in the order or priority provided in Section 25. A surrogate decision maker shall make decisions for the adult patient conforming as closely as possible to what the patient would have done or intended under the circumstances, taking into account evidence that includes, but is not limited to, the patient's personal, philosophical, religious and

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moral beliefs and ethical values relative to the purpose of life, sickness, medical procedures, suffering, and death. Where possible, the surrogate shall determine how the patient would have weighed the burdens and benefits of initiating or continuing life-sustaining treatment against the burdens and benefits of that treatment. In the event an unrevoked advance directive, such as a living will, a declaration for mental health treatment, or a power of attorney for health care, is no longer valid due to a technical deficiency or is not applicable to the patient's condition, that document may be used as evidence of a patient's wishes. The absence of a living will, declaration for mental health treatment, or power of attorney for health care shall not give rise to any presumption as to the patient's preferences regarding the initiation or continuation of life-sustaining procedures. If the adult patient's wishes are unknown and remain unknown after reasonable efforts to discern them or if the patient is a minor, the decision shall be made on the basis of the patient's best interests as determined by the surrogate decision maker. In determining the patient's best interests, the surrogate shall weigh the burdens on and benefits to the patient of initiating or continuing life-sustaining treatment against the burdens and benefits of that treatment and shall take into account any other information, including the views of family and friends, that the surrogate decision maker believes the patient would have considered if able to act for herself or himself.

(2) Decisions whether to forgo life-sustaining treatment on behalf of a minor or an adult patient who lacks decisional capacity, but without any surrogate decision maker or guardian being available determined after reasonable inquiry by the health care provider, may be made by a court appointed guardian. A court appointed guardian shall be treated as a surrogate for the purposes of this Act.

(b-5) Decisions concerning medical treatment on behalf of a patient without decisional capacity are lawful, without resort to the courts or legal process, if the patient does not have a qualifying condition and if decisions are made in accordance with one of the following paragraphs in this subsection and otherwise meet the requirements of this Act:

(1) Decisions concerning medical treatment on behalf of a minor or adult patient who lacks decisional capacity may be made by a surrogate decision maker or makers in consultation with the

New matter indicated by italics - deletions by strikeout.
attending physician, in the order of priority provided in Section 25 with the exception that decisions to forgo life-sustaining treatment may be made only when a patient has a qualifying condition. A surrogate decision maker shall make decisions for the patient conforming as closely as possible to what the patient would have done or intended under the circumstances, taking into account evidence that includes, but is not limited to, the patient's personal, philosophical, religious, and moral beliefs and ethical values relative to the purpose of life, sickness, medical procedures, suffering, and death. In the event an unrevoked advance directive, such as a living will, a declaration for mental health treatment, or a power of attorney for health care, is no longer valid due to a technical deficiency or is not applicable to the patient's condition, that document may be used as evidence of a patient's wishes. The absence of a living will, declaration for mental health treatment, or power of attorney for health care shall not give rise to any presumption as to the patient's preferences regarding any process. If the adult patient's wishes are unknown and remain unknown after reasonable efforts to discern them or if the patient is a minor, the decision shall be made on the basis of the patient's best interests as determined by the surrogate decision maker. In determining the patient's best interests, the surrogate shall weigh the burdens on and benefits to the patient of the treatment against the burdens and benefits of that treatment and shall take into account any other information, including the views of family and friends, that the surrogate decision maker believes the patient would have considered if able to act for herself or himself.

(2) Decisions concerning medical treatment on behalf of a minor or adult patient who lacks decisional capacity, but without any surrogate decision maker or guardian being available as determined after reasonable inquiry by the health care provider, may be made by a court appointed guardian. A court appointed guardian shall be treated as a surrogate for the purposes of this Act.

(c) For the purposes of this Act, a patient or surrogate decision maker is presumed to have decisional capacity in the absence of actual notice to the contrary without regard to advanced age. With respect to a patient, a diagnosis of mental illness or mental retardation, of itself, is not a bar to a determination of decisional capacity. A determination that an adult patient lacks decisional capacity shall be made by the attending

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physician to a reasonable degree of medical certainty. The determination shall be in writing in the patient's medical record and shall set forth the attending physician's opinion regarding the cause, nature, and duration of the patient's lack of decisional capacity. Before implementation of a decision by a surrogate decision maker to forgo life-sustaining treatment, at least one other qualified physician must concur in the determination that an adult patient lacks decisional capacity. The concurring determination shall be made in writing in the patient's medical record after personal examination of the patient. The attending physician shall inform the patient that it has been determined that the patient lacks decisional capacity and that a surrogate decision maker will be making life-sustaining treatment decisions on behalf of the patient. Moreover, the patient shall be informed of the identity of the surrogate decision maker and any decisions made by that surrogate. If the person identified as the surrogate decision maker is not a court appointed guardian and the patient objects to the statutory surrogate decision maker or any decision made by that surrogate decision maker, then the provisions of this Act shall not apply.

(d) A surrogate decision maker acting on behalf of the patient shall express decisions to forgo life-sustaining treatment to the attending physician and one adult witness who is at least 18 years of age. This decision and the substance of any known discussion before making the decision shall be documented by the attending physician in the patient's medical record and signed by the witness.

(e) The existence of a qualifying condition shall be documented in writing in the patient's medical record by the attending physician and shall include its cause and nature, if known. The written concurrence of another qualified physician is also required.

(f) Once the provisions of this Act are complied with, the attending physician shall thereafter promptly implement the decision to forgo life-sustaining treatment on behalf of the patient unless he or she believes that the surrogate decision maker is not acting in accordance with his or her responsibilities under this Act, or is unable to do so for reasons of conscience or other personal views or beliefs.

(g) In the event of a patient's death as determined by a physician, all life-sustaining treatment and other medical care is to be terminated, unless the patient is an organ donor, in which case appropriate organ donation treatment may be applied or continued temporarily.

(Source: P.A. 90-246, eff. 1-1-98.)

(755 ILCS 40/65)

New matter indicated by italics - deletions by strikeout.
Sec. 65. Do-not-resuscitate orders.

(a) An individual of sound mind and having reached the age of majority or having obtained the status of an emancipated person pursuant to the Emancipation of Mature Minors Act may execute a document (consistent with the Department of Public Health Uniform DNR Order Form) directing that resuscitating efforts shall not be implemented. Such an order may also be executed by an attending physician. Notwithstanding the existence of a DNR order, appropriate organ donation treatment may be applied or continued temporarily in the event of the patient's death, in accordance with subsection (g) of Section 20 of this Act, if the patient is an organ donor.

(b) Consent to a DNR order may be obtained from the individual, or from another person at the individual's direction, or from the individual's legal guardian, agent under a power of attorney for health care, or surrogate decision maker, and witnessed by 2 individuals 18 years of age or older.

(c) The DNR order may, but need not, be in the form adopted by the Department of Public Health pursuant to Section 2310-600 of the Department of Public Health Powers and Duties Law (20 ILLCS 2310/2310-600).

(d) A health care professional or health care provider may presume, in the absence of knowledge to the contrary, that a completed Department of Public Health Uniform DNR Order form or a copy of that form is a valid DNR order. A health care professional or health care provider, or an employee of a health care professional or health care provider, who in good faith complies with a do-not-resuscitate order made in accordance with this Act is not, as a result of that compliance, subject to any criminal or civil liability, except for willful and wanton misconduct, and may not be found to have committed an act of unprofessional conduct.

(Source: P.A. 92-356, eff. 10-1-01.)

Section 45. The Illinois Power of Attorney Act is amended by changing Sections 4-7 and 4-10 as follows:

(755 ILLCS 45/4-7) (from Ch. 110 1/2, par. 804-7)

Sec. 4-7. Duties of health care providers and others in relation to health care agencies. Each health care provider and each other person with whom an agent deals under a health care agency shall be subject to the following duties and responsibilities:

(a) It is the responsibility of the agent or patient to notify the health care provider of the existence of the health care agency and any

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amendment or revocation thereof. A health care provider furnished with a copy of a health care agency shall make it a part of the patient's medical records and shall enter in the records any change in or termination of the health care agency by the principal that becomes known to the provider. Whenever a provider believes a patient may lack capacity to give informed consent to health care which the provider deems necessary, the provider shall consult with any available health care agent known to the provider who then has power to act for the patient under a health care agency.

(b) A health care decision made by an agent in accordance with the terms of a health care agency shall be complied with by every health care provider to whom the decision is communicated, subject to the provider's right to administer treatment for the patient's comfort care or alleviation of pain; but if the provider is unwilling to comply with the agent's decision, the provider shall promptly inform the agent who shall then be responsible to make the necessary arrangements for the transfer of the patient to another provider. It is understood that a provider who is unwilling to comply with the agent's decision will continue to afford reasonably necessary consultation and care in connection with the transfer.

(c) At the patient's expense and subject to reasonable rules of the health care provider to prevent disruption of the patient's health care, each health care provider shall give an agent authorized to receive such information under a health care agency the same right the principal has to examine and copy any part or all of the patient's medical records that the agent deems relevant to the exercise of the agent's powers, whether the records relate to mental health or any other medical condition and whether they are in the possession of or maintained by any physician, psychiatrist, psychologist, therapist, hospital, nursing home or other health care provider.

(d) If and to the extent a health care agency empowers the agent to (1) make an anatomical gift on behalf of the principal under the *Illinois Uniform Anatomical Gift Act*, as now or hereafter amended, or (2) authorize an autopsy of the principal's body pursuant to Section 2 of "An Act in relation to autopsy of dead bodies", approved August 13, 1965, as now or hereafter amended, or (3) direct the disposition of the principal's remains, the decision by an authorized agent as to anatomical gift, autopsy approval or remains disposition shall be deemed the act of the principal and shall control over the decision of other persons who might otherwise have priority; and each person to whom a direction by the agent in

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accordance with the terms of the agency is communicated shall comply with such direction.
(Source: P.A. 86-736.)
(755 ILCS 45/4-10) (from Ch. 110 1/2, par. 804-10)
Sec. 4-10. Statutory short form power of attorney for health care.
(a) The following form (sometimes also referred to in this Act as the "statutory health care power") may be used to grant an agent powers with respect to the principal's own health care; but the statutory health care power is not intended to be exclusive nor to cover delegation of a parent's power to control the health care of a minor child, and no provision of this Article shall be construed to invalidate or bar use by the principal of any other or different form of power of attorney for health care. Nonstatutory health care powers must be executed by the principal, designate the agent and the agent's powers, and comply with Section 4-5 of this Article, but they need not be witnessed or conform in any other respect to the statutory health care power. When a power of attorney in substantially the following form is used, including the "notice" paragraph at the beginning in capital letters, it shall have the meaning and effect prescribed in this Act. The statutory health care power may be included in or combined with any other form of power of attorney governing property or other matters.
"ILLINOIS STATUTORY SHORT FORM POWER OF ATTORNEY FOR HEALTH CARE

(Notice: The purpose of this power of attorney is to give the person you designate (your "agent") broad powers to make health care decisions for you, including power to require, consent to or withdraw any type of personal care or medical treatment for any physical or mental condition and to admit you to or discharge you from any hospital, home or other institution. This form does not impose a duty on your agent to exercise granted powers; but when powers are exercised, your agent will have to use due care to act for your benefit and in accordance with this form and keep a record of receipts, disbursements and significant actions taken as agent. A court can take away the powers of your agent if it finds the agent is not acting properly. You may name successor agents under this form but not co-agents, and no health care provider may be

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NAMED. UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THIS POWER IN THE MANNER PROVIDED BELOW, UNTIL YOU REVOKE THIS POWER OR A COURT ACTING ON YOUR BEHALF TERMINATES IT, YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME DISABLED. THE POWERS YOU GIVE YOUR AGENT, YOUR RIGHT TO REVOKE THOSE POWERS AND THE PENALTIES FOR VIOLATING THE LAW ARE EXPLAINED MORE FULLY IN SECTIONS 4-5, 4-6, 4-9 AND 4-10(b) OF THE ILLINOIS "POWERS OF ATTORNEY FOR HEALTH CARE LAW" OF WHICH THIS FORM IS A PART (SEE THE BACK OF THIS FORM). THAT LAW EXPRESSLY PERMITS THE USE OF ANY DIFFERENT FORM OF POWER OF ATTORNEY YOU MAY DESIRE. IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.)

POWER OF ATTORNEY made this .......................day of ................................ (month) (year)

1. I, ..................................................,
   (insert name and address of principal)
   hereby appoint:
   ............................................................
   (insert name and address of agent)
   as my attorney-in-fact (my "agent") to act for me and in my name (in any way I could act in person) to make any and all decisions for me concerning my personal care, medical treatment, hospitalization and health care and to require, withhold or withdraw any type of medical treatment or procedure, even though my death may ensue. My agent shall have the same access to my medical records that I have, including the right to disclose the contents to others. My agent shall also have full power to authorize an autopsy and direct the disposition of my remains. Effective upon my death, my agent has the full power to make an anatomical gift of the following (initial one):
   ....Any organs, tissues, or eyes suitable for transplantation or used for research or education organ.
   ....Specific organs:........................................

(THE ABOVE GRANT OF POWER IS INTENDED TO BE AS BROAD AS POSSIBLE SO THAT YOUR AGENT WILL HAVE AUTHORITY TO MAKE ANY DECISION YOU COULD MAKE TO OBTAIN OR TERMINATE ANY TYPE OF HEALTH CARE, INCLUDING

New matter indicated by italics - deletions by strikeout.
WITHDRAWAL OF FOOD AND WATER AND OTHER LIFE-SUSTAINING MEASURES, IF YOUR AGENT BELIEVES SUCH ACTION WOULD BE CONSISTENT WITH YOUR INTENT AND DESIRES. IF YOU WISH TO LIMIT THE SCOPE OF YOUR AGENT'S POWERS OR PRESCRIBE SPECIAL RULES OR LIMIT THE POWER TO MAKE AN ANATOMICAL GIFT, AUTHORIZE AUTOPSY OR DISPOSE OF REMAINS, YOU MAY DO SO IN THE FOLLOWING PARAGRAPHS.)

2. The powers granted above shall not include the following powers or shall be subject to the following rules or limitations (here you may include any specific limitations you deem appropriate, such as: your own definition of when life-sustaining measures should be withheld; a direction to continue food and fluids or life-sustaining treatment in all events; or instructions to refuse any specific types of treatment that are inconsistent with your religious beliefs or unacceptable to you for any other reason, such as blood transfusion, electro-convulsive therapy, amputation, psychosurgery, voluntary admission to a mental institution, etc.):

............................................................
............................................................
............................................................
............................................................
............................................................

(THE SUBJECT OF LIFE-SUSTAINING TREATMENT IS OF PARTICULAR IMPORTANCE. FOR YOUR CONVENIENCE IN DEALING WITH THAT SUBJECT, SOME GENERAL STATEMENTS CONCERNING THE WITHHOLDING OR REMOVAL OF LIFE-SUSTAINING TREATMENT ARE SET FORTH BELOW. IF YOU AGREE WITH ONE OF THESE STATEMENTS, YOU MAY INITIAL THAT STATEMENT; BUT DO NOT INITIAL MORE THAN ONE):

I do not want my life to be prolonged nor do I want life-sustaining treatment to be provided or continued if my agent believes the burdens of the treatment outweigh the expected benefits. I want my agent to consider the relief of suffering, the expense involved and the quality as well as the possible extension of my life in making decisions concerning life-sustaining treatment.

Initialed..............................

I want my life to be prolonged and I want life-sustaining treatment to be provided or continued unless I am in a coma which my attending

New matter indicated by italics - deletions by strikeout.
physician believes to be irreversible, in accordance with reasonable medical standards at the time of reference. If and when I have suffered irreversible coma, I want life-sustaining treatment to be withheld or discontinued.

Initialed............................

I want my life to be prolonged to the greatest extent possible without regard to my condition, the chances I have for recovery or the cost of the procedures.

Initialed............................

(THE POWER OF ATTORNEY MAY BE AMENDED OR REVOKED BY YOU IN THE MANNER PROVIDED IN SECTION 4-6 OF THE ILLINOIS "POWERS OF ATTORNEY FOR HEALTH CARE LAW" (SEE THE BACK OF THIS FORM). ABSENT AMENDMENT OR REVOCATION, THE AUTHORITY GRANTED IN THIS POWER OF ATTORNEY WILL BECOME EFFECTIVE AT THE TIME THIS POWER IS SIGNED AND WILL CONTINUE UNTIL YOUR DEATH, AND BEYOND IF ANATOMICAL GIFT, AUTOPSY OR DISPOSITION OF REMAINS IS AUTHORIZED, UNLESS A LIMITATION ON THE BEGINNING DATE OR DURATION IS MADE BY INITIALING AND COMPLETING EITHER OR BOTH OF THE FOLLOWING:

3. ( ) This power of attorney shall become effective on.............................................................

.............................................................

(insert a future date or event during your lifetime, such as court determination of your disability, when you want this power to first take effect)

4. ( ) This power of attorney shall terminate on.............

.............................................................

(insert a future date or event, such as court determination of your disability, when you want this power to terminate prior to your death)

(IF YOU WISH TO NAME SUCCESSOR AGENTS, INSERT THE NAMES AND ADDRESSES OF SUCH SUCCESSORS IN THE FOLLOWING PARAGRAPH.)

5. If any agent named by me shall die, become incompetent, resign, refuse to accept the office of agent or be unavailable, I name the following (each to act alone and successively, in the order named) as successors to such agent:

.............................................................

New matter indicated by italics - deletions by strikeout.
For purposes of this paragraph 5, a person shall be considered to be incompetent if and while the person is a minor or an adjudicated incompetent or disabled person or the person is unable to give prompt and intelligent consideration to health care matters, as certified by a licensed physician. (IF YOU WISH TO NAME YOUR AGENT AS GUARDIAN OF YOUR PERSON, IN THE EVENT A COURT DECIDES THAT ONE SHOULD BE APPOINTED, YOU MAY, BUT ARE NOT REQUIRED TO, DO SO BY RETAINING THE FOLLOWING PARAGRAPH. THE COURT WILL APPOINT YOUR AGENT IF THE COURT FINDS THAT SUCH APPOINTMENT WILL SERVE YOUR BEST INTERESTS AND WELFARE. STRIKE OUT PARAGRAPH 6 IF YOU DO NOT WANT YOUR AGENT TO ACT AS GUARDIAN.)

6. If a guardian of my person is to be appointed, I nominate the agent acting under this power of attorney as such guardian, to serve without bond or security.

7. I am fully informed as to all the contents of this form and understand the full import of this grant of powers to my agent.

Signed..............................

(principal)

The principal has had an opportunity to read the above form and has signed the form or acknowledged his or her signature or mark on the form in my presence.

Residing at......................

(witness)

(YOU MAY, BUT ARE NOT REQUIRED TO, REQUEST YOUR AGENT AND SUCCESSOR AGENTS TO PROVIDE SPECIMEN SIGNATURES BELOW. IF YOU INCLUDE SPECIMEN SIGNATURES IN THIS POWER OF ATTORNEY, YOU MUST COMPLETE THE CERTIFICATION OPPOSITE THE SIGNATURES OF THE AGENTS.)

Specimen signatures of I certify that the signatures of my agent (and successors), agent (and successors) are correct.

................................. .................................

(agent)                        (principal)

(successor agent)             (principal)

(successor agent)             (principal)"

New matter indicated by italics - deletions by strikeout.
(b) The statutory short form power of attorney for health care (the "statutory health care power") authorizes the agent to make any and all health care decisions on behalf of the principal which the principal could make if present and under no disability, subject to any limitations on the granted powers that appear on the face of the form, to be exercised in such manner as the agent deems consistent with the intent and desires of the principal. The agent will be under no duty to exercise granted powers or to assume control of or responsibility for the principal's health care; but when granted powers are exercised, the agent will be required to use due care to act for the benefit of the principal in accordance with the terms of the statutory health care power and will be liable for negligent exercise. The agent may act in person or through others reasonably employed by the agent for that purpose but may not delegate authority to make health care decisions. The agent may sign and deliver all instruments, negotiate and enter into all agreements and do all other acts reasonably necessary to implement the exercise of the powers granted to the agent. Without limiting the generality of the foregoing, the statutory health care power shall include the following powers, subject to any limitations appearing on the face of the form:

(1) The agent is authorized to give consent to and authorize or refuse, or to withhold or withdraw consent to, any and all types of medical care, treatment or procedures relating to the physical or mental health of the principal, including any medication program, surgical procedures, life-sustaining treatment or provision of food and fluids for the principal.

(2) The agent is authorized to admit the principal to or discharge the principal from any and all types of hospitals, institutions, homes, residential or nursing facilities, treatment centers and other health care institutions providing personal care or treatment for any type of physical or mental condition. The agent shall have the same right to visit the principal in the hospital or other institution as is granted to a spouse or adult child of the principal, any rule of the institution to the contrary notwithstanding.

(3) The agent is authorized to contract for any and all types of health care services and facilities in the name of and on behalf of the principal and to bind the principal to pay for all such services and facilities, and to have and exercise those powers over the principal's property as are authorized under the statutory property power, to the extent the agent deems necessary to pay health care costs; and the agent shall not be personally liable for any services or care contracted for on behalf of the principal.

New matter indicated by italics - deletions by strikeout.
At the principal's expense and subject to reasonable rules of the health care provider to prevent disruption of the principal's health care, the agent shall have the same right the principal has to examine and copy and consent to disclosure of all the principal's medical records that the agent deems relevant to the exercise of the agent's powers, whether the records relate to mental health or any other medical condition and whether they are in the possession of or maintained by any physician, psychiatrist, psychologist, therapist, hospital, nursing home or other health care provider.

(5) The agent is authorized: to direct that an autopsy be made pursuant to Section 2 of "An Act in relation to autopsy of dead bodies", approved August 13, 1965, including all amendments; to make a disposition of any part or all of the principal's body pursuant to the Illinois Uniform Anatomical Gift Act, as now or hereafter amended; and to direct the disposition of the principal's remains.

(Source: P.A. 91-240, eff. 1-1-00.)

Section 50. The Uniform Anatomical Gift Act is amended by changing and renumbering Sections 1, 2, 3, 4, 4.5, 5, 6, 7, 8, and 8.1 and by adding Article headings for Articles 1 and 5 and adding Sections 1-5, 5-25, and 5-30 as follows:

(755 ILCS 50/Art. 1 heading new)
Article 1. Title and General Provisions.

(755 ILCS 50/1-1 new) (was 755 ILCS 50/1)
Sec. 1-1. Short Title.
This Act may be cited as the Illinois Uniform Anatomical Gift Act.
(Source: P.A. 76-1209.)

(755 ILCS 50/1-5 new)
Sec. 1-5. Purpose. Illinois recognizes that there is a critical shortage of human organs and tissues available to citizens in need of organ and tissue transplants. This shortage leads to the untimely death of many adults and children in Illinois and across the nation each year. This Act is intended to implement the public policy of encouraging timely donation of human organs and tissue in Illinois and facilitating transplants of those organs and tissue into patients in need of them. Through this Act, laws relating to organ and tissue donation and transplantation are consolidated and modified for the purpose of furthering this public policy.

(755 ILCS 50/1-10 new) (was 755 ILCS 50/2)
Sec. 1-10. Definitions.}

New matter indicated by italics - deletions by strikeout.
"Bank or storage facility" means a facility licensed, accredited or approved under the laws of any state for storage of human bodies or parts thereof.

"Close friend" means any person 18 years of age or older who has exhibited special care and concern for the decedent and who presents an affidavit to the decedent's attending physician, or the hospital administrator or his or her designated representative, stating that he or she (i) was a close friend of the decedent, (ii) is willing and able to consent to the donation, and (iii) maintained such regular contact with the decedent as to be familiar with the decedent's health and social history, and religious and moral beliefs. The affidavit must also state facts and circumstances that demonstrate that familiarity.

(b) "Death" means for the purposes of the Act, the irreversible cessation of total brain function, according to usual and customary standards of medical practice.

(c) "Decedent" means a deceased individual and includes a stillborn infant or fetus.

(d) "Donor" means an individual who makes a gift of all or parts of his body.

"Federally designated organ procurement agency" means the organ procurement agency designated by the Secretary of the U.S. Department of Health and Human Services for the service area in which a hospital is located, or the organ procurement agency for which the U.S. Secretary of Health and Human Services has granted the hospital a waiver pursuant to 42 U.S.C. 1320b-8(a).

(e) "Hospital" means a hospital licensed, accredited or approved under the laws of any state; and includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.

"Not available" for the giving of consent or refusal means:

(1) the existence of the person is unknown to the hospital administrator or designee, organ procurement agency, or tissue bank and is not readily ascertainable through the examination of the decedent's hospital records and the questioning of any persons who are available for giving consent;

(2) the administrator or designee, organ procurement agency, or tissue bank has unsuccessfully attempted to contact the person by telephone or in any other reasonable manner; or

New matter indicated by italics - deletions by strikeout.
(3) the person is unable or unwilling to respond in a manner that indicates the person's refusal or consent.

"Organ" means a human kidney, liver, heart, lung, pancreas, small bowel, or other transplantable vascular body part as determined by the Organ Procurement and Transplantation Network, as periodically selected by the U.S. Department of Health and Human Services.

"Tissue" means eyes, bones, heart valves, veins, skin, and any other portions of a human body excluding blood, blood products or organs.

(f) "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body.

(g) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(h) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice medicine in all of its branches under the laws of any state.

(i) "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

(j) "Technician" means an individual trained and certified to remove tissue, by a recognized medical training institution in the State of Illinois.

"Tissue bank" means any facility or program operating in Illinois that is certified by the American Association of Tissue Banks, the Eye Bank Association of America, or the Association of Organ Procurement Organizations and is involved in procuring, furnishing, donating, or distributing corneas, bones, or other human tissue for the purpose of injecting, transfusing, or transplanting any of them into the human body. "Tissue bank" does not include a licensed blood bank. For the purposes of this Act, "tissue" does not include organs or blood or blood products.

(Source: P.A. 79-952.)

(755 ILCS 50/Art. 5/heading new)

Article 5. Organ Donation.

(755 ILCS 50/5-5 new) (was 755 ILCS 50/3)

Sec. 5-5 3. Persons who may execute an anatomical gift.

(a) Any individual of sound mind who has attained the age of 18 may give all or any part of his or her body for any purpose specified in Section 5-10 4. Such a gift may be executed in any of the ways set out in
Section 5-20 §, and shall take effect upon the individual's death without the need to obtain the consent of any survivor. An anatomical gift made by an agent of an individual, as authorized by the individual under the Powers of Attorney for Health Care Law, as now or hereafter amended, is deemed to be a gift by that individual and takes effect without the need to obtain the consent of any other person.

(b) If no gift has been executed under subsection (a), any of the following persons, in the order of priority stated in items (1) through (11) below, when persons in prior classes are not available for the giving of consent or refusal and in the absence of (i) actual notice of contrary intentions by the decedent and (ii) actual notice of opposition by any member within the same priority class, may consent to give all or any part of the decedent's body after or immediately before death to a person who may become a donee for any purpose specified in Section 5-10 4:

(1) an individual acting as the decedent's agent under a power of attorney for health care which provides specific direction regarding organ donation,
(2) the decedent's surrogate decision maker identified by the attending physician in accordance with the Health Care Surrogate Act,
(3) the guardian of the decedent's person at the time of death,
(4) (2) the decedent's spouse,
(5) (3) any of the decedent's adult sons or daughters,
(6) (4) either of the decedent's parents,
(7) (5) any of the decedent's adult brothers or sisters,
(8) (6) any adult grandchild of the decedent,
(9) a close friend of the decedent,
(10) (7) the guardian of the decedent's estate,
(11) (9) any other person authorized or under legal obligation to dispose of the body.

If the donee has actual notice of opposition to the gift by the decedent or any person in the highest priority class in which an available person can be found, then no gift of all or any part of the decedent's body shall be accepted.

(c) For the purposes of this Act, a person will not be considered "available" for the giving of consent or refusal if:

New matter indicated by italics - deletions by strikeout.
(1) the existence of the person is unknown to the donee and
is not readily ascertainable through the examination of the
deadent's hospital records and the questioning of any persons who
are available for giving consent;
(2) the donee has unsuccessfully attempted to contact the
person by telephone or in any other reasonable manner;
(3) the person is unable or unwilling to respond in a manner
which indicates the person's refusal or consent.

(c) (d) A gift of all or part of a body authorizes any examination
necessary to assure medical acceptability of the gift for the purposes
intended.

(d) (e) The rights of the donee created by the gift are paramount to
the rights of others except as provided by Section 5-45 8(d).

(e) (f) If no gift has been executed under this Act Section, then no
part of the decedent's body may be used for any purpose specified in
Section 4 of this Act, except in accordance with the Organ Donation
Request Act or the Corneal Transplant Act.

(Source: P.A. 92-349, eff. 1-1-02.)

(755 ILCS 50/5-10 new) (was 755 ILCS 50/4)

Sec. 5-10 4. Persons Who May Become Donees; Purposes for
Which Anatomical Gifts May be Made.

The following persons may become donees of gifts of bodies or
parts thereof for the purposes stated:

(1) any hospital, surgeon, or physician, for medical or dental
education, research, advancement of medical or dental science, therapy, or
transplantation; or
(2) any accredited medical, chiropractic, mortuary or dental school,
college or university for education, research, advancement of medical or
dental science, or therapy; or
(3) any bank or storage facility, for medical or dental education,
research, advancement of medical or dental science, therapy, or
transplantation; or
(4) any federally designated organ procurement agency or tissue
bank, for medical or dental education, research, advancement of medical
or dental science, therapy, or transplantation; or
(5) (4) any specified individual for therapy or transplantation
needed by him or her, or for any other purpose.

(Source: P.A. 76-1209.)

(755 ILCS 50/5-15 new) (was 755 ILCS 50/4.5)

New matter indicated by italics - deletions by strikeout.
Sec. 5-15 4-5. Disability of recipient.

(a) No hospital, physician and surgeon, bank or storage facility, or other person shall determine the ultimate recipient of an anatomical gift based upon a potential recipient's physical or mental disability, except to the extent that the physical or mental disability has been found by a physician and surgeon, following a case-by-case evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift.

(b) Subsection (a) shall apply to each part of the organ transplant process.

(c) The court shall accord priority on its calendar and handle expeditiously any action brought to seek any remedy authorized by law for purposes of enforcing compliance with this Section.

(d) This Section shall not be deemed to require referrals or recommendations for or the performance of medically inappropriate organ transplants.

(e) As used in this Section "disability" has the same meaning as in the federal Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq., Public Law 101-336) as may be amended from time to time.

(Source: P.A. 91-345, eff. 1-1-00.)

(755 ILCS 50/5-20 new) (was 755 ILCS 50/5)

Sec. 5-20 5. Manner of Executing Anatomical Gifts. (a) A gift of all or part of the body under Section 5-5 4-5 (a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b) A gift of all or part of the body under Section 5-5 4-5 (a) may also be made by a written, signed document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card or a valid driver's license designed to be carried on the person, must be signed by the donor in the presence of 2 witnesses who must sign the document in his presence and who thereby certify that he was of sound mind and memory and free from any undue influence and knows the objects of his bounty and affection. Such a gift may also be made by properly executing the form provided by the Secretary of State on the reverse side of the donor's driver's license pursuant to subsection (b) of Section 6-110 of The Illinois Vehicle Code. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

New matter indicated by italics - deletions by strikeout.
(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, *then if made for the purpose of transplantation, it shall be effectuated in accordance with Section 5-25, and if made for any other purpose the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate either physically or financially in the procedures for removing or transplanting a part.*

(d) Notwithstanding Section 5-45 8 (b), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in Section 5-5 3 (b) shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

(Source: P.A. 85-192.)

(755 ILCS 50/5-25 new)

Sec. 5-25. Notification; consent.

(a) When, based upon generally accepted medical standards, an inpatient in a general acute care hospital with more than 100 beds is a suitable candidate for organ or tissue donation and the patient has not made an anatomical gift of all or any part of his or her body pursuant to Section 5-20 of this Act, the hospital shall proceed in accordance with the requirements of 42 CFR 482.45 or any successor provisions of federal statute or regulation, as may be amended from time to time, and the written agreement between the hospital and the applicable organ procurement agency executed thereunder.

(b) In making a request for organ or tissue donation, the hospital or the hospital's federally designated organ procurement agency or tissue bank shall request any of the following persons, in the order of priority stated in items (1) through (11) below, when persons in prior classes are not available and in the absence of (i) actual notice of contrary intentions by the decedent, (ii) actual notice of opposition by any member within the same priority class, and (iii) reason to believe that an anatomical gift is contrary to the decedent’s religious beliefs, to consent to the gift of all or
any part of the decedent's body for any purpose specified in Section 5-10 of this Act:

(1) an individual acting as the decedent's agent under a power of attorney for health care;
(2) the decedent's surrogate decision maker identified by the attending physician in accordance with the Health Care Surrogate Act;
(3) the guardian of the decedent's person at the time of death;
(4) the decedent's spouse;
(5) any of the decedent's adult sons or daughters;
(6) either of the decedent's parents;
(7) any of the decedent's adult brothers or sisters;
(8) any adult grandchild of the decedent;
(9) a close friend of the decedent;
(10) the guardian of the decedent's estate; or
(11) any other person authorized or under legal obligation to dispose of the body.

(c) If (1) the hospital, the applicable organ procurement agency, or the tissue bank has actual notice of opposition to the gift by the decedent or any person in the highest priority class in which an available person can be found, or (2) there is reason to believe that an anatomical gift is contrary to the decedent's religious beliefs, or (3) the Director of Public Health has adopted a rule signifying his or her determination that the need for organs and tissues for donation has been adequately met, then the gift of all or any part of the decedent's body shall not be requested. If a donation is requested, consent or refusal may be obtained only from the person or persons in the highest priority class available. If the hospital administrator, or his or her designated representative, the designated organ procurement agency, or the tissue bank is unable to obtain consent from any of the persons named in items (1) through (11) of subsection (b) of this Section, the decedent's body shall not be used for an anatomical gift unless a valid anatomical gift document was executed under this Act.

(d) When there is a suitable candidate for organ donation, as described in subsection (a), or if consent to remove organs and tissues is granted, the hospital shall notify the applicable federally designated organ procurement agency. The federally designated organ procurement agency shall notify any tissue bank specified by the hospital of the suitable candidate for tissue donation. The organ procurement agency shall
collaborate with all tissue banks in Illinois to maximize tissue procurement in a timely manner.

(755 ILCS 50/5-30 new)
Sec. 5-30. Corneal Transplants.
(a) Upon request by a physician licensed to practice medicine in all its branches, or by an eye bank certified by the Eye Bank Association of America, and approved by the coroner or county medical examiner, in any case in which a patient is in need of corneal tissue for a transplant, a coroner or county medical examiner who orders the performance of an autopsy may provide corneal tissue of a decedent whenever all of the following conditions are met:

(1) The decedent from whom the tissue is taken is under the jurisdiction of the coroner or county medical examiner.
(2) There has been a reasonable and good faith effort by the coroner or county medical examiner or any authorized individual acting for the coroner or county medical examiner to contact an appropriate person as set forth in subsection (b) of this Section.
(3) No objection by the decedent or, after the decedent's death, by an appropriate person as set forth in subsection (b) of this Section is known to the coroner or county medical examiner or authorized individual acting for the coroner or county medical examiner prior to removal of the corneal tissue.
(4) The person designated to remove the tissue is qualified to do so under this Act.
(5) Removal of the tissue will not interfere with the subsequent course of an investigation or autopsy.
(6) The individual when living did not make known in writing his or her objection on religious grounds to the removal of his or her corneal tissue.

(b) Objection to the removal of corneal tissue may be made known to the coroner or county medical examiner or authorized individual acting for the coroner or county medical examiner by the individual during his or her lifetime or by the following persons, in the order of priority stated, after the decedent's death:

(1) an individual acting as the decedent's agent under a power of attorney for health care;

New matter indicated by italics - deletions by strikeout.
(2) the decedent’s surrogate decision maker identified by the attending physician in accordance with the Health Care Surrogate Act;
(3) the guardian of the decedent’s person at the time of death;
(4) the decedent's spouse;
(5) any of the decedent's adult sons or daughters;
(6) either of the decedent's parents;
(7) any of the decedent's adult brothers or sisters;
(8) any adult grandchild of the decedent;
(9) a close friend of the decedent;
(10) the guardian of the decedent’s estate; or
(11) any other person authorized or under legal obligation to dispose of the body.

(c) If the coroner or county medical examiner or any authorized individual acting for the coroner or county medical examiner has actual notice of any contrary indications by the decedent or actual notice that any member within the same class specified in subsection (b), paragraphs (1) through (11), of this Section, in the same order of priority, objects to the removal, the coroner or county medical examiner shall not approve the removal of corneal tissue.

(d) The coroner or county medical examiner or any authorized individual acting for the coroner or county medical examiner authorizing the removal of corneal tissue, or the persons or organizations listed in subsection (a) of this Section, shall not be liable in any civil or criminal action for removing corneal tissue from a decedent and using the same for transplant purposes if there has been compliance with the provisions of this Section.

(755 ILCS 50/5-35 new) (was 755 ILCS 50/6)
If the gift is made by the donor to a specified donee, the will, card, or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death. Delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility, or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

New matter indicated by italics - deletions by strikeout.
Sec. 5-40. Amendment or Revocation of the Gift. (a) If the will, card, or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by:

(1) the execution and delivery to the donee of a signed statement witnessed and certified as provided in Section 5-20 (b); or

(2) a signed card or document found on his person, or in his effects, executed at a date subsequent to the date the original gift was made and witnessed and certified as provided in Section 5-20 (b).

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a).

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subsection (a).

Sec. 5-45. Rights and Duties at Death. (a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services, unless a person named in subsection (b) of Section 5-53 has requested, prior to the final disposition by the donee, that the remains of said body be returned to his or her custody for the purpose of final disposition. Such request shall be honored by the donee if the terms of the gift are silent on how final disposition is to take place. If the gift is of a part of the body, the donee or technician designated by him upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation and without undue delay in the release of the body for the purposes of final disposition. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body, in the order or priority listed in subsection (b) of Section 5-53 of this Act.

(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the
death. The physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this Act and the AIDS Confidentiality Act, or the anatomical gift laws of another state or a foreign country, is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act. Any person that participates in good faith and according to the usual and customary standards of medical practice in the removal or transplantation of any part of a decedent's body pursuant to an anatomical gift made by the decedent under Section 5-20 5 of this Act or pursuant to an anatomical gift made by an individual as authorized by subsection (b) of Section 5-5 3 of this Act shall have immunity from liability, civil, criminal, or otherwise, that might result by reason of such actions. For the purpose of any proceedings, civil or criminal, the validity of an anatomical gift executed pursuant to Section 5-20 5 of this Act shall be presumed and the good faith of any person participating in the removal or transplantation of any part of a decedent's body pursuant to an anatomical gift made by the decedent or by another individual authorized by the Act shall be presumed.

(d) This Act is subject to the provisions of "An Act to revise the law in relation to coroners", approved February 6, 1874, as now or hereafter amended, to the laws of this State prescribing powers and duties with respect to autopsies, and to the statutes, rules, and regulations of this State with respect to the transportation and disposition of deceased human bodies.

(e) If the donee is provided information, or determines through independent examination, that there is evidence that the gift was exposed to the human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS), the donee may reject the gift and shall treat the information and examination results as a confidential medical record; the donee may disclose only the results confirming HIV exposure, and only to the physician of the deceased donor. The donor's physician shall determine whether the person who executed the gift should be notified of the confirmed positive test result.

(Source: P.A. 85-1209.)

(755 ILCS 50/5-50 new) (was 755 ILCS 50/8.1)

Sec. 5-50 8+. Payment for gift. (a) Except as provided in subsection (b), any person who knowingly pays or offers to pay any financial consideration to a donor or to any of the persons listed in

New matter indicated by italics - deletions by strikeout.
subsection (b) of Section 5-5-3 for making or consenting to an anatomical gift shall be guilty of a Class A misdemeanor for the first conviction and a Class 4 felony for subsequent convictions.

(b) This Section does not prohibit reimbursement for reasonable costs associated with the removal, storage or transportation of a human body or part thereof pursuant to an anatomical gift executed pursuant to this Act.

(Source: P.A. 85-191.)

(755 ILCS 50/9 rep.)
(755 ILCS 50/11 rep.)
Section 55. The Uniform Anatomical Gift Act is amended by repealing Sections 9 and 11.

(755 ILCS 55/Act rep.)
Section 60. The Illinois Corneal Transplant Act is repealed.
(755 ILCS 60/Act rep.)
Section 65. The Organ Donation Request Act is repealed.

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

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Statutes amended in order of appearance
20 ILCS 2310/2310-330 was 20 ILCS 2310/55.46
105 ILCS 5/27-23.5
210 ILCS 85/6.16
210 ILCS 85/10.4 from Ch. 111 1/2, par. 151.4
410 ILCS 305/7 from Ch. 111 1/2, par. 7307
625 ILCS 5/6-110 from Ch. 95 1/2, par. 6-110
625 ILCS 5/12-215 from Ch. 95 1/2, par. 12-215
720 ILCS 5/12-20 from Ch. 38, par. 12-20
725 ILCS 35/6 from Ch. 110 1/2, par. 706
755 ILCS 40/20 from Ch. 110 1/2, par. 851-20
755 ILCS 40/65
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755 ILCS 45/4-10 from Ch. 110 1/2, par. 804-10
755 ILCS 50/Art. 1 heading new
755 ILCS 50/1-1 new was 755 ILCS 50/1
755 ILCS 50/1-5 new
755 ILCS 50/1-10 new was 755 ILCS 50/2
755 ILCS 50/Art. 5_heading

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new
755 ILCS 50/5-5 new was 755 ILCS 50/3
755 ILCS 50/5-10 new was 755 ILCS 50/4
755 ILCS 50/5-15 new was 755 ILCS 50/4.5
755 ILCS 50/5-20 new was 755 ILCS 50/5
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755 ILCS 50/5-45 new was 755 ILCS 50/8
755 ILCS 50/5-50 new was 755 ILCS 50/8.1
755 ILCS 50/9 rep.
755 ILCS 50/11 rep.
755 ILCS 55/Act rep.
755 ILCS 60/Act rep.

PUBLIC ACT 93-0795
(Senate Bill No. 2270)

AN ACT concerning the Department of Public Health.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Department of Public Health Powers and Duties
Law of the Civil Administrative Code of Illinois is amended by adding
Section 2310-228 as follows:
(20 ILCS 2310/2310-228 new)
Sec. 2310-228. Nursing workforce database.
(a) The Department shall, subject to appropriation and in
consultation with the Illinois Coalition for Nursing Resources, the Illinois
Nurses Association, and other nursing associations, establish and
administer a nursing workforce database. The database shall be
assembled from data currently collected by State agencies or departments
that may be released under the Freedom of Information Act and shall be
maintained with the assistance of the Department of Professional
Regulation, the Department of Labor, the Department of Employment

New matter indicated by italics - deletions by strikeout.
Security, and any other State agency or department with access to nursing workforce-related information.

(b) The objective of establishing the database shall be to compile the following data related to the nursing workforce that is currently collected by State agencies or departments that may be released under the Freedom of Information Act:

(1) Data on current and projected population demographics and available health indicator data to determine how the population needs relate to the demand for nursing services.

(2) Data to create a dynamic system for projecting nurse workforce supply and demand.

(3) Data related to the development of a nursing workforce that considers the diversity, educational mix, geographic distribution, and number of nurses needed within the State.

(4) Data on the current and projected numbers of nurse faculty who are needed to educate the nurses who will be needed to meet the needs of the residents of the State.

(5) Data on nursing education programs within the State including number of nursing programs, applications, enrollments, and graduation rates.

(6) Data needed to develop collaborative models between nursing education and practice to identify necessary competencies, educational strategies, and models of professional practice.

(7) Data on nurse practice setting, practice locations, and specialties.

(c) To accomplish the objectives set forth in subsection (b), data compiled by the Department into a database may be used by the Department, medical institutions and societies, health care facilities and associations of health care facilities, and nursing programs to assess current and projected nursing workforce shortfalls and develop strategies for overcoming them. Notwithstanding any other provision of law, the Department may not disclose any data that it compiles under this Section in a manner that would allow the identification of any particular health care professional or health care facility.

(d) Nothing in this Section shall be construed as requiring any health care facility to file or submit any data, information, or reports to the Department or any State agency or department.

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(e) No later than January 15, 2006, the Department shall submit a report to the Governor and to the members of the General Assembly regarding the development of the database and the effectiveness of its use.

Effective January 1, 2005.

PUBLIC ACT 93-0796
(Senate Bill No. 2401)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 2-114 and 3-414 as follows:
(625 ILCS 5/2-114) (from Ch. 95 1/2, par. 2-114)
Sec. 2-114. Giving of notice. Whenever the Secretary of State is authorized or required to give any notice under this Act or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with postage prepaid, addressed to such person at his address as shown by the records of the Office of the Secretary of State. The giving of notice by mail is complete upon the expiration of 4 days after such deposit of said notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or employee of the Secretary of State or affidavit of any person over 18 years of age, naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.
The Secretary may include with the notice any material, from any source, relating to the donation of any vehicle to any charitable not-for-profit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.
(Source: P.A. 76-1586.)
(625 ILCS 5/3-414) (from Ch. 95 1/2, par. 3-414)
Sec. 3-414. Expiration of registration.
(a) Every vehicle registration under this Chapter and every registration card and registration plate or registration sticker issued

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hereunder to a vehicle shall be for the periods specified in this Chapter and shall expire at midnight on the day and date specified in this Section as follows:

1. When registered on a calendar year basis commencing January 1, expiration shall be on the 31st day of December or at such other date as may be selected in the discretion of the Secretary of State; however, through December 31, 2004, registrations of apportionable vehicles, motorcycles, motor driven cycles and pedalcycles shall commence on the first day of April and shall expire March 31st of the following calendar year;

   1.1. Beginning January 1, 2005, registrations of motorcycles and motor driven cycles shall commence on January 1 and shall expire on December 31 or on another date that may be selected by the Secretary; registrations of apportionable vehicles and pedalcycles, however, shall commence on the first day of April and shall expire March 31 of the following calendar year;

2. When registered on a 2 calendar year basis commencing January 1 of an even-numbered year, expiration shall be on the 31st day of December of the ensuing odd-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond March 1 next;

3. When registered on a fiscal year basis commencing July 1, expiration shall be on the 30th day of June or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

4. When registered on a 2 fiscal year basis commencing July 1 of an even-numbered year, expiration shall be on the 30th day of June of the ensuing even-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

5. When registered on a 4 fiscal year basis commencing July 1 of an even-numbered year, expiration shall be on the 30th day of June of the second ensuing even-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

(b) Vehicle registrations of vehicles of the first division shall be for a calendar year or 2 calendar year basis as provided for in this Chapter.

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Vehicle registrations of vehicles under Sections 3-807, 3-808 and 3-809 shall be on an indefinite term basis or a 2 calendar year basis as provided for in this Chapter.

Vehicle registrations for vehicles of the second division shall be for a fiscal year, 2 fiscal year or calendar year basis as provided for in this Chapter.

Motor vehicles registered under the provisions of Sections 3-402.1 and 3-405.3 shall be issued multi-year registration plates with a new registration card issued annually upon payment of the appropriate fees. Apportionable trailers and apportionable semitrailers registered under the provisions of Section 3-402.1 shall be issued multi-year registration plates and cards that will be subject to revocation for failure to pay annual fees required by Section 3-814.1. The Secretary shall determine when these vehicles shall be issued new registration plates.

(c) Every vehicle registration specified in Section 3-810 and every registration card and registration plate or registration sticker issued thereunder shall expire on the 31st day of December of each year or at such other date as may be selected in the discretion of the Secretary of State.

(d) Every vehicle registration for a vehicle of the second division weighing over 8,000 pounds, except as provided in paragraph (g) of this Section, and every registration card and registration plate or registration sticker, where applicable, issued hereunder to such vehicles shall be issued for a fiscal year commencing on July 1st of each registration year. However, the Secretary of State may, pursuant to an agreement or arrangement or declaration providing for apportionment of a fleet of vehicles with other jurisdictions, provide for registration of such vehicles under apportionment or for all of the vehicles registered in Illinois by an applicant who registers some of his vehicles under apportionment on a calendar year basis instead, and the fees or taxes to be paid on a calendar year basis shall be identical to those specified in this Act for a fiscal year registration. Provision for installment payment may also be made.

(e) Semitrailer registrations under apportionment may be on a calendar year under a reciprocal agreement or arrangement and all other semitrailer registrations shall be on fiscal year or 2 fiscal year or 4 fiscal year basis as provided for in this Chapter.

(f) The Secretary of State may convert annual registration plates or 2-year registration plates, whether registered on a calendar year or fiscal year basis, to multi-year plates. The determination of which plate

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categories and when to convert to multi-year plates is solely within the discretion of the Secretary of State.

(g) After January 1, 1975, each registration, registration card and registration plate or registration sticker, where applicable, issued for a recreational vehicle or recreational or camping trailer, except a house trailer, used exclusively by the owner for recreational purposes, and not used commercially nor as a truck or bus, nor for hire, shall be on a calendar year basis; except that the Secretary of State shall provide for registration and the issuance of registration cards and plates or registration stickers, where applicable, for one 6-month period in order to accomplish an orderly transition from a fiscal year to a calendar year basis. Fees and taxes due under this Act for a registration year shall be appropriately reduced for such 6-month transitional registration period.

(h) The Secretary of State may, in order to accomplish an orderly transition for vehicles registered under Section 3-402.1 of this Code from a calendar year registration to a March 31st expiration, require applicants to pay fees and taxes due under this Code on a 15 month registration basis. However, if in the discretion of the Secretary of State this creates an undue hardship on any applicant the Secretary may allow the applicant to pay 3 month fees and taxes at the time of registration and the additional 12 month fees and taxes to be payable no later than March 31 of the year after this amendatory Act of 1991 takes effect.

(i) The Secretary of State may stagger registrations, of vehicles for which multi-year plates are issued pursuant to Section 3-414.1, as necessary for the convenience of the public and the efficiency of his Office. In order to appropriately and effectively accomplish any such staggering, the Secretary of State is authorized to prorate required registration fees, but in no event for a period longer than 15 months, at a monthly rate for a 12 month registration fee.

(Source: P.A. 92-629, eff. 7-1-03.)

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


New matter indicated by italics - deletions by strikeout.
AN ACT concerning accessible electronic information.

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

Section 1. Short title. This Act may be cited as the Accessible Electronic Information Act.

Section 5. Legislative findings. The Legislature finds and declares all of the following:

(a) Thousands of citizens in this State have disabilities (including blindness or visual impairment) that prevent them from using conventional print material.

(b) The State fulfills an important responsibility by providing books and magazines prepared in Braille, audio, and large-type formats made available to eligible blind and disabled persons.

(c) The technology, transcription methods, and means of distribution used for these materials are labor-intensive and cannot support rapid dissemination to individuals in rural and urban areas throughout the State.

(d) Lack of direct and prompt access to information included in newspapers, magazines, newsletters, schedules, announcements, and other time-sensitive materials limits educational opportunities, literacy, and full participation in society by blind and disabled persons.

Section 10. Definitions. As used in this Act:

"Accessible electronic information service" means news and other timely information (including newspapers) provided to eligible individuals from a multi-state service center, using high-speed computers and telecommunications technology for interstate acquisition of content and rapid distribution in a form appropriate for use by such individuals.

"Blind and disabled persons" means those individuals who are eligible for library loan services through the Library of Congress and the State Library for the Blind and Physically Handicapped pursuant to 36 CFR 701.10(b).

"Director" means the State Librarian.

"Qualified entity" means an agency, instrumentality, or political subdivision of the State or a nonprofit organization that:

(1) provides interstate access for eligible persons to read daily newspapers by producing audio editions by computer; and

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(2) provides a means of program administration and reader registration on the Internet.

Section 15. Accessible electronic information service program. The Director by rule shall develop and implement a program of grants to qualified entities for the provision of accessible electronic information service to blind and disabled persons throughout Illinois. The grants shall be funded through appropriations from the Accessible Electronic Information Service Fund established in Section 20.

Section 20. Accessible Electronic Information Service Fund.
(a) Before July 1 of each year, the Illinois Commerce Commission, in consultation with the Director, shall determine the amount of funding necessary to support the program described in Section 15 during the next fiscal year and shall certify that amount to the State Treasurer.
(b) Each month, the State Treasurer shall transfer 1/12th of the amount determined under subsection (a) from the Digital Divide Elimination Infrastructure Fund into the Accessible Electronic Information Service Fund, a special fund created in the State treasury that may be appropriated only for the purposes of this Act. If moneys in the Digital Divide Elimination Infrastructure Fund are insufficient to meet the transfer requirements of this subsection, the Illinois Commerce Commission shall direct the Illinois Telecommunications Access Corporation, or its successor, to remit the amount of any insufficiency to the Director for deposit into the Accessible Electronic Information Service Fund from surcharges collected by the Corporation, or its successor, under Section 13-703 of the Public Utilities Act.

Section 90. The State Finance Act is amended by adding Section 5.625 as follows:
(30 ILCS 105/5.625 new)
Sec. 5.625. The Accessible Electronic Information Service Fund.

Section 95. The Public Utilities Act is amended by changing Section 13-301.3 as follows:
(220 ILCS 5/13-301.3)
(Section scheduled to be repealed on July 1, 2005)
Sec. 13-301.3. Digital Divide Elimination Infrastructure Program.
(a) The Digital Divide Elimination Infrastructure Fund is created as a special fund in the State treasury. All moneys in the Fund shall be used, subject to appropriation, by the Commission to fund (i) the construction of facilities specified in Commission rules adopted under this Section and (ii) the accessible electronic information program, as provided in Section 20

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of the Accessible Electronic Information Act. The Commission may accept private and public funds, including federal funds, for deposit into the Fund. Earnings attributable to moneys in the Fund shall be deposited into the Fund.

(b) The Commission shall adopt rules under which it will make grants out of funds appropriated from the Digital Divide Elimination Infrastructure Fund to eligible entities as specified in the rules for the construction of high-speed data transmission facilities in eligible areas of the State. For purposes of determining whether an area is an eligible area, the Commission shall consider, among other things, whether (i) in such area, advanced telecommunications services, as defined in subsection (c) of Section 13-517 of this Act, are under-provided to residential or small business end users, either directly or indirectly through an Internet Service Provider, (ii) such area has a low population density, and (iii) such area has not yet developed a competitive market for advanced services. In addition, if an entity seeking a grant of funds from the Digital Divide Elimination Infrastructure Fund is an incumbent local exchange carrier having the duty to serve such area, and the obligation to provide advanced services to such area pursuant to Section 13-517 of this Act, the entity shall demonstrate that it has sought and obtained an exemption from such obligation pursuant to subsection (b) of Section 13-517. Any entity seeking a grant of funds from the Digital Divide Elimination Infrastructure Fund shall demonstrate to the Commission that the grant shall be used for the construction of high-speed data transmission facilities in an eligible area and demonstrate that it satisfies all other requirements of the Commission's rules. The Commission shall determine the information that it deems necessary to award grants pursuant to this Section.

(c) The rules of the Commission shall provide for the competitive selection of recipients of grant funds available from the Digital Divide Elimination Infrastructure Fund pursuant to the Illinois Procurement Code. Grants shall be awarded to bidders chosen on the basis of the criteria established in such rules.

(d) All entities awarded grant moneys under this Section shall maintain all records required by Commission rule for the period of time specified in the rules. Such records shall be subject to audit by the Commission, by any auditor appointed by the State, or by any State officer authorized to conduct audits.

(Source: P.A. 92-22, eff. 6-30-01; 93-306, eff. 7-23-03.)
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0798
(Senate Bill No. 2926)

AN ACT concerning child care.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Children and Family Services Act is amended by changing Section 4b as follows:
(20 ILCS 505/4b)
Sec. 4b. Youth transitional housing programs. The Department may license youth transitional housing programs. For the purposes of this Section, "youth transitional housing program" means a program that provides services, shelter, or housing to homeless minors who are at least 16 years of age but less than 18 years of age and who are granted partial emancipation under the Emancipation of Minors Act. The Department shall adopt rules governing the licensure of those programs.
(Source: P.A. 93-105, eff. 7-8-03.)
Effective January 1, 2005.

PUBLIC ACT 93-0799
(House Bill No. 0754)

AN ACT relating to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 19-1 as follows:
(105 ILCS 5/19-1) (from Ch. 122, par. 19-1)
Sec. 19-1. Debt limitations of school districts.
(a) School districts shall not be subject to the provisions limiting their indebtedness prescribed in "An Act to limit the indebtedness of
counties having a population of less than 500,000 and townships, school districts and other municipal corporations having a population of less than 300,000", approved February 15, 1928, as amended.

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

(b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or constructing and equipping additional building facilities under the following conditions:

(1) Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by

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not less than 200 students and the board of education determines that additional school sites or building facilities are required as a result of such increase in enrollment; and

(2) When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and approve the need for such additional school sites or building facilities and the estimated cost thereof; and

(3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed...
15% of the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation.

(c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which a public question for the issuance of bonds of a proposed school district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 may issue the total amount of bonds approved at such election for the purpose stated in the question.

(d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed $4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (d), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):

(1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the issuance of bonds under and in accordance with Section 17-2.11a for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under and in accordance with Section 19-3 for the purpose of increasing the size of, or providing for additional functions in, such replacement school buildings, or both such purposes.

(2) The bonds issued by the school district as provided in paragraph (1) above are issued for the purposes of construction by the school district of a new school building pursuant to Section 17-2.11, to replace an existing school building that, because of mine subsidence damage, is closed as of the end of the 1992-93 school year.
year pursuant to action of the regional superintendent of schools of the educational service region in which the district is located under Section 3-14.22 or are issued for the purpose of increasing the size of, or providing for additional functions in, the new school building being constructed to replace a school building closed as the result of mine subsidence damage, or both such purposes.

(e) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (5) of this subsection (e) may, without referendum, incur an additional indebtedness in an amount not to exceed the lesser of $5,000,000 or 1.5% of the value of the taxable property within the district even though the amount of the additional indebtedness authorized by this subsection (e), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring that additional indebtedness, causes the aggregate indebtedness of the district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that district under subsection (a):

1. The State Board of Education certifies the school district under Section 19-1.5 as a financially distressed district.

2. The additional indebtedness authorized by this subsection (e) is incurred by the financially distressed district during the school year or school years in which the certification of the district as a financially distressed district continues in effect through the issuance of bonds for the lawful school purposes of the district, pursuant to resolution of the school board and without referendum, as provided in paragraph (5) of this subsection.

3. The aggregate amount of bonds issued by the financially distressed district during a fiscal year in which it is authorized to issue bonds under this subsection does not exceed the amount by which the aggregate expenditures of the district for operational purposes during the immediately preceding fiscal year exceeds the amount appropriated for the operational purposes of the district in the annual school budget adopted by the school board of the district for the fiscal year in which the bonds are issued.

4. Throughout each fiscal year in which certification of the district as a financially distressed district continues in effect, the district maintains in effect a gross salary expense and gross wage expense freeze policy under which the district expenditures for

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total employee salaries and wages do not exceed such expenditures for the immediately preceding fiscal year. Nothing in this paragraph, however, shall be deemed to impair or to require impairment of the contractual obligations, including collective bargaining agreements, of the district or to impair or require the impairment of the vested rights of any employee of the district under the terms of any contract or agreement in effect on the effective date of this amendatory Act of 1994.

(5) Bonds issued by the financially distressed district under this subsection shall bear interest at a rate not to exceed the maximum rate authorized by law at the time of the making of the contract, shall mature within 40 years from their date of issue, and shall be signed by the president of the school board and treasurer of the school district. In order to issue bonds under this subsection, the school board shall adopt a resolution fixing the amount of the bonds, the date of the bonds, the maturities of the bonds, the rates of interest of the bonds, and their place of payment and denomination, and shall provide for the levy and collection of a direct annual tax upon all the taxable property in the district sufficient to pay the principal and interest on the bonds to maturity. Upon the filing in the office of the county clerk of the county in which the financially distressed district is located of a certified copy of the resolution, it is the duty of the county clerk to extend the tax therefor in addition to and in excess of all other taxes at any time authorized to be levied by the district. If bond proceeds from the sale of bonds include a premium or if the proceeds of the bonds are invested as authorized by law, the school board shall determine by resolution whether the interest earned on the investment of bond proceeds or the premium realized on the sale of the bonds is to be used for any of the lawful school purposes for which the bonds were issued or for the payment of the principal indebtedness and interest on the bonds. The proceeds of the bond sale shall be deposited in the educational purposes fund of the district and shall be used to pay operational expenses of the district. This subsection is cumulative and constitutes complete authority for the issuance of bonds as provided in this subsection, notwithstanding any other law to the contrary.

(f) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds in not to exceed the aggregate amount of

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$5,500,000 and issued by a school district meeting the following criteria shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness:

(1) At the time of the sale of such bonds, the board of education of the district shall have determined by resolution that the enrollment of students in the district is projected to increase by not less than 7% during each of the next succeeding 2 school years.

(2) The board of education shall also determine by resolution that the improvements to be financed with the proceeds of the bonds are needed because of the projected enrollment increases.

(3) The board of education shall also determine by resolution that the projected increases in enrollment are the result of improvements made or expected to be made to passenger rail facilities located in the school district.

Notwithstanding the provisions of subsection (a) of this Section or of any other law, a school district that has availed itself of the provisions of this subsection (f) prior to the effective date of this amendatory Act of the 93rd General Assembly may also issue bonds approved by referendum up to an amount, including existing indebtedness, not exceeding 25% of the equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

(g) Notwithstanding the provisions of subsection (a) of this Section or any other law, bonds in not to exceed an aggregate amount of 25% of the equalized assessed value of the taxable property of a school district and issued by a school district meeting the criteria in paragraphs (i) through (iv) of this subsection shall not be considered indebtedness for purposes of any statutory limitation and may be issued pursuant to resolution of the school board in an amount or amounts, including existing indebtedness, in excess of any statutory limitation of indebtedness heretofore or hereafter imposed:

(i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.

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(ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.

(iii) The sale of the bonds occurs before July 1, 1997.

(iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than $29,000,000.

(h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $24,000,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(i) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $44,600,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally constructed not less than 80 years ago;

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(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(j) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $140,000,000 and a best 3 months average daily attendance for the 1995-96 school year of at least 2,800;

(ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds;

(iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;

(iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed $4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount of indebtedness of the school district existing immediately prior to the school district incurring such additional indebtedness, causes the aggregate indebtedness of the school district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that school district under subsection (a):
Notwithstanding any other provisions of this Act or the provisions of any other law, until January 1, 1999, an elementary school district maintaining grades K through 8 may issue bonds up to an amount, excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 or less than $7,700,000;
(ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2 separate and distinct school districts;

(iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level elementary school building of the school district that is not handicapped accessible at all levels and parts of which were constructed more than 75 years ago;

(iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:

(i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.

(ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a school construction project issued by, the State Board of Education under the School Construction Law.

(iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive

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a school construction project grant under the School Construction Law.

(iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law, in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the School Construction Law.

(v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.

(vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.

(o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 20% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the school district has an equalized assessed valuation for calendar year 2001 of at least $737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;

(ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;

(iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;

(iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and

(v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(Source: P.A. 93-13, eff. 6-9-03.)

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


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PUBLIC ACT 93-0800
(Senate Bill No. 2124)

AN ACT in relation to driving offenses.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:
(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.
(a) A person shall not drive or be in actual physical control of any vehicle within this State while:
(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.
(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or

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intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank). Except as provided under paragraphs (c-3), (c-4), and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a law of another state or local ordinance committed within 5 years of a previous violation of this Section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 5 days of imprisonment or assigned to a minimum of 30 days of community service as may be determined by the court. Every person convicted of violating this Section or a similar provision of a local ordinance shall be subject to

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an additional mandatory minimum fine of $500 and an additional mandatory 5 days of community service in a program benefiting children if the person committed a violation of paragraph (a) or a similar provision of a local ordinance while transporting a person under age 16. Every person convicted a second time for violating this Section or a similar provision of a local ordinance within 5 years of a previous violation of this Section or a similar provision of a law of another state or local ordinance shall be subject to an additional mandatory minimum fine of $500 and an additional 10 days of mandatory community service in a program benefiting children if the current offense was committed while transporting a person under age 16. The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment:

(c-1) (1) A person who violates subsection (a) this Section during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a) this Section, Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) this Section a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) this Section, Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term
of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) this Section a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) this Section, Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).

(c-3) (Blank). Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of imprisonment for a fourth or subsequent offense, in addition to the fine and community service required under subsection (c) and the possible imprisonment required under subsection (d). The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-4) (Blank). When a person is convicted of violating Section 11-501 of this Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or when that person is convicted of violating this Section while transporting a child under the age of 16:

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(1) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a first time, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(2) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a second time within 10 years, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(3) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a third time within 20 years is guilty of a Class 4 felony and, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(4) A person who is convicted of violating this subsection (c-4) a fourth or subsequent time is guilty of a Class 2 felony and, in addition to any other penalty that may be imposed under subsection (c), is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a

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previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person’s 3 prior violations of subsection (a) or similar

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provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not

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eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) this Section; or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of subsection paragraph (a) while driving a school bus with persons 18 years of age or younger children on board;

(C) the person in committing a violation of subsection paragraph (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection paragraph (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection paragraph (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection paragraph (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection paragraph (a), was involved in a motor vehicle,
snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection paragraph (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

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(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) Blank. Every person sentenced under paragraph (2) or (3) of subsection (c-1) of this Section or subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 60 days community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a) this Section, including any person placed on court supervision for violating subsection (a) this Section, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. If the person has been previously convicted of violating subsection (a) this Section or a similar provision of a local ordinance, the fine shall be $200. In the event that more than one agency is responsible for the arrest, the $100 or $200 shall be shared equally. Any moneys received by a law enforcement agency from the $100 or $200 shall be credited to that agency.

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enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000.

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per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(705 ILCS 105/27.5)(from Ch. 25, par 27.5)

Sec. 27.5. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than $55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (b) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. Of the 12% disbursed to the State Treasurer, 1/6 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 1/2 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall be deposited into the Drivers Education Fund. For fiscal years 1992 and 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be
disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;

(2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and

(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02.)

(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equaling an amount of $55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme

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Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (d) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Public Aid. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay
amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act or the Controlled Substance Act shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of

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the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act or the Illinois Controlled Substances Act shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;

(2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and

(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(Source: P.A. 92-431, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; 92-651, eff. 7-11-02.)

Section 15. The Unified Code of Corrections is amended by changing Sections 5-5-3, 5-6-4, 5-6-4.1, and 5-8-7 as follows:

(730 ILCS 5/5-5-3)(from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.

(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

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(1) A period of probation.  
(2) A term of periodic imprisonment.  
(3) A term of conditional discharge.  
(4) A term of imprisonment.  
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).  
(6) A fine.  
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.  
(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501, Section 5-7, Section 5-16, or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $1,000 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire
department; and an ambulance as defined under Section 3.85 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.
(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(H) Criminal sexual assault.
(I) Aggravated battery of a senior citizen.
(J) A forcible felony if the offense was related to the activities of an organized gang.

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Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.


(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(T) A second or subsequent violation of paragraph (6.6) of subsection (a), subsection (c-5), or subsection (d-5) of Section 401 of the Illinois Controlled Substances Act.

(3) (Blank). A minimum term of imprisonment of not less than 5 days or 30 days of community service as may be determined by the court shall be imposed for a second violation committed within 5 years of a previous violation of Section 11-501 of the

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Illinois Vehicle Code or a similar provision of a local ordinance. In the case of a third or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a minimum term of either 10 days of imprisonment or 60 days of community service shall be imposed:

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank). A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:
   (A) a period of conditional discharge;
   (B) a fine;
   (C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall

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be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank). When a person is convicted of violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or that person is convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (e) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section 11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of $2,500.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a
hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

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Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to
prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child
Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release.

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from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

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(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; revised 10-9-03.)

(730 ILCS 5/5-6-4)(from Ch. 38, par. 1005-6-4)

Sec. 5-6-4. Violation, Modification or Revocation of Probation, of Conditional Discharge or Supervision or of a sentence of county impact incarceration - Hearing.

(a) Except in cases where conditional discharge or supervision was imposed for a petty offense as defined in Section 5-1-17, when a petition is filed charging a violation of a condition, the court may:

New matter indicated by italics - deletions by strikeout.
(1) in the case of probation violations, order the issuance of a notice to the offender to be present by the County Probation Department or such other agency designated by the court to handle probation matters; and in the case of conditional discharge or supervision violations, such notice to the offender shall be issued by the Circuit Court Clerk; and in the case of a violation of a sentence of county impact incarceration, such notice shall be issued by the Sheriff;

(2) order a summons to the offender to be present for hearing; or

(3) order a warrant for the offender's arrest where there is danger of his fleeing the jurisdiction or causing serious harm to others or when the offender fails to answer a summons or notice from the clerk of the court or Sheriff.

Personal service of the petition for violation of probation or the issuance of such warrant, summons or notice shall toll the period of probation, conditional discharge, supervision, or sentence of county impact incarceration until the final determination of the charge, and the term of probation, conditional discharge, supervision, or sentence of county impact incarceration shall not run until the hearing and disposition of the petition for violation.

(b) The court shall conduct a hearing of the alleged violation. The court shall admit the offender to bail pending the hearing unless the alleged violation is itself a criminal offense in which case the offender shall be admitted to bail on such terms as are provided in the Code of Criminal Procedure of 1963, as amended. In any case where an offender remains incarcerated only as a result of his alleged violation of the court's earlier order of probation, supervision, conditional discharge, or county impact incarceration such hearing shall be held within 14 days of the onset of said incarceration, unless the alleged violation is the commission of another offense by the offender during the period of probation, supervision or conditional discharge in which case such hearing shall be held within the time limits described in Section 103-5 of the Code of Criminal Procedure of 1963, as amended.

(c) The State has the burden of going forward with the evidence and proving the violation by the preponderance of the evidence. The evidence shall be presented in open court with the right of confrontation, cross-examination, and representation by counsel.

New matter indicated by italics - deletions by strikeout.
(d) Probation, conditional discharge, periodic imprisonment and supervision shall not be revoked for failure to comply with conditions of a sentence or supervision, which imposes financial obligations upon the offender unless such failure is due to his willful refusal to pay.

(e) If the court finds that the offender has violated a condition at any time prior to the expiration or termination of the period, it may continue him on the existing sentence, with or without modifying or enlarging the conditions, or may impose any other sentence that was available under Section 5-5-3 of this Code or Section 11-501 of the Illinois Vehicle Code at the time of initial sentencing. If the court finds that the person has failed to successfully complete his or her sentence to a county impact incarceration program, the court may impose any other sentence that was available under Section 5-5-3 of this Code or Section 11-501 of the Illinois Vehicle Code at the time of initial sentencing, except for a sentence of probation or conditional discharge.

(f) The conditions of probation, of conditional discharge, of supervision, or of a sentence of county impact incarceration may be modified by the court on motion of the supervising agency or on its own motion or at the request of the offender after notice and a hearing.

(g) A judgment revoking supervision, probation, conditional discharge, or a sentence of county impact incarceration is a final appealable order.

(h) Resentencing after revocation of probation, conditional discharge, supervision, or a sentence of county impact incarceration shall be under Article 4. Time served on probation, conditional discharge or supervision shall not be credited by the court against a sentence of imprisonment or periodic imprisonment unless the court orders otherwise.

(i) Instead of filing a violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration, an agent or employee of the supervising agency with the concurrence of his or her supervisor may serve on the defendant a Notice of Intermediate Sanctions. The Notice shall contain the technical violation or violations involved, the date or dates of the violation or violations, and the intermediate sanctions to be imposed. Upon receipt of the Notice, the defendant shall immediately accept or reject the intermediate sanctions. If the sanctions are accepted, they shall be imposed immediately. If the intermediate sanctions are rejected or the defendant does not respond to the Notice, a violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration shall be immediately filed with the court. The State's
Attorney and the sentencing court shall be notified of the Notice of Sanctions. Upon successful completion of the intermediate sanctions, a court may not revoke probation, conditional discharge, supervision, or a sentence of county impact incarceration or impose additional sanctions for the same violation. A notice of intermediate sanctions may not be issued for any violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration which could warrant an additional, separate felony charge. The intermediate sanctions shall include a term of home detention as provided in Article 8A of Chapter V of this Code for multiple or repeat violations of the terms and conditions of a sentence of probation, conditional discharge, or supervision.

(Source: P.A. 89-198, eff. 7-21-95; 89-587, eff. 7-31-96; 89-647, eff. 1-1-97; 90-14, eff. 7-1-97.)

(730 ILCS 5/5-6-4.1)(from Ch. 38, par. 1005-6-4.1)

Sec. 5-6-4.1. Violation, Modification or Revocation of Conditional Discharge or Supervision - Hearing.) (a) In cases where a defendant was placed upon supervision or conditional discharge for the commission of a petty offense, upon the oral or written motion of the State, or on the court's own motion, which charges that a violation of a condition of that conditional discharge or supervision has occurred, the court may:

(1) Conduct a hearing instanter if the offender is present in court;
(2) Order the issuance by the court clerk of a notice to the offender to be present for a hearing for violation;
(3) Order summons to the offender to be present; or
(4) Order a warrant for the offender's arrest.

The oral motion, if the defendant is present, or the issuance of such warrant, summons or notice shall toll the period of conditional discharge or supervision until the final determination of the charge, and the term of conditional discharge or supervision shall not run until the hearing and disposition of the petition for violation.

(b) The Court shall admit the offender to bail pending the hearing.

(c) The State has the burden of going forward with the evidence and proving the violation by the preponderance of the evidence. The evidence shall be presented in open court with the right of confrontation, cross-examination, and representation by counsel.

(d) Conditional discharge or supervision shall not be revoked for failure to comply with the conditions of the discharge or supervision which imposed financial obligations upon the offender unless such failure is due to his wilful refusal to pay.

New matter indicated by italics - deletions by strikeout.
(e) If the court finds that the offender has violated a condition at any time prior to the expiration or termination of the period, it may continue him on the existing sentence or supervision with or without modifying or enlarging the conditions, or may impose any other sentence that was available under Section 5-5-3 of this Code or Section 11-501 of the Illinois Vehicle Code at the time of initial sentencing.

(f) The conditions of conditional discharge and of supervision may be modified by the court on motion of the probation officer or on its own motion or at the request of the offender after notice to the defendant and a hearing.

(g) A judgment revoking supervision is a final appealable order.

(h) Resentencing after revocation of conditional discharge or of supervision shall be under Article 4. Time served on conditional discharge or supervision shall be credited by the court against a sentence of imprisonment or periodic imprisonment unless the court orders otherwise.

(Source: P.A. 81-815.)

(730 ILCS 5/5-8-7)(from Ch. 38, par. 1005-8-7)

Sec. 5-8-7. Calculation of Term of Imprisonment.

(a) A sentence of imprisonment shall commence on the date on which the offender is received by the Department or the institution at which the sentence is to be served.

(b) The offender shall be given credit on the determinate sentence or maximum term and the minimum period of imprisonment for time spent in custody as a result of the offense for which the sentence was imposed, at the rate specified in Section 3-6-3 of this Code. Except when prohibited by subsection (d), the trial court may give credit to the defendant for time spent in home detention, or when the defendant has been confined for psychiatric or substance abuse treatment prior to judgment, if the court finds that the detention or confinement was custodial.

(c) An offender arrested on one charge and prosecuted on another charge for conduct which occurred prior to his arrest shall be given credit on the determinate sentence or maximum term and the minimum term of imprisonment for time spent in custody under the former charge not credited against another sentence.

(d) An offender sentenced to a term of imprisonment for an offense listed in paragraph (2) of subsection (c) of Section 5-5-3 of this Code or in paragraph (3) of subsection (c-1) of Section 11-501 of the Illinois Vehicle Code
Code shall not receive credit for time spent in home detention prior to judgment.
(Source: P.A. 88-119; 89-647, eff. 1-1-97.)
   Effective January 1, 2005.

PUBLIC ACT 93-0801
(Senate Bill No. 2757)

AN ACT concerning courts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
   Section 1. Short title. This Act may be cited as the Reviewing Court Alternative Dispute Resolution Act.
   Section 5. Purpose. Conflict resolution techniques such as mediation, settlement conferences, arbitration, and other alternative forms of dispute resolution may reduce costs for civil litigants and simplify issues and reduce caseloads in the reviewing courts. The purpose of this Act is to facilitate the funding of alternative dispute resolution programs in the reviewing courts should the Supreme Court, in its discretion, adopt rules to establish such programs in Illinois.
   Section 10. Reviewing Court Alternative Dispute Resolution Fund. The Reviewing Court Alternative Dispute Resolution Fund is created as a special fund in the State Treasury. The Supreme Court may designate an amount to be included in the filing fees collected by the clerks of the Appellate Court for the funding of alternative dispute resolution programs in the reviewing courts. The portion of the filing fees designated for alternative dispute resolution programs in the reviewing courts shall be remitted within one month after receipt to the State Treasurer for deposit in the Reviewing Court Alternative Dispute Resolution Fund. All money in the Reviewing Court Alternative Dispute Resolution Fund shall be maintained in separate accounts for each Appellate Court district that has established approved alternative dispute resolution programs pursuant to Supreme Court rule and used, subject to appropriation, by the Supreme Court solely for the purpose of funding alternative dispute resolution programs in the reviewing courts.
   Section 15. Alternative Dispute Resolution Programs in the Reviewing Courts. The practice, procedure, and administration of

New matter indicated by italics - deletions by strikeout.
alternative dispute resolution programs in the reviewing courts shall be as provided by Supreme Court rule. The Uniform Arbitration Act, the Uniform Mediation Act, and other statutory provisions relating to arbitration, mediation, or other forms of alternative dispute resolution shall not be applicable to any alternative dispute resolution program in the reviewing courts, except as provided by Supreme Court rule.

Section 20. Expenses. The expenses of conducting alternative dispute resolution programs in the reviewing courts shall be determined by the Supreme Court and paid from the State Treasury on the warrant of the Comptroller out of appropriations made for that purpose by the General Assembly.

Section 70. The State Finance Act is amended by adding Section 5.625 and by changing Section 8h as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Reviewing Court Alternative Dispute Resolution Fund.

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund. Notwithstanding any other State law to the contrary, the Director of the Governor's Office of Management and Budget may from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of 8% of the revenues to be deposited into the fund during that year or 25% of the beginning balance in the fund. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use or to any funds in the Motor Fuel Tax Fund, or the Hospital Provider Fund, or the Reviewing Court Alternative Dispute Resolution Fund. Notwithstanding any other provision of this Section, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed 5% of the revenues to be deposited into the fund during that year.

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

New matter indicated by italics - deletions by strikeout.
The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Director of the Governor's Office of Management and Budget.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04.)

Section 80. The Appellate Court Act is amended by changing Section 3 as follows:

(705 ILCS 25/3) (from Ch. 37, par. 27)
Sec. 3. Clerk's salary - destruction of records. The ordinary and contingent expenses of operating the offices of the clerks of the branches of the Appellate Court, including salaries, shall be determined by the Supreme Court and paid from the State Treasury on the warrant of the Comptroller out of appropriations made for that purpose by the General Assembly. The clerk of each branch of the appellate court shall perform the duties usually devolving upon clerks of courts in this State, and shall provide books, stationery and seals for the appellate courts, and shall be entitled to receive the same fees for services in each branch of the appellate court as are allowed for like services in the Supreme Court. All fees paid to or received by any such clerk shall be paid into the State treasury as required by Section 2 of "An Act in relation to the payment and disposition of moneys received by officers and employees of the State of Illinois by virtue of their office or employment", approved June 9, 1911, as amended, except that any filing fees designated by Supreme Court Rule for alternative dispute resolution programs in the reviewing courts as provided in the Reviewing Court Alternative Dispute Resolution Act shall, within one month after receipt, be remitted to the State Treasurer for deposit in the Reviewing Court Alternative Dispute Resolution Fund.

The clerks shall, on the order and under the direction of the court, destroy any or all the records certified by the clerk (or a judge) of a trial court in cases finally decided more than 21 years prior to the entry of the order.

(Source: P.A. 83-294.)

Section 85. The Lawyers' Assistance Program Act amended by changing Sections 5 and 10 as follows:

(705 ILCS 235/5)
Sec. 5. Definition. For the purposes of this Act, "lawyers' assistance program" means a program operated by a not-for-profit corporation that is exempt from the payment of federal taxes under Section 501(c)(3) of the Internal Revenue Code and that provides services that

New matter indicated by italics - deletions by strikeout.
may include the provision of information on addiction and mental health impairments, referrals to treatment programs, peer assistance, prevention education, interventions, relapse prevention, and monitoring of compliance with treatment programs for attorneys and law students.

(Source: P.A. 92-747, eff. 7-31-02.)

Sec. 10. Support for lawyers' assistance programs. The Illinois Supreme Court may support programs that provide assistance to attorneys and law students who are addicted to or abuse alcohol or other drugs or who are in need of mental health assistance.

(Source: P.A. 92-747, eff. 7-31-02.)

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


PUBLIC ACT 93-0802
(Senate Bill No. 1550)

AN ACT in relation to education.

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

Section 1. Short title. This Act may be cited as the Grow Our Own Teacher Education Act.

Section 5. Purpose. The Grow Our Own Teacher preparation programs established under this Act shall comprise a major new statewide initiative, known as the Grow Our Own Teacher Education Initiative, to prepare highly skilled, committed teachers who will teach in hard-to-staff schools and hard-to-staff teaching positions and who will remain in these schools for substantial periods of time.

The Grow Our Own Teacher Education Initiative shall effectively recruit and prepare parent and community leaders and paraeducators to become effective teachers and teacher leaders statewide in hard-to-staff schools and hard-to-staff teaching positions in schools serving a substantial percentage of low-income students. Further, the Initiative shall increase the diversity of teachers, including diversity based on race, ethnicity, and disability.

New matter indicated by italics - deletions by strikeout.
The Grow Our Own Teacher Education Initiative shall ensure educational rigor by effectively preparing students in accredited bachelor's degree programs in teaching, through which graduates shall meet the requirements to secure an Illinois standard teaching certificate.

The goal of the Grow Our Own Teacher Education Initiative is to add 1,000 teachers to low-income and other hard-to-staff Illinois schools by 2016 with an average retention period of 7 years, as opposed to the current rate of 2.5 years for new teachers in such areas.

Section 10. Definitions. In this Act:
"Accredited teacher preparation program" means a State or regionally accredited higher education program authorized to prepare individuals to fulfill all of the requirements to receive an Illinois standard teaching certificate.
"Hard-to-staff school" means an elementary or secondary school that, based on data compiled by the State Board of Education, ranks in the upper third of schools in this State on a combined index measuring the percentage of the school's teachers who are not fully certified and the percentage of the school's teachers who leave their positions annually.
"Hard-to-staff teaching position" means a teaching category (such as special education, mathematics, or science) in which statewide data compiled by the State Board of Education indicates a multi-year pattern of substantial teacher shortage or that has been identified as a critical need by the local school board.
"Initiative" means the Grow Our Own Teacher Education Initiative created under this Act.
"Paraeducators" means individuals with a history of demonstrated accomplishments in school staff positions (such as teacher assistants, school-community liaisons, school clerks, and security aides) in schools serving a substantial percentage of low-income students.
"Parent and community leaders" means individuals with a significant history of involvement in improving schools serving a substantial percentage of low-income students, including membership in a community organization.
"Community organization" means a nonprofit organization that has a demonstrated capacity to train, develop, and organize parents and community leaders into a constituency that will hold the school and the school district accountable for achieving high academic standards; in addition to organizations with a geographic focus, "community organization" includes general parent organizations, organizations of

New matter indicated by italics - deletions by strikeout.
special education or bilingual education parents, and school employee unions.

"Program" means a Grow Our Own Teacher preparation program established by a consortium under this Act.

"Schools serving a substantial percentage of low-income students" means schools whose percentage of students receiving free or reduced-price lunches is at or above the district-average percentage.

"State Board" means the State Board of Education.

Section 15. Creation of Initiative. The Grow Our Own Teacher Education Initiative is created. The State Board shall administer the Initiative as a grant competition to fund consortia that will carry out Grow Our Own Teacher preparation programs.

Section 20. Selection of grantees. The State Board shall award grants to up to 10 qualified consortia that reflect the distribution and diversity of target hard-to-staff schools across this State. In awarding grants, the State Board shall select programs that successfully address Initiative criteria and that reflect a diversity of strategies in terms of serving urban areas, serving rural areas, the nature of the participating institutions of higher education, whether participants will be trained at the baccalaureate or master's level, and the nature of hard-to-staff teaching positions on which a program is focused.

The State Board shall select consortia that meet the following requirements:

(1) A consortium shall be composed of at least one 4-year institution of higher education with an accredited teacher preparation program, at least one school district or group of schools, and one or more community organizations. The consortium may also include a 2-year institution of higher education or a school employee union or both.

(2) The 4-year institution of higher education participating in the consortium shall have past, demonstrated success in preparing teachers for elementary or secondary schools serving a substantial percentage of low-income students.

(3) The consortium shall focus on a clearly defined set of target schools serving a substantial percentage of low-income students that will be the primary focus of the program. The consortium shall articulate the steps that it will carry out in preparing teachers for its target hard-to-staff schools and in

New matter indicated by italics - deletions by strikeout.
preparing teachers for one or more hard-to-staff teaching positions in its target schools.

(4) Student participants in a program under the Initiative must hold a high school diploma or its equivalent and must meet either the definition of "parent and community leaders" or the definition of "paraeducators" contained in Section 10 of this Act.

(5) The consortium shall employ effective procedures for teaching the skills and knowledge needed to prepare highly competent teachers. Instruction shall include on-going direct experience in target schools and analysis of this experience.

(6) The consortium shall offer the program to cohorts of students who begin by moving through the program together. The program shall be offered on a schedule that enables students to work full time while participating in the program and allows paraeducators to continue in their current positions. The consortium shall guarantee that support will be available to an admitted cohort through the cohort's full period of training. At the beginning of the Initiative, programs that are already operating and existing cohorts of students under this model shall be eligible for funding.

(7) The institutions of higher education participating in the consortium shall document and agree to expend the same amount of funds in implementing the program that these institutions spend per student on similar educational programs. Grants received by the consortium shall supplement and not supplant these amounts.

(8) The State Board shall establish additional criteria for review of proposals, including criteria that address the following issues:

(A) Previous experience of the institutions of higher education in preparing students for hard-to-staff schools and positions and in working with students with non-traditional backgrounds.

(B) The quality of the implementation plan, including strategies for overcoming institutional barriers to the progress of non-traditional students.

(C) If a community college is a participant, the nature and extent of existing articulation agreements and guarantees between the community college and the 4-year institution of higher education.

New matter indicated by italics - deletions by strikeout.
(D) The number of participants to be trained in the current cohort or cohorts and the capacity of the consortium for adding cohorts in future cycles.

(E) Experience of the community organization or organizations in organizing parents and community leaders to achieve school improvement and a strong relational school culture.

(F) The qualifications of the person or persons designated by the 4-year institution of higher education to be responsible for cohort support and the development of a shared learning and social environment among participants.

(G) The consortium's plan for collective consortium decision-making, including mechanisms for community and participant input.

(H) The consortium's plan for direct impact of the program on the quality of education in the target schools.

(I) The relevance of the curriculum to the needs of targeted schools and positions, and the use in curriculum and instructional planning of principles for effective adult education.

(J) The availability of classes under the program in places and times accessible to the participants.

(K) Provision of a level of performance to be maintained by participants as a condition of continuing in the program.

(L) The plan of the 4-year institution of higher education to ensure that students take advantage of existing financial aid resources before using the loan funds described in Section 25 of this Act.

(M) The availability of supportive services, including counseling, tutoring, and child care.

(N) A plan for continued participation of graduates of the program in a program of support for at least 2 years, including mentoring and group meetings.

(O) A plan for testing and qualitative evaluation of participants' teaching skills that ensures that graduates of the program are as prepared for teaching as those from the conventional teacher training program of the 4-year institution of higher education.

New matter indicated by italics - deletions by strikeout.
(P) A plan for internal evaluation that provides reports at least yearly on the progress of participants towards graduation and the impact of the program on the target schools and their communities.

(Q) Contributions from schools, school districts, and other consortia members to the program, including stipends for participants during their student teaching.

(R) Consortium commitment for sustaining the program over time, as evidenced by plans for reduced requirements for external funding in subsequent cycles.

Section 25. Expenditures under the Initiative.
(a) Every program under the Initiative shall implement and manage a program of forgivable loans to cover any portion of tuition and direct expenses of students under the program in excess of grants-in-aid and other forgivable loans received. All students admitted to a cohort shall be eligible for such loans. Loans shall be fully forgiven if a graduate completes 5 years of service in a hard-to-staff school or hard-to-staff teaching position.

(b) Grants under the Initiative shall be awarded in such a way as to provide the required support for a cohort of students for the cohort's entire training period. Program budgets must show expenditures for the entire period that participants are expected to be enrolled.

(c) No funds under the Initiative may be used to supplant the average per-capita expenditures by the institution of higher education for students in regular education degree programs.

(d) Where necessary, program budgets shall include the costs of child care to permit parents to maintain a full class schedule. Child care may be provided by the community organization or organizations or be independently contracted for.

(e) The institution of higher education may expend grant funds to cover the salary of a site-based cohort coordinator and the additional costs of offering classes in community settings and for tutoring services.

(f) The community organization or organizations may receive a portion of the grant money for the expenses of recruitment, community orientation, and counseling of potential participants, for providing space in the community, and for working with school personnel to facilitate individual work experiences and support of participants.

New matter indicated by italics - deletions by strikeout.
(g) The school district or school employee union or both may receive a portion of the grant money for expenses of supporting the work experiences of participants and providing mentors for graduates.

Section 30. Implementation of Initiative. The State Board shall develop guidelines and application procedures for the Initiative in fiscal year 2005. The State Board may, if it chooses, award a small number of planning grants during fiscal year 2005 to potential consortia using existing resources. The first programs under the Initiative shall be awarded grants in such a way as to allow participants to begin their work at the beginning of the 2005-2006 school year.

Section 35. Independent program evaluation. The State Board shall contract for an independent evaluation of program implementation by each of its participating consortia and of the impact of each program, including the extent of student persistence in program enrollment, acceptance as an education major in a 4-year institution of higher education, completion of a bachelor's degree in teaching, obtaining a teaching position in a target school or similar school, subsequent effectiveness as a teacher, and persistence in teaching in a target school or similar school. The evaluation shall assess the Initiative's overall effectiveness and shall identify particular program strategies that are especially effective.

Section 40. Funding. Funding of the Initiative is subject to appropriation.

Section 90. Rules. The State Board may adopt any rules necessary to carry out its responsibilities under this Act.

Section 99. Effective date. This Act takes effect January 1, 2005.
Effective January 1, 2005.

PUBLIC ACT 93-0803
(Senate Bill No. 2115)

AN ACT with regard to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 26-2 as follows:
(105 ILCS 5/26-2) (from Ch. 122, par. 26-2)
Sec. 26-2. Enrolled pupils below 7 or over 16.

New matter indicated by italics - deletions by strikeout.
(a) Any person having custody or control of a child who is below the age of 7 years or above the age of 16 years and who is enrolled in any of grades 1 through 12, in the public school shall cause him to attend the public school in the district wherein he resides when it is in session during the regular school term unless he is excused under paragraphs 2, 3, 4 or 5 of Section 26-1.

(b) A school district shall deny reenrollment in its secondary schools to any child above the age of 19 years who has dropped out of school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. A district may, however, enroll the child in an alternative learning opportunities program established under Article 13B. No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to alternative educational programs, including adult education programs, that lead to graduation or receipt of a GED diploma.

(c) A school or school district may deny enrollment to a student 16 years of age or older for one semester for failure to meet minimum academic standards if all of the following conditions are met:

1. The student achieved a grade point average of less than "D" (or its equivalent) in the semester immediately prior to the current semester.
2. The student and the student's parent or guardian are given written notice warning that the student is failing academically and is subject to denial from enrollment for one semester unless a "D" average (or its equivalent) or better is attained in the current semester.
3. The parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.
4. The student is provided with an academic improvement plan and academic remediation services.
5. The student fails to achieve a "D" average (or its equivalent) or better in the current semester.
A school or school district may deny enrollment to a student 16 years of age or older for one semester for failure to meet minimum attendance standards if all of the following conditions are met:

(1) The student was absent without valid cause for 20% or more of the attendance days in the semester immediately prior to the current semester.

(2) The student and the student’s parent or guardian are given written notice warning that the student is subject to denial from enrollment for one semester unless the student is absent without valid cause less than 20% of the attendance days in the current semester.

(3) The student’s parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with attendance remediation services, including without limitation assessment, counseling, and support services.

(5) The student is absent without valid cause for 20% or more of the attendance days in the current semester.

A school or school district may not deny enrollment to a student (or reenrollment to a dropout) who is at least 16 years of age or older but not more than 19 years for more than one consecutive semester for failure to meet academic or attendance standards.

(d) No child may be denied enrollment or reenrollment under this Section in violation of the Individuals with Disabilities Education Act or the Americans with Disabilities Act.

(e) In this subsection (e), "reenrolled student" means a dropout who has reenrolled full-time in a public school. Each school district shall identify, track, and report on the educational progress and outcomes of reenrolled students as a subset of the district's required reporting on all enrollments. A reenrolled student who again drops out must not be counted again against a district's dropout rate performance measure. The State Board of Education shall set performance standards for programs serving reenrolled students.

(f) The State Board of Education shall adopt any rules necessary to implement the changes to this Section made by this amendatory Act of the 93rd General Assembly.

(Source: P.A. 92-42, eff. 1-1-02.)
PUBLIC ACT 93-0803

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


PUBLIC ACT 93-0804
(Senate Bill No. 2134)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by adding Section 21-10 as follows:

(720 ILCS 5/21-10 new)

Sec. 21-10. Criminal use of a motion picture exhibition facility.
(a) Any person, where a motion picture is being exhibited, who knowingly operates an audiovisual recording function of a device without the consent of the owner or lessee of that exhibition facility and of the licensor of the motion picture being exhibited is guilty of criminal use of a motion picture exhibition facility.

(b) Sentence. Criminal use of a motion picture exhibition facility is a Class 4 felony.

(c) The owner or lessee of a facility where a motion picture is being exhibited, the authorized agent or employee of that owner or lessee, or the licensor of the motion picture being exhibited or his or her agent or employee, who alerts law enforcement authorities of an alleged violation of this Section is not liable in any civil action arising out of measures taken by that owner, lessee, licensor, agent, or employee in the course of subsequently detaining a person that the owner, lessee, licensor, agent, or employee, in good faith believed to have violated this Section while awaiting the arrival of law enforcement authorities, unless the plaintiff in such an action shows by clear and convincing evidence that such measures were manifestly unreasonable or the period of detention was unreasonably long.

(d) This Section does not prevent any lawfully authorized investigative, law enforcement, protective, or intelligence gathering employee or agent of the State or federal government from operating any audiovisual recording device in any facility where a motion picture is

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being exhibited as part of lawfully authorized investigative, protective, law enforcement, or intelligence gathering activities.

(e) This Section does not apply to a person who operates an audiovisual recording function of a device in a retail establishment solely to demonstrate the use of that device for sales and display purposes.

(f) Nothing in this Section prevents the prosecution for conduct that constitutes a violation of this Section under any other provision of law providing for a greater penalty.

(g) In this Section, "audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part of a motion picture by means of any technology now known or later developed and "facility" does not include a personal residence.

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


PUBLIC ACT 93-0805
(Senate Bill No. 2378)

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

Section 5. The Child Care Act of 1969 is amended by changing Section 5.2 as follows:

(225 ILCS 10/5.2)
Sec. 5.2. Unsafe children's products.
(a) A child care facility may not use or have on the premises, on or after July 1, 2000, an unsafe children's product as described in Section 15 of the Children's Product Safety Act. This subsection (a) does not apply to an antique or collectible children's product if it is not used by, or accessible to, any child in the child care facility.

(b) The Department of Children and Family Services shall notify child care facilities, on an ongoing basis, including during the license application facility examination and during annual license monitoring visits, of the provisions of this Section and the Children's Product Safety Act and of the comprehensive list of unsafe children's products as provided and maintained by the Department of Public Health available on the

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Internet, as determined in accordance with that Act, in plain, non-technical language that will enable each child care facility to effectively inspect children's products and identify unsafe children's products. The Department of Children and Family Services must make the comprehensive list available to those facilities that do not have Internet access. Child care facilities must maintain all written information provided pursuant to this subsection in a file accessible to both facility staff and parents of children attending the facility. Child care facilities must post in prominent locations regularly visited by parents written notification of the existence of the comprehensive list of unsafe children's products available on the Internet. The Department of Children and Family Services shall adopt rules to carry out this Section.

(Source: P.A. 91-413, eff. 1-1-00.)

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


PUBLIC ACT 93-0806
(Senate Bill No. 2381)

AN ACT concerning nursing.

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

Section 5. The Nursing and Advanced Practice Nursing Act is amended by changing Section 20-40 as follows:

(225 ILCS 65/20-40)

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

Sec. 20-40. Fund. There is hereby created within the State Treasury the Nursing Dedicated and Professional Fund. The monies in the Fund may be used by and at the direction of the Department for the administration and enforcement of this Act, including but not limited to:

(a) Distribution and publication of the Nursing and Advanced Practice Nursing Act and the rules at the time of renewal to all persons licensed by the Department under this Act.

(b) Employment of secretarial, nursing, administrative, enforcement, and other staff for the administration of this Act.

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(c) Conducting a survey, as prescribed by rule of the Department, once every 4 years during the license renewal period.

(d) Conducting of training seminars for licensees under this Act relating to the obligations, responsibilities, enforcement and other provisions of the Act and its rules.

(e) Disposition of Fees:

(i) (Blank).

(ii) All of the fees and fines collected pursuant to this Act shall be deposited in the Nursing Dedicated and Professional Fund.

(iii) For the fiscal year beginning July 1, 1988, the moneys deposited in the Nursing Dedicated and Professional Fund shall be appropriated to the Department for expenses of the Department and the Board in the administration of this Act. All earnings received from investment of moneys in the Nursing Dedicated and Professional Fund shall be deposited in the Nursing Dedicated and Professional Fund and shall be used for the same purposes as fees deposited in the Fund.

(iv) For the fiscal year beginning July 1, 2004 and for each fiscal year thereafter, $1,200,000 of the moneys deposited in the Nursing Dedicated and Professional Fund each year shall be set aside and appropriated to the Illinois Department of Public Health for nursing scholarships awarded pursuant to the Nursing Education Scholarship Law. Representatives of the Department and the Nursing Education Scholarship Program Advisory Council shall review this requirement and the scholarship awards every 2 years.

(v) Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

(Source: P.A. 91-239, 1-1-00; 92-46, eff. 7-1-01.)

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

AN ACT concerning wildlife.

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

Section 5. The Wildlife Code is amended by changing Sections 2.26 and 2.33 as follows:

(520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

Sec. 2.26. Deer hunting permits. In this Section, "bona fide equity shareholder" means an individual who (1) purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership and (2) intends to retain the ownership of the shares of stock for at least 5 years.

In this Section, "bona fide equity member" means an individual who (1) (i) became a member upon the formation of the limited liability company or (ii) has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the LLC assets represented by the distributional interest in the LLC and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act and who (2) intends to retain the membership for at least 5 years.

Any person attempting to take deer shall first obtain a "Deer Hunting Permit" in accordance with prescribed regulations set forth in an Administrative Rule. Deer Hunting Permits shall be issued by the Department. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed $15.00 for residents of the State. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed $200 except as provided below for non-resident landowners and non-resident archery hunters. The Department may by administrative rule provide for a non-resident archery deer permit consisting of not more than 2 harvest tags at a total cost not to exceed $225. Permits shall be issued without charge to:

(a) Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt their land only,

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(b) resident tenants of at least 40 acres of commercial agricultural land where they will hunt, and

(c) Bona fide equity shareholders of a corporation or bona fide equity members of a limited liability company which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's or company's land only. One permit shall be issued without charge to one bona fide equity shareholder or one bona fide equity member for each 40 acres of land owned by the corporation or company in a county; however, the number of permits issued without charge to bona fide equity shareholders of any corporation or bona fide equity members of a limited liability company in any county shall not exceed 15.

Bona fide landowners or tenants who do not wish to hunt only on the land they own, rent or lease or bona fide equity shareholders or bona fide equity members who do not wish to hunt only on the land owned by the corporation or limited liability company shall be charged the same fee as the applicant who is not a landowner, tenant, bona fide equity shareholder, or bona fide equity member. Nonresidents of Illinois who own at least 40 acres of land and wish to hunt on their land only shall be charged a fee set by administrative rule. The method for obtaining these permits shall be prescribed by administrative rule.

The deer hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued to a bona fide equity shareholder or bona fide equity member, the permit shall be valid on all lands owned by the corporation or limited liability company in the county.

The standards and specifications for use of guns and bow and arrow for deer hunting shall be established by administrative rule.

No person may have in his possession any firearm not authorized by administrative rule for a specific hunting season when taking deer.

Persons having a firearm deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to sunset, and only during those days for which an open season is established for the taking of deer by use of shotgun, handgun, or muzzle loading rifle.

Persons having an archery deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of bow and arrow.

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It shall be unlawful for any person to take deer by use of dogs, horses, automobiles, aircraft or other vehicles, or by the use of salt or bait of any kind. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait. Nothing in this Section shall prohibit the use of a dog to track wounded deer. Any person using a dog for tracking wounded deer must maintain physical control of the dog at all times by means of a maximum 50 foot lead attached to the dog’s collar or harness. Tracking wounded deer is permissible at night, but at no time outside of legal deer hunting hours or seasons shall any person handling or accompanying a dog being used for tracking wounded deer be in possession of any firearm or archery device. Persons tracking wounded deer with a dog during the firearm deer seasons shall wear blaze orange as required. Dog handlers tracking wounded deer with a dog are exempt from hunting license and deer permit requirements so long as they are accompanied by the licensed deer hunter who wounded the deer.

It shall be unlawful to possess or transport any wild deer which has been injured or killed in any manner upon a public highway or public right-of-way of this State unless exempted by administrative rule.

Persons hunting deer must have gun unloaded and no bow and arrow device shall be carried with the arrow in the nocked position during hours when deer hunting is unlawful.

It shall be unlawful for any person, having taken the legal limit of deer by gun, to further participate with gun in any deer hunting party.

It shall be unlawful for any person, having taken the legal limit of deer by bow and arrow, to further participate with bow and arrow in any deer hunting party.

The Department may prohibit upland game hunting during the gun deer season by administrative rule.

It shall be legal for handicapped persons, as defined in Section 2.33, to utilize a crossbow device, as defined in Department rules, to take deer.

Any person who violates any of the provisions of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.

(Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01; 92-651, eff. 7-11-02; 93-554, eff. 8-20-03.)

(520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

Sec. 2.33. Prohibitions.

(a) It is unlawful to carry or possess any gun in any State refuge unless otherwise permitted by administrative rule.

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(b) It is unlawful to use or possess any snare or snare-like device, deadfall, net, or pit trap to take any species, except that snares not powered by springs or other mechanical devices may be used to trap fur-bearing mammals, in water sets only, if at least one-half of the snare noose is located underwater at all times.

(c) It is unlawful for any person at any time to take a wild mammal protected by this Act from its den by means of any mechanical device, spade, or digging device or to use smoke or other gases to dislodge or remove such mammal except as provided in Section 2.37.

(d) It is unlawful to use a ferret or any other small mammal which is used in the same or similar manner for which ferrets are used for the purpose of frightening or driving any mammals from their dens or hiding places.

(e) (Blank).

(f) It is unlawful to use spears, gigs, hooks or any like device to take any species protected by this Act.

(g) It is unlawful to use poisons, chemicals or explosives for the purpose of taking any species protected by this Act.

(h) It is unlawful to hunt adjacent to or near any peat, grass, brush or other inflammable substance when it is burning.

(i) It is unlawful to take, pursue or intentionally harass or disturb in any manner any wild birds or mammals by use or aid of any vehicle or conveyance, except as permitted by the Code of Federal Regulations for the taking of waterfowl. It is also unlawful to use the lights of any vehicle or conveyance or any light from or any light connected to the vehicle or conveyance in any area where wildlife may be found except in accordance with Section 2.37 of this Act; however, nothing in this Section shall prohibit the normal use of headlamps for the purpose of driving upon a roadway. Striped skunk, opossum, red fox, gray fox, raccoon and coyote may be taken during the open season by use of a small light which is worn on the body or hand-held by a person on foot and not in any vehicle.

(j) It is unlawful to use any shotgun larger than 10 gauge while taking or attempting to take any of the species protected by this Act.

(k) It is unlawful to use or possess in the field any shotgun shell loaded with a shot size larger than lead BB or steel T (.20 diameter) when taking or attempting to take any species of wild game mammals (excluding white-tailed deer), wild game birds, migratory waterfowl or migratory game birds protected by this Act, except white-tailed deer as provided for

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in Section 2.26 and other species as provided for by subsection (l) or administrative rule.

(l) It is unlawful to take any species of wild game, except white-tailed deer, with a shotgun loaded with slugs unless otherwise provided for by administrative rule.

(m) It is unlawful to use any shotgun capable of holding more than 3 shells in the magazine or chamber combined, except on game breeding and hunting preserve areas licensed under Section 3.27 and except as permitted by the Code of Federal Regulations for the taking of waterfowl. If the shotgun is capable of holding more than 3 shells, it shall, while being used on an area other than a game breeding and shooting preserve area licensed pursuant to Section 3.27, be fitted with a one piece plug that is irremovable without dismantling the shotgun or otherwise altered to render it incapable of holding more than 3 shells in the magazine and chamber, combined.

(n) It is unlawful for any person, except persons who possess a permit to hunt from a vehicle as provided in this Section and persons otherwise permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case, except that at field trials authorized by Section 2.34 of this Act, unloaded guns or guns loaded with blank cartridges only, may be carried on horseback while not contained in a case, or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable.

(o) It is unlawful to use any crossbow for the purpose of taking any wild birds or mammals, except as provided for in Section 2.33.

(p) It is unlawful to take game birds, migratory game birds or migratory waterfowl with a rifle, pistol, revolver or airgun.

(q) It is unlawful to fire a rifle, pistol, revolver or airgun on, over or into any waters of this State, including frozen waters.

(r) It is unlawful to discharge any gun or bow and arrow device along, upon, across, or from any public right-of-way or highway in this State.

(s) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.

(t) It is unlawful for any person to trap or hunt, or allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, without first obtaining permission from the owner or tenant. It shall be prima facie evidence that a person does not
have permission of the owner or tenant if the person is unable to
demonstrate to the law enforcement officer in the field that permission had
been obtained. This provision may only be rebutted by testimony of the
owner or tenant that permission had been given. Before enforcing this
Section the law enforcement officer must have received notice from the
owner or tenant of a violation of this Section. Statements made to the law
enforcement officer regarding this notice shall not be rendered
inadmissible by the hearsay rule when offered for the purpose of showing
the required notice.

(u) It is unlawful for any person to discharge any firearm for the
purpose of taking any of the species protected by this Act, or hunt with
gun or dog, or allow a dog to hunt, within 300 yards of an inhabited
dwelling without first obtaining permission from the owner or tenant,
except that while trapping, hunting with bow and arrow, hunting with dog
and shotgun using shot shells only, or hunting with shotgun using shot
shells only, or on licensed game breeding and hunting preserve areas, as
defined in Section 3.27, on property operated under a Migratory
Waterfowl Hunting Area Permit, on federally owned and managed lands
and on Department owned, managed, leased or controlled lands, a 100
yard restriction shall apply.

(v) It is unlawful for any person to remove fur-bearing mammals
from, or to move or disturb in any manner, the traps owned by another
person without written authorization of the owner to do so.

(w) It is unlawful for any owner of a dog to knowingly or wantonly
allow his or her dog to pursue, harass or kill deer, except that nothing in
this Section shall prohibit the tracking of wounded deer with a dog in
accordance with the provisions of Section 2.26 of this Code.

(x) It is unlawful for any person to wantonly or carelessly injure or
destroy, in any manner whatsoever, any real or personal property on the
land of another while engaged in hunting or trapping thereon.

(y) It is unlawful to hunt wild game protected by this Act between
one half hour after sunset and one half hour before sunrise, except that
hunting hours between one half hour after sunset and one half hour before
sunrise may be established by administrative rule for fur-bearing
mammals.

(z) It is unlawful to take any game bird (excluding wild turkeys and
crippled pheasants not capable of normal flight and otherwise
irretrievable) protected by this Act when not flying. Nothing in this
Section shall prohibit a person from carrying an uncased, unloaded

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shotgun in a boat, while in pursuit of a crippled migratory waterfowl that is incapable of normal flight, for the purpose of attempting to reduce the migratory waterfowl to possession, provided that the attempt is made immediately upon downing the migratory waterfowl and is done within 400 yards of the blind from which the migratory waterfowl was downed. This exception shall apply only to migratory game birds that are not capable of normal flight. Migratory waterfowl that are crippled may be taken only with a shotgun as regulated by subsection (j) of this Section using shotgun shells as regulated in subsection (k) of this Section.

(aa) It is unlawful to use or possess any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals.

(bb) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 to import, carry into, or possess alive in this State any species of wildlife taken outside of this State, without obtaining permission to do so from the Director.

(cc) It is unlawful for any person to have in his or her possession any freshly killed species protected by this Act during the season closed for taking.

(dd) It is unlawful to take any species protected by this Act and retain it alive.

(ee) It is unlawful to possess any rifle while in the field during gun deer season except as provided in Section 2.26 and administrative rules.

(ff) It is unlawful for any person to take any species protected by this Act, except migratory waterfowl, during the gun deer hunting season in those counties open to gun deer hunting, unless he or she wears, when in the field, a cap and upper outer garment of a solid blaze orange color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange material.

(gg) It is unlawful during the upland game season for any person to take upland game with a firearm unless he or she wears, while in the field, a cap of solid blaze orange color. For purposes of this Act, upland game is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern Cottontail and Swamp Rabbit.

(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a daily bag limit without making a reasonable effort to retrieve such species and include such in the daily bag limit.

(ii) This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries, may be possessed within

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the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21.

(jj) Nothing contained in this Section shall prohibit the use of bow and arrow, or prevent the Director from issuing permits to use a crossbow to handicapped persons as provided by administrative rule. As used herein, "handicapped persons" means those persons who have a permanent physical impairment due to injury or disease, congenital or acquired, which renders them so severely disabled as to be unable to use a conventional bow and arrow device. Permits will be issued only after the receipt of a physician's statement confirming the applicant is handicapped as defined above.

(kk) Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or to other disabled persons who meet the requirements set forth in administrative rule to shoot or hunt from a vehicle as provided by that rule, provided that such is otherwise in accord with this Act.

(ll) Nothing contained in this Act shall prohibit the taking of aquatic life protected by the Fish and Aquatic Life Code or birds and mammals protected by this Act, except deer and fur-bearing mammals, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than lead BB or steel T (.20 diameter) may be used to take species protected by this Act.

(mm) Nothing contained in this Act shall prohibit the use of a shotgun, not larger than 10 gauge nor smaller than a 20 gauge, with a rifled barrel.

(Source: P.A. 91-654, eff. 12-15-99; 92-325, eff. 8-9-01; 92-651, eff. 7-11-02.)

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

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
   Section 5. The School Code is amended by changing Section 18-8.05 as follows:
   (105 ILCS 5/18-8.05)
   Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.
   (A) General Provisions.
      (1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.
      (2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.
      (3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:
         (a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized

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school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law. School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing

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

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

(B) Foundation Level.

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

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425. (3) For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is $4,560. For the 2003-2004 school year, the Foundation Level of support is $4,810.

(3) (4) For the 2004-2005 2003-2004 school year and each school year thereafter, the Foundation Level of support is $5,060 $4,810 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

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

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated or

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

(D) Available Local Resources.

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

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

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

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

(E) Computation of General State Aid.

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

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

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

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

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

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the

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preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

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

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

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

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

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schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

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

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

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

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conferences may be scheduled separately for different grade levels and different attendance centers of the district.

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

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

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

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

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for
the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

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

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

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

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percentage rates for district type as specified in this subparagraph (b).

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

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

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

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

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

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

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

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

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

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

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

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

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant,
paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school

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district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

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

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

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

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

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

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.
(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

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

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

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

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

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

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

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For the 2003-2004 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2005-2006 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

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

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

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

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

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

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

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

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school

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expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

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

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

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

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district.

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that has not submitted a plan that has been approved by the State Board of Education.

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

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

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

(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the division (pursuant to petition under Section 11A-2) of one or more other unit school districts into 2 or more parts and which together include all of the parts into which such other unit school district or districts are so divided, for the first year during which the change of boundaries attributable to such annexation or division becomes effective for all purposes as determined under Section 7-9 or 11A-10, as the case may be, the general State aid and supplemental general State aid calculated under this Section shall be computed for each annexing or resulting district as constituted after the annexation or division and for each annexing and annexed district, or for each resulting and divided district, as constituted prior to the annexation or division; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing or resulting districts as constituted after the

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annexation or division is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, or for the resulting and divided districts, as constituted prior to the annexation or division, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing or resulting districts, as constituted upon such annexation or division, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing or resulting districts in the same ratio as the pupil enrollment from that portion of the annexed or divided district or districts which is annexed to or included in each such annexing or resulting district bears to the total pupil enrollment from the entire annexed or divided district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.

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

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

(J) Supplementary Grants in Aid.

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

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each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

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

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

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

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

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative

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school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

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

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

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

(2) (Blank).

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

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that

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of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

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

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

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

(N) (Blank).

(O) References.

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

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

(Source: P.A. 92-16, eff. 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff. 8-7-01; 92-604, eff. 7-1-02; 92-636, eff. 7-11-02; 92-651, eff. 7-11-02; 93-21, eff. 7-1-03.)

Section 99. Effective date. This Act takes effect July 1, 2004.

PUBLIC ACT 93-0809
(House Bill No. 4287)

AN ACT in relation to criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 12-3.2 as follows:

(720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)
Sec. 12-3.2. Domestic Battery.
(a) A person commits domestic battery if he intentionally or knowingly without legal justification by any means:

(1) Causes bodily harm to any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended;

(2) Makes physical contact of an insulting or provoking nature with any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended.

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(b) Sentence. Domestic battery is a Class A misdemeanor. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) or violation of an order of protection (Section 12-30), or any prior conviction under the law of another jurisdiction for an offense which is substantially similar. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 12-13), aggravated criminal sexual assault (12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 12-14.1), aggravated criminal sexual abuse (Section 12-16), unlawful restraint (Section 10-3), aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), or aggravated discharge of a firearm (Section 24-1.2), or any prior conviction under the law of another jurisdiction for any offense that is substantially similar to the offenses listed in this Section, when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. In addition to any other sentencing alternatives, for any second or subsequent conviction of violating this Section within 5 years of a previous conviction for violating this Section, the offender shall be mandatorily sentenced to a minimum of 72 48 consecutive hours of imprisonment. The imprisonment shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence.

(c) Domestic battery committed in the presence of a child. In addition to any other sentencing alternatives, a defendant who commits, in the presence of a child, a felony domestic battery (enhanced under subsection (b)), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-4), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1) against a family or household member, as defined in Section 112A-3 of the Code of Criminal Procedure of 1963, shall be required to serve a mandatory minimum imprisonment of 10 days or perform 300 hours of community service, or both. The defendant shall further be liable for the cost of any counseling required for the child at the
discretion of the court in accordance with subsection (b) of Section 5-5-6 of the Unified Code of Corrections. For purposes of this Section, "child" means a person under 16 years of age who is the defendant's or victim's child or step-child or who is a minor child residing within the household of the defendant or victim. For purposes of this Section, "in the presence of a child" means in the physical presence of a child or knowing or having reason to know that a child is present and may see or hear an act constituting one of the offenses listed in this subsection.

(Source: P.A. 92-16, eff. 6-28-01; 92-827, eff. 8-22-02; P.A. 93-336, eff. 1-1-04.)

Effective January 1, 2005.

PUBLIC ACT 93-0810
(House Bill No. 4288)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Sections 5-9-1.5 and 5-9-1.7 as follows:

(730 ILCS 5/5-9-1.5) (from Ch. 38, par. 1005-9-1.5)

Sec. 5-9-1.5. Domestic violence fine. In addition to any other penalty imposed, a fine of $200 shall be imposed upon any person who pleads guilty or no contest to or who is convicted of murder, voluntary manslaughter, involuntary manslaughter, burglary, residential burglary, criminal trespass to residence, criminal trespass to vehicle, criminal trespass to land, criminal damage to property, telephone harassment, kidnapping, aggravated kidnapping, unlawful restraint, forcible detention, child abduction, indecent solicitation of a child, sexual relations between siblings, exploitation of a child, child pornography, assault, aggravated assault, battery, aggravated battery, heinous battery, aggravated battery of a child, domestic battery, reckless conduct, intimidation, criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, violation of an order of protection, disorderly conduct, endangering the life or health of a child, child abandonment, contributing to dependency or neglect of child, or cruelty to

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children and others; provided that the offender and victim are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986. Upon request of the victim or the victim's representative, the court shall determine whether the fine will impose an undue burden on the victim of the offense. For purposes of this paragraph, the defendant may not be considered the victim's representative. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine. The court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fine. The circuit clerk shall remit each fine within one month of its receipt to the State Treasurer for deposit as follows: (i) for sexual assault, as defined in Section 5-9-1.7, when the offender and victim are family members, one-half to the Domestic Violence Shelter and Service Fund, and one-half to the Sexual Assault Services Fund; (ii) for the remaining offenses to the Domestic Violence Shelter and Service Fund.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

(730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

Sec. 5-9-1.7. Sexual assault fines.

(a) Definitions. The terms used in this Section shall have the following meanings ascribed to them:

(1) "Sexual assault" means the commission or attempted commission of the following: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, indecent solicitation of a child, public indecency, sexual relations within families, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, patronizing a juvenile prostitute, juvenile pimping, exploitation of a child, obscenity, child pornography, or harmful material, as those offenses are defined in the Criminal Code of 1961.

(2) "Family member" shall have the meaning ascribed to it in Section 12-12 of the Criminal Code of 1961.

(3) "Sexual assault organization" means any not-for-profit organization providing comprehensive, community-based services to victims of sexual assault. "Community-based services" include, but are not limited to, direct crisis intervention through a 24-hour response, medical and legal advocacy, counseling, information and referral services, training, and community education.

New matter indicated by italics - deletions by strikeout.
(b) Sexual assault fine; collection by clerk.

(1) In addition to any other penalty imposed, a fine of $200 shall be imposed upon any person who pleads guilty or who is convicted of, or who receives a disposition of court supervision for, a sexual assault or attempt of a sexual assault. Upon request of the victim or the victim's representative, the court shall determine whether the fine will impose an undue burden on the victim of the offense. For purposes of this paragraph, the defendant may not be considered the victim's representative. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine. The court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fine.

(2) Sexual assault fines shall be assessed by the court imposing the sentence and shall be collected by the circuit clerk. The circuit clerk shall retain 10% of the penalty to cover the costs involved in administering and enforcing this Section. The circuit clerk shall remit the remainder of each fine within one month of its receipt to the State Treasurer for deposit as follows:

(i) for family member offenders, one-half to the Sexual Assault Services Fund, and one-half to the Domestic Violence Shelter and Service Fund; and

(ii) for other than family member offenders, the full amount to the Sexual Assault Services Fund.

(c) Sexual Assault Services Fund; administration. There is created a Sexual Assault Services Fund. Moneys deposited into the Fund under this Section shall be appropriated to the Department of Public Health. Upon appropriation of moneys from the Sexual Assault Services Fund, the Department of Public Health shall make grants of these moneys from the Fund to sexual assault organizations with whom the Department has contracts for the purpose of providing community-based services to victims of sexual assault. Grants made under this Section are in addition to, and are not substitutes for, other grants authorized and made by the Department.

(Source: P.A. 88-45; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

Effective January 1, 2005.

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0811
(House Bill No. 4395)

AN ACT concerning protective orders.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 112A-3 as follows:
(725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)
Sec. 112A-3. Definitions. For the purposes of this Article, the following terms shall have the following meanings:
(1) "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.
(2) "Domestic violence" means abuse as described in paragraph (1).
(3) "Family or household members" include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in paragraph (3) of subsection (b) of Section 12-21 of the Criminal Code of 1961. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.
(4) "Harassment" means knowing conduct which is not necessary to accomplish a purpose which is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:
   (i) creating a disturbance at petitioner's place of employment or school;
   (ii) repeatedly telephoning petitioner's place of employment, home or residence;

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(iii) repeatedly following petitioner about in a public place or places;

(iv) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;

(v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing from an incident or pattern of domestic violence; or

(vi) threatening physical force, confinement or restraint on one or more occasions.

(5) "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

(6) "Intimidation of a dependent" means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Article, regardless of whether the abused person is a family or household member.

(7) "Order of protection" means an emergency order, interim order or plenary order, granted pursuant to this Article, which includes any or all of the remedies authorized by Section 112A-14 of this Code.

(8) "Petitioner" may mean not only any named petitioner for the order of protection and any named victim of abuse on whose behalf the petition is brought, but also any other person protected by this Article.

(9) "Physical abuse" includes sexual abuse and means any of the following:

   (i) knowing or reckless use of physical force, confinement or restraint;

   (ii) knowing, repeated and unnecessary sleep deprivation;

   or

   (iii) repeatedly following petitioner about in a public place or places;

   (iv) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;

   (v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing from an incident or pattern of domestic violence; or

   (vi) threatening physical force, confinement or restraint on one or more occasions.

(5) "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

(6) "Intimidation of a dependent" means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Article, regardless of whether the abused person is a family or household member.

(7) "Order of protection" means an emergency order, interim order or plenary order, granted pursuant to this Article, which includes any or all of the remedies authorized by Section 112A-14 of this Code.

(8) "Petitioner" may mean not only any named petitioner for the order of protection and any named victim of abuse on whose behalf the petition is brought, but also any other person protected by this Article.

(9) "Physical abuse" includes sexual abuse and means any of the following:

   (i) knowing or reckless use of physical force, confinement or restraint;

   (ii) knowing, repeated and unnecessary sleep deprivation;

   or
(iii) knowing or reckless conduct which creates an immediate risk of physical harm.

(9.5) "Stay away" means for the respondent to refrain from both physical presence and nonphysical contact with the petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, email, faxes, and written notes), or through third parties who may or may not know about the order of protection.

(10) "Willful deprivation" means willfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care and treatment when such dependent person has expressed the intent to forgo such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

(Source: P.A. 92-253, eff. 1-1-02.)

Section 8. The Civil No Contact Order Act is amended by changing Sections 103, 202, 213, 214, 217, and 218 and by adding Sections 204.3 and 218.5 as follows:

(740 ILCS 22/103)

Sec. 103. Definitions. As used in this Act:

"Abuse" means physical abuse, harassment, intimidation of a dependent, or interference with personal liberty.

"Civil no contact order" means an emergency order or plenary order granted under this Act, which includes a remedy authorized by Section 213 of this Act.

"Non-consensual" means a lack of freely given agreement.

"Petitioner" means any named petitioner for the no contact order or any named victim of non-consensual sexual conduct or non-consensual sexual penetration on whose behalf the petition is brought.

"Sexual conduct" means any intentional or knowing touching or fondling by the petitioner or the respondent, either directly or through clothing, of the sex organs, anus, or breast of the petitioner or the respondent, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the respondent upon any part of the clothed or unclothed body of the petitioner, for the purpose of sexual gratification or arousal of the petitioner or the respondent.

"Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or

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anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

"Stay away" means to refrain from both physical presence and nonphysical contact with the petitioner directly, indirectly, or through third parties who may or may not know of the order. "Nonphysical contact" includes, but is not limited to, telephone calls, mail, e-mail, fax, and written notes.

(Source: P.A. 93-236, eff. 1-1-04.)

(740 ILCS 22/202)
(a) An action for a civil no contact order is commenced:
    (1) independently, by filing a petition for a civil no contact order in any civil court, unless specific courts are designated by local rule or order; or
    (2) in conjunction with a delinquency petition or a criminal prosecution, by filing a petition for a civil no contact order under the same case number as the delinquency petition or criminal prosecution, to be granted during pre-trial release of a defendant, with any dispositional order issued under Section 5-710 of the Juvenile Court Act of 1987 or as a condition of release, supervision, conditional discharge, probation, periodic imprisonment, parole, or mandatory supervised release, or in conjunction with imprisonment or a bond forfeiture warrant, provided that (i) the violation is alleged in an information, complaint, indictment, or delinquency petition on file and the alleged victim is a person protected by this Act, and (ii) the petition, which is filed by the State's Attorney, names a victim of the alleged crime as a petitioner.
(b) Withdrawal or dismissal of any petition for a civil no contact order prior to adjudication where the petitioner is represented by the State shall operate as a dismissal without prejudice. No action for a civil no contact order shall be dismissed because the respondent is being prosecuted for a crime against the petitioner. For any action commenced under item (2) of subsection (a) of this Section, dismissal of the conjoined case (or a finding of not guilty) shall not require dismissal of the action for a civil no contact order; instead, it may be treated as an independent action

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and, if necessary and appropriate, transferred to a different court or division.

(c) No fee shall be charged by the clerk of the court for filing petitions or modifying or certifying orders. No fee shall be charged by the sheriff for service by the sheriff of a petition, rule, motion, or order in an action commenced under this Section.

(d) The court shall provide, through the office of the clerk of the court, simplified forms for and clerical assistance to help with the writing and filing of a petition under this Section by any person not represented by counsel.

(Source: P.A. 93-236, eff. 1-1-04.)

(740 ILCS 22/204.3 new)

Sec. 204.3. Appointment of counsel. The court may appoint counsel to represent the petitioner if the respondent is represented by counsel.

(740 ILCS 22/213)

Sec. 213. Civil no contact order; remedy.

(a) If the court finds that the petitioner has been a victim of non-consensual sexual conduct or non-consensual sexual penetration, a civil no contact order shall issue; provided that the petitioner must also satisfy the requirements of Section 214 on emergency orders or Section 215 on plenary orders. The petitioner shall not be denied a civil no contact order because the petitioner or the respondent is a minor. The court, when determining whether or not to issue a civil no contact order, may not require physical injury on the person of the victim. Modification and extension of prior civil no contact orders shall be in accordance with this Act.

(b) A civil no contact order shall order one or more of the following:

(1) order the respondent to stay away from the petitioner; or
(2) other injunctive relief necessary or appropriate. Order the respondent to stay away from any other person protected by the civil no contact order;
(3) prohibit the respondent from abuse, as defined in this Act, or stalking of the petitioner, as defined in Section 12-7.3 of the Criminal Code of 1961, if the abuse or stalking has occurred or otherwise appears likely to occur if not prohibited; or
(4) prohibit the respondent from entering or remaining present at the petitioner’s school or place of employment, or both, or other specified places at times when the petitioner is present, if

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reasonable, given the balance of hardships. Hardships need not be
balanced for the court to enter a stay away order or prohibit entry if
the respondent has no right to enter the premises.
(c) Denial of a remedy may not be based, in whole or in part, on
evidence that:
   (1) the respondent has cause for any use of force, unless
       that cause satisfies the standards for justifiable use of force
       provided by Article VII of the Criminal Code of 1961;
   (2) the respondent was voluntarily intoxicated;
   (3) the petitioner acted in self-defense or defense of
       another, provided that, if the petitioner utilized force, such force
       was justifiable under Article VII of the Criminal Code of 1961;
   (4) the petitioner did not act in self-defense or defense of
       another;
   (5) the petitioner left the residence or household to avoid
       further non-consensual sexual conduct or non-consensual sexual
       penetration by the respondent; or
   (6) the petitioner did not leave the residence or household
       to avoid further non-consensual sexual conduct or non-consensual
       sexual penetration by the respondent.
(d) Monetary damages are not recoverable as a remedy.
(Source: P.A. 93-236, eff. 1-1-04.)

(740 ILCS 22/214)
Sec. 214. Emergency civil no contact order.
(a) An emergency civil no contact order shall issue if the petitioner
satisfies the requirements of this subsection (a).
The petitioner shall establish that:
   (1) the court has jurisdiction under Section 206 208;
   (2) the requirements of Section 213 are satisfied; and
   (3) there is good cause to grant the remedy, regardless of
       prior service of process or of notice upon the respondent, because
       the harm which that remedy is intended to prevent would be likely
       to occur if the respondent were given any prior notice, or greater
       notice than was actually given, of the petitioner's efforts to obtain
       judicial relief.
       An emergency civil no contact order shall be issued by the court if
   it appears from the contents of the petition and the examination of the
   petitioner that the averments are sufficient to indicate nonconsensual

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sexual penetration by the respondent and to support the granting of relief under the issuance of the civil no contact order.

An emergency civil no contact order shall be issued if the court finds that subsections (1), (2), and (3) above are met.

(b) If the respondent appears in court for this hearing for an emergency order, he or she may elect to file a general appearance and testify. Any resulting order may be an emergency order, governed by this Section. Notwithstanding the requirements of this Section, if all requirements of Section 215 have been met, the court may issue a plenary order.

(c) Emergency orders; court holidays and evenings.

(1) When the court is unavailable at the close of business, the petitioner may file a petition for a 21-day emergency order before any available circuit judge or associate judge who may grant relief under this Act. If the judge finds that there is an immediate and present danger of abuse against the petitioner and that the petitioner has satisfied the prerequisites set forth in subsection (a), that judge may issue an emergency civil no contact order.

(2) The chief judge of the circuit court may designate for each county in the circuit at least one judge to be reasonably available to issue orally, by telephone, by facsimile, or otherwise, an emergency civil no contact order at all times, whether or not the court is in session.

(3) Any order issued under this Section and any documentation in support of the order shall be certified on the next court day to the appropriate court. The clerk of that court shall immediately assign a case number, file the petition, order, and other documents with the court, and enter the order of record and file it with the sheriff for service, in accordance with Section 222. Filing the petition shall commence proceedings for further relief under Section 202. Failure to comply with the requirements of this paragraph (3) does not affect the validity of the order.

(Source: P.A. 93-236, eff. 1-1-04.)

(740 ILCS 22/217)
Sec. 217. Contents of orders.
(a) Any civil no contact order shall describe each remedy granted by the court, in reasonable detail and not by reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.

New matter indicated by italics - deletions by strikeout.
(b) A civil no contact order shall further state the following:

(1) The name of each petitioner that the court finds was the victim of non-consensual sexual conduct or non-consensual sexual penetration by the respondent and the name of each other person protected by the order and that the person is protected by this Act.

(2) The date and time the civil no contact order was issued, whether it is an emergency or plenary order, and the duration of the order.

(3) The date, time, and place for any scheduled hearing for extension of that civil no contact order or for another order of greater duration or scope.

(4) For each remedy in an emergency civil no contact order, the reason for entering that remedy without prior notice to the respondent or greater notice than was actually given.

(5) For emergency civil no contact orders, that the respondent may petition the court, in accordance with Section 218.5, to reopen the order if he or she did not receive actual prior notice of the hearing as required under Section 209 of this Act and if the respondent alleges that he or she had a meritorious defense to the order or that the order or its remedy is not authorized by this Act.

(c) A civil no contact order shall include the following notice, printed in conspicuous type: "Any knowing violation of a civil no contact order is a Class A misdemeanor. Any second or subsequent violation is a Class 4 felony."

(Source: P.A. 93-236, eff. 1-1-04.)

(740 ILCS 22/218)
Sec. 218. Notice of orders.
(a) Upon issuance of any civil no contact order, the clerk shall immediately, or on the next court day if an emergency order is issued in accordance with subsection (c) of Section 214:

(1) enter the order on the record and file it in accordance with the circuit court procedures; and

(2) provide a file stamped copy of the order to the respondent, if present, and to the petitioner.

(b) The clerk of the issuing judge shall, or the petitioner may, on the same day that a civil no contact order is issued, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving

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the order upon the respondent. If the order was issued in accordance with subsection (c) of Section 214, the clerk shall, on the next court day, file a certified copy of the order with the Sheriff or other law enforcement officials charged with maintaining Department of State Police records.

(c) Unless the respondent was present in court when the order was issued, the sheriff, other law enforcement official, or special process server shall promptly serve that order upon the respondent and file proof of such service in the manner provided for service of process in civil proceedings. If process has not yet been served upon the respondent, it shall be served with the order or short form notification. A single fee may be charged for service of an order obtained in civil court, or for service of such an order together with process, unless waived or deferred under Section 208.

(d) If the person against whom the civil no contact order is issued is arrested and the written order is issued in accordance with subsection (c) of Section 214 and received by the custodial law enforcement agency before the respondent or arrestee is released from custody, the custodial law enforcement agent shall promptly serve the order upon the respondent or arrestee before the respondent or arrestee is released from custody. In no event shall detention of the respondent or arrestee be extended for hearing on the petition for civil no contact order or receipt of the order issued under Section 214 of this Act.

(e) Any order extending, modifying, or revoking any civil no contact order shall be promptly recorded, issued, and served as provided in this Section.

(f) Upon the request of the petitioner, within 24 hours of the issuance of a civil no contact order, the clerk of the issuing judge shall send written notice of the order along with a certified copy of the order to any school, college, or university at which the petitioner is enrolled.

(Source: P.A. 93-236, eff. 1-1-04.)

(740 ILCS 22/218.5 new)

Sec. 218.5. Modification; reopening of orders.

(a) Except as otherwise provided in this Section, upon motion by the petitioner, the court may modify an emergency or plenary civil no contact order by altering the remedy, subject to Section 213.

(b) After 30 days following entry of a plenary civil no contact order, a court may modify that order only when a change in the applicable law or facts since that plenary order was entered warrants a modification of its terms.

New matter indicated by italics - deletions by strikeout.
(c) Upon 2 days’ notice to the petitioner, or such shorter notice as the court may prescribe, a respondent subject to an emergency civil no contact order issued under this Act may appear and petition the court to rehear the original or amended petition. Any petition to rehear shall be verified and shall allege the following:

1. that the respondent did not receive prior notice of the initial hearing in which the emergency order was entered under Sections 209 and 214; and
2. that the respondent had a meritorious defense to the order or any of its remedies or that the order or any of its remedies was not authorized by this Act.

Section 10. The Illinois Domestic Violence Act of 1986 is amended by changing Section 103 as follows:

(750 ILCS 60/103) (from Ch. 40, par. 2311-3)

Sec. 103. Definitions. For the purposes of this Act, the following terms shall have the following meanings:

1. "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.
2. "Adult with disabilities" means an elder adult with disabilities or a high-risk adult with disabilities. A person may be an adult with disabilities for purposes of this Act even though he or she has never been adjudicated an incompetent adult. However, no court proceeding may be initiated or continued on behalf of an adult with disabilities over that adult's objection, unless such proceeding is approved by his or her legal guardian, if any.
3. "Domestic violence" means abuse as defined in paragraph (1).
4. "Elder adult with disabilities" means an adult prevented by advanced age from taking appropriate action to protect himself or herself from abuse by a family or household member.
5. "Exploitation" means the illegal, including tortious, use of a high-risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception, or extortion, or the use of such assets or resources in a manner contrary to law.

New matter indicated by italics - deletions by strikeout.
(6) "Family or household members" include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in paragraph (3) of subsection (b) of Section 12-21 of the Criminal Code of 1961. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

(7) "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:

(i) creating a disturbance at petitioner's place of employment or school;
(ii) repeatedly telephoning petitioner's place of employment, home or residence;
(iii) repeatedly following petitioner about in a public place or places;
(iv) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;
(v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or
attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or

(vi) threatening physical force, confinement or restraint on one or more occasions.

(8) "High-risk adult with disabilities" means a person aged 18 or over whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect, or exploitation.

(9) "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

(10) "Intimidation of a dependent" means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Act, regardless of whether the abused person is a family or household member.

(11) (A) "Neglect" means the failure to exercise that degree of care toward a high-risk adult with disabilities which a reasonable person would exercise under the circumstances and includes but is not limited to:

(i) the failure to take reasonable steps to protect a high-risk adult with disabilities from acts of abuse;

(ii) the repeated, careless imposition of unreasonable confinement;

(iii) the failure to provide food, shelter, clothing, and personal hygiene to a high-risk adult with disabilities who requires such assistance;

(iv) the failure to provide medical and rehabilitative care for the physical and mental health needs of a high-risk adult with disabilities; or

(v) the failure to protect a high-risk adult with disabilities from health and safety hazards.

(B) Nothing in this subsection (10) shall be construed to impose a requirement that assistance be provided to a high-risk adult with disabilities over his or her objection in the absence of a court order, nor to create any new affirmative duty to provide support to a high-risk adult with disabilities.

New matter indicated by italics - deletions by strikeout.
(12) "Order of protection" means an emergency order, interim order or plenary order, granted pursuant to this Act, which includes any or all of the remedies authorized by Section 214 of this Act.

(13) "Petitioner" may mean not only any named petitioner for the order of protection and any named victim of abuse on whose behalf the petition is brought, but also any other person protected by this Act.

(14) "Physical abuse" includes sexual abuse and means any of the following:

(i) knowing or reckless use of physical force, confinement or restraint;
(ii) knowing, repeated and unnecessary sleep deprivation;

or

(iii) knowing or reckless conduct which creates an immediate risk of physical harm.

(14.5) "Stay away" means for the respondent to refrain from both physical presence and nonphysical contact with the petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, email, faxes, and written notes), or through third parties who may or may not know about the order of protection.

(15) "Willful deprivation" means wilfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forgo such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

(Source: P.A. 92-253, eff. 1-1-02.)

Effective January 1, 2005.

PUBLIC ACT 93-0812
(House Bill No. 4914)

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

New matter indicated by italics - deletions by strikeout.
Section 5. The State Treasurer Act is amended by changing Section 16.5 as follows:

(15 ILCS 505/16.5)

Sec. 16.5. College Savings Pool. The State Treasurer may establish and administer a College Savings Pool to supplement and enhance the investment opportunities otherwise available to persons seeking to finance the costs of higher education. The State Treasurer, in administering the College Savings Pool, may receive moneys paid into the pool by a participant and may serve as the fiscal agent of that participant for the purpose of holding and investing those moneys.

"Participant", as used in this Section, means any person who makes investments in the pool. "Designated beneficiary", as used in this Section, means any person on whose behalf an account is established in the College Savings Pool by a participant. Both in-state and out-of-state persons may be participants and designated beneficiaries in the College Savings Pool.

New accounts in the College Savings Pool shall be processed through participating financial institutions. "Participating financial institution", as used in this Section, means any financial institution insured by the Federal Deposit Insurance Corporation and lawfully doing business in the State of Illinois and any credit union approved by the State Treasurer and lawfully doing business in the State of Illinois that agrees to process new accounts in the College Savings Pool. Participating financial institutions may charge a processing fee to participants to open an account in the pool that shall not exceed $30 until the year 2001. Beginning in 2001 and every year thereafter, the maximum fee limit shall be adjusted by the Treasurer based on the Consumer Price Index for the North Central Region as published by the United States Department of Labor, Bureau of Labor Statistics for the immediately preceding calendar year. Every contribution received by a financial institution for investment in the College Savings Pool shall be transferred from the financial institution to a location selected by the State Treasurer within one business day following the day that the funds must be made available in accordance with federal law. All communications from the State Treasurer to participants shall reference the participating financial institution at which the account was processed.

The Treasurer may invest the moneys in the College Savings Pool in the same manner, in the same types of investments, and subject to the same limitations provided for the investment of moneys by the Illinois State Board of Investment. To enhance the safety and liquidity of the

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College Savings Pool, to ensure the diversification of the investment portfolio of the pool, and in an effort to keep investment dollars in the State of Illinois, the State Treasurer shall make a percentage of each account available for investment in participating financial institutions doing business in the State. The State Treasurer shall deposit with the participating financial institution at which the account was processed the following percentage of each account at a prevailing rate offered by the institution, provided that the deposit is federally insured or fully collateralized and the institution accepts the deposit: 10% of the total amount of each account for which the current age of the beneficiary is less than 7 years of age, 20% of the total amount of each account for which the beneficiary is at least 7 years of age and less than 12 years of age, and 50% of the total amount of each account for which the current age of the beneficiary is at least 12 years of age. The State Treasurer shall adjust each account at least annually to ensure compliance with this Section. The Treasurer shall develop, publish, and implement an investment policy covering the investment of the moneys in the College Savings Pool. The policy shall be published (i) at least once each year in at least one newspaper of general circulation in both Springfield and Chicago and (ii) each year as part of the audit of the College Savings Pool by the Auditor General, which shall be distributed to all participants. The Treasurer shall notify all participants in writing, and the Treasurer shall publish in a newspaper of general circulation in both Chicago and Springfield, any changes to the previously published investment policy at least 30 calendar days before implementing the policy. Any investment policy adopted by the Treasurer shall be reviewed and updated if necessary within 90 days following the date that the State Treasurer takes office.

Participants shall be required to use moneys distributed from the College Savings Pool for qualified expenses at eligible educational institutions. "Qualified expenses", as used in this Section, means the following: (i) tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and (ii) certain room and board expenses incurred while attending an eligible educational institution at least half-time. "Eligible educational institutions", as used in this Section, means public and private colleges, junior colleges, graduate schools, and certain vocational institutions that are described in Section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088) and that are eligible to participate in Department of Education student aid programs. A student shall be considered to be

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enrolled at least half-time if the student is enrolled for at least half the full-
time academic work load for the course of study the student is pursuing as
determined under the standards of the institution at which the student is
enrolled. Distributions made from the pool for qualified expenses shall be
made directly to the eligible educational institution, directly to a vendor, or
in the form of a check payable to both the beneficiary and the institution or
vendor. Any moneys that are distributed in any other manner or that are
used for expenses other than qualified expenses at an eligible educational
institution shall be subject to a penalty of 10% of the earnings unless the
beneficiary dies, becomes disabled, or receives a scholarship that equals or
exceeds the distribution. Penalties shall be withheld at the time the
distribution is made.

The Treasurer shall limit the contributions that may be made on
behalf of a designated beneficiary based on an actuarial estimate of what is
required to pay tuition, fees, and room and board for 5 undergraduate years
at the highest cost eligible educational institution. The contributions made
on behalf of a beneficiary who is also a beneficiary under the Illinois
Prepaid Tuition Program shall be further restricted to ensure that the
contributions in both programs combined do not exceed the limit
established for the College Savings Pool. The Treasurer shall provide the
Illinois Student Assistance Commission each year at a time designated by
the Commission, an electronic report of all participant accounts in the
Treasurer's College Savings Pool, listing total contributions and
disbursements from each individual account during the previous calendar
year. As soon thereafter as is possible following receipt of the Treasurer's
report, the Illinois Student Assistance Commission shall, in turn, provide
the Treasurer with an electronic report listing those College Savings Pool
participants who also participate in the State's prepaid tuition program,
administered by the Commission. The Commission shall be responsible
for filing any combined tax reports regarding State qualified savings
programs required by the United States Internal Revenue Service. The
Treasurer shall work with the Illinois Student Assistance Commission to
coordinate the marketing of the College Savings Pool and the Illinois
Prepaid Tuition Program when considered beneficial by the Treasurer and
the Director of the Illinois Student Assistance Commission. The
Treasurer's office shall not publicize or otherwise market the College
Savings Pool or accept any moneys into the College Savings Pool prior to
March 1, 2000. The Treasurer shall provide a separate accounting for each
designated beneficiary to each participant, the Illinois Student Assistance

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Commission, and the participating financial institution at which the account was processed. No interest in the program may be pledged as security for a loan.

The assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State of Illinois and any of its subdivisions. The accrued earnings on investments in the Pool once disbursed on behalf of a designated beneficiary shall be similarly exempt from all taxation by the State of Illinois and its subdivisions, so long as they are used for qualified expenses. Contributions to a College Savings Pool account during the taxable year may be deducted from adjusted gross income as provided in Section 203 of the Illinois Income Tax Act. The provisions of this paragraph are exempt from Section 250 of the Illinois Income Tax Act.

The Treasurer shall adopt rules he or she considers necessary for the efficient administration of the College Savings Pool. The rules shall provide whatever additional parameters and restrictions are necessary to ensure that the College Savings Pool meets all of the requirements for a qualified state tuition program under Section 529 of the Internal Revenue Code (26 U.S.C. 529). The rules shall provide for the administration expenses of the pool to be paid from its earnings and for the investment earnings in excess of the expenses and all moneys collected as penalties to be credited or paid monthly to the several participants in the pool in a manner which equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which those amounts were in the custody of the pool. Also, the rules shall require the maintenance of records that enable the Treasurer's office to produce a report for each account in the pool at least annually that documents the account balance and investment earnings. Notice of any proposed amendments to the rules and regulations shall be provided to all participants prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment.

Upon creating the College Savings Pool, the State Treasurer shall give bond with 2 or more sufficient sureties, payable to and for the benefit of the participants in the College Savings Pool, in the penal sum of $1,000,000, conditioned upon the faithful discharge of his or her duties in relation to the College Savings Pool.

No contributions to the College Savings Pool authorized by this Section shall be considered in evaluating the financial situation of the designated beneficiary or be deemed a financial resource of or a form of

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financial aid or assistance to the designated beneficiary, for purposes of determining eligibility for any scholarship, grant, or monetary assistance awarded by the Illinois Student Assistance Commission, the State, or any agency thereof; nor shall contributions to the College Savings Pool reduce the amount of any scholarship, grant, or monetary assistance that the designated beneficiary is eligible to be awarded by the Illinois Student Assistance Commission, the State, or any agency thereof in accordance with the provisions of any State law.

(Source: P.A. 91-607, eff. 1-1-00; 91-829, eff. 1-1-01; 92-16, eff. 6-28-01; 92-439, eff. 8-17-01; 92-626, eff. 7-11-02.)

Section 10. The Illinois Income Tax Act is amended by changing Section 203 as follows:

(35 ILCS 5/203) (from Ch. 120, par. 2-203)
Sec. 203. Base income defined.
(a) Individuals.

(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

   (A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

   (B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

   (C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence

New matter indicated by italics - deletions by strikeout.
shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000;

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

(D-15) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(D-16) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (Z) with respect to that property.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property; and

(D-20) For taxable years beginning on or after January 1, 2002, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code,
Revenue Code, other than (i) a distribution from a College
Savings Pool created under Section 16.5 of the State
Treasurer Act or (ii) a distribution from the Illinois Prepaid
Tuition Trust Fund, an amount equal to the amount
excluded from gross income under Section 529(c)(3)(B);
and by deducting from the total so obtained the sum of the
following amounts:

(E) For taxable years ending before December 31,
2001, any amount included in such total in respect of any
compensation (including but not limited to any
compensation paid or accrued to a serviceman while a
prisoner of war or missing in action) paid to a resident by
reason of being on active duty in the Armed Forces of the
United States and in respect of any compensation paid or
accrued to a resident who as a governmental employee was
a prisoner of war or missing in action, and in respect of any
compensation paid to a resident in 1971 or thereafter for
annual training performed pursuant to Sections 502 and
503, Title 32, United States Code as a member of the
Illinois National Guard. For taxable years ending on or after
December 31, 2001, any amount included in such total in
respect of any compensation (including but not limited to
any compensation paid or accrued to a serviceman while a
prisoner of war or missing in action) paid to a resident by
reason of being a member of any component of the Armed
Forces of the United States and in respect of any
compensation paid or accrued to a resident who as a
governmental employee was a prisoner of war or missing in action, and in respect of any
compensation paid to a resident in 2001 or thereafter by reason of being a member
of the Illinois National Guard. The provisions of this
amendatory Act of the 92nd General Assembly are exempt
from the provisions of Section 250;

(F) An amount equal to all amounts included in
such total pursuant to the provisions of Sections 402(a),
402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the
Internal Revenue Code, or included in such total as
distributions under the provisions of any retirement or
disability plan for employees of any governmental agency

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or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending

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on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the
taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

New matter indicated by italics - deletions by strikeout.
(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(Y) For taxable years beginning on or after January 1, 2002 and ending on or before December 31, 2004, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). For taxable years beginning on or after January 1, 2005, a maximum of $10,000 contributed in the

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taxable year to (i) a College Savings Pool account under Section 16.5 of the State Treasurer Act or (ii) the Illinois Prepaid Tuition Trust Fund, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). This subparagraph (Y) is exempt from the provisions of Section 250;

(Z) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(AA) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

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The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property; and

(BB) Any amount included in adjusted gross income, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

   (A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

   (B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

   (C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

   (D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

   (E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which

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addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

(E-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(E-11) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an

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addition modification under subparagraph (E-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (T) with respect to that property.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property; and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations

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from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower,
to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Economic Opportunity Community Affairs under Section 11 of the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the

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modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year;

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This

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(S) is exempt from the provisions of Section 250;

(T) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

1. "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

2. "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(U) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

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(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and
which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

(G-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(G-11) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an
amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (R) with respect to that property; 

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property; and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after
August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on

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the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(R) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's
federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(S) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;
(D-5) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(D-6) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (O) with respect to that property.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property; and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;
(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;
(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;
(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;
(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property

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Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and conducts substantially all of its operations in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M);

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

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(O) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

1. "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

2. "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(P) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(e) Gross income; adjusted gross income; taxable income.

1. In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly
reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed

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by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b) (2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

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Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

   (A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

   (B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

   (A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

   (B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the
total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 91-192, eff. 7-20-99; 91-205, eff. 7-29-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff. 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; 92-16, eff. 6-28-01; 92-244, eff. 8-3-01; 92-439, eff. 8-17-01; 92-603, eff. 6-28-02; 92-626, eff. 7-11-02; 92-651, eff. 7-11-02; 92-846, eff. 8-23-02; revised 10-15-03.)

(110 ILCS 920/9 rep.) (from Ch. 144, par. 2409)

Section 15. The Baccalaureate Savings Act is amended by repealing Section 9.

(110 ILCS 979/70 rep.)
Section 20. The Illinois Prepaid Tuition Act is amended by repealing Section 70.

Section 99. Effective date. This Act takes effect upon becoming law, except that Sections 5, 15, and 20 take effect on January 1, 2005.

Effective July 26, 2004 and January 1, 2005.
AN ACT in relation to governmental records.

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

Section 1. Short title. This Act may be cited as the Social Security
Number Protection Task Force Act.

Section 5. Findings. The General Assembly finds as follows:

(1) Identity theft is a major and growing problem in the
United States and in Illinois.

(2) An individual's social security number is a primary
means of identifying the individual, and the unauthorized
disclosure of the individual's social security number creates a
substantial risk that the individual's identity may be stolen.

(3) Certain State officers and agencies require individuals
to disclose their social security numbers for various reasons, thus
creating the potential for the theft of those individuals' identities if
their social security numbers are further disclosed without
authorization.

(4) The State should take all necessary steps to ensure that
the procedures used by its officers and agencies do not facilitate the
theft of individuals' identities through the unauthorized disclosure
of those individuals' social security numbers.

Section 10. Social Security Number Protection Task Force.
(a) The Social Security Number Protection Task Force is created.
The Task Force shall consist of the following members:

(1) One member representing the House of Representatives,
appointed by the Speaker of the House of Representatives;

(2) One member representing the House of Representatives,
appointed by the Minority Leader of the House of Representatives;

(3) One member representing the Senate, appointed by the
President of the Senate;

(4) One member representing the Senate, appointed by the
Minority Leader of the Senate;

(5) One member representing the Office of the Attorney
General, appointed by the Attorney General;

(6) One member representing the Office of the Secretary of
State, appointed by the Secretary of State;

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(7) One member representing the Office of the Governor, appointed by the Governor;
(8) One member representing the Department of Natural Resources, appointed by the Director of Natural Resources;
(9) One member representing the Department of Public Aid, appointed by the Director of Public Aid;
(10) One member representing the Department of Revenue, appointed by the Director of Revenue;
(11) One member representing the Department of State Police, appointed by the Director of State Police; and
(12) One member representing the Department of Employment Security, appointed by the Director of Employment Security.

(b) The Task Force shall examine the procedures used by the State to protect an individual against the unauthorized disclosure of his or her social security number when the State requires the individual to provide his or her social security number to an officer or agency of the State.

(c) The Task Force shall report its findings and recommendations to the Governor, the Attorney General, the Secretary of State, and the General Assembly no later than the first day of the 2004 fall veto session of the 93rd General Assembly.

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


PUBLIC ACT 93-0814
(Senate Bill No. 2135)

AN ACT relating to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 2-3.134 as follows:

(105 ILCS 5/2-3.134 new)
Sec. 2-3.134. K-3 class size reduction grant program. A class size reduction grant program is created. The program shall be implemented and administered by the State Board of Education. From appropriations

New matter indicated by italics - deletions by strikeout.
made for purposes of this Section, the State Board shall award grants to schools that meet the criteria established by this Section for the award of those grants.

Grants shall be awarded pursuant to application. The form and manner of applications and the criteria for the award of grants shall be prescribed by the State Board of Education. The grant criteria as so prescribed, however, shall provide that only those schools that are on the State Board of Education Early Academic Warning List or the academic watch list under Section 2-3.25d that maintain grades kindergarten through 3 are grant eligible.

Grants awarded to eligible schools under this Section shall be used and applied by the schools to defray the costs and expenses of operating and maintaining classes in grades kindergarten through 3 with an average class size within a specific grade of no more than 20 pupils. If a school's facilities are inadequate to allow for this specified class size, then a school may use the grant funds for teacher aides instead.

The State Board of Education shall adopt any rules, consistent with the requirements of this Section, that are necessary to implement and administer the K-3 class size reduction grant program.

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


PUBLIC ACT 93-0815
(Senate Bill No. 2372)

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

Section 5. The Agricultural Production Contract Code is amended by changing Sections 20 and 50 and by adding Section 7 as follows:

(505 ILCS 17/7 new)

Sec. 7. Applicability. This Code applies to production contracts signed on or after January 1, 2005.

(505 ILCS 17/20)
(This Section may contain text from a Public Act with a delayed effective date)

New matter indicated by italics - deletions by strikeout.
Sec. 20. Readability of production contracts.
(a) A production contract must comply with all of the following:
   (1) It must be in a typeface at least as large as 10-point modern, one-point leaded.
   (2) It must be divided and captioned by its various sections, have an index of the major provisions of the production contract and the pages on which they are found, and use commonly-used and understood words and terms, but may include technical or industry terms customarily used and understood by producers in the ordinary course of business.
   (3) It must limit references to other sections or provisions and, when incorporating a document, have a copy of the document attached.
   (4) It must have a Flesch-Kincaid Grade Level score no higher than the twelfth grade scale analysis readability score of at least 50. This provision does not apply to a document attached to the contract if the contractor, affiliate, or subsidiary is not the original publisher of the document.
(b) A contractor may include a provision in the index required by Section 25 that the production contract being offered meets the requirements of this Section as to readability.
(Source: P.A. 93-522, eff. 1-1-05.)
(505 ILCS 17/50)
(This Section may contain text from a Public Act with a delayed effective date)
Sec. 50. Enforcement; offenses; remedies. The Attorney General is primarily responsible for enforcing this Act.
   A violation of Section 20, 25, 30, or 35 is a business offense under the Code of Corrections punishable by a fine of not more than $10,000 per offense under the Code of Civil Procedure.
   A producer may recover his or her actual damages for a contractor's violation of Section 40 or 45 of this Act.
(Source: P.A. 93-522, eff. 1-1-05.)
Section 99. Effective date. This Act takes effect January 1, 2005.
Effective January 1, 2005.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning ethics.

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

Section 5. The Illinois Governmental Ethics Act is amended by changing Section 4A-101 as follows:

(5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

Sec. 4A-101. Persons required to file. The following persons shall file verified written statements of economic interests, as provided in this Article:

(a) Members of the General Assembly and candidates for nomination or election to the General Assembly.

(b) Persons holding an elected office in the Executive Branch of this State, and candidates for nomination or election to these offices.

(c) Members of a Commission or Board created by the Illinois Constitution, and candidates for nomination or election to such Commission or Board.

(d) Persons whose appointment to office is subject to confirmation by the Senate.

(e) Holders of, and candidates for nomination or election to, the office of judge or associate judge of the Circuit Court and the office of judge of the Appellate or Supreme Court.

(f) Persons who are employed by any branch, agency, authority or board of the government of this State, including but not limited to, the Illinois State Toll Highway Authority, the Illinois Housing Development Authority, the Illinois Community College Board, and institutions under the jurisdiction of the Board of Trustees of the University of Illinois, Board of Trustees of Southern Illinois University, Board of Trustees of Chicago State University, Board of Trustees of Eastern Illinois University, Board of Trustees of Governor's State University, Board of Trustees of Illinois State University, Board of Trustees of Northeastern Illinois University, Board of Trustees of Northern Illinois University, Board of Trustees of Western Illinois University, or Board of Trustees of the Illinois Mathematics and Science Academy, and are

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compensated for services as employees and not as independent contractors and who:

   (1) are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this State;

   (2) have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by the State in the amount of $5,000 or more;

   (3) have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State;

   (4) have authority for the approval of professional licenses;

   (5) have responsibility with respect to the financial inspection of regulated nongovernmental entities;

   (6) adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding within the authority of the State; or

   (7) have supervisory responsibility for 20 or more employees of the State; or:

   (8) negotiate, assign, authorize, or grant naming rights or sponsorship rights regarding any property or asset of the State, whether real, personal, tangible, or intangible.

   (g) Persons who are elected to office in a unit of local government, and candidates for nomination or election to that office, including regional superintendents of school districts.

   (h) Persons appointed to the governing board of a unit of local government, or of a special district, and persons appointed to a zoning board, or zoning board of appeals, or to a regional, county, or municipal plan commission, or to a board of review of any county, and persons appointed to the Board of the Metropolitan Pier and Exposition Authority and any Trustee appointed under Section 22 of the Metropolitan Pier and Exposition Authority Act, and persons appointed to a board or commission of a unit of local government who have authority to authorize the

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expenditure of public funds. This subsection does not apply to members of boards or commissions who function in an advisory capacity.

(i) Persons who are employed by a unit of local government and are compensated for services as employees and not as independent contractors and who:

(1) are, or function as, the head of a department, division, bureau, authority or other administrative unit within the unit of local government, or who exercise similar authority within the unit of local government;

(2) have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by the unit of local government in the amount of $1,000 or greater;

(3) have authority to approve licenses and permits by the unit of local government; this item does not include employees who function in a ministerial capacity;

(4) adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding within the authority of the unit of local government;

(5) have authority to issue or promulgate rules and regulations within areas under the authority of the unit of local government; or

(6) have supervisory responsibility for 20 or more employees of the unit of local government.

(j) Persons on the Board of Trustees of the Illinois Mathematics and Science Academy.

(k) Persons employed by a school district in positions that require that person to hold an administrative or a chief school business official endorsement.

(l) Special government agents. A "special government agent" is a person who is directed, retained, designated, appointed, or employed, with or without compensation, by or on behalf of a statewide executive branch constitutional officer to make an ex parte communication under Section 5-50 of the State Officials and Employees Ethics Act or Section 5-165 of the Illinois Administrative Procedure Act.

This Section shall not be construed to prevent any unit of local government from enacting financial disclosure requirements that mandate more information than required by this Act.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning criminal law.

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

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 110-5 as follows:

(725 ILCS 5/110-5) (from Ch. 38, par. 110-5)
Sec. 110-5. Determining the amount of bail and conditions of release.

(a) In determining the amount of monetary bail or conditions of release, if any, which will reasonably assure the appearance of a defendant as required or the safety of any other person or the community and the likelihood of compliance by the defendant with all the conditions of bail, the court shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, whether the evidence shows that as part of the offense there was a use of violence or threatened use of violence, whether the offense involved corruption of public officials or employees, whether there was physical harm or threats of physical harm to any public official, public employee, judge, prosecutor, juror or witness, senior citizen, child or handicapped person, whether evidence shows that during the offense or during the arrest the defendant possessed or used a firearm, machine gun, explosive or metal piercing ammunition or explosive bomb device or any military or paramilitary armament, whether the evidence shows that the offense committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang, the condition of the victim, any written statement submitted by the victim or proffer or representation by the State regarding the impact which the alleged criminal conduct has had on the victim and the victim's concern, if any, with further contact with the

New matter indicated by italics - deletions by strikeout.
defendant if released on bail, whether the offense was based on racial, religious, sexual orientation or ethnic hatred, the likelihood of the filing of a greater charge, the likelihood of conviction, the sentence applicable upon conviction, the weight of the evidence against such defendant, whether there exists motivation or ability to flee, whether there is any verification as to prior residence, education, or family ties in the local jurisdiction, in another county, state or foreign country, the defendant's employment, financial resources, character and mental condition, past conduct, prior use of alias names or dates of birth, and length of residence in the community, the consent of the defendant to periodic drug testing in accordance with Section 110-6.5, whether a foreign national defendant is lawfully admitted in the United States of America, whether the government of the foreign national maintains an extradition treaty with the United States by which the foreign government will extradite to the United States its national for a trial for a crime allegedly committed in the United States, whether the defendant is currently subject to deportation or exclusion under the immigration laws of the United States, whether the defendant, although a United States citizen, is considered under the law of any foreign state a national of that state for the purposes of extradition or non-extradition to the United States, the amount of unrecovered proceeds lost as a result of the alleged offense, the source of bail funds tendered or sought to be tendered for bail, whether from the totality of the court's consideration, the loss of funds posted or sought to be posted for bail will not deter the defendant from flight, whether the evidence shows that the defendant is engaged in significant possession, manufacture, or delivery of a controlled substance or cannabis, either individually or in consort with others, whether at the time of the offense charged he was on bond or pre-trial release pending trial, probation, periodic imprisonment or conditional discharge pursuant to this Code or the comparable Code of any other state or federal jurisdiction, whether the defendant is on bond or pre-trial release pending the imposition or execution of sentence or appeal of sentence for any offense under the laws of Illinois or any other state or federal jurisdiction, whether the defendant is under parole or mandatory supervised release or work release from the Illinois Department of Corrections or any penal institution or corrections department of any state or federal jurisdiction, the defendant's record of convictions, whether the defendant has been convicted of a misdemeanor or ordinance offense in Illinois or similar offense in other state or federal jurisdiction within the 10 years preceding the current charge or convicted of a felony in Illinois,
whether the defendant was convicted of an offense in another state or federal jurisdiction that would be a felony if committed in Illinois within the 20 years preceding the current charge or has been convicted of such felony and released from the penitentiary within 20 years preceding the current charge if a penitentiary sentence was imposed in Illinois or other state or federal jurisdiction, the defendant's records of juvenile adjudication of delinquency in any jurisdiction, any record of appearance or failure to appear by the defendant at court proceedings, whether there was flight to avoid arrest or prosecution, whether the defendant escaped or attempted to escape to avoid arrest, whether the defendant refused to identify himself, or whether there was a refusal by the defendant to be fingerprinted as required by law. Information used by the court in its findings or stated in or offered in connection with this Section may be by way of proffer based upon reliable information offered by the State or defendant. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence applicable at criminal trials. If the State presents evidence that the offense committed by the defendant was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang, and if the court determines that the evidence may be substantiated, the court shall prohibit the defendant from associating with other members of the organized gang as a condition of bail or release. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(b) The amount of bail shall be:

(1) Sufficient to assure compliance with the conditions set forth in the bail bond, which shall include the defendant's current address with a written admonishment to the defendant that he or she must comply with the provisions of Section 110-12 regarding any change in his or her address. The defendant's address shall at all times remain a matter of public record with the clerk of the court.

(2) Not oppressive.

(3) Considerate of the financial ability of the accused.

(4) When a person is charged with a drug related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance as defined in the Cannabis Control Act, as amended, or the Illinois Controlled Substances Act,

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as amended, the full street value of the drugs seized shall be considered. "Street value" shall be determined by the court on the basis of a proffer by the State based upon reliable information of a law enforcement official contained in a written report as to the amount seized and such proffer may be used by the court as to the current street value of the smallest unit of the drug seized.

(b-5) Upon the filing of a written request demonstrating reasonable cause, the State's Attorney may request a source of bail hearing either before or after the posting of any funds. If the hearing is granted, before the posting of any bail, the accused must file a written notice requesting that the court conduct a source of bail hearing. The notice must be accompanied by justifying affidavits stating the legitimate and lawful source of funds for bail. At the hearing, the court shall inquire into any matters stated in any justifying affidavits, and may also inquire into matters appropriate to the determination which shall include, but are not limited to, the following:

(1) the background, character, reputation, and relationship to the accused of any surety; and
(2) the source of any money or property deposited by any surety, and whether any such money or property constitutes the fruits of criminal or unlawful conduct; and
(3) the source of any money posted as cash bail, and whether any such money constitutes the fruits of criminal or unlawful conduct; and
(4) the background, character, reputation, and relationship to the accused of the person posting cash bail.

Upon setting the hearing, the court shall examine, under oath, any persons who may possess material information.

The State's Attorney has a right to attend the hearing, to call witnesses and to examine any witness in the proceeding. The court shall, upon request of the State's Attorney, continue the proceedings for a reasonable period to allow the State's Attorney to investigate the matter raised in any testimony or affidavit. If the hearing is granted after the accused has posted bail, the court shall conduct a hearing consistent with this subsection (b-5). At the conclusion of the hearing, the court must issue an order either approving of disapproving the bail.

(c) When a person is charged with an offense punishable by fine only the amount of the bail shall not exceed double the amount of the maximum penalty.

New matter indicated by italics - deletions by strikeout.
(d) When a person has been convicted of an offense and only a fine has been imposed the amount of the bail shall not exceed double the amount of the fine.

(e) The State may appeal any order granting bail or setting a given amount for bail. 
(Source: P.A. 93-254, eff. 1-1-04.)

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


PUBLIC ACT 93-0818
(House Bill No. 4538)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 32-4a as follows:
(720 ILCS 5/32-4a) (from Ch. 38, par. 32-4a)
Sec. 32-4a. Harassment of representatives for the child, jurors, witnesses and others family members of representatives for the child, jurors, and witnesses.

(a) A person who, with intent to harass or annoy one who has served or is serving or who is a family member of a person who has served or is serving (1) as a juror because of the verdict returned by the jury in a pending legal proceeding or the participation of the juror in the verdict or (2) as a witness, or who may be expected to serve as a witness in a pending legal proceeding, or who was expected to serve as a witness but who did not serve as a witness because the charges against the defendant were dismissed or because the defendant pleaded guilty to the charges against him or her, because of the testimony or potential testimony of the witness or person who may be expected or may have been expected to serve as a witness, communicates directly or indirectly with the juror, witness or person who may be expected or may have been expected to serve as a witness, or family member of a juror or witness or person who may be expected or may have been expected to serve as a witness in such manner as to produce mental anguish or emotional distress or who conveys a threat

New matter indicated by italics - deletions by strikeout.
of injury or damage to the property or person of any juror, witness or person who may be expected or may have been expected to serve as a witness, or family member of the juror or witness or person who may be expected or may have been expected to serve as a witness commits a Class 2 felony.

(b) A person who, with intent to harass or annoy one who has served or is serving or who is a family member of a person who has served or is serving as a representative for the child, appointed under Section 506 of the Illinois Marriage and Dissolution of Marriage Act or Section 2-502 of the Code of Civil Procedure, because of the representative service of that capacity, communicates directly or indirectly with the representative or a family member of the representative in such manner as to produce mental anguish or emotional distress or who conveys a threat of injury or damage to the property or person of any representative or a family member of the representative commits a Class A misdemeanor.

(c) For purposes of this Section, "family member" means a spouse, parent, child, stepchild or other person related by blood or by present marriage, a person who has, or allegedly has a child in common, and a person who shares or allegedly shares a blood relationship through a child.

(Source: P.A. 93-108, eff. 1-1-04.)

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

specific sentence; and a victim of the violent crime or the victim's spouse, guardian, parent, \textit{grandparent}, or other immediate family or household member is present in the courtroom at the time of the sentencing or the disposition hearing, the victim or his or her representative shall have the right and the victim's spouse, guardian, parent, \textit{grandparent, and or} other immediate family or household member upon his, her, or their request may be permitted by the court to address the court regarding the impact that the defendant's criminal conduct or the juvenile's delinquent conduct has had upon them and the victim. \textit{The court has discretion to determine the number of oral presentations of victim impact statements.} Any impact statement must have been prepared in writing in conjunction with the Office of the State's Attorney prior to the initial hearing or sentencing, before it can be presented orally or in writing at the sentencing hearing. In conjunction with the Office of the State's Attorney, a victim impact statement that is presented orally may be done so by the victim or the victim's spouse, guardian, parent, \textit{grandparent}, or other immediate family or household member or his, her, or their representative. At the sentencing hearing, the prosecution may introduce that evidence either in its case in chief or in rebuttal. The court shall consider any impact statement admitted along with all other appropriate factors in determining the sentence of the defendant or disposition of such juvenile.

(b) The crime victim has the right to prepare a victim impact statement and present it to the Office of the State's Attorney at any time during the proceedings. \textit{Any written victim impact statement submitted to the Office of the State's Attorney shall be considered by the court during its consideration of aggravation and mitigation in plea proceedings under Supreme Court Rule 402.}

(c) This Section shall apply to any victims of a violent crime during any dispositional hearing under Section 5-705 of the Juvenile Court Act of 1987 which takes place pursuant to an adjudication of delinquency for any such offense.

(Source: P.A. 91-693, eff. 4-13-00; 92-412, eff. 1-1-02.)

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


New matter indicated by italics - deletions by strikeout.
AN ACT in relation to children.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Abandoned Newborn Infant Protection Act is
amended by changing Sections 10, 15, 20, 25, 27, 30, 35, 40, 50, 55, and
65 as follows:
(325 ILCS 2/10)
(Section scheduled to be repealed on July 1, 2007)
Sec. 10. Definitions. In this Act:
"Abandon" has the same meaning as in the Abused and Neglected
Child Reporting Act.
"Abused child" has the same meaning as in the Abused and
Neglected Child Reporting Act.
"Child-placing agency" means a licensed public or private agency
that receives a child for the purpose of placing or arranging for the
placement of the child in a foster family home or other facility for child
care, apart from the custody of the child's parents.
"Department" or "DCFS" means the Illinois Department of
Children and Family Services.
"Emergency medical facility" means a freestanding emergency
center or trauma center, as defined in the Emergency Medical Services
(EMS) Systems Act.
"Emergency medical professional" includes licensed physicians,
and any emergency medical technician-basic, emergency medical
technician-intermediate, emergency medical technician-paramedic, trauma
nurse specialist, and pre-hospital RN, as defined in the Emergency
Medical Services (EMS) Systems Act.
"Fire station" means a fire station within the State that is staffed
with at least one full-time emergency medical professional.
"Hospital" has the same meaning as in the Hospital Licensing Act.
"Legal custody" means the relationship created by a court order in
the best interest of a newborn infant that imposes on the infant's custodian
the responsibility of physical possession of the infant, the duty to protect,
train, and discipline the infant, and the duty to provide the infant with
food, shelter, education, and medical care, except as these are limited by
parental rights and responsibilities.

New matter indicated by italics - deletions by strikeout.
"Neglected child" has the same meaning as in the Abused and Neglected Child Reporting Act.

"Newborn infant" means a child who a licensed physician reasonably believes is 72 hours old or less at the time the child is initially relinquished to a hospital, police station, fire station, or emergency medical facility, and who is not an abused or a neglected child.

"Police station" means a municipal police station or a county sheriff's office.

"Relinquish" means to bring a newborn infant, who a licensed physician reasonably believes is 72 hours old or less, to a hospital, police station, fire station, or emergency medical facility and to leave the infant with personnel of the facility, if the person leaving the infant does not express an intent to return for the infant or states that he or she will not return for the infant. In the case of a mother who gives birth to an infant in a hospital, the mother's act of leaving that newborn infant at the hospital (i) without expressing an intent to return for the infant or (ii) stating that she will not return for the infant is not a "relinquishment" under this Act.

"Temporary protective custody" means the temporary placement of a newborn infant within a hospital or other medical facility out of the custody of the infant's parent.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

(325 ILCS 2/15)
(Section scheduled to be repealed on July 1, 2007)
Sec. 15. Presumptions.

(a) There is a presumption that by relinquishing a newborn infant in accordance with this Act, the infant's parent consents to the termination of his or her parental rights with respect to the infant.

(b) There is a presumption that a person relinquishing a newborn infant in accordance with this Act:

(1) is the newborn infant's biological parent; and
(2) either without expressing an intent to return for the infant or expressing an intent not to return for the infant, did intend to relinquish the infant to the hospital, police station, fire station, or emergency medical facility to treat, care for, and provide for the infant in accordance with this Act.

(c) A parent of a relinquished newborn infant may rebut the presumption set forth in either subsection (a) or subsection (b) pursuant to Section 55, at any time before the termination of the parent's parental rights.

New matter indicated by italics - deletions by strikeout.
Sec. 20. Procedures with respect to relinquished newborn infants.

(a) Hospitals. Every hospital must accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act. The hospital shall examine a relinquished newborn infant and perform tests that, based on reasonable medical judgment, are appropriate in evaluating whether the relinquished newborn infant was abused or neglected.

The act of relinquishing a newborn infant serves as implied consent for the hospital and its medical personnel and physicians on staff to treat and provide care for the infant.

The hospital shall be deemed to have temporary protective custody of a relinquished newborn infant until the infant is discharged to the custody of a child-placing agency or the Department.

(b) Fire stations and emergency medical facilities. Every fire station and emergency medical facility must accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act.

The act of relinquishing a newborn infant serves as implied consent for the fire station or emergency medical facility and its emergency medical professionals to treat and provide care for the infant, to the extent that those emergency medical professionals are trained to provide those services.

After the relinquishment of a newborn infant to a fire station or emergency medical facility, the fire station or emergency medical facility's personnel must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged.

If the parent of a newborn infant returns to reclaim the child within 72 hours after relinquishing the child to a fire station or emergency medical facility, the fire station or emergency medical facility must inform the parent of the name and location of the hospital to which the infant was transported.

(c) Police stations. Every police station must accept a relinquished newborn infant, in accordance with this Act. After the relinquishment of a newborn infant to a police station, the police station must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged. The act of relinquishing a newborn infant

New matter indicated by italics - deletions by strikeout.
serves as implied consent for the hospital to which the infant is transported and that hospital's medical personnel and physicians on staff to treat and provide care for the infant.

If the parent of a newborn infant returns to reclaim the infant within 72 hours after relinquishing the infant to a police station, the police station must inform the parent of the name and location of the hospital to which the infant was transported.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

(325 ILCS 2/25)
Sec. 25. Immunity for relinquishing person.
(a) The act of relinquishing a newborn infant to a hospital, police station, fire station, or emergency medical facility in accordance with this Act does not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment of the infant pursuant to the laws of this State nor does it, by itself, constitute a violation of Section 12-21.5 or 12-21.6 of the Criminal Code of 1961.

(b) If there is suspected child abuse or neglect that is not based solely on the newborn infant's relinquishment to a hospital, police station, fire station, or emergency medical facility, the personnel of the hospital, police station, fire station, or emergency medical facility who are mandated reporters under the Abused and Neglected Child Reporting Act must report the abuse or neglect pursuant to that Act.

(c) Neither a child protective investigation nor a criminal investigation may be initiated solely because a newborn infant is relinquished pursuant to this Act.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

(325 ILCS 2/27)
Sec. 27. Immunity of facility and personnel. A hospital, police station, fire station, or emergency medical facility, and any personnel of a hospital, police station, fire station, or emergency medical facility, are immune from criminal or civil liability for acting in good faith in accordance with this Act. Nothing in this Act limits liability for negligence for care and medical treatment.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

(325 ILCS 2/30)
(Section scheduled to be repealed on July 1, 2007)
Sec. 30. Anonymity of relinquishing person. If there is no evidence of abuse or neglect of a relinquished newborn infant, the relinquishing person has the right to remain anonymous and to leave the hospital, police station, fire station, or emergency medical facility at any time and not be pursued or followed. Before the relinquishing person leaves the hospital, police station, fire station, or emergency medical facility, the hospital, police station, fire station, or emergency medical facility personnel shall (i) verbally inform the relinquishing person that by relinquishing the child anonymously, he or she will have to petition the court if he or she desires to prevent the termination of parental rights and regain custody of the child and (ii) shall offer the relinquishing person the information packet described in Section 35 of this Act. However, nothing in this Act shall be construed as precluding the relinquishing person from providing his or her identity or completing the application forms for the Illinois Adoption Registry and Medical Information Exchange and requesting that the hospital, police station, fire station, or emergency medical facility forward those forms to the Illinois Adoption Registry and Medical Information Exchange.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

(325 ILCS 2/35)

Sec. 35. Information for relinquishing person. A hospital, police station, fire station, or emergency medical facility that receives a newborn infant relinquished in accordance with this Act must offer an information packet to the relinquishing person and, if possible, must clearly inform the relinquishing person that his or her acceptance of the information is completely voluntary, that registration with the Illinois Adoption Registry and Medical Information Exchange is voluntary, that the person will remain anonymous if he or she completes a Denial of Information Exchange, and that the person has the option to provide medical information only and still remain anonymous. The information packet must include all of the following:

(1) All Illinois Adoption Registry and Medical Information Exchange application forms, including the Medical Information Exchange Questionnaire and the web site address and toll-free phone number of the Registry.

(2) Written notice of the following:

   (A) No sooner than 60 days following the date of the initial relinquishment of the infant to a hospital, police

New matter indicated by italics - deletions by strikeout.
station, fire station, or emergency medical facility, the child-placing agency or the Department will commence proceedings for the termination of parental rights and placement of the infant for adoption.

(B) Failure of a parent of the infant to contact the Department and petition for the return of custody of the infant before termination of parental rights bars any future action asserting legal rights with respect to the infant.

(3) A resource list of providers of counseling services including grief counseling, pregnancy counseling, and counseling regarding adoption and other available options for placement of the infant.

Upon request, the Department of Public Health shall provide the application forms for the Illinois Adoption Registry and Medical Information Exchange to hospitals, police stations, fire stations, and emergency medical facilities.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

(325 ILCS 2/40)

(Section scheduled to be repealed on July 1, 2007)

Sec. 40. Reporting requirements.

(a) Within 12 hours after accepting a newborn infant from a relinquishing person or from a police station, fire station, or emergency medical facility in accordance with this Act, a hospital must report to the Department's State Central Registry for the purpose of transferring physical custody of the infant from the hospital to either a child-placing agency or the Department.

(b) Within 24 hours after receiving a report under subsection (a), the Department must request assistance from law enforcement officials to investigate the matter using the National Crime Information Center to ensure that the relinquished newborn infant is not a missing child.

(c) Once a hospital has made a report to the Department under subsection (a), the Department must arrange for a licensed child-placing agency to accept physical custody of the relinquished newborn infant.

(d) If a relinquished child is not a newborn infant as defined in this Act, the hospital and the Department must proceed as if the child is an abused or neglected child.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

(325 ILCS 2/50)

(Section scheduled to be repealed on July 1, 2007)

New matter indicated by italics - deletions by strikeout.
Sec. 50. Child-placing agency procedures.

(a) The Department's State Central Registry must maintain a list of licensed child-placing agencies willing to take legal custody of newborn infants relinquished in accordance with this Act. The child-placing agencies on the list must be contacted by the Department on a rotating basis upon notice from a hospital that a newborn infant has been relinquished in accordance with this Act.

(b) Upon notice from the Department that a newborn infant has been relinquished in accordance with this Act, a child-placing agency must accept the newborn infant if the agency has the accommodations to do so. The child-placing agency must seek an order for legal custody of the infant upon its acceptance of the infant.

(c) Within 3 business days after assuming physical custody of the infant, the child-placing agency shall file a petition in the division of the circuit court in which petitions for adoption would normally be heard. The petition shall allege that the newborn infant has been relinquished in accordance with this Act and shall state that the child-placing agency intends to place the infant in an adoptive home.

(d) If no licensed child-placing agency is able to accept the relinquished newborn infant, then the Department must assume responsibility for the infant as soon as practicable.

(e) A custody order issued under subsection (b) shall remain in effect until a final adoption order based on the relinquished newborn infant's best interests is issued in accordance with this Act and the Adoption Act.

(f) When possible, the child-placing agency must place a relinquished newborn infant in a prospective adoptive home.

(g) The Department or child-placing agency must initiate proceedings to (i) terminate the parental rights of the relinquished newborn infant's known or unknown parents, (ii) appoint a guardian for the infant, and (iii) obtain consent to the infant's adoption in accordance with this Act no sooner than 60 days following the date of the initial relinquishment of the infant to the hospital, police station, fire station, or emergency medical facility.

(h) Before filing a petition for termination of parental rights, the Department or child-placing agency must do the following:

(1) Search its Putative Father Registry for the purpose of determining the identity and location of the putative father of the relinquished newborn infant who is, or is expected to be, the

New matter indicated by italics - deletions by strikeout.
subject of an adoption proceeding, in order to provide notice of the proceeding to the putative father. At least one search of the Registry must be conducted, at least 30 days after the relinquished newborn infant's estimated date of birth; earlier searches may be conducted, however. Notice to any potential putative father discovered in a search of the Registry according to the estimated age of the relinquished newborn infant must be in accordance with Section 12a of the Adoption Act.

(2) Verify with law enforcement officials, using the National Crime Information Center, that the relinquished newborn infant is not a missing child.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)
(325 ILCS 2/55)
(Section scheduled to be repealed on July 1, 2007)
Sec. 55. Petition for return of custody.
(a) A parent of a newborn infant relinquished in accordance with this Act may petition for the return of custody of the infant before the termination of parental rights with respect to the infant.

(b) A parent of a newborn infant relinquished in accordance with this Act may petition for the return of custody of the infant by contacting the Department for the purpose of obtaining the name of the child-placing agency and then filing a petition for return of custody in the circuit court in which the proceeding for the termination of parental rights is pending.

(c) If a petition for the termination of parental rights has not been filed by the Department or the child-placing agency, the parent of the relinquished newborn infant must contact the Department, which must notify the parent of the appropriate court in which the petition for return of custody must be filed.

(d) The circuit court may hold the proceeding for the termination of parental rights in abeyance for a period not to exceed 60 days from the date that the petition for return of custody was filed without a showing of good cause. During that period:

(1) The court shall order genetic testing to establish maternity or paternity, or both.

(2) The Department shall conduct a child protective investigation and home study to develop recommendations to the court.

(3) When indicated as a result of the Department's investigation and home study, further proceedings under the

New matter indicated by italics - deletions by strikeout.
Juvenile Court Act of 1987 as the court determines appropriate, may be conducted. However, relinquishment of a newborn infant in accordance with this Act does not render the infant abused, neglected, or abandoned solely because the newborn infant was relinquished to a hospital, police station, fire station, or emergency medical facility in accordance with this Act.

(e) Failure to file a petition for the return of custody of a relinquished newborn infant before the termination of parental rights bars any future action asserting legal rights with respect to the infant unless the parent's act of relinquishment that led to the termination of parental rights involved fraud perpetrated against and not stemming from or involving the parent. No action to void or revoke the termination of parental rights of a parent of a newborn infant relinquished in accordance with this Act, including an action based on fraud, may be commenced after 12 months after the date that the newborn infant was initially relinquished to a hospital, police station, fire station, or emergency medical facility.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

(325 ILCS 2/65)
(Section scheduled to be repealed on July 1, 2007)
Sec. 65. Evaluation.

(a) The Department shall collect and analyze information regarding the relinquishment of newborn infants and placement of children under this Act. Police stations, fire stations, emergency medical facilities, and medical professionals accepting and providing services to a newborn infant under this Act shall report to the Department data necessary for the Department to evaluate and determine the effect of this Act in the prevention of injury or death of newborn infants. Child-placing agencies shall report to the Department data necessary to evaluate and determine the effectiveness of these agencies in providing child protective and child welfare services to newborn infants relinquished under this Act.

(b) The information collected shall include, but need not be limited to: the number of newborn infants relinquished; the services provided to relinquished newborn infants; the outcome of care for the relinquished newborn infants; the number and disposition of cases of relinquished newborn infants subject to placement; the number of children accepted and served by child-placing agencies; and the services provided by child-placing agencies and the disposition of the cases of the children placed under this Act.

New matter indicated by italics - deletions by strikeout.
(c) The Department shall submit a report by January 1, 2002, and on January 1 of each year thereafter, to the Governor and General Assembly regarding the prevention of injury or death of newborn infants and the effect of placements of children under this Act. The report shall include, but need not be limited to, a summary of collected data, an analysis of the data and conclusions regarding the Act's effectiveness, a determination whether the purposes of the Act are being achieved, and recommendations for changes that may be considered necessary to improve the administration and enforcement of this Act.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

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


PUBLIC ACT 93-0821
(House Bill No. 4157)

AN ACT concerning professional regulation.

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

Section 5. The Illinois Dental Practice Act is amended by changing Sections 4, 6, and 18 as follows:

(225 ILCS 25/4) (from Ch. 111, par. 2304)
(Section scheduled to be repealed on January 1, 2006)
Sec. 4. Definitions. As used in this Act:
(a) "Department" means the Illinois Department of Professional Regulation.
(b) "Director" means the Director of Professional Regulation.
(c) "Board" means the Board of Dentistry established by Section 6 of this Act.
(d) "Dentist" means a person who has received a general license pursuant to paragraph (a) of Section 11 of this Act and who may perform any intraoral and extraoral procedure required in the practice of dentistry and to whom is reserved the responsibilities specified in Section 17.
(e) "Dental hygienist" means a person who holds a license under this Act to perform dental services as authorized by Section 18.

New matter indicated by italics - deletions by strikeout.
(f) "Dental assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services as authorized by Section 17.

(g) "Dental laboratory" means a person, firm or corporation which:
   (i) engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues; and
   (ii) utilizes or employs a dental technician to provide such services; and
   (iii) performs such functions only for a dentist or dentists.

(h) "Supervision" means supervision of a dental hygienist or a dental assistant requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental hygienist or dental assistant before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.

   (i) "General supervision" means supervision of a dental hygienist requiring that the patient be a patient of record, that the dentist examine the patient in accordance with Section 18 prior to treatment by the dental hygienist, and that the dentist authorize the procedures which are being carried out by a notation in the patient's record, but not requiring that a dentist be present when the authorized procedures are being performed. The authorized procedures may also be performed at a place other than the dentist's usual place of practice. The issuance of a prescription to a dental laboratory by a dentist does not constitute general supervision.

   (j) "Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.

   (k) "Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning and care of conditions within the human oral cavity and its adjacent tissues and structures, as further specified in Section 17.

   (l) "Branches of dentistry" means the various specialties of dentistry which, for purposes of this Act, shall be limited to the following: endodontics, oral and maxillofacial surgery, orthodontics and dentofacial...
orthopedics, pediatric dentistry, periodontics, prosthodontics, and oral and maxillofacial radiology.

(m) "Specialist" means a dentist who has received a specialty license pursuant to Section 11(b).

(n) "Dental technician" means a person who owns, operates or is employed by a dental laboratory and engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues.

(o) "Impaired dentist" or "impaired dental hygienist" means a dentist or dental hygienist who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish the person's ability to deliver competent patient care.

(p) "Nurse" means a registered professional nurse, a certified registered nurse anesthetist licensed as an advanced practice nurse, or a licensed practical nurse licensed under the Nursing and Advanced Practice Nursing Act.

(q) "Patient of record" means a patient for whom the patient's most recent dentist has obtained a relevant medical and dental history and on whom the dentist has performed an examination and evaluated the condition to be treated.

(Source: P.A. 91-138, eff. 1-1-00; 91-689, eff. 1-1-01; 92-280, eff. 1-1-02; 92-651, eff. 7-11-02.)

(225 ILCS 25/6) (from Ch. 111, par. 2306)

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

Sec. 6. Board of Dentistry - Report By Majority Required. There is created a Board of Dentistry, to be composed of persons designated from time to time by the Director, as follows:

Eleven persons, 8 of whom have been dentists for a period of 5 years or more; 2 of whom have been dental hygienists for a period of 5 years or more, and one public member. None of the members shall be an officer, dean, assistant dean, or associate dean of a dental college or dental department of an institute of learning, nor shall any member be the program director of any dental hygiene program. A board member who holds a faculty position in a dental school or dental hygiene program shall

New matter indicated by italics - deletions by strikeout.
not participate in the examination of applicants for licenses from that school or program. None of the members shall be employed by or be an officer of any dental college, or dental or dental hygiene department of any institution of learning. The dental hygienists shall not participate in the examination of applicants for licenses to practice dentistry. The public member shall not participate in the examination of applicants for licenses to practice dentistry or dental hygiene. The board shall annually elect a chairman who shall be a dentist.

Terms for all members shall be for 4 years. Partial terms over 2 years in length shall be considered as full terms. A member may be reappointed for a successive term, but no member shall serve more than 2 full terms in his or her lifetime.

The membership of the Board shall include only residents from various geographic areas of this State and shall include at least some graduates from various institutions of dental education in this State.

In making appointments to the Board the Director shall give due consideration to recommendations by organizations of the dental profession in Illinois, including the Illinois State Dental Society and Illinois Dental Hygienists Association, and shall promptly give due notice to such organizations of any vacancy in the membership of the Board. The Director may terminate the appointment of any member for cause which in the opinion of the Director reasonably justifies such termination.

A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board. Any action to be taken by the Board under this Act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately. The Board shall meet at least quarterly. The Board may adopt all rules and regulations necessary and incident to its powers and duties under this Act.

The members of the Board shall each receive as compensation a reasonable sum as determined by the Director for each day actually engaged in the duties of the office, and all legitimate and necessary expense incurred in attending the meetings of the Board.

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(Source: P.A. 91-594, eff. 1-1-00.)

(225 ILCS 25/18) (from Ch. 111, par. 2318)

(Section scheduled to be repealed on January 1, 2006)
Sec. 18. Acts constituting the practice of dental hygiene; limitations.

(a) A person practices dental hygiene within the meaning of this Act when he or she performs the following acts under the supervision of a dentist: A dental hygienist may be employed or engaged only:

(a) Under the supervision of a dentist:

(1) In the office of a dentist;
(2) By a federal, State, county or municipal agency or institution;
(3) By a public or private school; or
(4) By a public clinic operating under the direction of a hospital or federal, State, county, municipal or other public agency or institution.

When employed or engaged pursuant to this paragraph (a) a dental hygienist may perform the following procedures and acts:

(i) the operative procedure of dental hygiene, consisting of oral prophylactic procedures;
(ii) the exposure and processing of X-Ray films of the teeth and surrounding structures;
(iii) the application to the surfaces of the teeth or gums of chemical compounds designed to be desensitizing agents or effective agents in the prevention of dental caries or periodontal disease;
(iv) all services which may be performed by a dental assistant as specified by rule pursuant to Section 17;
(v) administration and monitoring of nitrous oxide upon successful completion of a training program approved by the Department;
(vi) administration of local anesthetics upon successful completion of a training program approved by the Department; and
(vii) such other procedures and acts as shall be prescribed by rule or regulation of the Department.

(b) A dental hygienist may be employed or engaged only:

(1) by a dentist;
(2) by a federal, State, county, or municipal agency or institution;
(3) by a public or private school; or

New matter indicated by italics - deletions by strikeout.
(4) by a public clinic operating under the direction of a hospital or federal, State, county, municipal, or other public agency or institution.

(c) When employed or engaged in the office of a dentist, a dental hygienist may perform, under general supervision, those procedures found in items (i) through (iv) of subsection (a) of this Section, provided the patient has been examined by the dentist within one year of the provision of dental hygiene services, the dentist has approved the dental hygiene services by a notation in the patient's record and the patient has been notified that the dentist may be out of the office during the provision of dental hygiene services.

(d) If a patient of record is unable to travel to a dental office because of illness, infirmity, or imprisonment, a dental hygienist may perform, under the general supervision of a dentist, those procedures found in items (i) through (iv) of subsection (a) of this Section, provided the patient is located in a long-term care facility licensed by the State of Illinois, a mental health or developmental disability facility, or a State or federal prison. (b) Under the general supervision of a dentist in a long-term care facility licensed by the State of Illinois, a mental health or developmental disability facility operated by the Department of Human Services, if the patient is unable to travel to a dental office because of illness or infirmity. The dentist shall personally examine and diagnose the patient and determine which services are necessary to be performed, which shall be contained in an order to the hygienist and a notation in the patient's record. Such order must be implemented within 120 days of its issuance, and an updated medical history and observation of oral conditions must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a reexamination by the dentist.

(e) School-based oral health care, consisting of and limited to oral prophylactic procedures, sealants, and fluoride treatments, may be provided by a dental hygienist under the general supervision of a dentist. A dental hygienist may not provide other dental hygiene treatment in a school-based setting, including but not limited to administration or monitoring of nitrous oxide or administration of local anesthetics. The school-based procedures may be performed provided the patient is located at a public or private school and the program is being conducted by a State, county or local public health department initiative or in conjunction with a dental school or dental hygiene program. The dentist shall

New matter indicated by italics - deletions by strikeout.
personally examine and diagnose the patient and determine which services are necessary to be performed, which shall be contained in an order to the hygienist and a notation in the patient's record. Any such order for sealants must be implemented within 120 days after its issuance. Any such order for oral prophylactic procedures or fluoride treatments must be implemented within 180 days after its issuance. An updated medical history and observation of oral conditions must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a reexamination by the dentist.

(f) (e) Without the supervision of a dentist, a dental hygienist may perform dental health education functions and may record case histories and oral conditions observed.

(g) The number of dental hygienists practicing in a dental office shall not exceed, at any one time, 4 times the number of dentists practicing in the office at the time.

(Source: P.A. 93-113, eff. 1-1-04.)

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

PUBLIC ACT 93-0822

(Hand Bill No. 4372)

AN ACT concerning military service.

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

Section 5. The Service Men's Employment Tenure Act is amended by changing Sections 3, 5.1, and 5.2 as follows:

(330 ILCS 60/3) (from Ch. 126 1/2, par. 31)

Sec. 3. Definitions. The term "persons in the military service", as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard and all members of the State Militia called into the service or training of the United States of America or of this State. The term "military service", as used in this Act, shall signify Federal service or active duty with any branch of service heretofore

New matter indicated by italics - deletions by strikeout.
referred to as well as training or education under the supervision of the United States preliminary to induction into the military service. The term "military service" also includes any period of active duty with the State of Illinois pursuant to the orders of the President of the United States or the Governor.

The foregoing definitions shall apply both to voluntary enlistment and to induction into service by draft or conscription.

The term "political subdivision", as used in this Act, means any unit of local government or school district.

(Source: P.A. 88-518.)

(330 ILCS 60/5.1)

Sec. 5.1. Stay of prosecution. During and for a period of 14 days after a period of military service with the State of Illinois or in federal active duty service pursuant to the orders of the President of the United States or the Governor, a court having jurisdiction over the enforcement of any civil obligation or liability, the prosecution of any civil suit or proceeding, or the entry or enforcement of any civil order, writ, judgment, or decree may stay, postpone, or suspend the matter if the court determines that a person's failure to meet the obligation is the direct result of the aforementioned period of military service. The stay, postponement, or suspension of proceedings does not in any way modify any condition, obligation, term, or liability agreed upon or incurred by a person in military service including but not limited to accrued interest, late fees, or penalties. No stay, postponement, or suspension shall be provided regarding any written agreement entered into, or debt that is incurred, by the person during or after his or her period of military service.

(Source: P.A. 88-518.)

(330 ILCS 60/5.2)

Sec. 5.2. School attendance and tuition. Any person in military service with the State of Illinois or in federal active duty service pursuant to the orders of the President of the United States or the Governor has the right to receive a full monetary credit or refund for funds paid to any Illinois public university, college or community college if the person is placed into a period of military service with the State of Illinois pursuant to the orders of the President of the United States or the Governor and is unable to attend the university or college for a period of 7 or more days. Withdrawal from the course shall not impact upon the final grade point average of the person. If any person who has been enrolled in any Illinois public university, college, or community college is unable to process his or

New matter indicated by italics - deletions by strikeout.
her enrollment for the upcoming term, he or she shall have any and all late penalties and or charges set aside, including any and all late processing fees for books, lab fees, and all items that were not in place because the person was engaged in military service and was unable to enroll in the courses at the appropriate time. The rights set forth in this Section Sec: are in addition to any rights afforded to persons in military service with the State of Illinois or in federal active duty service pursuant to the orders of the President of the United States or the Governor under the policies of an Illinois public university, college, or community college.

(Source: P.A. 88-518.)

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


PUBLIC ACT 93-0823
(House Bill No. 4402)

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

Section 5. The Wildlife Code is amended by changing Section 2.26 as follows:

(520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

Sec. 2.26. Deer hunting permits. In this Section, "bona fide equity shareholder" means an individual who (1) purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership and (2) intends to retain the ownership of the shares of stock for at least 5 years.

In this Section, "bona fide equity member" means an individual who (1) (i) became a member upon the formation of the limited liability company or (ii) has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the LLC assets represented by the distributional interest in the LLC and

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subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act and who (2) intends to retain the membership for at least 5 years.

In this Section, "bona fide equity partner" means an individual who (1) (i) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or (ii) has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership, (2) intends to retain ownership of the partnership interest for at least 5 years, and (3) is a resident of Illinois.

Any person attempting to take deer shall first obtain a "Deer Hunting Permit" in accordance with prescribed regulations set forth in an Administrative Rule. Deer Hunting Permits shall be issued by the Department. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed $15.00 for residents of the State. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed $200 except as provided below for non-resident landowners and non-resident archery hunters. The Department may by administrative rule provide for a non-resident archery deer permit consisting of not more than 2 harvest tags at a total cost not to exceed $225. Permits shall be issued without charge to:

(a) Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt their land only,

(b) resident tenants of at least 40 acres of commercial agricultural land where they will hunt, and

(c) Bona fide equity shareholders of a corporation, or bona fide equity members of a limited liability company, or bona fide equity partners of a general or limited partnership which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's, or company's, or partnership's land only. One permit shall be issued without charge to one bona fide equity shareholder, or one bona fide equity member, or one bona fide equity partner for each 40 acres of land owned by the corporation, or company, or partnership in a county; however, the number of permits issued without charge to bona fide equity shareholders of any corporation or bona fide equity members of a limited liability company in any county shall not exceed 15, and shall not exceed 3 in the case of bona fide equity partners of a partnership.

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Bona fide landowners or tenants who do not wish to hunt only on the land they own, rent or lease or bona fide equity shareholders, or bona fide equity members, or bona fide equity partners who do not wish to hunt only on the land owned by the corporation, or limited liability company, or partnership shall be charged the same fee as the applicant who is not a landowner, tenant, bona fide equity shareholder, or bona fide equity member, or bona fide equity partner. Nonresidents of Illinois who own at least 40 acres of land and wish to hunt on their land only shall be charged a fee set by administrative rule. The method for obtaining these permits shall be prescribed by administrative rule.

The deer hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued to a bona fide equity shareholder, or bona fide equity member, or bona fide equity partner, the permit shall be valid on all lands owned by the corporation, or limited liability company, or partnership in the county.

The standards and specifications for use of guns and bow and arrow for deer hunting shall be established by administrative rule.

No person may have in his possession any firearm not authorized by administrative rule for a specific hunting season when taking deer.

Persons having a firearm deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to sunset, and only during those days for which an open season is established for the taking of deer by use of shotgun, handgun, or muzzle loading rifle.

Persons having an archery deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of bow and arrow.

It shall be unlawful for any person to take deer by use of dogs, horses, automobiles, aircraft or other vehicles, or by the use of salt or bait of any kind. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait.

It shall be unlawful to possess or transport any wild deer which has been injured or killed in any manner upon a public highway or public right-of-way of this State unless exempted by administrative rule.

Persons hunting deer must have gun unloaded and no bow and arrow device shall be carried with the arrow in the nocked position during hours when deer hunting is unlawful.

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It shall be unlawful for any person, having taken the legal limit of deer by gun, to further participate with gun in any deer hunting party.

It shall be unlawful for any person, having taken the legal limit of deer by bow and arrow, to further participate with bow and arrow in any deer hunting party.

The Department may prohibit upland game hunting during the gun deer season by administrative rule.

It shall be legal for handicapped persons, as defined in Section 2.33, to utilize a crossbow device, as defined in Department rules, to take deer.

Any person who violates any of the provisions of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.

(Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01; 92-651, eff. 7-11-02; 93-554, eff. 8-20-03.)

Effective January 1, 2005.

PUBLIC ACT 93-0824
(House Bill No. 4478)

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

Section 5. The Comprehensive Health Insurance Plan Act is amended by changing Section 3 as follows:

(215 ILCS 105/3) (from Ch. 73, par. 1303)

Sec. 3. Operation of the Plan.

a. There is hereby created an Illinois Comprehensive Health Insurance Plan.

b. The Plan shall operate subject to the supervision and control of the board. The board is created as a political subdivision and body politic and corporate and, as such, is not a State agency. The board shall consist of 10 public members, appointed by the Governor with the advice and consent of the Senate.

Initial members shall be appointed to the Board by the Governor as follows: 2 members to serve until July 1, 1988, and until their successors are appointed and qualified; 2 members to serve until July 1, 1989, and until their successors are appointed and qualified; 3 members to serve until

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July 1, 1990, and until their successors are appointed and qualified; and 3 members to serve until July 1, 1991, and until their successors are appointed and qualified. As terms of initial members expire, their successors shall be appointed for terms to expire the first day in July 3 years thereafter, and until their successors are appointed and qualified.

Any vacancy in the Board occurring for any reason other than the expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

Any member of the Board may be removed by the Governor for neglect of duty, misfeasance, malfeasance, or nonfeasance in office.

In addition, a representative of the Governor's Office of Management and Budget, a representative of the Office of the Attorney General and the Director or the Director's designated representative shall be members of the board. Four members of the General Assembly, one each appointed by the President and Minority Leader of the Senate and by the Speaker and Minority Leader of the House of Representatives, shall serve as nonvoting members of the board. At least 2 of the public members shall be individuals reasonably expected to qualify for coverage under the Plan, the parent or spouse of such an individual, or a surviving family member of an individual who could have qualified for the plan during his lifetime. The Director or Director's representative shall be the chairperson of the board. Members of the board shall receive no compensation, but shall be reimbursed for reasonable expenses incurred in the necessary performance of their duties.

c. The board shall make an annual report in September and shall file the report with the Secretary of the Senate and the Clerk of the House of Representatives. The report shall summarize the activities of the Plan in the preceding calendar year, including net written and earned premiums, the expense of administration, the paid and incurred losses for the year and other information as may be requested by the General Assembly. The report shall also include analysis and recommendations regarding utilization review, quality assurance and access to cost effective quality health care.

d. In its plan of operation the board shall:
   (1) Establish procedures for selecting a plan administrator in accordance with Section 5 of this Act.
   (2) Establish procedures for the operation of the board.
   (3) Create a Plan fund, under management of the board, to fund administrative, claim, and other expenses of the Plan.

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(4) Establish procedures for the handling and accounting of assets and monies of the Plan.

(5) Develop and implement a program to publicize the existence of the Plan, the eligibility requirements and procedures for enrollment and to maintain public awareness of the Plan.

(6) Establish procedures under which applicants and participants may have grievances reviewed by a grievance committee appointed by the board. The grievances shall be reported to the board immediately after completion of the review. The Department and the board shall retain all written complaints regarding the Plan for at least 3 years. Oral complaints shall be reduced to written form and maintained for at least 3 years.

(7) Provide for other matters as may be necessary and proper for the execution of its powers, duties and obligations under the Plan.

e. No later than 5 years after the Plan is operative the board and the Department shall conduct cooperatively a study of the Plan and the persons insured by the Plan to determine: (1) claims experience including a breakdown of medical conditions for which claims were paid; (2) whether availability of the Plan affected employment opportunities for participants; (3) whether availability of the Plan affected the receipt of medical assistance benefits by Plan participants; (4) whether a change occurred in the number of personal bankruptcies due to medical or other health related costs; (5) data regarding all complaints received about the Plan including its operation and services; (6) and any other significant observations regarding utilization of the Plan. The study shall culminate in a written report to be presented to the Governor, the President of the Senate, the Speaker of the House and the chairpersons of the House and Senate Insurance Committees. The report shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives. The report shall also be available to members of the general public upon request.

(e-5) The board shall conduct a feasibility study of establishing a small employer health insurance pool in which employers may provide affordable health insurance coverage to their employees. The board may contract with a private entity or enter into intergovernmental agreements with State agencies for the completion of all or part of the study. The study shall:

(i) Analyze other states' experience in establishing small employer health insurance pools;

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(ii) Assess the need for a small employer health insurance pool, including the number of individuals who might benefit from it;

(iii) Recommend means of establishing a small employer health insurance pool; and

(iv) Estimate the cost of providing a small employer health insurance pool through the Illinois Comprehensive Health Insurance Plan or another, public or private entity.

The board may accept donations, in trust, from any legal source, public or private, for deposit into a trust account specifically created for expenditure, without the necessity of being appropriated, solely for the purpose of conducting all or part of the study. The board shall issue a report with recommendations to the Governor and the General Assembly by January 1, 2005. As used in this subsection e-5, "small employer" means an employer having between one and 50 employees.

f. The board may:

(1) Prepare and distribute certificate of eligibility forms and enrollment instruction forms to insurance producers and to the general public in this State.

(2) Provide for reinsurance of risks incurred by the Plan and enter into reinsurance agreements with insurers to establish a reinsurance plan for risks of coverage described in the Plan, or obtain commercial reinsurance to reduce the risk of loss through the Plan.

(3) Issue additional types of health insurance policies to provide optional coverages as are otherwise permitted by this Act including a Medicare supplement policy designed to supplement Medicare.

(4) Provide for and employ cost containment measures and requirements including, but not limited to, preadmission certification, second surgical opinion, concurrent utilization review programs, and individual case management for the purpose of making the pool more cost effective.

(5) Design, utilize, contract, or otherwise arrange for the delivery of cost effective health care services, including establishing or contracting with preferred provider organizations, health maintenance organizations, and other limited network provider arrangements.

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(6) Adopt bylaws, rules, regulations, policies and procedures as may be necessary or convenient for the implementation of the Act and the operation of the Plan.

(7) Administer separate pools, separate accounts, or other plans or arrangements as required by this Act to separate federally eligible individuals or groups of federally eligible individuals who qualify for plan coverage under Section 15 of this Act from eligible persons or groups of eligible persons who qualify for plan coverage under Section 7 of this Act and apportion the costs of the administration among such separate pools, separate accounts, or other plans or arrangements.

g. The Director may, by rule, establish additional powers and duties of the board and may adopt rules for any other purposes, including the operation of the Plan, as are necessary or proper to implement this Act.

h. The board is not liable for any obligation of the Plan. There is no liability on the part of any member or employee of the board or the Department, and no cause of action of any nature may arise against them, for any action taken or omission made by them in the performance of their powers and duties under this Act, unless the action or omission constitutes willful or wanton misconduct. The board may provide in its bylaws or rules for indemnification of, and legal representation for, its members and employees.

i. There is no liability on the part of any insurance producer for the failure of any applicant to be accepted by the Plan unless the failure of the applicant to be accepted by the Plan is due to an act or omission by the insurance producer which constitutes willful or wanton misconduct.

(Source: P.A. 92-597, eff. 6-28-02; 93-622, eff. 12-18-03.)

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

Section 5. The School Code is amended by changing Section 30-14.2 as follows:
(105 ILCS 5/30-14.2) (from Ch. 122, par. 30-14.2)
Sec. 30-14.2. MIA/POW scholarships.
(a) Any spouse, natural child, legally adopted child, or any step-child of an eligible veteran or serviceperson who possesses all necessary entrance requirements shall, upon application and proper proof, be awarded a MIA/POW Scholarship consisting of the equivalent of 4 calendar years of full-time enrollment including summer terms, to the state supported Illinois institution of higher learning of his choice, subject to the restrictions listed below.

"Eligible veteran or serviceperson" means any veteran or serviceperson, including an Illinois National Guard member who is on active duty or is active on a training assignment, who has been declared by the U. S. Department of Defense or the U.S. Department of Veterans' Affairs to be a prisoner of war, be missing in action, have died as the result of a service-connected disability or be permanently disabled from service-connected causes with 100% disability and who at the time of entering service was an Illinois resident or was an Illinois resident within 6 months of entering such service.

Full-time enrollment means 12 or more semester hours of courses per semester, or 12 or more quarter hours of courses per quarter, or the equivalent thereof per term. Scholarships utilized by dependents enrolled in less than full-time study shall be computed in the proportion which the number of hours so carried bears to full-time enrollment.

Scholarships awarded under this Section may be used by a spouse or child without regard to his or her age. The holder of a Scholarship awarded under this Section shall be subject to all examinations and academic standards, including the maintenance of minimum grade levels, that are applicable generally to other enrolled students at the Illinois institution of higher learning where the Scholarship is being used. If the surviving spouse remarries or if there is a divorce between the veteran or serviceperson and his or her spouse while the dependent is pursuing his or her course of study, Scholarship benefits will be terminated at the end of the term for which he or she is presently enrolled. Such dependents shall also be entitled, upon proper proof and application, to enroll in any extension course offered by a State supported Illinois institution of higher learning without payment of tuition and approved fees.

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The holder of a MIA/POW Scholarship authorized under this Section shall not be required to pay any matriculation or application fees, tuition, activities fees, graduation fees or other fees, except multipurpose building fees or similar fees for supplies and materials.

Any dependent who has been or shall be awarded a MIA/POW Scholarship shall be reimbursed by the appropriate institution of higher learning for any fees which he or she has paid and for which exemption is granted under this Section if application for reimbursement is made within 2 months following the end of the school term for which the fees were paid.

(b) In lieu of the benefit provided in subsection (a), any spouse, natural child, legally adopted child, or step-child of an eligible veteran or serviceperson, which spouse or child has a physical, mental or developmental disability, shall be entitled to receive, upon application and proper proof, a benefit to be used for the purpose of defraying the cost of the attendance or treatment of such spouse or child at one or more appropriate therapeutic, rehabilitative or educational facilities. The application and proof may be made by the parent or legal guardian of the spouse or child on his or her behalf.

The total benefit provided to any beneficiary under this subsection shall not exceed the cost equivalent of 4 calendar years of full-time enrollment, including summer terms, at the University of Illinois. Whenever practicable in the opinion of the Department of Veterans' Affairs, payment of benefits under this subsection shall be made directly to the facility, the cost of attendance or treatment at which is being defrayed, as such costs accrue.

(c) The benefits of this Section shall be administered by and paid for out of funds made available to the Illinois Department of Veterans' Affairs. The amounts that become due to any state supported Illinois institution of higher learning shall be payable by the Comptroller to such institution on vouchers approved by the Illinois Department of Veterans' Affairs. The amounts that become due under subsection (b) of this Section shall be payable by warrant upon vouchers issued by the Illinois Department of Veterans' Affairs and approved by the Comptroller. The Illinois Department of Veterans' Affairs shall determine the eligibility of the persons who make application for the benefits provided for in this Section.

(Source: P.A. 89-267, eff. 1-1-96.)

New matter indicated by italics - deletions by strikeout.
AN ACT concerning environmental protection.

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

Section 5. The Illinois Procurement Code is amended by changing and renumbering Section 50-12 as added by P.A. 93-575 as follows:

(30 ILCS 500/50-14)
Sec. 50-14 50-12. Environmental Protection Act violations.

(a) Unless otherwise provided, no person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of Section 42 of the Environmental Protection Act shall do business with the State of Illinois or any State agency from the date of the order containing the finding of violation until 5 years after that date, unless the person or business can show that no person involved in the violation continues to have any involvement with the business.

(b) A person or business otherwise barred from doing business with the State of Illinois or any State agency under subsection (a) may be allowed to do business with the State of Illinois or any State agency if it is shown that there is no practicable alternative to the State to contracting with that person or business.

(c) Every bid submitted to and contract executed by the State shall contain a certification by the bidder or contractor that the bidder or contractor is not barred from being awarded a contract under this Section and that the contractor acknowledges that the contracting State agency may declare the contract void if the certification completed pursuant to this subsection (c) is false.

(Source: P.A. 93-575, eff. 1-1-04; revised 9-24-03.)

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

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

Section 5. The Capital Development Board Act is amended by changing Section 9.02a as follows:

(20 ILCS 3105/9.02a) (from Ch. 127, par. 779.02a)
This Section is scheduled to be repealed on June 30, 2004
Sec. 9.02a. To charge contract administration fees used to administer and process the terms of contracts awarded by this State. Contract administration fees shall not exceed 3% of the contract amount. This Section is repealed June 30, 2008.
(Source: P.A. 93-32, eff. 7-1-03.)

Section 10. The State Finance Act is amended by changing Sections 5.237 and 6z-19 as follows:

(30 ILCS 105/5.237) (from Ch. 127, par. 141.237)
This Section is scheduled to be repealed on June 30, 2004
Sec. 5.237. The Capital Development Board Revolving Fund. This Section is repealed June 30, 2008.
(Source: P.A. 91-795, eff. 6-9-00.)

(30 ILCS 105/6z-19) (from Ch. 127, par. 142z-19)
This Section is scheduled to be repealed June 30, 2004
Sec. 6z-19. Capital Development Board Revolving Fund; Payments Into and Use. All monies received by the Capital Development Board for publications or copies issued by the Board, and all monies received for contract administration fees, charges or reimbursements owing to the Board shall be deposited into a special fund known as the Capital Development Board Revolving Fund, which is hereby created in the State Treasury. The monies in this Fund shall be used by the Capital Development Board, as appropriated, for expenditures for personal services, retirement, social security, contractual services, legal services, travel, commodities, printing, equipment, electronic data processing or telecommunications. Unexpended moneys in the Fund shall not be transferred or allocated by the Comptroller or Treasurer to any other fund,

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nor shall the Governor authorize the transfer or allocation of those moneys to any other fund. This Section is repealed June 30, 2008. 

(Source: P.A. 91-795, eff. 6-9-00.)

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


PUBLIC ACT 93-0828
(House Bill No. 4660)

AN ACT concerning military personnel.

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

Section 5. The Metropolitan Transit Authority Act is amended by changing Section 29 as follows:

(70 ILCS 3605/29) (from Ch. 111 2/3, par. 329)

Sec. 29. If the Authority acquires a transportation system in operation by a public utility, all of the employees in the operating and maintenance divisions of such public utility and all other employees except executive and administrative officers and employees, shall be transferred to and appointed as employees of the Authority, subject to all rights and benefits of this Act, and these employees shall be given seniority credit in accordance with the records and labor agreements of the public utility. Employees who left the employ of such a public utility to enter the military service of the United States shall have the same rights as to the Authority, under the provisions of the “Service Member's Men's Employment Tenure Act”, approved July 17, 1941, as they would have had thereunder as to such public utility. After such acquisition the authority shall be required to extend to such former employees of such public utility only the rights and benefits as to pensions and retirement as are accorded other employees of the Authority.

(Source: Laws 1963, p. 152.)

Section 10. The Local Mass Transit District Act is amended by changing Section 3.5 as follows:

(70 ILCS 3610/3.5) (from Ch. 111 2/3, par. 353.5)

Sec. 3.5. If the district acquires a mass transit facility, all of the employees in such mass transit facility shall be transferred to and

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appointed as employees of the district, subject to all rights and benefits of this Act, and these employees shall be given seniority credit in accordance with the records and labor agreements of the mass transit facility. Employees who left the employ of such a mass transit facility to enter the military service of the United States shall have the same rights as to the district, under the provisions of the "Service Member's Men's Employment Tenure Act", approved July 17, 1941, as they would have had thereunder as to such mass transit facility. After such acquisition the district shall be required to extend to such former employees of such mass transit facility only the rights and benefits as to pensions and retirement as are accorded other employees of the district.

(Source: P.A. 93-590, eff. 1-1-04.)

Section 15. The Service Men's Employment Tenure Act is amended by changing Sections 1 and 6 as follows:

(330 ILCS 60/1) (from Ch. 126 1/2, par. 29)
Sec. 1. Short title. This Act shall be known and may be cited as the Service Member's Men's Employment Tenure Act.

(Source: Laws 1941, vol. 1, p. 1202.)

(330 ILCS 60/6) (from Ch. 126 1/2, par. 34)
Sec. 6. Employer's violation of Act; penalty; employee's remedies.
(a) An employer's knowing violation of this Act is a business offense punishable by a fine of not less than $5,000 and not more than $10,000.

(b) In case any employer fails or refuses to comply with this Act, the circuit court of the county in which such private employer maintains a place of business, or of the county where such State employee performs most of his duties, has power, upon the filing of a complaint by the person entitled to the benefits of this Act, to specifically require such employer to comply with this Act and to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action, together with a reasonable attorney's fees and costs fee. No fees or court costs shall be taxed against any person applying for the benefits of this Act.

The court shall, in its sound discretion, give preference to the hearing and disposition of such cases over other matters then pending before it.

(Source: P.A. 79-1359; 79-1365.)

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


New matter indicated by italics - deletions by strikeout.
AN ACT concerning public health.

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

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

(20 ILCS 2105/2105-400 new)
Sec. 2105-400. Emergency Powers.
(a) Upon proclamation of a disaster by the Governor, as provided for in the Illinois Emergency Management Agency Act, the Director of Professional Regulation shall have the following powers, which shall be exercised only in coordination with the Illinois Emergency Management Agency and the Department of Public Health:

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

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

(3) The power to expand the exemption in Section 4(a) of the Pharmacy Practice Act of 1987 to those licensed professionals whose scope of practice has been modified, under paragraph (2) of subsection (a) of this Section, to include any element of the practice of pharmacy as defined in the Pharmacy Practice Act of 1987 for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(b) Persons exempt from licensure under paragraph (1) of subsection (a) of this Section and persons operating under modified scope

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of practice provisions under paragraph (2) of subsection (a) of this Section shall be exempt from licensure or be subject to modified scope of practice only until the declared disaster has ended as provided by law.

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

Section 10. The Department of Public Health Act is amended by changing Sections 2 and 7 and by adding Section 2.1 as follows:

(20 ILCS 2305/2) (from Ch. 111 1/2, par. 22)

Sec. 2. Powers.

(a) The State Department of Public Health has general supervision of the interests of the health and lives of the people of the State. It has supreme authority in matters of quarantine and isolation, and may declare and enforce quarantine and isolation when none exists, and may modify or relax quarantine and isolation when it has been established. The Department may adopt, promulgate, repeal and amend rules and regulations and make such sanitary investigations and inspections as it may from time to time deem necessary for the preservation and improvement of the public health, consistent with law regulating the following:

(1) Transportation of the remains of deceased persons.
(2) Sanitary practices relating to drinking water made accessible to the public for human consumption or for lavatory or culinary purposes.
(3) Sanitary practices relating to rest room facilities made accessible to the public or to persons handling food served to the public.
(4) Sanitary practices relating to disposal of human wastes in or from all buildings and places where people live, work or assemble.

The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act, except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

All local boards of health, health authorities and officers, police officers, sheriffs and all other officers and employees of the state or any...
locality shall enforce the rules and regulations so adopted and orders issued by the Department pursuant to this Section.

The Department of Public Health shall conduct a public information campaign to inform Hispanic women of the high incidence of breast cancer and the importance of mammograms and where to obtain a mammogram. This requirement may be satisfied by translation into Spanish and distribution of the breast cancer summaries required by Section 2310-345 of the Department of Public Health Powers and Duties Law (20 ILCS 2310/2310-345). The information provided by the Department of Public Health shall include (i) a statement that mammography is the most accurate method for making an early detection of breast cancer, however, no diagnostic tool is 100% effective and (ii) instructions for performing breast self-examination and a statement that it is important to perform a breast self-examination monthly.

The Department of Public Health shall investigate the causes of dangerously contagious or infectious diseases, especially when existing in epidemic form, and take means to restrict and suppress the same, and whenever such disease becomes, or threatens to become epidemic, in any locality and the local board of health or local authorities neglect or refuse to enforce efficient measures for its restriction or suppression or to act with sufficient promptness or efficiency, or whenever the local board of health or local authorities neglect or refuse to promptly enforce efficient measures for the restriction or suppression of dangerously contagious or infectious diseases, the Department of Public Health may enforce such measures as it deems necessary to protect the public health, and all necessary expenses so incurred shall be paid by the locality for which services are rendered.

(b) Subject to the provisions of subsection (c), the Department may order a person or group of persons to be quarantined or isolated or may order a place to be closed and made off limits to the public to prevent the probable spread of a dangerously contagious or infectious disease, including non-compliant tuberculosis patients, until such time as the condition can be corrected or the danger to the public health eliminated or reduced in such a manner that no substantial danger to the public's health any longer exists. Orders for isolation of a person or quarantine of a place to prevent the probable spread of a sexually transmissible disease shall be governed by the provisions of Section 7 of the Illinois Sexually Transmissible Disease Control Act and not this Section.

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(c) Except as provided in this Section, no person or a group of persons may be ordered to be quarantined or isolated and no place may be ordered to be closed and made off limits to the public except with the consent of the person or owner of the place or upon the prior order of a court of competent jurisdiction. The Department may, however, order a person or a group of persons to be quarantined or isolated or may order a place to be closed and made off limits to the public on an immediate basis without prior consent or court order if, in the reasonable judgment of the Department, immediate action is required to protect the public from a dangerously contagious or infectious disease. In the event of an immediate order issued without prior consent or court order, the Department shall, as soon as practical, within 48 hours after issuing the order, obtain the consent of the person or owner or file a petition requesting a court order authorizing the isolation or quarantine or closure. When exigent circumstances exist that cause the court system to be unavailable or that make it impossible to obtain consent or file a petition within 48 hours after issuance of an immediate order, the Department must obtain consent or file a petition requesting a court order as soon as reasonably possible. To obtain a court order, the Department, by clear and convincing evidence, must prove that the public's health and welfare are significantly endangered by a person or group of persons that has, that is suspected of having, that has been exposed to, or that is reasonably believed to have been exposed to with a dangerously contagious or infectious disease including non-compliant tuberculosis patients or by a place where there is a significant amount of activity likely to spread a dangerously contagious or infectious disease. The Department must also prove that all other reasonable means of correcting the problem have been exhausted and no less restrictive alternative exists. For purposes of this subsection, in determining whether no less restrictive alternative exists, the court shall consider evidence showing that, under the circumstances presented by the case in which an order is sought, quarantine or isolation is the measure provided for in a rule of the Department or in guidelines issued by the Centers for Disease Control and Prevention or the World Health Organization. Persons who are or are about to be ordered to be isolated or quarantined and owners of places that are or are about to be closed and made off limits to the public shall have the right to counsel. If a person or owner is indigent, the court shall appoint counsel for that person or owner. Persons who are ordered to be isolated or quarantined or who are owners of places that are ordered to be closed and made off

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limits to the public, shall be given a written notice of such order. The written notice shall additionally include the following: (1) notice of the right to counsel; (2) notice that if the person or owner is indigent, the court will appoint counsel for that person or owner; (3) notice of the reason for the order for isolation, quarantine, or closure; (4) notice of whether the order is an immediate order, and if so, the time frame for the Department to seek consent or to file a petition requesting a court order as set out in this subsection; and (5) notice of the anticipated duration of the isolation, quarantine, or closure.

(d) The Department may order physical examinations and tests and collect laboratory specimens as necessary for the diagnosis or treatment of individuals in order to prevent the probable spread of a dangerously contagious or infectious disease. Physical examinations, tests, or collection of laboratory specimens must not be such as are reasonably likely to lead to serious harm to the affected individual. To prevent the spread of a dangerously contagious or infectious disease, the Department may, pursuant to the provisions of subsection (c) of this Section, isolate or quarantine any person whose refusal of physical examination or testing or collection of laboratory specimens results in uncertainty regarding whether he or she has been exposed to or is infected with a dangerously contagious or infectious disease or otherwise poses a danger to the public's health. An individual may refuse to consent to a physical examination, test, or collection of laboratory specimens. An individual shall be given a written notice that shall include notice of the following: (i) that the individual may refuse to consent to physical examination, test, or collection of laboratory specimens; (ii) that if the individual consents to physical examination, tests, or collection of laboratory specimens, the results of that examination, test, or collection of laboratory specimens may subject the individual to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; (iii) that if the individual refuses to consent to physical examination, tests, or collection of laboratory specimens and that refusal results in uncertainty regarding whether he or she has been exposed to or is infected with a dangerously contagious or infectious disease or otherwise poses a danger to the public's health, the individual may be subject to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; and (iv) that if the individual refuses to consent to physical examinations, tests, or collection of laboratory specimens and becomes subject to isolation and quarantine as provided in this subsection (d), he or she shall have the right to counsel

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pursuant to the provisions of subsection (c) of this Section. To the extent feasible without endangering the public's health, the Department shall respect and accommodate the religious beliefs of individuals in implementing this subsection.

(e) The Department may order the administration of vaccines, medications, or other treatments to persons as necessary in order to prevent the probable spread of a dangerously contagious or infectious disease. A vaccine, medication, or other treatment to be administered must not be such as is reasonably likely to lead to serious harm to the affected individual. To prevent the spread of a dangerously contagious or infectious disease, the Department may, pursuant to the provisions of subsection (c) of this Section, isolate or quarantine persons who are unable or unwilling to receive vaccines, medications, or other treatments pursuant to this Section. An individual may refuse to receive vaccines, medications, or other treatments. An individual shall be given a written notice that shall include notice of the following: (i) that the individual may refuse to consent to vaccines, medications, or other treatments; (ii) that if the individual refuses to receive vaccines, medications, or other treatments, the individual may be subject to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; and (iii) that if the individual refuses to receive vaccines, medications, or other treatments and becomes subject to isolation or quarantine as provided in this subsection (e), he or she shall have the right to counsel pursuant to the provisions of subsection (c) of this Section. To the extent feasible without endangering the public's health, the Department shall respect and accommodate the religious beliefs of individuals in implementing this subsection.

(f) The Department may order observation and monitoring of persons to prevent the probable spread of a dangerously contagious or infectious disease. To prevent the spread of a dangerously contagious or infectious disease, the Department may, pursuant to the provisions of subsection (c) of this Section, isolate or quarantine persons whose refusal to undergo observation and monitoring results in uncertainty regarding whether he or she has been exposed to or is infected with a dangerously contagious or infectious disease or otherwise poses a danger to the public's health. An individual may refuse to undergo observation and monitoring. An individual shall be given written notice that shall include notice of the following: (i) that the individual may refuse to undergo observation and monitoring; (ii) that if the individual consents to

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observation and monitoring, the results of that observation and monitoring may subject the individual to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; (iii) that if the individual refuses to undergo observation and monitoring and that refusal results in uncertainty regarding whether he or she has been exposed to or is infected with a dangerously contagious or infectious disease or otherwise poses a danger to the public's health, the individual may be subject to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; and (iv) that if the individual refuses to undergo observation and monitoring and becomes subject to isolation or quarantine as provided in this subsection (f), he or she shall have the right to counsel pursuant to the provisions of subsection (c) of this Section.

(g) To prevent the spread of a dangerously contagious or infectious disease among humans, the Department may examine, test, disinfect, seize, or destroy animals or other related property believed to be sources of infection. An owner of such animal or other related property shall be given written notice regarding such examination, testing, disinfection, seizure, or destruction. When the Department determines that any animal or related property is infected with or has been exposed to a dangerously contagious or infectious disease, it may agree with the owner upon the value of the animal or of any related property that it may be found necessary to destroy, and in case such an agreement cannot be made, the animals or related property shall be appraised by 3 competent and disinterested appraisers, one to be selected by the Department, one by the claimant, and one by the 2 appraisers thus selected. The appraisers shall subscribe to an oath made in writing to fairly value the animals or related property in accordance with the requirements of this Act. The oath, together with the valuation fixed by the appraisers, shall be filed with the Department and preserved by it. Upon the appraisal being made, the owner or the Department shall immediately destroy the animals by "humane euthanasia" as that term is defined in Section 2.09 of the Humane Care for Animals Act. Dogs and cats, however, shall be euthanized pursuant to the provisions of the Humane Euthanasia in Animal Shelters Act. The owner or the Department shall additionally, dispose of the carcasses, and disinfect, change, or destroy the premises occupied by the animals, in accordance with rules prescribed by the Department governing such destruction and disinfection. Upon his or her failure so to do or to cooperate with the Department, the Department shall cause the animals or related property to be destroyed and disposed of in

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the same manner, and thereupon the owner shall forfeit all right to receive any compensation for the destruction of the animals or related property. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(h) To prevent the spread of a dangerously contagious or infectious disease, the Department, local boards of health, and local public health authorities shall have emergency access to medical or health information or records or data upon the condition that the Department, local boards of health, and local public health authorities shall protect the privacy and confidentiality of any medical or health information or records or data obtained pursuant to this Section in accordance with federal and State law. Additionally, any such medical or health information or records or data shall be exempt from inspection and copying under the Freedom of Information Act. Other than a hearing for the purpose of this Act, any information, records, reports, statements, notes, memoranda, or other data in the possession of the Department, local boards of health, or local public health authorities shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency, or person. The access to or disclosure of any of this information or data by the Department, a local board of health, or a local public authority shall not waive or have any effect upon its non-discourserity or non-admissibility. Any person, facility, institution, or agency that provides emergency access to health information and data under this subsection shall have immunity from any civil or criminal liability, or any other type of liability that might otherwise result by reason of these actions except in the event of willful and wanton misconduct. The privileged quality of communication between any professional person or any facility shall not constitute grounds for failure to provide emergency access. Nothing in this subsection shall prohibit the sharing of information as authorized in Section 2.1 of this Act. The disclosure of any of this information, records, reports, statements, notes, memoranda, or other data obtained in any activity under this Act, except that necessary for the purposes of this Act, is unlawful, and any person convicted of violating this provision is guilty of a Class A misdemeanor.

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(i) (A) The Department, in order to prevent and control disease, injury, or disability among citizens of the State of Illinois, may develop and implement, in consultation with local public health authorities, a Statewide system for syndromic data collection through the access to interoperable networks, information exchanges, and databases. The Department may also develop a system for the reporting of comprehensive, integrated data to identify and address unusual occurrences of disease symptoms and other medical complexes affecting the public’s health.

(B) The Department may enter into contracts or agreements with individuals, corporations, hospitals, universities, not-for-profit corporations, governmental entities, or other organizations, whereby those individuals or entities agree to provide assistance in the compilation of the syndromic data collection and reporting system.

(C) The Department shall not release any syndromic data or information obtained pursuant to this subsection to any individuals or entities for purposes other than the protection of the public health. All access to data by the Department, reports made to the Department, the identity of or facts that would tend to lead to the identity of the individual who is the subject of the report, and the identity of or facts that would tend to lead to the identity of the author of the report shall be strictly confidential, are not subject to inspection or dissemination, and shall be used only for public health purposes by the Department, local public health authorities, or the Centers for Disease Control and Prevention. Entities or individuals submitting reports or providing access to the Department shall not be held liable for the release of information or confidential data to the Department in accordance with this subsection.

(D) Nothing in this subsection prohibits the sharing of information as authorized in Section 2.1 of this Act.

(j) (d) This Section shall be considered supplemental to the existing authority and powers of the Department and shall not be construed to restrain or restrict the Department in protecting the public health under any other provisions of the law.

(k) (e) Any person who knowingly or maliciously disseminates any false information or report concerning the existence of any dangerously
contagious or infectious disease in connection with the Department's power of quarantine, isolation and closure or refuses to comply with a quarantine, isolation or closure order is guilty of a Class A misdemeanor.

(l) (f) The Department of Public Health may establish and maintain a chemical and bacteriologic laboratory for the examination of water and wastes, and for the diagnosis of diphtheria, typhoid fever, tuberculosis, malarial fever and such other diseases as it deems necessary for the protection of the public health.

As used in this Act, "locality" means any governmental agency which exercises power pertaining to public health in an area less than the State.

The terms "sanitary investigations and inspections" and "sanitary practices" as used in this Act shall not include or apply to "Public Water Supplies" or "Sewage Works" as defined in the Environmental Protection Act. The Department may adopt rules that are reasonable and necessary to implement and effectuate this amendatory Act of the 93rd General Assembly.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2305/2.1 new)

Sec. 2.1. Information sharing.

(a) Whenever a State or local law enforcement authority learns of a case of an illness, health condition, or unusual disease or symptom cluster, reportable pursuant to rules adopted by the Department or by a local board of health or local public health authority, or a suspicious event that may be the cause of or related to a public health emergency, as that term is defined in Section 4 of the Illinois Emergency Management Agency Act, it shall immediately notify the Illinois Emergency Management Agency and the Department or local board of health or local public health authority.

(b) Whenever the Department or a local board of health or local public health authority learns of a case of an illness, health condition, or unusual disease or symptom cluster, reportable pursuant to rules adopted by the Department or by a local board of health or a local public health authority, or a suspicious event that it reasonably believes has the potential to be the cause of or related to a public health emergency, as that term is defined in Section 4 of the Illinois Emergency Management Agency Act, it shall immediately notify the Illinois Emergency Management Agency, the appropriate State and local law enforcement authorities, other appropriate State agencies, and federal health and law

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enforcement authorities and, after that notification, it shall provide law enforcement authorities with such other information as law enforcement authorities may request for the purpose of conducting a criminal investigation or a criminal prosecution of or arising out of that matter. No information containing the identity or tending to reveal the identity of any person may be redisclosed by law enforcement, except in a prosecution of that person for the commission of a crime.

(c) Sharing of information on reportable illnesses, health conditions, unusual disease or symptom clusters, or suspicious events between and among public health and law enforcement authorities shall be restricted to the information necessary for the treatment in response to, control of, investigation of, and prevention of a public health emergency, as that term is defined in Section 4 of the Illinois Emergency Management Act, or for criminal investigation or criminal prosecution of or arising out of that matter.

(d) The operation of the language of this Section is not dependent upon a declaration of disaster by the Governor pursuant to the Illinois Emergency Management Agency Act.

(20 ILCS 2305/7) (from Ch. 111 1/2, par. 22.05)

Sec. 7. The Illinois Department of Public Health shall adopt rules requiring that upon death of a person who had or is suspected of having an infectious or communicable disease that could be transmitted through contact with the person's body or bodily fluids, the body shall be labeled "Infection Hazard", or with an equivalent term to inform persons having subsequent contact with the body, including any funeral director or embalmer, to take suitable precautions. Such rules shall require that the label shall be prominently displayed on and affixed to the outer wrapping or covering of the body if the body is wrapped or covered in any manner. Responsibility for such labeling shall lie with the attending physician who certifies death, or if the death occurs in a health care facility, with such staff member as may be designated by the administrator of the facility. The Department may adopt rules providing for the safe disposal of human remains. To the extent feasible without endangering the public's health, the Department shall respect and accommodate the religious beliefs of individuals in implementing this Section.

(Source: P.A. 85-1209.)

Section 15. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing
Sections 2310-5, 2310-35, and 2310-50.5 and by adding Sections 2310-610, 2310-615, 2310-620, and 2310-625 as follows:

(20 ILCS 2310/2310-5)
Sec. 2310-5. Definitions. In this Law:
"Department" means the Department of Public Health.
"Director" means the Director of Public Health.
"Public health emergency" has the meaning set forth in Section 4 of the Illinois Emergency Management Agency Act.
(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2310/2310-35) (was 20 ILCS 2310/55.27)
Sec. 2310-35. Federal monies; indirect cost reimbursements. To accept, receive, and receipt for federal monies, for and in behalf of the State, given by the federal government under any federal law to the State for health purposes, surveys, or programs, and to adopt necessary rules pertaining thereto pursuant to the Illinois Administrative Procedure Act. To deposit indirect cost reimbursements received by the Department into the Public Health Special State Projects Fund, and to expend those funds, subject to appropriation, for public health purposes only.
(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2310/2310-50.5)
Sec. 2310-50.5. Coordination concerning public health emergencies. To coordinate with the Illinois Emergency Management Agency with respect to planning for and responding to public health emergencies, as defined in Section 4 of the Illinois Emergency Management Agency Act. The Department shall additionally cooperate with the Governor, other State agencies and local authorities, including local public health authorities, in the development of strategies and plans to protect the public health in the event of a public health emergency, as defined in Section 4 of the Illinois Emergency Management Agency Act.
(Source: P.A. 93-249, eff. 7-22-03.)

(20 ILCS 2310/2310-610 new)
Sec. 2310-610. Rules; public health preparedness. The Department shall adopt and implement rules, contact lists, and response plans governing public health preparedness and response.

(20 ILCS 2310/2310-615 new)
Sec. 2310-615. Department coordination; public health preparedness. The Department shall require and coordinate development and implementation of public health preparedness and response plans by local health departments and facilities licensed by the Department.

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Sec. 2310-620. Cooperation; public health preparedness. The Department shall collaborate with relevant federal government authorities, State agencies, local authorities, including local public health authorities, elected officials from other states, and private sector organizations on public health preparedness and response.

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

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

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

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

(b) Persons exempt from licensure or certification under paragraph (1) of subsection (a) and persons operating under modified scope of practice provisions under paragraph (2) of subsection (a) and paragraph (3) of subsection (a) shall be exempt from licensure or certification or subject to modified scope of practice only until the declared disaster has ended as provided by law.

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

Section 20. The Illinois Clinical Laboratory and Blood Bank Act is amended by changing Section 7-102 as follows:

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(210 ILCS 25/7-102) (from Ch. 111 1/2, par. 627-102)

Sec. 7-102. Reports of test results. The result of a test shall be reported directly to the licensed physician or other authorized person who requested it. No interpretation, diagnosis or prognosis or suggested treatment shall appear on the laboratory report form except that a report made by a physician licensed to practice medicine in Illinois, a dentist licensed in Illinois, or a therapeutic optometrist may include such information. Nothing in this Act prohibits the sharing of information as authorized in Section 2.1 of the Department of Public Health Act.

(Source: P.A. 90-322, eff. 1-1-98.)

Section 25. The Emergency Medical Services (EMS) Systems Act is amended by adding Section 3.255 as follows:

(210 ILCS 50/3.255 new)

Sec. 3.255. Emergency Medical Disaster Plan. The Department shall develop and implement an Emergency Medical Disaster Plan to assist emergency medical services personnel and health care facilities in working together in a collaborative way and to provide support in situations where local medical resources are overwhelmed, including but not limited to public health emergencies, as that term is defined in Section 4 of the Illinois Emergency Management Agency Act. As part of the plan, the Department may designate lead hospitals in each Emergency Medical Services region established under this Act and may foster the creation and coordination of volunteer medical response teams that can be deployed to assist when a locality's capacity is overwhelmed. In developing an Emergency Medical Disaster Plan, the Department shall collaborate with the entities listed in Sections 2310-50.5 and 2310-620 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois.

Section 30. The Hospital Licensing Act is amended by changing Section 10.4 as follows:

(210 ILCS 85/10.4) (from Ch. 111 1/2, par. 151.4)

Sec. 10.4. Medical staff privileges.

(a) Any hospital licensed under this Act or any hospital organized under the University of Illinois Hospital Act shall, prior to the granting of any medical staff privileges to an applicant, or renewing a current medical staff member's privileges, request of the Director of Professional Regulation information concerning the licensure status and any disciplinary action taken against the applicant's or medical staff member's license, except: (1) for medical personnel who enter a hospital to obtain

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organs and tissues for transplant from a deceased donor in accordance with the Uniform Anatomical Gift Act; or (2) for medical personnel who have been granted disaster privileges pursuant to the procedures and requirements established by rules adopted by the Department. Any hospital and any employees of the hospital or others involved in granting privileges that, in good faith, grants disaster privileges pursuant to this Section to respond to an emergency shall not, as a result of his, her, or its acts or omissions, be liable for civil damages for granting or denying disaster privileges except in the event of willful and wanton misconduct, as that term is defined in Section 10.2 of this Act. Individuals granted privileges who provide care in an emergency situation, in good faith and without direct compensation, shall not, as a result of his or her acts or omissions, except for acts or omissions involving willful and wanton misconduct, as that term is defined in Section 10.2 of this Act, on the part of the person, be liable for civil damages. The Director of Professional Regulation shall transmit, in writing and in a timely fashion, such information regarding the license of the applicant or the medical staff member, including the record of imposition of any periods of supervision or monitoring as a result of alcohol or substance abuse, as provided by Section 23 of the Medical Practice Act of 1987, and such information as may have been submitted to the Department indicating that the application or medical staff member has been denied, or has surrendered, medical staff privileges at a hospital licensed under this Act, or any equivalent facility in another state or territory of the United States. The Director of Professional Regulation shall define by rule the period for timely response to such requests.

No transmittal of information by the Director of Professional Regulation, under this Section shall be to other than the president, chief operating officer, chief administrative officer, or chief of the medical staff of a hospital licensed under this Act, a hospital organized under the University of Illinois Hospital Act, or a hospital operated by the United States, or any of its instrumentalities. The information so transmitted shall be afforded the same status as is information concerning medical studies by Part 21 of Article VIII of the Code of Civil Procedure, as now or hereafter amended.

(b) All hospitals licensed under this Act, except county hospitals as defined in subsection (c) of Section 15-1 of the Illinois Public Aid Code, shall comply with, and the medical staff bylaws of these hospitals shall include rules consistent with, the provisions of this Section in granting,

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limiting, renewing, or denying medical staff membership and clinical staff privileges. Hospitals that require medical staff members to possess faculty status with a specific institution of higher education are not required to comply with subsection (1) below when the physician does not possess faculty status.

   (1) Minimum procedures for pre-applicants and applicants for medical staff membership shall include the following:
      (A) Written procedures relating to the acceptance and processing of pre-applicants or applicants for medical staff membership, which should be contained in medical staff bylaws.
      (B) Written procedures to be followed in determining a pre-applicant's or an applicant's qualifications for being granted medical staff membership and privileges.
      (C) Written criteria to be followed in evaluating a pre-applicant's or an applicant's qualifications.
      (D) An evaluation of a pre-applicant's or an applicant's current health status and current license status in Illinois.
      (E) A written response to each pre-applicant or applicant that explains the reason or reasons for any adverse decision (including all reasons based in whole or in part on the applicant's medical qualifications or any other basis, including economic factors).

   (2) Minimum procedures with respect to medical staff and clinical privilege determinations concerning current members of the medical staff shall include the following:
      (A) A written notice of an adverse decision.
      (B) An explanation of the reasons for an adverse decision including all reasons based on the quality of medical care or any other basis, including economic factors.
      (C) A statement of the medical staff member's right to request a fair hearing on the adverse decision before a hearing panel whose membership is mutually agreed upon by the medical staff and the hospital governing board. The hearing panel shall have independent authority to recommend action to the hospital governing board. Upon the request of the medical staff member or the hospital governing board, the hearing panel shall make findings

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concerning the nature of each basis for any adverse decision recommended to and accepted by the hospital governing board.

(i) Nothing in this subparagraph (C) limits a hospital's or medical staff's right to summarily suspend, without a prior hearing, a person's medical staff membership or clinical privileges if the continuation of practice of a medical staff member constitutes an immediate danger to the public, including patients, visitors, and hospital employees and staff. A fair hearing shall be commenced within 15 days after the suspension and completed without delay.

(ii) Nothing in this subparagraph (C) limits a medical staff's right to permit, in the medical staff bylaws, summary suspension of membership or clinical privileges in designated administrative circumstances as specifically approved by the medical staff. This bylaw provision must specifically describe both the administrative circumstance that can result in a summary suspension and the length of the summary suspension. The opportunity for a fair hearing is required for any administrative summary suspension. Any requested hearing must be commenced within 15 days after the summary suspension and completed without delay. Adverse decisions other than suspension or other restrictions on the treatment or admission of patients may be imposed summarily and without a hearing under designated administrative circumstances as specifically provided for in the medical staff bylaws as approved by the medical staff.

(iii) If a hospital exercises its option to enter into an exclusive contract and that contract results in the total or partial termination or reduction of medical staff membership or clinical privileges of a current medical staff member, the hospital shall provide the affected medical staff member 60 days

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prior notice of the effect on his or her medical staff membership or privileges. An affected medical staff member desiring a hearing under subparagraph (C) of this paragraph (2) must request the hearing within 14 days after the date he or she is so notified. The requested hearing shall be commenced and completed (with a report and recommendation to the affected medical staff member, hospital governing board, and medical staff) within 30 days after the date of the medical staff member's request. If agreed upon by both the medical staff and the hospital governing board, the medical staff bylaws may provide for longer time periods.

(D) A statement of the member's right to inspect all pertinent information in the hospital's possession with respect to the decision.

(E) A statement of the member's right to present witnesses and other evidence at the hearing on the decision.

(F) A written notice and written explanation of the decision resulting from the hearing.

(F-5) A written notice of a final adverse decision by a hospital governing board.

(G) Notice given 15 days before implementation of an adverse medical staff membership or clinical privileges decision based substantially on economic factors. This notice shall be given after the medical staff member exhausts all applicable procedures under this Section, including item (iii) of subparagraph (C) of this paragraph (2), and under the medical staff bylaws in order to allow sufficient time for the orderly provision of patient care.

(H) Nothing in this paragraph (2) of this subsection (b) limits a medical staff member's right to waive, in writing, the rights provided in subparagraphs (A) through (G) of this paragraph (2) of this subsection (b) upon being granted the written exclusive right to provide particular services at a hospital, either individually or as a member of a group. If an exclusive contract is signed by a representative of a group of physicians, a waiver contained

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in the contract shall apply to all members of the group unless stated otherwise in the contract.

(3) Every adverse medical staff membership and clinical privilege decision based substantially on economic factors shall be reported to the Hospital Licensing Board before the decision takes effect. These reports shall not be disclosed in any form that reveals the identity of any hospital or physician. These reports shall be utilized to study the effects that hospital medical staff membership and clinical privilege decisions based upon economic factors have on access to care and the availability of physician services. The Hospital Licensing Board shall submit an initial study to the Governor and the General Assembly by January 1, 1996, and subsequent reports shall be submitted periodically thereafter.

(4) As used in this Section:

"Adverse decision" means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges.

"Economic factor" means any information or reasons for decisions unrelated to quality of care or professional competency.

"Pre-applicant" means a physician licensed to practice medicine in all its branches who requests an application for medical staff membership or privileges.

"Privilege" means permission to provide medical or other patient care services and permission to use hospital resources, including equipment, facilities and personnel that are necessary to effectively provide medical or other patient care services. This definition shall not be construed to require a hospital to acquire additional equipment, facilities, or personnel to accommodate the granting of privileges.

(5) Any amendment to medical staff bylaws required because of this amendatory Act of the 91st General Assembly shall be adopted on or before July 1, 2001.

(c) All hospitals shall consult with the medical staff prior to closing membership in the entire or any portion of the medical staff or a department. If the hospital closes membership in the medical staff, any portion of the medical staff, or the department over the objections of the medical staff, then the hospital shall provide a detailed written explanation for the decision to the medical staff 10 days prior to the effective date of

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Section 35. The Health Care Professional Credentials Data Collection Act is amended by changing Section 15 as follows:

(410 ILCS 517/15)

Sec. 15. Development and use of uniform health care and hospital credentials forms.

(a) The Department, in consultation with the council, shall by rule establish:

(1) a uniform health care credentials form that shall include the credentials data commonly requested by health care entities and health care plans for purposes of credentialing and shall minimize the need for the collection of additional credentials data;

(2) a uniform health care recredentialing form that shall include the credentials data commonly requested by health care entities and health care plans for purposes of recredentialing and shall minimize the need for the collection of additional credentials data;

(3) a uniform hospital credentials form that shall include the credentials data commonly requested by hospitals for purposes of credentialing and shall minimize the need for the collection of additional credentials data;

(4) a uniform hospital recredentialing form that shall include the credentials data commonly requested by hospitals for purposes of recredentialing and shall minimize the need for collection of additional credentials data; and

(5) uniform updating forms.

(b) The uniform forms established in subsection (a) shall be coordinated to reduce the need to provide redundant information. Further, the forms shall be made available in both paper and electronic formats.

(c) The Department, in consultation with the council, shall establish by rule a date after which an electronic format may be required by a health care entity, a health care plan, or a hospital, and a health care professional may require acceptance of an electronic format by a health care entity, a health care plan, or a hospital.

(d) Beginning January 1, 2002, each health care entity or health care plan that employs, contracts with, or allows health care professionals

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to provide medical or health care services and requires health care professionals to be credentialed or recredentialed shall for purposes of collecting credentials data only require:

1. the uniform health care credentials form;
2. the uniform health care recredentials form;
3. the uniform updating forms; and
4. any additional credentials data requested.

(e) Beginning January 1, 2002, each hospital that employs, contracts with, or allows health care professionals to provide medical or health care services and requires health care professionals to be credentialed or recredentialed shall for purposes of collecting credentials data only require:

1. the uniform hospital credentials form;
2. the uniform hospital recredentials form;
3. the uniform updating forms; and
4. any additional credentials data requested.

(f) Each health care entity and health care plan shall complete the process of verifying a health care professional's credentials data in a timely fashion and shall complete the process of credentialing or recredentialing of the health care professional within 60 days after submission of all credentials data and completion of verification of the credentials data.

(g) Each health care professional shall provide any corrections, updates, and modifications to his or her credentials data to ensure that all credentials data on the health care professional remains current. Such corrections, updates, and modifications shall be provided within 5 business days for State health care professional license revocation, federal Drug Enforcement Agency license revocation, Medicare or Medicaid sanctions, revocation of hospital privileges, any lapse in professional liability coverage required by a health care entity, health care plan, or hospital, or conviction of a felony, and within 45 days for any other change in the information from the date the health care professional knew of the change. All updates shall be made on the uniform updating forms developed by the Department.

(h) Any credentials data collected or obtained by the health care entity, health care plan, or hospital shall be confidential, as provided by law, and otherwise may not be redisclosed without written consent of the health care professional, except that in any proceeding to challenge credentialing or recredentialing, or in any judicial review, the claim of confidentiality shall not be invoked to deny a health care professional,
health care entity, health care plan, or hospital access to or use of credentials data. Nothing in this Section prevents a health care entity, health care plan, or hospital from disclosing any credentials data to its officers, directors, employees, agents, subcontractors, medical staff members, any committee of the health care entity, health care plan, or hospital involved in the credentialing process, or accreditation bodies or licensing agencies. However, any redisclosure of credentials data contrary to this Section is prohibited.

(i) Nothing in this Act shall be construed to restrict the right of any health care entity, health care plan or hospital to request additional information necessary for credentialing or recredentialing.

(j) Nothing in this Act shall be construed to restrict in any way the authority of any health care entity, health care plan or hospital to approve, suspend or deny an application for hospital staff membership, clinical privileges, or managed care network participation.

(k) Nothing in this Act shall be construed to prohibit delegation of credentialing and recredentialing activities as long as the delegated entity follows the requirements set forth in this Act.

(l) Nothing in this Act shall be construed to require any health care entity or health care plan to credential or survey any health care professional.

(m) Nothing in this Act prohibits a hospital from granting disaster privileges pursuant to the provisions of Section 10.4 of the Hospital Licensing Act. When a hospital grants disaster privileges pursuant to Section 10.4 of the Hospital Licensing Act, that hospital is not required to collect credentials data pursuant to this Act.

(Source: P.A. 91-602, eff. 8-16-99; 92-193, eff. 1-1-02.)

Section 40. The Illinois Vehicle Code is amended by changing Sections 1-105 and 12-215 as follows:

(625 ILCS 5/1-105) (from Ch. 95 1/2, par. 1-105)

Sec. 1-105. Authorized emergency vehicle. Emergency vehicles of municipal departments or public service corporations as are designated or authorized by proper local authorities; police vehicles; vehicles of the fire department; ambulances; vehicles of the Illinois Emergency Management Agency; vehicles of the Illinois Department of Public Health; and vehicles of the Department of Nuclear Safety.

(Source: P.A. 92-138, eff. 7-24-01.)

(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

New matter indicated by italics - deletions by strikeout.
Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;
2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;
3. Vehicles of local fire departments and State or federal firefighting vehicles;
4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;
5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;
7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act; and
8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in

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towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;

2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such

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lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, or control agency;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:
   voluntary firefighter;
   paid firefighter;
   part-paid firefighter;
   call firefighter;
   member of the board of trustees of a fire protection district;
   paid or unpaid member of a rescue squad;
   paid or unpaid member of a voluntary ambulance unit; or
   paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.
   However, such lights are not to be lighted except when responding to a bona fide emergency.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

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5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.


8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives may be so equipped; furthermore, such lights shall not be lighted on vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in highway maintenance or construction operations within the

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limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 92-138, eff. 7-24-01; 92-407, eff. 8-17-01; 92-651, eff. 7-11-02; 92-782, eff. 8-6-02; 92-820, eff. 8-21-02; 92-872, eff. 6-1-03; 93-181, eff. 1-1-04.)

Section 45. The Communicable Disease Report Act is amended by changing Section 1 as follows:

(745 ILCS 45/1) (from Ch. 126, par. 21)

Sec. 1. Whenever any statute of this State or any ordinance or resolution of a municipal corporation or political subdivision enacted pursuant to statute or any rule of an administrative agency adopted pursuant to statute requires medical practitioners or other persons to report cases of injury, medical condition or procedure, communicable disease, venereal disease, or sexually transmitted disease to any governmental agency or officer, such reports shall be confidential, and any medical practitioner or other person making such report in good faith shall be immune from suit for slander or libel based upon any statements contained in such report.

The identity of any individual who makes a report or who is identified in a report of an injury, medical condition or procedure, communicable disease, venereal disease, sexually transmitted disease, or food-borne illness or an investigation conducted pursuant to a report of an injury, medical condition or procedure, communicable disease, venereal disease, sexually transmitted disease, or food-borne illness shall be

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confidential and the identity of any person making a report or named therein shall not be disclosed publicly or in any action of any kind in any court or before any tribunal, board or agency; provided that records and communications concerning a venereal disease or sexually transmitted disease in any minor under 11 years of age shall be disclosed in accordance with the provisions of the Abused and Neglected Child Reporting Act, approved June 26, 1975, as now or hereafter amended.

The confidentiality provisions of this Act do not apply to the results of tests for diseases conducted pursuant to subsections (g) and (g-5) of Section 5-5-3 and subsection (a) of Section 3-15-2 of the Unified Code of Corrections.

Nothing in this Act prohibits the sharing of information as authorized in Section 2.1 of the Department of Public Health Act.

(Source: P.A. 89-187, eff. 7-19-95; 89-381, eff. 8-18-95; 89-477, eff. 6-18-96; 89-626, eff. 8-9-96.)

Section 50. The Workers' Compensation Act is amended by changing Section 11 as follows:

(820 ILCS 305/11) (from Ch. 48, par. 138.11)

Sec. 11. The compensation herein provided, together with the provisions of this Act, shall be the measure of the responsibility of any employer engaged in any of the enterprises or businesses enumerated in Section 3 of this Act, or of any employer who is not engaged in any such enterprises or businesses, but who has elected to provide and pay compensation for accidental injuries sustained by any employee arising out of and in the course of the employment according to the provisions of this Act, and whose election to continue under this Act, has not been nullified by any action of his employees as provided for in this Act.

Accidental injuries incurred while participating in voluntary recreational programs including but not limited to athletic events, parties and picnics do not arise out of and in the course of the employment even though the employer pays some or all of the cost thereof. This exclusion shall not apply in the event that the injured employee was ordered or assigned by his employer to participate in the program.

Accidental injuries incurred while participating as a patient in a drug or alcohol rehabilitation program do not arise out of and in the course of employment even though the employer pays some or all of the costs thereof.

Any injury to or disease or death of an employee arising from the administration of a vaccine, including without limitation smallpox

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vaccine, to prepare for, or as a response to, a threatened or potential bioterrorist incident to the employee as part of a voluntary inoculation program in connection with the person's employment or in connection with any governmental program or recommendation for the inoculation of workers in the employee's occupation, geographical area, or other category that includes the employee is deemed to arise out of and in the course of the employment for all purposes under this Act. This paragraph added by this amendatory Act of the 93rd General Assembly is declarative of existing law and is not a new enactment.
(Source: P.A. 81-1482.)

Section 55. The Workers' Occupational Diseases Act is amended by changing Section 1 as follows:

(820 ILCS 310/1) (from Ch. 48, par. 172.36)
Sec. 1. This Act shall be known and may be cited as the "Workers' Occupational Diseases Act".
(a) The term "employer" as used in this Act shall be construed to be:

1. The State and each county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein.
2. Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious or charitable corporations or associations, who has any person in service or under any contract for hire, express or implied, oral or written.
3. Where an employer operating under and subject to the provisions of this Act loans an employee to another such employer and such loaned employee sustains a compensable occupational disease in the employment of such borrowing employer and where such borrowing employer does not provide or pay the benefits or payments due such employee, such loaning employer shall be liable to provide or pay all benefits or payments due such employee under this Act and as to such employee the liability of such loaning and borrowing employers shall be joint and several, provided that such loaning employer shall in the absence of agreement to the contrary be entitled to receive from such borrowing employer full reimbursement for all sums paid or incurred pursuant to this paragraph together with reasonable attorneys' fees and expenses in any hearings before the Industrial Commission or in any action to secure such reimbursement. Where any benefit is provided or paid by such loaning employer, the employee shall have the duty of rendering reasonable co-

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operation in any hearings, trials or proceedings in the case, including such proceedings for reimbursement.

Where an employee files an Application for Adjustment of Claim with the Industrial Commission alleging that his or her claim is covered by the provisions of the preceding paragraph, and joining both the alleged loaning and borrowing employers, they and each of them, upon written demand by the employee and within 7 days after receipt of such demand, shall have the duty of filing with the Industrial Commission a written admission or denial of the allegation that the claim is covered by the provisions of the preceding paragraph and in default of such filing or if any such denial be ultimately determined not to have been bona fide then the provisions of Paragraph K of Section 19 of this Act shall apply.

An employer whose business or enterprise or a substantial part thereof consists of hiring, procuring or furnishing employees to or for other employers operating under and subject to the provisions of this Act for the performance of the work of such other employers and who pays such employees their salary or wage notwithstanding that they are doing the work of such other employers shall be deemed a loaning employer within the meaning and provisions of this Section.

(b) The term "employee" as used in this Act, shall be construed to mean:

1. Every person in the service of the State, county, city, town, township, incorporated village or school district, body politic or municipal corporation therein, whether by election, appointment or contract of hire, express or implied, oral or written, including any official of the State, or of any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein and except any duly appointed member of the fire department in any city whose population exceeds 500,000 according to the last Federal or State census, and except any member of a fire insurance patrol maintained by a board of underwriters in this State. One employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic or municipal corporation therein, through its representatives, shall not be considered as an employee of the State, county, city, town, township, incorporated village, school district, body politic or municipal corporation which made the contract.

2. Every person in the service of another under any contract of hire, express or implied, oral or written, who contracts an occupational disease while working in the State of Illinois, or who contracts an occupational disease.
disease while working outside of the State of Illinois but where the contract of hire is made within the State of Illinois, and any person whose employment is principally localized within the State of Illinois, regardless of the place where the disease was contracted or place where the contract of hire was made, including aliens, and minors who, for the purpose of this Act, except Section 3 hereof, shall be considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees. An employee or his or her dependents under this Act who shall have a cause of action by reason of an occupational disease, disablement or death arising out of and in the course of his or her employment may elect or pursue his or her remedy in the State where the disease was contracted, or in the State where the contract of hire is made, or in the State where the employment is principally localized.

(c) "Commission" means the Industrial Commission created by the Workers' Compensation Act, approved July 9, 1951, as amended.

(d) In this Act the term "Occupational Disease" means a disease arising out of and in the course of the employment or which has become aggravated and rendered disabling as a result of the exposure of the employment. Such aggravation shall arise out of a risk peculiar to or increased by the employment and not common to the general public.

A disease shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin or aggravation in a risk connected with the employment and to have flowed from that source as a rational consequence.

An employee shall be conclusively deemed to have been exposed to the hazards of an occupational disease when, for any length of time however short, he or she is employed in an occupation or process in which the hazard of the disease exists; provided however, that in a claim of exposure to atomic radiation, the fact of such exposure must be verified by the records of the central registry of radiation exposure maintained by the Department of Public Health or by some other recognized governmental agency maintaining records of such exposures whenever and to the extent that the records are on file with the Department of Public Health or the agency.

Any injury to or disease or death of an employee arising from the administration of a vaccine, including without limitation smallpox

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vaccine, to prepare for, or as a response to, a threatened or potential bioterrorist incident to the employee as part of a voluntary inoculation program in connection with the person’s employment or in connection with any governmental program or recommendation for the inoculation of workers in the employee’s occupation, geographical area, or other category that includes the employee is deemed to arise out of and in the course of the employment for all purposes under this Act. This paragraph added by this amendatory Act of the 93rd General Assembly is declarative of existing law and is not a new enactment.

The employer liable for the compensation in this Act provided shall be the employer in whose employment the employee was last exposed to the hazard of the occupational disease claimed upon regardless of the length of time of such last exposure, except, in cases of silicosis or asbestosis, the only employer liable shall be the last employer in whose employment the employee was last exposed during a period of 60 days or more after the effective date of this Act, to the hazard of such occupational disease, and, in such cases, an exposure during a period of less than 60 days, after the effective date of this Act, shall not be deemed a last exposure. If a miner who is suffering or suffered from pneumoconiosis was employed for 10 years or more in one or more coal mines there shall, effective July 1, 1973 be a rebuttable presumption that his or her pneumoconiosis arose out of such employment.

If a deceased miner was employed for 10 years or more in one or more coal mines and died from a respirable disease there shall, effective July 1, 1973, be a rebuttable presumption that his or her death was due to pneumoconiosis.

The insurance carrier liable shall be the carrier whose policy was in effect covering the employer liable on the last day of the exposure rendering such employer liable in accordance with the provisions of this Act.

(e) "Disablement" means an impairment or partial impairment, temporary or permanent, in the function of the body or any of the members of the body, or the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the hazards of the occupational disease by the employer from whom he or she claims compensation, or equal wages in other suitable employment; and "disability" means the state of being so incapacitated.

(f) No compensation shall be payable for or on account of any occupational disease unless disablement, as herein defined, occurs within

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two years after the last day of the last exposure to the hazards of the disease, except in cases of occupational disease caused by berylliosis or by the inhalation of silica dust or asbestos dust and, in such cases, within 3 years after the last day of the last exposure to the hazards of such disease and except in the case of occupational disease caused by exposure to radiological materials or equipment, and in such case, within 25 years after the last day of last exposure to the hazards of such disease.

(Source: P.A. 81-992.)

Section 60. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

(5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)
Sec. 5-45. Emergency rulemaking.
(a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.

(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24 month period, except that this limitation on the number of emergency rules that may be adopted in a 24 month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act, or (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock

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Management Facilities Act; or (iii) emergency rules adopted by the Illinois Department of Public Health under subsections (a) through (i) of Section 2 of the Department of Public Health Act when necessary to protect the public's health. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

(d) In order to provide for the expeditious and timely implementation of the State's fiscal year 1999 budget, emergency rules to implement any provision of Public Act 90-587 or 90-588 or any other budget initiative for fiscal year 1999 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (d). The adoption of emergency rules authorized by this subsection (d) shall be deemed to be necessary for the public interest, safety, and welfare.

(e) In order to provide for the expeditious and timely implementation of the State's fiscal year 2000 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2000 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (e). The adoption of emergency rules authorized by this subsection (e) shall be deemed to be necessary for the public interest, safety, and welfare.

(f) In order to provide for the expeditious and timely implementation of the State's fiscal year 2001 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2001 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (f). The adoption of emergency rules authorized by this subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.

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(g) In order to provide for the expeditious and timely implementation of the State's fiscal year 2002 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2002 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (g). The adoption of emergency rules authorized by this subsection (g) shall be deemed to be necessary for the public interest, safety, and welfare.

(h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.

(i) In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget, emergency rules to implement any provision of this amendatory Act of the 93rd General Assembly or any other budget initiative for fiscal year 2004 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (i). The adoption of emergency rules authorized by this subsection (i) shall be deemed to be necessary for the public interest, safety, and welfare.

(Source: P.A. 92-10, eff. 6-11-01; 92-597, eff. 6-28-02; 93-20, eff. 6-20-03.)

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


New matter indicated by italics - deletions by strikeout.
AN ACT in relation to criminal law.

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

Section 5. The Illinois Criminal Justice Information Act is amended by changing Section 4 as follows:

(20 ILCS 3930/4) (from Ch. 38, par. 210-4)

Sec. 4. Illinois Criminal Justice Information Authority; creation, membership, and meetings. There is created an Illinois Criminal Justice Information Authority consisting of 21 members. The membership of the Authority shall consist of the Illinois Attorney General, or his or her designee, the Director of the Illinois Department of Corrections, the Director of the Illinois Department of State Police, the Sheriff of Cook County, the State's Attorney of Cook County, the clerk of the circuit court of Cook County, the President of the Cook County Board of Commissioners, the Superintendent of the Chicago Police Department, the Director of the Office of the State's Attorneys Appellate Prosecutor, the Executive Director of the Illinois Law Enforcement Training Standards Board, the State Appellate Defender, and the following additional members, each of whom shall be appointed by the Governor: a circuit court clerk, a sheriff, and a State's Attorney of a county other than Cook, a chief of police, and 6 members of the general public.

The Governor from time to time shall designate a Chairman of the Authority from the membership. All members of the Authority appointed by the Governor shall serve at the pleasure of the Governor for a term not to exceed 4 years. The initial appointed members of the Authority shall serve from January, 1983 until the third Monday in January, 1987 or until their successors are appointed.

The Authority shall meet at least quarterly, and all meetings of the Authority shall be called by the Chairman.

(Source: P.A. 91-483, eff. 1-1-00; 91-798, eff. 7-9-00; 92-21, eff. 7-1-01.)


Effective January 1, 2005.
AN ACT concerning environmental protection.

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

Section 5. The Environmental Protection Act is amended by changing Section 42 as follows:

(415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

Sec. 42. Civil penalties.

(a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any order of the Board pursuant to this Act, shall be liable for a civil penalty of not to exceed $50,000 for the violation and an additional civil penalty of not to exceed $10,000 for each day during which the violation continues; such penalties may, upon order of the Board or a court of competent jurisdiction, be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.

(b) Notwithstanding the provisions of subsection (a) of this Section:

(1) Any person that violates Section 12(f) of this Act or any NPDES permit or term or condition thereof, or any filing requirement, regulation or order relating to the NPDES permit program, shall be liable to a civil penalty of not to exceed $10,000 per day of violation.

(2) Any person that violates Section 12(g) of this Act or any UIC permit or term or condition thereof, or any filing requirement, regulation or order relating to the State UIC program for all wells, except Class II wells as defined by the Board under this Act, shall be liable to a civil penalty not to exceed $2,500 per day of violation; provided, however, that any person who commits such violations relating to the State UIC program for Class II wells, as defined by the Board under this Act, shall be liable to a civil penalty of not to exceed $10,000 for the violation and an additional civil penalty of not to exceed $1,000 for each day during which the violation continues.

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(3) Any person that violates Sections 21(f), 21(g), 21(h) or 21(i) of this Act, or any RCRA permit or term or condition thereof, or any filing requirement, regulation or order relating to the State RCRA program, shall be liable to a civil penalty of not to exceed $25,000 per day of violation.

(4) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (o) of Section 21 of this Act shall pay a civil penalty of $500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency. Such penalties shall be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(4-5) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (p) of Section 21 of this Act shall pay a civil penalty of $1,500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency, except that the civil penalty amount shall be $3,000 for each violation of any provision of subsection (p) of Section 21 that is the person's second or subsequent adjudication violation of that provision. The penalties shall be deposited into the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(5) Any person who violates subsection 6 of Section 39.5 of this Act or any CAAPP permit, or term or condition thereof, or any fee or filing requirement, or any duty to allow or carry out inspection, entry or monitoring activities, or any regulation or order relating to the CAAPP shall be liable for a civil penalty not to exceed $10,000 per day of violation.

(b.5) In lieu of the penalties set forth in subsections (a) and (b) of this Section, any person who fails to file, in a timely manner, toxic chemical release forms with the Agency pursuant to Section 25b-2 of this Act shall be liable for a civil penalty of $100 per day for each day the forms are late, not to exceed a maximum total penalty of $6,000. This

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daily penalty shall begin accruing on the thirty-first day after the date that
the person receives the warning notice issued by the Agency pursuant to
Section 25b-6 of this Act; and the penalty shall be paid to the Agency. The
daily accrual of penalties shall cease as of January 1 of the following year.
All penalties collected by the Agency pursuant to this subsection shall be
deposited into the Environmental Protection Permit and Inspection Fund.

(c) Any person that violates this Act, any rule or regulation adopted
under this Act, any permit or term or condition of a permit, or any Board
order and causes the death of fish or aquatic life shall, in addition to the
other penalties provided by this Act, be liable to pay to the State an
additional sum for the reasonable value of the fish or aquatic life
destroyed. Any money so recovered shall be placed in the Wildlife and
Fish Fund in the State Treasury.

(d) The penalties provided for in this Section may be recovered in a
civil action.

(e) The State's Attorney of the county in which the violation
occurred, or the Attorney General, may, at the request of the Agency or on
his own motion, institute a civil action for an injunction, prohibitory or
mandatory, to restrain violations of this Act, any rule or regulation adopted
under this Act, any permit or term or condition of a permit, or any Board
order, or to require such other actions as may be necessary to address
violations of this Act, any rule or regulation adopted under this Act, any
permit or term or condition of a permit, or any Board order.

(f) The State's Attorney of the county in which the violation
occurred, or the Attorney General, shall bring such actions in the name of
the people of the State of Illinois. Without limiting any other authority
which may exist for the awarding of attorney's fees and costs, the Board or
a court of competent jurisdiction may award costs and reasonable
attorney's fees, including the reasonable costs of expert witnesses and
consultants, to the State's Attorney or the Attorney General in a case where
he has prevailed against a person who has committed a wilful, knowing or
repeated violation of this Act, any rule or regulation adopted under this
Act, any permit or term or condition of a permit, or any Board order.

Any funds collected under this subsection (f) in which the Attorney
General has prevailed shall be deposited in the Hazardous Waste Fund
created in Section 22.2 of this Act. Any funds collected under this
subsection (f) in which a State's Attorney has prevailed shall be retained by
the county in which he serves.

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(g) All final orders imposing civil penalties pursuant to this Section shall prescribe the time for payment of such penalties. If any such penalty is not paid within the time prescribed, interest on such penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, shall be paid for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

(h) In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or (b)(5) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In determining the appropriate civil penalty to be imposed under subsection (a) or paragraph (1), (2), (3), or (5) of subsection (b) of this Section, the Board shall ensure, in all cases, that the penalty is at least as great as the economic benefits, if any, accrued by the respondent as a result.

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of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship. However, such civil penalty may be off-set in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent.

(i) A person who voluntarily self-discloses non-compliance to the Agency, of which the Agency had been unaware, is entitled to a 100% reduction in the portion of the penalty that is not based on the economic benefit of non-compliance if the person can establish the following:

(1) that the non-compliance was discovered through an environmental audit, as defined in Section 52.2 of this Act, and the person waives the environmental audit privileges as provided in that Section with respect to that non-compliance;

(2) that the non-compliance was disclosed in writing within 30 days of the date on which the person discovered it;

(3) that the non-compliance was discovered and disclosed prior to:

(i) the commencement of an Agency inspection, investigation, or request for information;
(ii) notice of a citizen suit;
(iii) the filing of a complaint by a citizen, the Illinois Attorney General, or the State's Attorney of the county in which the violation occurred;
(iv) the reporting of the non-compliance by an employee of the person without that person's knowledge; or
(v) imminent discovery of the non-compliance by the Agency;

(4) that the non-compliance is being corrected and any environmental harm is being remediated in a timely fashion;

(5) that the person agrees to prevent a recurrence of the non-compliance;

(6) that no related non-compliance events have occurred in the past 3 years at the same facility or in the past 5 years as part of a pattern at multiple facilities owned or operated by the person;

(7) that the non-compliance did not result in serious actual harm or present an imminent and substantial endangerment to human health or the environment or violate the specific terms of any judicial or administrative order or consent agreement;

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(8) that the person cooperates as reasonably requested by
the Agency after the disclosure; and
(9) that the non-compliance was identified voluntarily and
not through a monitoring, sampling, or auditing procedure that is
required by statute, rule, permit, judicial or administrative order, or
consent agreement.
If a person can establish all of the elements under this subsection
except the element set forth in paragraph (1) of this subsection, the person
is entitled to a 75% reduction in the portion of the penalty that is not based
upon the economic benefit of non-compliance.
(Source: P.A. 93-152, eff. 7-10-03; 93-575, eff. 1-1-04; revised 9-11-03.)
Section 99. Effective date. This Act takes effect upon becoming
law.

PUBLIC ACT 93-0832
(Senate Bill No. 2386)
AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing
Sections 7-1, 7-2, and 7-3 as follows:
(720 ILCS 5/7-1) (from Ch. 38, par. 7-1)
Sec. 7-1. Use of force in defense of person.
(a) A person is justified in the use of force against another when
and to the extent that he reasonably believes that such conduct is necessary
to defend himself or another against such other's imminent use of unlawful
force. However, he is justified in the use of force which is intended or
likely to cause death or great bodily harm only if he reasonably believes
that such force is necessary to prevent imminent death or great bodily
harm to himself or another, or the commission of a forcible felony.
(b) In no case shall any act involving the use of force justified
under this Section give rise to any claim or liability brought by or on
behalf of any person acting within the definition of "aggressor" set forth in
Section 7-4 of this Article, or the estate, spouse, or other family member of
such a person, against the person or estate of the person using such

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justified force, unless the use of force involves willful or wanton misconduct.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/7-2) (from Ch. 38, par. 7-2)
Sec. 7-2. Use of force in defense of dwelling.
(a) A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to prevent or terminate such other's unlawful entry into or attack upon a dwelling. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if:
(1) (a) The entry is made or attempted in a violent, riotous, or tumultuous manner, and he reasonably believes that such force is necessary to prevent an assault upon, or offer of personal violence to, him or another then in the dwelling, or
(2) (b) He reasonably believes that such force is necessary to prevent the commission of a felony in the dwelling.
(b) In no case shall any act involving the use of force justified under this Section give rise to any claim or liability brought by or on behalf of any person acting within the definition of "aggressor" set forth in Section 7-4 of this Article, or the estate, spouse, or other family member of such a person, against the person or estate of the person using such justified force, unless the use of force involves willful or wanton misconduct.

(Source: Laws 1967, p. 696.)

(720 ILCS 5/7-3) (from Ch. 38, par. 7-3)
Sec. 7-3. Use of force in defense of other property.
(a) A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to prevent or terminate such other's trespass on or other tortious or criminal interference with either real property (other than a dwelling) or personal property, lawfully in his possession or in the possession of another who is a member of his immediate family or household or of a person whose property he has a legal duty to protect. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent the commission of a forcible felony.
(b) In no case shall any act involving the use of force justified under this Section give rise to any claim or liability brought by or on behalf of any person acting within the definition of "aggressor" set forth in

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Section 7-4 of this Article, or the estate, spouse, or other family member of such a person, against the person or estate of the person using such justified force, unless the use of force involves willful or wanton misconduct.
(Source: Laws 1961, p. 1983.)

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


PUBLIC ACT 93-0833
(Senate Bill No. 2526)

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

Section 5. The Military Code of Illinois is amended by adding Section 27.5 as follows:

(20 ILCS 1805/27.5 new)

Sec. 27.5. Publication of rights and responsibilities. The Department must create a publication setting forth the rights and responsibilities of service members under State and federal law. The Department must make this publication available through printed or electronic means to service members, their families, and organizations that assist service members, veterans, or their families.

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


PUBLIC ACT 93-0834
(House Bill No. 4063)

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

New matter indicated by italics - deletions by strikeout.
Section 5. The Criminal Code of 1961 is amended by changing Section 3-5 as follows:

(720 ILCS 5/3-5) (from Ch. 38, par. 3-5)
Sec. 3-5. General Limitations.

(a) A prosecution for: (1) first degree murder, attempt to commit first degree murder, second degree murder, involuntary manslaughter, reckless homicide, concealment of homicidal death, treason, arson, aggravated arson, forgery, or (2) any offense involving sexual conduct or sexual penetration as defined by Section 12-12 of this Code in which the DNA profile of the offender is obtained and entered into a DNA database within 10 years after the commission of the offense and the identity of the offender is unknown after a diligent investigation by law enforcement authorities, may be commenced at any time. Clause (2) of this subsection (a) applies only if either: (i) the victim reported the offense to law enforcement authorities within 2 years after the commission of the offense unless a longer period for reporting the offense to law enforcement authorities is provided in Section 3-6 or (ii) the victim is murdered during the course of the offense or within 2 years after the commission of the offense.

(b) Unless the statute describing the offense provides otherwise, or the period of limitation is extended by Section 3-6, a prosecution for any offense not designated in Subsection (a) must be commenced within 3 years after the commission of the offense if it is a felony, or within one year and 6 months after its commission if it is a misdemeanor.

(Source: P.A. 91-801, eff. 6-13-00; 92-752, eff. 8-2-02.)

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


PUBLIC ACT 93-0835
(House Bill No. 4076)

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

Section 5. The Illinois Income Tax Act is amended by changing Section 917 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 917. Confidentiality and information sharing.

(a) Confidentiality. Except as provided in this Section, all information received by the Department from returns filed under this Act, or from any investigation conducted under the provisions of this Act, shall be confidential, except for official purposes within the Department or pursuant to official procedures for collection of any State tax or pursuant to an investigation or audit by the Illinois State Scholarship Commission of a delinquent student loan or monetary award or enforcement of any civil or criminal penalty or sanction imposed by this Act or by another statute imposing a State tax, and any person who divulges any such information in any manner, except for such purposes and pursuant to order of the Director or in accordance with a proper judicial order, shall be guilty of a Class A misdemeanor. However, the provisions of this paragraph are not applicable to information furnished to (i) the Department of Public Aid, State's Attorneys, and the Attorney General for child support enforcement purposes and (ii) a licensed attorney representing the taxpayer where an appeal or a protest has been filed on behalf of the taxpayer. If it is necessary to file information obtained pursuant to this Act in a child support enforcement proceeding, the information shall be filed under seal.

(b) Public information. Nothing contained in this Act shall prevent the Director from publishing or making available to the public the names and addresses of persons filing returns under this Act, or from publishing or making available reasonable statistics concerning the operation of the tax wherein the contents of returns are grouped into aggregates in such a way that the information contained in any individual return shall not be disclosed.

(c) Governmental agencies. The Director may make available to the Secretary of the Treasury of the United States or his delegate, or the proper officer or his delegate of any other state imposing a tax upon or measured by income, for exclusively official purposes, information received by the Department in the administration of this Act, but such permission shall be granted only if the United States or such other state, as the case may be, grants the Department substantially similar privileges. The Director may exchange information with the Illinois Department of Public Aid and the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) for the purpose of verifying sources and amounts of income and for

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other purposes directly connected with the administration of this Act and the Illinois Public Aid Code. The Director may exchange information with the Director of the Department of Employment Security for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and Acts administered by the Department of Employment Security. The Director may make available to the Illinois Industrial Commission information regarding employers for the purpose of verifying the insurance coverage required under the Workers' Compensation Act and Workers' Occupational Diseases Act.

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may make available to any State agency, including the Illinois Supreme Court, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to file returns under this Act or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

The Director may make available to any State agency, including the Illinois Supreme Court, units of local government, and school districts, information regarding whether a bidder or contractor is an affiliate of a person who is not collecting and remitting Illinois Use taxes, for the limited purpose of enforcing bidder and contractor certifications.

The Director may also make available to the Secretary of State information that a corporation which has been issued a certificate of

New matter indicated by italics - deletions by strikeout.
incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted. For taxable years ending on or after December 31, 1987, the Director may make available to the Director or principal officer of any Department of the State of Illinois, information that a person employed by such Department has failed to file returns under this Act or pay the tax, penalty and interest shown therein. For purposes of this paragraph, the word "Department" shall have the same meaning as provided in Section 3 of the State Employees Group Insurance Act of 1971.

(d) The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

(e) Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer, by an authorized representative of the taxpayer, or, in the case of information related to a joint return, by the spouse filing the joint return with the taxpayer.

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0836
(House Bill No. 4106)

AN ACT concerning fees.

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

Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by adding Section 2505-655 as follows:

(20 ILCS 2505/2505-655 new)

Sec. 2505-655. Collection of past due circuit court fees. Upon certification by the Clerk of the Circuit Court of the amounts of delinquent court fees, the Department of Revenue may collect the past due fees by intercepting the tax refund of any person owing the fees. The Department of Revenue shall enter into an agreement with the Clerk of the Circuit Court as provided in Section 27.2b of the Clerks of Courts Act prior to undertaking any collections under this Section. Any agreement between the Department of Revenue and the Clerk of the Circuit Court for the intercept of tax refunds shall contain provisions for certification of debt, notification to the taxpayer of the intercept, treatment of joint returns, and protest of the intercept that are consistent with the requirements for a refund withholding request under Section 911.2 of the Illinois Income Tax Act.

Section 10. The Illinois Income Tax Act is amended by changing Section 911.3 as follows:

(35 ILCS 5/911.3)

Sec. 911.3. Refunds withheld; order of honoring requests. The Department shall honor refund withholding requests in the following order:

(1) a refund withholding request to collect an unpaid State tax;

New matter indicated by italics - deletions by strikeout.
(2) a refund withholding request to collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law of the Civil Administrative Code of Illinois;

(3) a refund withholding request to collect any debt owed to the State;

(4) a refund withholding request made by the Secretary of the Treasury of the United States, or his or her delegate, to collect any tax liability arising from Title 26 of the United States Code; and

(5) a refund withholding request pursuant to Section 911.2 of this Act; and

(6) a refund withholding request to collect certified past due fees owed to the Clerk of the Circuit Court as authorized under Section 2505-655 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(Source: P.A. 92-826, eff. 8-21-02.)

Section 15. The Clerks of Courts Act is amended by changing Section 27.3b and by adding Section 27.2b as follows:

(705 ILCS 105/27.2b new)

Sec. 27.2b. State income tax refund intercept. The Clerk of the Circuit Court may enter into an agreement with the Illinois Department of Revenue to establish a pilot program for the purpose of collecting certain fees. The purpose shall be to intercept, in whole or in part, State income tax refunds due the persons who owe past due fees to the Clerk of the Circuit Court in order to satisfy unpaid fees pursuant to the fee requirements of Sections 27.1a, 27.2, and 27.2a of this Act. The agreement shall include, but may not be limited to, a certification by the Clerk of the Circuit Court that the debt claims forwarded to the Department of Revenue are valid and that reasonable efforts have been made to notify persons of the delinquency of the debt. The agreement shall include provisions for payment of the intercept by the Department of Revenue to the Clerk of the Circuit Court and procedures for an appeal/protest by the debtor when an intercept occurs. The agreement may also include provisions to allow the Department of Revenue to recover its cost for administering the program.

Intercepts made pursuant to this Section shall not interfere with the collection of debts related to child support. During the collection of debts under this Section, when there are 2 or more debt claims certified to the

New matter indicated by italics - deletions by strikeout.
Department at the same time, priority of collection shall be as provided in Section 911.3 of the Illinois Income Tax Act.

(705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

Sec. 27.3b. The clerk of court may accept payment of fines, penalties, or costs by credit card or debit card approved by the clerk from an offender who has been convicted of or placed on court supervision for a traffic offense, petty offense, ordinance offense, or misdemeanor or who has been convicted of a felony offense. The clerk of the circuit court may accept credit card payments over the Internet for fines, penalties, or costs from offenders on voluntary electronic pleas of guilty in minor traffic and conservation offenses to satisfy the requirement of written pleas of guilty as provided in Illinois Supreme Court Rule 529. The clerk of the court may also accept payment of statutory fees by a credit card or debit card. The clerk of the court may also accept the credit card or debit card for the cash deposit of bail bond fees up to $300.

The Clerk of the circuit court is authorized to enter into contracts with credit card or debit card companies approved by the clerk and to negotiate the payment of convenience and administrative fees to pay those companies fees normally charged by those companies for allowing the clerk of the circuit court to accept their credit cards or debit cards in payment as authorized herein. The clerk of the circuit court is authorized to enter into contracts with third party fund guarantors, facilitators, and service providers under which those entities may contract directly with customers of the clerk of the circuit court and guarantee and remit the payments to the clerk of the circuit court. Where the offender pays fines, penalties, or costs by credit card or debit card or through a third party fund guarantor, facilitator, or service provider, or anyone paying statutory fees of the circuit court clerk or the posting of cash bail, the clerk shall collect a service fee of up to $5 or the amount charged to the clerk for use of its services by the credit card or debit card issuer, third party fund guarantor, facilitator, or service provider. This service fee shall be in addition to any other fines, penalties, or costs. The clerk of the circuit court is authorized to negotiate the assessment of convenience and administrative fees by the third party fund guarantors, facilitators, and service providers with the revenue earned by the clerk of the circuit court to be remitted to the county general revenue fund.

(Source: P.A. 93-391, eff. 1-1-04.)

Section 20. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 706.3 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 706.3. Information concerning obligors.

(a) In this Section:
"Arrearage", "delinquency", "obligor", and "order for support" have the meanings attributed to those terms in the Income Withholding for Support Act.

"Consumer reporting agency" has the meaning attributed to that term in Section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. 1681a(f).

(b) Whenever a court of competent jurisdiction finds that an obligor either owes an arrearage of more than $10,000, or is delinquent in payment of an amount equal to at least 3 months' support obligation pursuant to an order for support, or fails to pay the child support annual fee for a period of 3 years, the court shall direct the clerk of the court to make information concerning the obligor available to consumer reporting agencies.

(c) Whenever a court of competent jurisdiction finds that an obligor either owes an arrearage of more than $10,000 or is delinquent in payment of an amount equal to at least 3 months' support obligation pursuant to an order for support, the court shall direct the clerk of the court to cause the obligor's name and address to be published in a newspaper of general circulation in the area in which the obligor resides. The clerk shall cause the obligor's name and address to be published only after sending to the obligor at the obligor's last known address, by certified mail, return receipt requested, a notice of intent to publish the information. This subsection (c) applies only if the obligor resides in the county in which the clerk of the court holds office.

(750 ILCS 5/706.3)

Effective January 1, 2005.
Section 1. Short title. This Act may be cited as the Illinois Hunting Heritage Protection Act.

Section 5. Findings. The General Assembly finds the following:
(1) Recreational hunting is an important and traditional recreational activity in which 14,000,000 Americans 16 years of age and older participate.
(2) Hunters have been and continue to be among the foremost supporters of sound wildlife management and conservation practices in the United States.
(3) Persons who hunt and organizations related to hunting provide direct assistance to wildlife managers and enforcement officers of federal, state, and local governments.
(4) Purchases of hunting licenses, permits, and stamps and payment of excise taxes on goods used by hunters have generated billions of dollars for wildlife conservation, research, and management.
(5) Recreational hunting is an essential component of effective wildlife management, in that it is an important tool for reducing conflicts between people and wildlife and provides incentives for the conservation of wildlife, habitats, and ecosystems on which wildlife depend.
(6) Recreational hunting is an environmentally acceptable activity that occurs and can be provided for on State public lands without adverse effects on other uses of that land.

Section 10. Definitions. For the purposes of this Act:
"Department" means the Department of Natural Resources.
"Department-managed lands" means those lands that the Department owns or those lands of which the Department holds management authority.
"Director" means the Director of Natural Resources.
"Hunting" means the lawful pursuit, trapping, shooting, capture, collection, or killing of wildlife or the attempt to pursue, trap, shoot, capture, collect, or kill wildlife.

Section 15. Recreational hunting.
(a) Subject to valid existing rights, Department-managed lands shall be open to access and use for recreational hunting except as limited by the Department for reasons of public safety, fish or wildlife management, or homeland security or as otherwise limited by law.

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(b) The Department shall exercise its authority, consistent with subsection (a), in a manner to support, promote, and enhance recreational hunting opportunities, to the extent authorized by State law. The Department is not required to give preference to hunting over other uses of Department-managed lands or over land or water management priorities established by Department regulations or State law.

(c) Department land management decisions and actions may not, to the greatest practical extent, result in any net loss of land acreage available for hunting opportunities on Department-managed lands that exists on the effective date of this Act.

(d) By October 1 of each year, the Director shall submit to the General Assembly a written report describing:

(1) the acreage administered by the Department that has been closed during the previous year to recreational hunting and the reasons for the closures; and

(2) the acreage administered by the Department that, in order to comply with subsection (c), was opened to recreational hunting to compensate for those acreage closed under paragraph (1).

Effective January 1, 2005.

PUBLIC ACT 93-0838
(Senate Bill No. 2205)

AN ACT in relation to budget implementation.

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

Section 1. Short title. This Act may be cited as the FY2005 Budget Implementation (Education) Act.

Section 5. Purpose. It is the purpose of this Act to make changes in State programs that are necessary to implement the Governor's FY2005 budget recommendations concerning education.

Section 10. The State Finance Act is amended by adding Sections 6z-65, 6z-66, and 6z-67 as follows:

(30 ILCS 105/6z-65 new)

Sec. 6z-65. SBE Federal Department of Education Fund. The SBE Federal Department of Education Fund is created as a federal trust fund

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in the State treasury. This fund is established to receive funds from the federal Department of Education, including administrative funds recovered from federal programs, for the specific purposes established by the terms and conditions of federal awards. All moneys in the SBE Federal Department of Education Fund shall be used, subject to appropriation by the General Assembly, for grants and contracts to local education agencies, colleges and universities, and other State agencies and for administrative expenses of the State Board of Education.

(30 ILCS 105/6z-66 new)

Sec. 6z-66. SBE Federal Agency Services Fund. The SBE Federal Agency Services Fund is created as a federal trust fund in the State treasury. This fund is established to receive funds from all federal departments and agencies except the Departments of Education and Agriculture (including among others the Departments of Health and Human Services, Defense, and Labor and the Corporation for National and Community Service), including administrative funds recovered from federal programs, for the specific purposes established by the terms and conditions of federal awards. All moneys in the SBE Federal Agency Services Fund shall be used, subject to appropriation by the General Assembly, for grants and contracts to local education agencies, colleges and universities, and other State agencies and for administrative expenses of the State Board of Education.

(30 ILCS 105/6z-67 new)

Sec. 6z-67. SBE Federal Department of Agriculture Fund. The SBE Federal Department of Agriculture Fund is created as a federal trust fund in the State treasury. This fund is established to receive funds from the federal Department of Education, including administrative funds recovered from federal programs, for the specific purposes established by the terms and conditions of federal awards. All moneys in the SBE Federal Department of Agriculture Fund shall be used, subject to appropriation by the General Assembly, for grants and contracts to local education agencies, colleges and universities, and other State agencies and for administrative expenses of the State Board of Education.

Section 15. The School Code is amended by changing Sections 2-3.64, 2-3.131, and 18-8.05 as follows:

(105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)
Sec. 2-3.64. State goals and assessment.
(a) Beginning in the 1998-1999 school year, the State Board of Education shall establish standards and periodically, in collaboration with

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local school districts, conduct studies of student performance in the learning areas of fine arts and physical development/health.

Beginning with the 1998-1999 school year until the 2004-2005 school year at the latest, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th grades in English language arts (reading, writing, and English grammar) and mathematics; and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences and the social sciences (history, geography, civics, economics, and government). Unless the testing required to be implemented no later than the 2005-2006 school year under this subsection (a) is implemented for the 2004-2005 school year, for the 2004-2005 school year, the State Board of Education shall test: (i) all pupils enrolled in the 3rd, 5th, and 8th grades in English language arts (reading and English grammar) and mathematics and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences. The maximum time allowed for all actual testing required under this paragraph shall not exceed 25 hours, as allocated among the required tests by the State Board of Education, across all grades tested.

Beginning no later than the 2005-2006 school year, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in reading and mathematics and; (ii) all pupils enrolled in 3rd, 4th, 6th, and 8th grades in writing; (iii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences; and (iv) all pupils enrolled in 5th and 8th grades in the social sciences (history, geography, economics, civics, and government). The State Board of Education shall sample student performance in the learning area of physical development and health in grades 4 and 7 through the science tests and in the learning area of fine arts in grades 5 and 8 through the social sciences tests. After the addition of subjects and grades and change in subjects as delineated in this paragraph and including whatever other tests that may be approved from time to time no later than the 2005-2006 school year, the maximum time allowed for all State testing in grades 3 through 8 shall not exceed 38 hours across those grades.

Beginning with the 2004-2005 school year, the State Board of Education shall not test pupils under this subsection (a) in writing, physical development and health, fine arts, and the social sciences (history, geography, civics, economics, and government).

The State Board of Education shall establish the academic standards that are to be applicable to pupils who are subject to State tests

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under this Section beginning with the 1998-1999 school year. However, the State Board of Education shall not establish any such standards in final form without first providing opportunities for public participation and local input in the development of the final academic standards. Those opportunities shall include a well-publicized period of public comment, public hearings throughout the State, and opportunities to file written comments. Beginning with the 1998-99 school year and thereafter, the State tests will identify pupils in the 3rd grade or 5th grade who do not meet the State standards.

If, by performance on the State tests or local assessments or by teacher judgment, a student's performance is determined to be 2 or more grades below current placement, the student shall be provided a remediation program developed by the district in consultation with a parent or guardian. Such remediation programs may include, but shall not be limited to, increased or concentrated instructional time, a remedial summer school program of not less than 90 hours, improved instructional approaches, tutorial sessions, retention in grade, and modifications to instructional materials. Each pupil for whom a remediation program is developed under this subsection shall be required to enroll in and attend whatever program the district determines is appropriate for the pupil. Districts may combine students in remediation programs where appropriate and may cooperate with other districts in the design and delivery of those programs. The parent or guardian of a student required to attend a remediation program under this Section shall be given written notice of that requirement by the school district a reasonable time prior to commencement of the remediation program that the student is to attend. The State shall be responsible for providing school districts with the new and additional funding, under Section 2-3.51.5 or by other or additional means, that is required to enable the districts to operate remediation programs for the pupils who are required to enroll in and attend those programs under this Section. Every individualized educational program as described in Article 14 shall identify if the State test or components thereof are appropriate for that student. The State Board of Education shall develop rules and regulations governing the administration of alternative tests prescribed within each student's individualized educational program which are appropriate to the disability of each student.

All pupils who are in a State approved transitional bilingual education program or transitional program of instruction shall participate in the State tests. Any student who has been enrolled in a State approved

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bilingual education program less than 3 cumulative academic years may take an accommodated State test, to be known as the Illinois Measure of Annual Growth in English (IMAGE), if the student's lack of English as determined by an English language proficiency test would keep the student from understanding the regular State test. If the school district determines, on a case-by-case individual basis, that IMAGE would likely yield more accurate and reliable information on what the student knows and can do, the school district may make a determination to assess the student using IMAGE for a period that does not exceed 2 additional consecutive years, provided that the student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what the student knows and can do on the regular State test.

Reasonable accommodations as prescribed by the State Board of Education shall be provided for individual students in the testing procedure. All test procedures prescribed by the State Board of Education shall require: (i) that each test used for State and local student testing under this Section identify by name the pupil taking the test; (ii) that the name of the pupil taking the test be placed on the test at the time the test is taken; (iii) that the results or scores of each test taken under this Section by a pupil of the school district be reported to that district and identify by name the pupil who received the reported results or scores; and (iv) that the results or scores of each test taken under this Section be made available to the parents of the pupil. In addition, in each school year the highest scores attained by a student on the Prairie State Achievement Examination administered under subsection (c) of this Section and any Prairie State Achievement Awards received by the student shall become part of the student's permanent record and shall be entered on the student's transcript pursuant to regulations that the State Board of Education shall promulgate for that purpose in accordance with Section 3 and subsection (e) of Section 2 of the Illinois School Student Records Act. Beginning with the 1998-1999 school year and in every school year thereafter, scores received by students on the State assessment tests administered in grades 3 through 8 shall be placed into students' temporary records.

The State Board of Education shall establish a period of time, to be referred to as the State test window, in each school year for which State testing shall occur to meet the objectives of this Section. However, if the schools of a district are closed and classes are not scheduled during any week that is established by the State Board of Education as the State test window, the school district may (at the discretion of the State Board of

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move its State test window one week earlier or one week later than the established State test window, so long as the school district gives the State Board of Education written notice of its intention to deviate from the established schedule by December 1 of the school year in which falls the State test window established by the State Board of Education for the testing.

(a-5) All tests administered pursuant to this Section shall be academically based. For the purposes of this Section "academically based tests" shall mean tests consisting of questions and answers that are measurable and quantifiable to measure the knowledge, skill, and ability of students in the subject matters covered by tests. The scoring of academically based tests shall be reliable, valid, unbiased and shall meet the guidelines for test development and use prescribed by the American Psychological Association, the National Council of Measurement and Evaluation, and the American Educational Research Association. Academically based tests shall not include assessments or evaluations of attitudes, values, or beliefs, or testing of personality, self-esteem, or self-concept. Nothing in this amendatory Act is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed during the passage of HB 1005/P.A. 90-296. Nothing in this Section is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed in the preamble of this amendatory Act of the 93rd General Assembly.

The State Board of Education shall monitor the use of short answer questions in the math and reading assessments or in other assessments in order to demonstrate that the use of short answer questions results in a statistically significant improvement in student achievement as measured on the State assessments for math and reading or on other State assessments and is justifiable in terms of cost and student performance.

(b) It shall be the policy of the State to encourage school districts to continuously test pupil proficiency in the fundamental learning areas in order to: (i) provide timely information on individual students' performance relative to State standards that is adequate to guide instructional strategies; (ii) improve future instruction; and (iii) complement the information provided by the State testing system described in this Section. Each district's school improvement plan must address specific activities the district intends to implement to assist pupils who by teacher judgment and test results as prescribed in subsection (a) of...
this Section demonstrate that they are not meeting State standards or local objectives. Such activities may include, but shall not be limited to, summer school, extended school day, special homework, tutorial sessions, modified instructional materials, other modifications in the instructional program, reduced class size or retention in grade. To assist school districts in testing pupil proficiency in reading in the primary grades, the State Board shall make optional reading inventories for diagnostic purposes available to each school district that requests such assistance. Districts that administer the reading inventories may develop remediation programs for students who perform in the bottom half of the student population. Those remediation programs may be funded by moneys provided under the School Safety and Educational Improvement Block Grant Program established under Section 2-3.5.1.5. Nothing in this Section shall prevent school districts from implementing testing and remediation policies for grades not required under this Section.

(c) Beginning with the 2000-2001 school year, each school district that operates a high school program for students in grades 9 through 12 shall annually administer the Prairie State Achievement Examination established under this subsection to its students as set forth below. The Prairie State Achievement Examination shall be developed by the State Board of Education to measure student performance in the academic areas of reading, writing, mathematics, science, and social sciences. Beginning with the 2004-2005 school year, however, the State Board of Education shall not test a student in writing and the social sciences (history, geography, civics, economics, and government) as part of the Prairie State Achievement Examination unless the student is retaking the Prairie State Achievement Examination in the fall of 2004. The State Board of Education shall establish the academic standards that are to apply in measuring student performance on the Prairie State Achievement Examination including the minimum examination score in each area that will qualify a student to receive a Prairie State Achievement Award from the State in recognition of the student's excellent performance. Each school district that is subject to the requirements of this subsection (c) shall afford all students 2 opportunities to take the Prairie State Achievement Examination beginning as late as practical during the second semester of grade 11, but in no event before March 1. The State Board of Education shall annually notify districts of the weeks during which these test administrations shall be required to occur. Every individualized educational program as described in Article 14 shall identify if the Prairie

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State Achievement Examination or components thereof are appropriate for that student. Each student, exclusive of a student whose individualized educational program developed under Article 14 identifies the Prairie State Achievement Examination as inappropriate for the student, shall be required to take the examination in grade 11. For each academic area the State Board of Education shall establish the score that qualifies for the Prairie State Achievement Award on that portion of the examination. Any student who fails to earn a qualifying score for a Prairie State Achievement Award in any one or more of the academic areas on the initial test administration or who wishes to improve his or her score on any portion of the examination shall be permitted to retake such portion or portions of the examination during grade 12. Districts shall inform their students of the timelines and procedures applicable to their participation in every yearly administration of the Prairie State Achievement Examination. Students receiving special education services whose individualized educational programs identify the Prairie State Achievement Examination as inappropriate for them nevertheless shall have the option of taking the examination, which shall be administered to those students in accordance with standards adopted by the State Board of Education to accommodate the respective disabilities of those students. A student who successfully completes all other applicable high school graduation requirements but fails to receive a score on the Prairie State Achievement Examination that qualifies the student for receipt of a Prairie State Achievement Award shall nevertheless qualify for the receipt of a regular high school diploma.

(d) Beginning with the 2002-2003 school year, all schools in this State that are part of the sample drawn by the National Center for Education Statistics, in collaboration with their school districts and the State Board of Education, shall administer the biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under Section m11(b)(2) of the National Education Statistics Act of 1994 (20 U.S.C. 9010) if the Secretary of Education pays the costs of administering the assessments.

(e) Beginning no later than the 2005-2006 school year, subject to available federal funds to this State for the purpose of student assessment, the State Board of Education shall provide additional tests and assessment resources that may be used by school districts for local diagnostic purposes. These tests and resources shall include without limitation additional high school writing, physical development and health, and fine
arts assessments. The State Board of Education shall annually distribute a listing of these additional tests and resources, using funds available from appropriations made for student assessment purposes.

(f) For the assessment and accountability purposes of this Section, "all pupils" includes those pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law, a school operated by a regional office of education under Section 13A-3 of this Code, or a public school administered by a local public agency or the Department of Human Services.

(Source: P.A. 92-604, eff. 7-1-02; 93-426, eff. 8-5-03.)

(105 ILCS 5/2-3.131)
Sec. 2-3.131. FY2004 Transitional assistance payments.

(a) If the amount that the State Board of Education will pay to a school district from fiscal year 2004 appropriations, as estimated by the State Board of Education on April 1, 2004, is less than the amount that the State Board of Education paid to the school district from fiscal year 2003 appropriations, then, subject to appropriation, the State Board of Education shall make a fiscal year 2004 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2004 appropriations and the amount paid from fiscal year 2003 appropriations.

(b) If the amount that the State Board of Education will pay to a school district from fiscal year 2005 appropriations, as estimated by the State Board of Education on April 1, 2005, is less than the amount that the State Board of Education paid to the school district from fiscal year 2004 appropriations, then the State Board of Education shall make a fiscal year 2005 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2005 appropriations and the amount paid from fiscal year 2004 appropriations.

(Source: P.A. 93-21, eff. 7-1-03.)

(105 ILCS 5/18-8.05)
Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

New matter indicated by italics - deletions by strikeout.
(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

New matter indicated by italics - deletions by strikeout.
(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

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

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

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

(B) Foundation Level.

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

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425. (3) For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is $4,560. For the 2003-2004 school year, the Foundation Level of support is $4,810.

(3) (4) For the 2004-2005 school year and each school year thereafter, the Foundation Level of support is $4,964 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

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

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

(D) Available Local Resources.

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

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

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

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

(E) Computation of General State Aid.

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

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

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the

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calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

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

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

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.
(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

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

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

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

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

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

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

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

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

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

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

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

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

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

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax

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Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

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

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

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

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

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

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

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

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

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

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

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

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its Equalized Assessed Valuation as calculated pursuant to subsection (G)(3), then for purposes of calculating the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), the reassessment shall not be a basis for the adjustment of the district's Operating Tax Rate, the Extension Limitation Ratio, or the district's Equalized Assessed Valuation for the purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E).
general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

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

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be

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used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years.

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fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

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

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

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

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

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

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

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

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

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

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

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(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

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

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

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year and 2004-2005 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2006-2007 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50

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multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

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

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

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

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

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid

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provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

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

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

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

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

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

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

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

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

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

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

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

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determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.

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

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

(J) Supplementary Grants in Aid.

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

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

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(J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

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

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

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

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying
the applicable Average Daily Attendance by the Foundation Level as
determined under this Section.
(L) Payments, Additional Grants in Aid and Other Requirements.
(1) For a school district operating under the financial supervision
of an Authority created under Article 34A, the general State aid otherwise
payable to that district under this Section, but not the supplemental general
State aid, shall be reduced by an amount equal to the budget for the
operations of the Authority as certified by the Authority to the State Board
of Education, and an amount equal to such reduction shall be paid to the
Authority created for such district for its operating expenses in the manner
provided in Section 18-11. The remainder of general State school aid for
any such district shall be paid in accordance with Article 34A when that
Article provides for a disposition other than that provided by this Article.
(2) (Blank).
(3) Summer school. Summer school payments shall be made as
provided in Section 18-4.3.
(M) Education Funding Advisory Board.
The Education Funding Advisory Board, hereinafter in this
subsection (M) referred to as the "Board", is hereby created. The Board
shall consist of 5 members who are appointed by the Governor, by and
with the advice and consent of the Senate. The members appointed shall
include representatives of education, business, and the general public. One
of the members so appointed shall be designated by the Governor at the
time the appointment is made as the chairperson of the Board. The initial
members of the Board may be appointed any time after the effective date
of this amendatory Act of 1997. The regular term of each member of the
Board shall be for 4 years from the third Monday of January of the year in
which the term of the member's appointment is to commence, except that
of the 5 initial members appointed to serve on the Board, the member who
is appointed as the chairperson shall serve for a term that commences on
the date of his or her appointment and expires on the third Monday of
January, 2002, and the remaining 4 members, by lots drawn at the first
meeting of the Board that is held after all 5 members are appointed, shall
determine 2 of their number to serve for terms that commence on the date
of their respective appointments and expire on the third Monday of
January, 2001, and 2 of their number to serve for terms that commence on
the date of their respective appointments and expire on the third Monday
of January, 2000. All members appointed to serve on the Board shall serve
until their respective successors are appointed and confirmed. Vacancies

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shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

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

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

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

(N) (Blank).

(O) References.

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

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

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(P) This amendatory Act of the 93rd General Assembly and House Bill 4266 of the 93rd General Assembly make inconsistent changes to this Section. If House Bill 4266 becomes law, then under Section 6 of the Statute on Statutes there is an irreconcilable conflict between House Bill 4266 and this amendatory Act. This amendatory Act, being the last acted upon, is controlling. The text of this amendatory Act is the law regardless of the text of House Bill 4266.

(Source: P.A. 92-16, eff. 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff. 8-7-01; 92-604, eff. 7-1-02; 92-636, eff. 7-11-02; 92-651, eff. 7-11-02; 93-21, eff. 7-1-03.)

Section 20. The Higher Education Student Assistance Act is amended by changing Section 45 as follows:

(110 ILCS 947/45)
Sec. 45. Illinois National Guard grant program.
(a) As used in this Section:
"State controlled university or community college" means those institutions under the administration of the Chicago State University Board of Trustees, the Eastern Illinois University Board of Trustees, the Governors State University Board of Trustees, the Illinois State University Board of Trustees, the Northeastern Illinois University Board of Trustees, the Northern Illinois University Board of Trustees, the Western Illinois University Board of Trustees, Southern Illinois University Board of Trustees, University of Illinois Board of Trustees, or the Illinois Community College Board.
"Tuition and fees" shall not include expenses for any sectarian or denominational instruction, the construction or maintenance of sectarian or denominational facilities, or any other sectarian or denominational purposes or activity.
"Fees" means matriculation, graduation, activity, term, or incidental fees. Exemption shall not be granted from any other fees, including book rental, service, laboratory, supply, and union building fees, hospital and medical insurance fees, and any fees established for the operation and maintenance of buildings, the income of which is pledged to the payment of interest and principal on bonds issued by the governing board of any university or community college.
(b) Any enlisted person or any company grade officer, including warrant officers, First and Second Lieutenants, and Captains in the Army and Air National Guard, who has served at least one year in the Illinois National Guard and who possesses all necessary entrance requirements

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shall, upon application and proper proof, be awarded a grant to the State-controlled university or community college of his or her choice, consisting of exemption from tuition and fees for not more than the equivalent of 4 years of full-time enrollment in relation to his or her course of study at that State controlled university or community college while he or she is a member of the Illinois National Guard. If the recipient of any grant awarded under this Section ceases to be a member of the Illinois National Guard while enrolled in a course of study under that grant, the grant shall be terminated as of the date membership in the Illinois National Guard ended, and the recipient shall be permitted to complete the school term in which he or she is then enrolled only upon payment of tuition and other fees allocable to the part of the term then remaining. If the recipient of the grant fails to complete his or her military service obligations or requirements for satisfactory participation, the Department of Military Affairs shall require the recipient to repay the amount of the grant received, prorated according to the fraction of the service obligation not completed, and, if applicable, reasonable collection fees. The Department of Military Affairs may adopt rules relating to its collection activities for repayment of the grant under this Section. Unsatisfactory participation shall be defined by rules adopted by the Department of Military Affairs. Repayments shall be deposited in the National Guard Grant Fund. The National Guard Grant Fund is created as a special fund in the State treasury. All money in the National Guard Grant Fund shall be used, subject to appropriation, by the Illinois Student Assistance Commission for the purposes of this Section.

A grant awarded under this Section shall be considered an entitlement which the State-controlled university or community college in which the holder is enrolled shall honor without any condition other than the holder's maintenance of minimum grade levels and a satisfactory student loan repayment record pursuant to subsection (c) of Section 20 of this Act.

(c) Subject to a separate appropriation for such purposes, the Commission may reimburse the State-controlled university or community college for grants authorized by this Section.

(Source: P.A. 92-589, eff. 7-1-02.)

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

PUBLIC ACT 93-0839
(Senate Bill No. 2206)

AN ACT in relation to budget implementation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

ARTICLE I
Section 1-1. Short title. This Act may be cited as the FY2005
Budget Implementation (Finance) Act.

Section 1-5. Purpose. It is the purpose of this Act to make changes
in State programs that are necessary to implement the Governor's FY2005
budget recommendations concerning finance.

ARTICLE 5
Section 5-1. Short title. This Act may be cited as the State
Facilities Closure Act. All references in this Article to "this Act" mean this
Article.

Section 5-5. Definitions. In this Act:
"Commission" means the Illinois Economic and Fiscal
Commission.

"State facility" means any facility (i) that is owned and operated by
the State or leased and operated by the State and (ii) that is the primary
stationary work location for 25 or more State employees. "State facility"
does not include any facility under the jurisdiction of the legislative
branch, including the Auditor General, or the judicial branch.

Section 5-10. Facility closure process.
(a) Before a State facility may be closed, the State executive branch
officer with jurisdiction over the facility shall file notice of the proposed
closure with the Commission. The notice must be filed within 2 days after
the first public announcement of any planned or proposed closure. Within
10 days after it receives notice of the proposed closure, the Commission,
in its discretion, may require the State executive branch officer with
jurisdiction over the facility to file a recommendation for the closure of the
facility with the Commission. The recommendation must be filed within
30 days after the Commission delivers the request for recommendation to
the State executive branch officer. The recommendation must include, but
is not limited to, the following:

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(1) the location and identity of the State facility proposed to be closed;
(2) the number of employees for which the State facility is the primary stationary work location and the effect of the closure of the facility on those employees;
(3) the location or locations to which the functions and employees of the State facility would be moved;
(4) the availability and condition of land and facilities at both the existing location and any potential locations;
(5) the ability to accommodate the functions and employees at the existing and at any potential locations;
(6) the cost of operations of the State facility and at any potential locations and any other related budgetary impacts;
(7) the economic impact on existing communities in the vicinity of the State facility and any potential facility;
(8) the ability of the existing and any potential community's infrastructure to support the functions and employees;
(9) the impact on State services delivered at the existing location, in direct relation to the State services expected to be delivered at any potential locations; and
(10) the environmental impact, including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.

(b) If a recommendation is required by the Commission, a 30-day public comment period must follow the filing of the recommendation. The Commission, in its discretion, may conduct one or more public hearings on the recommendation. Public hearings conducted by the Commission shall be conducted no later than 35 days after the filing of the recommendation. At least one of the public hearings on the recommendation shall be held at a convenient location within 25 miles of the facility for which closure is recommended. The Commission shall provide reasonable notice of the comment period and of any public hearings to the public and to units of local government and school districts that are located within 25 miles of the facility.

(c) Within 50 days after the State executive branch officer files the required recommendation, the Commission shall issue an advisory opinion on that recommendation. The Commission shall file the advisory opinion with the appropriate State executive branch officer, the Governor, the General Assembly, and the Index Department of the Office of the

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Secretary of State and shall make copies of the advisory opinion available to the public upon request.

(d) No action may be taken to implement the recommendation for closure of a State facility until 50 days after the filing of any required recommendation.

(e) The requirements of this Section do not apply if all of the functions and employees of a State facility are relocated to another State facility that is within 10 miles of the closed facility.

ARTICLE 10

Section 10-50. The Intergovernmental Cooperation Act is amended by adding Section 4.5 as follows:

(5 ILCS 220/4.5 new)

Sec. 4.5. Prohibited agreements and contracts. No intergovernmental or interagency agreement or contract may be entered into, implemented, or given effect if the agreement's or contract's intent or effect is (i) to circumvent any limitation established by law on State appropriation or State expenditure authority with respect to health care and employee benefits contracts or (ii) to expend State moneys in a manner inconsistent with the purpose for which they were appropriated with respect to health care and employee benefits contracts.

Section 10-52. The Illinois Public Labor Relations Act is amended by changing Section 15 as follows:

(5 ILCS 315/15) (from Ch. 48, par. 1615)

Sec. 15. Act Takes Precedence. (a) In case of any conflict between the provisions of this Act and any other law (other than Section 5 of the State Employees Group Insurance Act of 1971), executive order or administrative regulation relating to wages, hours and conditions of employment and employment relations, the provisions of this Act or any collective bargaining agreement negotiated thereunder shall prevail and control. Nothing in this Act shall be construed to replace or diminish the rights of employees established by Sections 28 and 28a of the Metropolitan Transit Authority Act, Sections 2.15 through 2.19 of the Regional Transportation Authority Act. The provisions of this Act are subject to Section 5 of the State Employees Group Insurance Act of 1971.

(b) Except as provided in subsection (a) above, any collective bargaining contract between a public employer and a labor organization executed pursuant to this Act shall supersede any contrary statutes, charters, ordinances, rules or regulations relating to wages, hours and conditions of employment and employment relations adopted by the public

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employer or its agents. Any collective bargaining agreement entered into prior to the effective date of this Act shall remain in full force during its duration.

(c) It is the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the provisions of this Act are the exclusive exercise by the State of powers and functions which might otherwise be exercised by home rule units. Such powers and functions may not be exercised concurrently, either directly or indirectly, by any unit of local government, including any home rule unit, except as otherwise authorized by this Act.
(Source: P.A. 83-1012.)

Section 10-55. The State Employees Group Insurance Act of 1971 is amended by changing Section 5 as follows:

(5 ILCS 375/5) (from Ch. 127, par. 525)

Sec. 5. Employee benefits; declaration of State policy. The General Assembly declares that it is the policy of the State and in the best interest of the State to assure quality benefits to members and their dependents under this Act. The implementation of this policy depends upon, among other things, stability and continuity of coverage, care, and services under benefit programs for members and their dependents. Specifically, but without limitation, members should have continued access, on substantially similar terms and conditions, to trusted family health care providers with whom they have developed long-term relationships through a benefit program under this Act. Therefore, the Director must administer this Act consistent with that State policy, but may consider affordability, cost of coverage and care, and competition among health insurers and providers. All contracts for provision of employee benefits, including those portions of any proposed collective bargaining agreement that would require implementation through contracts entered into under this Act, are subject to the following requirements:

(i) By April 1 of each year, the Director must report and provide information to the Commission concerning the status of the employee benefits program to be offered for the next fiscal year. Information includes, but is not limited to, documents, reports of negotiations, bid invitations, requests for proposals, specifications, copies of proposed and final contracts or agreements, and any other materials concerning contracts or agreements for the employee benefits program. By the first of each month thereafter, the Director must provide updated, and any new,
information to the Commission until the employee benefits program for the next fiscal year is determined. In addition to these monthly reporting requirements, at any time the Commission makes a written request, the Director must promptly, but in no event later than 5 business days after receipt of the request, provide to the Commission any additional requested information in the possession of the Director concerning employee benefits programs. The Commission may waive any of the reporting requirements of this item (i) upon the written request by the Director. Any waiver granted under this item (i) must be in writing. Nothing in this item is intended to abrogate any attorney-client privilege.

(ii) Within 30 days after notice of the awarding or letting of a contract has appeared in the Illinois Procurement Bulletin in accordance with subsection (b) of Section 15-25 of the Illinois Procurement Code, the Commission may request in writing from the Director and the Director shall promptly, but in no event later than 5 business days after receipt of the request, provide to the Commission information in the possession of the Director concerning the proposed contract. Nothing in this item is intended to waive or abrogate any privilege or right of confidentiality authorized by law.

(iii) No contract subject to this Section may be entered into until the 30-day period described in item (ii) has expired, unless the Director requests in writing that the Commission waive the period and the Commission grants the waiver in writing.

(iv) If the Director seeks to make any substantive modification to any provision of a proposed contract after it is submitted to the Commission in accordance with item (ii), the modified contract shall be subject to the requirements of items (ii) and (iii) unless the Commission agrees, in writing, to a waiver of those requirements with respect to the modified contract.

(v) By the date of the beginning of the annual benefit choice period, the Director must transmit to the Commission a copy of each final contract or agreement for the employee benefits program to be offered for the next fiscal year. The annual benefit choice period for an employee benefits program must begin on May 1 of the fiscal year preceding the year for which the program is to be offered. If, however, in any such preceding fiscal year

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collective bargaining over employee benefit programs for the next fiscal year remains pending on April 15, the beginning date of the annual benefit choice period shall be not later than 15 days after ratification of the collective bargaining agreement.

(vi) The Director must provide the reports, information, and contracts required under items (i), (ii), (iv), and (v) by electronic or other means satisfactory to the Commission. Reports, information, and contracts in the possession of the Commission pursuant to items (i), (ii), (iv), and (v) are exempt from disclosure by the Commission and its members and employees under the Freedom of Information Act. Reports, information, and contracts received by the Commission pursuant to items (i), (ii), (iv), and (v) must be kept confidential by and may not be disclosed or used by the Commission or its members or employees if such disclosure or use could compromise the fairness or integrity of the procurement, bidding, or contract process. Commission meetings, or portions of Commission meetings, in which reports, information, and contracts received by the Commission pursuant to items (i), (ii), (iv), and (v) are discussed must be closed if disclosure or use of the report or information could compromise the fairness or integrity of the procurement, bidding, or contract process.

All contracts entered into under this Section are subject to appropriation and shall comply with Section 20-60(b) of the Illinois Procurement Code (30 ILCS 500/20-60(b)).

The Director shall contract or otherwise make available group life insurance, health benefits and other employee benefits to eligible members and, where elected, their eligible dependents. Any contract or, if applicable, contracts or other arrangement for provision of benefits shall be on terms consistent with State policy and deemed by the Director to be in the best interest of the State of Illinois and its members based on, but not limited to, such criteria as administrative cost, service capabilities of the carrier or other contractor and premiums, fees or charges as related to benefits.

The Director may prepare and issue specifications for group life insurance, health benefits, other employee benefits and administrative services for the purpose of receiving proposals from interested parties.

The Director is authorized to execute a contract, or contracts, for the programs of group life insurance, health benefits, other employee benefits and administrative services authorized by this Act (including,

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without limitation, prescription drug benefits). All of the benefits provided under this Act may be included in one or more contracts, or the benefits may be classified into different types with each type included under one or more similar contracts with the same or different companies.

The term of any contract may not extend beyond 5 fiscal years. Upon recommendation of the Commission, the Director may exercise renewal options of the same contract for up to a period of 5 years. Any increases in premiums, fees or charges requested by a contractor whose contract may be renewed pursuant to a renewal option contained therein, must be justified on the basis of (1) audited experience data, (2) increases in the costs of health care services provided under the contract, (3) contractor performance, (4) increases in contractor responsibilities, or (5) any combination thereof.

Any contractor shall agree to abide by all requirements of this Act and Rules and Regulations promulgated and adopted thereto; to submit such information and data as may from time to time be deemed necessary by the Director for effective administration of the provisions of this Act and the programs established hereunder, and to fully cooperate in any audit.

(Source: P.A. 91-390, eff. 7-30-99.)

Section 10-58. The Aquaculture Development Act is amended by changing Section 5.5 as follows:

(20 ILCS 215/5.5)

Sec. 5.5. Aquaculture Cooperative.

(a) The Department of Agriculture shall make grants to an Aquaculture Cooperative from the Illinois Aquaculture Development Fund, a special fund created in the State Treasury. On July 1, 1999 and on each July 1 thereafter through July 1, 2008, the Comptroller shall order transferred and the Treasurer shall transfer $1,000,000 from the General Revenue Fund into the Illinois Aquaculture Development Fund. The Aquaculture Cooperative shall consist of any individual or entity of the aquaculture industry in this State that seeks membership pursuant to the Agricultural Co-Operative Act. The grants for the Cooperative shall be distributed from the Illinois Aquaculture Development Fund as provided by rule. At the beginning of each fiscal period, the Cooperative shall prepare a budget plan for the next fiscal period, including the probable cost of all programs, projects, and contracts. The Cooperative shall submit the proposed budget to the Director for review and comment. The Director

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may recommend programs and activities considered appropriate for the Cooperative. The Cooperative shall keep minutes, books, and records that clearly reflect all of the acts and transactions of the Cooperative and shall make this information public. The financial books and records of the Cooperative shall be audited by a certified public accountant at least once each fiscal year and at other times as designated by the Director. The expense of the audit shall be the responsibility of the Cooperative. Copies of the audit shall be provided to all members of the Cooperative, to the Department, and to other requesting members of the aquaculture industry.

(b) The grants to an Aquaculture Cooperative and the proceeds generated by the Cooperative may be used for the following purposes:

(1) To buy aquatic organisms from members of the Cooperative.

(2) To buy aquatic organism food in bulk quantities for resale to the members of the Cooperative.

(3) For transportation, hauling, and delivery equipment.

(4) For employee salaries, building leases, and other administrative costs.

(5) To purchase equipment for use by the Cooperative members.

(6) Any other related costs.

(c) The Illinois Aquaculture Development Fund is abolished on August 31, 2004. Any balance remaining in the Fund on that date shall be transferred to the General Revenue Fund. The Department shall submit a report to the General Assembly before January 1, 2009 with a determination of whether the funding for the Aquaculture Cooperative should be extended beyond June 30, 2009. If the Department recommends an extension of the funding for the Cooperative, then the report shall detail whether the Cooperative funding should be increased, decreased, or eliminated. The report shall be submitted according to Section 5-140 of the Illinois Administrative Procedure Act.

(d) This Section is repealed on June 30, 2009.

(Source: P.A. 91-530, eff. 8-13-99.)

Section 10-60. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Sections 405-105, 405-315, and 405-410 and by adding Sections 405-293, 405-411, and 405-415 as follows:

(20 ILCS 405/405-105) (was 20 ILCS 405/64.1)

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Sec. 405-105. Fidelity, surety, property, and casualty insurance. The Department shall establish and implement a program to coordinate the handling of all fidelity, surety, property, and casualty insurance exposures of the State and the departments, divisions, agencies, branches, and universities of the State. In performing this responsibility, the Department shall have the power and duty to do the following:

(1) Develop and maintain loss and exposure data on all State property.

(2) Study the feasibility of establishing a self-insurance plan for State property and prepare estimates of the costs of reinsurance for risks beyond the realistic limits of the self-insurance.

(3) Prepare a plan for centralizing the purchase of property and casualty insurance on State property under a master policy or policies and purchase the insurance contracted for as provided in the Illinois Purchasing Act.

(4) Evaluate existing provisions for fidelity bonds required of State employees and recommend changes that are appropriate commensurate with risk experience and the determinations respecting self-insurance or reinsurance so as to permit reduction of costs without loss of coverage.

(5) Investigate procedures for inclusion of school districts, public community college districts, and other units of local government in programs for the centralized purchase of insurance.

(6) Implement recommendations of the State Property Insurance Study Commission that the Department finds necessary or desirable in the performance of its powers and duties under this Section to achieve efficient and comprehensive risk management.

(7) Prepare and, in the discretion of the Director, implement a plan providing for the purchase of public liability insurance or for self-insurance for public liability or for a combination of purchased insurance and self-insurance for public liability (i) covering the State and drivers of motor vehicles owned, leased, or controlled by the State of Illinois pursuant to the provisions and limitations contained in the Illinois Vehicle Code, (ii) covering other public liability exposures of the State and its employees within the scope of their employment, and (iii) covering drivers of motor vehicles not owned, leased, or controlled by the State but used by a State employee on State business, in excess of liability covered by an insurance policy obtained by the owner of the motor vehicle or in excess of the dollar amounts that the Department shall determine to be reasonable. Any contract of insurance let under this Law shall be by bid in

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The term "employee" as used in this subdivision (7) and in subdivision (11) means a person while in the employ of the State who is a member of the staff or personnel of a State agency, bureau, board, commission, committee, department, university, or college or who is a State officer, elected official, commissioner, member of or ex officio member of a State agency, bureau, board, commission, committee, department, university, or college, or a member of the National Guard while on active duty pursuant to orders of the Governor of the State of Illinois, or any other person while using a licensed motor vehicle owned, leased, or controlled by the State of Illinois with the authorization of the State of Illinois, provided the actual use of the motor vehicle is within the scope of that authorization and within the course of State service.

Subsequent to payment of a claim on behalf of an employee pursuant to this Section and after reasonable advance written notice to the employee, the Director may exclude the employee from future coverage or limit the coverage under the plan if (i) the Director determines that the claim resulted from an incident in which the employee was grossly negligent or had engaged in willful and wanton misconduct or (ii) the Director determines that the employee is no longer an acceptable risk based on a review of prior accidents in which the employee was at fault and for which payments were made pursuant to this Section.

The Director is authorized to promulgate administrative rules that may be necessary to establish and administer the plan.

Appropriations from the Road Fund shall be used to pay auto liability claims and related expenses involving employees of the Department of Transportation, the Illinois State Police, and the Secretary of State.

(8) Charge, collect, and receive from all other agencies of the State government fees or monies equivalent to the cost of purchasing the insurance.

(9) Establish, through the Director, charges for risk management services rendered to State agencies by the Department. The State agencies so charged shall reimburse the Department by vouchers drawn against their respective appropriations. The reimbursement shall be determined by the Director as amounts sufficient to reimburse the Department for expenditures incurred in rendering the service.
The Department shall charge the employing State agency or university for workers' compensation payments for temporary total disability paid to any employee after the employee has received temporary total disability payments for 120 days if the employee's treating physician has issued a release to return to work with restrictions and the employee is able to perform modified duty work but the employing State agency or university does not return the employee to work at modified duty. Modified duty shall be duties assigned that may or may not be delineated as part of the duties regularly performed by the employee. Modified duties shall be assigned within the prescribed restrictions established by the treating physician and the physician who performed the independent medical examination. The amount of all reimbursements shall be deposited into the Workers' Compensation Revolving Fund which is hereby created as a revolving special fund in the State treasury. In addition to any other purpose authorized by law, moneys in the Fund shall be used, subject to appropriation, to pay these or other temporary total disability claims of employees of State agencies and universities.

Beginning with fiscal year 1996, all amounts recovered by the Department through subrogation in workers' compensation and workers' occupational disease cases shall be deposited into the Workers' Compensation Revolving Fund created under this subdivision (9).

(10) Establish rules, procedures, and forms to be used by State agencies in the administration and payment of workers' compensation claims. The Department shall initially evaluate and determine the compensability of any injury that is the subject of a workers' compensation claim and provide for the administration and payment of such a claim for all State agencies. The Director may delegate to any agency with the agreement of the agency head the responsibility for evaluation, administration, and payment of that agency's claims.

(11) Any plan for public liability self-insurance implemented under this Section shall provide that (i) the Department shall attempt to settle and may settle any public liability claim filed against the State of Illinois or any public liability claim filed against a State employee on the basis of an occurrence in the course of the employee's State employment; (ii) any settlement of such a claim must be approved by the Director and, in cases of settlements exceeding $100,000, by the Governor; and (iii) a settlement of any public liability claim against the State or a State employee shall require an unqualified release of any right of action against the State and

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the employee for acts within the scope of the employee's employment giving rise to the claim.

Whenever and to the extent that a State employee operates a motor vehicle or engages in other activity covered by self-insurance under this Section, the State of Illinois shall defend, indemnify, and hold harmless the employee against any claim in tort filed against the employee for acts or omissions within the scope of the employee's employment in any proper judicial forum and not settled pursuant to this subdivision (11), provided that this obligation of the State of Illinois shall not exceed a maximum liability of $2,000,000 for any single occurrence in connection with the operation of a motor vehicle or $100,000 per person per occurrence for any other single occurrence, or $500,000 for any single occurrence in connection with the provision of medical care by a licensed physician employee.

Any claims against the State of Illinois under a self-insurance plan that are not settled pursuant to this subdivision (11) shall be heard and determined by the Court of Claims and may not be filed or adjudicated in any other forum. The Attorney General of the State of Illinois or the Attorney General's designee shall be the attorney with respect to all public liability self-insurance claims that are not settled pursuant to this subdivision (11) and therefore result in litigation. The payment of any award of the Court of Claims entered against the State relating to any public liability self-insurance claim shall act as a release against any State employee involved in the occurrence.

(12) Administer a plan the purpose of which is to make payments on final settlements or final judgments in accordance with the State Employee Indemnification Act. The plan shall be funded through appropriations from the General Revenue Fund specifically designated for that purpose, except that indemnification expenses for employees of the Department of Transportation, the Illinois State Police, and the Secretary of State shall be paid from the Road Fund. The term "employee" as used in this subdivision (12) has the same meaning as under subsection (b) of Section 1 of the State Employee Indemnification Act. Subject to sufficient appropriation, the Director shall approve payment of any claim presented to the Director that is supported by a final settlement or final judgment when the Attorney General and the chief officer of the public body against whose employee the claim or cause of action is asserted certify to the Director that the claim is in accordance with the State Employee Indemnification Act and that they approve of the payment. In no event

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shall an amount in excess of $150,000 be paid from this plan to or for the benefit of any claimant.

(13) Administer a plan the purpose of which is to make payments on final settlements or final judgments for employee wage claims in situations where there was an appropriation relevant to the wage claim, the fiscal year and lapse period have expired, and sufficient funds were available to pay the claim. The plan shall be funded through appropriations from the General Revenue Fund specifically designated for that purpose.

Subject to sufficient appropriation, the Director is authorized to pay any wage claim presented to the Director that is supported by a final settlement or final judgment when the chief officer of the State agency employing the claimant certifies to the Director that the claim is a valid wage claim and that the fiscal year and lapse period have expired. Payment for claims that are properly submitted and certified as valid by the Director shall include interest accrued at the rate of 7% per annum from the forty-fifth day after the claims are received by the Department or 45 days from the date on which the amount of payment is agreed upon, whichever is later, until the date the claims are submitted to the Comptroller for payment. When the Attorney General has filed an appearance in any proceeding concerning a wage claim settlement or judgment, the Attorney General shall certify to the Director that the wage claim is valid before any payment is made. In no event shall an amount in excess of $150,000 be paid from this plan to or for the benefit of any claimant.

Nothing in Public Act 84-961 shall be construed to affect in any manner the jurisdiction of the Court of Claims concerning wage claims made against the State of Illinois.

(14) Prepare and, in the discretion of the Director, implement a program for self-insurance for official fidelity and surety bonds for officers and employees as authorized by the Official Bond Act.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 405/405-293 new)

Sec. 405-293. Professional Services.

(a) The Department of Central Management Services (the "Department") is responsible for providing professional services for or on behalf of State agencies for all functions transferred to the Department by Executive Order No. 2003-10 (as modified by Section 5.5 of the Executive Reorganization Implementation Act) and may, with the approval of the Governor, provide additional services to or on behalf of State agencies. To the extent not compensated by direct fund transfers, the Department shall

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be reimbursed from each State agency receiving the benefit of these services. The reimbursement shall be determined by the Director of Central Management Services as the amount required to reimburse the Professional Services Fund for the Department's costs of rendering the professional services on behalf of that State agency.

(b) For the purposes of this Section, "State agency" means each State agency, department, board, and commission directly responsible to the Governor. "Professional services" means legal services, internal audit services, and other services as approved by the Governor.

(20 ILCS 405/405-315) (was 20 ILCS 405/67.24)

Sec. 405-315. Management of State buildings; security force; fees.

(a) To manage, operate, maintain, and preserve from waste the State buildings, facilities, structures, grounds, or other real property transferred to the Department under Section 405-415, including, without limitation, the State buildings listed below. The Department may rent portions of these and other State buildings when in the judgment of the Director those leases or subleases will be in the best interests of the State. The leases or subleases shall not exceed 5 years unless a greater term is specifically authorized.

a. Peoria Regional Office Building
   5415 North University
   Peoria, Illinois 61614
b. Springfield Regional Office Building
   4500 South 6th Street
   Springfield, Illinois 62703
c. Champaign Regional Office Building
   2125 South 1st Street
   Champaign, Illinois 61820
d. Illinois State Armory Building
   124 East Adams
   Springfield, Illinois 62706
e. Marion Regional Office Building
   2209 West Main Street
   Marion, Illinois 62959
f. Kenneth Hall Regional State Office Building
   #10 Collinsville Avenue
   East St. Louis, Illinois 62201
g. Rockford Regional Office Building

New matter indicated by italics - deletions by strikeout.
4402 North Main Street
P.O. Box 915
Rockford, Illinois 61105

h. State of Illinois Building
   160 North LaSalle
   Chicago, Illinois 60601

i. Office and Laboratory Building
   2121 West Taylor Street
   Chicago, Illinois 60602

j. Central Computer Facility
   201 West Adams
   Springfield, Illinois 62706

k. Elgin Office Building
   595 South State Street
   Elgin, Illinois 60120

l. James R. Thompson Center
   Bounded by Lake, Clark, Randolph and
   LaSalle Streets
   Chicago, Illinois

m. The following buildings located within the Chicago
   Medical Center District:
   1. Lawndale Day Care Center
      2929 West 19th Street
   2. Edwards Center
      2020 Roosevelt Road
   3. Illinois Center for
      Rehabilitation and Education
      1950 West Roosevelt Road and 1151 South Wood Street
   4. Department of Children and
      Family Services District Office
      1026 South Damen
   5. The William Heally School
      1731 West Taylor
   6. Administrative Office Building
      1100 South Paulina Street
   7. Metro Children and Adolescents Center
      1601 West Taylor Street

n. E.J. "Zeke" Giorgi Center
   200 Wyman Street

New matter indicated by italics - deletions by strikeout.
Rockford, Illinois
o. Suburban North Facility
   9511 Harrison
   Des Plaines, Illinois

p. The following buildings located within the Revenue Center in Springfield:
   1. State Property Control Warehouse
      11th & Ash
   2. Illinois State Museum Research & Collections Center
      1011 East Ash Street

q. Effingham Regional Office Building
   401 Industrial Drive
   Effingham, Illinois

r. The Communications Center
   120 West Jefferson
   Springfield, Illinois

s. Portions or all of the basement and ground floor of the State of Illinois Building
   160 North LaSalle
   Chicago, Illinois 60601

may be leased or subleased to persons, firms, partnerships, associations, or individuals for terms not to exceed 15 years when in the judgment of the Director those leases or subleases will be in the best interests of the State.

Portions or all of the commercial space, which includes the sub-basement, storage mezzanine, concourse, and ground and second floors of the

   James R. Thompson Center
   Bounded by Lake, Clark, Randolph and LaSalle Streets
   Chicago, Illinois

may be leased or subleased to persons, firms, partnerships, associations, or individuals for terms not to exceed 15 years subject to renewals when in the judgment of the Director those leases or subleases will be in the best interests of the State.

The Director is authorized to rent portions of the above described facilities to persons, firms, partnerships, associations, or individuals for terms not to exceed 30 days when those leases or subleases will not interfere with State usage of the facility. This authority is meant to

New matter indicated by italics - deletions by strikeout.
supplement and shall not in any way be interpreted to restrict the Director's ability to make portions of the State of Illinois Building and the James R. Thompson Center available for long-term commercial leases or subleases.

Provided however, that all rentals or fees charged to persons, firms, partnerships, associations, or individuals for any lease or use of space in the above described facilities made for terms not to exceed 30 days in length shall be deposited in a special fund in the State treasury to be known as the Special Events Revolving Fund.

Notwithstanding the provisions above, the Department of Children and Family Services and the Department of Human Services (as successor to the Department of Rehabilitation Services and the Department of Mental Health and Developmental Disabilities) shall determine the allocation of space for direct recipient care in their respective facilities. The Department of Central Management Services shall consult with the affected agency in the allocation and lease of surplus space in these facilities. Potential lease arrangements shall not endanger the direct recipient care responsibilities in these facilities.

(b) To appoint, subject to the Personnel Code, persons to be members of a police and security force. Members of the security force shall be peace officers when performing duties pursuant to this Section and as such shall have all of the powers possessed by policemen in cities and sheriffs, including the power to make arrests on view or issue citations for violations of State statutes or city or county ordinances, except that in counties of more than 1,000,000 population, any powers created by this subsection shall be exercised only (i) when necessary to protect the property, personnel, or interests of the Department or any State agency for whom the Department manages, operates, or maintains property or (ii) when specifically requested by appropriate State or local law enforcement officials, and except that within counties of 1,000,000 or less population, these powers shall be exercised only when necessary to protect the property, personnel, or interests of the State of Illinois and only while on property managed, operated, or maintained by the Department.

Nothing in this subsection shall be construed so as to make it conflict with any provisions of, or rules promulgated under, the Personnel Code.

(c) To charge reasonable fees for the lease, rental, use, or occupancy of to all State agencies utilizing facilities managed, operated, or maintained by the Department for occupancy related fees and charges. Except as provided in subsection (a) regarding amounts to be deposited

New matter indicated by italics - deletions by strikeout.
into the Special Events Revolving Fund, all moneys All fees collected under this subsection shall be deposited in a revolving special fund in the State treasury known as the Facilities Management Revolving Fund. As used in this subsection, the term "State agencies" means all departments, officers, commissions, institutions, boards, and bodies politic and corporate of the State:

(d) Provisions of this Section relating to the James R. Thompson Center are subject to the provisions of Section 7.4 of the State Property Control Act.

(Source: P.A. 92-302, eff. 8-9-01; 93-19, eff. 6-20-03.)

(20 ILCS 405/405-410)

Sec. 405-410. Transfer of Information Technology functions.

(a) Notwithstanding any other law to the contrary, on or before June 30, 2004, the Director of Central Management Services, working in cooperation with the Director of any other agency, department, board, or commission directly responsible to the Governor, may direct the transfer, to the Department of Central Management Services, of those information technology functions at that agency, department, board, or commission that are suitable for centralization.

Upon receipt of the written direction to transfer information technology functions to the Department of Central Management Services, the personnel, equipment, and property (both real and personal) directly relating to the transferred functions shall be transferred to the Department of Central Management Services, and the relevant documents, records, and correspondence shall be transferred or copied, as the Director may prescribe.

(b) Upon receiving written direction from the Director of Central Management Services, the Comptroller and Treasurer are authorized to transfer the unexpended balance of any appropriations related to the information technology functions transferred to the Department of Central Management Services and shall make the necessary fund transfers from any special fund in the State Treasury or from any other federal or State trust fund held by the Treasurer to the General Revenue Fund for use by the Department of Central Management Services in support of information technology functions or any other related costs or expenses of the Department of Central Management Services.

(c) The rights of employees and the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under

New matter indicated by italics - deletions by strikeout.
any pension, retirement, or annuity plan shall not be affected by any
transfer under this Section.

(d) The functions transferred to the Department of Central
Management Services by this Section shall be vested in and shall be
exercised by the Department of Central Management Services. Each act
done in the exercise of those functions shall have the same legal effect as
if done by the agencies, offices, divisions, departments, bureaus, boards
and commissions from which they were transferred.

Every person or other entity shall be subject to the same
obligations and duties and any penalties, civil or criminal, arising
therefrom, and shall have the same rights arising from the exercise of such
rights, powers, and duties as had been exercised by the agencies, offices,
divisions, departments, bureaus, boards, and commissions from which they
were transferred.

Whenever reports or notices are now required to be made or given
or papers or documents furnished or served by any person in regards to the
functions transferred to or upon the agencies, offices, divisions,
departments, bureaus, boards, and commissions from which the functions
were transferred, the same shall be made, given, furnished or served in the
same manner to or upon the Department of Central Management Services.

This Section does not affect any act done, ratified, or cancelled or
any right occurring or established or any action or proceeding had or
commenced in an administrative, civil, or criminal cause regarding the
functions transferred, but those proceedings may be continued by the
Department of Central Management Services.

This Section does not affect the legality of any rules in the Illinois
Administrative Code regarding the functions transferred in this Section
that are in force on the effective date of this Section. If necessary,
however, the affected agencies shall propose, adopt, or repeal rules, rule
amendments, and rule recodifications as appropriate to effectuate this
Section.

(Source: P.A. 93-25, eff. 6-20-03.)

(20 ILCS 405/405-411 new)

Sec. 405-411. Consolidation of workers' compensation functions.

(a) Notwithstanding any other law to the contrary, the Director of
Central Management Services, working in cooperation with the Director
of any other agency, department, board, or commission directly
responsible to the Governor, may direct the consolidation, within the
Department of Central Management Services, of those workers'

New matter indicated by italics - deletions by strikeout.
compensation functions at that agency, department, board, or commission that are suitable for centralization.

Upon receipt of the written direction to transfer workers' compensation functions to the Department of Central Management Services, the personnel, equipment, and property (both real and personal) directly relating to the transferred functions shall be transferred to the Department of Central Management Services, and the relevant documents, records, and correspondence shall be transferred or copied, as the Director may prescribe.

(b) Upon receiving written direction from the Director of Central Management Services, the Comptroller and Treasurer are authorized to transfer the unexpended balance of any appropriations related to the workers' compensation functions transferred to the Department of Central Management Services and shall make the necessary fund transfers from the General Revenue Fund, any special fund in the State treasury, or any other federal or State trust fund held by the Treasurer to the Workers' Compensation Revolving Fund for use by the Department of Central Management Services in support of workers' compensation functions or any other related costs or expenses of the Department of Central Management Services.

(c) The rights of employees and the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by any transfer under this Section.

(d) The functions transferred to the Department of Central Management Services by this Section shall be vested in and shall be exercised by the Department of Central Management Services. Each act done in the exercise of those functions shall have the same legal effect as if done by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.

Every person or other entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such rights, powers, and duties as had been exercised by the agencies, offices, divisions, departments, bureaus, boards, and commissions from which they were transferred.

Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person in regards to the functions transferred to or upon the agencies, offices, divisions,
departments, bureaus, boards, and commissions from which the functions were transferred, the same shall be made, given, furnished or served in the same manner to or upon the Department of Central Management Services.

This Section does not affect any act done, ratified, or cancelled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause regarding the functions transferred, but those proceedings may be continued by the Department of Central Management Services.

This Section does not affect the legality of any rules in the Illinois Administrative Code regarding the functions transferred in this Section that are in force on the effective date of this Section. If necessary, however, the affected agencies shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Section.

(20 ILCS 405/405-415 new)
Sec. 405-415. Transfer of facilities and facility management functions.

(a) Notwithstanding any other law to the contrary, the Director of Central Management Services may direct the transfer, to the Department of Central Management Services, of those facilities and facility management functions authorized to be transferred under Executive Order 10 (2003). Upon receipt of the written direction to transfer facilities or facility management functions to the Department of Central Management Services, the personnel, equipment, and property (both real and personal) directly relating to the transferred functions shall be transferred to the Department of Central Management Services, and the relevant documents, records, and correspondence shall be transferred or copied, as the Director may prescribe.

(b) Upon receiving written direction from the Director of Central Management Services, the Comptroller and Treasurer are authorized to transfer the unexpended balance of any appropriations related to the facilities or facility management functions transferred to the Department of Central Management Services and shall make the necessary fund transfers from the General Revenue Fund, any special fund in the State Treasury, or any other federal or State trust fund held by the Treasurer to the Facilities Management Revolving Fund for use by the Department of Central Management Services in support of facilities and facility management functions or any other related costs or expenses of the Department of Central Management Services.

New matter indicated by italics - deletions by strikeout.
(c) The Department may adopt rules establishing standards for the maintenance, management, operations, and occupancy of State facilities and the disposition of excess State facilities that are subject to the transfer of ownership and control authorized by Executive Order 10 (2003) and this Section, regardless of whether the Department has actually exercised its rights of ownership and control.

Section 10-65. The Personnel Code is amended by adding Section 12f as follows:

(20 ILCS 415/12f new)
Sec. 12f. Merit compensation/salary grade employees; layoffs.
(a) Each State agency shall make every attempt to minimize the number of its employees that are laid off. In an effort to minimize layoffs, each merit compensation/salary grade employee who is subject to layoff shall be offered any vacant positions for the same title held by that employee within the same agency and county from which the employee is subject to layoff and within 2 additional alternate counties designated by the employee (or 3 additional counties if the employee’s facility or office is closing), excluding titles that are subject to collective bargaining. If no such vacancies exist, then the employee shall be placed on the agency’s reemployment list for (i) the title from which the employee was laid off and (ii) any other titles or successor titles previously held by that employee in which the employee held certified status within the county from which the employee was laid off and within 2 additional alternate counties designated by the employee (or 3 additional counties if the employee’s facility or office is closing), excluding titles that are subject to collective bargaining. Laid-off employees shall remain on a reemployment list for 3 years, commencing with the date of layoff.

(b) Merit compensation/salary grade employees who are laid off shall be extended the same medical and dental insurance benefits to which employees laid off from positions subject to collective bargaining are entitled and on the same terms.

(c) Employees laid off from merit compensation/salary grade positions may apply to be qualified for any titles subject to collective bargaining.

(d) Merit compensation/salary grade employees subject to layoff shall be given 30 days' notice of the layoff. A list of all current vacancies of all titles within the agency shall be provided to the employee with the notice of the layoff.

New matter indicated by italics - deletions by strikeout.
Section 10-70. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-365 as follows:

(20 ILCS 605/605-365) (was 20 ILCS 605/46.19a in part)
(Section scheduled to be repealed on September 1, 2004)
Sec. 605-365. Technology Innovation and Commercialization Fund. There is hereby created a special fund in the State treasury to be known as the Technology Innovation and Commercialization Fund. The moneys in the Fund may be used, subject to appropriation, only for making grants pursuant to Section 605-355 and for the purposes of the Technology Advancement and Development Act. All royalties received by the Department shall be deposited into the Fund.

The Technology Innovation and Commercialization Fund is abolished on August 31, 2004. Any balance remaining in the Fund on that date shall be transferred to the General Revenue Fund.
This Section is repealed on September 1, 2004.
(Source: P.A. 90-454, eff. 8-16-97; 91-239, eff. 1-1-00.)

Section 10-75. The Department of Veterans Affairs Act is amended by changing Section 2 as follows:
(20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)
Sec. 2. Powers and duties. The Department shall have the following powers and duties:
To perform such acts at the request of any veteran, or his or her spouse, surviving spouse or dependents as shall be reasonably necessary or reasonably incident to obtaining or endeavoring to obtain for the requester any advantage, benefit or emolument accruing or due to such person under any law of the United States, the State of Illinois or any other state or governmental agency by reason of the service of such veteran, and in pursuance thereof shall:
1. Contact veterans, their survivors and dependents and advise them of the benefits of state and federal laws and assist them in obtaining such benefits;
2. Establish field offices and direct the activities of the personnel assigned to such offices;
3. Create a volunteer field force of accredited representatives, representing educational institutions, labor organizations, veterans organizations, employers, churches, and farm organizations;
4. Conduct informational and training services;

New matter indicated by italics - deletions by strikeout.
5. Conduct educational programs through newspapers, periodicals and radio for the specific purpose of disseminating information affecting veterans and their dependents;

6. Coordinate the services and activities of all state departments having services and resources affecting veterans and their dependents;

7. Encourage and assist in the coordination of agencies within counties giving service to veterans and their dependents;

8. Cooperate with veterans organizations and other governmental agencies;

9. Make, alter, amend and promulgate reasonable rules and procedures for the administration of this Act;

10. Make and publish annual reports to the Governor regarding the administration and general operation of the Department; and

11. Encourage the State to implement more programs to address the wide range of issues faced by Persian Gulf War Veterans, especially those who took part in combat, by creating an official commission to further study Persian Gulf War Diseases. The commission shall consist of 9 members appointed as follows: the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate shall each appoint one member from the General Assembly, the Governor shall appoint 4 members to represent veterans' organizations, and the Department shall appoint one member. The commission members shall serve without compensation.

The Department may accept and hold on behalf of the State, if for the public interest, a grant, gift, devise or bequest of money or property to the Department made for the general benefit of Illinois veterans, including the conduct of informational and training services by the Department and other authorized purposes of the Department. The Department shall cause each grant, gift, devise or bequest to be kept as a distinct fund and shall invest such funds in the manner provided by the Public Funds Investment Act, as now or hereafter amended, and shall make such reports as may be required by the Comptroller concerning what funds are held and the manner in which such funds are invested. The Department may make grants from these funds for the general benefit of Illinois veterans. Grants from these funds, except for the funds established under Sections 2.01a and 2.03, shall be subject to appropriation.

New matter indicated by italics - deletions by strikeout.
The Department has the power to make grants, from funds appropriated from the Korean War Veterans National Museum and Library Fund, to private organizations for the benefit of the Korean War Veterans National Museum and Library.

The Department has the power to make grants, from funds appropriated from the Illinois Military Family Relief Fund, for benefits authorized under the Survivors Compensation Act.

(Source: P.A. 92-198, eff. 8-1-01; 92-651, eff. 7-11-02.)

Section 10-85. The Illinois Economic and Fiscal Commission Act is amended by changing Section 3 as follows:

(25 ILCS 155/3) (from Ch. 63, par. 343)

Sec. 3. The Commission shall:

(1) Study from time to time and report to the General Assembly on economic development and trends in the State.

(2) Make such special economic and fiscal studies as it deems appropriate or desirable or as the General Assembly may request.

(3) Based on its studies, recommend such State fiscal and economic policies as it deems appropriate or desirable to improve the functioning of State government and the economy of the various regions within the State.

(4) Prepare annually a State economic report.

(5) Provide information for all appropriate legislative organizations and personnel on economic trends in relation to long range planning and budgeting.

(6) Study and make such recommendations as it deems appropriate to the General Assembly on local and regional economic and fiscal policy and on federal fiscal policy as it may affect Illinois.

(7) Review capital expenditures, appropriations and authorizations for both the State's general obligation and revenue bonding authorities. At the direction of the Commission, specific reviews may include economic feasibility reviews of existing or proposed revenue bond projects to determine the accuracy of the original estimate of useful life of the projects, maintenance requirements and ability to meet debt service requirements through their operating expenses.

(8) Receive and review all executive agency and revenue bonding authority annual and 3 year plans. The Commission shall prepare a consolidated review of these plans, an updated assessment of current State agency capital plans, a report on the outstanding and unissued bond authorizations, an evaluation of the State's ability to market further bond

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issues and shall submit them as the "Legislative Capital Plan Analysis" to the House and Senate Appropriations Committees at least once a year. The Commission shall annually submit to the General Assembly on the first Wednesday of April a report on the State's long-term capital needs, with particular emphasis upon and detail of the 5-year period in the immediate future.

(9) Study and make recommendations it deems appropriate to the General Assembly on State bond financing, bondability guidelines, and debt management. At the direction of the Commission, specific studies and reviews may take into consideration short and long-run implications of State bonding and debt management policy.

(10) Comply with the provisions of the "State Debt Impact Note Act" as now or hereafter amended.

(11) Comply with the provisions of the Pension Impact Note Act, as now or hereafter amended.

(12) By August 1st of each year, the Commission must prepare and cause to be published a summary report of State appropriations for the State fiscal year beginning the previous July 1st. The summary report must discuss major categories of appropriations, the issues the General Assembly faced in allocating appropriations, comparisons with appropriations for previous State fiscal years, and other matters helpful in providing the citizens of Illinois with an overall understanding of appropriations for that fiscal year. The summary report must be written in plain language and designed for readability. Publication must be in newspapers of general circulation in the various areas of the State to ensure distribution statewide. The summary report must also be published on the General Assembly's web site.

(13) Comply with the provisions of the State Facilities Closure Act.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 92-67, eff. 7-12-01; 93-632, eff. 2-1-04.)

Section 10-90. The Fiscal Note Act is amended by changing Section 1 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 1. Every bill, except those bills making a direct appropriation, the purpose or effect of which is (i) to expend any State funds or to increase or decrease the revenues of the State, either directly or indirectly, or (ii) to require the expenditure of their own funds by, or to increase or decrease the revenues of, units of local government, school districts or community college districts, or to revise the distribution of State funds among units of local government, school districts, or community college districts, either directly or indirectly, or (2) that amends the Mental Health and Developmental Disabilities Code or the Developmental Disability and Mental Disability Services Act shall have prepared for it prior to second reading in the house of introduction a brief explanatory statement or note which, for a bill under item (1), shall include a reliable estimate of the anticipated change in State, local governmental, school district, or community college district expenditures or revenues under its provisions and, for a bill under item (2), shall include a reliable estimate of the fiscal impact of its provisions upon community agencies. For purposes of this Act, indirect revenues include, but are not limited to, increased tax revenues or other increased revenues resulting from economic development, job creation, or cost reduction. The statement or note shall also include an explanation of the methodology used to determine the estimated direct and indirect costs or estimated impact on community agencies. Any notes for bills having a fiscal impact on units of local government, school districts or community college districts shall include such cost estimates as may be required under the State Mandates Act.

If a bill authorizes capital expenditures or appropriates funds for capital expenditures, a statement shall be prepared by the Governor's Office of Management and Budget Bureau of the Budget specifying by year any principal and interest payments required to finance such capital expenditures.

If a bill authorizes the issuance of bonds, a statement or note shall be prepared by the Governor's Office of Management and Budget specifying the estimated total principal and interest payments (assuming interest is paid at a fixed rate) if all of the bonds authorized were issued. The statement or note shall include the total principal on all other then-outstanding Bonds of the State.

These statements or notes shall be known as "fiscal notes".

(Source: P.A. 92-567, eff. 1-1-03; revised 8-23-03.)

New matter indicated by italics - deletions by strikeout.
Section 10-95. The State Debt Impact Note Act is amended by changing Section 4 as follows:

(25 ILCS 65/4) (from Ch. 63, par. 42.74)

Sec. 4. The State Debt Impact Note shall be factual in nature and as brief and concise as possible. For bills which would appropriate from bond funds, the note shall provide a reliable estimate of the impact of the bill on the State's debt service requirements; a description of the estimated useful life and intended use of the project; and maintenance and operating costs associated with the project. For bills which would add new or increase existing bond authorization levels the note shall assess current outstanding, unissued, and retired bond authorization levels and make reasonable projections of the cost associated with the retirement of the additional bonds. The estimated costs shall specify the estimated total principal and interest payments (assuming interest is paid at a fixed rate) if all of the Bonds authorized were issued. The statement or note shall include the total principal on all other then-outstanding Bonds of the State. A brief summary or work sheet of computations used in arriving at State Debt Impact Notes shall be attached.

(Source: P.A. 81-615.)

Section 10-100. The State Finance Act is amended by changing Sections 6z-32, 8g, 8h, 8.3, 8.12, 9, 13.2, 14, and 25 and by adding Sections 5.625, 6z-27.1, 6z-63, 6z-64, 6z-65, 8k, 8m, 8.43, 14c, and 24.11 as follows:

(30 ILCS 105/5.625 new)
Sec. 5.625. The Professional Services Fund.

(30 ILCS 105/6z-27.1 new)
Sec. 6z-27.1. Transfer from Efficiency Initiative Fund. The sum of $750,000 is ordered transferred from the Efficiency Initiative Fund to the Comptroller's Administrative Fund to reimburse the Comptroller's office for costs and expenses incurred by that office in relation to efficiency initiatives and agency consolidation, reorganization, and restructuring pursuant to Section 405-292 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois (20 ILCS 405/405-292).

(30 ILCS 105/6z-32)

(a) The Conservation 2000 Fund and the Conservation 2000 Projects Fund are created as special funds in the State Treasury. These funds shall be used to establish a comprehensive program to protect
Illinois' natural resources through cooperative partnerships between State government and public and private landowners. Moneys in these Funds may be used, subject to appropriation, by the Environmental Protection Agency and the Departments of Agriculture, Natural Resources, and Transportation for purposes relating to natural resource protection, recreation, tourism, and compatible agricultural and economic development activities. Without limiting these general purposes, moneys in these Funds may be used, subject to appropriation, for the following specific purposes:

(1) To foster sustainable agriculture practices and control soil erosion and sedimentation, including grants to Soil and Water Conservation Districts for conservation practice cost-share grants and for personnel, educational, and administrative expenses.

(2) To establish and protect a system of ecosystems in public and private ownership through conservation easements, incentives to public and private landowners, including technical assistance and grants, and land acquisition provided these mechanisms are all voluntary on the part of the landowner and do not involve the use of eminent domain.

(3) To develop a systematic and long-term program to effectively measure and monitor natural resources and ecological conditions through investments in technology and involvement of scientific experts.

(4) To initiate strategies to enhance, use, and maintain Illinois' inland lakes through education, technical assistance, research, and financial incentives.

(5) To conduct an extensive review of existing Illinois water laws.

(b) The State Comptroller and State Treasurer shall automatically transfer on the last day of each month, beginning on September 30, 1995 and ending on June 30, 2009, from the General Revenue Fund to the Conservation 2000 Fund, an amount equal to 1/10 of the amount set forth below in fiscal year 1996 and an amount equal to 1/12 of the amount set forth below in each of the other specified fiscal years:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>1997</td>
<td>$9,000,000</td>
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<tr>
<td>1998</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1999</td>
<td>$11,000,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
2000 $12,500,000
2001 through 2004 2009 $14,000,000
2005 $7,000,000
2006 through 2009 .......................................................... $14,000,000

(c) There shall be deposited into the Conservation 2000 Projects Fund such bond proceeds and other moneys as may, from time to time, be provided by law.
(Source: P.A. 90-14, eff. 7-1-97; 90-490, eff. 8-17-97; 91-379, eff. 1-1-00.)

(30 ILCS 105/6z-63 new)
Sec. 6z-63. The Professional Services Fund.
(a) The Professional Services Fund is created as a revolving fund in the State treasury. The following moneys shall be deposited into the Fund:

(1) amounts authorized for transfer to the Fund from the General Revenue Fund and other State funds (except for funds classified by the Comptroller as federal trust funds or State trust funds) pursuant to State law or Executive Order;

(2) federal funds received by the Department of Central Management Services (the "Department") as a result of expenditures from the Fund;

(3) interest earned on moneys in the Fund; and

(4) receipts or inter-fund transfers resulting from billings issued by the Department to State agencies for the cost of professional services rendered by the Department that are not compensated through the specific fund transfers authorized by this Section.

(b) Moneys in the Fund may be used by the Department for reimbursement or payment for:

(1) providing professional services to State agencies;

(2) rendering other services at the Governor’s direction to State agencies; or

(3) providing for payment of administrative and other expenses incurred by the Department in providing professional services.

(c) State agencies may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to the Professional Services Fund in satisfaction of billings issued under subsection (a) of this Section.

New matter indicated by italics - deletions by strikeout.
(d) Reconciliation. The Director of Central Management Services (the "Director") shall order that each State agency’s payments and transfers made to the Fund be reconciled with actual Fund costs for professional services provided by the Department on no less than an annual basis. The Director may require reports from State agencies as deemed necessary to perform this reconciliation.

(e) The following amounts are authorized for transfer into the Professional Services Fund for the fiscal year beginning July 1, 2004:

- General Revenue Fund: $5,440,431
- Road Fund: $814,468
- Motor Fuel Tax Fund: $263,500
- Child Support Administrative Fund: $234,013
- Professions Indirect Cost Fund: $276,800
- Capital Development Board Revolving Fund: $207,610
- Bank & Trust Company Fund: $200,214
- State Lottery Fund: $193,691
- Insurance Producer Administration Fund: $174,672
- Insurance Financial Regulation Fund: $168,327
- Illinois Clean Water Fund: $124,675
- Clean Air Act (CAA) Permit Fund: $91,803
- Statistical Services Revolving Fund: $90,959
- Financial Institution Fund: $109,428
- Horse Racing Fund: $71,127
- Health Insurance Reserve Fund: $66,577
- Solid Waste Management Fund: $61,081
- Guardianship and Advocacy Fund: $1,068
- Agricultural Premium Fund: $493
- Wildlife and Fish Fund: $247
- Radiation Protection Fund: $33,277
- Nuclear Safety Emergency Preparedness Fund: $25,652
- Tourism Promotion Fund: $6,814

All of these transfers shall be made on July 1, 2004, or as soon thereafter as practical. These transfers shall be made notwithstanding any other provision of State law to the contrary.

(f) The term "professional services" means services rendered on behalf of State agencies pursuant to Section 405-293 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois.

(30 ILCS 105/6z-64 new)

New matter indicated by italics - deletions by strikeout.
Sec. 6z-64. The Workers' Compensation Revolving Fund.

(a) The Workers' Compensation Revolving Fund is created as a revolving fund in the State treasury. The following moneys shall be deposited into the Fund:

(1) amounts authorized for transfer to the Fund from the General Revenue Fund and other State funds (except for funds classified by the Comptroller as federal trust funds or State trust funds) pursuant to State law or Executive Order;
(2) federal funds received by the Department of Central Management Services (the "Department") as a result of expenditures from the Fund;
(3) interest earned on moneys in the Fund;
(4) receipts or inter-fund transfers resulting from billings issued by the Department to State agencies for the cost of workers' compensation services rendered by the Department that are not compensated through the specific fund transfers authorized by this Section, if any;
(5) amounts received from a State agency or university for workers' compensation payments for temporary total disability, as provided in Section 405-105 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois; and
(6) amounts recovered through subrogation in workers' compensation and workers' occupational disease cases.

(b) Moneys in the Fund may be used by the Department for reimbursement or payment for:

(1) providing workers' compensation services to State agencies and State universities; or
(2) providing for payment of administrative and other expenses incurred by the Department in providing workers' compensation services.

(c) State agencies may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to the Workers' Compensation Revolving Fund in satisfaction of billings issued under subsection (a) of this Section.

(d) Reconciliation. The Director of Central Management Services (the "Director") shall order that each State agency's payments and transfers made to the Fund be reconciled with actual Fund costs for workers' compensation services provided by the Department and

New matter indicated by italics - deletions by strikeout.
attributable to the State agency and relevant fund on no less than an annual basis. The Director may require reports from State agencies as deemed necessary to perform this reconciliation.

(e) The term "workers' compensation services" means services, claims expenses, and related administrative costs incurred in performing the functions consolidated within the Department of Central Management Services under Section 405-411 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois.

(30 ILCS 105/6z-65 new)
Sec. 6z-65. The Facilities Management Revolving Fund.
(a) The Facilities Management Revolving Fund is created as a revolving fund in the State treasury. The following moneys shall be deposited into the Fund:

(1) amounts authorized for transfer to the Fund from the General Revenue Fund and other State funds (except for funds classified by the Comptroller as federal trust funds or State trust funds) pursuant to State law or Executive Order;

(2) federal funds received by the Department of Central Management Services (the "Department") as a result of expenditures from the Fund;

(3) interest earned on moneys in the Fund;

(4) receipts or inter-fund transfers resulting from billings issued by the Department to State agencies for the cost of facilities management services rendered by the Department that are not compensated through the specific fund transfers authorized by this Section, if any; and

(5) fees from the lease, rental, use, or occupancy of State facilities managed, operated, or maintained by the Department.

(b) Moneys in the Fund may be used by the Department for reimbursement or payment for:

(1) the acquisition and operation of State facilities, including, without limitation, rental or installment payments and interest, personal services, utilities, maintenance, and remodeling; or

(2) providing for payment of administrative and other expenses incurred by the Department in providing facilities management services.

(c) State agencies may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to

New matter indicated by italics - deletions by strikeout.
the Facilities Management Revolving Fund in satisfaction of billings issued under subsection (a) of this Section.

(d) Reconciliation. The Director of Central Management Services (the "Director") shall order that each State agency's payments and transfers made to the Fund be reconciled with actual Fund costs for facilities management services provided by the Department and attributable to the State agency and relevant fund on no less than an annual basis. The Director may require reports from State agencies as deemed necessary to perform this reconciliation.

(e) The term "facilities management services" means services performed by the Department in providing for the acquisition, occupancy, management, and operation of State owned and leased buildings, facilities, structures, grounds, or the real property under management of the Department.

(30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

(a) The moneys in the State Pensions Fund shall be used exclusively for the administration of the Uniform Disposition of Unclaimed Property Act and for the payment of or repayment to the General Revenue Fund a portion of the required State contributions to the designated retirement systems.

"Designated retirement systems" means:

(1) the State Employees' Retirement System of Illinois;
(2) the Teachers' Retirement System of the State of Illinois;
(3) the State Universities Retirement System;
(4) the Judges Retirement System of Illinois; and
(5) the General Assembly Retirement System.

(b) Each year the General Assembly may make appropriations from the State Pensions Fund for the administration of the Uniform Disposition of Unclaimed Property Act.

Each month, the Commissioner of the Office of Banks and Real Estate shall certify to the State Treasurer the actual expenditures that the Office of Banks and Real Estate incurred conducting unclaimed property examinations under the Uniform Disposition of Unclaimed Property Act during the immediately preceding month. Within a reasonable time following the acceptance of such certification by the State Treasurer, the State Treasurer shall pay from its appropriation from the State Pensions Fund to the Bank and Trust Company Fund and the Savings and

New matter indicated by italics - deletions by strikeout.
Residential Finance Regulatory Fund an amount equal to the expenditures incurred by each Fund for that month.

Each month, the Director of Financial Institutions shall certify to the State Treasurer the actual expenditures that the Department of Financial Institutions incurred conducting unclaimed property examinations under the Uniform Disposition of Unclaimed Property Act during the immediately preceding month. Within a reasonable time following the acceptance of such certification by the State Treasurer, the State Treasurer shall pay from its appropriation from the State Pensions Fund to the Financial Institutions Fund and the Credit Union Fund an amount equal to the expenditures incurred by each Fund for that month.

(c) As soon as possible after the effective date of this amendatory Act of the 93rd General Assembly, the General Assembly shall appropriate from the State Pensions Fund (1) to the State Universities Retirement System the amount certified under Section 15-165 during the prior year, (2) to the Judges Retirement System of Illinois the amount certified under Section 18-140 during the prior year, and (3) to the General Assembly Retirement System the amount certified under Section 2-134 during the prior year as part of the required State contributions to each of those designated retirement systems; except that amounts appropriated under this subsection (c) in State fiscal year 2005 shall not reduce the amount in the State Pensions Fund below $5,000,000. If the amount in the State Pensions Fund does not exceed the sum of the amounts certified in Sections 15-165, 18-140, and 2-134 by at least $5,000,000, the amount paid to each designated retirement system under this subsection shall be reduced in proportion to the amount certified by each of those designated retirement systems. For each State fiscal year beginning with State fiscal year 2006, each year the General Assembly shall appropriate a total amount equal to the balance in the State Pensions Fund at the close of business on June 30 of the preceding fiscal year, less $5,000,000, as part of the required State contributions to the designated retirement systems. The amount of the appropriation to each designated retirement systems system shall constitute a portion of the total appropriation under this subsection for that fiscal year which is the same as that retirement system's portion of the total actuarial reserve deficiency of the systems, as most recently determined by the Governor's Office of Management and Budget.

(d) The Governor's Office of Management and Budget shall determine the individual and total reserve deficiencies of the designated retirement systems. For this purpose, the Governor's Office of

New matter indicated by italics - deletions by strikeout.
Management and Budget shall utilize the latest available audit and actuarial reports of each of the retirement systems and the relevant reports and statistics of the Public Employee Pension Fund Division of the Department of Insurance.

(d-1) As soon as practicable after the effective date of this amendatory Act of the 93rd General Assembly, the Comptroller shall direct and the Treasurer shall transfer from the State Pensions Fund to the General Revenue Fund, as funds become available, a sum equal to the amounts that would have been paid from the State Pensions Fund to the Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, the Judges Retirement System of Illinois, the General Assembly Retirement System, and the State Employees' Retirement System of Illinois after the effective date of this amendatory Act during the remainder of fiscal year 2004 to the designated retirement systems from the appropriations provided for in this Section if the transfers provided in Section 6z-61 had not occurred. The transfers described in this subsection (d-1) are to partially repay the General Revenue Fund for the costs associated with the bonds used to fund the moneys transferred to the designated retirement systems under Section 6z-61.

(e) The changes to this Section made by this amendatory Act of 1994 shall first apply to distributions from the Fund for State fiscal year 1996.

(Source: P.A. 93-665, eff. 3-5-04.)

(30 ILCS 105/8.43 new)

Sec. 8.43. Special fund transfers.

(a) In order to maintain the integrity of special funds and improve stability in the General Revenue Fund, the following transfers are authorized from the designated funds into the General Revenue Fund:

**SECRETARY OF STATE SPECIAL LICENSE PLATE FUND** ............................................................$856,000

**SECURITIES INVESTORS EDUCATION FUND** ...........$3,271,000

**SECURITIES AUDIT & ENFORCEMENT FUND** ....................................................$17,014,000

**DEPARTMENT OF BUSINESS SERVICES SPECIAL OPERATIONS FUND** .................................$524,000

**SECRETARY OF STATE SPECIAL SERVICES FUND** ..............$600,000

**SECRETARY OF STATE DUI ADMINISTRATION FUND** ...........................................$582,000

**FOOD & DRUG SAFETY FUND** .................................................................$817,000

New matter indicated by italics - deletions by strikeout.
TRANSPORTATION REGULATORY
FUND .................................................................$2,379,000
FINANCIAL INSTITUTION FUND...............................$2,003,000
GENERAL PROFESSIONS DEDICATED
FUND ..............................................................................$497,000
DRIVERS EDUCATION FUND ........................................$2,967,000
STATE BOATING ACT FUND .................................$1,072,000
AGRICULTURAL PREMIUM FUND .........................$7,777,000
PUBLIC UTILITY FUND ...........................................$8,202,000
RADIATION PROTECTION FUND .........................$750,000
SOLID WASTE MANAGEMENT FUND ....................$10,084,000
SUBTITLE D MANAGEMENT FUND .....................$3,006,000
PLUGGING AND RESTORATION FUND ..............
$1,255,000
REGISTERED CERTIFIED PUBLIC ACCOUNTANTS
ADMINISTRATION AND DISCIPLINARY FUND .............$819,000
WEIGHTS AND MEASURES FUND ......................... $1,800,000
SOLID WASTE MANAGEMENT REVOLVING LOAN
FUND ..............................................................................$647,000
RESPONSE CONTRACTORS INDEMNIFICATION
FUND ............................................................................ $107,000
CAPITAL DEVELOPMENT BOARD REVOLVING LOAN
FUND .............................................................................$1,229,000
PROFESSIONS INDIRECT COST FUND ......................$39,000
ILLINOIS HEALTH FACILITIES PLANNING
FUND .............................................................................$2,351,000
OPTOMETRIC LICENSING AND DISCIPLINARY
BOARD FUND ..............................................................$1,121,000
STATE RAIL FREIGHT LOAN REPAYMENT
FUND .............................................................................$3,500,000
ILLINOIS TAX INCREMENT FUND .........................$1,500,000
USED TIRE MANAGEMENT FUND .......................$3,278,000
AUDIT EXPENSE FUND .............................................$1,237,000
INSURANCE PREMIUM TAX REFUND
FUND ............................................................................ $2,500,000
CORPORATE FRANCHISE TAX REFUND
FUND .............................................................................$1,650,000
TAX COMPLIANCE AND ADMINISTRATION
FUND .............................................................................$9,513,000

New matter indicated by italics - deletions by strikeout.
APPRAISAL ADMINISTRATION FUND..............................$1,107,000
STATE ASSET FORFEITURE FUND ......................... $1,500,000
FEDERAL ASSET FORFEITURE FUND ....................$3,943,000
DEPARTMENT OF CORRECTIONS REIMBURSEMENT
AND EDUCATION FUND.............................................$14,500,000
LEADS MAINTENANCE FUND .................................$2,000,000
STATE OFFENDER DNA IDENTIFICATION SYSTEM
FUND..........................................................................$250,000
WORKFORCE, TECHNOLOGY, AND ECONOMIC
DEVELOPMENT FUND ..........................$1,500,000
RENEWABLE ENERGY RESOURCES TRUST
FUND ........................................................................$9,510,000
ENERGY EFFICIENCY TRUST FUND .....................$3,040,000
CONSERVATION 2000 FUND ................................$7,439,000
HORSE RACING FUND .............................................$2,500,000
STATE POLICE WIRELESS SERVICE EMERGENCY
FUND .......................................................................$500,000
WHISTLEBLOWER REWARD AND PROTECTION
FUND ........................................................................$750,000
TOBACCO SETTLEMENT RECOVERY
FUND ........................................................................$19,300,000
PRESIDENTIAL LIBRARY AND MUSEUM FUND ......$500,000
MEDICAL SPECIAL PURPOSES TRUST FUND
$967,000
DRAM SHOP FUND ................................................$1,517,000
DESIGN PROFESSIONALS ADMINISTRATION AND
INVESTIGATION FUND ............................................$1,172,000
ILLINOIS FORESTRY DEVELOPMENT FUND ..........$1,257,000
STATE POLICE SERVICES FUND ..............................$250,000
METABOLIC SCREENING AND TREATMENT
FUND .................................................................... $3,435,000
INSURANCE PRODUCER ADMINISTRATION
FUND .................................................................... $12,727,000
LOW-LEVEL RADIOACTIVE WASTE FACILITY
DEVELOPMENT AND OPERATION FUND
$2,202,000
LOW-LEVEL RADIOACTIVE WASTE FACILITY CLOSURE,
POST-CLOSURE CARE AND COMPENSATION FUND .......$6,000,000
ENVIRONMENTAL PROTECTION PERMIT AND

New matter indicated by italics - deletions by strikeout.
INSPECTION FUND ...............................................................$874,000
PARK AND CONSERVATION FUND .................................$1,000,000
PUBLIC INFRASTRUCTURE CONSTRUCTION LOAN
REVOLVING FUND ............................................................$1,822,000
LOBBYIST REGISTRATION ADMINISTRATION
FUND ................................................................................$327,000
DIVISION OF CORPORATIONS REGISTERED
LIMITED LIABILITY PARTNERSHIP FUND .........................$356,000
WORKING CAPITAL REVOLVING FUND
(30 ILCS 105/6).................................................................$12,000,000

All of the transfers shall be made on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as practical. These transfers shall be made notwithstanding any other provision of State law to the contrary.

(b) On and after the effective date of this amendatory Act of the 93rd General Assembly through June 30, 2005, when any of the funds listed in subsection (a) have insufficient cash from which the State Comptroller may make expenditures properly supported by appropriations from the fund, then the State Treasurer and State Comptroller shall transfer from the General Revenue Fund to the fund only such amount as is immediately necessary to satisfy outstanding expenditure obligations on a timely basis, subject to the provisions of the State Prompt Payment Act. Any amounts transferred from the General Revenue Fund to a fund pursuant to this subsection (b) from time to time shall be re-transferred by the State Comptroller and the State Treasurer from the receiving fund into the General Revenue Fund as soon as and to the extent that deposits are made into or receipts are collected by the receiving fund. In all events, the full amounts of all transfers from the General Revenue Fund to receiving funds shall be re-transferred to the General Revenue Fund no later than June 30, 2005.

(c) The sum of $57,700,000 shall be transferred, pursuant to appropriation, from the State Pensions Fund to the designated retirement systems (as defined in Section 8.12 of the State Finance Act) on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as practical. On April 16, 2005, or as soon thereafter as practical, there shall be transferred, pursuant to appropriation, from the State Pensions Fund to the designated retirement systems (as defined in Section 8.12 of the State Finance Act) the lesser of (i) an amount equal to the balance in the State Pensions Fund on April 16, 2005, minus an

New matter indicated by italics - deletions by strikeout.
amount equal to 75% of the total amount of fiscal year 2005 appropriations from the State Pensions Fund that were appropriated to the State Treasurer for administration of the Uniform Disposition of Unclaimed Property Act or (ii) $35,000,000. These transfers are intended to be all or part of the transfer required under Section 8.12 of the State Finance Act for fiscal year 2005.

(d) The sum of $49,775,000 shall be transferred from the School Technology Revolving Loan Fund to the Common School Fund on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as practical, notwithstanding any other provision of State law to the contrary.

(e) The sum of $80,000,000 shall be transferred from the General Revenue Fund to the State Pensions Fund on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as practical.

(30 ILCS 105/8g)
Sec. 8g. Fund transfers Transfers from General Revenue Fund.

(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by $50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to
appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2004 and 2007, but not thereafter, in addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

New matter indicated by italics - deletions by strikeout.
law, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From the General Revenue Fund................</td>
<td>$8,450,000</td>
</tr>
<tr>
<td>From the Public Utility Fund...............</td>
<td>1,700,000</td>
</tr>
<tr>
<td>From the Transportation Regulatory Fund....</td>
<td>2,650,000</td>
</tr>
<tr>
<td>From the Title III Social Security and Employment Fund..................</td>
<td>3,700,000</td>
</tr>
<tr>
<td>From the Professions Indirect Cost Fund....</td>
<td>4,050,000</td>
</tr>
<tr>
<td>From the Underground Storage Tank Fund.....</td>
<td>550,000</td>
</tr>
<tr>
<td>From the Agricultural Premium Fund.........</td>
<td>750,000</td>
</tr>
<tr>
<td>From the State Pensions Fund...............</td>
<td>200,000</td>
</tr>
<tr>
<td>From the Road Fund...........................</td>
<td>2,000,000</td>
</tr>
<tr>
<td>From the Health Facilities</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Planning Fund............................... 1,000,000
From the Savings and Residential Finance
Regulatory Fund............................. 130,800
From the Appraisal Administration Fund..... 28,600
From the Pawnbroker Regulation Fund........ 3,600
From the Auction Regulation
Administration Fund........................ 35,800
From the Bank and Trust Company Fund....... 634,800
From the Real Estate License
Administration Fund........................ 313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

Appraisal Administration Fund............... $150,000
General Revenue Fund....................... 10,440,000
Savings and Residential Finance
Regulatory Fund............................ 200,000
State Pensions Fund......................... 100,000
Bank and Trust Company Fund............... 100,000
Professions Indirect Cost Fund............... 3,400,000
Public Utility Fund......................... 2,081,200
Real Estate License Administration Fund..... 150,000

New matter indicated by italics - deletions by strikeout.
Title III Social Security and
Employment Fund............... 1,000,000
Transportation Regulatory Fund........ 3,052,100
Underground Storage Tank Fund.......... 50,000

(l) In addition to any other transfers that may be provided for by
law, on July 1, 2002, or as soon as may be practical thereafter, the State
Comptroller shall direct and the State Treasurer shall transfer the sum of
$3,000,000 from the General Revenue Fund to the Presidential Library and
Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by
law, on July 1, 2002 and on the effective date of this amendatory Act of
the 93rd General Assembly, or as soon thereafter as may be practical, the
State Comptroller shall direct and the State Treasurer shall transfer the
sum of $1,200,000 from the General Revenue Fund to the Violence
Prevention Fund.

(n) In addition to any other transfers that may be provided for by
law, on July 1, 2003, or as soon thereafter as may be practical, the State
Comptroller shall direct and the State Treasurer shall transfer the sum of
$6,800,000 from the General Revenue Fund to the DHS Recoveries Trust
Fund.

(o) On or after July 1, 2003, and no later than June 30, 2004, in
addition to any other transfers that may be provided for by law, at the
direction of and upon notification from the Governor, the State
Comptroller shall direct and the State Treasurer shall transfer amounts not
to exceed the following sums into the Vehicle Inspection Fund:

From the Underground Storage Tank Fund .... $35,000,000.

(p) On or after July 1, 2003 and until May 1, 2004, in addition to
any other transfers that may be provided for by law, at the direction of and
upon notification from the Governor, the State Comptroller shall direct
and the State Treasurer shall transfer amounts not exceeding a total of
$80,000,000 from the General Revenue Fund to the Tobacco Settlement
Recovery Fund. Any amounts so transferred shall be re-transferred from
the Tobacco Settlement Recovery Fund to the General Revenue Fund at
the direction of and upon notification from the Governor, but in any event
on or before June 30, 2004.

(q) In addition to any other transfers that may be provided for by
law, on July 1, 2003, or as soon as may be practical thereafter, the State
Comptroller shall direct and the State Treasurer shall transfer the sum of

New matter indicated by italics - deletions by strikeout.
$5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $50,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(u) On or after July 1, 2004 and until May 1, 2005, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2005.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,445,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(Source: P.A. 92-11, eff. 6-11-01; 92-505, eff. 12-20-01; 92-600, eff. 6-28-02; 93-32, eff. 6-20-03; 93-648, eff. 1-8-04.)

(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.

New matter indicated by italics - deletions by strikeout.
(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor Director of the Governor's Office of Management and Budget may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year of the beginning balance in the fund. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in this amendatory Act of the 93rd General Assembly to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use or to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, or the Medicaid Provider Relief Fund. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Carrier Reimbursement Fund, or the Mandatory Arbitration Fund.

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

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

New matter indicated by italics - deletions by strikeout.
(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act.  
(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; revised 7-20-04.)

(30 ILCS 105/8k new)
Sec. 8k. Interfund transfers from inactive funds. Notwithstanding any other provision of law to the contrary, on June 30, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the designated funds into the General Revenue Fund:

(1) the Grape and Wine Resources Fund; and
(2) the Statewide Economic Development Fund.

(30 ILCS 105/8m new)
Sec. 8m. Transfers from the Board of Higher Education State Projects Fund. On September 1, 2004, or as soon thereafter as may be practical, the Comptroller shall order and the Treasurer shall transfer remaining moneys in the Board of Higher Education State Projects Fund, certified by the Board of Higher Education to be attributable to the Illinois Century Network, into the Communications Revolving Fund.

(30 ILCS 105/8.3) (from Ch. 127, par. 144.3)
Sec. 8.3. Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code, except the cost of administration of Articles I and II of Chapter 3 of that Code; and
secondly -- for expenses of the Department of Transportation for construction, reconstruction, improvement, repair, maintenance, operation, and administration of highways in accordance with the provisions of laws relating thereto, or for any purpose related or incident to and connected therewith, including the separation of grades of those highways with railroads and with highways and including the payment of awards made by the Industrial Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for

New matter indicated by italics - deletions by strikeout.
injury or death of an employee of the Division of Highways in the Department of Transportation; or for the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway right-of-way or for investigations to determine the reasonably anticipated future highway needs; or for making of surveys, plans, specifications and estimates for and in the construction and maintenance of flight strips and of highways necessary to provide access to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials and for replacing existing highways and highway connections shut off from general public use at military and naval reservations and defense-industry sites, or for the purchase of right-of-way, except that the State shall be reimbursed in full for any expense incurred in building the flight strips; or for the operating and maintaining of highway garages; or for patrolling and policing the public highways and conserving the peace; or for the operating expenses of the Department relating to the administration of public transportation programs; or for any of those purposes or any other purpose that may be provided by law.

Appropriations for any of those purposes are payable from the Road Fund. Appropriations may also be made from the Road Fund for the administrative expenses of any State agency that are related to motor vehicles or arise from the use of motor vehicles.

Beginning with fiscal year 1980 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement;

1. Department of Public Health;
2. Department of Transportation, only with respect to subsidies for one-half fare Student Transportation and Reduced Fare for Elderly;
3. Department of Central Management Services, except for expenditures incurred for group insurance premiums of appropriate personnel;

Beginning with fiscal year 1981 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this

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limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except for expenditures with respect to the Division of Operations;
2. Department of Transportation, only with respect to Intercity Rail Subsidies and Rail Freight Services.

Beginning with fiscal year 1982 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement: Department of Central Management Services, except for awards made by the Industrial Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except not more than 40% of the funds appropriated for the Division of Operations;
2. State Officers.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to any Department or agency of State government for administration, grants, or operations except as provided hereafter; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement. It shall not be lawful to circumvent the above appropriation limitations by governmental reorganization or other methods. Appropriations shall be made from the Road Fund only in accordance with the provisions of this Section.

Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging during each fiscal year the principal and interest on that bonded indebtedness as it becomes due and payable as provided in the Transportation Bond Act, and for no other purpose. The surplus, if any, in
the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code; and

secondly -- no Road Fund monies derived from fees, excises, or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of those vehicles, shall be appropriated or expended other than for costs of administering the laws imposing those fees, excises, and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of Transportation, including, but not limited to, the operating expenses of the Department relating to the administration of public transportation programs, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for and the cost of construction, reconstruction, maintenance, repair, and operation of public highways and bridges under the direction and supervision of the State, political subdivision, or municipality collecting those monies, and the costs for patrolling and policing the public highways (by State, political subdivision, or municipality collecting that money) for enforcement of traffic laws. The separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossing shall also be permissible.

Appropriations for any of such purposes are payable from the Road Fund or the Grade Crossing Protection Fund as provided in Section 8 of the Motor Fuel Tax Law.

Except as provided in this paragraph, beginning with fiscal year 1991 and thereafter, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of its total fiscal year 1990 Road Fund appropriations for those purposes unless otherwise provided in Section 5g of this Act. For fiscal years 2003, and 2004, and 2005 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $97,310,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods unless otherwise provided in Section 5g of this Act.

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In fiscal year 1994, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1991 Road Fund appropriations to the Secretary of State for those purposes, plus $9,800,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other method.

Beginning with fiscal year 1995 and thereafter, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1994 Road Fund appropriations to the Secretary of State for those purposes. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

Beginning with fiscal year 2000, total Road Fund appropriations to the Secretary of State for the purposes of this Section shall not exceed the amounts specified for the following fiscal years:

- Fiscal Year 2000: $80,500,000;
- Fiscal Year 2001: $80,500,000;
- Fiscal Year 2002: $80,500,000;
- Fiscal Year 2003: $130,500,000;
- Fiscal Year 2004: $130,500,000;
- Fiscal Year 2005 and each year thereafter: $130,500,000;
- Fiscal Year 2006 and each year thereafter: $30,500,000.

It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

No new program may be initiated in fiscal year 1991 and thereafter that is not consistent with the limitations imposed by this Section for fiscal year 1984 and thereafter, insofar as appropriation of Road Fund monies is concerned.

Nothing in this Section prohibits transfers from the Road Fund to the State Construction Account Fund under Section 5e of this Act; nor to the General Revenue Fund, as authorized by this amendatory Act of the 93rd General Assembly.

The additional amounts authorized for expenditure in this Section by Public Acts 92-0600 and 93-0025 shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

New matter indicated by italics - deletions by strikeout.
The additional amounts authorized for expenditure by the Secretary of State and the Department of State Police in this Section by this amendatory Act of the 93rd General Assembly shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

(Source: P.A. 92-600, eff. 6-28-02; 93-25, eff. 6-20-03.)

(30 ILCS 105/9) (from Ch. 127, par. 145)

Sec. 9. (a) No disbursements from appropriations shall be made for rental or purchase of office or other space, buildings or land, except in pursuance of a written lease or purchase contract entered into by the proper State authority and the owner or authorized agent of the property. Such lease shall not exceed 5 years unless a greater term is authorized by law, but such lease may contain a renewal clause subject to acceptance by the State after that date or an option to purchase. Such purchase contract may provide for the title to the property to transfer immediately to the State or a trustee or nominee for the benefit of the State and for the consideration to be paid in installments to be made at stated intervals during a certain term not to exceed 30 years from the date of the contract and may provide for the payment of interest on the unpaid balance at a rate that does not exceed a rate determined by adding 3 percentage points to the annual yield on United States Treasury obligations of comparable maturity as most recently published in the Wall Street Journal at the time such contract is signed. Such lease or purchase contract shall be and shall recite that it is subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to pay the rent or purchase installments payable under the terms of such lease or purchase contract. Additionally such purchase contract shall specify that title to the office and storage space, buildings, land and other facilities being acquired under such a contract shall revert to the Seller in the event of the failure of the General Assembly to appropriate suitable funds. This limitation does not apply to leases for office or other space, buildings, or land, where such leases or purchase contracts contain a provision limiting the liability for the payment of the rental or installments thereunder solely to funds received from the Federal Government. A copy of each such lease or purchase contract shall be filed in the office of the Secretary of State within 15 days after execution.
(b) The State shall not enter into any third-party vendor or other arrangement relating to the issuance of certificates of participation or other forms of financing relating to the rental or purchase of office or other space, buildings, or land unless otherwise authorized by law; through the Bureau of the Budget for real property and improvements and personal property related thereto, and through the Department of Central Management Services for personal property, may issue or cause to be issued certificates of participation or similar instruments representing the right to receive a proportionate share in lease-purchase or installment purchase payments to be made by or for the benefit of one or more State agencies for the acquisition or improvement of real or personal property, or refinancing of such property or payment of expenses related to the issuance. The total principal amount of the certificates issued or caused to be issued pursuant to this Section for acquisition of real property shall not exceed $125,000,000. Certificates issued or caused to be issued pursuant to this Section shall mean certificates heretofore or hereafter signed and delivered by the State or signed and delivered by a trustee or fiscal agent pursuant to the written direction of the State. Nothing in this Section shall (i) prohibit or restrict the issuance of or affect the validity or enforceability of certificates heretofore or hereafter signed and delivered by any lessor or seller or an assignee of either under a lease-purchase or installment purchase contract with the State or signed and delivered by a trustee or fiscal agent pursuant to the written direction of such lessor or seller or an assignee of either, or (ii) affect the validity or enforceability of any such lease-purchase or installment purchase contract.

(1) Certificates may be issued or caused to be issued pursuant to this Section if the Director of the Bureau of the Budget determines that it is financially desirable and in the best interest of the State to use certificates of participation to finance or refinance installment-purchase or lease-purchase contracts entered into by State departments, agencies, or universities or to refund or advance refund prior issuances of certificates of participation or similar instruments including certificates of participation issued under this Section and certificates of participation issued before the effective date of this amendatory Act of 1997. The State, through the Bureau of the Budget for real property and improvements and personal property related thereto, and through the Department of Central Management Services for personal property, may enter into arrangements for issuing, securing, and marketing certificates of

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participation, including agreements, trust indentures and other arrangements necessary or desirable to carry out the foregoing, and any reserve funds or other amounts securing the certificates may be held and invested as provided in such agreements and trust indentures:

(2) Certificates of participation or similar instruments issued or caused to be issued pursuant to this Section and the underlying lease purchase or installment purchase contracts shall not constitute or create debt of the State as defined in the Illinois Constitution, nor a contractual obligation in excess of the amounts appropriated therefor, and the State shall have no continuing obligation to appropriate money for said payments or other obligations due under the lease-purchase or installment-purchase contracts; provided, however, that the Governor shall include in the annual budget request to the General Assembly for each relevant fiscal year appropriations sufficient to permit payment of all amounts which will be due and payable during the fiscal year with respect to certificates of participation issued or caused to be issued pursuant to this Section.

(3) The maximum term of certificates of participation issued to finance personal property shall be 10 years. The maximum term of certificates of participation to finance the acquisition or improvement of real property shall be 25 years. In no event, however, shall the term exceed the expected useful life of the property being financed, with the term calculated from the date of delivery, with respect to personal property, and the date of occupancy, with respect to real property.

(4) Ten days before the issuance of certificates of participation under this Section, the Director of the Bureau of the Budget for real property and improvements and personal property related thereto and the Department of Central Management Services for personal property shall transmit to the Executive Director of the Economic and Fiscal Commission, to the Auditor General, to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, to the Chairs of the Appropriations Committees, and to the Secretary of the Senate and Clerk of the House a notice providing the following

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information pertaining to the property to be financed by the certificates:

(1) The agency and program procuring the property.
(2) A brief description of the property.
(3) The estimated cost of the property if purchased outright.
(4) The estimated terms of the financings.
(5) The estimated total lease or installment purchase payments for property:
(6) The estimated lease or installment purchase payments by fiscal year for the current fiscal year and the next 5 fiscal years.
(7) The anticipated source of funds to make lease or installment purchase payments.
(8) Those items not anticipated to be financed upon enactment of the budget for the fiscal year.

A copy of the Preliminary Official Statement shall also be transmitted to the Executive Director of the Economic and Fiscal Commission, to the Auditor General, to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, to the Chairs of the Appropriations Committees, and to the Secretary of the Senate and Clerk of the House at the time it is submitted for publication. After the issuance of the certificates, a copy of the final official statement accompanying the issuance shall be filed with the Economic and Fiscal Commission, with the Auditor General, with the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, with the Chairs of the Appropriations Committees, and with the Secretary of the Senate and Clerk of the House.

(5) The Bureau of the Budget may, based on a cost benefit analysis, issue general obligation bonds to finance or refinance installment purchase or lease purchase contracts entered into by State departments, agencies, or universities or to refund or advance refund prior issuances of certificates of participation or similar instruments, including certificates of participation issued under this Section and certificates of participation issued before the effective date of this amending Act of 1997.

(6) The Department of Central Management Services may promulgate rules governing its issuance and conditions of use of certificates of participation and similar instruments.

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(c) Amounts paid from appropriations for personal service of any officer or employee of the State, either temporary or regular, shall be considered as full payment for all services rendered between the dates specified in the payroll or other voucher and no additional sum shall be paid to such officer or employee from any lump sum appropriation, appropriation for extra help or other purpose or any accumulated balances in specific appropriations, which payments would constitute in fact an additional payment for work already performed and for which remuneration had already been made, except that wage payments made pursuant to the application of the prevailing rate principle or based upon the effective date of a collective bargaining agreement between the State, or a State agency and an employee group, or payment of funds as an adjustment to wages paid employees or officers of the State for the purpose of correcting a clerical or administrative error or oversight or pursuant to a backpay order issued by an appropriate State or federal administrative or judicial body or officer shall not be construed as an additional payment for work already performed.

(d) Disbursements from appropriations which are subject to the approval or certification of the Department of Central Management Services are subject to the following restrictions.

Payments for personal service except for positions specified in all appropriation Acts shall be made in conformity with schedules and amendments thereto submitted by the respective officers and approved by the Department of Central Management Services before becoming effective. Such schedules and amendments thereto may set up groups of employment showing the approximate number to be employed, with fixed or minimum and maximum salary rates.

This Section is subject to the provisions of Section 9.02.

(Source: P.A. 90-520, eff. 6-1-98; revised 8-23-03.)

(30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

Sec. 13.2. Transfers among line item appropriations.

(a) Transfers among line item appropriations from the same treasury fund for the objects specified in this Section may be made in the manner provided in this Section when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made.

(a-1) No transfers may be made from one agency to another agency, nor may transfers be made from one institution of higher education to another institution of higher education.

New matter indicated by italics - deletions by strikeout.
(a-2) Except as otherwise provided in this Section, transfers of funds may be made only among the objects of expenditure enumerated in this Section, except that no funds may be transferred from any appropriation for personal services, from any appropriation for State contributions to the State Employees' Retirement System, from any separate appropriation for employee retirement contributions paid by the employer, nor from any appropriation for State contribution for employee group insurance. During State fiscal year 2005, an agency may transfer amounts among its appropriations within the same treasury fund for personal services, employee retirement contributions paid by employer, and State Contributions to retirement systems; notwithstanding and in addition to the transfers authorized in subsection (c) of this Section, the fiscal year 2005 transfers authorized in this sentence may be made in an amount not to exceed 2% of the aggregate amount appropriated to an agency within the same treasury fund.

(a-3) Further, if an agency receives a separate appropriation for employee retirement contributions paid by the employer, any transfer by that agency into an appropriation for personal services must be accompanied by a corresponding transfer into the appropriation for employee retirement contributions paid by the employer, in an amount sufficient to meet the employer share of the employee contributions required to be remitted to the retirement system.

(b) In addition to the general transfer authority provided under subsection (c), the following agencies have the specific transfer authority granted in this subsection:

The Illinois Department of Public Aid is authorized to make transfers representing savings attributable to not increasing grants due to the births of additional children from line items for payments of cash grants to line items for payments for employment and social services for the purposes outlined in subsection (f) of Section 4-2 of the Illinois Public Aid Code.

The Department of Children and Family Services is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following line items among these same line items: Foster Home and Specialized Foster Care and Prevention, Institutions and Group Homes and Prevention, and Purchase of Adoption and Guardianship Services.

The Department on Aging is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund.
treasury fund for the following Community Care Program line items among these same line items: Homemaker and Senior Companion Services, Case Coordination Units, and Adult Day Care Services.

The State Treasurer is authorized to make transfers among line item appropriations from the Capital Litigation Trust Fund, with respect to costs incurred in fiscal years 2002 and 2003 only, when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made, provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made.

(c) The sum of such transfers for an agency in a fiscal year shall not exceed 2% of the aggregate amount appropriated to it within the same treasury fund for the following objects: Personal Services; Extra Help; Student and Inmate Compensation; State Contributions to Retirement Systems; State Contributions to Social Security; State Contribution for Employee Group Insurance; Contractual Services; Travel; Commodities; Printing; Equipment; Electronic Data Processing; Operation of Automotive Equipment; Telecommunications Services; Travel and Allowance for Committed, Paroled and Discharged Prisoners; Library Books; Federal Matching Grants for Student Loans; Refunds; Workers' Compensation, Occupational Disease, and Tort Claims; and, in appropriations to institutions of higher education, Awards and Grants. Notwithstanding the above, any amounts appropriated for payment of workers' compensation claims to an agency to which the authority to evaluate, administer and pay such claims has been delegated by the Department of Central Management Services may be transferred to any other expenditure object where such amounts exceed the amount necessary for the payment of such claims.

(c-1) Special provisions for State fiscal year 2003. Notwithstanding any other provision of this Section to the contrary, for State fiscal year 2003 only, transfers among line item appropriations to an agency from the same treasury fund may be made provided that the sum of such transfers for an agency in State fiscal year 2003 shall not exceed 3% of the aggregate amount appropriated to that State agency for State fiscal year 2003 for the following objects: personal services, except that no transfer may be approved which reduces the aggregate appropriations for personal services within an agency; extra help; student and inmate compensation; State contributions to retirement systems; State contributions to social security; State contributions for employee group insurance; contractual

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services; travel; commodities; printing; equipment; electronic data processing; operation of automotive equipment; telecommunications services; travel and allowance for committed, paroled, and discharged prisoners; library books; federal matching grants for student loans; refunds; workers' compensation, occupational disease, and tort claims; and, in appropriations to institutions of higher education, awards and grants.

(c-2) Special provisions for State fiscal year 2005. Notwithstanding subsections (a), (a-2), and (c), for State fiscal year 2005 only, transfers may be made among any line item appropriations from the same or any other treasury fund for any objects or purposes, without limitation, when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made, provided that the sum of those transfers by a State agency shall not exceed 4% of the aggregate amount appropriated to that State agency for fiscal year 2005.

(d) Transfers among appropriations made to agencies of the Legislative and Judicial departments and to the constitutionally elected officers in the Executive branch require the approval of the officer authorized in Section 10 of this Act to approve and certify vouchers. Transfers among appropriations made to the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Mathematics and Science Academy and the Board of Higher Education require the approval of the Board of Higher Education and the Governor. Transfers among appropriations to all other agencies require the approval of the Governor.

The officer responsible for approval shall certify that the transfer is necessary to carry out the programs and purposes for which the appropriations were made by the General Assembly and shall transmit to the State Comptroller a certified copy of the approval which shall set forth the specific amounts transferred so that the Comptroller may change his records accordingly. The Comptroller shall furnish the Governor with information copies of all transfers approved for agencies of the Legislative and Judicial departments and transfers approved by the constitutionally elected officials of the Executive branch other than the Governor, showing the amounts transferred and indicating the dates such changes were entered on the Comptroller's records.

New matter indicated by italics - deletions by strikeout.
Sec. 14. The item "personal services", when used in an appropriation Act, means the reward or recompense made for personal services rendered for the State by an officer or employee of the State or of an instrumentality thereof, or for the purpose of Section 14a of this Act, or any amount required or authorized to be deducted from the salary of any such person under the provisions of Section 30c of this Act, or any retirement or tax law, or both, or deductions from the salary of any such person under the Social Security Enabling Act or deductions from the salary of such person pursuant to the Voluntary Payroll Deductions Act of 1983.

If no home is furnished to a person who is a full-time chaplain employed by the State or a former full-time chaplain retired from State employment, 20% of the salary or pension paid to that person for his personal services to the State as chaplain are considered to be a rental allowance paid to him to rent or otherwise provide a home. This amendatory Act of 1973 applies to State salary amounts received after December 31, 1973.

When any appropriation payable from trust funds or federal funds includes an item for personal services but does not include a separate item for State contribution for employee group insurance, the State contribution for employee group insurance in relation to employees paid under that personal services line item shall also be payable under that personal services line item.

When any appropriation payable from trust funds or federal funds includes an item for personal services but does not include a separate item for employee retirement contributions paid by the employer, the State contribution for employee retirement contributions paid by the employer in relation to employees paid under that personal services line item shall also be payable under that personal services line item.

The item "personal services", when used in an appropriation Act, shall also mean and include a payment to a State retirement system by a State agency to discharge a debt arising from the over-refund to an employee of retirement contributions. The payment to a State retirement system authorized by this paragraph shall not be construed to release the employee from his or her obligation to return to the State the amount of the over-refund.

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The item "personal services", when used in an appropriation Act, also includes a payment to reimburse the Department of Central Management Services for temporary total disability benefit payments in accordance with subdivision (9) of Section 405-105 of the Department of Central Management Services Law (20 ILCS 405/405-105).

Beginning July 1, 1993, the item "personal services" and related line items, when used in an appropriation Act or this Act, shall also mean and include back wage claims of State officers and employees to the extent those claims have not been satisfied from the back wage appropriation to the Department of Central Management Services in the preceding fiscal year, as provided in Section 14b of this Act and subdivision (13) of Section 405-105 of the Department of Central Management Services Law (20 ILCS 405/405-105).

The item "personal services", when used with respect to State police officers in an appropriation Act, also includes a payment for the burial expenses of a State police officer killed in the line of duty, made in accordance with Section 12.2 of the State Police Act and any rules adopted under that Section.

For State fiscal year 2005, the item "personal services", when used in an appropriation Act, also includes payments for employee retirement contributions paid by the employer.

(Source: P.A. 90-178, eff. 7-23-97; 91-239, eff. 1-1-00.)

(30 ILCS 105/14c new)
Sec. 14c. Prescription drug benefits. For contracts entered into on or after the effective date of this amendatory Act of the 93rd General Assembly, no appropriation may be expended for prescription drug benefits under the State Employees Group Insurance Act of 1971 unless the benefit program allows all prescription drug benefits to be provided on the same terms and conditions by any willing provider that is qualified for network participation and is authorized to dispense prescription drugs.

(30 ILCS 105/24.11 new)
Sec. 24.11. "State contributions to Employees' Retirement System" defined. The item "State contributions to Employees' Retirement System", when used in an appropriation Act, shall include an additional amount determined by the State Employees' Retirement System to be paid over by the State Employees' Retirement System to the General Obligation Bond Retirement and Interest Fund to be used to pay principal of and interest on those general obligation bonds due that fiscal year authorized by subsection (a) of Section 7.2 of the General Obligation Bond Act and

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issued to provide the proceeds deposited by the State with the State Employees' Retirement System in July 2003, representing deposits other than amounts reserved under subsection (c) of Section 7.2 of the General Obligation Bond Act.

(30 ILCS 105/25) (from Ch. 127, par. 161)

Sec. 25. Fiscal year limitations.

(a) All appropriations shall be available for expenditure for the fiscal year or for a lesser period if the Act making that appropriation so specifies. A deficiency or emergency appropriation shall be available for expenditure only through June 30 of the year when the Act making that appropriation is enacted unless that Act otherwise provides.

(b) Outstanding liabilities as of June 30, payable from appropriations which have otherwise expired, may be paid out of the expiring appropriations during the 2-month period ending at the close of business on August 31. Any service involving professional or artistic skills or any personal services by an employee whose compensation is subject to income tax withholding must be performed as of June 30 of the fiscal year in order to be considered an "outstanding liability as of June 30" that is thereby eligible for payment out of the expiring appropriation.

However, payment of tuition reimbursement claims under Section 14-7.03 or 18-3 of the School Code may be made by the State Board of Education from its appropriations for those respective purposes for any fiscal year, even though the claims reimbursed by the payment may be claims attributable to a prior fiscal year, and payments may be made at the direction of the State Superintendent of Education from the fund from which the appropriation is made without regard to any fiscal year limitations.

Medical payments may be made by the Department of Veterans' Affairs from its appropriations for those purposes for any fiscal year, without regard to the fact that the medical services being compensated for by such payment may have been rendered in a prior fiscal year.

Medical payments may be made by the Department of Public Aid and child care payments may be made by the Department of Human Services (as successor to the Department of Public Aid) from appropriations for those purposes for any fiscal year, without regard to the fact that the medical or child care services being compensated for by such payment may have been rendered in a prior fiscal year; and payments may be made at the direction of the Department of Central Management Services from the Health Insurance Reserve Fund and the Local

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Government Health Insurance Reserve Fund without regard to any fiscal year limitations.

Additionally, payments may be made by the Department of Human Services from its appropriations, or any other State agency from its appropriations with the approval of the Department of Human Services, from the Immigration Reform and Control Fund for purposes authorized pursuant to the Immigration Reform and Control Act of 1986, without regard to any fiscal year limitations.

Further, with respect to costs incurred in fiscal years 2002 and 2003 only, payments may be made by the State Treasurer from its appropriations from the Capital Litigation Trust Fund without regard to any fiscal year limitations.

Lease payments may be made by the Department of Central Management Services under the sale and leaseback provisions of Section 7.4 of the State Property Control Act with respect to the James R. Thompson Center and the Elgin Mental Health Center and surrounding land from appropriations for that purpose without regard to any fiscal year limitations.

Lease payments may be made under the sale and leaseback provisions of Section 7.5 of the State Property Control Act with respect to the Illinois State Toll Highway Authority headquarters building and surrounding land without regard to any fiscal year limitations.

(c) Further, payments may be made by the Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) from their respective appropriations for grants for medical care to or on behalf of persons suffering from chronic renal disease, persons suffering from hemophilia, rape victims, and premature and high-mortality risk infants and their mothers and for grants for supplemental food supplies provided under the United States Department of Agriculture Women, Infants and Children Nutrition Program, for any fiscal year without regard to the fact that the services being compensated for by such payment may have been rendered in a prior fiscal year.

(d) The Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of

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the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(e) The Department of Public Aid and the Department of Human Services (acting as successor to the Department of Public Aid) shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before November 30, a report that shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for (i) services provided in prior fiscal years and (ii) services for which claims were received in prior fiscal years.

(f) The Department of Human Services (as successor to the Department of Public Aid) shall annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services (other than medical care) provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(g) In addition, each annual report required to be submitted by the Department of Public Aid under subsection (e) shall include the following information with respect to the State's Medicaid program:

1. Explanations of the exact causes of the variance between the previous year's estimated and actual liabilities.
2. Factors affecting the Department of Public Aid's liabilities, including but not limited to numbers of aid recipients, levels of medical service utilization by aid recipients, and inflation in the cost of medical services.
3. The results of the Department's efforts to combat fraud and abuse.

(h) As provided in Section 4 of the General Assembly Compensation Act, any utility bill for service provided to a General Assembly member's district office for a period including portions of 2

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consecutive fiscal years may be paid from funds appropriated for such expenditure in either fiscal year.

(i) An agency which administers a fund classified by the Comptroller as an internal service fund may issue rules for:

1. billing user agencies in advance for payments or authorized inter-fund transfers based on estimated charges for goods or services;

2. issuing credits, refunding through inter-fund transfers, or reducing future inter-fund transfers during the subsequent fiscal year for all user agency payments or authorized inter-fund transfers received during the prior fiscal year which were in excess of the final amounts owed by the user agency for that period; and

3. issuing catch-up billings to user agencies during the subsequent fiscal year for amounts remaining due when payments or authorized inter-fund transfers received from the user agency during the prior fiscal year were less than the total amount owed for that period.

User agencies are authorized to reimburse internal service funds for catch-up billings by vouchers drawn against their respective appropriations for the fiscal year in which the catch-up billing was issued or by increasing an authorized inter-fund transfer during the current fiscal year. For the purposes of this Act, "inter-fund transfers" means transfers without the use of the voucher-warrant process, as authorized by Section 9.01 of the State Comptroller Act.

(Source: P.A. 92-885, eff. 1-13-03; 93-19, eff. 6-20-03.)

Section 10-105. The State Officers and Employees Money Disposition Act is amended by adding Section 5a as follows:

30 ILCS 230/5a new

Sec. 5a. The Secretary of State shall deposit all fees into the funds specified in the statute imposing or authorizing the fee no more than 30 days after receipt of the fee by the Secretary of State.

Section 10-110. The General Obligation Bond Act is amended by changing Sections 2, 8, 9, 11, and 16 and by adding Sections 2.5, 15.5, and 21 as follows:

Sec. 2. Authorization for Bonds. The State of Illinois is authorized to issue, sell and provide for the retirement of General Obligation Bonds of the State of Illinois for the categories and specific purposes expressed in Sections 2 through 8 of this Act, in the total amount of $27,658,149,369.
The bonds authorized in this Section 2 and in Section 16 of this Act are herein called "Bonds".

Of the total amount of Bonds authorized in this Act, up to $2,200,000,000 in aggregate original principal amount may be issued and sold in accordance with the Baccalaureate Savings Act in the form of General Obligation College Savings Bonds.

Of the total amount of Bonds authorized in this Act, up to $300,000,000 in aggregate original principal amount may be issued and sold in accordance with the Retirement Savings Act in the form of General Obligation Retirement Savings Bonds.

Of the total amount of Bonds authorized in this Act, the additional $10,000,000,000 authorized by this amendatory Act of the 93rd General Assembly shall be used solely as provided in Section 7.2.

The issuance and sale of Bonds pursuant to the General Obligation Bond Act is an economical and efficient method of financing the long-term capital and general operating needs of the State. This Act will permit the issuance of a multi-purpose General Obligation Bond with uniform terms and features. This will not only lower the cost of registration but also reduce the overall cost of issuing debt by improving the marketability of Illinois General Obligation Bonds.

(Source: P.A. 92-13, eff. 6-22-01; 92-596, eff. 6-28-02; 92-598, eff. 6-28-02; 93-2, eff. 4-7-03.)

(30 ILCS 330/2.5 new)
Sec. 2.5. Limitation on issuance of Bonds.

(a) Except as provided in subsection (b), no Bonds may be issued if, after the issuance, in the next State fiscal year after the issuance of the Bonds, the amount of debt service (including principal, whether payable at maturity or pursuant to mandatory sinking fund installments, and interest) on all then-outstanding Bonds would exceed 7% of the aggregate appropriations from the general funds (which consist of the General Revenue Fund, the Common School Fund, the General Revenue Common School Special Account Fund, and the Education Assistance Fund) and the Road Fund for the fiscal year immediately prior to the fiscal year of the issuance.

(b) If the Comptroller and Treasurer each consent in writing, Bonds may be issued even if the issuance does not comply with subsection (a).

(30 ILCS 330/8) (from Ch. 127, par. 658)
Sec. 8. Bond sale expenses; capitalized interest.

New matter indicated by italics - deletions by strikeout.
(a) An amount not to exceed 0.5 percent of the principal amount of the proceeds of sale of each bond sale is authorized to be used to pay the reasonable costs of issuance and sale, including, without limitation, underwriter's discounts and fees, but excluding bond insurance, of State of Illinois general obligation bonds authorized and sold pursuant to this Act, provided that no salaries of State employees or other State office operating expenses shall be paid out of non-appropriated proceeds. The Governor's Office of Management and Budget shall compile a summary of all costs of issuance on each sale (including both costs paid out of proceeds and those paid out of appropriated funds) and post that summary on its web site within 20 business days after the issuance of the Bonds. The summary shall include, as applicable, the respective percentages of participation and compensation of each underwriter that is a member of the underwriting syndicate, legal counsel, financial advisors, and other professionals for the bond issue and an identification of all costs of issuance paid to minority owned businesses, female owned businesses, and businesses owned by persons with disabilities. The terms "minority owned businesses", "female owned businesses", and "business owned by a person with a disability" have the meanings given to those terms in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. That posting shall be maintained on the web site for a period of at least 30 days. In addition, the Governor's Office of Management and Budget shall provide a written copy of each summary of costs to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Illinois Economic and Fiscal Commission within 20 business days after each issuance of the Bonds. In addition, the Governor's Office of Management and Budget shall provide copies of all contracts under which any costs of issuance are paid or to be paid to the Illinois Economic and Fiscal Commission within 20 business days after the issuance of Bonds for which those costs are paid or to be paid. Instead of filing a second or subsequent copy of the same contract, the Governor's Office of Management and Budget may file a statement that specified costs are paid under specified contracts filed earlier with the Commission.

(b) The Director of the Governor's Office of Management and Budget shall not, in connection with the issuance of Bonds, contract with any underwriter, financial advisor, or attorney unless that underwriter, financial advisor, or attorney certifies that the underwriter, financial advisor, or attorney has not and will not pay a contingent fee, whether

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directly or indirectly, to a third party for having promoted the selection of the underwriter, financial advisor, or attorney for that contract. In the event that the Governor's Office of Management and Budget determines that an underwriter, financial advisor, or attorney has filed a false certification with respect to the payment of contingent fees, the Governor's Office of Management and Budget shall not contract with that underwriter, financial advisor, or attorney, or with any firm employing any person who signed false certifications, for a period of 2 calendar years, beginning with the date the determination is made. The validity of Bonds issued under such circumstances of violation pursuant to this Section shall not be affected. The Bond Sale Order may provide for a portion of the proceeds of the bond sale, representing up to 12 months' interest on the bonds, to be deposited directly into the capitalized interest account of the General Obligation Bond Retirement and Interest Fund.

(Source: P.A. 93-2, eff. 4-7-03.)

(30 ILCS 330/9) (from Ch. 127, par. 659)

Sec. 9. Conditions for Issuance and Sale of Bonds - Requirements for Bonds.

(a) Except as otherwise provided in this subsection, Bonds shall be issued and sold from time to time, in one or more series, in such amounts and at such prices as may be directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget. Bonds shall be in such form (either coupon, registered or book entry), in such denominations, payable within 25 30 years from their date, subject to such terms of redemption with or without premium, bear interest payable at such times and at such fixed or variable rate or rates, and be dated as shall be fixed and determined by the Director of the Governor's Office of Management and Budget in the order authorizing the issuance and sale of any series of Bonds, which order shall be approved by the Governor and is herein called a "Bond Sale Order"; provided however, that interest payable at fixed or variable rates shall not exceed that permitted in the Bond Authorization Act, as now or hereafter amended. Bonds shall be payable at such place or places, within or without the State of Illinois, and may be made registrable as to either principal or as to both principal and interest, as shall be specified in the Bond Sale Order. Bonds may be callable or subject to purchase and retirement or tender and remarketing as fixed and determined in the Bond Sale Order. Bonds must be issued with principal or mandatory redemption amounts in equal amounts, with the first maturity issued occurring within the fiscal year in

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which the Bonds are issued or within the next succeeding fiscal year, with Bonds issued maturing or subject to mandatory redemption each fiscal year thereafter up to 25 years.

In the case of any series of Bonds bearing interest at a variable interest rate ("Variable Rate Bonds"), in lieu of determining the rate or rates at which such series of Variable Rate Bonds shall bear interest and the price or prices at which such Variable Rate Bonds shall be initially sold or remarketed (in the event of purchase and subsequent resale), the Bond Sale Order may provide that such interest rates and prices may vary from time to time depending on criteria established in such Bond Sale Order, which criteria may include, without limitation, references to indices or variations in interest rates as may, in the judgment of a remarketing agent, be necessary to cause Variable Rate Bonds of such series to be remarketable from time to time at a price equal to their principal amount, and may provide for appointment of a bank, trust company, investment bank, or other financial institution to serve as remarketing agent in that connection. The Bond Sale Order may provide that alternative interest rates or provisions for establishing alternative interest rates, different security or claim priorities, or different call or amortization provisions will apply during such times as Variable Rate Bonds of any series are held by a person providing credit or liquidity enhancement arrangements for such Bonds as authorized in subsection (b) of this Section. The Bond Sale Order may also provide for such variable interest rates to be established pursuant to a process generally known as an auction rate process and may provide for appointment of one or more financial institutions to serve as auction agents and broker-dealers in connection with the establishment of such interest rates and the sale and remarketing of such Bonds.

(b) In connection with the issuance of any series of Bonds, the State may enter into arrangements to provide additional security and liquidity for such Bonds, including, without limitation, bond or interest rate insurance or letters of credit, lines of credit, bond purchase contracts, or other arrangements whereby funds are made available to retire or purchase Bonds, thereby assuring the ability of owners of the Bonds to sell or redeem their Bonds. The State may enter into contracts and may agree to pay fees to persons providing such arrangements, but only under circumstances where the Director of the Governor's Office of Management and Budget certifies that he or she reasonably expects the total interest paid or to be paid on the Bonds, together with the fees for the arrangements (being treated as if interest), would not, taken together, cause

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the Bonds to bear interest, calculated to their stated maturity, at a rate in excess of the rate that the Bonds would bear in the absence of such arrangements.

The State may, with respect to Bonds issued or anticipated to be issued, participate in and enter into arrangements with respect to interest rate protection or exchange agreements, guarantees, or financial futures contracts for the purpose of limiting, reducing, or managing interest rate exposure. The authority granted under this paragraph, however, shall not increase the principal amount of Bonds authorized to be issued by law. The arrangements may be executed and delivered by the Director of the Governor's Office of Management and Budget on behalf of the State. Net payments for such arrangements shall constitute interest on the Bonds and shall be paid from the General Obligation Bond Retirement and Interest Fund. The Director of the Governor's Office of Management and Budget shall at least annually certify to the Governor and the State Comptroller his or her estimate of the amounts of such net payments to be included in the calculation of interest required to be paid by the State.

(c) Prior to the issuance of any Variable Rate Bonds pursuant to subsection (a), the Director of the Governor's Office of Management and Budget shall adopt an interest rate risk management policy providing that the amount of the State's variable rate exposure with respect to Bonds shall not exceed 20%. This policy shall remain in effect while any Bonds are outstanding and the issuance of Bonds shall be subject to the terms of such policy. The terms of this policy may be amended from time to time by the Director of the Governor's Office of Management and Budget but in no event shall any amendment cause the permitted level of the State's variable rate exposure with respect to Bonds to exceed 20%.

(30 ILCS 330/11) (from Ch. 127, par. 661)

Sec. 11. Sale of Bonds. Except as otherwise provided in this Section, Bonds shall be sold from time to time pursuant to notice of sale and public bid or by negotiated sale in such amounts and at such times as is directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget. At least 25%, based on total principal amount, of all Bonds issued each fiscal year shall be sold pursuant to notice of sale and public bid. At all times during each fiscal year, no more than 75%, based on total principal amount, of the Bonds issued each fiscal year, shall have been sold by negotiated sale. Failure to

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satisfy the requirements in the preceding 2 sentences shall not affect the validity of any previously issued Bonds.

If any Bonds, including refunding Bonds, are to be sold by negotiated sale, the Director of the Governor's Office of Management and Budget shall comply with the competitive request for proposal process set forth in the Illinois Procurement Code and all other applicable requirements of that Code.

If Bonds are to be sold pursuant to notice of sale and public bid, the Director of the Governor's Office of Management and Budget shall, from time to time, as Bonds are to be sold, advertise the sale of the Bonds in at least 2 daily newspapers, one of which is published in the City of Springfield and one in the City of Chicago. The sale of the Bonds shall also be advertised in the volume of the Illinois Procurement Bulletin that is published by the Department of Central Management Services. Each of the advertisements for proposals shall be published once at least 10 days prior to the date fixed for the opening of the bids. The Director of the Governor's Office of Management and Budget may reschedule the date of sale upon the giving of such additional notice as the Director deems adequate to inform prospective bidders of such change; provided, however, that all other conditions of the sale shall continue as originally advertised.

Executed Bonds shall, upon payment therefor, be delivered to the purchaser, and the proceeds of Bonds shall be paid into the State Treasury as directed by Section 12 of this Act.

(Source: P.A. 91-39, eff. 6-15-99; revised 8-23-03.)

(30 ILCS 330/15.5 new)

Sec. 15.5. Compliance with the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. Notwithstanding any other provision of law, the Governor's Office of Management and Budget shall comply with the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(30 ILCS 330/16) (from Ch. 127, par. 666)

Sec. 16. Refunding Bonds. The State of Illinois is authorized to issue, sell, and provide for the retirement of General Obligation Bonds of the State of Illinois in the amount of $2,839,025,000, at any time and from time to time outstanding, for the purpose of refunding any State of Illinois general obligation Bonds then outstanding, including the payment of any redemption premium thereon, any reasonable expenses of such refunding, any interest accrued or to accrue to the earliest or any subsequent date of

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Redemption or maturity of such outstanding Bonds and any interest to accrue to the first interest payment on the refunding Bonds; provided that all non-refunding Bonds in an issue that includes such refunding Bonds shall mature no later than the final maturity date of Bonds being refunded; provided that no refunding Bonds shall be offered for sale unless the net present value of debt service savings to be achieved by the issuance of the refunding Bonds is 3% or more of the principal amount of the refunding Bonds to be issued; and further provided that the maturities of the refunding Bonds shall not extend beyond the maturities of the Bonds they refund, so that for each fiscal year in the maturity schedule of a particular issue of refunding Bonds, the total amount of refunding principal maturing and redemption amounts due in that fiscal year and all prior fiscal years in that schedule shall be greater than or equal to the total amount of refunded principal and redemption amounts that had been due over that year and all prior fiscal years prior to the refunding.

Refunding Bonds may be sold from time to time pursuant to notice of sale and public bid or by negotiated sale in such amounts and at such times, as directed by the Governor, upon recommendation by the Director of the Bureau of the Budget. The Governor shall notify the State Treasurer and Comptroller of such refunding. The proceeds received from the sale of refunding Bonds shall be used for the retirement at maturity or redemption of such outstanding Bonds on any maturity or redemption date and, pending such use, shall be placed in escrow, subject to such terms and conditions as shall be provided for in the Bond Sale Order relating to the Refunding Bonds. Proceeds not needed for deposit in an escrow account shall be deposited in the General Obligation Bond Retirement and Interest Fund. This Act shall constitute an irrevocable and continuing appropriation of all amounts necessary to establish an escrow account for the purpose of refunding outstanding general obligation Bonds and to pay the reasonable expenses of such refunding and of the issuance and sale of the refunding Bonds. Any such escrowed proceeds may be invested and reinvested in direct obligations of the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, when due, of the principal of and interest and redemption premium, if any, on the refunded Bonds. After the terms of the escrow have been fully satisfied, any remaining balance of such proceeds and interest, income and profits earned or realized on the investments thereof shall be paid into the General Revenue Fund. The liability of the State upon the Bonds shall
continue, provided that the holders thereof shall thereafter be entitled to payment only out of the moneys deposited in the escrow account.

Except as otherwise herein provided in this Section, such refunding Bonds shall in all other respects be subject to the terms and conditions of this Act.

(Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99; 91-710, eff. 5-17-00; revised 8-23-03.)

(30 ILCS 330/21 new)

Sec. 21. Truth in borrowing disclosures.

(a) Within 20 business days after the issuance of any Bonds under this Act, the Director of the Governor's Office of Management and Budget shall publish a truth in borrowing disclosure that discloses the total principal and interest payments to be paid on the Bonds over the full stated term of the Bonds. The disclosure also shall include principal and interest payments to be made by each fiscal year over the full stated term of the Bonds and total principal and interest payments to be made by each fiscal year on all other outstanding Bonds issued under this Act over the full stated terms of those Bonds.

(b) Within 20 business days after the issuance of any refunding bonds under Section 16 of this Act, the Director of the Governor's Office of Management and Budget shall publish a truth in borrowing disclosure that discloses the estimated present-valued savings to be obtained through the refunding, in total and by each fiscal year that the refunding Bonds may be outstanding.

(c) The disclosures required in subsections (a) and (b) shall be published by posting the disclosures for no less than 30 days on the web site of the Governor's Office of Management and Budget and by providing the disclosures in written form to the Illinois Economic and Fiscal Commission. These disclosures shall be calculated assuming Bonds are not redeemed or refunded prior to their stated maturities. Amounts included in these disclosures as payment of interest on variable rate Bonds shall be computed at an interest rate equal to the rate at which the variable rate Bonds are first set upon issuance, plus 2.5%, after taking into account any credits permitted in the related indenture or other instrument against the amount of such interest for each fiscal year. Amounts included in these disclosures as payment of interest on variable rate Bonds shall include the amounts certified by the Director of the Governor's Office of Management and Budget under subsection (b) of Section 9 of this Act.

New matter indicated by italics - deletions by strikeout.
Section 10-115. The Metropolitan Civic Center Support Act is amended by changing Section 14 as follows:

(30 ILCS 355/14) (from Ch. 85, par. 1397g)

Sec. 14. (a) To provide for the manner of repayment of Bonds, the Governor shall include an appropriation in each annual State Budget of monies in such amount as shall be necessary and sufficient, for the period covered by such budget, to pay the interest, as it shall accrue, on all Bonds issued under this Act, to pay and discharge the principal of such Bonds as shall, by their terms fall due during such period and to pay a premium, if any, on Bonds to be redeemed prior to the maturity date and to replenish any reserve fund as may be required under any trust indenture.

(b) A separate fund in the State Treasury called the "Illinois Civic Center Bond Retirement and Interest Fund" is hereby created.

(c) The Governor's Office of Management and Budget shall pay subject to annual appropriation by the General Assembly the principal of, interest on, and premium, if any, on Bonds sold under this Act from the Bond Retirement Fund.

(Source: P.A. 84-245.)

Section 10-120. The Build Illinois Bond Act is amended by changing Sections 3, 5, 6, 8, 9, and 15 and by adding Sections 8.3 and 8.5 as follows:

(30 ILCS 425/3) (from Ch. 127, par. 2803)

Sec. 3. Findings. The General Assembly hereby makes the following findings and determinations:

(a) The issuance and sale of Bonds pursuant to this Act is an economical and efficient method of financing long-term capital needs, including certain of the purposes of the State, as set forth in Section 4 hereof.

(b) This Act will permit the issuance of Bonds, from time to time, for various purposes and with varying terms, features and conditions in order to enhance marketability and lower interest costs incurred by the State. Subsection (a) of Section 6 of this Act authorizes the issuance, from time to time, of Bonds in one or more series, in such principal amounts, bearing interest at such fixed rates or variable rates and having such other terms and provisions as designated State officers may fix and determine pursuant to the authority delegated under this Act. Subsection (b) of Section 6 of this Act authorizes, in connection with the issuance of and as security for any series of Bonds, the purchase of bond or interest rate insurance, the establishment of credit and liquidity enhancement

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arrangements with financial institutions, and participation in interest rate swaps or guarantee agreements or other arrangements to limit interest rate risk.

(c) The financing of the facilities and other purposes described in Section 4 of this Act through the issuance of Bonds will involve numerous expenditures over extended periods of time, all of which expenditures shall be made only pursuant to and in conformity with appropriations from Bond proceeds by the General Assembly prior to the making of such expenditures.

(d) Determinations with respect to (i) advantageous timing and amounts of such expenditures for particular approved facilities or purposes, (ii) establishing an advantageous mix of short-term and long-term debt instruments under bond market conditions prevailing from time to time, and (iii) specific allocations of Bond proceeds to particular facilities and purposes should be based upon financial, engineering and construction management judgments made from time to time.

(e) The State's ability to issue Bonds from time to time, without further action by the General Assembly, in separate series, in various principal amounts and with various interest rates, maturities, redemption provisions and other terms will enhance the State's opportunities to obtain such financing as needed, upon favorable terms.

In order to provide for flexibility in meeting the financial, engineering and construction needs of the State and its agencies and departments and in order to provide continuing and adequate financing for the aforesaid purposes on favorable terms, the delegations of authority to the Governor, the Director of the Governor's Office of Management and Budget, the State Comptroller, the State Treasurer and other officers of the State which are contained in this Act are necessary and desirable because this General Assembly cannot itself as understandably, advantageously, expeditiously or conveniently exercise such authority and make such specific determinations.

(Source: P.A. 84-111; revised 8-23-03.)

(30 ILCS 425/5) (from Ch. 127, par. 2805)

Sec. 5. Bond Sale Expenses.

(a) An amount not to exceed 0.5% of the principal amount of the proceeds of the sale of each bond sale is authorized to be used to pay the reasonable costs of each issuance and sale of Bonds authorized and sold pursuant to this Act, including, without limitation, underwriter's discounts and fees, but excluding bond insurance,

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advertising, printing, bond rating, travel of outside vendors, security, delivery, legal and financial advisory services, insurance, initial fees of trustees, registrars, paying agents and other fiduciaries, initial costs of credit or liquidity enhancement arrangements, initial fees of indexing and remarketing agents, and initial costs of interest rate swaps, guarantees or arrangements to limit interest rate risk, as determined in the related Bond Sale Order, is hereby authorized to be paid from the proceeds of each Bond sale, provided that no salaries of State employees or other State office operating expenses shall be paid out of non-appropriated proceeds. The Governor's Office of Management and Budget shall compile a summary of all costs of issuance on each sale (including both costs paid out of proceeds and those paid out of appropriated funds) and post that summary on its web site within 20 business days after the issuance of the bonds. That posting shall be maintained on the web site for a period of at least 30 days. In addition, the Governor's Office of Management and Budget shall provide a written copy of each summary of costs to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Illinois Economic and Fiscal Commission within 20 business days after each issuance of the bonds. This summary shall include, as applicable, the respective percentage of participation and compensation of each underwriter that is a member of the underwriting syndicate, legal counsel, financial advisors, and other professionals for the Bond issue, and an identification of all costs of issuance paid to minority owned businesses, female owned businesses, and businesses owned by persons with disabilities. The terms "minority owned businesses", "female owned businesses", and "business owned by a person with a disability" have the meanings given to those terms in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. In addition, the Governor's Office of Management and Budget shall provide copies of all contracts under which any costs of issuance are paid or to be paid to the Illinois Economic and Fiscal Commission within 20 business days after the issuance of Bonds for which those costs are paid or to be paid. Instead of filing a second or subsequent copy of the same contract, the Governor's Office of Management and Budget may file a statement that specified costs are paid under specified contracts filed earlier with the Commission.

(b) The Director of the Governor's Office of Management and Budget shall not, in connection with the issuance of Bonds, contract with any underwriter, financial advisor, or attorney unless that underwriter,

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financial advisor, or attorney certifies that the underwriter, financial advisor, or attorney has not and will not pay a contingent fee, whether directly or indirectly, to any third party for having promoted the selection of the underwriter, financial advisor, or attorney for that contract. In the event that the Governor's Office of Management and Budget determines that an underwriter, financial advisor, or attorney has filed a false certification with respect to the payment of contingent fees, the Governor's Office of Management and Budget shall not contract with that underwriter, financial advisor, or attorney, or with any firm employing any person who signed false certifications, for a period of 2 calendar years, beginning with the date the determination is made. The validity of Bonds issued under such circumstances of violation pursuant to this Section shall not be affected.

(Source: P.A. 84-111.)

(30 ILCS 425/6) (from Ch. 127, par. 2806)

Sec. 6. Conditions for Issuance and Sale of Bonds - Requirements for Bonds - Master and Supplemental Indentures - Credit and Liquidity Enhancement. (a) Bonds shall be issued and sold from time to time, in one or more series, in such amounts and at such prices as directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget Bureau of the Budget. Bonds shall be payable only from the specific sources and secured in the manner provided in this Act. Bonds shall be in such form, in such denominations, mature on such dates within 25 to 30 years from their date of issuance, be subject to optional or mandatory redemption, bear interest payable at such times and at such rate or rates, fixed or variable, and be dated as shall be fixed and determined by the Director of the Governor's Office of Management and Budget Bureau of the Budget in an order authorizing the issuance and sale of any series of Bonds, which order shall be approved by the Governor and is herein called a "Bond Sale Order"; provided, however, that interest payable at fixed rates shall not exceed that permitted in "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as now or hereafter amended, and interest payable at variable rates shall not exceed the maximum rate permitted in the Bond Sale Order. Said Bonds shall be payable at such place or places, within or without the State of Illinois, and may be made registrable as to either principal only or as to both principal and interest, as shall be specified in the Bond Sale Order. Bonds may be

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callable or subject to purchase and retirement or remarketing as fixed and determined in the Bond Sale Order. *Bonds must be issued with principal or mandatory redemption amounts in equal amounts, with the first maturity issued occurring within the fiscal year in which the Bonds are issued or within the next succeeding fiscal year, with Bonds issued maturing or subject to mandatory redemption each fiscal year thereafter up to 25 years.*

All Bonds authorized under this Act shall be issued pursuant to a master trust indenture ("Master Indenture") executed and delivered on behalf of the State by the Director of the *Governor's Office of Management and Budget* Bureau of the Budget, such Master Indenture to be in substantially the form approved in the Bond Sale Order authorizing the issuance and sale of the initial series of Bonds issued under this Act. Such initial series of Bonds may, and each subsequent series of Bonds shall, also be issued pursuant to a supplemental trust indenture ("Supplemental Indenture") executed and delivered on behalf of the State by the Director of the *Governor's Office of Management and Budget* Bureau of the Budget, each such Supplemental Indenture to be in substantially the form approved in the Bond Sale Order relating to such series. The Master Indenture and any Supplemental Indenture shall be entered into with a bank or trust company in the State of Illinois having trust powers and possessing capital and surplus of not less than $100,000,000. Such indentures shall set forth the terms and conditions of the Bonds and provide for payment of and security for the Bonds, including the establishment and maintenance of debt service and reserve funds, and for other protections for holders of the Bonds. The term "reserve funds" as used in this Act shall include funds and accounts established under indentures to provide for the payment of principal of and premium and interest on Bonds, to provide for the purchase, retirement or defeasance of Bonds, to provide for fees of trustees, registrars, paying agents and other fiduciaries and to provide for payment of costs of and debt service payable in respect of credit or liquidity enhancement arrangements, interest rate swaps or guarantees or financial futures contracts and indexing and remarketing agents' services.

In the case of any series of Bonds bearing interest at a variable interest rate ("Variable Rate Bonds"), in lieu of determining the rate or rates at which such series of Variable Rate Bonds shall bear interest and the price or prices at which such Variable Rate Bonds shall be initially sold or remarketed (in the event of purchase and subsequent resale), the

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Bond Sale Order may provide that such interest rates and prices may vary from time to time depending on criteria established in such Bond Sale Order, which criteria may include, without limitation, references to indices or variations in interest rates as may, in the judgment of a remarketing agent, be necessary to cause Bonds of such series to be remarketable from time to time at a price equal to their principal amount (or compound accreted value in the case of original issue discount Bonds), and may provide for appointment of indexing agents and a bank, trust company, investment bank or other financial institution to serve as remarketing agent in that connection. The Bond Sale Order may provide that alternative interest rates or provisions for establishing alternative interest rates, different security or claim priorities or different call or amortization provisions will apply during such times as Bonds of any series are held by a person providing credit or liquidity enhancement arrangements for such Bonds as authorized in subsection (b) of Section 6 of this Act.

(b) In connection with the issuance of any series of Bonds, the State may enter into arrangements to provide additional security and liquidity for such Bonds, including, without limitation, bond or interest rate insurance or letters of credit, lines of credit, bond purchase contracts or other arrangements whereby funds are made available to retire or purchase Bonds, thereby assuring the ability of owners of the Bonds to sell or redeem their Bonds. The State may enter into contracts and may agree to pay fees to persons providing such arrangements, but only under circumstances where the Director of the Bureau of the Budget (now Governor's Office of Management and Budget) certifies that he reasonably expects the total interest paid or to be paid on the Bonds, together with the fees for the arrangements (being treated as if interest), would not, taken together, cause the Bonds to bear interest, calculated to their stated maturity, at a rate in excess of the rate which the Bonds would bear in the absence of such arrangements. Any bonds, notes or other evidences of indebtedness issued pursuant to any such arrangements for the purpose of retiring and discharging outstanding Bonds shall constitute refunding Bonds under Section 15 of this Act. The State may participate in and enter into arrangements with respect to interest rate swaps or guarantees or financial futures contracts for the purpose of limiting or restricting interest rate risk; provided that such arrangements shall be made with or executed through banks having capital and surplus of not less than $100,000,000 or insurance companies holding the highest policyholder rating accorded insurers by A.M. Best &Co. or any comparable rating service or

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government bond dealers reporting to, trading with, and recognized as primary dealers by a Federal Reserve Bank and having capital and surplus of not less than $100,000,000, or other persons whose debt securities are rated in the highest long-term categories by both Moody's Investors' Services, Inc. and Standard & Poor's Corporation. Agreements incorporating any of the foregoing arrangements may be executed and delivered by the Director of the Governor's Office of Management and Budget on behalf of the State in substantially the form approved in the Bond Sale Order relating to such Bonds.
(Source: P.A. 84-111; revised 8-23-03.)

(30 ILCS 425/8) (from Ch. 127, par. 2808)

Sec. 8. Sale of Bonds. Bonds, except as otherwise provided in this Section, shall be sold from time to time pursuant to notice of sale and public bid or by negotiated sale in such amounts and at such times as are directed by the Governor, upon recommendation by the Director of the Governor’s Office of Management and Budget. At least 25%, based on total principal amount, of all Bonds issued each fiscal year shall be sold pursuant to notice of sale and public bid. At all times during each fiscal year, no more than 75%, based on total principal amount, of the Bonds issued each fiscal year shall have been sold by negotiated sale. Failure to satisfy the requirements in the preceding 2 sentences shall not affect the validity of any previously issued Bonds.

If any Bonds are to be sold pursuant to notice of sale and public bid, the Director of the Governor’s Office of Management and Budget shall comply with the competitive request for proposal process set forth in the Illinois Procurement Code and all other applicable requirements of that Code.

If Bonds are to be sold pursuant to notice of sale and public bid, the Director of the Governor’s Office of Management and Budget shall, from time to time, as Bonds are to be sold, advertise the sale of the Bonds in at least 2 daily newspapers, one of which is published in the City of Springfield and one in the City of Chicago. The sale of the Bonds shall also be advertised in the volume of the Illinois Procurement Bulletin that is published by the Department of Central Management Services. Each of the advertisements for proposals shall be published once at least 10 days prior to the date fixed for the opening of the bids. The Director of the Governor’s Office of Management and Budget may reschedule the date of sale upon the giving of such additional notice as the Director deems adequate to inform prospective bidders of the change; provided, however,

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that all other conditions of the sale shall continue as originally advertised. Bonds shall be sold from time to time pursuant to advertised notice of sale and public bid or by negotiated sale as the Director of the Bureau of the Budget shall, in his sole discretion, determine in order to market the Bonds in an economic, effective manner. Executed Bonds shall, upon payment therefor, be delivered to the purchaser, and the proceeds of Bonds shall be paid into the State Treasury as directed by Section 9 of this Act. The Governor or the Director of the Governor’s Office of Management and Budget is hereby authorized and directed to execute and deliver contracts of sale with underwriters and to execute and deliver such certificates, indentures, agreements and documents, including any supplements or amendments thereto, and to take such actions and do such things as shall be necessary or desirable to carry out the purposes of this Act. Any action authorized or permitted to be taken by the Director of the Governor’s Office of Management and Budget pursuant to this Act is hereby authorized to be taken by any person specifically designated by the Governor to take such action in a certificate signed by the Governor and filed with the Secretary of State.

(Source: P.A. 84-111; revised 8-23-03.)

(30 ILCS 425/8.3 new)

Sec. 8.3. Compliance with the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. Notwithstanding any other provision of law, the Governor’s Office of Management and Budget shall comply with the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(30 ILCS 425/8.5 new)

Sec. 8.5. Truth in borrowing disclosures.

(a) Within 20 business days after the issuance of any Bonds under this Act, the Director of the Governor’s Office of Management and Budget shall publish a truth in borrowing disclosure that discloses the total principal and interest payments to be paid on the Bonds over the full stated term of the Bonds. The disclosure also shall include principal and interest payments to be made by each fiscal year over the full stated term of the Bonds and total principal and interest payments to be made by each fiscal year on all other outstanding Bonds issued under this Act over the full stated terms of those Bonds.

(b) Within 20 business days after the issuance of any refunding bonds under Section 15 of this Act, the Director of the Governor’s Office of Management and Budget shall publish a truth in borrowing disclosure.
that discloses the estimated present-valued savings to be obtained through the refunding, in total and by each fiscal year that the refunding Bonds may be outstanding.

(c) The disclosures required in subsections (a) and (b) shall be published by posting the disclosures for no less than 30 days on the website of the Governor's Office of Management and Budget and by providing the disclosures in written form to the Illinois Economic and Fiscal Commission. These disclosures shall be calculated assuming Bonds are not redeemed or refunded prior to their stated maturities. Amounts included in these disclosures as payment of interest on variable rate Bonds shall be computed at an interest rate equal to the rate at which the variable rate Bonds are first set upon issuance, plus 2.5%, after taking into account any credits permitted in the related indenture or other instrument against the amount of such interest for each fiscal year. Amounts included in these disclosures as payments of interest shall include those amounts paid pursuant to arrangements authorized pursuant to subsection (b) of Section 6 of this Act.

(30 ILCS 425/9) (from Ch. 127, par. 2809)

Sec. 9. Allocation of Proceeds from Sale of Bonds. Proceeds from the sale of Bonds (other than refunding Bonds) shall be deposited in the separate fund in the State Treasury known as the Build Illinois Bond Fund and shall be expended only pursuant to appropriation by the General Assembly. Proceeds to be deposited into any debt service or reserve funds as may be required under any trust indenture shall be paid from the Build Illinois Bond Fund to the trustee under the trust indenture specified in the Bond Sale Order at the time of the delivery of the Bonds and proceeds to be used to pay expenses of issuance and sale shall be paid from the Build Illinois Bond Fund as directed in the Bond Sale Order. Accrued interest paid to the State at the time of the delivery of any series of Bonds shall be deposited into the Build Illinois Bond Retirement and Interest Fund in the State Treasury and shall be paid immediately from that Fund to the trustee under the trust indenture specified in the Bond Sale Order.

(Source: P.A. 86-44.)

(30 ILCS 425/15) (from Ch. 127, par. 2815)

Sec. 15. Refunding Bonds. Refunding Bonds are hereby authorized for the purpose of refunding any outstanding Bonds, including the payment of any redemption premium thereon, any reasonable expenses of such refunding, and any interest accrued or to accrue to the earliest or any subsequent date of redemption or maturity of outstanding Bonds; provided

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that all non-refunding Bonds in an issue that includes such refunding
Bonds shall mature no later than the final maturity date of Bonds being
refunded; provided that no refunding Bonds shall be offered for sale
unless the net present value of debt service savings to be achieved by the
issuance of the refunding Bonds is 3% or more of the principal amount of
the refunding Bonds to be issued; and further provided that the maturities
of the refunding Bonds shall not extend beyond the maturities of the Bonds
they refund, so that for each fiscal year in the maturity schedule of a
particular issue of refunding Bonds, the total amount of refunding
principal maturing and redemption amounts due in that fiscal year and all
prior fiscal years in that schedule shall be greater than or equal to the
total amount of refunded principal and redemption amounts that had been
due over that year and all prior fiscal years prior to the refunding.

Refunding Bonds may be sold in such amounts and at such times,
as directed by the Governor upon recommendation by the Director of the
Governor’s Office of Management and Budget Bureau of the Budget. The
Governor shall notify the State Treasurer and Comptroller of such
refunding. The proceeds received from the sale of refunding Bonds shall
be used for the retirement at maturity or redemption of such outstanding
Bonds on any maturity or redemption date and, pending such use, shall be
placed in escrow, subject to such terms and conditions as shall be provided
for in the Bond Sale Order relating to the refunding Bonds. This Act shall
constitute an irrevocable and continuing appropriation of all amounts
necessary to establish an escrow account for the purpose of refunding
outstanding Bonds and to pay the reasonable expenses of such refunding
and of the issuance and sale of the refunding Bonds. Any such escrowed
proceeds may be invested and reinvested in direct obligations of the
United States of America, maturing at such time or times as shall be
appropriate to assure the prompt payment, when due, of the principal of
and interest and redemption premium, if any, on the refunded Bonds. After
the terms of the escrow have been fully satisfied, any remaining balance of
such proceeds and interest, income and profits earned or realized on the
investments thereof shall be paid into the General Revenue Fund. The
liability of the State upon the refunded Bonds shall continue, provided that
the holders thereof shall thereafter be entitled to payment only out of the
moneys deposited in the escrow account and the refunded Bonds shall be
deemed paid, discharged and no longer to be outstanding.

Except as otherwise herein provided in this Section, such refunding
Bonds shall in all other respects be issued pursuant to and subject to the

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terms and conditions of this Act and shall be secured by and payable from only the funds and sources which are provided under this Act.  
(Source: P.A. 84-111; revised 8-23-03.)

Section 10-130. The Illinois Procurement Code is amended by changing Sections 5-5, 5-25, and 40-15 and by adding Sections 5-30, 20-150, 25-200, 30-150, 35-150, 40-55, 40-150, and 53-150 as follows:

(30 ILCS 500/5-5)

Sec. 5-5. Procurement Policy Board.

(a) Creation. There is created a Procurement Policy Board, an agency of the State of Illinois.

(b) Authority and duties. The Board shall have the authority and responsibility to review, comment upon, and recommend, consistent with this Code, rules and practices governing the procurement, management, control, and disposal of supplies, services, professional or artistic services, construction, and real property and capital improvement leases procured by the State.

Upon a three-fifths vote of its members, the Board may review a contract. Upon a three-fifths vote of its members, the Board may propose procurement rules for consideration by chief procurement officers. These proposals shall be published in each volume of the Procurement Bulletin. Except as otherwise provided by law, the Board shall act upon the vote of a majority of its members who have been appointed and are serving.

(b-5) Reviews, studies, and hearings. The Board may review, study, and hold public hearings concerning the implementation and administration of this Code. Each chief procurement officer, associate procurement officer, State purchasing officer, and State agency shall cooperate with the Board, provide information to the Board, and be responsive to the Board in the Board's conduct of its reviews, studies, and hearings.

(c) Members. The Board shall consist of 5 members appointed one each by the 4 legislative leaders and the Governor. Each member shall have demonstrated sufficient business or professional experience in the area of procurement to perform the functions of the Board. No member may be a member of the General Assembly.

(d) Terms. Of the initial appointees, the Governor shall designate one member, as Chairman, to serve a one-year term, the President of the Senate and the Speaker of the House shall each appoint one member to serve 3-year terms, and the Minority Leader of the House and the Minority Leader of the Senate shall each appoint one member to serve 2-year terms.

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Subsequent terms shall be 4 years. Members may be reappointed for succeeding terms.

(e) Reimbursement. Members shall receive no compensation but shall be reimbursed for any expenses reasonably incurred in the performance of their duties.

(f) Staff support. Upon a three-fifths vote of its members, the Board may employ an executive director. Subject to appropriation, the Board also may employ a reasonable and necessary number of staff persons. Other support services shall be provided by the chief procurement officers.

(g) Meetings. Meetings of the Board may be conducted telephonically, electronically, or through the use of other telecommunications. Written minutes of such meetings shall be created and available for public inspection and copying.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/5-25)

Sec. 5-25. Rulemaking authority; agency policy; agency response.

(a) Rulemaking. A State agency authorized to make procurements under this Code shall have the authority to promulgate rules to carry out that authority. That rulemaking on specific procurement topics is mentioned in specific Sections of this Code shall not be construed as prohibiting or limiting rulemaking on other procurement topics.

All rules shall be promulgated in accordance with the Illinois Administrative Procedure Act. Contractual provisions, specifications, and procurement descriptions are not rules and are not subject to the Illinois Administrative Procedure Act. All rules other than those promulgated by the Board shall be presented in writing to the Board for its review and comment. The Board shall express its opinions and recommendations in writing. Both the proposed rules and Board recommendations shall be made available for public review. The rules shall also be approved by the applicable chief procurement officer and the Joint Committee on Administrative Rules.

(b) Policy. Each chief procurement officer, associate procurement officer, and State agency shall promptly notify the Procurement Policy Board in writing of any proposed new procurement rule or policy or any proposed change in an existing procurement rule or policy.

(c) Response. Each State agency must respond promptly in writing to all inquiries and comments of the Procurement Policy Board.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

New matter indicated by italics - deletions by strikeout.
Sec. 5-30. Proposed contracts; Procurement Policy Board.
(a) Except as provided in subsection (c), within 30 days after notice of the awarding or letting of a contract has appeared in the Procurement Bulletin in accordance with subsection (b) of Section 15-25, the Board may request in writing from the contracting agency and the contracting agency shall promptly, but in no event later than 5 business days after receipt of the request, provide to the Board, by electronic or other means satisfactory to the Board, documentation in the possession of the contracting agency concerning the proposed contract. Nothing in this subsection is intended to waive or abrogate any privilege or right of confidentiality authorized by law.
(b) No contract subject to this Section may be entered into until the 30-day period described in subsection (a) has expired, unless the contracting agency requests in writing that the Board waive the period and the Board grants the waiver in writing.
(c) This Section does not apply to (i) contracts entered into under this Code for small and emergency procurements as those procurements are defined in Article 20 and (ii) contracts for professional and artistic services that are nonrenewable, one year or less in duration, and have a value of less than $20,000. If requested in writing by the Board, however, the contracting agency must promptly, but in no event later than 8 business days after receipt of the request, transmit to the Board a copy of the contract for an emergency procurement and documentation in the possession of the contracting agency concerning the contract.

Sec. 20-150. Proposed contracts; Procurement Policy Board. This Article is subject to Section 5-30 of this Code.

Sec. 25-200. Proposed contracts; Procurement Policy Board. This Article is subject to Section 5-30 of this Code.

Sec. 30-150. Proposed contracts; Procurement Policy Board. This Article is subject to Section 5-30 of this Code.

Sec. 35-150. Proposed contracts; Procurement Policy Board. This Article is subject to Section 5-30 of this Code.


New matter indicated by italics - deletions by strikeout.
(a) Request for information. Except as provided in subsections (b) and (c), all State contracts for leases of real property or capital improvements shall be awarded by a request for information process in accordance with Section 40-20.

(b) Other methods. A request for information process need not be used in procuring any of the following leases:

1. Property of less than 10,000 square feet.
2. Rent of less than $100,000 per year.
3. Duration of less than one year that cannot be renewed.
4. Specialized space available at only one location.
5. Renewal or extension of a lease in effect before July 1, 2002; provided that: (i) the chief procurement officer determines in writing that the renewal or extension is in the best interest of the State; (ii) the chief procurement officer submits his or her written determination and the renewal or extension to the Board; (iii) the Board does not object in writing to the renewal or extension within 30 days after its submission; and (iv) the chief procurement officer publishes the renewal or extension in the appropriate volume of the Procurement Bulletin.

(c) Leases with governmental units. Leases with other governmental units may be negotiated without using the request for information process when deemed by the chief procurement officer to be in the best interest of the State.

(Source: P.A. 93-133, eff. 1-1-04.)

(30 ILCS 500/40-55 new)

Sec. 40-55. Lessor's failure to make improvements. Each lease must provide for a penalty upon the lessor's failure to make improvements agreed upon in the lease. The penalty shall consist of a reduction in lease payments equal to the corresponding percentage of the improvement value to the lease value. The penalty shall continue until the lessor complies with the lease and the improvements are certified by the chief procurement officer and the leasing State agency.

(30 ILCS 500/40-150 new)

Sec. 40-150. Proposed contracts; Procurement Policy Board. This Article is subject to Section 5-30 of this Code.

(30 ILCS 500/53-150 new)

Sec. 53-150. Proposed contracts; Procurement Policy Board. This Article is subject to Section 5-30 of this Code.

New matter indicated by italics - deletions by strikeout.
Section 10-133. The Illinois Coal Technology Development Assistance Act is amended by changing Section 3 as follows:

(30 ILCS 730/3) (from Ch. 96 1/2, par. 8203)

Sec. 3. Transfers to Coal Technology Development Assistance Funds. As soon as may be practicable after the first day of each month, the Department of Revenue shall certify to the Treasurer an amount equal to 1/64 of the revenue realized from the tax imposed by the Electricity Excise Tax Law, Section 2 of the Public Utilities Revenue Act, Section 2 of the Messages Tax Act, and Section 2 of the Gas Revenue Tax Act, during the preceding month. Upon receipt of the certification, the Treasurer shall transfer the amount shown on such certification from the General Revenue Fund to the Coal Technology Development Assistance Fund, which is hereby created as a special fund in the State treasury, except that no transfer shall be made in any month in which the Fund has reached the following balance:

1. $7,000,000 during fiscal year 1994.
2. $8,500,000 during fiscal year 1995.
3. $10,000,000 during fiscal years 1996 and 1997.
4. During fiscal year 1998 through fiscal year 2004 and each year thereafter, an amount equal to the sum of $10,000,000 plus additional moneys deposited into the Coal Technology Development Assistance Fund from the Renewable Energy Resources and Coal Technology Development Assistance Charge under Section 6.5 of the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997.
6. During fiscal year 2006 and each fiscal year thereafter, an amount equal to the sum of $10,000,000 plus additional moneys deposited into the Coal Technology Development Assistance Fund from the Renewable Energy Resources and Coal Technology Development Assistance Charge under Section 6.5 of the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997.

(Source: P.A. 90-561, eff. 12-16-97; 90-624, eff. 7-10-98.)

New matter indicated by italics - deletions by strikeout.
Section 10-135. The Illinois Income Tax Act is amended by changing Section 901 as follows:

(35 ILCS 5/901) (from Ch. 120, par. 9-901)
Sec. 901. Collection Authority.
(a) In general.
The Department shall collect the taxes imposed by this Act. The Department shall collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650). Except as provided in subsections (c) and (e) of this Section, money collected pursuant to subsections (a) and (b) of Section 201 of this Act shall be paid into the General Revenue Fund in the State treasury; money collected pursuant to subsections (c) and (d) of Section 201 of this Act shall be paid into the Personal Property Tax Replacement Fund, a special fund in the State Treasury; and money collected under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid into the Child Support Enforcement Trust Fund, a special fund outside the State Treasury, or to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Public Aid.
(b) Local Governmental Distributive Fund.
Beginning August 1, 1969, and continuing through June 30, 1994, the Treasurer shall transfer each month from the General Revenue Fund to a special fund in the State treasury, to be known as the "Local Government Distributive Fund", an amount equal to 1/12 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1994, and continuing through June 30, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 1/11 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to the net of (i) 1/10 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act during the preceding month (ii) minus, beginning July 1, 2003 and ending June 30, 2004, $6,666,666, and beginning July 1, 2004, zero. Net revenue realized for a month shall be defined as the revenue from the tax imposed by subsections (a) and (b) of Section 201 of this Act which is deposited in the General Revenue Fund, the Educational

New matter indicated by italics - deletions by strikeout.
Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund during the month minus the amount paid out of the General Revenue Fund in State warrants during that same month as refunds to taxpayers for overpayment of liability under the tax imposed by subsections (a) and (b) of Section 201 of this Act.

(c) Deposits Into Income Tax Refund Fund.

(1) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(1), (2), and (3), of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 6% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999 through 2001, the Annual Percentage shall be 7.1%. For fiscal year 2003, the Annual Percentage shall be 8%. For fiscal year 2004, the Annual Percentage shall be 11.7%. Upon the effective date of this amendatory Act of the 93rd General Assembly, the Annual Percentage shall be 10% for fiscal year 2005. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, minus the amounts transferred into the Income Tax Refund Fund from the Tobacco Settlement Recovery Fund, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 7.6%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(2) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected

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pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 18% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999, 2000, and 2001, the Annual Percentage shall be 19%. For fiscal year 2003, the Annual Percentage shall be 27%. For fiscal year 2004, the Annual Percentage shall be 32%. Upon the effective date of this amendatory Act of the 93rd General Assembly, the Annual Percentage shall be 24% for fiscal year 2005. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 23%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.


(d) Expenditures from Income Tax Refund Fund.

(1) Beginning January 1, 1989, money in the Income Tax Refund Fund shall be expended exclusively for the purpose of paying refunds resulting from overpayment of tax liability under Section 201 of this Act, for paying rebates under Section 208.1 in the event that the amounts in the Homeowners' Tax Relief Fund are

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(2) The Director shall order payment of refunds resulting from overpayment of tax liability under Section 201 of this Act from the Income Tax Refund Fund only to the extent that amounts collected pursuant to Section 201 of this Act and transfers pursuant to this subsection (d) and item (3) of subsection (c) have been deposited and retained in the Fund.

(3) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the Personal Property Tax Replacement Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year over the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year.

(4) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Personal Property Tax Replacement Fund to the Income Tax Refund Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year over the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year.

(4.5) As soon as possible after the end of fiscal year 1999 and of each fiscal year thereafter, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the General Revenue Fund any surplus remaining in the Income Tax Refund Fund as of the end of such fiscal year; excluding for fiscal years 2000, 2001, and 2002 amounts attributable to transfers under item (3) of subsection (c) less refunds resulting from the earned income tax credit.

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(5) This Act shall constitute an irrevocable and continuing appropriation from the Income Tax Refund Fund for the purpose of paying refunds upon the order of the Director in accordance with the provisions of this Section.

(e) Deposits into the Education Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund.

On July 1, 1991, and thereafter, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 7.3% into the Education Assistance Fund in the State Treasury. Beginning July 1, 1991, and continuing through January 31, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 3.0% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning February 1, 1993 and continuing through June 30, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 4.4% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning July 1, 1993, and continuing through June 30, 1994, of the amounts collected under subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 1.475% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury.

(Source: P.A. 92-11, eff. 6-11-01; 92-16, eff. 6-28-01; 92-600, eff. 6-28-02; 93-32, eff. 6-20-03.)

Section 10-140. The Cigarette Tax Act is amended by changing Section 2 as follows:

(35 ILCS 130/2) (from Ch. 120, par. 453.2)

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

(a) A tax is imposed upon any person engaged in business as a retailer of cigarettes in this State at the rate of 5 1/2 mills per cigarette sold, or otherwise disposed of in the course of such business in this State. In addition to any other tax imposed by this Act, a tax is imposed upon any person engaged in business as a retailer of cigarettes in this State at a rate of 1/2 mill per cigarette sold or otherwise disposed of in the course of such business in this State on and after January 1, 1947, and shall be paid into

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

Beginning on the effective date of this amendatory Act of the 92nd General Assembly, all of the moneys received by the Department of Revenue pursuant to this Act and the Cigarette Use Tax Act, other than the moneys that are dedicated to the Metropolitan Fair and Exposition Authority Reconstruction Fund and the Common School Fund, shall be

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distributed each month as follows: first, there shall be paid into the General Revenue Fund an amount which, when added to the amount paid into the Common School Fund for that month, equals $33,300,000, except that in the month of August of 2004, this amount shall equal $83,300,000; then, from the moneys remaining, if any amounts required to be paid into the General Revenue Fund in previous months remain unpaid, those amounts shall be paid into the General Revenue Fund; then, beginning on April 1, 2003, from the moneys remaining, $5,000,000 per month shall be paid into the School Infrastructure Fund; then, if any amounts required to be paid into the School Infrastructure Fund in previous months remain unpaid, those amounts shall be paid into the School Infrastructure Fund; then the moneys remaining, if any, shall be paid into the Long-Term Care Provider Fund. To the extent that more than $25,000,000 has been paid into the General Revenue Fund and Common School Fund per month for the period of July 1, 1993 through the effective date of this amendatory Act of 1994 from combined receipts of the Cigarette Tax Act and the Cigarette Use Tax Act, notwithstanding the distribution provided in this Section, the Department of Revenue is hereby directed to adjust the distribution provided in this Section to increase the next monthly payments to the Long Term Care Provider Fund by the amount paid to the General Revenue Fund and Common School Fund in excess of $25,000,000 per month and to decrease the next monthly payments to the General Revenue Fund and Common School Fund by that same excess amount.

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

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

Each distributor shall collect the tax from the retailer at or before the time of the sale, shall affix the stamps as hereinafter required, and shall

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

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

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

(b) The distributor shall be required to collect the taxes provided under paragraph (a) hereof, and, to cover the costs of such collection, shall be allowed a discount during any year commencing July 1st and ending the following June 30th in accordance with the schedule set out hereinbelow, which discount shall be allowed at the time of purchase of the stamps when purchase is required by this Act, or at the time when the tax is remitted to the Department without the purchase of stamps from the Department when that method of paying the tax is required or authorized by this Act. Prior to December 1, 1985, a discount equal to 1 2/3% of the amount of the tax up to and including the first $700,000 paid hereunder by such distributor to the Department during any such year; 1 1/3% of the next $700,000 of tax or any part thereof, paid hereunder by such distributor to the Department during any such year; 1% of the next $700,000 of tax, or any part thereof, paid hereunder by such distributor to

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the Department during any such year, and 2/3 of 1% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year shall apply. On and after December 1, 1985, a discount equal to 1.75% of the amount of the tax payable under this Act up to and including the first $3,000,000 paid hereunder by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year shall apply.

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

(c) The taxes herein imposed are in addition to all other occupation or privilege taxes imposed by the State of Illinois, or by any political subdivision thereof, or by any municipal corporation.
(Source: P.A. 92-536, eff. 6-6-02.)

Section 10-145. The Motor Fuel Tax Law is amended by changing Section 8 as follows:

(35 ILCS 505/8) (from Ch. 120, par. 424)

Sec. 8. Except as provided in Section 8a, subdivision (b)(1) of Section 12a, Section 13a.6, and items 13, 14, 15, and 16 of Section 15, all money received by the Department under this Act, including payments made to the Department by member jurisdictions participating in the International Fuel Tax Agreement, shall be deposited in a special fund in the State treasury, to be known as the "Motor Fuel Tax Fund", and shall be used as follows:

(a) 2 1/2 cents per gallon of the tax collected on special fuel under paragraph (b) of Section 2 and Section 13a of this Act shall be transferred to the State Construction Account Fund in the State Treasury;
(b) $420,000 shall be transferred each month to the State Boating Act Fund to be used by the Department of Natural Resources for the purposes specified in Article X of the Boat Registration and Safety Act;
(c) $2,250,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than $6,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; $2,250,000 in fiscal year 2004 and each fiscal year thereafter shall be transferred to the Transportation Regulatory Fund and shall be accounted for as part of the rail carrier portion of such funds and shall be used to pay the cost of administration of

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the Illinois Commerce Commission's railroad safety program in connection with its duties under subsection (3) of Section 18c-7401 of the Illinois Vehicle Code, with the remainder to be used by the Department of Transportation upon order of the Illinois Commerce Commission, to pay that part of the cost apportioned by such Commission to the State to cover the interest of the public in the use of highways, roads, streets, or pedestrian walkways in the county highway system, township and district road system, or municipal street system as defined in the Illinois Highway Code, as the same may from time to time be amended, for separation of grades, for installation, construction or reconstruction of crossing protection or reconstruction, alteration, relocation including construction or improvement of any existing highway necessary for access to property or improvement of any grade crossing including the necessary highway approaches thereto of any railroad across the highway or public road, or for the installation, construction, reconstruction, or maintenance of a pedestrian walkway over or under a railroad right-of-way, as provided for in and in accordance with Section 18c-7401 of the Illinois Vehicle Code. The Commission shall not order more than $2,000,000 per year in Grade Crossing Protection Fund moneys for pedestrian walkways. In entering orders for projects for which payments from the Grade Crossing Protection Fund will be made, the Commission shall account for expenditures authorized by the orders on a cash rather than an accrual basis. For purposes of this requirement an "accrual basis" assumes that the total cost of the project is expended in the fiscal year in which the order is entered, while a "cash basis" allocates the cost of the project among fiscal years as expenditures are actually made. To meet the requirements of this subsection, the Illinois Commerce Commission shall develop annual and 5-year project plans of rail crossing capital improvements that will be paid for with moneys from the Grade Crossing Protection Fund. The annual project plan shall identify projects for the succeeding fiscal year and the 5-year project plan shall identify projects for the 5 directly succeeding fiscal years. The Commission shall submit the annual and 5-year project plans for this Fund to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the first Wednesday in April of each year;

(d) of the amount remaining after allocations provided for in subsections (a), (b) and (c), a sufficient amount shall be reserved to pay all of the following:

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(1) the costs of the Department of Revenue in administering this Act;
(2) the costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts;
(3) refunds provided for in Section 13 of this Act and under the terms of the International Fuel Tax Agreement referenced in Section 14a;
(4) from October 1, 1985 until June 30, 1994, the administration of the Vehicle Emissions Inspection Law, which amount shall be certified monthly by the Environmental Protection Agency to the State Comptroller and shall promptly be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund to the Vehicle Inspection Fund, and for the period July 1, 1994 through June 30, 2000, one-twelfth of $25,000,000 each month, for the period July 1, 2000 through June 30, 2003, one-twelfth of $30,000,000 each month, and $15,000,000 on July 1, 2003, and $15,000,000 on January 1, 2004, and $15,000,000 on each July 1 and October 1, or as soon thereafter as may be practical, during of each calendar year for the period July January 1, 2004 through June 30, 2006, for the administration of the Vehicle Emissions Inspection Law of 1995, to be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund into the Vehicle Inspection Fund;
(5) amounts ordered paid by the Court of Claims; and
(6) payment of motor fuel use taxes due to member jurisdictions under the terms of the International Fuel Tax Agreement. The Department shall certify these amounts to the Comptroller by the 15th day of each month; the Comptroller shall cause orders to be drawn for such amounts, and the Treasurer shall administer those amounts on or before the last day of each month;
(e) after allocations for the purposes set forth in subsections (a), (b), (c) and (d), the remaining amount shall be apportioned as follows:
   (1) Until January 1, 2000, 58.4%, and beginning January 1, 2000, 45.6% shall be deposited as follows:
      (A) 37% into the State Construction Account Fund, and

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(B) 63% into the Road Fund, $1,250,000 of which shall be reserved each month for the Department of Transportation to be used in accordance with the provisions of Sections 6-901 through 6-906 of the Illinois Highway Code;

(2) Until January 1, 2000, 41.6%, and beginning January 1, 2000, 54.4% shall be transferred to the Department of Transportation to be distributed as follows:

(A) 49.10% to the municipalities of the State,
(B) 16.74% to the counties of the State having 1,000,000 or more inhabitants,
(C) 18.27% to the counties of the State having less than 1,000,000 inhabitants,
(D) 15.89% to the road districts of the State.

As soon as may be after the first day of each month the Department of Transportation shall allot to each municipality its share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so ascertained for such territory shall be added to the population of the municipality as determined by the last preceding census for the purpose of determining the allotment for that municipality. If the population of any municipality was not determined by the last Federal census preceding any apportionment, the apportionment to such municipality shall be in accordance with any census taken by such municipality. Any municipal census used in accordance with this Section shall be certified to the Department of Transportation by the clerk of such municipality, and the accuracy thereof shall be subject to approval of the Department which may make such corrections as it ascertains to be necessary.

As soon as may be after the first day of each month the Department of Transportation shall allot to each county its share of the amount apportioned to the several counties of the State as herein provided. Each allotment to the several counties having less than 1,000,000 inhabitants shall be in proportion to the amount of motor vehicle license fees received from the residents of such counties, respectively, during the preceding

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calendar year. The Secretary of State shall, on or before April 15 of each year, transmit to the Department of Transportation a full and complete report showing the amount of motor vehicle license fees received from the residents of each county, respectively, during the preceding calendar year. The Department of Transportation shall, each month, use for allotment purposes the last such report received from the Secretary of State.

As soon as may be after the first day of each month, the Department of Transportation shall allot to the several counties their share of the amount apportioned for the use of road districts. The allotment shall be apportioned among the several counties in the State in the proportion which the total mileage of township or district roads in the respective counties bears to the total mileage of all township and district roads in the State. Funds allotted to the respective counties for the use of road districts therein shall be allocated to the several road districts in the county in the proportion which the total mileage of such township or district roads in the respective road districts bears to the total mileage of all such township or district roads in the county. After July 1 of any year, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against the taxable property in any such road district at a rate of not less than either .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less. If any road district has levied a special tax for road purposes pursuant to Sections 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such tax was levied in an amount which would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such levy shall, however, be deemed a proper compliance with this Section and shall qualify such road district for an allotment under this Section. If a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08%, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such transfer, together with any such tax levy, shall be deemed a proper allotment.

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compliance with this Section and shall qualify the road district for an allotment under this Section.

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law, road districts may retain their entitlement to a motor fuel tax allotment if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. Any road district may in all circumstances retain its entitlement to a motor fuel tax allotment if it levied a road and bridge tax in an amount that will require the extension of the tax against the taxable property in the road district at a rate of not less than 0.08% of the assessed value of the property, based upon the assessment for the year immediately preceding the year in which the tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less.

As used in this Section the term "road district" means any road district, including a county unit road district, provided for by the Illinois Highway Code; and the term "township or district road" means any road in the township and district road system as defined in the Illinois Highway Code. For the purposes of this Section, "road district" also includes park districts, forest preserve districts and conservation districts organized under Illinois law and "township or district road" also includes such roads as are maintained by park districts, forest preserve districts and conservation districts. The Department of Transportation shall determine the mileage of all township and district roads for the purposes of making allotments and allocations of motor fuel tax funds for use in road districts.

Payment of motor fuel tax moneys to municipalities and counties shall be made as soon as possible after the allotment is made. The treasurer of the municipality or county may invest these funds until their use is required and the interest earned by these investments shall be limited to the same uses as the principal funds.

(Source: P.A. 92-16, eff. 6-28-01; 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

Section 10-150. The Electricity Excise Tax Law is amended by changing Sections 2-9 and 2-11 as follows:

(35 ILCS 640/2-9)

Sec. 2-9. Return and payment of tax by delivering supplier. Each delivering supplier who is required or authorized to collect the tax

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imposed by this Law shall make a return to the Department on or before the 15th day of each month for the preceding calendar month stating the following:

1. The delivering supplier's name.
2. The address of the delivering supplier's principal place of business and the address of the principal place of business (if that is a different address) from which the delivering supplier engaged in the business of delivering electricity in this State.
3. The total number of kilowatt-hours which the supplier delivered to or for purchasers during the preceding calendar month and upon the basis of which the tax is imposed.
4. Amount of tax, computed upon Item (3) at the rates stated in Section 2-4.
5. An adjustment for uncollectible amounts of tax in respect of prior period kilowatt-hour deliveries, determined in accordance with rules and regulations promulgated by the Department.
5.5 The amount of credits to which the taxpayer is entitled on account of purchases made under Section 8-403.1 of the Public Utilities Act.
6. Such other information as the Department reasonably may require.

In making such return the delivering supplier may use any reasonable method to derive reportable "kilowatt-hours" from the delivering supplier's records.

If the average monthly tax liability to the Department of the delivering supplier does not exceed $2,500, the Department may authorize the delivering supplier's returns to be filed on a quarter-annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year; and with the return for October, November and December of a given year being due by January 31 of the following year.

If the average monthly tax liability to the Department of the delivering supplier does not exceed $1,000, the Department may authorize the delivering supplier's returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

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Such quarter-annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Law concerning the time within which a delivering supplier may file a return, any such delivering supplier who ceases to engage in a kind of business which makes the person responsible for filing returns under this Law shall file a final return under this Law with the Department not more than one month after discontinuing such business.

Each delivering supplier whose average monthly liability to the Department under this Law was $10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which tax liability to the Department is incurred in an amount not less than the lower of either 22.5% of such delivering supplier's actual tax liability for the month or 25% of such delivering supplier's actual tax liability for the same calendar month of the preceding year. The amount of such quarter-monthly payments shall be credited against the final tax liability of such delivering supplier's return for that month. An outstanding credit approved by the Department or a credit memorandum issued by the Department arising from such delivering supplier's overpayment of his or her final tax liability for any month may be applied to reduce the amount of any subsequent quarter-monthly payment or credited against the final tax liability of such delivering supplier's return for any subsequent month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, such delivering supplier shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as such delivering supplier has previously made payments for that month to the Department in excess of the minimum payments previously due.

If the Director finds that the information required for the making of an accurate return cannot reasonably be compiled by such delivering supplier within 15 days after the close of the calendar month for which a return is to be made, the Director may grant an extension of time for the filing of such return for a period not to exceed 31 calendar days. The granting of such an extension may be conditioned upon the deposit by such delivering supplier with the Department of an amount of money not exceeding the amount estimated by the Director to be due with the return.

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so extended. All such deposits shall be credited against such delivering supplier's liabilities under this Law. If the deposit exceeds such delivering supplier's present and probable future liabilities under this Law, the Department shall issue to such delivering supplier a credit memorandum, which may be assigned by such delivering supplier to a similar person under this Law, in accordance with reasonable rules and regulations to be prescribed by the Department.

The delivering supplier making the return provided for in this Section shall, at the time of making such return, pay to the Department the amount of tax imposed by this Law.

Until October 1, 2002, a delivering supplier who has an average monthly tax liability of $10,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "average monthly tax liability" shall be the sum of the delivering supplier's liabilities under this Law for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer. Any delivering supplier not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department. All delivering suppliers required to make payments by electronic funds transfer and any delivering suppliers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

Through June 30, 2004, each month the Department shall pay into the Public Utility Fund in the State treasury an amount determined by the Director to be equal to 3.0% of the funds received by the Department pursuant to this Section. During each month of the remainder of all moneys received by the Department under this Section shall be paid into the General Revenue Fund in the State treasury. Beginning on July 1, 2004, of the 3% of the funds received pursuant to this Section, each month the Department shall pay $416,667 into the General Revenue Fund and the balance shall be paid into the Public Utility Fund in the State treasury.

(Source: P.A. 92-492, eff. 1-1-02.)

(35 ILCS 640/2-11)

Sec. 2-11. Direct return and payment by self-assessing purchaser. When electricity is used or consumed by a self-assessing purchaser subject to the tax imposed by this Law who did not pay the tax to a delivering

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supplier maintaining a place of business within this State and required or authorized to collect the tax, that self-assessing purchaser shall, on or before the 15th day of each month, make a return to the Department for the preceding calendar month, stating all of the following:

(1) The self-assessing purchaser's name and principal address.

(2) The aggregate purchase price paid by the self-assessing purchaser for the distribution, supply, furnishing, sale, transmission and delivery of such electricity to or for the purchaser during the preceding calendar month, including budget plan and other purchaser-owned amounts applied during such month in payment of charges includible in the purchase price, and upon the basis of which the tax is imposed.

(3) Amount of tax, computed upon item (2) at the rate stated in Section 2-4.

(4) Such other information as the Department reasonably may require.

In making such return the self-assessing purchaser may use any reasonable method to derive reportable "purchase price" from the self-assessing purchaser's records.

If the average monthly tax liability of the self-assessing purchaser to the Department does not exceed $2,500, the Department may authorize the self-assessing purchaser's returns to be filed on a quarter-annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August, and September of a given year being due by October 31 of such year; and with the return for October, November and December of a given year being due by January 31 of the following year.

If the average monthly tax liability of the self-assessing purchaser to the Department does not exceed $1,000, the Department may authorize the self-assessing purchaser's returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter-annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Law concerning the time within which a self-assessing purchaser may file a return, any such self-assessing purchaser who ceases to be responsible for filing returns

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under this Law shall file a final return under this Law with the Department not more than one month thereafter.

Each self-assessing purchaser whose average monthly liability to the Department pursuant to this Section was $10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability during such calendar year, and which is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which tax liability to the Department is incurred in an amount not less than the lower of either 22.5% of such self-assessing purchaser's actual tax liability for the month or 25% of such self-assessing purchaser's actual tax liability for the same calendar month of the preceding year. The amount of such quarter-monthly payments shall be credited against the final tax liability of the self-assessing purchaser's return for that month. An outstanding credit approved by the Department or a credit memorandum issued by the Department arising from the self-assessing purchaser's overpayment of the self-assessing purchaser's final tax liability for any month may be applied to reduce the amount of any subsequent quarter-monthly payment or credited against the final tax liability of such self-assessing purchaser's return for any subsequent month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, such person shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as such person has previously made payments for that month to the Department in excess of the minimum payments previously due.

If the Director finds that the information required for the making of an accurate return cannot reasonably be compiled by a self-assessing purchaser within 15 days after the close of the calendar month for which a return is to be made, the Director may grant an extension of time for the filing of such return for a period of not to exceed 31 calendar days. The granting of such an extension may be conditioned upon the deposit by such self-assessing purchaser with the Department of an amount of money not exceeding the amount estimated by the Director to be due with the return so extended. All such deposits shall be credited against such self-assessing purchaser's liabilities under this Law. If the deposit exceeds such self-assessing purchaser's present and probable future liabilities under this Law, the Department shall issue to such self-assessing purchaser a credit memorandum, which may be assigned by such self-assessing purchaser to

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a similar person under this Law, in accordance with reasonable rules and regulations to be prescribed by the Department.

The self-assessing purchaser making the return provided for in this Section shall, at the time of making such return, pay to the Department the amount of tax imposed by this Law.

Until October 1, 2002, a self-assessing purchaser who has an average monthly tax liability of $10,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "average monthly tax liability" shall be the sum of the self-assessing purchaser's liabilities under this Law for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer. Any self-assessing purchaser not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department. All self-assessing purchasers required to make payments by electronic funds transfer and any self-assessing purchasers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

Through June 30, 2004, each month the Department shall pay into the Public Utility Fund in the State treasury an amount determined by the Director to be equal to 3.0% of the funds received by the Department pursuant to this Section. Through June 30, 2004, the remainder of all moneys received by the Department under this Section shall be paid into the General Revenue Fund in the State treasury. Beginning on July 1, 2004, of the 3% of the funds received pursuant to this Section, each month the Department shall pay $416,667 into the General Revenue Fund and the balance shall be paid into the Public Utility Fund in the State treasury.

(Source: P.A. 91-357, eff. 7-29-99; 92-492, eff. 1-1-02.)

Section 10-155. The Illinois Pension Code is amended by changing Sections 14-103.05, 14-108.3, 14-135.08, 15-106, 15-107, and 16-133.3 and adding Section 14-132.2 as follows:

(40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)
Sec. 14-103.05. Employee.
(a) Any person employed by a Department who receives salary for personal services rendered to the Department on a warrant issued pursuant to a payroll voucher certified by a Department and drawn by the State
Comptroller upon the State Treasurer, including an elected official described in subparagraph (d) of Section 14-104, shall become an employee for purpose of membership in the Retirement System on the first day of such employment.

A person entering service on or after January 1, 1972 and prior to January 1, 1984 shall become a member as a condition of employment and shall begin making contributions as of the first day of employment.

A person entering service on or after January 1, 1984 shall, upon completion of 6 months of continuous service which is not interrupted by a break of more than 2 months, become a member as a condition of employment. Contributions shall begin the first of the month after completion of the qualifying period.

The qualifying period of 6 months of service is not applicable to:

(1) a person who has been granted credit for service in a position covered by the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, the General Assembly Retirement System, or the Judges Retirement System of Illinois unless that service has been forfeited under the laws of those systems; (2) a person entering service on or after July 1, 1991 in a noncovered position; or (3) a person to whom Section 14-108.2a or 14-108.2b applies.

(b) The term "employee" does not include the following:

(1) members of the State Legislature, and persons electing to become members of the General Assembly Retirement System pursuant to Section 2-105;

(2) incumbents of offices normally filled by vote of the people;

(3) except as otherwise provided in this Section, any person appointed by the Governor with the advice and consent of the Senate unless that person elects to participate in this system;

(4) except as provided in Section 14-108.2 or 14-108.2c, any person who is covered or eligible to be covered by the Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, or the Judges Retirement System of Illinois;

(5) an employee of a municipality or any other political subdivision of the State;

(6) any person who becomes an employee after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and whose

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wages or fringe benefits are paid in whole or in part by funds provided under such Act;

(7) enrollees of the Illinois Young Adult Conservation Corps program, administered by the Department of Natural Resources, authorized grantee pursuant to Title VIII of the "Comprehensive Employment and Training Act of 1973", 29 USC 993, as now or hereafter amended;

(8) enrollees and temporary staff of programs administered by the Department of Natural Resources under the Youth Conservation Corps Act of 1970;

(9) any person who is a member of any professional licensing or disciplinary board created under an Act administered by the Department of Professional Regulation or a successor agency or created or re-created after the effective date of this amendatory Act of 1997, and who receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 (P.A. 84-1472) is not intended to effect any change in the status of such persons;

(10) any person who is a member of the Illinois Health Care Cost Containment Council, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 is not intended to effect any change in the status of such persons; or

(11) any person who is a member of the Oil and Gas Board created by Section 1.2 of the Illinois Oil and Gas Act, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; or

(12) a person employed by the State Board of Higher Education in a position with the Illinois Century Network as of June 30, 2004, who remains continuously employed after that date by the Department of Central Management Services in a position with the Illinois Century Network and participates in the Article 15 system with respect to that employment.

(Source: P.A. 92-14, eff. 6-28-01.)

New matter indicated by italics - deletions by strikeout.
Sec. 14-108.3. Early retirement incentives.

(a) To be eligible for the benefits provided in this Section, a person must:

1. be a member of this System who, on any day during June, 2002, is (i) in active payroll status in a position of employment with a department and an active contributor to this System with respect to that employment, and terminates that employment before the retirement annuity under this Article begins, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) receiving benefits under Section 14-123, 14-123.1 or 14-124, but only if the member has not been receiving those benefits for a continuous period of more than 2 years as of the date of application;

2. not have received any retirement annuity under this Article beginning earlier than August 1, 2002;

3. file with the Board on or before December 31, 2002 a written application requesting the benefits provided in this Section;

4. terminate employment under this Article no later than December 31, 2002 (or the date established under subsection (d), if applicable);

5. by the date of termination of service, have at least 8 years of creditable service under this Article, without the use of any creditable service established under this Section;

6. by the date of termination of service, have at least 5 years of membership service earned while an employee under this Article, which may include military service for which credit is established under Section 14-105(b), service during the qualifying period for which credit is established under Section 14-104(a), and service for which credit has been established by repaying a refund under Section 14-130, but shall not include service for which any other optional service credit has been established; and

7. not receive any early retirement benefit under Section 16-133.3 of this Code.

(b) An eligible person may establish up to 5 years of creditable service under this Article, in increments of one month, by making the contributions specified in subsection (c). In addition, for each month of
creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final average compensation under Section 14-103.12 or the determination of compensation under this or any other Article of this Code.

The age enhancement established under this Section may not be used to enable any person to begin receiving a retirement annuity calculated under Section 14-110 before actually attaining age 50 (without any age enhancement under this Section). The age enhancement established under this Section may be used for all other purposes under this Article (including calculation of a proportionate annuity payable by this System under the Retirement Systems Reciprocal Act), except for purposes of the level income option in Section 14-112, the reversionary annuity under Section 14-113, and the required distributions under Section 14-121.1.

The age enhancement established under this Section may be used in determining benefits payable under Article 16 of this Code under the Retirement Systems Reciprocal Act, if the person has at least 5 years of service credit in the Article 16 system that was earned while participating in that system as a teacher (as defined in Section 16-106) employed by a department (as defined in Section 14-103.04). Age enhancement established under this Section shall not otherwise be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, a person must pay to the System an employee contribution to be determined by the System, based on the member's rate of compensation on June 1, 2002 (or the last date before June 1, 2002 for which a rate can be determined) and the retirement contribution rate in effect on June 1, 2002 for the member (or for members with the same social security and alternative formula status as the member).

If the member receives a lump sum payment for accumulated vacation, sick leave and personal leave upon withdrawal from service, and the net amount of that lump sum payment is at least as great as the amount of the contribution required under this Section, the entire contribution must be paid by the employee by payroll deduction. If there is no such lump sum payment, or if it is less than the contribution required under this Section, the entire contribution must be paid by the employee by payroll deduction.
Section, the member shall make an initial payment by payroll deduction, equal to the net amount of the lump sum payment for accumulated vacation, sick leave, and personal leave, and have the remaining amount due treated as a reduction from the retirement annuity in 24 equal monthly installments beginning in the month in which the retirement annuity takes effect. The required contribution may be paid as a pre-tax deduction from earnings. For federal and Illinois tax purposes, the monthly amount by which the annuitant's benefit is reduced shall not be treated as a contribution by the annuitant, but rather as a reduction of the annuitant's monthly benefit.

(c-5) The reduction in retirement annuity provided in subsection (c) of Section 14-108 does not apply to the annuity of a person who retires under this Section. A person who has received any age enhancement or creditable service under this Section may begin to receive an unreduced retirement annuity upon attainment of age 55 with at least 25 years of creditable service (including any age enhancement and creditable service established under this Section).

(d) In order to ensure that the efficient operation of State government is not jeopardized by the simultaneous retirement of large numbers of key personnel, the director or other head of a department may, for key employees of that department, extend the December 31, 2002 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than April 30, 2003 by so notifying the System in writing by December 31, 2002.

(e) Notwithstanding Section 14-111, a person who has received any age enhancement or creditable service under this Section and who reenters service under this Article (or as an employee of a department under Article 16) other than as a temporary employee thereby forfeits that age enhancement and creditable service and is entitled to a refund of the contributions made pursuant to this Section.

(f) The System shall determine the amount of the increase in the present value of future benefits unfunded accrued liability resulting from the granting of early retirement incentives under this Section and shall report that amount to the Governor and the Pension Laws Commission (or its successor, the Economic and Fiscal Commission) on or after the effective date of this amendatory Act of the 93rd General Assembly and on or before November 15, 2004. The increase in liability reported under this subsection (f) shall not be included in the calculation of the required State contribution under Section 14-131.

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(g) The System shall determine the amount of the annual State contribution necessary to amortize on a level dollar-payment basis, over a period of 10 years at 8.5% interest, compounded annually, an amount equal to the increase in unfunded accrued liability determined under subsection (f) minus $70,000,000. The System shall certify the amount of this annual State contribution to the Governor, the State Comptroller, the Governor's Office of Management and Budget (formerly Bureau of the Budget), and the Pension Laws Commission (or its successor, the Economic and Fiscal Commission) on or before November 15, 2003: In addition to the contributions otherwise required under this Article, the State shall appropriate and pay to the System (1) an amount equal to $70,000,000 in State fiscal years 2004 and 2005 and (2) in each of State fiscal years 2006 through 2015, a level dollar-payment based upon the increase in the present value of future benefits provided by the early retirement incentives provided under this Section amortized at 8.5% interest 2005 through 2013, an amount equal to the annual State contribution certified by the System under this subsection (g).

(h) The Economic and Fiscal Commission (i) shall hold one or more hearings on or before the last session day during the fall veto session of 2004 to review recommendations relating to funding of early retirement incentives under this Section and (ii) shall file its report with the General Assembly on or before December 31, 2004 making its recommendations relating to funding of early retirement incentives under this Section; the Commission's report may contain both majority recommendations and minority recommendations. The System shall recalculate and recertify to the Governor by January 31, 2005 the amount of the required State contribution to the System for State fiscal year 2005 with respect to those incentives. The Pension Laws Commission (or its successor, the Economic and Fiscal Commission) shall determine and report to the General Assembly, on or before January 1, 2004 and annually thereafter through the year 2013, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early retirement of persons receiving early retirement incentives under this Section and (2) the net annual savings or cost to the State from the program of early retirement incentives created under this Section.

The System, the Department of Central Management Services, the Governor's Office of Management and Budget (formerly Bureau of the Budget), and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its reports
under this Section. The Commission may require departments to provide it with any information that it deems necessary or useful with respect to its reports under this Section, including without limitation information about (1) the final earnings of former department employees who elected to receive benefits under this Section, (2) the earnings of current department employees holding the positions vacated by persons who elected to receive benefits under this Section, and (3) positions vacated by persons who elected to receive benefits under this Section that have not yet been refilled.

(i) The changes made to this Section by this amendatory Act of the 92nd General Assembly do not apply to persons who retired under this Section on or before May 1, 1992.

(Source: P.A. 92-566, eff. 6-25-02; 93-632, eff. 2-1-04.)

(40 ILCS 5/14-132.2 new)

Sec. 14-132.2. Payment into the General Obligation Retirement and Interest Fund. Notwithstanding any other law, on the first day of each month, or as soon thereafter as practical, the System shall pay over to the State for deposit into the General Obligation Retirement and Interest Fund all amounts previously received by the System pursuant to Section 14-135.08(b) representing additional amounts to pay principal of and interest on general obligation bonds authorized by Section 7.2(a) of the General Obligation Bond Act and issued to provide those proceeds deposited by the State with the System in July 2003, representing deposits other than amounts reserved under Section 7.2 of the General Obligation Bond Act.

(40 ILCS 5/14-135.08) (from Ch. 108 1/2, par. 14-135.08)

Sec. 14-135.08. To certify required State contributions.

(a) To certify to the Governor and to each department, on or before November 15 of each year, the required rate for State contributions to the System for the next State fiscal year, as determined under subsection (b) of Section 14-131. The certification to the Governor shall include a copy of the actuarial recommendations upon which the rate is based.

(b) The certification shall include an additional amount necessary to pay all principal of and interest on those general obligation bonds due the next fiscal year authorized by Section 7.2(a) of the General Obligation Bond Act and issued to provide the proceeds deposited by the State with the System in July 2003, representing deposits other than amounts reserved under Section 7.2(c) of the General Obligation Bond Act. For State fiscal year 2005, the Board shall make a supplemental certification of the additional amount necessary to pay all principal of and interest on

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those general obligation bonds due in State fiscal years 2004 and 2005 authorized by Section 7.2(a) of the General Obligation Bond Act and issued to provide the proceeds deposited by the State with the System in July 2003, representing deposits other than amounts reserved under Section 7.2(c) of the General Obligation Bond Act, as soon as practical after the effective date of this amendatory Act of the 93rd General Assembly.

On or before May 1, 2004, the Board shall recalculate and recertify to the Governor and to each department the amount of the required State contribution to the System and the required rates for State contributions to the System for State fiscal year 2005, taking into account the amounts appropriated to and received by the System under subsection (d) of Section 7.2 of the General Obligation Bond Act.

(Source: P.A. 93-2, eff. 4-7-03.)

(40 ILCS 5/15-106) (from Ch. 108 1/2, par. 15-106)

Sec. 15-106. Employer. "Employer": The University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the State Board of Higher Education, the Illinois Mathematics and Science Academy, the State Geological Survey Division of the Department of Natural Resources, the State Natural History Survey Division of the Department of Natural Resources, the State Water Survey Division of the Department of Natural Resources, the Waste Management and Research Center of the Department of Natural Resources, the University Civil Service Merit Board, the Board of Trustees of the State Universities Retirement System, the Illinois Community College Board, community college boards, any association of community college boards organized under Section 3-55 of the Public Community College Act, the Board of Examiners established under the Illinois Public Accounting Act, and, only during the period for which employer contributions required under Section 15-155 are paid, the following organizations: the alumni associations, the foundations and the athletic associations which are affiliated with the universities and colleges included in this Section as employers.

A department as defined in Section 14-103.04 is an employer for any person appointed by the Governor under the Civil Administrative Code of Illinois who is a participating employee as defined in Section 15-109. The Department of Central Management Services is an employer with

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respect to persons employed by the State Board of Higher Education in positions with the Illinois Century Network as of June 30, 2004 who remain continuously employed after that date by the Department of Central Management Services in positions with the Illinois Century Network.

The cities of Champaign and Urbana shall be considered employers, but only during the period for which contributions are required to be made under subsection (b-1) of Section 15-155 and only with respect to individuals described in subsection (h) of Section 15-107.

(Source: P.A. 89-4, eff. 1-1-96; 89-445, eff. 2-7-96; 90-490, eff. 8-17-97; 90-511, eff. 8-22-97; 90-576, eff. 3-31-98; 90-655, eff. 7-30-98.)

(40 ILCS 5/15-107) (from Ch. 108 1/2, par. 15-107)

Sec. 15-107. Employee.

(a) "Employee" means any member of the educational, administrative, secretarial, clerical, mechanical, labor or other staff of an employer whose employment is permanent and continuous or who is employed in a position in which services are expected to be rendered on a continuous basis for at least 4 months or one academic term, whichever is less, who (A) receives payment for personal services on a warrant issued pursuant to a payroll voucher certified by an employer and drawn by the State Comptroller upon the State Treasurer or by an employer upon trust, federal or other funds, or (B) is on a leave of absence without pay.

Employment which is irregular, intermittent or temporary shall not be considered continuous for purposes of this paragraph.

However, a person is not an "employee" if he or she:

1. is a student enrolled in and regularly attending classes in a college or university which is an employer, and is employed on a temporary basis at less than full time;
2. is currently receiving a retirement annuity or a disability retirement annuity under Section 15-153.2 from this System;
3. is on a military leave of absence;
4. is eligible to participate in the Federal Civil Service Retirement System and is currently making contributions to that system based upon earnings paid by an employer;
5. is on leave of absence without pay for more than 60 days immediately following termination of disability benefits under this Article;
6. is hired after June 30, 1979 as a public service employment program participant under the Federal Comprehensive

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Employment and Training Act and receives earnings in whole or in part from funds provided under that Act; or

(7) is employed on or after July 1, 1991 to perform services that are excluded by subdivision (a)(7)(f) or (a)(19) of Section 210 of the federal Social Security Act from the definition of employment given in that Section (42 U.S.C. 410).

(b) Any employer may, by filing a written notice with the board, exclude from the definition of "employee" all persons employed pursuant to a federally funded contract entered into after July 1, 1982 with a federal military department in a program providing training in military courses to federal military personnel on a military site owned by the United States Government, if this exclusion is not prohibited by the federally funded contract or federal laws or rules governing the administration of the contract.

(c) Any person appointed by the Governor under the Civil Administrative Code of the State is an employee, if he or she is a participant in this system on the effective date of the appointment.

(d) A participant on lay-off status under civil service rules is considered an employee for not more than 120 days from the date of the lay-off.

(e) A participant is considered an employee during (1) the first 60 days of disability leave, (2) the period, not to exceed one year, in which his or her eligibility for disability benefits is being considered by the board or reviewed by the courts, and (3) the period he or she receives disability benefits under the provisions of Section 15-152, workers' compensation or occupational disease benefits, or disability income under an insurance contract financed wholly or partially by the employer.

(f) Absences without pay, other than formal leaves of absence, of less than 30 calendar days, are not considered as an interruption of a person's status as an employee. If such absences during any period of 12 months exceed 30 work days, the employee status of the person is considered as interrupted as of the 31st work day.

(g) A staff member whose employment contract requires services during an academic term is to be considered an employee during the summer and other vacation periods, unless he or she declines an employment contract for the succeeding academic term or his or her employment status is otherwise terminated, and he or she receives no earnings during these periods.

New matter indicated by italics - deletions by strikeout.
(h) An individual who was a participating employee employed in the fire department of the University of Illinois's Champaign-Urbana campus immediately prior to the elimination of that fire department and who immediately after the elimination of that fire department became employed by the fire department of the City of Urbana or the City of Champaign shall continue to be considered as an employee for purposes of this Article for so long as the individual remains employed as a firefighter by the City of Urbana or the City of Champaign. The individual shall cease to be considered an employee under this subsection (h) upon the first termination of the individual's employment as a firefighter by the City of Urbana or the City of Champaign.

(i) An individual who is employed on a full-time basis as an officer or employee of a statewide teacher organization that serves System participants or an officer of a national teacher organization that serves System participants may participate in the System and shall be deemed an employee, provided that (1) the individual has previously earned creditable service under this Article, (2) the individual files with the System an irrevocable election to become a participant, and (3) the individual does not receive credit for that employment under any other Article of this Code. An employee under this subsection (i) is responsible for paying to the System both (A) employee contributions based on the actual compensation received for service with the teacher organization and (B) employer contributions equal to the normal costs (as defined in Section 15-155) resulting from that service; all or any part of these contributions may be paid on the employee's behalf or picked up for tax purposes (if authorized under federal law) by the teacher organization.

A person who is an employee as defined in this subsection (i) may establish service credit for similar employment prior to becoming an employee under this subsection by paying to the System for that employment the contributions specified in this subsection, plus interest at the effective rate from the date of service to the date of payment. However, credit shall not be granted under this subsection for any such prior employment for which the applicant received credit under any other provision of this Code, or during which the applicant was on a leave of absence under Section 15-113.2.

(j) A person employed by the State Board of Higher Education in a position with the Illinois Century Network as of June 30, 2004 shall be considered to be an employee for so long as he or she remains continuously employed after that date by the Department of Central

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Management Services in a position with the Illinois Century Network and meets the requirements of subsection (a).
(Source: P.A. 93-347, eff. 7-24-03.)

(40 ILCS 5/16-133.3) (from Ch. 108 1/2, par. 16-133.3)
Sec. 16-133.3. Early retirement incentives for State employees.
(a) To be eligible for the benefits provided in this Section, a person must:

(1) be a member of this System who, on any day during June, 2002, is (i) in active payroll status as a full-time teacher employed by a department and an active contributor to this System with respect to that employment, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) receiving a disability benefit under Section 16-149 or 16-149.1, but only if the member has not been receiving that benefit for a continuous period of more than 2 years as of the date of application;

(2) not have received any retirement annuity under this Article beginning earlier than August 1, 2002;

(3) file with the Board on or before December 31, 2002 a written application requesting the benefits provided in this Section;

(4) terminate employment under this Article no later than December 31, 2002 (or the date established under subsection (d), if applicable);

(5) by the date of termination of service, have at least 8 years of creditable service under this Article, without the use of any creditable service established under this Section;

(6) by the date of termination of service, have at least 5 years of service credit earned while participating in the System as a teacher employed by a department; and

(7) not receive any early retirement benefit under Section 14-108.3 of this Code.

For the purposes of this Section, "department" means a department as defined in Section 14-103.04 that employs a teacher as defined in this Article.

(b) An eligible person may establish up to 5 years of creditable service under this Article by making the contributions specified in subsection (c). In addition, for each period of creditable service established under this Section, a person's age at retirement shall be deemed to be enhanced by an equivalent period.

New matter indicated by italics - deletions by strikeout.
The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final average salary, the determination of salary or compensation under this Article or any other Article of this Code, or the determination of eligibility for or the computation of benefits under Section 16-133.2.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of a proportionate annuity payable by this System under the Retirement Systems Reciprocal Act), except for purposes of a retirement annuity under Section 16-133(a)(A), a reversionary annuity under Section 16-136, the required distributions under Section 16-142.3, and the determination of eligibility for or the computation of benefits under Section 16-133.2. Age enhancement established under this Section may be used in determining benefits payable under Article 14 of this Code under the Retirement Systems Reciprocal Act (subject to the limitations on the use of age enhancement provided in Section 14-108.3); age enhancement established under this Section shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, a person must pay to the System an employee contribution to be determined by the System, equal to 9.0% of the member's highest annual salary rate that would be used in the determination of the average salary for retirement annuity purposes if the member retired immediately after withdrawal, for each year of creditable service established under this Section.

If the member receives a lump sum payment for accumulated vacation, sick leave, and personal leave upon withdrawal from service, and the net amount of that lump sum payment is at least as great as the amount of the contribution required under this Section, the entire contribution must be paid by the employee by payroll deduction. If there is no such lump sum payment, or if it is less than the contribution required under this Section, the member shall make an initial payment by payroll deduction, equal to the net amount of the lump sum payment for accumulated vacation, sick leave, and personal leave, and have the remaining amount due treated as a reduction from the retirement annuity in 24 equal monthly installments beginning in the month in which the retirement annuity takes effect. The required contribution may be paid as a pre-tax deduction from earnings.

New matter indicated by italics - deletions by strikeout.
(d) In order to ensure that the efficient operation of State
government is not jeopardized by the simultaneous retirement of large
numbers of key personnel, the director or other head of a department may,
for key employees of that department, extend the December 31, 2002
deadline for terminating employment under this Article established in
subdivision (a)(4) of this Section to a date not later than April 30, 2003 by
so notifying the System in writing by December 31, 2002.

(e) A person who has received any age enhancement or creditable
service under this Section and who reenters contributing service under this
Article or Article 14 shall thereby forfeit that age enhancement and
creditable service, and become entitled to a refund of the contributions
made pursuant to this Section.

(f) The System shall determine the amount of the increase in the
present value of future benefits unfunded accrued liability resulting from
the granting of early retirement incentives under this Section and shall
report that amount to the Governor and the Pension Laws Commission (or
its successor, the Economic and Fiscal Commission) on or after the
effective date of this amendatory Act of the 93rd General Assembly and on
or before November 15, 2004. The increase in liability reported
under this subsection (f) shall not be included in the calculation of the
required State contribution under Section 16-158.

(g) The System shall determine the amount of the annual State
contribution necessary to amortize on a level dollar-payment basis, over a
period of 10 years at 8.5% interest, compounded annually, an amount
equal to the increase in unfunded accrued liability determined under
subsection (f) minus $1,000,000. The System shall certify the amount of
this annual State contribution to the Governor, the State Comptroller, the
Governor’s Office of Management and Budget (formerly Bureau of the
Budget), and the Pension Laws Commission (or its successor, the
Economic and Fiscal Commission) on or before November 15, 2003. In
addition to the contributions otherwise required under this Article, the
State shall appropriate and pay to the System (1) an amount equal to
$1,000,000 in State fiscal year 2004 and (2) in each of State fiscal years
2006 through 2015, a level dollar-payment based upon the increase in the
present value of future benefits provided by the early retirement incentives
provided under this Section amortized at 8.5% interest 2005 through 2013,
an amount equal to the annual State contribution certified by the System
under this subsection (g).

New matter indicated by italics - deletions by strikeout.
(h) The Pension Laws Commission (or its successor, the Economic and Fiscal Commission) shall determine and report to the General Assembly, on or before January 1, 2004 and annually thereafter through the year 2013, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early retirement of persons receiving early retirement incentives under this Section and (2) the net annual savings or cost to the State from the program of early retirement incentives created under this Section.

The System, the Department of Central Management Services, the Governor's Office of Management and Budget (formerly Bureau of the Budget), and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its reports under this Section. The Commission may require departments to provide it with any information that it deems necessary or useful with respect to its reports under this Section, including without limitation information about (1) the final earnings of former department employees who elected to receive benefits under this Section, (2) the earnings of current department employees holding the positions vacated by persons who elected to receive benefits under this Section, and (3) positions vacated by persons who elected to receive benefits under this Section that have not yet been refilled.

(i) The changes made to this Section by this amendatory Act of the 92nd General Assembly do not apply to persons who retired under this Section on or before May 1, 1992.

(Source: P.A. 92-566, eff. 6-25-02; 93-632, eff. 2-1-04.)

Section 10-159. The State Pension Funds Continuing Appropriation Act is amended by changing Section 1.6 as follows:

(40 ILCS 15/1.6)
Sec. 1.6. Appropriations for early retirement programs.
(a) There is hereby appropriated from the General Revenue Fund to the State Employees' Retirement System of Illinois, on a continuing annual basis in each of State fiscal years 2004 through 2013, the amount, if any, by which the total available amount of all other appropriations to that retirement system for the payment of State contributions under subsection (g) of Section 14-108.3 of the Illinois Pension Code in that fiscal year is less than the total amount of State contributions required for that fiscal year under that subsection (g).

(b) There is hereby appropriated from the General Revenue Fund to the Teachers' Retirement System of the State of Illinois, on a continuing
annual basis in each of State fiscal years 2004 through 2015, the amount, if any, by which the total available amount of all other appropriations to that retirement system for the payment of State contributions under subsection (g) of Section 16-133.3 of the Illinois Pension Code in that fiscal year is less than the total amount of State contributions required for that fiscal year under that subsection (g).

(Source: P.A. 92-566, eff. 6-25-02.)

Section 10-160. The Wireless Emergency Telephone Safety Act is amended by changing Sections 17, 25, 30, 35, 40, and 50 and by adding Section 75 as follows:

(50 ILCS 751/17)

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

Sec. 17. Wireless carrier surcharge.

(a) Except as provided in Section 45, each wireless carrier shall impose a monthly wireless carrier surcharge per CMRS connection that either has a telephone number within an area code assigned to Illinois by the North American Numbering Plan Administrator or has a billing address in this State. In the case of prepaid wireless telephone service, this surcharge shall be remitted based upon the address associated with the point of purchase, the customer billing address, or the location associated with the MTN for each active prepaid wireless telephone that has a sufficient positive balance as of the last day of each month, if that information is available. No wireless carrier shall impose the surcharge authorized by this Section upon any subscriber who is subject to the surcharge imposed by a unit of local government pursuant to Section 45. The wireless carrier that provides wireless service to the subscriber shall collect the surcharge set by the Wireless Enhanced 9-1-1 Board from the subscriber. For mobile telecommunications services provided on and after August 1, 2002, any surcharge imposed under this Act shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. The surcharge shall be stated as a separate item on the subscriber's monthly bill. The wireless carrier shall begin collecting the surcharge on bills issued within 90 days after the Wireless Enhanced 9-1-1 Board sets the monthly wireless surcharge. State and local taxes shall not apply to the wireless carrier surcharge.

(b) Except as provided in Section 45, a wireless carrier shall, within 45 days of collection, remit, either by check or by electronic funds transfer, to the State Treasurer the amount of the wireless carrier surcharge.

New matter indicated by italics - deletions by strikeout.
collected from each subscriber. Of the amounts remitted under this subsection, the State Treasurer shall deposit one-third into the Wireless Carrier Reimbursement Fund and two-thirds into the Wireless Service Emergency Fund.

(c) The first such remittance by wireless carriers shall include the number of customers by zip code, and the 9-digit zip code if currently being used or later implemented by the carrier, that shall be the means by which the Illinois Commerce Commission Department of Central Management Services shall determine distributions from the Wireless Service Emergency Fund. This information shall be updated no less often than every year. Wireless carriers are not required to remit surcharge moneys that are billed to subscribers but not yet collected.

(Source: P.A. 92-526, eff. 7-1-02; 93-507, eff. 1-1-04.)

(50 ILCS 751/25)

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

Sec. 25. Wireless Service Emergency Fund; distribution of moneys. Within 60 days after the effective date of this Act, wireless carriers shall submit to the Illinois Commerce Commission Department of Central Management Services the number of wireless subscribers by zip code and the 9-digit zip code of the wireless subscribers, if currently being used or later implemented by the carrier.

The Illinois Commerce Commission Department of Central Management Services shall, subject to appropriation, make monthly proportional grants to the appropriate emergency telephone system board or qualified governmental entity based upon the United States Postal Zip Code of the wireless subscriber's billing address. No matching funds shall be required from grant recipients.

If the Illinois Commerce Commission Department of Central Management Services is notified of an area of overlapping jurisdiction, grants for that area shall be made based upon reference to an official Master Street Address Guide to the emergency telephone system board or qualified governmental entity whose public service answering points provide wireless 9-1-1 service in that area. The emergency telephone system board or qualified governmental entity shall provide the Illinois Commerce Commission Department of Central Management Services with a valid copy of the appropriate Master Street Address Guide. The Illinois Commerce Commission Department of Central Management Services does not have a duty to verify jurisdictional responsibility.

New matter indicated by italics - deletions by strikeout.
In the event of a subscriber billing address being matched to an incorrect jurisdiction by the Illinois Commerce Commission Department of Central Management Services, the recipient, upon notification from the Illinois Commerce Commission Department of Central Management Services, shall redirect the funds to the correct jurisdiction. The Illinois Commerce Commission Department of Central Management Services shall not be held liable for any damages relating to an act or omission under this Act, unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct.

In the event of a dispute between emergency telephone system boards or qualified governmental entities concerning a subscriber billing address, the Illinois Commerce Commission Department of Central Management Services shall resolve the dispute.

The Illinois Commerce Commission Department of Central Management Services shall maintain detailed records of all receipts and disbursements and shall provide an annual accounting of all receipts and disbursements to the Auditor General.

The Illinois Commerce Commission Department of Central Management Services shall adopt rules to govern the grant process.

(Source: P.A. 91-660, eff. 12-22-99.)

(50 ILCS 751/30)

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

Sec. 30. Wireless Carrier Reimbursement Fund; uses. The Wireless Carrier Reimbursement Fund is created as a special fund in the State treasury. Moneys in the Wireless Carrier Reimbursement Fund may be used, subject to appropriation, only (i) to reimburse wireless carriers for all of their costs incurred in complying with the applicable provisions of Federal Communications Commission wireless enhanced 9-1-1 service mandates and (ii) to pay the reasonable and necessary costs of the Illinois Commerce Commission in exercising its rights, duties, powers, and functions under this Act. This reimbursement to wireless carriers may include, but need not be limited to, the cost of designing, upgrading, purchasing, leasing, programming, installing, testing, and maintaining necessary data, hardware, and software and associated operating and administrative costs and overhead.

(Source: P.A. 91-660, eff. 12-22-99.)

(50 ILCS 751/35)

(Section scheduled to be repealed on April 1, 2008)
Sec. 35. Wireless Carrier Reimbursement Fund; reimbursement. To recover costs from the Wireless Carrier Reimbursement Fund, the wireless carrier shall submit sworn invoices to the Illinois Commerce Commission Department of Central Management Services. In no event may any invoice for payment be approved for (i) costs that are not related to compliance with the requirements established by the wireless enhanced 9-1-1 mandates of the Federal Communications Commission, (ii) costs with respect to any wireless enhanced 9-1-1 service that is not operable at the time the invoice is submitted, or (iii) costs of any wireless carrier exceeding 100% +25% of the wireless emergency services charges remitted to the Wireless Carrier Reimbursement Fund by the wireless carrier under Section 17(b) unless the wireless carrier received prior approval for the expenditures from the Illinois Commerce Commission Department of Central Management Services.

If in any month the total amount of invoices submitted to the Illinois Commerce Commission Department of Central Management Services and approved for payment exceeds the amount available in the Wireless Carrier Reimbursement Fund, wireless carriers that have invoices approved for payment shall receive a pro-rata share of the amount available in the Wireless Carrier Reimbursement Fund based on the relative amount of their approved invoices available that month, and the balance of the payments shall be carried into the following months until all of the approved payments are made.

A wireless carrier may not receive payment from the Wireless Carrier Reimbursement Fund for its costs of providing wireless enhanced 9-1-1 services in an area when a unit of local government or emergency telephone system board provides wireless 9-1-1 services in that area and was imposing and collecting a wireless carrier surcharge prior to July 1, 1998.

The Illinois Commerce Commission Department of Central Management Services shall maintain detailed records of all receipts and disbursements and shall provide an annual accounting of all receipts and disbursements to the Auditor General.

The Illinois Commerce Commission Department of Central Management Services shall adopt rules to govern the reimbursement process.

(Source: P.A. 93-507, eff. 1-1-04.)
(50 ILCS 751/40)
(Section scheduled to be repealed on April 1, 2008)

New matter indicated by italics - deletions by strikeout.
Sec. 40. Public disclosure. Because of the highly competitive nature of the wireless telephone industry, a public disclosure of information about surcharge moneys paid by wireless carriers could have the effect of stifling competition to the detriment of the public and the delivery of wireless 9-1-1 services. Therefore, the Illinois Commerce Commission, the Department of State Police, governmental agencies, and individuals with access to that information shall take appropriate steps to prevent public disclosure of this information. Information and data supporting the amount and distribution of surcharge moneys collected and remitted by an individual wireless carrier shall be deemed exempt information for purposes of the Freedom of Information Act and shall not be publicly disclosed. The gross amount paid by all carriers shall not be deemed exempt and may be publicly disclosed.

(Source: P.A. 91-660, eff. 12-22-99.)

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

Sec. 50. Limitation of liability. Notwithstanding any other provision of law, in no event shall a unit of local government, the Illinois Commerce Commission as successor agency to the Department of Central Management Services, the Department of State Police, or a public safety agency, public safety answering point, emergency telephone system board, or wireless carrier, or its officers, employees, assigns, or agents, be liable for any form of civil damages or criminal liability that directly or indirectly results from, or is caused by, any act or omission in the development, design, installation, operation, maintenance, performance, or provision of wireless 9-1-1 or wireless E9-1-1 service, unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct.

A unit of local government, the Illinois Commerce Commission as successor agency to the Department of Central Management Services, the Department of State Police, or a public safety agency, public safety answering point, emergency telephone system board, or wireless carrier, or its officers, employees, assigns, or agents, shall not be liable for any form of civil damages or criminal liability that directly or indirectly results from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this Act, unless the release constitutes gross negligence, recklessness, or intentional misconduct.

(Source: P.A. 91-660, eff. 12-22-99.)

New matter indicated by italics - deletions by strikeout.
(50 ILCS 751/75 new)

Sec. 75. Transfer of rights, functions, powers, duties, and property to Illinois Commerce Commission; rules and standards; savings provisions.

(a) Beginning July 1, 2004, the rights, functions, powers, and duties of the Department of Central Management Services as set forth in this Act are transferred to and shall be exercised by the Illinois Commerce Commission. By July 1, 2004, the Department of Central Management Services shall transfer and deliver to the Illinois Commerce Commission all books, records, documents, property (real and personal), unexpended appropriations, and pending business pertaining to the rights, powers, duties, and functions transferred to the Illinois Commerce Commission under this amendatory Act of the 93rd General Assembly.

(b) The rules and standards of the Department of Central Management Services that are in effect on June 30, 2004 and that pertain to the rights, powers, duties, and functions transferred to the Illinois Commerce Commission under this amendatory Act of the 93rd General Assembly shall become the rules and standards of the Illinois Commerce Commission on July 1, 2004, and shall continue in effect until amended or repealed by the Illinois Commerce Commission.

Any rules pertaining to the rights, powers, duties, and functions transferred to the Illinois Commerce Commission under this amendatory Act of the 93rd General Assembly that have been proposed by the Department of Central Management Services but have not taken effect or been finally adopted by June 30, 2004, shall become proposed rules of the Illinois Commerce Commission on July 1, 2004, and any rulemaking procedures that have already been completed by the Department of Central Management Services for those proposed rules need not be repealed.

As soon as it is practical after July 1, 2004, the Illinois Commerce Commission shall revise and clarify the rules transferred to it under this amendatory Act of the 93rd General Assembly to reflect the transfer of rights, powers, duties, and functions effected by this amendatory Act of the 93rd General Assembly using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Illinois Commerce Commission may propose and adopt under the Illinois Administrative Procedure Act any other rules necessary to consolidate and clarify those rules.

New matter indicated by italics - deletions by strikeout.
(c) The rights, powers, duties, and functions transferred to the Illinois Commerce Commission by this amendatory Act of the 93rd General Assembly shall be vested in and exercised by the Commission subject to the provisions of this Act. An act done by the Illinois Commerce Commission or an officer, employee, or agent of the Commission in the exercise of the transferred rights, powers, duties, and functions shall have the same legal effect as if done by the Department of Central Management Services or an officer, employee, or agent of the Department.

The transfer of rights, powers, duties, and functions to the Illinois Commerce Commission under this amendatory Act of the 93rd General Assembly does not invalidate any previous action taken by or in respect to the Department of Central Management Services, its officers, employees, or agents. References to the Department of Central Management Services or its officers, employees, or agents in any document, contract, agreement, or law shall, in appropriate contexts, be deemed to refer to the Illinois Commerce Commission or its officers, employees, or agents.

The transfer of rights, powers, duties, and functions to the Illinois Commerce Commission under this amendatory Act of the 93rd General Assembly does not affect any person's rights, obligations, or duties, including any civil or criminal penalties applicable thereto, arising out of those transferred rights, powers, duties, and functions.

This amendatory Act of the 93rd General Assembly does not affect any act done, ratified, or cancelled, any right occurring or established, or any action or proceeding commenced in an administrative, civil, or criminal case before July 1, 2004. Any such action or proceeding that pertains to a right, power, duty, or function transferred to the Illinois Commerce Commission under this amendatory Act of the 93rd General Assembly that is pending on that date may be prosecuted, defended, or continued by the Department of Central Management Services.

For the purposes of Section 9b of the State Finance Act, the Illinois Commerce Commission is the successor to the Department of Central Management Services with respect to the rights, duties, powers, and functions transferred by this amendatory Act of the 93rd General Assembly.

Section 10-165. The Sanitary District Act of 1917 is amended by adding Section 17.2 as follows:

(70 ILCS 2405/17.2 new)
Sec. 17.2. Acquisition of privately owned treatment works.
(a) After incorporation, any district organized under this Act may, in accordance with this Act, acquire by purchase or condemnation the territory, treatment works, lines, appurtenances, water treatment works, storage tanks, water lines, and other property of a privately owned public sewer and water utility treatment works that is not located within any other sanitary district, regardless of whether the area serviced by the treatment works is contiguous to the acquiring sanitary district. If, at the time of acquisition, the treatment works is located within a municipality, then the treatment works may not be acquired by the sanitary district without the consent of that municipality. The distance between the treatment works being acquired and the acquiring sanitary district, as measured from the point of discharge of the treatment works and the corporate boundary of the acquiring sanitary district at its nearest point, shall be within 15 miles and shall be located in the sanitary district's facility planning area (FPA).

(b) The acquisition of the treatment works by a sanitary district shall not affect the obligation of any bonds issued in the sanitary district or in the territory serviced by the treatment works or invalidate the levy, extension, or collection of any taxes or special assessments within the sanitary district.

(c) The acquiring sanitary district may acquire by eminent domain, within or outside its boundaries, easements necessary to connect the treatment works to the sanitary district's sewers or plants.

(d) The sanitary district may pass all necessary ordinances to regulate the connections to and use of the sewer or water system of the treatment works, including the establishment of a user fee for the area serviced by the treatment works, and may enforce those ordinances against all users of the acquired system, within or outside its boundaries. The sanitary district may own, operate, expand, and improve the private treatment works in accordance with the provisions of this Act.

(e) The grant of powers set forth in this Section are a restatement of existing law.

Section 10-167. The Environmental Protection Act is amended by changing Section 55.6 as follows:

(415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)
Sec. 55.6. Used Tire Management Fund.

(a) There is hereby created in the State Treasury a special fund to be known as the Used Tire Management Fund. There shall be deposited into the Fund all monies received as (1) recovered costs or proceeds from

New matter indicated by italics - deletions by strikeout.
the sale of used tires under Section 55.3 of this Act, (2) repayment of loans from the Used Tire Management Fund, or (3) penalties or punitive damages for violations of this Title, except as provided by subdivision (b)(4) or (b)(4-5) of Section 42.

(b) Beginning January 1, 1992, in addition to any other fees required by law, the owner or operator of each site required to be registered under subsection (d) of Section 55 shall pay to the Agency an annual fee of $100. Fees collected under this subsection shall be deposited into the Environmental Protection Permit and Inspection Fund.

c) Pursuant to appropriation, monies up to an amount of $2 million per fiscal year from the Used Tire Management Fund shall be allocated as follows:

(1) 38% shall be available to the Agency for the following purposes, provided that priority shall be given to item (i):

(i) To undertake preventive, corrective or removal action as authorized by and in accordance with Section 55.3, and to recover costs in accordance with Section 55.3.

(ii) For the performance of investigation and enforcement activities for used and waste tire sites.

(iii) To assist with marketing of used tires by augmenting the operations of an industrial materials exchange service.

(iv) To provide financial assistance to units of local government for the performance of inspecting, investigating and enforcement activities pursuant to subsection (r) of Section 4 at used and waste tire sites.

(v) To provide financial assistance for used and waste tire collection projects sponsored by local government or not-for-profit corporations.

(vi) For the costs of fee collection and administration relating to used and waste tires, and to accomplish such other purposes as are authorized by this Act and regulations thereunder.

(2) For fiscal years beginning prior to July 1, 2004, 23% shall be available to the Department of Commerce and Economic Opportunity Community Affairs for the following purposes, provided that priority shall be given to item (A):

(A) To provide grants or loans for the purposes of:
(i) assisting units of local government and private industry in the establishment of facilities and programs to collect, process and utilize used and waste tires and tire derived materials;

(ii) demonstrating the feasibility of innovative technologies as a means of collecting, storing, processing and utilizing used and waste tires and tire derived materials; and

(iii) applying demonstrated technologies as a means of collecting, storing, processing, and utilizing used and waste tires and tire derived materials.

(B) To develop educational material for use by officials and the public to better understand and respond to the problems posed by used tires and associated insects.

(C) (Blank).

(D) To perform such research as the Director deems appropriate to help meet the purposes of this Act.

(E) To pay the costs of administration of its activities authorized under this Act.

(2.1) For the fiscal year beginning July 1, 2004 and for all fiscal years thereafter, 23% shall be deposited into the General Revenue Fund.

(3) 25% shall be available to the Illinois Department of Public Health for the following purposes:

(A) To investigate threats or potential threats to the public health related to mosquitoes and other vectors of disease associated with the improper storage, handling and disposal of tires, improper waste disposal, or natural conditions.

(B) To conduct surveillance and monitoring activities for mosquitoes and other arthropod vectors of disease, and surveillance of animals which provide a reservoir for disease-producing organisms.

(C) To conduct training activities to promote vector control programs and integrated pest management as defined in the Vector Control Act.

(D) To respond to inquiries, investigate complaints, conduct evaluations and provide technical consultation to

New matter indicated by italics - deletions by strikeout.
help reduce or eliminate public health hazards and nuisance conditions associated with mosquitoes and other vectors.

(E) To provide financial assistance to units of local government for training, investigation and response to public nuisances associated with mosquitoes and other vectors of disease.

(4) 2% shall be available to the Department of Agriculture for its activities under the Illinois Pesticide Act relating to used and waste tires.

(5) 2% shall be available to the Pollution Control Board for administration of its activities relating to used and waste tires.

(6) 10% shall be available to the Department of Natural Resources for the Illinois Natural History Survey to perform research to study the biology, distribution, population ecology, and biosystematics of tire-breeding arthropods, especially mosquitoes, and the diseases they spread.

(d) By January 1, 1998, and biennially thereafter, each State agency receiving an appropriation from the Used Tire Management Fund shall report to the Governor and the General Assembly on its activities relating to the Fund.

(e) Any monies appropriated from the Used Tire Management Fund, but not obligated, shall revert to the Fund.

(f) In administering the provisions of subdivisions (1), (2) and (3) of subsection (c) of this Section, the Agency, the Department of Commerce and Economic Opportunity Community Affairs, and the Illinois Department of Public Health shall ensure that appropriate funding assistance is provided to any municipality with a population over 1,000,000 or to any sanitary district which serves a population over 1,000,000.

(g) Pursuant to appropriation, monies in excess of $2 million per fiscal year from the Used Tire Management Fund shall be used as follows:

1. 55% shall be available to the Agency to undertake preventive, corrective or renewed action as authorized by and in accordance with Section 55.3 and to recover costs in accordance with Section 55.3.

2. For fiscal years beginning prior to July 1, 2004, 45% shall be available to the Department of Commerce and Economic Opportunity Community Affairs to provide grants or loans for the purposes of:

New matter indicated by italics - deletions by strikeout.
(i) assisting units of local government and private industry in the establishment of facilities and programs to collect, process and utilize waste tires and tire derived material;

(ii) demonstrating the feasibility of innovative technologies as a means of collecting, storing, processing, and utilizing used and waste tires and tire derived materials; and

(iii) applying demonstrated technologies as a means of collecting, storing, processing, and utilizing used and waste tires and tire derived materials.

(3) For the fiscal year beginning July 1, 2004 and for all fiscal years thereafter, 45% shall be deposited into the General Revenue Fund.

(Source: P.A. 91-856, eff. 6-22-00; 92-16, eff. 6-28-01; revised 12-6-03.)

Section 10-168. The Illinois Low-Level Radioactive Waste Management Act is amended by changing Section 13 as follows:

(420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

Sec. 13. Waste fees.

(a) The Department shall collect a fee from each generator of low-level radioactive wastes in this State. Except as provided in subsections (b), (c), and (d), the amount of the fee shall be $50.00 or the following amount, whichever is greater:

(1) $1 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurred prior to September 7, 1984;

(2) $2 per cubic foot of waste stored for shipment if storage of the waste occurs on or after September 7, 1984, but prior to October 1, 1985;

(3) $3 per cubic foot of waste stored for shipment if storage of the waste occurs on or after October 1, 1985;

(4) $2 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after September 7, 1984 but prior to October 1, 1985, provided that no fee has been collected previously for storage of the waste;

(5) $3 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after October 1, 1985, provided that no fees have been collected previously for storage of the waste.

New matter indicated by italics - deletions by strikeout.
Such fees shall be collected annually or as determined by the Department and shall be deposited in the low-level radioactive waste funds as provided in Section 14 of this Act. Notwithstanding any other provision of this Act, no fee under this Section shall be collected from a generator for waste generated incident to manufacturing before December 31, 1980, and shipped for disposal outside of this State before December 31, 1992, as part of a site reclamation leading to license termination.

(b) Each nuclear power reactor in this State for which an operating license has been issued by the Nuclear Regulatory Commission shall not be subject to the fee required by subsection (a) with respect to (1) waste stored for shipment if storage of the waste occurs on or after January 1, 1986; and (2) waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after January 1, 1986. In lieu of the fee, each reactor shall be required to pay an annual fee as provided in this subsection for the treatment, storage and disposal of low-level radioactive waste. Beginning with State fiscal year 1986 and through State fiscal year 1997, fees shall be due and payable on January 1st of each year. For State fiscal year 1998 and all subsequent State fiscal years, fees shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1997 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1997, whichever is later.

The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall continue to pay an annual fee of $90,000 for the treatment, storage, and disposal of low-level radioactive waste through State fiscal year 2002. The fee shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later. If the balance in the Low-Level Radioactive Waste Facility Development and Operation Fund falls below $500,000, as of the end of any fiscal year after fiscal year 2002, the Department is authorized to assess by rule, after notice and a hearing, an additional annual fee to be paid by the owners of nuclear power reactors for which operating licenses have been issued by the Nuclear Regulatory Commission, except that no additional annual fee shall be assessed because of the fund balance at the end of fiscal year 2005. The additional annual fee shall be payable on the date or dates specified by rule and shall not exceed $30,000 per operating reactor per year.

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(c) In each of State fiscal years 1988, 1989 and 1990, in addition to the fee imposed in subsections (b) and (d), the owner of each nuclear power reactor in this State for which an operating license has been issued by the Nuclear Regulatory Commission shall pay a fee of $408,000. If an operating license is issued during one of those 3 fiscal years, the owner shall pay a prorated amount of the fee equal to $1,117.80 multiplied by the number of days in the fiscal year during which the nuclear power reactor was licensed.

The fee shall be due and payable as follows: in fiscal year 1988, $204,000 shall be paid on October 1, 1987 and $102,000 shall be paid on each of January 1, 1988 and April 1, 1988; in fiscal year 1989, $102,000 shall be paid on each of July 1, 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and in fiscal year 1990, $102,000 shall be paid on each of July 1, 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If the operating license is issued during one of the 3 fiscal years, the owner shall be subject to those payment dates, and their corresponding amounts, on which the owner possesses an operating license and, on June 30 of the fiscal year of issuance of the license, whatever amount of the prorated fee remains outstanding.

All of the amounts collected by the Department under this subsection (c) shall be deposited into the Low-Level Radioactive Waste Facility Development and Operation Fund created under subsection (a) of Section 14 of this Act and expended, subject to appropriation, for the purposes provided in that subsection.

(d) In addition to the fees imposed in subsections (b) and (c), the owners of nuclear power reactors in this State for which operating licenses have been issued by the Nuclear Regulatory Commission shall pay the following fees for each such nuclear power reactor: for State fiscal year 1989, $325,000 payable on October 1, 1988, $162,500 payable on January 1, 1989, and $162,500 payable on April 1, 1989; for State fiscal year 1990, $162,500 payable on July 1, $300,000 payable on October 1, $300,000 payable on January 1 and $300,000 payable on April 1; for State fiscal year 1991, either (1) $150,000 payable on July 1, $650,000 payable on September 1, $675,000 payable on January 1, and $275,000 payable on April 1, or (2) $150,000 on July 1, $130,000 on the first day of each month from August through December, $225,000 on the first day of each month from January through March and $92,000 on the first day of each month from April through June; for State fiscal year 1992, $260,000 payable on July 1, $900,000 payable on September 1, $300,000 payable on October 1,
$150,000 payable on January 1, and $100,000 payable on April 1; for State fiscal year 1993, $100,000 payable on July 1, $230,000 payable on August 1 or within 10 days after July 31, 1992, whichever is later, and $355,000 payable on October 1; for State fiscal year 1994, $100,000 payable on July 1, $75,000 payable on October 1 and $75,000 payable on April 1; for State fiscal year 1995, $100,000 payable on July 1, $75,000 payable on October 1, and $75,000 payable on April 1, for State fiscal year 1996, $100,000 payable on July 1, $75,000 payable on October 1, and $75,000 payable on April 1. The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall pay an annual fee of $30,000 through State fiscal year 2003. For State fiscal year 2004 and subsequent fiscal years, the owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission shall pay an annual fee of $30,000 per reactor, provided that the fee shall not apply to a nuclear power reactor with regard to which the owner notified the Nuclear Regulatory Commission during State fiscal year 1998 that the nuclear power reactor permanently ceased operations. The fee shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later. The fee due on July 1, 1997 shall be payable on that date or within 10 days after the effective date of this amendatory Act of 1997, whichever is later. If the payments under this subsection for fiscal year 1993 due on January 1, 1993, or on April 1, 1993, or both, were due before the effective date of this amendatory Act of the 87th General Assembly, then those payments are waived and need not be made.

All of the amounts collected by the Department under this subsection (d) shall be deposited into the Low-Level Radioactive Waste Facility Development and Operation Fund created pursuant to subsection (a) of Section 14 of this Act and expended, subject to appropriation, for the purposes provided in that subsection.

All payments made by licensees under this subsection (d) for fiscal year 1992 that are not appropriated and obligated by the Department above $1,750,000 per reactor in fiscal year 1992, shall be credited to the licensees making the payments to reduce the per reactor fees required under this subsection (d) for fiscal year 1993.

(e) The Department shall promulgate rules and regulations establishing standards for the collection of the fees authorized by this Section. The regulations shall include, but need not be limited to:

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(1) the records necessary to identify the amounts of low-level radioactive wastes produced;
(2) the form and submission of reports to accompany the payment of fees to the Department; and
(3) the time and manner of payment of fees to the Department, which payments shall not be more frequent than quarterly.

(f) Any operating agreement entered into under subsection (b) of Section 5 of this Act between the Department and any disposal facility contractor shall, subject to the provisions of this Act, authorize the contractor to impose upon and collect from persons using the disposal facility fees designed and set at levels reasonably calculated to produce sufficient revenues (1) to pay all costs and expenses properly incurred or accrued in connection with, and properly allocated to, performance of the contractor's obligations under the operating agreement, and (2) to provide reasonable and appropriate compensation or profit to the contractor under the operating agreement. For purposes of this subsection (f), the term "costs and expenses" may include, without limitation, (i) direct and indirect costs and expenses for labor, services, equipment, materials, insurance and other risk management costs, interest and other financing charges, and taxes or fees in lieu of taxes; (ii) payments to or required by the United States, the State of Illinois or any agency or department thereof, the Central Midwest Interstate Illinois Low-Level Radioactive Waste Compact, and subject to the provisions of this Act, any unit of local government; (iii) amortization of capitalized costs with respect to the disposal facility and its development, including any capitalized reserves; and (iv) payments with respect to reserves, accounts, escrows or trust funds required by law or otherwise provided for under the operating agreement.

(g) (Blank).
(h) (Blank).
(i) (Blank).
(j) (Blank).

(j-5) Prior to commencement of facility operations, the Department shall adopt rules providing for the establishment and collection of fees and charges with respect to the use of the disposal facility as provided in subsection (f) of this Section.

(k) The regional disposal facility shall be subject to ad valorem real estate taxes lawfully imposed by units of local government and school districts with jurisdiction over the facility. No other local government tax,

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surtax, fee or other charge on activities at the regional disposal facility shall be allowed except as authorized by the Department.

(l) The Department shall have the power, in the event that acceptance of waste for disposal at the regional disposal facility is suspended, delayed or interrupted, to impose emergency fees on the generators of low-level radioactive waste. Generators shall pay emergency fees within 30 days of receipt of notice of the emergency fees. The Department shall deposit all of the receipts of any fees collected under this subsection into the Low-Level Radioactive Waste Facility Development and Operation Fund created under subsection (b) of Section 14. Emergency fees may be used to mitigate the impacts of the suspension or interruption of acceptance of waste for disposal. The requirements for rulemaking in the Illinois Administrative Procedure Act shall not apply to the imposition of emergency fees under this subsection.

(m) The Department shall promulgate any other rules and regulations as may be necessary to implement this Section.

(Source: P.A. 92-276, eff. 8-7-01.)

Section 10-169. The Pretrial Services Act is amended by changing Section 33 as follows:

(725 ILCS 185/33) (from Ch. 38, par. 333)
Sec. 33. The Supreme Court shall pay from funds appropriated to it for this purpose 100% of all approved costs for pretrial services, including pretrial services officers, necessary support personnel, travel costs reasonably related to the delivery of pretrial services, space costs, equipment, telecommunications, postage, commodities, printing and contractual services. Costs shall be reimbursed monthly, based on a plan and budget approved by the Supreme Court. No department may be reimbursed for costs which exceed or are not provided for in the approved plan and budget. For State fiscal years 2004 and 2005 only, the Mandatory Arbitration Fund may be used to reimburse approved costs for pretrial services.

(Source: P.A. 93-25, eff. 6-20-03.)

Section 10-170. The Unified Code of Corrections is amended by changing Section 3-2-2 as follows:

(730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)
Sec. 3-2-2. Powers and Duties of the Department.
(1) In addition to the powers, duties and responsibilities which are otherwise provided by law, the Department shall have the following powers:

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(a) To accept persons committed to it by the courts of this State for care, custody, treatment and rehabilitation, \textit{and to accept federal prisoners and aliens over whom the Office of the Federal Detention Trustee is authorized to exercise the federal detention function for limited purposes and periods of time.}

(b) To develop and maintain reception and evaluation units for purposes of analyzing the custody and rehabilitation needs of persons committed to it and to assign such persons to institutions and programs under its control or transfer them to other appropriate agencies. In consultation with the Department of Alcoholism and Substance Abuse (now the Department of Human Services), the Department of Corrections shall develop a master plan for the screening and evaluation of persons committed to its custody who have alcohol or drug abuse problems, and for making appropriate treatment available to such persons; the Department shall report to the General Assembly on such plan not later than April 1, 1987. The maintenance and implementation of such plan shall be contingent upon the availability of funds.

(b-1) To create and implement, on January 1, 2002, a pilot program to establish the effectiveness of pupillometer technology (the measurement of the pupil's reaction to light) as an alternative to a urine test for purposes of screening and evaluating persons committed to its custody who have alcohol or drug problems. The pilot program shall require the pupillometer technology to be used in at least one Department of Corrections facility. The Director may expand the pilot program to include an additional facility or facilities as he or she deems appropriate. A minimum of 4,000 tests shall be included in the pilot program. The Department must report to the General Assembly on the effectiveness of the program by January 1, 2003.

(b-5) To develop, in consultation with the Department of State Police, a program for tracking and evaluating each inmate from commitment through release for recording his or her gang affiliations, activities, or ranks.

(c) To maintain and administer all State correctional institutions and facilities under its control and to establish new ones as needed. Pursuant to its power to establish new institutions and facilities, the Department may, with the written approval of the Governor, authorize the Department of Central Management

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Services to enter into an agreement of the type described in subsection (d) of Section 405-300 of the Department of Central Management Services Law (20 ILCS 405/405-300). The Department shall designate those institutions which shall constitute the State Penitentiary System.

Pursuant to its power to establish new institutions and facilities, the Department may authorize the Department of Central Management Services to accept bids from counties and municipalities for the construction, remodeling or conversion of a structure to be leased to the Department of Corrections for the purposes of its serving as a correctional institution or facility. Such construction, remodeling or conversion may be financed with revenue bonds issued pursuant to the Industrial Building Revenue Bond Act by the municipality or county. The lease specified in a bid shall be for a term of not less than the time needed to retire any revenue bonds used to finance the project, but not to exceed 40 years. The lease may grant to the State the option to purchase the structure outright.

Upon receipt of the bids, the Department may certify one or more of the bids and shall submit any such bids to the General Assembly for approval. Upon approval of a bid by a constitutional majority of both houses of the General Assembly, pursuant to joint resolution, the Department of Central Management Services may enter into an agreement with the county or municipality pursuant to such bid.

(c-5) To build and maintain regional juvenile detention centers and to charge a per diem to the counties as established by the Department to defray the costs of housing each minor in a center. In this subsection (c-5), "juvenile detention center" means a facility to house minors during pendency of trial who have been transferred from proceedings under the Juvenile Court Act of 1987 to prosecutions under the criminal laws of this State in accordance with Section 5-805 of the Juvenile Court Act of 1987, whether the transfer was by operation of law or permissive under that Section. The Department shall designate the counties to be served by each regional juvenile detention center.

(d) To develop and maintain programs of control, rehabilitation and employment of committed persons within its institutions.

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(e) To establish a system of supervision and guidance of committed persons in the community.

(f) To establish in cooperation with the Department of Transportation to supply a sufficient number of prisoners for use by the Department of Transportation to clean up the trash and garbage along State, county, township, or municipal highways as designated by the Department of Transportation. The Department of Corrections, at the request of the Department of Transportation, shall furnish such prisoners at least annually for a period to be agreed upon between the Director of Corrections and the Director of Transportation. The prisoners used on this program shall be selected by the Director of Corrections on whatever basis he deems proper in consideration of their term, behavior and earned eligibility to participate in such program - where they will be outside of the prison facility but still in the custody of the Department of Corrections. Prisoners convicted of first degree murder, or a Class X felony, or armed violence, or aggravated kidnapping, or criminal sexual assault, aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, or forcible detention, or arson, or a prisoner adjudged a Habitual Criminal shall not be eligible for selection to participate in such program. The prisoners shall remain as prisoners in the custody of the Department of Corrections and such Department shall furnish whatever security is necessary. The Department of Transportation shall furnish trucks and equipment for the highway cleanup program and personnel to supervise and direct the program. Neither the Department of Corrections nor the Department of Transportation shall replace any regular employee with a prisoner.

(g) To maintain records of persons committed to it and to establish programs of research, statistics and planning.

(h) To investigate the grievances of any person committed to the Department, to inquire into any alleged misconduct by employees or committed persons, and to investigate the assets of committed persons to implement Section 3-7-6 of this Code; and for these purposes it may issue subpoenas and compel the attendance of witnesses and the production of writings and papers, and may examine under oath any witnesses who may appear before it; to also investigate alleged violations of a parolee's or releasee's conditions of parole or release; and for this purpose it may issue

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subpoenas and compel the attendance of witnesses and the production of documents only if there is reason to believe that such procedures would provide evidence that such violations have occurred.

If any person fails to obey a subpoena issued under this subsection, the Director may apply to any circuit court to secure compliance with the subpoena. The failure to comply with the order of the court issued in response thereto shall be punishable as contempt of court.

(i) To appoint and remove the chief administrative officers, and administer programs of training and development of personnel of the Department. Personnel assigned by the Department to be responsible for the custody and control of committed persons or to investigate the alleged misconduct of committed persons or employees or alleged violations of a parolee's or releasee's conditions of parole shall be conservators of the peace for those purposes, and shall have the full power of peace officers outside of the facilities of the Department in the protection, arrest, retaking and reconfining of committed persons or where the exercise of such power is necessary to the investigation of such misconduct or violations.

(j) To cooperate with other departments and agencies and with local communities for the development of standards and programs for better correctional services in this State.

(k) To administer all moneys and properties of the Department.

(l) To report annually to the Governor on the committed persons, institutions and programs of the Department.

(l-5) In a confidential annual report to the Governor, the Department shall identify all inmate gangs by specifying each current gang's name, population and allied gangs. The Department shall further specify the number of top leaders identified by the Department for each gang during the past year, and the measures taken by the Department to segregate each leader from his or her gang and allied gangs. The Department shall further report the current status of leaders identified and segregated in previous years. All leaders described in the report shall be identified by inmate number or other designation to enable tracking, auditing, and verification without revealing the names of the leaders.

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Because this report contains law enforcement intelligence information collected by the Department, the report is confidential and not subject to public disclosure.

(m) To make all rules and regulations and exercise all powers and duties vested by law in the Department.

(n) To establish rules and regulations for administering a system of good conduct credits, established in accordance with Section 3-6-3, subject to review by the Prisoner Review Board.

(o) To administer the distribution of funds from the State Treasury to reimburse counties where State penal institutions are located for the payment of assistant state's attorneys' salaries under Section 4-2001 of the Counties Code.

(p) To exchange information with the Department of Human Services and the Illinois Department of Public Aid for the purpose of verifying living arrangements and for other purposes directly connected with the administration of this Code and the Illinois Public Aid Code.

(q) To establish a diversion program.

The program shall provide a structured environment for selected technical parole or mandatory supervised release violators and committed persons who have violated the rules governing their conduct while in work release. This program shall not apply to those persons who have committed a new offense while serving on parole or mandatory supervised release or while committed to work release.

Elements of the program shall include, but shall not be limited to, the following:

(1) The staff of a diversion facility shall provide supervision in accordance with required objectives set by the facility.

(2) Participants shall be required to maintain employment.

(3) Each participant shall pay for room and board at the facility on a sliding-scale basis according to the participant's income.

(4) Each participant shall:

(A) provide restitution to victims in accordance with any court order;

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(B) provide financial support to his dependents; and
(C) make appropriate payments toward any other court-ordered obligations.

(5) Each participant shall complete community service in addition to employment.

(6) Participants shall take part in such counseling, educational and other programs as the Department may deem appropriate.

(7) Participants shall submit to drug and alcohol screening.

(8) The Department shall promulgate rules governing the administration of the program.

(r) To enter into intergovernmental cooperation agreements under which persons in the custody of the Department may participate in a county impact incarceration program established under Section 3-6038 or 3-15003.5 of the Counties Code.

(r-5) To enter into intergovernmental cooperation agreements under which minors adjudicated delinquent and committed to the Department of Corrections, Juvenile Division, may participate in a county juvenile impact incarceration program established under Section 3-6039 of the Counties Code.

(r-10) To systematically and routinely identify with respect to each streetgang active within the correctional system: (1) each active gang; (2) every existing inter-gang affiliation or alliance; and (3) the current leaders in each gang. The Department shall promptly segregate leaders from inmates who belong to their gangs and allied gangs. "Segregate" means no physical contact and, to the extent possible under the conditions and space available at the correctional facility, prohibition of visual and sound communication. For the purposes of this paragraph (r-10), "leaders" means persons who:

(i) are members of a criminal streetgang;
(ii) with respect to other individuals within the streetgang, occupy a position of organizer, supervisor, or other position of management or leadership; and
(iii) are actively and personally engaged in directing, ordering, authorizing, or requesting commission of criminal acts by others, which are punishable as a felony,

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in furtherance of streetgang related activity both within and outside of the Department of Corrections. "Streetgang", "gang", and "streetgang related" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(s) To operate a super-maximum security institution, in order to manage and supervise inmates who are disruptive or dangerous and provide for the safety and security of the staff and the other inmates.

(t) To monitor any unprivileged conversation or any unprivileged communication, whether in person or by mail, telephone, or other means, between an inmate who, before commitment to the Department, was a member of an organized gang and any other person without the need to show cause or satisfy any other requirement of law before beginning the monitoring, except as constitutionally required. The monitoring may be by video, voice, or other method of recording or by any other means. As used in this subdivision (1)(t), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

As used in this subdivision (1)(t), "unprivileged conversation" or "unprivileged communication" means a conversation or communication that is not protected by any privilege recognized by law or by decision, rule, or order of the Illinois Supreme Court.

(u) To establish a Women's and Children's Pre-release Community Supervision Program for the purpose of providing housing and services to eligible female inmates, as determined by the Department, and their newborn and young children.

(v) To do all other acts necessary to carry out the provisions of this Chapter.

(2) The Department of Corrections shall by January 1, 1998, consider building and operating a correctional facility within 100 miles of a county of over 2,000,000 inhabitants, especially a facility designed to house juvenile participants in the impact incarceration program.

(3) When the Department lets bids for contracts for medical services to be provided to persons committed to Department facilities by a health maintenance organization, medical service corporation, or other health care provider, the bid may only be let to a health care provider that

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has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds are rated AAA by a bond rating organization.

(4) When the Department lets bids for contracts for food or commissary services to be provided to Department facilities, the bid may only be let to a food or commissary services provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds are rated AAA by a bond rating organization.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-444, eff. 1-1-02; 92-712, eff. 1-1-03.)

Section 10-175. The Probation and Probation Officers Act is amended by changing Sections 15 and 15.1 as follows:

(730 ILCS 110/15) (from Ch. 38, par. 204-7)

Sec. 15. (1) The Supreme Court of Illinois may establish a Division of Probation Services whose purpose shall be the development, establishment, promulgation, and enforcement of uniform standards for probation services in this State, and to otherwise carry out the intent of this Act. The Division may:

(a) establish qualifications for chief probation officers and other probation and court services personnel as to hiring, promotion, and training.

(b) make available, on a timely basis, lists of those applicants whose qualifications meet the regulations referred to herein, including on said lists all candidates found qualified.

(c) establish a means of verifying the conditions for reimbursement under this Act and develop criteria for approved costs for reimbursement.

(d) develop standards and approve employee compensation schedules for probation and court services departments.

(e) employ sufficient personnel in the Division to carry out the functions of the Division.

(f) establish a system of training and establish standards for personnel orientation and training.

(g) develop standards for a system of record keeping for cases and programs, gather statistics, establish a system of uniform forms, and develop research for planning of Probation Services.

(h) develop standards to assure adequate support personnel, office space, equipment and supplies, travel expenses, and other essential items necessary for Probation and Court Services Departments to carry out their duties.

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(i) review and approve annual plans submitted by Probation and Court Services Departments.

(j) monitor and evaluate all programs operated by Probation and Court Services Departments, and may include in the program evaluation criteria such factors as the percentage of Probation sentences for felons convicted of Probationable offenses.

(k) seek the cooperation of local and State government and private agencies to improve the quality of probation and court services.

(l) where appropriate, establish programs and corresponding standards designed to generally improve the quality of probation and court services and reduce the rate of adult or juvenile offenders committed to the Department of Corrections.

(m) establish such other standards and regulations and do all acts necessary to carry out the intent and purposes of this Act.

The Division shall establish a model list of structured intermediate sanctions that may be imposed by a probation agency for violations of terms and conditions of a sentence of probation, conditional discharge, or supervision.

The State of Illinois shall provide for the costs of personnel, travel, equipment, telecommunications, postage, commodities, printing, space, contractual services and other related costs necessary to carry out the intent of this Act.

(2) (a) The chief judge of each circuit shall provide full-time probation services for all counties within the circuit, in a manner consistent with the annual probation plan, the standards, policies, and regulations established by the Supreme Court. A probation district of two or more counties within a circuit may be created for the purposes of providing full-time probation services. Every county or group of counties within a circuit shall maintain a probation department which shall be under the authority of the Chief Judge of the circuit or some other judge designated by the Chief Judge. The Chief Judge, through the Probation and Court Services Department shall submit annual plans to the Division for probation and related services.

(b) The Chief Judge of each circuit shall appoint the Chief Probation Officer and all other probation officers for his or her circuit from lists of qualified applicants supplied by the Supreme Court. Candidates for chief managing officer and other probation officer positions

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must apply with both the Chief Judge of the circuit and the Supreme Court.

(3) A Probation and Court Service Department shall apply to the Supreme Court for funds for basic services, and may apply for funds for new and expanded programs or Individualized Services and Programs. Costs shall be reimbursed monthly based on a plan and budget approved by the Supreme Court. No Department may be reimbursed for costs which exceed or are not provided for in the approved annual plan and budget. After the effective date of this amendatory Act of 1985, each county must provide basic services in accordance with the annual plan and standards created by the division. No department may receive funds for new or expanded programs or individualized services and programs unless they are in compliance with standards as enumerated in paragraph (h) of subsection (1) of this Section, the annual plan, and standards for basic services.

(4) The Division shall reimburse the county or counties for probation services as follows:

(a) 100% of the salary of all chief managing officers designated as such by the Chief Judge and the division.

(b) 100% of the salary for all probation officer and supervisor positions approved for reimbursement by the division after April 1, 1984, to meet workload standards and to implement intensive sanction and probation supervision programs and other basic services as defined in this Act.

(c) 100% of the salary for all secure detention personnel and non-secure group home personnel approved for reimbursement after December 1, 1990. For all such positions approved for reimbursement before December 1, 1990, the counties shall be reimbursed $1,250 per month beginning July 1, 1995, and an additional $250 per month beginning each July 1st thereafter until the positions receive 100% salary reimbursement. Allocation of such positions will be based on comparative need considering capacity, staff/resident ratio, physical plant and program.

(d) $1,000 per month for salaries for the remaining probation officer positions engaged in basic services and new or expanded services. All such positions shall be approved by the division in accordance with this Act and division standards.

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(e) 100% of the travel expenses in accordance with Division standards for all Probation positions approved under paragraph (b) of subsection 4 of this Section.

(f) If the amount of funds reimbursed to the county under paragraphs (a) through (e) of subsection 4 of this Section on an annual basis is less than the amount the county had received during the 12 month period immediately prior to the effective date of this amendatory Act of 1985, then the Division shall reimburse the amount of the difference to the county. The effect of paragraph (b) of subsection 7 of this Section shall be considered in implementing this supplemental reimbursement provision.

(5) The Division shall provide funds beginning on April 1, 1987 for the counties to provide Individualized Services and Programs as provided in Section 16 of this Act.

(6) A Probation and Court Services Department in order to be eligible for the reimbursement must submit to the Supreme Court an application containing such information and in such a form and by such dates as the Supreme Court may require. Departments to be eligible for funding must satisfy the following conditions:

(a) The Department shall have on file with the Supreme Court an annual Probation plan for continuing, improved, and new Probation and Court Services Programs approved by the Supreme Court or its designee. This plan shall indicate the manner in which Probation and Court Services will be delivered and improved, consistent with the minimum standards and regulations for Probation and Court Services, as established by the Supreme Court. In counties with more than one Probation and Court Services Department eligible to receive funds, all Departments within that county must submit plans which are approved by the Supreme Court.

(b) The annual probation plan shall seek to generally improve the quality of probation services and to reduce the commitment of adult and juvenile offenders to the Department of Corrections and shall require, when appropriate, coordination with the Department of Corrections and the Department of Children and Family Services in the development and use of community resources, information systems, case review and permanency planning systems to avoid the duplication of services.
(c) The Department shall be in compliance with standards developed by the Supreme Court for basic, new and expanded services, training, personnel hiring and promotion.

(d) The Department shall in its annual plan indicate the manner in which it will support the rights of crime victims and in which manner it will implement Article I, Section 8.1 of the Illinois Constitution and in what manner it will coordinate crime victims' support services with other criminal justice agencies within its jurisdiction, including but not limited to, the State's Attorney, the Sheriff and any municipal police department.

(7) No statement shall be verified by the Supreme Court or its designee or vouched by the Comptroller unless each of the following conditions have been met:

   (a) The probation officer is a full-time employee appointed by the Chief Judge to provide probation services.

   (b) The probation officer, in order to be eligible for State reimbursement, is receiving a salary of at least $17,000 per year.

   (c) The probation officer is appointed or was reappointed in accordance with minimum qualifications or criteria established by the Supreme Court; however, all probation officers appointed prior to January 1, 1978, shall be exempted from the minimum requirements established by the Supreme Court. Payments shall be made to counties employing these exempted probation officers as long as they are employed in the position held on the effective date of this amendatory Act of 1985. Promotions shall be governed by minimum qualifications established by the Supreme Court.

   (d) The Department has an established compensation schedule approved by the Supreme Court. The compensation schedule shall include salary ranges with necessary increments to compensate each employee. The increments shall, within the salary ranges, be based on such factors as bona fide occupational qualifications, performance, and length of service. Each position in the Department shall be placed on the compensation schedule according to job duties and responsibilities of such position. The policy and procedures of the compensation schedule shall be made available to each employee.

(8) In order to obtain full reimbursement of all approved costs, each Department must continue to employ at least the same number of probation officers and probation managers as were authorized for

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employment for the fiscal year which includes January 1, 1985. This number shall be designated as the base amount of the Department. No positions approved by the Division under paragraph (b) of subsection 4 will be included in the base amount. In the event that the Department employs fewer Probation officers and Probation managers than the base amount for a period of 90 days, funding received by the Department under subsection 4 of this Section may be reduced on a monthly basis by the amount of the current salaries of any positions below the base amount.

(9) Before the 15th day of each month, the treasurer of any county which has a Probation and Court Services Department, or the treasurer of the most populous county, in the case of a Probation or Court Services Department funded by more than one county, shall submit an itemized statement of all approved costs incurred in the delivery of Basic Probation and Court Services under this Act to the Supreme Court. The treasurer may also submit an itemized statement of all approved costs incurred in the delivery of new and expanded Probation and Court Services as well as Individualized Services and Programs. The Supreme Court or its designee shall verify compliance with this Section and shall examine and audit the monthly statement and, upon finding them to be correct, shall forward them to the Comptroller for payment to the county treasurer. In the case of payment to a treasurer of a county which is the most populous of counties sharing the salary and expenses of a Probation and Court Services Department, the treasurer shall divide the money between the counties in a manner that reflects each county's share of the cost incurred by the Department.

(10) The county treasurer must certify that funds received under this Section shall be used solely to maintain and improve Probation and Court Services. The county or circuit shall remain in compliance with all standards, policies and regulations established by the Supreme Court. If at any time the Supreme Court determines that a county or circuit is not in compliance, the Supreme Court shall immediately notify the Chief Judge, county board chairman and the Director of Court Services Chief Probation Officer. If after 90 days of written notice the noncompliance still exists, the Supreme Court shall be required to reduce the amount of monthly reimbursement by 10%. An additional 10% reduction of monthly reimbursement shall occur for each consecutive month of noncompliance. Except as provided in subsection 5 of Section 15, funding to counties shall commence on April 1, 1986. Funds received under this Act shall be used to provide for Probation Department expenses including those required

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under Section 13 of this Act. For State fiscal years 2004 and 2005 only, the Mandatory Arbitration Fund may be used to provide for Probation Department expenses, including those required under Section 13 of this Act.

(11) The respective counties shall be responsible for capital and space costs, fringe benefits, clerical costs, equipment, telecommunications, postage, commodities and printing.

(12) For purposes of this Act only, probation officers shall be considered peace officers. In the exercise of their official duties, probation officers, sheriffs, and police officers may, anywhere within the State, arrest any probationer who is in violation of any of the conditions of his or her probation, conditional discharge, or supervision, and it shall be the duty of the officer making the arrest to take the probationer before the Court having jurisdiction over the probationer for further order.

(Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; revised 9-23-03.)

(730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

Sec. 15.1. Probation and Court Services Fund.

(a) The county treasurer in each county shall establish a probation and court services fund consisting of fees collected pursuant to subsection (i) of Section 5-6-3 and subsection (i) of Section 5-6-3.1 of the Unified Code of Corrections, subsection (10) of Section 5-615 and subsection (5) of Section 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of subsection (b) of Section 110-10 of the Code of Criminal Procedure of 1963. The county treasurer shall disburse monies from the fund only at the direction of the chief judge of the circuit court in such circuit where the county is located. The county treasurer of each county shall, on or before January 10 of each year, submit an annual report to the Supreme Court.

(b) Monies in the probation and court services fund shall be appropriated by the county board to be used within the county or jurisdiction where collected in accordance with policies and guidelines approved by the Supreme Court for the costs of operating the probation and court services department or departments; however, except as provided in subparagraph (g), monies in the probation and court services fund shall not be used for the payment of salaries of probation and court services personnel.

(c) Monies expended from the probation and court services fund shall be used to supplement, not supplant, county appropriations for probation and court services.

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(d) Interest earned on monies deposited in a probation and court services fund may be used by the county for its ordinary and contingent expenditures.

(e) The county board may appropriate moneys from the probation and court services fund, upon the direction of the chief judge, to support programs that are part of the continuum of juvenile delinquency intervention programs which are or may be developed within the county. The grants from the probation and court services fund shall be for no more than one year and may be used for any expenses attributable to the program including administration and oversight of the program by the probation department.

(f) The county board may appropriate moneys from the probation and court services fund, upon the direction of the chief judge, to support practices endorsed or required under the Sex Offender Management Board Act, including but not limited to sex offender evaluation, treatment, and monitoring programs that are or may be developed within the county.

(g) For the State Fiscal Year 2005 only, the Administrative Office of the Illinois Courts may permit a county or circuit to use its probation and court services fund for the payment of salaries of probation officers and other court services personnel whose salaries are reimbursed under this Act if the State’s FY2005 appropriation to the Supreme Court for reimbursement to counties for probation salaries and services is less than the amount appropriated to the Supreme Court for these purposes for State Fiscal Year 2004. The Administrative Office of the Illinois Courts shall take into account any annual surplus or deficit that any county or circuit has in its probation and court services fund and any amounts already obligated from such fund when apportioning the total reimbursement for each county or circuit.

(Source: P.A. 92-329, eff. 8-9-01; 93-616, eff. 1-1-04.)

Section 10-178. The Code of Civil Procedure is amended by changing Section 2-1009A as follows:

(735 ILCS 5/2-1009A) (from Ch. 110, par. 2-1009A)

Sec. 2-1009A. Filing Fees. In each county authorized by the Supreme Court to utilize mandatory arbitration, the clerk of the circuit court shall charge and collect, in addition to any other fees, an arbitration fee of $8, except in counties with 3,000,000 or more inhabitants the fee shall be $10, at the time of filing the first pleading, paper or other appearance filed by each party in all civil cases, but no additional fee shall be required if more than one party is represented in a single pleading,

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paper or other appearance. Arbitration fees received by the clerk of the circuit court pursuant to this Section shall be remitted within one month after receipt to the State Treasurer for deposit into the Mandatory Arbitration Fund, a special fund in the State treasury for the purpose of funding mandatory arbitration programs and such other alternative dispute resolution programs as may be authorized by circuit court rule for operation in counties that have implemented mandatory arbitration, with a separate account being maintained for each county. Notwithstanding any other provision of this Section to the contrary, and for State fiscal years 2004 and 2005 only, up to $5,500,000 of the Mandatory Arbitration Fund may be used for any other purpose authorized by the Supreme Court. (Source: P.A. 93-25, eff. 6-20-03.)

Section 10-180. The Illinois Pre-Need Cemetery Sales Act is amended by changing Section 22 as follows:

(815 ILCS 390/22) (from Ch. 21, par. 222)
Sec. 22. Cemetery Consumer Protection Fund.

(a) Every seller engaging in pre-need sales shall pay to the Comptroller $5 for each said contract entered into, to be paid into a special income earning fund hereby created in the State Treasury, known as the Cemetery Consumer Protection Fund. The above said fees shall be remitted to the Comptroller semi-annually within 30 days after the end of June and December for all contracts that have been entered in such 6 month period.

(b) All monies paid into the fund together with all accumulated undistributed income thereon shall be held as a special fund in the State Treasury. The fund shall be used solely for the purpose of providing restitution to consumers who have suffered pecuniary loss arising out of pre-need sales or to satisfy Receiver's fees ordered by the Circuit Court prior to June 30, 2004.

(c) The fund shall be applied only to restitution or completion of the project or delivery of the merchandise or services, where such has been ordered by the Circuit Court in a lawsuit brought under this Act by the Attorney General of the State of Illinois on behalf of the Comptroller and in which it has been determined by the Court that the obligation is non-collectible from the judgment debtor. Restitution shall not exceed the amount of the sales price paid plus interest at the statutory rate. The fund shall not be used for the payment of any attorney or other fees.

(d) Whenever restitution is paid by the fund, the fund shall be subrogated to the amount of such restitution, and the Comptroller shall

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request the Attorney General to engage in all reasonable post judgment collection steps to collect said restitution from the judgment debtor and reimburse the fund.

(e) The fund shall not be applied toward any restitution for losses in any lawsuit initiated by the Attorney General or Comptroller or with respect to any claim made on pre-need sales which occurred prior to the effective date of this Act.

(f) The fund may not be allocated for any purpose other than that specified in this Act.

(g) Notwithstanding any other provision of this Section, the payment of restitution from the fund shall be a matter of grace and not of right and no purchaser shall have any vested rights in the fund as a beneficiary or otherwise. Prior to seeking restitution from the fund, a purchaser or beneficiary seeking payment of restitution shall apply for restitution on a form provided by the Comptroller. The form shall include any information the Comptroller may reasonably require in order for the Court to determine that restitution or completion of the project or delivery of merchandise or service is appropriate.

(h) Annually, the status of the fund shall be reviewed by the Comptroller, and if he determines that the fund together with all accumulated income earned thereon, equals or exceeds $10,000,000 and that the total number of outstanding claims filed against the fund is less than 10% of the fund's current balance, then payments to the fund shall be suspended until such time as the fund's balance drops below $10,000,000 or the total number of outstanding claims filed against the fund is more than 10% of the fund's current balance, but on such suspension, the fund shall not be considered inactive.

(Source: P.A. 92-419, eff. 1-1-02.)

Section 10-185. The State Employees Group Insurance Act of 1971 is amended by changing Sections 3 and 10 as follows:

(5 ILCS 375/3) (from Ch. 127, par. 523)

Sec. 3. Definitions. Unless the context otherwise requires, the following words and phrases as used in this Act shall have the following meanings. The Department may define these and other words and phrases separately for the purpose of implementing specific programs providing benefits under this Act.

(a) "Administrative service organization" means any person, firm or corporation experienced in the handling of claims which is fully qualified, financially sound and capable of meeting the service

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requirements of a contract of administration executed with the Department.

(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14 (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity), 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government or a qualified rehabilitation facility or a qualified domestic violence shelter or service. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of that Code in lieu of an annuity), and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under

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Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-7) "New TRS State annuitant" means a person who, on or after July 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 16 of the Illinois Pension Code based on service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(c) "Carrier" means (1) an insurance company, a corporation organized under the Limited Health Service Organization Act or the Voluntary Health Services Plan Act, a partnership, or other nongovernmental organization, which is authorized to do group life or group health insurance business in Illinois, or (2) the State of Illinois as a self-insurer.

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government or qualified rehabilitation facility or a qualified domestic violence shelter or service.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Illinois Economic and Fiscal Commission as established by the Legislative Commission Reorganization Act of 1984.

(f) "Contributory", when referred to as contributory coverage, shall mean optional coverages or benefits elected by the member toward the

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cost of which such member makes contribution, or which are funded in whole or in part through the acceptance of a reduction in earnings or the foregoing of an increase in earnings by an employee, as distinguished from noncontributory coverage or benefits which are paid entirely by the State of Illinois without reduction of the member's salary.

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Finance Authority.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any unmarried child (1) from birth to age 19 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or recognized child who lives with the member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of the child, or (2) age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, or (3) age 19 or over who is mentally or physically handicapped. For the health plan only, the term "dependent" also includes any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes; no other such person may be enrolled. For the health plan only, the term "dependent" also includes any person who has received after June 30, 2000 an organ transplant and who is financially dependent upon the member and eligible to be claimed as a dependent for income tax purposes.

(i) "Director" means the Director of the Illinois Department of Central Management Services.

(j) "Eligibility period" means the period of time a member has to elect enrollment in programs or to select benefits without regard to age, sex or health.

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(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.
is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, and each employee in the service of a qualified rehabilitation facility and each full-time employee in the service of a qualified domestic violence shelter or service, as determined according to rules promulgated by the Director.

(l) "Member" means an employee, annuitant, retired employee or survivor.

(m) "Optional coverages or benefits" means those coverages or benefits available to the member on his or her voluntary election, and at his or her own expense.

(n) "Program" means the group life insurance, health benefits and other employee benefits designed and contracted for by the Director under this Act.

(o) "Health plan" means a health benefits program offered by the State of Illinois for persons eligible for the plan.

(p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (3) the surviving dependent of a person who

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was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-2) "SERS" means the State Employees' Retirement System of Illinois, created under Article 14 of the Illinois Pension Code.

(q-3) "SURS" means the State Universities Retirement System, created under Article 15 of the Illinois Pension Code.

(q-4) "TRS" means the Teachers' Retirement System of the State of Illinois, created under Article 16 of the Illinois Pension Code.

(q-5) "New SERS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 14 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SERS annuitant as defined in subsection (b-5). "New SERS survivor" includes the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-6) "New SURS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 15 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SURS annuitant as defined in subsection (b-6).

(q-7) "New TRS State survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 16 of the Illinois Pension Code and is based on the death of (i) an employee who is a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code and whose death occurs on or after July 1, 1998, or (ii) a new TRS State annuitant as defined in subsection (b-7).

(r) "Medical services" means the services provided within the scope of their licenses by practitioners in all categories licensed under the Medical Practice Act of 1987.

(s) "Unit of local government" means any county, municipality, township, school district (including a combination of school districts under the Intergovernmental Cooperation Act), special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts.

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for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; and the Illinois Association of Park Districts. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

(u) "Qualified domestic violence shelter or service" means any Illinois domestic violence shelter or service and its administrative offices funded by the Department of Human Services (as successor to the Illinois Department of Public Aid), approved by the Director and participating in a program created under subsection (k) of Section 10.

(v) "TRS benefit recipient" means a person who:

   (1) is not a "member" as defined in this Section; and
   (2) is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and
   (3) either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

(w) "TRS dependent beneficiary" means a person who:

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(1) is not a "member" or "dependent" as defined in this Section; and
(2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically handicapped.
(x) "Military leave with pay and benefits" refers to individuals in basic training for reserves, special/advanced training, annual training, emergency call up, or activation by the President of the United States with approved pay and benefits.
(y) "Military leave without pay and benefits" refers to individuals who enlist for active duty in a regular component of the U.S. Armed Forces or other duty not specified or authorized under military leave with pay and benefits.
(z) "Community college benefit recipient" means a person who:
   (1) is not a "member" as defined in this Section; and
   (2) is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and
   (3) either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).
(aa) "Community college dependent beneficiary" means a person who:
   (1) is not a "member" or "dependent" as defined in this Section; and

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(2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be claimed as a dependent for income tax purposes and under age 23, or (iii) age 19 or over and mentally or physically handicapped. 

(Source: P.A. 92-16, eff. 6-28-01; 92-186, eff. 1-1-02; 92-204, eff. 8-1-01; 92-651, eff. 7-11-02; 93-205, eff. 1-1-04.)

(5 ILCS 375/10) (from Ch. 127, par. 530)

Sec. 10. Payments by State; premiums.

(a) The State shall pay the cost of basic non-contributory group life insurance and, subject to member paid contributions set by the Department or required by this Section, the basic program of group health benefits on each eligible member, except a member, not otherwise covered by this Act, who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code, and part of each eligible member's and retired member's premiums for health insurance coverage for enrolled dependents as provided by Section 9. The State shall pay the cost of the basic program of group health benefits only after benefits are reduced by the amount of benefits covered by Medicare for all members and dependents who are eligible for benefits under Social Security or the Railroad Retirement system or who had sufficient Medicare-covered government employment, except that such reduction in benefits shall apply only to those members and dependents who (1) first become eligible for such Medicare coverage on or after July 1, 1992; or (2) are Medicare-eligible members or dependents of a local government unit which began participation in the program on or after July 1, 1992; or (3) remain eligible for, but no longer receive Medicare coverage which they had been receiving on or after July 1, 1992. The Department may determine the aggregate level of the State's contribution on the basis of actual cost of medical services adjusted for age, sex or geographic or other demographic characteristics which affect the costs of such programs.

The cost of participation in the basic program of group health benefits for the dependent or survivor of a living or deceased retired employee who was formerly employed by the University of Illinois in the Cooperative Extension Service and would be an annuitant but for the fact

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that he or she was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code shall not be greater than the cost of participation that would otherwise apply to that dependent or survivor if he or she were the dependent or survivor of an annuitant under the State Universities Retirement System.

(a-1) Beginning January 1, 1998, for each person who becomes a new SERS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SERS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant. In the case of a new SERS annuitant who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity, for the purposes of this subsection the annuitant shall be deemed to be receiving a retirement annuity based on the number of years of creditable service that the annuitant had established at the time of his or her termination of service under SERS.

(a-2) Beginning January 1, 1998, for each person who becomes a new SERS survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service in the State Employees' Retirement System of Illinois on the date of death, up to a maximum of 100% for a survivor of an employee or annuitant with 20 or more years of creditable service. The remainder of the cost of the new SERS survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor. In the case of a new SERS survivor who was the dependent of an annuitant who elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity, for the purposes of this subsection the deceased annuitant's creditable service shall be determined as of the date of termination of service rather than the date of death.

(a-3) Beginning January 1, 1998, for each person who becomes a new SURS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SURS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant. In the case of a new SURS annuitant who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity, for the purposes of this subsection the annuitant shall be deemed to be receiving a retirement annuity based on the number of years of creditable service that the annuitant had established at the time of his or her termination of service under SURS.

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benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SURS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant.

(a-4) (Blank).

(a-5) Beginning January 1, 1998, for each person who becomes a new SURS survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service in the State Universities Retirement System on the date of death, up to a maximum of 100% for a survivor of an employee or annuitant with 20 or more years of creditable service. The remainder of the cost of the new SURS survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor.

(a-6) Beginning July 1, 1998, for each person who becomes a new TRS State annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of the Illinois Pension Code upon which the annuitant's retirement annuity is based, up to a maximum of 100%; except that the State contribution shall be 12.5% per year (rather than 5%) for each full year of creditable service as a regional superintendent or assistant regional superintendent of schools. The remainder of the cost of a new TRS State annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant.

(a-7) Beginning July 1, 1998, for each person who becomes a new TRS State survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of the Illinois Pension Code on the date of death, up to a maximum of 100%; except that the State contribution

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shall be 12.5% per year (rather than 5%) for each full year of the deceased employee's or deceased annuitant's creditable service as a regional superintendent or assistant regional superintendent of schools. The remainder of the cost of the new TRS State survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor.

(a-8) A new SERS annuitant, new SERS survivor, new SURS annuitant, new SURS survivor, new TRS State annuitant, or new TRS State survivor may waive or terminate coverage in the program of group health benefits. Any such annuitant or survivor who has waived or terminated coverage may enroll or re-enroll in the program of group health benefits only during the annual benefit choice period, as determined by the Director; except that in the event of termination of coverage due to nonpayment of premiums, the annuitant or survivor may not re-enroll in the program.

(a-9) No later than May 1 of each calendar year, the Director of Central Management Services shall certify in writing to the Executive Secretary of the State Employees' Retirement System of Illinois the amounts of the Medicare supplement health care premiums and the amounts of the health care premiums for all other retirees who are not Medicare eligible.

A separate calculation of the premiums based upon the actual cost of each health care plan shall be so certified.

The Director of Central Management Services shall provide to the Executive Secretary of the State Employees' Retirement System of Illinois such information, statistics, and other data as he or she may require to review the premium amounts certified by the Director of Central Management Services.

(b) State employees who become eligible for this program on or after January 1, 1980 in positions normally requiring actual performance of duty not less than 1/2 of a normal work period but not equal to that of a normal work period, shall be given the option of participating in the available program. If the employee elects coverage, the State shall contribute on behalf of such employee to the cost of the employee's benefit and any applicable dependent supplement, that sum which bears the same percentage as that percentage of time the employee regularly works when compared to normal work period.

(c) The basic non-contributory coverage from the basic program of group health benefits shall be continued for each employee not in pay
status or on active service by reason of (1) leave of absence due to illness or injury, (2) authorized educational leave of absence or sabbatical leave, or (3) military leave with pay and benefits. This coverage shall continue until expiration of authorized leave and return to active service, but not to exceed 24 months for leaves under item (1) or (2). This 24-month limitation and the requirement of returning to active service shall not apply to persons receiving ordinary or accidental disability benefits or retirement benefits through the appropriate State retirement system or benefits under the Workers' Compensation or Occupational Disease Act.

(d) The basic group life insurance coverage shall continue, with full State contribution, where such person is (1) absent from active service by reason of disability arising from any cause other than self-inflicted, (2) on authorized educational leave of absence or sabbatical leave, or (3) on military leave with pay and benefits.

(e) Where the person is in non-pay status for a period in excess of 30 days or on leave of absence, other than by reason of disability, educational or sabbatical leave, or military leave with pay and benefits, such person may continue coverage only by making personal payment equal to the amount normally contributed by the State on such person's behalf. Such payments and coverage may be continued: (1) until such time as the person returns to a status eligible for coverage at State expense, but not to exceed 24 months, (2) until such person's employment or annuitant status with the State is terminated, or (3) for a maximum period of 4 years for members on military leave with pay and benefits and military leave without pay and benefits (exclusive of any additional service imposed pursuant to law).

(f) The Department shall establish by rule the extent to which other employee benefits will continue for persons in non-pay status or who are not in active service.

(g) The State shall not pay the cost of the basic non-contributory group life insurance, program of health benefits and other employee benefits for members who are survivors as defined by paragraphs (1) and (2) of subsection (q) of Section 3 of this Act. The costs of benefits for these survivors shall be paid by the survivors or by the University of Illinois Cooperative Extension Service, or any combination thereof. However, the State shall pay the amount of the reduction in the cost of participation, if any, resulting from the amendment to subsection (a) made by this amendatory Act of the 91st General Assembly.

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(h) Those persons occupying positions with any department as a result of emergency appointments pursuant to Section 8b.8 of the Personnel Code who are not considered employees under this Act shall be given the option of participating in the programs of group life insurance, health benefits and other employee benefits. Such persons electing coverage may participate only by making payment equal to the amount normally contributed by the State for similarly situated employees. Such amounts shall be determined by the Director. Such payments and coverage may be continued until such time as the person becomes an employee pursuant to this Act or such person's appointment is terminated.

(i) Any unit of local government within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a unit of local government must agree to enroll all of its employees, who may select coverage under either the State group health benefits plan or a health maintenance organization that has contracted with the State to be available as a health care provider for employees as defined in this Act. A unit of local government must remit the entire cost of providing coverage under the State group health benefits plan or, for coverage under a health maintenance organization, an amount determined by the Director based on an analysis of the sex, age, geographic location, or other relevant demographic variables for its employees, except that the unit of local government shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the unit of local government attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least 85% of the employees are enrolled and the unit of local government remits the entire cost of providing coverage to those employees, except that a participating school district must have enrolled at least 85% of its full-time employees who have not waived coverage under the district's group health plan by participating in a component of the district's cafeteria plan. A participating school district is not required to enroll a full-time employee who has waived coverage under the district's health plan, provided that an appropriate official from the participating school district attests that the full-time employee has waived coverage by participating in a component of the district's cafeteria plan. For the purposes of this subsection,
"participating school district" includes a unit of local government whose primary purpose is education as defined by the Department's rules.

Employees of a participating unit of local government who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating unit of local government may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the unit of local government, its employees, or some combination of the two as determined by the unit of local government. The unit of local government shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine monthly rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages, or contributed by the State for basic insurance coverages on behalf of its employees, adjusted for differences between State employees and employees of the local government in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the unit of local government and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the unit of local government.

In the case of coverage of local government employees under a health maintenance organization, the Director shall annually determine for each participating unit of local government the maximum monthly amount the unit may contribute toward that coverage, based on an analysis of (i) the age, sex, geographic location, and other relevant demographic variables of the unit's employees and (ii) the cost to cover those employees under the State group health benefits plan. The Director may similarly determine the maximum monthly amount each unit of local government may contribute toward coverage of its employees' dependents under a health maintenance organization.

Monthly payments by the unit of local government or its employees for group health benefits plan or health maintenance

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organization coverage shall be deposited in the Local Government Health Insurance Reserve Fund.

The Local Government Health Insurance Reserve Fund shall be a continuing fund not subject to fiscal year limitations. All expenditures from this Fund shall be used for payments for health care benefits for local government and rehabilitation facility employees, annuitants, and dependents, and to reimburse the Department or its administrative service organization for all expenses incurred in the administration of benefits. No other State funds may be used for these purposes.

A local government employer's participation or desire to participate in a program created under this subsection shall not limit that employer's duty to bargain with the representative of any collective bargaining unit of its employees.

(j) Any rehabilitation facility within the State of Illinois may apply to the Director to have its employees, annuitants, and their eligible dependents provided group health coverage under this Act on a non-insured basis. To participate, a rehabilitation facility must agree to enroll all of its employees and remit the entire cost of providing such coverage for its employees, except that the rehabilitation facility shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the rehabilitation facility attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least 85% of the employees are enrolled and the rehabilitation facility remits the entire cost of providing coverage to those employees. Employees of a participating rehabilitation facility who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating rehabilitation facility may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the rehabilitation facility, its employees, or some combination of the 2 as determined by the rehabilitation facility. The rehabilitation facility shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine quarterly rates of payment, subject to the following constraints:

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(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the rehabilitation facility in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the rehabilitation facility and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the rehabilitation facility.

Monthly payments by the rehabilitation facility or its employees for group health benefits shall be deposited in the Local Government Health Insurance Reserve Fund.

(k) Any domestic violence shelter or service within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a domestic violence shelter or service must agree to enroll all of its employees and pay the entire cost of providing such coverage for its employees. A participating domestic violence shelter may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with employees, or some combination of the 2 as determined by the domestic violence shelter or service. The domestic violence shelter or service shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the domestic violence shelter or service in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the domestic violence shelter or service and their dependents.

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(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the domestic violence shelter or service. Monthly payments by the domestic violence shelter or service or its employees for group health insurance shall be deposited in the Local Government Health Insurance Reserve Fund.

(l) A public community college or entity organized pursuant to the Public Community College Act may apply to the Director initially to have only annuitants not covered prior to July 1, 1992 by the district's health plan provided health coverage under this Act on a non-insured basis. The community college must execute a 2-year contract to participate in the Local Government Health Plan. Any annuitant may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

The Director shall annually determine monthly rates of payment subject to the following constraints: for those community colleges with annuitants only enrolled, first year rates shall be equal to the average cost to cover claims for a State member adjusted for demographics, Medicare participation, and other factors; and in the second year, a further adjustment of rates shall be made to reflect the actual first year's claims experience of the covered annuitants.

(l-5) The provisions of subsection (l) become inoperative on July 1, 1999.

(m) The Director shall adopt any rules deemed necessary for implementation of this amendatory Act of 1989 (Public Act 86-978).
(Source: P.A. 91-280, eff. 7-23-99; 91-311; eff. 7-29-99; 91-357, eff. 7-29-99; 91-390, eff. 7-30-99; 91-395, eff. 7-30-99; 91-617, eff. 8-19-99; 92-16, eff. 6-28-01; revised 2-25-02.)

Section 10-190. The State Finance Act is amended by adding Section 14a.5 as follows:

(30 ILCS 105/14a.5 new)
Sec. 14a.5. Maximum incentive payments for early termination of State service.

(a) The Department of Central Management Services shall create, adopt by emergency rulemaking under the Illinois Administrative Procedure Act through the Joint Committee on Administrative Rules by October 1, 2004, and administer a program of incentive payments for early termination of State service. The program shall provide for the payment of a lump sum incentive to certain persons who terminate State service.

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employment on or after November 1, 2004 but on or before December 31, 2004. The lump sum payment to any individual under the program shall not exceed 25% of final monthly rate of pay for each completed year of State employment, nor shall it exceed the compensation earned by the individual during the 6 months immediately preceding his or her termination from State service, and is payable out of the personal services appropriation from which the employee's salary is paid. The rules of the program may limit the number of individuals listed under Section 14-108.5(b)(1) of the Illinois Pension Code who may participate in the program and shall specify how the lump sum amount will be determined and vouchered; provided, however, that all employees within the same title shall be provided lump sum amounts on the same terms, varying only due to their time of State service. The director or other head of a department shall limit the number of individuals listed under Section 14-108.5(b)(2) of the Illinois Pension Code who may participate in the program and shall specify the amount of the lump sum and how the lump sum amount will be determined and vouchered.

(b) In addition to the lump sum payment provided under subsection (a), the program may also provide for payment to participants or their health benefit coverage providers of an amount representing the net cost to the participating employee of his or her health benefit coverage under the State Employees Group Insurance Act of 1971 or applicable COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985) insurance continuation provisions for up to 6 months immediately following termination of State service. The amount payable to any participant under this subsection shall not exceed $3,600 and is payable out of the personal services appropriation from which the employee's salary is paid. The program rules shall specify how the amount payable under this subsection will be determined and vouchered.

(c) The program authorized under this Section applies only to a person who (1) was an active employee of the State of Illinois on any day during June 2004 in a position listed in subsection (b) of Section 14-108.5 of the Illinois Pension Code and was continuously employed in a position listed in subsection (b) of Section 14-108.5 of the Illinois Pension Code on and after January 1, 2004, (2) applies in writing to the Department of Central Management Services, in the case of a person listed under Section 14-108.5(b)(1) of the Illinois Pension Code, or to the director or other head of the department at which he or she is employed, in the case of a person listed under Section 14-108.5(b)(2) of the Illinois Pension Code, on

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or before October 31, 2004. (3) does not accept an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code, and (4) terminates his or her State employment on or before December 31, 2004.

(d) A participant in the program who returns to State employment (other than as an elected official or as a temporary employee for not more than 75 days per calendar year) thereby forfeits the incentive payments received under the program and must repay those amounts to the Department of Central Management Services, in the case of a person listed under Section 14-108.5(b)(1) of the Illinois Pension Code, or to the department at which he or she is employed, in the case of a person listed under Section 14-108.5(b)(2) of the Illinois Pension Code, within 60 days after his or her return to State employment.

Section 10-195. The Illinois Pension Code is amended by adding Sections 14-104.12 and 14-108.5 and changing Section 14-130 as follows:

(40 ILCS 5/14-104.12 new)
Sec. 14-104.12. Early termination incentives under the State Finance Act. Notwithstanding any other provision of this Article and notwithstanding that they may be payable from a personal services line item, early termination incentives paid under Section 14a.5 of the State Finance Act:

(1) shall not be included in, and do not affect the calculation of, compensation or final average compensation under this Article;
(2) do not entitle the recipient to establish any additional service credit under this Article;
(3) do not require and shall not result in the payment of any employee or employer contributions under this Article; and
(4) have no effect under this Article except to disqualify the recipient from receiving the alternative retirement cancellation payment under Section 14-108.5.

(40 ILCS 5/14-108.5 new)
Sec. 14-108.5. Alternative retirement cancellation payment.
(a) To be eligible for the alternative retirement cancellation payment provided in this Section, a person must:

(1) be a member of this System who, on any day during June 2004, was (i) in active payroll status as an employee in a position listed in subsection (b) of this Section and continuously employed in a position listed in subsection (b) on and after

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January 1, 2004 and (ii) an active contributor to this System with respect to that employment;

(2) have not previously received any retirement annuity under this Article;

(3) not accept an incentive payment under Section 14a.5 of the State Finance Act;

(4) in the case of persons employed in a position title listed under paragraph (1) of subsection (b), be among the first 3,000 persons to file with the Board on or before September 30, 2004 a written application requesting the alternative retirement cancellation payment provided in this Section;

(5) in the case of persons employed in a position title listed under paragraph (2) of subsection (b), have received written authorization from the director or other head of his or her department and filed that authorization with the system on or before September 1, 2004;

(6) if there is a QILDRO in effect against the person, file with the Board the written consent of all alternate payees under the QILDRO to the election of an alternative retirement cancellation payment under this Section; and

(7) terminate employment under this Article within 2 weeks after approval of the person's application requesting the alternative retirement cancellation payment, but in no event later than October 31, 2004.

(b)(1) Position titles eligible for the alternative retirement cancellation payment provided in this Section are:

911 Analyst III; Brickmason; Account Clerk I and II; Budget Analyst I and II; Account Technician I and II; Budget Operations Director; Accountant; Budget Principal; Accountant Advanced; Building Services Worker; Accountant Supervisor; Building/Grounds Laborer; Accounting Fiscal Administrative Career Trainee; Building/Grounds Lead 1 and 2; Accounts Payable Processing Analyst; Building/Grounds Maintenance Worker; Accounts Payable Specialist; Building/Grounds Supervisor; Accounts Processing Analyst; Bureau Chief; Actuarial Assistant; Business Administrative Specialist; Administrative and Technology Director; Business Analyst I through IV; Administrative Assistant I through III; Business Manager; Administrative Clerk; Buyer; Administrative Coordinator; Buyer

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Assistant; Administrator; Capital Budget Analyst I and II; Administrator of Capital Programs; Capital Budget Director; Administrator of Construction Administration; Capital Programs Analyst I and II; Administrator of Contract Administration; Capital Programs Technician; Administrator of Fair Employment Practices; Carpenter; Administrator of Fiscal; Carpenter Foreman; Administrator of Information Management; Cartographer I through III; Administrator of Information Systems; Chief - Police; Administrator of Personnel; Chief Veterans Technician; Administrator of Professional Services; Circuit Provisioning Specialist; Administrator of Public Affairs; Civil Engineer I through IX; Administrator of Quality-Based Selection; Civil Engineer Trainee; Administrator of Strategic Planning and Training; Clerical Trainee; Appeals & Orders Coordinator; Communications Director; Appraisal Specialist 1 through 3; Community Planner 3; Assignment Coordinator; Commander; Assistant Art-in-Architecture Coordinator; Compliance Specialist; Assistant Chief - Police; Conservation Education Representative; Assistant Internal Auditor; Conservation Grant Administrator I through 3; Assistant Manager; Construction Supervisor I and II; Assistant Personnel Officer; Consumer Policy Analyst; Assistant Professor Scientist; Consumer Program Coordinator; Assistant Reimbursement Officer; Contract Executive; Assistant Steward; Coordinator of Administrative Services; Associate Director for Administrative Services; Coordinator of Art-in-Architecture; Associate Museum Director; Corrections Clerk I through III; Associate Professor Scientist; Corrections Maintenance Supervisor; Corrections Caseworker Supervisor; Corrections Food Service Supervisor; Auto Parts Warehouse Specialist; Corrections Maintenance Worker; Auto Parts Warehouser; Curator I through III; Automotive Attendant I and II; Data Processing Administrative Specialist; Automotive Mechanic; Data Processing Assistant; Automotive Shop Supervisor; Data Processing Operator; Baker; Data Processing Specialist; Barber; Data Processing Supervisor 1 through 3; Beautician; Data Processing Technician; Brickmason; Deputy Chief Counsel; Director of Licensing; Desktop Technician; Director of Security; Human Resources Officer; Division Chief; Human Resources Representative; Division Director; Human Resources Specialist;

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Economic Analyst I through IV; Human Resources Trainee; Electrical Engineer; Human Services Casework Manager; Electrical Engineer I through V; Human Services Grant Coordinator 2 and 3; Electrical Equipment Installer/Repairer; Iconographer; Electrical Equipment Installer/Repairer Lead Worker; Industry and Commercial Development Representative 1 and 2; Electrician; Industry Services Consultant 1 and 2; Electronics Technician; Information Services Intern; Elevator Operator; Information Services Specialist I and II; Endangered Species Secretary; Information Systems Analyst I through III; Engineering Aide; Information Systems Manager; Engineering Analyst I through IV; Information Systems Planner; Engineering Manager I and II; Institutional Maintenance Worker; Engineering Technician I through V; Instrument Designer; Environmental Scientist I and II; Insurance Analyst I through IV; Executive I through VI; Executive Assistant; Intermittent Clerk; Executive Assistant I through IV; Intermittent Laborer Maintenance; Executive Secretary I through 3; Intern; Federal Funding and Public Safety Director; Internal Auditor 1; Financial & Budget Assistant; Internal Communications Officer; Financial & Budget Supervisor; International Marketing Representative 1; Financial Management Director; IT Manager; Fiscal Executive; Janitor I and II; Fiscal Officer; Junior State Veterinarian; Gas Engineer I through IV; Junior Supervisor Scientist; General Counsel and Regulatory Director; Laboratory Manager II; General Services Administrator I; Labor Maintenance Lead Worker; General Services Technician; Laborer; Geographic Information Specialist 1 and 2; Laborer (Building); Geologist I through IV; Laborer (Maintenance); Graphic Arts Design Supervisor; Landscape Architect; Graphic Arts Designer; Landscape Architect I through IV; Graphic Arts Technician; Landscape Planner; Grounds Supervisor; Laundry Manager I; Highway Construction Supervisor I; Legislative Liaison I and II; Historical Research Editor 2; Liability Claims Adjuster I and 2; Historical Research Specialist; Librarian 1 and 2; Horse Custodian; Library Aide I through III; Horse Identifier; Library Associate; Hourly Assistant; Library Technical Assistant; Human Resource Coordinator; Licensing Assistant; Human Resources Analyst; Line Technician I through II; Human Resources Assistant; Local History Service

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Representative; Human Resources Associate; Local Housing Advisor 2 and 3; Human Resources Manager; Local Revenue and Fiscal Advisor 3; Machinist; Locksmith; Maintenance Equipment Operator; Operations Communications Specialist Trainee; Maintenance Worker; Operations Technician; Maintenance Worker Power Plant; Painter; Management Information Technician; Paralegal Assistant; Management Operations Analyst 1 and 2; Performance Management Analyst; Management Secretary I; Personnel Manager; Management Systems Specialist; Photogrammetrist I through IV; Management Technician I through IV; Physician; Manager; Physician Specialist Operations A through D; Manpower Planner 1 through 3; Planning Director; Medical Administrator III and V; Plant Maintenance Engineer 1 and 2; Methods & Processes Advisor 1, 2 and III; Plumber; Methods & Processes Career Associate 1 and 2; Policy Advisor; Microfilm Operator I through III; Policy Analyst I through IV; Military Administrative Assistant I; Power Shovel Operator (Maintenance); Military Administrative Clerk; Principal Economist; Military Administrative Officer-Legal; Principal Scientist; Military Administrative Specialist; Private Secretary 1 and 2; Military Community Relations Specialist; Private Secretary I and II; Military Cooperative Agreement Specialist; Procurement Representative; Military Crash, Fire, Rescue I through III; Professor & Scientist; Military Energy Manager; Program Manager; Military Engineer Technician; Program Specialist; Military Environmental Specialist I through III; Project Coordinator; Military Facilities Engineer; Project Designer; Military Facilities Officer I; Project Manager I through III; Military Maintenance Engineer; Project Manager; Military Museum Director; Project Manager/Technical Specialist I thru III; Military Program Supervisor; Project Specialist I through IV; Military Property Custodian II; Projects Director; Military Real Property Clerk; Property & Supply Clerk I through III; Motorist Assistance Specialist; Property Control Officer; Museum Director; Public Administration Intern; Museum Security Head I through III; Public Information Coordinator; Museum Technician I through III; Public Information Officer; Network Control Center Specialist; Public Information Officer 2 through 4; Network Control Center Technician 2; Public Service Administrator;

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Network Engineer I through IV; Race Track Maintenance 1 and 2; Office Administration Specialist; Radio Technician Program Coordinator; Office Administrator I through 5; Realty Specialist I through V; Office Aide; Receptionist; Office Assistant; Regional Manager; Office Associate; Regulatory Accountant IV; Office Clerk; Reimbursement Officer 1 and 2; Office Coordinator; Representative I and II; Office Manager; Representative Trainee; Office Occupations Trainee; School Construction Manager; Office Specialist; Secretary I and IV; Operations Communications Specialist I and II; Security Guard; Senior Economic Analyst; Security Supervisor; Senior Editor; Systems Developer I through IV; Senior Electrical Engineer; Systems Developer Trainee; Senior Financial & Budget Assistant; Systems Engineer I through IV; Senior Gas Engineer; Systems Engineer Trainee; Senior Policy Analyst; Tariff & Order Coordinator; Senior Programs Analyst; Tariff Administrator III; Senior Project Consultant; Tariff Analyst IV; Senior Project Manager; Teacher of Barbering; Senior Public Information Officer; Teacher of Beauty Culture; Senior Public Service Administrator; Technical Advisor 2 and 3; Senior Rate Analyst; Technical Advisor I through VII; Senior Technical Assistant; Technical Analyst; Technical Manager I through IX; Senior Technical Supervisor; Technical Assistant; Senior Technology Specialist; Technical Manager 1; Senior Transportation Industry Analyst; Technical Manager I through X; Sewage Plant Operator; Technical Specialist; Sign Hanger; Technical Support Specialist; Sign Hanger Foreman; Technical Specialist I thru III; Sign Painter; Technician Trainee; Sign Shop Foreman; Telecom Systems Analyst; Silk Screen Operator; Telecom Systems Consultant; Senior Administrative Assistant; Telecom Systems Technician I and 2; Site Superintendent; Telecommunication Supervisor; Software Architect; Tinsmith; Special Assistant; Trades Tender; Special Assistant to the Executive Director; Training Coordinator; Staff Development Specialist I; Transportation Counsel; Staff Development Technician II; Transportation Industry Analyst III; State Police Captain; Transportation Industry Customer Service; State Police Lieutenant; Transportation Officer; State Police Major; Transportation Policy Analyst III and IV; State Police Master Sergeant; Urban Planner I through VI; Stationary Engineer;

New matter indicated by italics - deletions by strikeout.
Utility Engineer I and II; Stationary Engineer Assistant Chief; Veteran Secretary; Stationary Engineer Chief; Veteran Technician; Stationary Fireman; Water Engineer I through IV; Statistical Research Specialist I through 3; Water Plant Operator; Statistical Research Supervisor; Web and Publications Manager; Statistical Research Technician; Steamfitter; Steward; Steward Secretary; Storekeeper I through III; Stores Clerk; Student Intern; Student Worker; Supervisor; Supervisor & Assistant Scientist; Supervisor & Associate Scientist; Switchboard Operator I through 3; Administrative Assistant to the Superintendent; Assistant Legal Advisor; Legal Assistant; Senior Human Resources Specialist; Principal Internal Auditor; Division Administrator; Division Supervisor; and Private Secretary I through III.

(2) In addition, any position titles with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Attorney General, the Secretary of State, the Comptroller, the Treasurer, the Auditor General, the Supreme Court, the Court of Claims, and each legislative agency are eligible for the alternative retirement cancellation payment provided in this Section.

(c) In lieu of any retirement annuity or other benefit provided under this Article, a person who qualifies for and elects to receive the alternative retirement cancellation payment under this Section shall be entitled to receive a one-time lump sum retirement cancellation payment equal to the amount of his or her contributions to the System (including any employee contributions for optional service credit and including any employee contributions paid by the employer or credited to the employee during disability) as of the date of termination, with regular interest, multiplied by 2.

(d) Notwithstanding any other provision of this Article, a person who receives an alternative retirement cancellation payment under this Section thereby forfeits the right to any other retirement or disability benefit or refund under this Article, and no widow's, survivor's, or death benefit deriving from that person shall be payable under this Article. Upon accepting an alternative retirement cancellation payment under this Section, the person's creditable service and all other rights in the System are terminated for all purposes, except for the purpose of determining

New matter indicated by italics - deletions by strikeout.
State group life and health benefits for the person and his or her survivors as provided under the State Employees Group Insurance Act of 1971.

(e) To the extent permitted by federal law, a person who receives an alternative retirement cancellation payment under this Section may direct the System to pay all or a portion of that payment as a rollover into another retirement plan or account qualified under the Internal Revenue Code of 1986, as amended.

(f) Notwithstanding Section 14-111, a person who has received an alternative retirement cancellation payment under this Section and who reenters service under this Article other than as a temporary employee must repay to the System the amount by which that alternative retirement cancellation payment exceeded the amount of his or her refundable employee contributions within 60 days of resuming employment under this System. For the purposes of re-establishing creditable service that was terminated upon election of the alternative retirement cancellation payment, the portion of the alternative retirement cancellation payment representing refundable employee contributions shall be deemed a refund repayable in accordance with Section 14-130.

(g) The Economic and Fiscal Commission shall determine and report to the Governor and the General Assembly, on or before January 1, 2006, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early termination of persons receiving the alternative retirement cancellation payment under this Section and (2) the net annual savings or cost to the State from the program of alternative retirement cancellation payments under this Section.

The System, the Department of Central Management Services, the Governor’s Office of Management and Budget, and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its report under this Section. The Commission may require departments to provide it with any information that it deems necessary or useful with respect to its reports under this Section, including without limitation information about (1) the final earnings of former department employees who elected to receive alternative retirement cancellation payments under this Section, (2) the earnings of current department employees holding the positions vacated by persons who elected to receive alternative retirement cancellation payments under this Section, and (3) positions vacated by persons who elected to receive

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alternative retirement cancellation payments under this Section that have not yet been refilled.

(40 ILCS 5/14-130) (from Ch. 108 1/2, par. 14-130)

Sec. 14-130. Refunds; rules.

(a) Upon withdrawal a member is entitled to receive, upon written request, a refund of the member's contributions, including credits granted while in receipt of disability benefits, without credited interest. The board, in its discretion may withhold payment of the refund of a member's contributions for a period not to exceed 1 year after the member has ceased to be an employee.

For purposes of this Section, a member will be considered to have withdrawn from service if a change in, or transfer of, his position results in his becoming ineligible for continued membership in this System and eligible for membership in another public retirement system under this Act.

(b) A member receiving a refund forfeits and relinquishes all accrued rights in the System, including all accumulated creditable service. If the person again becomes a member of the System and establishes at least 2 years of creditable service, the member may repay the moneys previously refunded. However, a former member may restore credits previously forfeited by acceptance of a refund without returning to service by applying in writing and repaying to the System, by April 1, 1993, the amount of the refund plus regular interest calculated from the date of refund to the date of repayment.

The repayment of refunds issued prior to January 1, 1984 shall consist of the amount refunded plus 5% interest per annum compounded annually for the period from the date of the refund to the end of the month in which repayment is made. The repayment of refunds issued after January 1, 1984 shall consist of the amount refunded plus regular interest for the period from the date of refund to the end of the month in which repayment is made. The repayment of the refund of a person who accepts an alternative retirement cancellation payment under Section 14-108.5 shall consist of the entire amount paid to the person under subsection (c) of Section 14-108.5 plus regular interest for the period from the date of the refund to the end of the month in which repayment is made. However, in the case of a refund that is repaid in a lump sum between January 1, 1991 and July 1, 1991, repayment shall consist of the amount refunded plus interest at the rate of 2.5% per annum compounded annually from the date of the refund to the end of the month in which repayment is made.

New matter indicated by italics - deletions by strikeout.
Upon repayment, the member shall receive credit for the service, member contributions and regular interest that was forfeited by acceptance of the refund as well as regular interest for the period of non-membership. Such repayment shall be made in full before retirement either in a lump sum or in installment payments in accordance with such rules as may be adopted by the board.

(b-5) The Board may adopt rules governing the repayment of refunds and establishment of credits in cases involving awards of back pay or reinstatement. The rules may authorize repayment of a refund in installment payments and may waive the payment of interest on refund amounts repaid in full within a specified period.

(c) A member no longer in service who is unmarried and does not have an eligible survivors annuity beneficiary on the date of application therefor is entitled to a refund of contributions for widow's annuity or survivors annuity purposes, or both, as the case may be, without interest. A widow's annuity or survivors annuity shall not be payable upon the death of a person who has received this refund, unless prior to that death the amount of the refund has been repaid to the System, together with regular interest from the date of the refund to the date of repayment.

(d) Any member who has service credit in any position for which an alternative retirement annuity is provided and in relation to which an increase in the rate of employee contribution is required, shall be entitled to a refund, without interest, of that part of the member's employee contribution which results from that increase in the employee rate if the member does not qualify for that alternative retirement annuity at the time of retirement.

(Source: P.A. 90-448, eff. 8-16-97; 91-887, eff. 7-6-00.)

ARTICLE 99

Section 99-995. Closed meetings; vote requirement. This Act authorizes the Illinois Economic and Fiscal Commission to hold closed meetings in certain circumstances. In order to meet the requirements of subsection (c) of Section 5 of Article IV of the Illinois Constitution, the General Assembly determines that closed meetings of the Illinois Economic and Fiscal Commission are required by the public interest. Thus, this Act is enacted by the affirmative vote of two-thirds of the members elected to each house of the General Assembly.

Section 99-997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.
Section 99-999. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0840
(Senate Bill No. 2207)

AN ACT in relation to budget implementation.

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

ARTICLE 1
Section 1-1. Short title. This Act may be cited as the FY2005 Budget Implementation (Revenue) Act.

Section 1-5. Purpose. It is the purpose of this Act to make changes in State programs that are necessary to implement the Governor's FY2005 budget recommendations concerning revenue.

ARTICLE 5
Section 5-5. The Illinois Insurance Code is amended by changing Section 416 as follows:

(215 ILCS 5/416)
Sec. 416. Industrial Commission Operations Fund Surcharge.
(a) As of the effective date of this amendatory Act of 2004, every company licensed or authorized by the Illinois Department of Insurance and insuring employers' liabilities arising under the Workers' Compensation Act or the Workers' Occupational Diseases Act shall remit to the Director a surcharge based upon the annual direct written premium, as reported under Section 136 of this Act, of the company in the manner provided in this Section. Such proceeds shall be deposited into the Industrial Commission Operations Fund as established in the Workers' Compensation Act. If a company survives or was formed by a merger, consolidation, reorganization, or reincorporation, the direct written premiums of all companies party to the merger, consolidation, reorganization, or reincorporation shall, for purposes of determining the amount of the fee imposed by this Section, be regarded as those of the surviving or new company.

(b)(1) Except as provided in subsection (b)(2) of this Section, beginning on the effective date of this amendatory Act of 2004 and on July

New matter indicated by italics - deletions by strikeout.
1 of July 1, 2004 and each year thereafter, the Director shall charge an annual Industrial Commission Operations Fund Surcharge from every company subject to subsection (a) of this Section equal to 1.01% ±5% of its direct written premium for insuring employers' liabilities arising under the Workers' Compensation Act or Workers' Occupational Diseases Act as reported in each company's annual statement filed for the previous year as required by Section 136. The Industrial Commission Operations Fund Surcharge shall be collected by companies subject to subsection (a) of this Section as a separately stated surcharge on insured employers at the rate of 1.01% ±5% of direct written premium. The Industrial Commission Operations Fund Surcharge shall not be collected by companies subject to subsection (a) of this Section from any employer that self-insures its liabilities arising under the Workers' Compensation Act or Workers' Occupational Diseases Act, provided that the employer has paid the Industrial Commission Operations Fund Fee pursuant to Section 4d of the Workers' Compensation Act. All sums collected by the Department of Insurance under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Industrial Commission Operations Fund in the State treasury.

(b)(2) The surcharge due pursuant to this amendatory Act of 2004 shall be collected instead of the surcharge due on July 1, 2004 under Public Act 93-32. Payment of the surcharge due under this amendatory Act of 2004 shall discharge the employer's obligations due on July 1, 2004. Prior to July 1, 2004, the Director shall charge and collect the surcharge set forth in subparagraph (b)(1) of this Section on or before September 1, 2003, December 1, 2003, March 1, 2004 and June 1, 2004. For purposes of this subsection (b)(2), the company shall remit the amounts to the Director based on estimated direct premium for each quarter beginning on July 1, 2003, together with a sworn statement attesting to the reasonableness of the estimate, and the estimated amount of direct premium written forming the bases of the remittance.

(c) In addition to the authority specifically granted under Article XXV of this Code, the Director shall have such authority to adopt rules or establish forms as may be reasonably necessary for purposes of enforcing this Section. The Director shall also have authority to defer, waive, or abate the surcharge or any penalties imposed by this Section if in the Director's opinion the company's solvency and ability to meet its insured obligations would be immediately threatened by payment of the surcharge due.

New matter indicated by italics - deletions by strikeout.
(d) When a company fails to pay the full amount of any annual Industrial Commission Operations Fund Surcharge of $100 or more due under this Section, there shall be added to the amount due as a penalty the greater of $1,000 or an amount equal to 5% of the deficiency for each month or part of a month that the deficiency remains unpaid.

(e) The Department of Insurance may enforce the collection of any delinquent payment, penalty, or portion thereof by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State.

(f) Whenever it appears to the satisfaction of the Director that a company has paid pursuant to this Act an Industrial Commission Operations Fund Surcharge in an amount in excess of the amount legally collectable from the company, the Director shall issue a credit memorandum for an amount equal to the amount of such overpayment. A credit memorandum may be applied for the 2-year period from the date of issuance, against the payment of any amount due during that period under the surcharge imposed by this Section or, subject to reasonable rule of the Department of Insurance including requirement of notification, may be assigned to any other company subject to regulation under this Act. Any application of credit memoranda after the period provided for in this Section is void.

(g) Annually, the Governor may direct a transfer of up to 2% of all moneys collected under this Section to the Insurance Financial Regulation Fund.

(Source: P.A. 93-32, eff. 6-20-03.)

Section 5-10. The Workers' Compensation Act is amended by changing Section 4d as follows:

(820 ILCS 305/4d)

Sec. 4d. Industrial Commission Operations Fund Fee.

(a) As of the effective date of this amendatory Act of the 93rd General Assembly, each employer that self-insures its liabilities arising under this Act or Workers' Occupational Diseases Act shall pay a fee measured by the annual actual wages paid in this State of such an employer in the manner provided in this Section. Such proceeds shall be deposited in the Industrial Commission Operations Fund. If an employer survives or was formed by a merger, consolidation, reorganization, or reincorporation, the actual wages paid in this State of all employers party to the merger, consolidation, reorganization, or reincorporation shall, for
purposes of determining the amount of the fee imposed by this Section, be regarded as those of the surviving or new employer.

(b) Beginning on the effective date of this amendatory Act of 2004 and on July 1 of each year thereafter, the Chairman shall charge and collect an annual Industrial Commission Operations Fund Fee from every employer subject to subsection (a) of this Section equal to 0.0075% of its annual actual wages paid in this State as reported in each employer's annual self-insurance renewal filed for the previous year as required by Section 4 of this Act and Section 4 of the Workers' Occupational Diseases Act. All sums collected by the Commission under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Industrial Commission Operations Fund. The fee due pursuant to this amendatory Act of 2004 shall be collected instead of the fee due on July 1, 2004 under Public Act 93-32. Payment of the fee due under this amendatory Act of 2004 shall discharge the employer's obligations due on July 1, 2004.

(c) In addition to the authority specifically granted under Section 16, the Chairman shall have such authority to adopt rules or establish forms as may be reasonably necessary for purposes of enforcing this Section. The Commission shall have authority to defer, waive, or abate the fee or any penalties imposed by this Section if in the Commission's opinion the employer's solvency and ability to meet its obligations to pay workers' compensation benefits would be immediately threatened by payment of the fee due.

(d) When an employer fails to pay the full amount of any annual Industrial Commission Operations Fund Fee of $100 or more due under this Section, there shall be added to the amount due as a penalty the greater of $1,000 or an amount equal to 5% of the deficiency for each month or part of a month that the deficiency remains unpaid.

(e) The Commission may enforce the collection of any delinquent payment, penalty or portion thereof by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State.

(f) Whenever it appears to the satisfaction of the Chairman that an employer has paid pursuant to this Act an Industrial Commission Operations Fund Fee in an amount in excess of the amount legally collectable from the employer, the Chairman shall issue a credit memorandum for an amount equal to the amount of such overpayment. A
credit memorandum may be applied for the 2-year period from the date of issuance against the payment of any amount due during that period under the fee imposed by this Section or, subject to reasonable rule of the Commission including requirement of notification, may be assigned to any other employer subject to regulation under this Act. Any application of credit memoranda after the period provided for in this Section is void.

(Source: P.A. 93-32, eff. 6-20-03.)

ARTICLE 10

Section 10-5. The Illinois Identification Card Act is amended by changing Sections 2 and 12 as follows:

(15 ILCS 335/2)(from Ch. 124, par. 22)

Sec. 2. Administration and powers and duties of the Administrator.
(a) The Secretary of State is the Administrator of this Act, and he is charged with the duty of observing, administering and enforcing the provisions of this Act.
(b) The Secretary is vested with the powers and duties for the proper administration of this Act as follows:

1. He shall organize the administration of this Act as he may deem necessary and appoint such subordinate officers, clerks and other employees as may be necessary.

2. From time to time, he may make, amend or rescind rules and regulations as may be in the public interest to implement the Act.

3. He may prescribe or provide suitable forms as necessary, including such forms as are necessary to establish that an applicant for an Illinois Disabled Person Identification Card is a "disabled person" as defined in Section 4A of this Act.

4. He may prepare under the seal of the Secretary of State certified copies of any records utilized under this Act and any such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

5. Records compiled under this Act shall be maintained for 6 years, but the Secretary may destroy such records with the prior approval of the State Records Commission.

6. He shall examine and determine the genuineness, regularity and legality of every application filed with him under this Act, and he may in all cases investigate the same, require additional information or proof or documentation from any applicant.

New matter indicated by italics - deletions by strikeout.
7. He shall require the payment of all fees prescribed in this Act, and all such fees received by him shall be placed in the Road Fund of the State treasury except as otherwise provided in Section 12 of this Act. (Source: P.A. 83-1421.)

(15 ILCS 335/12)(from Ch. 124, par. 32)

Sec. 12. Fees concerning Standard Illinois Identification Cards. The fees required under this Act for standard Illinois Identification Cards must accompany any application provided for in this Act, and the Secretary shall collect such fees as follows:

<table>
<thead>
<tr>
<th>Type of Card</th>
<th>Fee Before January 1, 2005</th>
<th>Fee After January 1, 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original</td>
<td>$4</td>
<td>$20</td>
</tr>
<tr>
<td>Renewal</td>
<td>$4</td>
<td>$20</td>
</tr>
<tr>
<td>Corrected</td>
<td>$2</td>
<td>$10</td>
</tr>
<tr>
<td>Duplicate</td>
<td>$4</td>
<td>$20</td>
</tr>
<tr>
<td>Certified</td>
<td>$5</td>
<td></td>
</tr>
<tr>
<td>Search</td>
<td>$2</td>
<td></td>
</tr>
<tr>
<td>Applicant</td>
<td>No Fee</td>
<td></td>
</tr>
<tr>
<td>Disabled</td>
<td>No Fee</td>
<td></td>
</tr>
<tr>
<td>Individual</td>
<td>No Fee</td>
<td></td>
</tr>
</tbody>
</table>

All fees collected under this Act shall be paid into the Road Fund of the State treasury, except that the following amounts shall be paid into the General Revenue Fund: (i) $16 of the $20 fee for an original, renewal, or duplicate Illinois Identification Card issued on or after January 1, 2005; and (ii) $8 of the $10 fee for a corrected Illinois Identification Card issued on or after January 1, 2005.

Any disabled person making an application for a standard Illinois Identification Card for no fee must, along with the application, submit an application for assistance from the Illinois Department of Employment Security. The application must be filed in the manner prescribed by the Secretary. An application for assistance shall be considered filed when it is delivered to the Department. (Source: P.A. 95-1112.)

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affirmation by the applicant on a form to be provided by the Secretary of State, attesting that such person is a disabled person as defined in Section 4A of this Act.

An individual, who resides in a veterans home or veterans hospital operated by the state or federal government, who makes an application for an Illinois Identification Card to be issued at no fee, must submit, along with the application, an affirmation by the applicant on a form provided by the Secretary of State, that such person resides in a veterans home or veterans hospital operated by the state or federal government. (Source: P.A. 83-1528.)

Section 10-10. The Illinois Lottery Law is amended by changing Section 10.2 as follows:

(20 ILCS 1605/10.2)(from Ch. 120, par. 1160.2)

Sec. 10.2. Application and other fees. Each application for a new lottery license must be accompanied by a one-time application fee of $50; the Department, however, may waive the fee for licenses of limited duration as provided by Department rule. Each application for renewal of a lottery license must be accompanied by a renewal fee of $25. Each lottery licensee granted on-line status pursuant to the Department's rules must pay a fee of $10 per week as partial reimbursement for telecommunications charges incurred by the Department in providing access to the lottery's on-line gaming system. The Department, by rule, may increase or decrease the amount of these fees. The Department may charge an application fee except that such fee shall not exceed $10.00 per annum. (Source: P.A. 81-477.)

ARTICLE 15

Section 15-1. Short title. This Article may be cited as the Watercraft Use Tax Law, and references in this Article to "this Law" mean this Article.

Section 15-5. Definitions. For the purposes of this Law:

"Department" means the Department of Revenue.

"Purchase price" means the reasonable consideration paid for a watercraft whether received in money or otherwise, including, but not limited to, cash, credits, property, and services, and including the value of any motor sold with, or in conjunction with, the watercraft. Except in the case of transfers between immediate family members, reasonable consideration ordinarily means the fair market value on the date the watercraft or the share of the watercraft was acquired or the date the watercraft was brought into this State, whichever is later, unless the

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taxpayer can demonstrate that a different value is reasonable. In the case of transfers between immediate family members, reasonable consideration ordinarily means the consideration actually paid, unless it appears from the facts and circumstances that the primary motivation of the transfer was the avoidance of tax.

"Watercraft" means:

(1) Class 2, Class 3, and Class 4 watercraft, as defined in Section 3-2 of the Boat Registration and Safety Act; or
(2) personal watercraft, as defined in Section 1-2 of the Boat Registration and Safety Act.

Section 15-10. Tax imposed. A tax is hereby imposed on the privilege of using, in this State, any watercraft acquired by gift, transfer, or purchase after September 1, 2004. This tax does not apply if: (i) the use of the watercraft is otherwise taxed under the Use Tax Act; (ii) the watercraft is bought and used by a governmental agency or a society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes and that entity has been issued an exemption identification number under Section 1g of the Retailers' Occupation Tax Act; (iii) the use of the watercraft is not subject to the Use Tax Act by reason of subsection (a), (b), (c), (d), or (e) of Section 3-55 of that Act dealing with the prevention of actual or likely multi-state taxation; (iv) the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse; or (v) the watercraft is exempted from the numbering provisions of Section 3-12 of the Boat Registration and Safety Act. However, the exemption from tax provided by item (v) shall not apply to a watercraft exempted under paragraphs A, B, C, F, and G of Section 3-12 of the Boat Registration and Safety Act if such watercraft are used upon the waters of this State for more than 30 days in any calendar year.

Section 15-15. Rate of tax.

The rate of tax is 6.25% of the purchase price for each purchase of watercraft that is subject to tax under this Law. When an ownership share of a watercraft is acquired, the tax is imposed on the purchase price of that share. All owners are jointly and severally liable for any tax due as a result of the purchase, gift, or transfer of an ownership share of the watercraft.

Section 15-20. Returns.

(a) The purchaser, transferee, or donee shall file with the Department a return signed by the purchaser, transferee, or donee on a form prescribed by the Department. The return shall contain a verification

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in substantially the following form and such other information as the Department may reasonably require:

VERIFICATION

I declare that I have examined this return and, to the best of my knowledge, it is true, correct, and complete. I understand that the penalty for willfully filing a false return is a fine not to exceed $1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both a fine and imprisonment.

(b) The return and payment from the purchaser, transferee, or donee shall be submitted to the Department within 30 days after the date of purchase, donation, or other transfer or the date the watercraft is brought into this State, whichever is later. Payment of tax is a condition to securing certificate of title for the watercraft from the Department of Natural Resources. When a purchaser, transferee, or donee pays the tax imposed by Section 5-10 of this Law, the Department (upon request therefor from the purchaser, transferee, or donee) shall issue an appropriate receipt to the purchaser, transferee, or donee showing that he or she has paid the tax to the Department. The receipt shall be sufficient to relieve the purchaser, transferee, or donee from further liability for the tax to which the receipt may refer.

Section 15-25. Filing false or incomplete return. Any person required to file a return under this Law who willfully files a false or incomplete return is guilty of a Class A misdemeanor.

Section 15-30. Determining purchase price. For the purpose of assisting in determining the validity of the purchase price reported on returns filed with the Department, the Department may furnish the following information to persons with whom the Department has contracted for service related to making that determination: (i) the purchase price stated on the return; (ii) the watercraft identification number; (iii) the year, the make, and the model name or number of the watercraft; (iv) the purchase date; and (v) the hours of operation.

Section 15-35. Powers of Department. The Department has full power to: (i) administer and enforce this Law; (ii) collect all taxes, penalties, and interest due under this Law; (iii) dispose of taxes, penalties, and interest so collected in the manner set forth in this Law; and (iv) determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty, or interest under this Law. In the administration of, and compliance with, this Law, the Department and

New matter indicated by italics - deletions by strikeout.
persons who are subject to this Law have the same rights, remedies, privileges, immunities, powers, and duties, and are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure, as are prescribed in the Use Tax Act (except for the provisions of Section 3-70), that are not inconsistent with this Law, as fully as if the provisions of the Use Tax Act were set forth in this Law. In addition to any other penalties imposed under law, any person convicted of violating the provisions of this Law shall be assessed a fine of $1,000.

Section 15-40. Payments to State and Local Sales Tax Reform Fund and General Revenue Fund. The Department shall each month, upon collecting any taxes as provided in this Law, pay 20% of the money collected into the State and Local Sales Tax Reform Fund, a special fund in the State treasury, and 80% into the General Revenue Fund. Section 15-45. Rules. The Department has the authority to adopt such rules as are reasonable and necessary to implement the provisions of this Law.

Section 15-990. The Retailers' Occupation Tax Act is amended by changing Section 1c as follows:

(35 ILCS 120/1c)(from Ch. 120, par. 440c)

Sec. 1c. A person who is engaged in the business of leasing or renting motor vehicles or, beginning July 1, 2003, aircraft or, beginning September 1, 2004, watercraft to others and who, in connection with such business sells any used motor vehicle, or aircraft, or watercraft to a purchaser for his use and not for the purpose of resale, is a retailer engaged in the business of selling tangible personal property at retail under this Act to the extent of the value of the motor vehicle, or aircraft, or watercraft sold. For the purpose of this Section "motor vehicle" has the meaning prescribed in Section 1-157 of the Illinois Vehicle Code, as now or hereafter amended. For the purpose of this Section "aircraft" has the meaning prescribed in Section 3 of the Illinois Aeronautics Act. For the purpose of this Section, "watercraft" has the meaning prescribed in Section 5-5 of the Watercraft Use Tax Law. (Nothing provided herein shall affect liability incurred under this Act because of the sale at retail of such motor vehicles, or aircraft, or watercraft to a lessor.)

(Source: P.A. 93-24, eff. 6-20-03.)

Section 15-995. The Boat Registration and Safety Act is amended by changing Section 3A-5 as follows:

(625 ILCS 45/3A-5)(from Ch. 95 1/2, par. 313A-5)

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   (a) The Department of Natural Resources shall file each application
received and, when satisfied as to its genuineness and regularity, and that
no tax imposed by the "Use Tax Act" or the "Watercraft Use Tax Law" is
owed as evidenced by the receipt for payment or determination of
exemption from the Department of Revenue provided for in Section 3A-3
of this Article, and that the applicant is entitled to the issuance of a
certificate of title, shall issue a certificate of title.
   (b) The Department of Natural Resources shall maintain a record
of all certificates of title issued under a distinctive title number assigned to
the watercraft and, in the discretion of the Department, in any other
method determined.
(Source: P.A. 89-445, eff. 2-7-96.)

ARTICLE 20

Section 20-10. The Use Tax Act is amended by changing Sections
3-5 and 3-85 as follows:
   (35 ILCS 105/3-5)(from Ch. 120, par. 439.3-5)
   Sec. 3-5. Exemptions. Use of the following tangible personal
property is exempt from the tax imposed by this Act:
   (1) Personal property purchased from a corporation, society,
association, foundation, institution, or organization, other than a limited
liability company, that is organized and operated as a not-for-profit service
enterprise for the benefit of persons 65 years of age or older if the personal
property was not purchased by the enterprise for the purpose of resale by
the enterprise.
   (2) Personal property purchased by a not-for-profit Illinois county
fair association for use in conducting, operating, or promoting the county
fair.
   (3) Personal property purchased by a not-for-profit arts or cultural
organization that establishes, by proof required by the Department by rule,
that it has received an exemption under Section 501(c)(3) of the Internal
Revenue Code and that is organized and operated primarily for the
presentation or support of arts or cultural programming, activities, or
services. These organizations include, but are not limited to, music and
dramatic arts organizations such as symphony orchestras and theatrical
groups, arts and cultural service organizations, local arts councils, visual
arts organizations, and media arts organizations. On and after the effective
date of this amendatory Act of the 92nd General Assembly, however, an
entity otherwise eligible for this exemption shall not make tax-free

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purchases unless it has an active identification number issued by the Department.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) Until July 1, 2003, a passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Until July 1, 2003 and beginning again on September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle

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Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers’ bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the

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service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property

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was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that
lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the

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course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(31) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at

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the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(32) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(33) On and after July 1, 2003, the use in this State of motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds and that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This
exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act.

(Source: P.A. 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; revised 9-11-03.)

(35 ILCS 105/3-85)

Sec. 3-85. Manufacturer's Purchase Credit. For purchases of machinery and equipment made on and after January 1, 1995 and through June 30, 2003, and on and after September 1, 2004, a purchaser of manufacturing machinery and equipment that qualifies for the exemption provided by paragraph (18) of Section 3-5 of this Act earns a credit in an amount equal to a fixed percentage of the tax which would have been incurred under this Act on those purchases. For purchases of graphic arts machinery and equipment made on or after July 1, 1996 and through June 30, 2003, and on and after September 1, 2004, a purchaser of graphic arts machinery and equipment that qualifies for the exemption provided by paragraph (6) of Section 3-5 of this Act earns a credit in an amount equal to a fixed percentage of the tax that would have been incurred under this Act on those purchases. The credit earned for purchases of manufacturing machinery and equipment or graphic arts machinery and equipment shall be referred to as the Manufacturer's Purchase Credit. A graphic arts producer is a person engaged in graphic arts production as defined in Section 2-30 of the Retailers' Occupation Tax Act. Beginning July 1, 1996, all references in this Section to manufacturers or manufacturing shall also be deemed to refer to graphic arts producers or graphic arts production.

The amount of credit shall be a percentage of the tax that would have been incurred on the purchase of manufacturing machinery and equipment or graphic arts machinery and equipment if the exemptions provided by paragraph (6) or paragraph (18) of Section 3-5 of this Act had not been applicable. The percentage shall be as follows:

(1) 15% for purchases made on or before June 30, 1995.
(2) 25% for purchases made after June 30, 1995, and on or before June 30, 1996.
(3) 40% for purchases made after June 30, 1996, and on or before June 30, 1997.
(4) 50% for purchases made on or after July 1, 1997.

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(a) Manufacturer's Purchase Credit earned prior to July 1, 2003. This subsection (a) applies to Manufacturer's Purchase Credit earned prior to July 1, 2003. A purchaser of production related tangible personal property desiring to use the Manufacturer's Purchase Credit shall certify to the seller prior to October 1, 2003 that the purchaser is satisfying all or part of the liability under the Use Tax Act or the Service Use Tax Act that is due on the purchase of the production related tangible personal property by use of Manufacturer's Purchase Credit. The Manufacturer's Purchase Credit certification must be dated and shall include the name and address of the purchaser, the purchaser's registration number, if registered, the credit being applied, and a statement that the State Use Tax or Service Use Tax liability is being satisfied with the manufacturer's or graphic arts producer's accumulated purchase credit. Certification may be incorporated into the manufacturer's or graphic arts producer's purchase order. Manufacturer's Purchase Credit certification provided by the manufacturer or graphic arts producer prior to October 1, 2003 may be used to satisfy the retailer's or serviceman's liability under the Retailers' Occupation Tax Act or Service Occupation Tax Act for the credit claimed, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase, but only if the retailer or serviceman reports the Manufacturer's Purchase Credit claimed as required by the Department. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 shall be disallowed. The Manufacturer's Purchase Credit earned by purchase of exempt manufacturing machinery and equipment or graphic arts machinery and equipment is a non-transferable credit. A manufacturer or graphic arts producer that enters into a contract involving the installation of tangible personal property into real estate within a manufacturing or graphic arts production facility may, prior to October 1, 2003, authorize a construction contractor to utilize credit accumulated by the manufacturer or graphic arts producer to purchase the tangible personal property. A manufacturer or graphic arts producer intending to use accumulated credit to purchase such tangible personal property shall execute a written contract authorizing the contractor to utilize a specified dollar amount of credit. The contractor shall furnish, prior to October 1, 2003, the supplier with the manufacturer's or graphic arts producer's name, registration or resale number, and a statement that a specific amount of the Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, is being satisfied with the credit. The manufacturer or graphic arts producer shall remain liable to timely report all information required by

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the annual Report of Manufacturer's Purchase Credit Used for all credit utilized by a construction contractor.

*No Manufacturer's Purchase Credit earned prior to July 1, 2003 may be used after October 1, 2003.* The Manufacturer's Purchase Credit may be used to satisfy liability under the Use Tax Act or the Service Use Tax Act due on the purchase of production related tangible personal property (including purchases by a manufacturer, by a graphic arts producer, or by a lessor who rents or leases the use of the property to a manufacturer or graphic arts producer) that does not otherwise qualify for the manufacturing machinery and equipment exemption or the graphic arts machinery and equipment exemption. "Production related tangible personal property" means (i) all tangible personal property used or consumed by the purchaser in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a manufacturing facility and including, but not limited to, tangible personal property used or consumed in activities such as preproduction material handling, receiving, quality control, inventory control, storage, staging, and packaging for shipping and transportation purposes; (ii) all tangible personal property used or consumed by the purchaser in a graphic arts facility in which graphic arts production as described in Section 2-30 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a graphic arts facility and including, but not limited to, all tangible personal property used or consumed in activities such as graphic arts preliminary or pre-press production, pre-production material handling, receiving, quality control, inventory control, storage, staging, sorting, labeling, mailing, tying, wrapping, and packaging; and (iii) all tangible personal property used or consumed by the purchaser for research and development. "Production related tangible personal property" does not include (i) tangible personal property used, within or without a manufacturing facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping or (ii) tangible personal property required to be titled or registered with a department, agency, or unit of federal, state, or local government. The Manufacturer's Purchase Credit may be used, prior to October 1, 2003, to satisfy the tax arising either from the purchase of machinery and equipment on or after January 1, 1995 for which the exemption provided by paragraph (18) of Section 3-5 of this Act

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was erroneously claimed, or the purchase of machinery and equipment on or after July 1, 1996 for which the exemption provided by paragraph (6) of Section 3-5 of this Act was erroneously claimed, but not in satisfaction of penalty, if any, and interest for failure to pay the tax when due. A purchaser of production related tangible personal property who is required to pay Illinois Use Tax or Service Use Tax on the purchase directly to the Department may, prior to October 1, 2003, utilize the Manufacturer's Purchase Credit in satisfaction of the tax arising from that purchase, but not in satisfaction of penalty and interest. A purchaser who uses the Manufacturer's Purchase Credit to purchase property which is later determined not to be production related tangible personal property may be liable for tax, penalty, and interest on the purchase of that property as of the date of purchase but shall be entitled to use the disallowed Manufacturer's Purchase Credit, so long as it has not expired and is used prior to October 1, 2003, on qualifying purchases of production related tangible personal property not previously subject to credit usage. The Manufacturer's Purchase Credit earned by a manufacturer or graphic arts producer expires the last day of the second calendar year following the calendar year in which the credit arose. No Manufacturer's Purchase Credit may be used after September 30, 2003 regardless of when that credit was earned.

A purchaser earning Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Earned for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is earned. A Report of Manufacturer's Purchase Credit Earned shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of all purchases of exempt manufacturing or graphic arts machinery on which the credit was earned; (ii) the total State Use Tax or Service Use Tax which would have been due on those items; (iii) the percentage used to calculate the amount of credit earned; (iv) the amount of credit earned; and (v) such other information as the Department may reasonably require. A purchaser earning Manufacturer's Purchase Credit shall maintain records which identify, as to each purchase of manufacturing or graphic arts machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price,
and the amount of Manufacturer's Purchase Credit earned on each purchase.

A purchaser using Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Used for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is used. A Report of Manufacturer's Purchase Credit Used shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of production related tangible personal property purchased from Illinois suppliers; (ii) the total purchase price of production related tangible personal property purchased from out-of-state suppliers; (iii) the total amount of credit used during such month; and (iv) such other information as the Department may reasonably require. A purchaser using Manufacturer's Purchase Credit shall maintain records that identify, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit used on each purchase.

No annual report shall be filed before May 1, 1996 or after June 30, 2004. A purchaser that fails to file an annual Report of Manufacturer's Purchase Credit Earned or an annual Report of Manufacturer's Purchase Credit Used by the last day of the sixth month following the end of the calendar year shall forfeit all Manufacturer's Purchase Credit for that calendar year unless it establishes that its failure to file was due to reasonable cause. Manufacturer's Purchase Credit reports may be amended to report and claim credit on qualifying purchases not previously reported at any time before the credit would have expired, unless both the Department and the purchaser have agreed to an extension of the statute of limitations for the issuance of a notice of tax liability as provided in Section 4 of the Retailers' Occupation Tax Act. If the time for assessment or refund has been extended, then amended reports for a calendar year may be filed at any time prior to the date to which the statute of limitations for the calendar year or portion thereof has been extended. No Manufacturer's Purchase Credit report filed with the Department for periods prior to January 1, 1995 shall be approved. Manufacturer's Purchase Credit claimed on an amended report may be used, until October 1, 2003, to satisfy tax liability under the Use Tax Act or the Service Use Tax Act (i)

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on qualifying purchases of production related tangible personal property made after the date the amended report is filed or (ii) assessed by the Department on qualifying purchases of production related tangible personal property made in the case of manufacturers on or after January 1, 1995, or in the case of graphic arts producers on or after July 1, 1996.

If the purchaser is not the manufacturer or a graphic arts producer, but rents or leases the use of the property to a manufacturer or graphic arts producer, the purchaser may earn, report, and use Manufacturer's Purchase Credit in the same manner as a manufacturer or graphic arts producer.

A purchaser shall not be entitled to any Manufacturer's Purchase Credit for a purchase that is required to be reported and is not timely reported as provided in this Section. A purchaser remains liable for (i) any tax that was satisfied by use of a Manufacturer's Purchase Credit, as of the date of purchase, if that use is not timely reported as required in this Section and (ii) for any applicable penalties and interest for failing to pay the tax when due. No Manufacturer's Purchase Credit may be used after September 30, 2003 to satisfy any tax liability imposed under this Act, including any audit liability.

(b) Manufacturer's Purchase Credit earned on and after September 1, 2004. This subsection (b) applies to Manufacturer's Purchase Credit earned on and after September 1, 2004. Manufacturer's Purchase Credit earned on or after September 1, 2004 may only be used to satisfy the Use Tax or Service Use Tax liability incurred on production related tangible personal property purchased on or after September 1, 2004. A purchaser of production related tangible personal property desiring to use the Manufacturer's Purchase Credit shall certify to the seller that the purchaser is satisfying all or part of the liability under the Use Tax Act or the Service Use Tax Act that is due on the purchase of the production related tangible personal property by use of Manufacturer's Purchase Credit. The Manufacturer's Purchase Credit certification must be dated and shall include the name and address of the purchaser, the purchaser's registration number, if registered, the credit being applied, and a statement that the State Use Tax or Service Use Tax liability is being satisfied with the manufacturer's or graphic arts producer's accumulated purchase credit. Certification may be incorporated into the manufacturer's or graphic arts producer's purchase order. Manufacturer's Purchase Credit certification provided by the manufacturer or graphic arts producer may be used to satisfy the retailer's or serviceman's liability under the Retailers' Occupation Tax Act or Service Occupation Tax Act.
for the credit claimed, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase, but only if the retailer or serviceman reports the Manufacturer's Purchase Credit claimed as required by the Department. The Manufacturer's Purchase Credit earned by purchase of exempt manufacturing machinery and equipment or graphic arts machinery and equipment is a non-transferable credit. A manufacturer or graphic arts producer that enters into a contract involving the installation of tangible personal property into real estate within a manufacturing or graphic arts production facility may, on or after September 1, 2004, authorize a construction contractor to utilize credit accumulated by the manufacturer or graphic arts producer to purchase the tangible personal property. A manufacturer or graphic arts producer intending to use accumulated credit to purchase such tangible personal property shall execute a written contract authorizing the contractor to utilize a specified dollar amount of credit. The contractor shall furnish the supplier with the manufacturer's or graphic arts producer's name, registration or resale number, and a statement that a specific amount of the Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, is being satisfied with the credit. The manufacturer or graphic arts producer shall remain liable to timely report all information required by the annual Report of Manufacturer's Purchase Credit Used for all credit utilized by a construction contractor.

The Manufacturer's Purchase Credit may be used to satisfy liability under the Use Tax Act or the Service Use Tax Act due on the purchase, made on or after September 1, 2004, of production related tangible personal property (including purchases by a manufacturer, by a graphic arts producer, or by a lessor who rents or leases the use of the property to a manufacturer or graphic arts producer) that does not otherwise qualify for the manufacturing machinery and equipment exemption or the graphic arts machinery and equipment exemption. "Production related tangible personal property" means (i) all tangible personal property used or consumed by the purchaser in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a manufacturing facility and including, but not limited to, tangible personal property used or consumed in activities such as preproduction material handling, receiving, quality control, inventory control, storage, staging, and packaging for shipping and transportation purposes; (ii) all tangible

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personal property used or consumed by the purchaser in a graphic arts facility in which graphic arts production as described in Section 2-30 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a graphic arts facility and including, but not limited to, all tangible personal property used or consumed in activities such as graphic arts preliminary or pre-press production, pre-production material handling, receiving, quality control, inventory control, storage, staging, sorting, labeling, mailing, tying, wrapping, and packaging; and (iii) all tangible personal property used or consumed by the purchaser for research and development. "Production related tangible personal property" does not include (i) tangible personal property used, within or without a manufacturing facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping or (ii) tangible personal property required to be titled or registered with a department, agency, or unit of federal, state, or local government. The Manufacturer's Purchase Credit may be used to satisfy the tax arising either from the purchase of machinery and equipment on or after September 1, 2004 for which the exemption provided by paragraph (18) of Section 3-5 of this Act was erroneously claimed, or the purchase of machinery and equipment on or after September 1, 2004 for which the exemption provided by paragraph (6) of Section 3-5 of this Act was erroneously claimed, but not in satisfaction of penalty, if any, and interest for failure to pay the tax when due. A purchaser of production related tangible personal property that is purchased on or after September 1, 2004 who is required to pay Illinois Use Tax or Service Use Tax on the purchase directly to the Department may utilize the Manufacturer's Purchase Credit in satisfaction of the tax arising from that purchase, but not in satisfaction of penalty and interest. A purchaser who uses the Manufacturer's Purchase Credit to purchase property on and after September 1, 2004 which is later determined not to be production related tangible personal property may be liable for tax, penalty, and interest on the purchase of that property as of the date of purchase but shall be entitled to use the disallowed Manufacturer's Purchase Credit, so long as it has not expired and is used on qualifying purchases of production related tangible personal property not previously subject to credit usage. The Manufacturer's Purchase Credit earned by a manufacturer or graphic arts producer expires the last day of the second calendar year following the calendar year in which the credit arose. A purchaser earning Manufacturer's Purchase Credit shall

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sign and file an annual Report of Manufacturer's Purchase Credit Earned for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is earned. A Report of Manufacturer's Purchase Credit Earned shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of all purchases of exempt manufacturing or graphic arts machinery on which the credit was earned; (ii) the total State Use Tax or Service Use Tax which would have been due on those items; (iii) the percentage used to calculate the amount of credit earned; (iv) the amount of credit earned; and (v) such other information as the Department may reasonably require.

A purchaser earning Manufacturer's Purchase Credit shall maintain records which identify, as to each purchase of manufacturing or graphic arts machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit earned on each purchase. A purchaser using Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Used for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is used. A Report of Manufacturer's Purchase Credit Used shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of production related tangible personal property purchased from Illinois suppliers; (ii) the total purchase price of production related tangible personal property purchased from out-of-state suppliers; (iii) the total amount of credit used during such month; and (iv) such other information as the Department may reasonably require. A purchaser using Manufacturer's Purchase Credit shall maintain records that identify, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit used on each purchase.

A purchaser that fails to file an annual Report of Manufacturer's Purchase Credit Earned or an annual Report of Manufacturer's Purchase Credit Used by the last day of the sixth month following the end of the

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calendar year shall forfeit all Manufacturer’s Purchase Credit for that calendar year unless it establishes that its failure to file was due to reasonable cause. Manufacturer’s Purchase Credit reports may be amended to report and claim credit on qualifying purchases not previously reported at any time before the credit would have expired, unless both the Department and the purchaser have agreed to an extension of the statute of limitations for the issuance of a notice of tax liability as provided in Section 4 of the Retailers’ Occupation Tax Act. If the time for assessment or refund has been extended, then amended reports for a calendar year may be filed at any time prior to the date to which the statute of limitations for the calendar year or portion thereof has been extended. Manufacturer’s Purchase Credit claimed on an amended report may be used to satisfy tax liability under the Use Tax Act or the Service Use Tax Act (i) on qualifying purchases of production related tangible personal property made after the date the amended report is filed or (ii) assessed by the Department on qualifying production related tangible personal property purchased on or after September 1, 2004. If the purchaser is not the manufacturer or a graphic arts producer, but rents or leases the use of the property to a manufacturer or graphic arts producer, the purchaser may earn, report, and use Manufacturer’s Purchase Credit in the same manner as a manufacturer or graphic arts producer. A purchaser shall not be entitled to any Manufacturer’s Purchase Credit for a purchase that is required to be reported and is not timely reported as provided in this Section. A purchaser remains liable for (i) any tax that was satisfied by use of a Manufacturer’s Purchase Credit, as of the date of purchase, if that use is not timely reported as required in this Section and (ii) for any applicable penalties and interest for failing to pay the tax when due.

(Source: P.A. 93-24, eff. 6-20-03.)

Section 20-15. The Service Use Tax Act is amended by changing Sections 3-5 and 3-70 as follows:

(35 ILCS 110/3-5)(from Ch. 120, par. 439.33-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

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(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Until July 1, 2003 and beginning again on September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants

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shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers’ bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

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(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act,
to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability
company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human

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use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

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a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(Source: P.A. 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02; 93-24, eff. 6-20-03.)

(35 ILCS 110/3-70)

Sec. 3-70. Manufacturer's Purchase Credit. For purchases of machinery and equipment made on and after January 1, 1995 and through June 30, 2003, and on and after September 1, 2004, a purchaser of manufacturing machinery and equipment that qualifies for the exemption provided by Section 2 of this Act earns a credit in an amount equal to a fixed percentage of the tax which would have been incurred under this Act on those purchases. For purchases of graphic arts machinery and equipment made on or after July 1, 1996 and through June 30, 2003, and on and after September 1, 2004, a purchase of graphic arts machinery and equipment that qualifies for the exemption provided by paragraph (5) of Section 3-5 of this Act earns a credit in an amount equal to a fixed percentage of the tax that would have been incurred under this Act on those purchases. The credit earned for the purchase of manufacturing machinery and equipment and graphic arts machinery and equipment shall be referred to as the Manufacturer's Purchase Credit. A graphic arts producer is a person engaged in graphic arts production as defined in Section 3-30 of the Service Occupation Tax Act. Beginning July 1, 1996, all references in this Section to manufacturers or manufacturing shall also refer to graphic arts producers or graphic arts production.

The amount of credit shall be a percentage of the tax that would have been incurred on the purchase of the manufacturing machinery and equipment or graphic arts machinery and equipment if the exemptions provided by Section 2 or paragraph (5) of Section 3-5 of this Act had not been applicable.

All purchases prior to October 1, 2003 of manufacturing machinery and equipment and graphic arts machinery and equipment that qualify for the exemptions provided by paragraph (5) of Section 2 or paragraph (5) of Section 3-5 of this Act qualify for the credit without regard to whether the serviceman elected, or could have elected, under paragraph (7) of Section 2 of this Act to exclude the transaction from this Act. If the serviceman's billing to the service customer separately states a selling price for the...
exempt manufacturing machinery or equipment or the exempt graphic arts machinery and equipment, the credit shall be calculated, as otherwise provided herein, based on that selling price. If the serviceman's billing does not separately state a selling price for the exempt manufacturing machinery and equipment or the exempt graphic arts machinery and equipment, the credit shall be calculated, as otherwise provided herein, based on 50% of the entire billing. If the serviceman contracts to design, develop, and produce special order manufacturing machinery and equipment or special order graphic arts machinery and equipment, and the billing does not separately state a selling price for such special order machinery and equipment, the credit shall be calculated, as otherwise provided herein, based on 50% of the entire billing. The provisions of this paragraph are effective for purchases made on or after January 1, 1995.

The percentage shall be as follows:

(1) 15% for purchases made on or before June 30, 1995.
(2) 25% for purchases made after June 30, 1995, and on or before June 30, 1996.
(3) 40% for purchases made after June 30, 1996, and on or before June 30, 1997.
(4) 50% for purchases made on or after July 1, 1997.

(a) Manufacturer's Purchase Credit earned prior to July 1, 2003. This subsection (a) applies to Manufacturer's Purchase Credit earned prior to July 1, 2003. A purchaser of production related tangible personal property desiring to use the Manufacturer's Purchase Credit shall certify to the seller prior to October 1, 2003 that the purchaser is satisfying all or part of the liability under the Use Tax Act or the Service Use Tax Act that is due on the purchase of the production related tangible personal property by use of a Manufacturer's Purchase Credit. The Manufacturer's Purchase Credit certification must be dated and shall include the name and address of the purchaser, the purchaser's registration number, if registered, the credit being applied, and a statement that the State Use Tax or Service Use Tax liability is being satisfied with the manufacturer's or graphic arts producer's accumulated purchase credit. Certification may be incorporated into the manufacturer's or graphic arts producer's purchase order. Manufacturer's Purchase Credit certification provided by the manufacturer or graphic arts producer prior to October 1, 2003 may be used to satisfy the retailer's or serviceman's liability under the Retailers' Occupation Tax Act or Service Occupation Tax Act for the credit claimed, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase, but only if the

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retailer or serviceman reports the Manufacturer's Purchase Credit claimed as required by the Department. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 shall be disallowed. The Manufacturer's Purchase Credit earned by purchase of exempt manufacturing machinery and equipment or graphic arts machinery and equipment is a non-transferable credit. A manufacturer or graphic arts producer that enters into a contract involving the installation of tangible personal property into real estate within a manufacturing or graphic arts production facility, prior to October 1, 2003, may authorize a construction contractor to utilize credit accumulated by the manufacturer or graphic arts producer to purchase the tangible personal property. A manufacturer or graphic arts producer intending to use accumulated credit to purchase such tangible personal property shall execute a written contract authorizing the contractor to utilize a specified dollar amount of credit. The contractor shall furnish, prior to October 1, 2003, the supplier with the manufacturer's or graphic arts producer's name, registration or resale number, and a statement that a specific amount of the Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, is being satisfied with the credit. The manufacturer or graphic arts producer shall remain liable to timely report all information required by the annual Report of Manufacturer's Purchase Credit Used for credit utilized by a construction contractor.

No Manufacturer's Purchase Credit earned prior to July 1, 2003 may be used after October 1, 2003. The Manufacturer's Purchase Credit may be used to satisfy liability under the Use Tax Act or the Service Use Tax Act due on the purchase of production related tangible personal property (including purchases by a manufacturer, by a graphic arts producer, or by a lessor who rents or leases the use of the property to a manufacturer or graphic arts producer) that does not otherwise qualify for the manufacturing machinery and equipment exemption or the graphic arts machinery and equipment exemption. "Production related tangible personal property" means (i) all tangible personal property used or consumed by the purchaser in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a manufacturing facility and including, but not limited to, tangible personal property used or consumed in activities such as pre-production material handling, receiving, quality control, inventory control, storage, staging, and packaging for

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shipping and transportation purposes; (ii) all tangible personal property used or consumed by the purchaser in a graphic arts facility in which graphic arts production as described in Section 2-30 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a graphic arts facility and including, but not limited to, all tangible personal property used or consumed in activities such as graphic arts preliminary or pre-press production, pre-production material handling, receiving, quality control, inventory control, storage, staging, sorting, labeling, mailing, tying, wrapping, and packaging; and (iii) all tangible personal property used or consumed by the purchaser for research and development. "Production related tangible personal property" does not include (i) tangible personal property used, within or without a manufacturing or graphic arts facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping or (ii) tangible personal property required to be titled or registered with a department, agency, or unit of federal, state, or local government. The Manufacturer's Purchase Credit may be used, prior to October 1, 2003, to satisfy the tax arising either from the purchase of machinery and equipment on or after January 1, 1995 for which the manufacturing machinery and equipment exemption provided by Section 2 of this Act was erroneously claimed, or the purchase of machinery and equipment on or after July 1, 1996 for which the exemption provided by paragraph (5) of Section 3-5 of this Act was erroneously claimed, but not in satisfaction of penalty, if any, and interest for failure to pay the tax when due. A purchaser of production related tangible personal property who is required to pay Illinois Use Tax or Service Use Tax on the purchase directly to the Department may, prior to October 1, 2003, utilize the Manufacturer's Purchase Credit in satisfaction of the tax arising from that purchase, but not in satisfaction of penalty and interest. A purchaser who uses the Manufacturer's Purchase Credit to purchase property which is later determined not to be production related tangible personal property may be liable for tax, penalty, and interest on the purchase of that property as of the date of purchase but shall be entitled to use the disallowed Manufacturer's Purchase Credit, so long as it has not expired and is used prior to October 1, 2003, on qualifying purchases of production related tangible personal property not previously subject to credit usage. The Manufacturer's Purchase Credit earned by a manufacturer or graphic arts producer expires the last day of the second calendar year following the calendar year in which the credit arose. No Manufacturer's Purchase Credit

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may be used after September 30, 2003 regardless of when that credit was earned.

A purchaser earning Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Earned for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is earned. A Report of Manufacturer's Purchase Credit Earned shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of all purchases of exempt manufacturing or graphic arts machinery on which the credit was earned; (ii) the total State Use Tax or Service Use Tax which would have been due on those items; (iii) the percentage used to calculate the amount of credit earned; (iv) the amount of credit earned; and (v) such other information as the Department may reasonably require. A purchaser earning Manufacturer's Purchase Credit shall maintain records which identify, as to each purchase of manufacturing or graphic arts machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit earned on each purchase.

A purchaser using Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Used for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is used. A Report of Manufacturer's Purchase Credit Used shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of production related tangible personal property purchased from Illinois suppliers; (ii) the total purchase price of production related tangible personal property purchased from out-of-state suppliers; (iii) the total amount of credit used during such month; and (iv) such other information as the Department may reasonably require. A purchaser using Manufacturer's Purchase Credit shall maintain records that identify, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit used on each purchase.

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No annual report shall be filed before May 1, 1996 or after June 30, 2004. A purchaser that fails to file an annual Report of Manufacturer's Purchase Credit Earned or an annual Report of Manufacturer's Purchase Credit Used by the last day of the sixth month following the end of the calendar year shall forfeit all Manufacturer's Purchase Credit for that calendar year unless it establishes that its failure to file was due to reasonable cause. Manufacturer's Purchase Credit reports may be amended to report and claim credit on qualifying purchases not previously reported at any time before the credit would have expired, unless both the Department and the purchaser have agreed to an extension of the statute of limitations for the issuance of a notice of tax liability as provided in Section 4 of the Retailers' Occupation Tax Act. If the time for assessment or refund has been extended, then amended reports for a calendar year may be filed at any time prior to the date to which the statute of limitations for the calendar year or portion thereof has been extended. No Manufacturer's Purchase Credit report filed with the Department for periods prior to January 1, 1995 shall be approved. Manufacturer's Purchase Credit claimed on an amended report may be used, prior to October 1, 2003, to satisfy tax liability under the Use Tax Act or the Service Use Tax Act (i) on qualifying purchases of production related tangible personal property made after the date the amended report is filed or (ii) assessed by the Department on qualifying purchases of production related tangible personal property made in the case of manufacturers on or after January 1, 1995, or in the case of graphic arts producers on or after July 1, 1996.

If the purchaser is not the manufacturer or a graphic arts producer, but rents or leases the use of the property to a manufacturer or a graphic arts producer, the purchaser may earn, report, and use Manufacturer's Purchase Credit in the same manner as a manufacturer or graphic arts producer.

A purchaser shall not be entitled to any Manufacturer's Purchase Credit for a purchase that is required to be reported and is not timely reported as provided in this Section. A purchaser remains liable for (i) any tax that was satisfied by use of a Manufacturer's Purchase Credit, as of the date of purchase, if that use is not timely reported as required in this Section and (ii) for any applicable penalties and interest for failing to pay the tax when due. No Manufacturer's Purchase Credit may be used after September 30, 2003 to satisfy any tax liability imposed under this Act, including any audit liability.

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(b) Manufacturer's Purchase Credit earned on and after September 1, 2004. This subsection (b) applies to Manufacturer's Purchase Credit earned on or after September 1, 2004. Manufacturer's Purchase Credit earned on or after September 1, 2004 may only be used to satisfy the Use Tax or Service Use Tax liability incurred on production related tangible personal property purchased on or after September 1, 2004. A purchaser of production related tangible personal property desiring to use the Manufacturer's Purchase Credit shall certify to the seller that the purchaser is satisfying all or part of the liability under the Use Tax Act or the Service Use Tax Act that is due on the purchase of the production related tangible personal property by use of a Manufacturer's Purchase Credit. The Manufacturer's Purchase Credit certification must be dated and shall include the name and address of the purchaser, the purchaser's registration number, if registered, the credit being applied, and a statement that the State Use Tax or Service Use Tax liability is being satisfied with the manufacturer's or graphic arts producer's accumulated purchase credit. Certification may be incorporated into the manufacturer's or graphic arts producer's purchase order. Manufacturer's Purchase Credit certification provided by the manufacturer or graphic arts producer may be used to satisfy the retailer's or serviceman's liability under the Retailers' Occupation Tax Act or Service Occupation Tax Act for the credit claimed, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase, but only if the retailer or serviceman reports the Manufacturer's Purchase Credit claimed as required by the Department. The Manufacturer's Purchase Credit earned by purchase of exempt manufacturing machinery and equipment or graphic arts machinery and equipment is a non-transferable credit. A manufacturer or graphic arts producer that enters into a contract involving the installation of tangible personal property into real estate within a manufacturing or graphic arts production facility may, on or after September 1, 2004, authorize a construction contractor to utilize credit accumulated by the manufacturer or graphic arts producer to purchase the tangible personal property. A manufacturer or graphic arts producer intending to use accumulated credit to purchase such tangible personal property shall execute a written contract authorizing the contractor to utilize a specified dollar amount of credit. The contractor shall furnish the supplier with the manufacturer's or graphic arts producer's name, registration or resale number, and a statement that a specific amount of the Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, is being

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satisfied with the credit. The manufacturer or graphic arts producer shall remain liable to timely report all information required by the annual Report of Manufacturer's Purchase Credit Used for credit utilized by a construction contractor.

The Manufacturer's Purchase Credit may be used to satisfy liability under the Use Tax Act or the Service Use Tax Act due on the purchase, made on or after September 1, 2004, of production related tangible personal property (including purchases by a manufacturer, by a graphic arts producer, or a lessor who rents or leases the use of the property to a manufacturer or graphic arts producer) that does not otherwise qualify for the manufacturing machinery and equipment exemption or the graphic arts machinery and equipment exemption.

"Production related tangible personal property" means (i) all tangible personal property used or consumed by the purchaser in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a manufacturing facility and including, but not limited to, tangible personal property used or consumed in activities such as pre-production material handling, receiving, quality control, inventory control, storage, staging, and packaging for shipping and transportation purposes; (ii) all tangible personal property used or consumed by the purchaser in a graphic arts facility in which graphic arts production as described in Section 2-30 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a graphic arts facility and including, but not limited to, all tangible personal property used or consumed in activities such as graphic arts preliminary or pre-press production, pre-production material handling, receiving, quality control, inventory control, storage, staging, sorting, labeling, mailing, tying, wrapping, and packaging; and (iii) all tangible personal property used or consumed by the purchaser for research and development.

"Production related tangible personal property" does not include (i) tangible personal property used, within or without a manufacturing or graphic arts facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping or (ii) tangible personal property required to be titled or registered with a department, agency, or unit of federal, state, or local government. The Manufacturer's Purchase Credit may be used to satisfy the tax arising either from the purchase of machinery and equipment on or after

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September 1, 2004 for which the manufacturing machinery and equipment exemption provided by Section 2 of this Act was erroneously claimed, or the purchase of machinery and equipment on or after September 1, 2004 for which the exemption provided by paragraph (5) of Section 3-5 of this Act was erroneously claimed, but not in satisfaction of penalty, if any, and interest for failure to pay the tax when due. A purchaser of production related tangible personal property that is purchased on or after September 1, 2004 who is required to pay Illinois Use Tax or Service Use Tax on the purchase directly to the Department may utilize the Manufacturer's Purchase Credit in satisfaction of the tax arising from that purchase, but not in satisfaction of penalty and interest. A purchaser who uses the Manufacturer's Purchase Credit to purchase property on and after September 1, 2004 which is later determined not to be production related tangible personal property may be liable for tax, penalty, and interest on the purchase of that property as of the date of purchase but shall be entitled to use the disallowed Manufacturer's Purchase Credit, so long as it has not expired, on qualifying purchases of production related tangible personal property not previously subject to credit usage. The Manufacturer's Purchase Credit earned by a manufacturer or graphic arts producer expires the last day of the second calendar year following the calendar year in which the credit arose.

A purchaser earning Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Earned for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is earned. A Report of Manufacturer's Purchase Credit Earned shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of all purchases of exempt manufacturing or graphic arts machinery on which the credit was earned; (ii) the total State Use Tax or Service Use Tax which would have been due on those items; (iii) the percentage used to calculate the amount of credit earned; (iv) the amount of credit earned; and (v) such other information as the Department may reasonably require. A purchaser earning Manufacturer’s Purchase Credit shall maintain records which identify, as to each purchase of manufacturing or graphic arts machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor’s registration number or Federal Employer Identification Number), the
purchase price, and the amount of Manufacturer's Purchase Credit earned on each purchase.

A purchaser using Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Used for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is used. A Report of Manufacturer's Purchase Credit Used shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of production related tangible personal property purchased from Illinois suppliers; (ii) the total purchase price of production related tangible personal property purchased from out-of-state suppliers; (iii) the total amount of credit used during such month; and (iv) such other information as the Department may reasonably require. A purchaser using Manufacturer's Purchase Credit shall maintain records that identify, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor’s registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit used on each purchase.

A purchaser that fails to file an annual Report of Manufacturer's Purchase Credit Earned or an annual Report of Manufacturer's Purchase Credit Used by the last day of the sixth month following the end of the calendar year shall forfeit all Manufacturer's Purchase Credit for that calendar year unless it establishes that its failure to file was due to reasonable cause. Manufacturer's Purchase Credit reports may be amended to report and claim credit on qualifying purchases not previously reported at any time before the credit would have expired, unless both the Department and the purchaser have agreed to an extension of the statute of limitations for the issuance of a notice of tax liability as provided in Section 4 of the Retailers' Occupation Tax Act. If the time for assessment or refund has been extended, then amended reports for a calendar year may be filed at any time prior to the date to which the statute of limitations for the calendar year or portion thereof has been extended. Manufacturer's Purchase Credit claimed on an amended report may be used to satisfy tax liability under the Use Tax Act or the Service Use Tax Act (i) on qualifying purchases of production related tangible personal property made after the date the amended report is filed or (ii) assessed by
the Department on qualifying production related tangible personal property purchased on or after September 1, 2004.

If the purchaser is not the manufacturer or a graphic arts producer, but rents or leases the use of the property to a manufacturer or a graphic arts producer, the purchaser may earn, report, and use Manufacturer’s Purchase Credit in the same manner as a manufacturer or graphic arts producer. A purchaser shall not be entitled to any Manufacturer's Purchase Credit for a purchase that is required to be reported and is not timely reported as provided in this Section. A purchaser remains liable for (i) any tax that was satisfied by use of a Manufacturer's Purchase Credit, as of the date of purchase, if that use is not timely reported as required in this Section and (ii) for any applicable penalties and interest for failing to pay the tax when due.
(Source: P.A. 93-24, eff. 6-20-03.)

Section 20-20. The Service Occupation Tax Act is amended by changing Sections 3-5 and 9 as follows:

(35 ILCS 115/3-5)(from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.  

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free

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purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Until July 1, 2003 and beginning again on September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted

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operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human

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use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering

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Illinois when such repairs are initiated on facilities located in the declared
disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game
breeding and hunting preserve area" or an "exotic game hunting area" as
those terms are used in the Wildlife Code or at a hunting enclosure
approved through rules adopted by the Department of Natural Resources.
This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of
the Illinois Vehicle Code, that is donated to a corporation, limited liability
company, society, association, foundation, or institution that is determined
by the Department to be organized and operated exclusively for
educational purposes. For purposes of this exemption, "a corporation,
limited liability company, society, association, foundation, or institution
organized and operated exclusively for educational purposes" means all
tax-supported public schools, private schools that offer systematic
instruction in useful branches of learning by methods common to public
schools and that compare favorably in their scope and intensity with the
course of study presented in tax-supported schools, and vocational or
technical schools or institutes organized and operated exclusively to
provide a course of study of not less than 6 weeks duration and designed to
prepare individuals to follow a trade or to pursue a manual, technical,
mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food,
purchased through fundraising events for the benefit of a public or private
elementary or secondary school, a group of those schools, or one or more
school districts if the events are sponsored by an entity recognized by the
school district that consists primarily of volunteers and includes parents
and teachers of the school children. This paragraph does not apply to
fundraising events (i) for the benefit of private home instruction or (ii) for
which the fundraising entity purchases the personal property sold at the
events from another individual or entity that sold the property for the
purpose of resale by the fundraising entity and that profits from the sale to
the fundraising entity. This paragraph is exempt from the provisions of
Section 3-55.

(23) Beginning January 1, 2000 and through December 31, 2001,
new or used automatic vending machines that prepare and serve hot food
and beverages, including coffee, soup, and other items, and replacement
parts for these machines. Beginning January 1, 2002 and through June 30,
2003, machines and parts for machines used in commercial, coin-operated

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amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-55.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(26) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (26). The permit issued under this paragraph (26) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

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Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax at the time when he is required to file his return for the period during which such tax was collectible, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the serviceman, in collecting the tax may collect, for each tax return period, only the tax applicable to the part of the selling price actually received during such tax return period.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable rules and regulations to be promulgated by the Department of Revenue. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in business as a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and

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6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Prior to October 1, 2003, and on and after September 1, 2004 a serviceman may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Service Use Tax as provided in Section 3-70 of the Service Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-70 of the Service Use Tax Act. A Manufacturer's Purchase Credit certification, accepted prior to October 1, 2003 or on or after September 1, 2004 by a serviceman as provided in Section 3-70 of the Service Use Tax Act, may be used by that serviceman to satisfy Service Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 for reporting periods prior to September 1, 2004 shall be disallowed. Manufacturer's Purchase Credit reported on annual returns due on or after January 1, 2005 will be disallowed for periods prior to September 1, 2004. No Manufacturer's Purchase Credit may be used after September 30, 2003 through August 31, 2004 to satisfy any tax liability imposed under this Act, including any audit liability.

If the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

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Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

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The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Where a serviceman collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Occupation Tax, Service Use Tax, Retailers’ Occupation Tax or Use Tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Retailers’ Occupation Tax Act, the Use Tax Act or the Service Use Tax Act, to furnish all the return information required by all said Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate registrations hereunder, such serviceman shall file separate returns for each registered business.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund the revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the revenue realized for the preceding month from the 6.25% general rate.

New matter indicated by italics - deletions by strikeout.
Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the

New matter indicated by italics - deletions by strikeout.
Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.
<table>
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and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2042.

New matter indicated by italics - deletions by strikeout.
Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Community Affairs Law of the Civil Administrative Code of Illinois.

Remaining moneys received by the Department pursuant to this Act shall be paid into the General Revenue Fund of the State Treasury.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the taxpayer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax

New matter indicated by italics - deletions by strikeout.
return do not agree with the gross receipts reported to the Department of Revenue for the same period, the taxpayer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The taxpayer's annual return to the Department shall also disclose the cost of goods sold by the taxpayer during the year covered by such return, opening and closing inventories of such goods for such year, cost of goods used from stock or taken from stock and given away by the taxpayer during such year, pay roll information of the taxpayer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such taxpayer as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to a serviceman who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month.

New matter indicated by italics - deletions by strikeout.
Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, it shall be permissible for manufacturers, importers and wholesalers whose products are sold by numerous servicemen in Illinois, and who wish to do so, to assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the servicemen who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02; 93-24, eff. 6-20-03; revised 10-15-03.)

Section 20-25. The Retailers' Occupation Tax Act is amended by changing Sections 2-5 and 3 as follows:

(35 ILCS 120/2-5)(from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

New matter indicated by italics - deletions by strikeout.
Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Until July 1, 2003 and beginning again September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

New matter indicated by italics - deletions by strikeout.
(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by
interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(12-5) On and after July 1, 2003, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the

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transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

New matter indicated by italics - deletions by strikeout.
(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and

New matter indicated by italics - deletions by strikeout.
streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.
(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(35-5) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State

New matter indicated by italics - deletions by strikeout.
and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff. 7-11-02; 92-680, eff. 7-16-02; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; revised 9-11-03.)

(35 ILCS 120/3)(from Ch. 120, par. 442)

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;
4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;
5. Deductions allowed by law;
6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed;
7. The amount of credit provided in Section 2d of this Act;
8. The amount of tax due;

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9. The signature of the taxpayer; and
10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

Prior to October 1, 2003, and on and after September 1, 2004 a retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer prior to October 1, 2003 and on and after September 1, 2004 as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 for reporting periods prior to September 1, 2004 shall be disallowed. Manufacturer's Purchaser Credit reported on annual returns due on or after January 1, 2005 will be disallowed for periods prior to September 1, 2004. No Manufacturer's Purchase Credit may be used after September 30, 2003 through August 31, 2004 to satisfy any tax liability imposed under this Act, including any audit liability.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month,

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including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;

5. The amount of tax due; and

6. Such other reasonable information as the Department may require.

Beginning on October 1, 2003, any person who is not a licensed distributor, importing distributor, or manufacturer, as defined in the Liquor Control Act of 1934, but is engaged in the business of selling, at retail, alcoholic liquor shall file a statement with the Department of Revenue, in a format and at a time prescribed by the Department, showing the total amount paid for alcoholic liquor purchased during the preceding month and such other information as is reasonably required by the Department. The Department may adopt rules to require that this statement be filed in an electronic or telephonic format. Such rules may provide for exceptions from the filing requirements of this paragraph. For the purposes of this paragraph, the term "alcoholic liquor" shall have the meaning prescribed in the Liquor Control Act of 1934.

Beginning on October 1, 2003, every distributor, importing distributor, and manufacturer of alcoholic liquor as defined in the Liquor Control Act of 1934, shall file a statement with the Department of Revenue, no later than the 10th day of the month for the preceding month during which transactions occurred, by electronic means, showing the total amount of gross receipts from the sale of alcoholic liquor sold or distributed during the preceding month to purchasers; identifying the purchaser to whom it was sold or distributed; the purchaser's tax registration number; and such other information reasonably required by the Department. A copy of the monthly statement shall be sent to the retailer no later than the 10th day of the month for the preceding month during which transactions occurred.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has

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an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a
quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this

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Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place

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and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be

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credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the...
7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax

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liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status.

On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

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The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred begins prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount

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equal to 22.5% of the taxpayer's actual liability for the month or 25% of
the taxpayer's liability for the same calendar month of the preceding year.
The amount of the quarter monthly payments shall be credited against the
final tax liability of the taxpayer's return for that month filed under this
Section or Section 2f, as the case may be. Once applicable, the
requirement of the making of quarter monthly payments to the Department
pursuant to this paragraph shall continue until the taxpayer's average
monthly prepaid tax collections during the preceding 4 complete calendar
quarters (excluding the month of highest liability and the month of lowest
liability) is less than $19,000 or until such taxpayer's average monthly
liability to the Department as computed for each calendar quarter of the 4
preceding complete calendar quarters is less than $20,000. If any such
quarter monthly payment is not paid at the time or in the amount required,
the taxpayer shall be liable for penalties and interest on such difference,
except insofar as the taxpayer has previously made payments for that
month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's
liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act
and the Service Use Tax Act, as shown on an original monthly return, the
Department shall, if requested by the taxpayer, issue to the taxpayer a
credit memorandum no later than 30 days after the date of payment. The
credit evidenced by such credit memorandum may be assigned by the
taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service
Occupation Tax Act or the Service Use Tax Act, in accordance with
reasonable rules and regulations to be prescribed by the Department. If no
such request is made, the taxpayer may credit such excess payment against
tax liability subsequently to be remitted to the Department under this Act,
the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax
Act, in accordance with reasonable rules and regulations prescribed by the
Department. If the Department subsequently determined that all or any part
of the credit taken was not actually due to the taxpayer, the taxpayer's
2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of
the difference between the credit taken and that actually due, and that
taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of
this Act which exceeds the taxpayer's liability to the Department under this
Act for the month which the taxpayer is filing a return, the Department
shall issue the taxpayer a credit memorandum for the excess.

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Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be

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immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Annual Specified Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>$54,800,000</td>
</tr>
<tr>
<td>1987</td>
<td>$76,650,000</td>
</tr>
<tr>
<td>1988</td>
<td>$80,480,000</td>
</tr>
<tr>
<td>1989</td>
<td>$88,510,000</td>
</tr>
<tr>
<td>1990</td>
<td>$115,330,000</td>
</tr>
<tr>
<td>1991</td>
<td>$145,470,000</td>
</tr>
<tr>
<td>1992</td>
<td>$182,730,000</td>
</tr>
<tr>
<td>1993</td>
<td>$206,520,000;</td>
</tr>
</tbody>
</table>

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding

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pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>$0</td>
</tr>
<tr>
<td>1994</td>
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<td>2000</td>
<td>75,000,000</td>
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<tr>
<td>2001</td>
<td>80,000,000</td>
</tr>
<tr>
<td>2002</td>
<td>93,000,000</td>
</tr>
<tr>
<td>2003</td>
<td>99,000,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
2004  103,000,000
2005  108,000,000
2006  113,000,000
2007  119,000,000
2008  126,000,000
2009  132,000,000
2010  139,000,000
2011  146,000,000
2012  153,000,000
2013  161,000,000
2014  170,000,000
2015  179,000,000
2016  189,000,000
2017  199,000,000
2018  210,000,000
2019  221,000,000
2020  233,000,000
2021  246,000,000
2022  260,000,000
2023 and 275,000,000

each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2042.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

New matter indicated by italics - deletions by strikeout.
Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Community Affairs Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business.

New matter indicated by italics - deletions by strikeout.
during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act.
with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

(Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24, eff. 6-20-03; revised 10-15-03.)

ARTICLE 25

Section 25-5. The Illinois Income Tax Act is amended by changing Sections 203, 205, 305, and 1501 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 203. Base income defined.

(a) Individuals.

(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

   (A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

   (B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

   (C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

   (D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

   (D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings
Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000;

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

(D-15) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(D-16) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (Z) with respect to that property.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(D-17) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts

New matter indicated by italics - deletions by strikeout.
included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or

if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).
Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-18) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(a)(2)(D-17) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and

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copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets. This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment.
otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-20) (D-15) For taxable years beginning on or after January 1, 2002, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act or (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B); and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident by reason of being a

New matter indicated by italics - deletions by strikeout.
resident in 2001 or thereafter by reason of being a member of the Illinois National Guard. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and

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railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made

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in the taxable year on behalf of the taxpayer to a medical
care savings account established under the Medical Care
Savings Account Act or the Medical Care Savings Account
Act of 2000 to the extent the contribution is accepted by the
account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted
gross income, equal to the amount of interest earned in the
taxable year on a medical care savings account established
under the Medical Care Savings Account Act or the
Medical Care Savings Account Act of 2000 on behalf of the
taxpayer, other than interest added pursuant to item (D-5)
of this paragraph (2);

(U) For one taxable year beginning on or after
January 1, 1994, an amount equal to the total amount of tax
imposed and paid under subsections (a) and (b) of Section
201 of this Act on grant amounts received by the taxpayer
under the Nursing Home Grant Assistance Act during the
taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after
December 31, 1995 and ending with tax years ending on or
before December 31, 2004, an amount equal to the amount
paid by a taxpayer who is a self-employed taxpayer, a
partner of a partnership, or a shareholder in a Subchapter S
corporation for health insurance or long-term care insurance
for that taxpayer or that taxpayer's spouse or dependents, to
the extent that the amount paid for that health insurance or
long-term care insurance may be deducted under Section
213 of the Internal Revenue Code of 1986, has not been
deducted on the federal income tax return of the taxpayer,
and does not exceed the taxable income attributable to that
taxpayer's income, self-employment income, or Subchapter
S corporation income; except that no deduction shall be
allowed under this item (V) if the taxpayer is eligible to
participate in any health insurance or long-term care
insurance plan of an employer of the taxpayer or the
taxpayer's spouse. The amount of the health insurance and
long-term care insurance subtracted under this item (V)
shall be determined by multiplying total health insurance
and long-term care insurance premiums paid by the

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taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

New matter indicated by italics - deletions by strikeout.
(Y) For taxable years beginning on or after January 1, 2002, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). This subparagraph (Y) is exempt from the provisions of Section 250;

(Z) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(AA) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

New matter indicated by italics - deletions by strikeout.
The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property; and

(BB) Any amount included in adjusted gross income, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle;

(CC) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-13), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of that addition modification, and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-14), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of that addition modification;

-DD) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-17) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(EE) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification
required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in

New matter indicated by italics - deletions by strikeout.
such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

(E-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(E-11) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to the aggregate amount of the deductions

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taken in all taxable years under subparagraph (T) with respect to that property;

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(E-12) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

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(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(E-13) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person’s business activity outside the United States is 80% or more of that person’s total business activity. The addition modification required by this subparagraph shall be

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reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(b)(2)(E-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the

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intangible expense or cost to a person that is not a related member, and
(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or
(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;
(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;
(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

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(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the

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extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

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(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Economic Opportunity Community Affairs under Section 11 of the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for
restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year;

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250;

(T) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

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The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(U) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property; :

(V) The amount of: (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(W) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person’s business activity outside the United States is 80% or more of that person’s total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(b)(2)(E-12) for

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interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(X) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(b)(2)(E-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net
operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code,
to the extent deducted from gross income in the computation of taxable income;

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

(G-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(G-11) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (R) with respect to that property;

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(G-12) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts

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included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or

if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

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Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(G-13) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(c)(2)(G-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes: (1) expenses, losses, and costs for or related to the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and
copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:
(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or
(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:
   (a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and
   (b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or
(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for

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any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act; and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended.
amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately

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after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(R) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the

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qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(S) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property; :

(T) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(U) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-12) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(V) An amount equal to the income from intangible property taken into account for the taxable year (net of the

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deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707(c) of the Internal Revenue Code in calculating its taxable income;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(D-5) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of
the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(D-6) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (O) with respect to that property;

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(D-7) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary

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reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and
standards by which the Department will utilize its authority under Section 404 of this Act; and  

(D-8) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person’s business activity outside the United States is 80% or more of that person’s total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer’s unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(d)(2)(D-7) of this Act. As used in this subparagraph, the term “intangible expenses and costs” includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, “intangible property” includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets;  

This paragraph shall not apply to the following:

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(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

   (a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and
   (b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm’s-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

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and by deducting from the total so obtained the following amounts:

- **(E)** The valuation limitation amount;
- **(F)** An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;
- **(G)** An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;
- **(H)** Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;
- **(I)** An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;
- **(J)** With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

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(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and conducts substantially all of its operations in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M);

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(O) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

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The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(P) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(Q) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(R) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-7) for
interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(S) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-8) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section

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of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(3) Recapture of business expenses on disposition of asset or business. Notwithstanding any other law to the contrary, if in prior years income from an asset or business has been classified as business income and in a later year is demonstrated to be non-business income, then all expenses, without limitation, deducted in such later year and in the 2 immediately preceding taxable years related to that asset or business that generated the non-business income shall be added back and recaptured as business income in the year of the disposition of the asset or business. Such amount shall be apportioned to Illinois using the greater of the apportionment fraction computed for the business under Section 304 of this Act for the taxable year or the average of the apportionment fractions computed for the business under Section 304 of this Act for the taxable year and for the 2 immediately preceding taxable years.

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(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

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(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 91-192, eff. 7-20-99; 91-205, eff. 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff. 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; 92-16, eff. 6-28-01; 92-244, eff. 8-3-01; 92-439, eff. 8-17-01; 92-603, eff. 6-28-02; 92-626, eff. 7-11-02; 92-651, eff. 7-11-02; 92-846, eff. 8-23-02; revised 10-15-03.)

(35 ILCS 5/205)(from Ch. 120, par. 2-205)
Sec. 205. Exempt organizations.

(a) Charitable, etc. organizations. The base income of an organization which is exempt from the federal income tax by reason of Section 501(a) of the Internal Revenue Code shall not be determined under section 203 of this Act, but shall be its unrelated business taxable income as determined under section 512 of the Internal Revenue Code, without any deduction for the tax imposed by this Act. The standard exemption provided by section 204 of this Act shall not be allowed in determining the net income of an organization to which this subsection applies.

(b) Partnerships. A partnership as such shall not be subject to the tax imposed by subsection 201 (a) and (b) of this Act, but shall be subject to the replacement tax imposed by subsection 201 (c) and (d) of this Act and shall compute its base income as described in subsection (d) of Section 203 of this Act. For taxable years ending on or after December 31, 2004, an investment partnership, as defined in Section 1501(a)(11.5) of this Act, shall not be subject to the tax imposed by subsections (c) and (d) of Section 201 of this Act. A partnership shall file such returns and other information at such time and in such manner as may be required under Article 5 of this Act. The partners in a partnership shall be liable for

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the replacement tax imposed by subsection 201 (c) and (d) of this Act on such partnership, to the extent such tax is not paid by the partnership, as provided under the laws of Illinois governing the liability of partners for the obligations of a partnership. Persons carrying on business as partners shall be liable for the tax imposed by subsection 201 (a) and (b) of this Act only in their separate or individual capacities.

(c) Subchapter S corporations. A Subchapter S corporation shall not be subject to the tax imposed by subsection 201 (a) and (b) of this Act but shall be subject to the replacement tax imposed by subsection 201 (c) and (d) of this Act and shall file such returns and other information at such time and in such manner as may be required under Article 5 of this Act.

(d) Combat zone death. An individual relieved from the federal income tax for any taxable year by reason of section 692 of the Internal Revenue Code shall not be subject to the tax imposed by this Act for such taxable year.

(e) Certain trusts. A common trust fund described in Section 584 of the Internal Revenue Code, and any other trust to the extent that the grantor is treated as the owner thereof under sections 671 through 678 of the Internal Revenue Code shall not be subject to the tax imposed by this Act.

(f) Certain business activities. A person not otherwise subject to the tax imposed by this Act shall not become subject to the tax imposed by this Act by reason of:

(1) that person's ownership of tangible personal property located at the premises of a printer in this State with which the person has contracted for printing, or

(2) activities of the person's employees or agents located solely at the premises of a printer and related to quality control, distribution, or printing services performed by a printer in the State with which the person has contracted for printing.

(Source: P.A. 88-361.)

(35 ILCS 5/305)(from Ch. 120, par. 3-305)

Sec. 305. Allocation of Partnership Income by partnerships and partners other than residents. (a) Allocation of partnership business income by partners other than residents. The respective shares of partners other than residents in so much of the business income of the partnership as is allocated or apportioned to this State in the possession of the partnership shall be taken into account by such partners pro rata in accordance with
their respective distributive shares of such partnership income for the partnership's taxable year and allocated to this State.

(b) Allocation of partnership nonbusiness income by partners other than residents. The respective shares of partners other than residents in the items of partnership income and deduction not taken into account in computing the business income of a partnership shall be taken into account by such partners pro rata in accordance with their respective distributive shares of such partnership income for the partnership's taxable year, and allocated as if such items had been paid, incurred or accrued directly to such partners in their separate capacities.

(c) Allocation or apportionment of base income by partnership. Base income of a partnership shall be allocated or apportioned to this State pursuant to Article 3, in the same manner as it is allocated or apportioned for any other nonresident.

(c-5) Taxable income of an investment partnership, as defined in Section 1501(a)(11.5) of this Act, that is distributable to a nonresident partner shall be treated as nonbusiness income and shall be allocated to the partner's state of residence (in the case of an individual) or commercial domicile (in the case of any other person). However, any income distributable to a nonresident partner shall be treated as business income and apportioned as if such income had been received directly by the partner if the partner has made an election under Section 1501(a)(1) of this Act to treat all income as business income or if such income is from investment activity:

(1) that is directly or integrally related to any other business activity conducted in this State by the nonresident partner (or any member of that partner's unitary business group);

(2) that serves an operational function to any other business activity of the nonresident partner (or any member of that partner's unitary business group) in this State; or

(3) where assets of the investment partnership were acquired with working capital from a trade or business activity conducted in this State in which the nonresident partner (or any member of that partner's unitary business group) owns an interest.

(d) Cross reference. For allocation of partnership income or deductions by residents, see Section 301(a).

(Source: P.A. 84-550.)

(35 ILCS 5/1501)(from Ch. 120, par. 15-1501)
Sec. 1501. Definitions.

New matter indicated by italics - deletions by strikeout.
(a) In general. When used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

1) Business income. The term "business income" means all income that may be treated as apportionable business income under the Constitution of the United States. Business income is net of the deductions allocable thereto arising from transactions and activity in the regular course of the taxpayer's trade or business, net of the deductions allocable thereto, and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations. Such term does not include compensation or the deductions allocable thereto. For each taxable year beginning on or after January 1, 2003, a taxpayer may elect to treat all income other than compensation as business income. This election shall be made in accordance with rules adopted by the Department and, once made, shall be irrevocable.

2) Commercial domicile. The term "commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

3) Compensation. The term "compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

4) Corporation. The term "corporation" includes associations, joint-stock companies, insurance companies and cooperatives. Any entity, including a limited liability company formed under the Illinois Limited Liability Company Act, shall be treated as a corporation if it is so classified for federal income tax purposes.

5) Department. The term "Department" means the Department of Revenue of this State.

6) Director. The term "Director" means the Director of Revenue of this State.

7) Fiduciary. The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, or any person acting in any fiduciary capacity for any person.

8) Financial organization.

(A) The term "financial organization" means any bank, bank holding company, trust company, savings bank,
industrial bank, land bank, safe deposit company, private banker, savings and loan association, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, investment company, or any person which is owned by a bank or bank holding company. For the purpose of this Section a "person" will include only those persons which a bank holding company may acquire and hold an interest in, directly or indirectly, under the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841, et seq.), except where interests in any person must be disposed of within certain required time limits under the Bank Holding Company Act of 1956.

(B) For purposes of subparagraph (A) of this paragraph, the term "bank" includes (i) any entity that is regulated by the Comptroller of the Currency under the National Bank Act, or by the Federal Reserve Board, or by the Federal Deposit Insurance Corporation and (ii) any federally or State chartered bank operating as a credit card bank.

(C) For purposes of subparagraph (A) of this paragraph, the term "sales finance company" has the meaning provided in the following item (i) or (ii):

(i) A person primarily engaged in one or more of the following businesses: the business of purchasing customer receivables, the business of making loans upon the security of customer receivables, the business of making loans for the express purpose of funding purchases of tangible personal property or services by the borrower, or the business of finance leasing. For purposes of this item (i), "customer receivable" means:

(a) a retail installment contract or retail charge agreement within the meaning of the Sales Finance Agency Act, the Retail Installment Sales Act, or the Motor Vehicle Retail Installment Sales Act;

(b) an installment, charge, credit, or similar contract or agreement arising from

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the sale of tangible personal property or services in a transaction involving a deferred payment price payable in one or more installments subsequent to the sale; or

(c) the outstanding balance of a contract or agreement described in provisions (a) or (b) of this item (i).

A customer receivable need not provide for payment of interest on deferred payments. A sales finance company may purchase a customer receivable from, or make a loan secured by a customer receivable to, the seller in the original transaction or to a person who purchased the customer receivable directly or indirectly from that seller.

(ii) A corporation meeting each of the following criteria:

(a) the corporation must be a member of an "affiliated group" within the meaning of Section 1504(a) of the Internal Revenue Code, determined without regard to Section 1504(b) of the Internal Revenue Code;

(b) more than 50% of the gross income of the corporation for the taxable year must be interest income derived from qualifying loans. A "qualifying loan" is a loan made to a member of the corporation's affiliated group that originates customer receivables (within the meaning of item (i)) or to whom customer receivables originated by a member of the affiliated group have been transferred, to the extent the average outstanding balance of loans from that corporation to members of its affiliated group during the taxable year do not exceed the limitation amount for that corporation. The "limitation amount" for a corporation is the average outstanding balances during the
taxable year of customer receivables (within the meaning of item (i)) originated by all members of the affiliated group. If the average outstanding balances of the loans made by a corporation to members of its affiliated group exceed the limitation amount, the interest income of that corporation from qualifying loans shall be equal to its interest income from loans to members of its affiliated groups times a fraction equal to the limitation amount divided by the average outstanding balances of the loans made by that corporation to members of its affiliated group;

(c) the total of all shareholder's equity (including, without limitation, paid-in capital on common and preferred stock and retained earnings) of the corporation plus the total of all of its loans, advances, and other obligations payable or owed to members of its affiliated group may not exceed 20% of the total assets of the corporation at any time during the tax year; and

(d) more than 50% of all interest-bearing obligations of the affiliated group payable to persons outside the group determined in accordance with generally accepted accounting principles must be obligations of the corporation.

This amendatory Act of the 91st General Assembly is declaratory of existing law.

(D) Subparagraphs (B) and (C) of this paragraph are declaratory of existing law and apply retroactively, for all tax years beginning on or before December 31, 1996, to all original returns, to all amended returns filed no later than 30 days after the effective date of this amendatory Act of 1996, and to all notices issued on or before the effective date of this amendatory Act of 1996 under subsection (a) of Section 903, subsection (a) of Section 904, subsection (e)
of Section 909, or Section 912. A taxpayer that is a "financial organization" that engages in any transaction with an affiliate shall be a "financial organization" for all purposes of this Act.

(E) For all tax years beginning on or before December 31, 1996, a taxpayer that falls within the definition of a "financial organization" under subparagraphs (B) or (C) of this paragraph, but who does not fall within the definition of a "financial organization" under the Proposed Regulations issued by the Department of Revenue on July 19, 1996, may irrevocably elect to apply the Proposed Regulations for all of those years as though the Proposed Regulations had been lawfully promulgated, adopted, and in effect for all of those years. For purposes of applying subparagraphs (B) or (C) of this paragraph to all of those years, the election allowed by this subparagraph applies only to the taxpayer making the election and to those members of the taxpayer's unitary business group who are ordinarily required to apportion business income under the same subsection of Section 304 of this Act as the taxpayer making the election. No election allowed by this subparagraph shall be made under a claim filed under subsection (d) of Section 909 more than 30 days after the effective date of this amendatory Act of 1996.

(F) Finance Leases. For purposes of this subsection, a finance lease shall be treated as a loan or other extension of credit, rather than as a lease, regardless of how the transaction is characterized for any other purpose, including the purposes of any regulatory agency to which the lessor is subject. A finance lease is any transaction in the form of a lease in which the lessee is treated as the owner of the leased asset entitled to any deduction for depreciation allowed under Section 167 of the Internal Revenue Code.

(9) Fiscal year. The term "fiscal year" means an accounting period of 12 months ending on the last day of any month other than December.

(10) Includes and including. The terms "includes" and "including" when used in a definition contained in this Act shall
not be deemed to exclude other things otherwise within the meaning of the term defined.

(11) Internal Revenue Code. The term "Internal Revenue Code" means the United States Internal Revenue Code of 1954 or any successor law or laws relating to federal income taxes in effect for the taxable year.

(11.5) Investment partnership.  
(A) The term "investment partnership" means any entity that is treated as a partnership for federal income tax purposes that meets the following requirements:

(i) no less than 90% of the partnership's cost of its total assets consists of qualifying investment securities, deposits at banks or other financial institutions, and office space and equipment reasonably necessary to carry on its activities as an investment partnership;

(ii) no less than 90% of its gross income consists of interest, dividends, and gains from the sale or exchange of qualifying investment securities; and

(iii) the partnership is not a dealer in qualifying investment securities.

(B) For purposes of this paragraph (11.5), the term "qualifying investment securities" includes all of the following:

(i) common stock, including preferred or debt securities convertible into common stock, and preferred stock;

(ii) bonds, debentures, and other debt securities;

(iii) foreign and domestic currency deposits secured by federal, state, or local governmental agencies;

(iv) mortgage or asset-backed securities secured by federal, state, or local governmental agencies;

(v) repurchase agreements and loan participations;

New matter indicated by italics - deletions by strikeout.
(vi) foreign currency exchange contracts and forward and futures contracts on foreign currencies;
(vii) stock and bond index securities and futures contracts and other similar financial securities and futures contracts on those securities;
(viii) options for the purchase or sale of any of the securities, currencies, contracts, or financial instruments described in items (i) to (vii), inclusive;
(ix) regulated futures contracts;
(x) commodities (not described in Section 1221(a)(1) of the Internal Revenue Code) or futures, forwards, and options with respect to such commodities, provided, however, that any item of a physical commodity to which title is actually acquired in the partnership’s capacity as a dealer in such commodity shall not be a qualifying investment security;
(xi) derivatives; and
(xii) a partnership interest in another partnership that is an investment partnership.

(12) Mathematical error. The term "mathematical error" includes the following types of errors, omissions, or defects in a return filed by a taxpayer which prevents acceptance of the return as filed for processing:

(A) arithmetic errors or incorrect computations on the return or supporting schedules;
(B) entries on the wrong lines;
(C) omission of required supporting forms or schedules or the omission of the information in whole or in part called for thereon; and
(D) an attempt to claim, exclude, deduct, or improperly report, in a manner directly contrary to the provisions of the Act and regulations thereunder any item of income, exemption, deduction, or credit.

(13) Nonbusiness income. The term "nonbusiness income" means all income other than business income or compensation.

(14) Nonresident. The term "nonresident" means a person who is not a resident.

New matter indicated by italics - deletions by strikeout.
(15) Paid, incurred and accrued. The terms "paid", "incurred" and "accrued" shall be construed according to the method of accounting upon the basis of which the person's base income is computed under this Act.

(16) Partnership and partner. The term "partnership" includes a syndicate, group, pool, joint venture or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this Act, a trust or estate or a corporation; and the term "partner" includes a member in such syndicate, group, pool, joint venture or organization.

The term "partnership" includes any entity, including a limited liability company formed under the Illinois Limited Liability Company Act, classified as a partnership for federal income tax purposes.

The term "partnership" does not include a syndicate, group, pool, joint venture, or other unincorporated organization established for the sole purpose of playing the Illinois State Lottery.

(17) Part-year resident. The term "part-year resident" means an individual who became a resident during the taxable year or ceased to be a resident during the taxable year. Under Section 1501(a)(20)(A)(i) residence commences with presence in this State for other than a temporary or transitory purpose and ceases with absence from this State for other than a temporary or transitory purpose. Under Section 1501(a)(20)(A)(ii) residence commences with the establishment of domicile in this State and ceases with the establishment of domicile in another State.

(18) Person. The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, firm, company, corporation, limited liability company, or fiduciary. For purposes of Section 1301 and 1302 of this Act, a "person" means (i) an individual, (ii) a corporation, (iii) an officer, agent, or employee of a corporation, (iv) a member, agent or employee of a partnership, or (v) a member, manager, employee, officer, director, or agent of a limited liability company who in such capacity commits an offense specified in Section 1301 and 1302.
(18A) Records. The term "records" includes all data maintained by the taxpayer, whether on paper, microfilm, microfiche, or any type of machine-sensible data compilation.

(19) Regulations. The term "regulations" includes rules promulgated and forms prescribed by the Department.

(20) Resident. The term "resident" means:
   (A) an individual (i) who is in this State for other than a temporary or transitory purpose during the taxable year; or (ii) who is domiciled in this State but is absent from the State for a temporary or transitory purpose during the taxable year;
   (B) The estate of a decedent who at his or her death was domiciled in this State;
   (C) A trust created by a will of a decedent who at his death was domiciled in this State; and
   (D) An irrevocable trust, the grantor of which was domiciled in this State at the time such trust became irrevocable. For purpose of this subparagraph, a trust shall be considered irrevocable to the extent that the grantor is not treated as the owner thereof under Sections 671 through 678 of the Internal Revenue Code.

(21) Sales. The term "sales" means all gross receipts of the taxpayer not allocated under Sections 301, 302 and 303.

(22) State. The term "state" when applied to a jurisdiction other than this State means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any Territory or Possession of the United States, and any foreign country, or any political subdivision of any of the foregoing. For purposes of the foreign tax credit under Section 601, the term "state" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any political subdivision of any of the foregoing, effective for tax years ending on or after December 31, 1989.

(23) Taxable year. The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the base income is computed under this Act. "Taxable year" means, in the case of a return made for a
fractional part of a year under the provisions of this Act, the period for which such return is made.

(24) Taxpayer. The term "taxpayer" means any person subject to the tax imposed by this Act.

(25) International banking facility. The term international banking facility shall have the same meaning as is set forth in the Illinois Banking Act or as is set forth in the laws of the United States or regulations of the Board of Governors of the Federal Reserve System.

(26) Income Tax Return Preparer.

(A) The term "income tax return preparer" means any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return of tax imposed by this Act or any claim for refund of tax imposed by this Act. The preparation of a substantial portion of a return or claim for refund shall be treated as the preparation of that return or claim for refund.

(B) A person is not an income tax return preparer if all he or she does is

(i) furnish typing, reproducing, or other mechanical assistance;

(ii) prepare returns or claims for refunds for the employer by whom he or she is regularly and continuously employed;

(iii) prepare as a fiduciary returns or claims for refunds for any person; or

(iv) prepare claims for refunds for a taxpayer in response to any notice of deficiency issued to that taxpayer or in response to any waiver of restriction after the commencement of an audit of that taxpayer or of another taxpayer if a determination in the audit of the other taxpayer directly or indirectly affects the tax liability of the taxpayer whose claims he or she is preparing.

(27) Unitary business group. The term "unitary business group" means a group of persons related through common ownership whose business activities are integrated with, dependent upon and contribute to each other. The group will not include those members whose business activity outside the United States is 80%
or more of any such member's total business activity; for purposes of this paragraph and clause (a)(3)(B)(ii) of Section 304, business activity within the United States shall be measured by means of the factors ordinarily applicable under subsections (a), (b), (c), (d), or (h) of Section 304 except that, in the case of members ordinarily required to apportion business income by means of the 3 factor formula of property, payroll and sales specified in subsection (a) of Section 304, including the formula as weighted in subsection (h) of Section 304, such members shall not use the sales factor in the computation and the results of the property and payroll factor computations of subsection (a) of Section 304 shall be divided by 2 (by one if either the property or payroll factor has a denominator of zero). The computation required by the preceding sentence shall, in each case, involve the division of the member's property, payroll, or revenue miles in the United States, insurance premiums on property or risk in the United States, or financial organization business income from sources within the United States, as the case may be, by the respective worldwide figures for such items. Common ownership in the case of corporations is the direct or indirect control or ownership of more than 50% of the outstanding voting stock of the persons carrying on unitary business activity. Unitary business activity can ordinarily be illustrated where the activities of the members are: (1) in the same general line (such as manufacturing, wholesaling, retailing of tangible personal property, insurance, transportation or finance); or (2) are steps in a vertically structured enterprise or process (such as the steps involved in the production of natural resources, which might include exploration, mining, refining, and marketing); and, in either instance, the members are functionally integrated through the exercise of strong centralized management (where, for example, authority over such matters as purchasing, financing, tax compliance, product line, personnel, marketing and capital investment is not left to each member). In no event, however, will any unitary business group include members which are ordinarily required to apportion business income under different subsections of Section 304 except that for tax years ending on or after December 31, 1987 this prohibition shall not apply to a unitary business group composed of one or more taxpayers all of which apportion business income pursuant to subsection (b) of Section 304, or all of which apportion

New matter indicated by italics - deletions by strikeout.
business income pursuant to subsection (d) of Section 304, and a holding company of such single-factor taxpayers (see definition of "financial organization" for rule regarding holding companies of financial organizations). If a unitary business group would, but for the preceding sentence, include members that are ordinarily required to apportion business income under different subsections of Section 304, then for each subsection of Section 304 for which there are two or more members, there shall be a separate unitary business group composed of such members. For purposes of the preceding two sentences, a member is "ordinarily required to apportion business income" under a particular subsection of Section 304 if it would be required to use the apportionment method prescribed by such subsection except for the fact that it derives business income solely from Illinois. As used in this paragraph, the phrase "United States" means only the 50 states and the District of Columbia, but does not include any territory or possession of the United States or any area over which the United States has asserted jurisdiction or claimed exclusive rights with respect to the exploration for or exploitation of natural resources.

If the unitary business group members' accounting periods differ, the common parent's accounting period or, if there is no common parent, the accounting period of the member that is expected to have, on a recurring basis, the greatest Illinois income tax liability must be used to determine whether to use the apportionment method provided in subsection (a) or subsection (h) of Section 304. The prohibition against membership in a unitary business group for taxpayers ordinarily required to apportion income under different subsections of Section 304 does not apply to taxpayers required to apportion income under subsection (a) and subsection (h) of Section 304. The provisions of this amendatory Act of 1998 apply to tax years ending on or after December 31, 1998.

(28) Subchapter S corporation. The term "Subchapter S corporation" means a corporation for which there is in effect an election under Section 1362 of the Internal Revenue Code, or for which there is a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982.

New matter indicated by italics - deletions by strikeout.
(30) Foreign person. The term "foreign person" means any person who is a nonresident alien individual and any nonindividual entity, regardless of where created or organized, whose business activity outside the United States is 80% or more of the entity's total business activity.

(b) Other definitions.

(1) Words denoting number, gender, and so forth, when used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(A) Words importing the singular include and apply to several persons, parties or things;

(B) Words importing the plural include the singular; and

(C) Words importing the masculine gender include the feminine as well.

(2) "Company" or "association" as including successors and assigns. The word "company" or "association", when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association", and in like manner as if these last-named words, or words of similar import, were expressed.

(3) Other terms. Any term used in any Section of this Act with respect to the application of, or in connection with, the provisions of any other Section of this Act shall have the same meaning as in such other Section.

(Source: P.A. 91-535, eff. 1-1-00; 91-913, eff. 1-1-01; 92-846, eff. 8-23-02.)

ARTICLE 30

Section 30-5. The Illinois Vehicle Code is amended by changing Sections 2-119, 3-820, 3-821, and 11-501 and by adding Section 3-821.2 as follows:

(625 ILCS 5/2-119)(from Ch. 95 1/2, par. 2-119)

Sec. 2-119. Disposition of fees and taxes.

(a) All moneys received from Salvage Certificates shall be deposited in the Common School Fund in the State Treasury.

(b) Beginning January 1, 1990 and concluding December 31, 1994, of the money collected for each certificate of title, duplicate certificate of title and corrected certificate of title, $0.50 shall be deposited into the Used Tire Management Fund. Beginning January 1, 1990 and concluding

New matter indicated by italics - deletions by strikeout.
December 31, 1994, of the money collected for each certificate of title, duplicate certificate of title and corrected certificate of title, $1.50 shall be deposited in the Park and Conservation Fund.

Beginning January 1, 1995, of the money collected for each certificate of title, duplicate certificate of title and corrected certificate of title, $2 shall be deposited in the Park and Conservation Fund. The moneys deposited in the Park and Conservation Fund pursuant to this Section shall be used for the acquisition and development of bike paths as provided for in Section 805-420 of the Department of Natural Resources (Conservation) Law (20 ILCS 805/805-420).

Beginning January 1, 2000, of the moneys collected for each certificate of title, duplicate certificate of title, and corrected certificate of title, $48 shall be deposited into the Road Fund and $4 shall be deposited into the Motor Vehicle License Plate Fund, except that if the balance in the Motor Vehicle License Plate Fund exceeds $40,000,000 on the last day of a calendar month, then during the next calendar month the $4 shall instead be deposited into the Road Fund.

Beginning January 1, 2005, of the moneys collected for each delinquent vehicle registration renewal fee, $20 shall be deposited into the General Revenue Fund.

Except as otherwise provided in this Code, all remaining moneys collected for certificates of title, and all moneys collected for filing of security interests, shall be placed in the General Revenue Fund in the State Treasury.

(c) All moneys collected for that portion of a driver's license fee designated for driver education under Section 6-118 shall be placed in the Driver Education Fund in the State Treasury.

(d) Beginning January 1, 1999, of the moneys collected as a registration fee for each motorcycle, motor driven cycle and motorized pedal cycle, 27% of each annual registration fee for such vehicle and 27% of each semiannual registration fee for such vehicle is deposited in the Cycle Rider Safety Training Fund.

(e) Of the moneys received by the Secretary of State as registration fees or taxes or as payment of any other fee, as provided in this Act, except fees received by the Secretary under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 of this Code, 37% shall be deposited into the State Construction Fund.

(f) Of the total money collected for a CDL instruction permit or original or renewal issuance of a commercial driver's license (CDL)
pursuant to the Uniform Commercial Driver's License Act (UCDLA): (i) $6 of the total fee for an original or renewal CDL, and $6 of the total CDL instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund (Commercial Driver's License Information System/American Association of Motor Vehicle Administrators network Trust Fund) and shall be used for the purposes provided in Section 62-23 of the State Finance Act and (ii) $20 of the total fee for an original or renewal CDL or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund, which is hereby created as a special fund in the State Treasury, to be used by the Department of State Police, subject to appropriation, to hire additional officers to conduct motor carrier safety inspections pursuant to Chapter 18b of this Code.

(g) All remaining moneys received by the Secretary of State as registration fees or taxes or as payment of any other fee, as provided in this Act, except fees received by the Secretary under paragraph (7)(A) of subsection (b) of Section 5-101 and Section 5-109 of this Code, shall be deposited in the Road Fund in the State Treasury. Moneys in the Road Fund shall be used for the purposes provided in Section 8.3 of the State Finance Act.

(h) (Blank).

(i) (Blank).

(j) (Blank).

(k) There is created in the State Treasury a special fund to be known as the Secretary of State Special License Plate Fund. Money deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State (i) to help defray plate manufacturing and plate processing costs for the issuance and, when applicable, renewal of any new or existing registration plates authorized under this Code and (ii) for grants made by the Secretary of State to benefit Illinois Veterans Home libraries.

On or before October 1, 1995, the Secretary of State shall direct the State Comptroller and State Treasurer to transfer any unexpended balance in the Special Environmental License Plate Fund, the Special Korean War Veteran License Plate Fund, and the Retired Congressional License Plate Fund to the Secretary of State Special License Plate Fund.

(l) The Motor Vehicle Review Board Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 shall,
subject to appropriation, be used by the Office of the Secretary of State to administer the Motor Vehicle Review Board, including without limitation payment of compensation and all necessary expenses incurred in administering the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(m) Effective July 1, 1996, there is created in the State Treasury a special fund to be known as the Family Responsibility Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State for the purpose of enforcing the Family Financial Responsibility Law.

(n) The Illinois Fire Fighters' Memorial Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the State Fire Marshal for construction of the Illinois Fire Fighters' Memorial to be located at the State Capitol grounds in Springfield, Illinois. Upon the completion of the Memorial, moneys in the Fund shall be used in accordance with Section 3-634.

(o) Of the money collected for each certificate of title for all-terrain vehicles and off-highway motorcycles, $17 shall be deposited into the Off-Highway Vehicle Trails Fund.

(p) For audits conducted on or after July 1, 2003 pursuant to Section 2-124(d) of this Code, 50% of the money collected as audit fees shall be deposited into the General Revenue Fund.

(Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03.)

(625 ILCS 5/3-820)(from Ch. 95 1/2, par. 3-820)

Sec. 3-820. Duplicate Number Plates. Upon filing in the Office of the Secretary of State an affidavit to the effect that an original number plate for a vehicle is lost, stolen or destroyed, a duplicate number plate shall be furnished upon payment of a fee of $6 for each duplicate plate and a fee of $9 for a pair of duplicate plates.

Upon filing in the Office of the Secretary of State an affidavit to the effect that an original registration sticker for a vehicle is lost, stolen or destroyed, a new registration sticker shall be furnished upon payment of a fee of $5.

The Secretary of State may, in his discretion, assign a new number plate or plates in lieu of a duplicate of the plate or plates so lost, stolen or destroyed, but such assignment of a new plate or plates shall not affect the right of the owner to secure a reassignment of his original registration.
number in the manner provided in this Act. The fee for one new number plate shall be $6, and for a pair of new number plates, $9.

For the administration of this Section, the Secretary shall consider the loss of a registration plate or plates with properly affixed registration stickers as requiring the payment of: either

(i) $11 for each duplicate; or
(ii) $14 for a pair of duplicate plates; or
(iii) $39 for a pair of duplicate plates on or after January 1, 2005, which includes a fee of $20 for the replacement sticker or $19 for a pair of duplicate plates if stickers are required on both front and rear registration plates.

(Source: P.A. 91-37, eff. 7-1-99.)

(625 ILCS 5/3-821)(from Ch. 95 1/2, par. 3-821)
Sec. 3-821. Miscellaneous Registration and Title Fees.
(a) The fee to be paid to the Secretary of State for the following certificates, registrations or evidences of proper registration, or for corrected or duplicate documents shall be in accordance with the following schedule:

Certificate of Title, except for an all-terrain vehicle or off-highway motorcycle $65
Certificate of Title for an all-terrain vehicle or off-highway motorcycle $30
Certificate of Title for an all-terrain vehicle or off-highway motorcycle used for production agriculture, or accepted by a dealer in trade 13
Transfer of Registration or any evidence of proper registration 15
Duplicate Registration Card for plates or other evidence of proper registration 3
Duplicate Registration Sticker or Stickers, each 65
Corrected Registration Card or Card for other evidence of proper registration 3
Corrected Certificate of Title 65
Salvage Certificate 4
Fleet Reciprocity Permit 15
Prorate Decal 1
Prorate Backing Plate 3
There shall be no fee paid for a Junking Certificate.

New matter indicated by italics - deletions by strikeout.
(b) The Secretary may prescribe the maximum service charge to be imposed upon an applicant for renewal of a registration by any person authorized by law to receive and remit or transmit to the Secretary such renewal application and fees therewith.

(c) If a check is delivered to the Office of the Secretary of State as payment of any fee or tax under this Code, and such check is not honored by the bank on which it is drawn for any reason, the registrant or other person tendering the check remains liable for the payment of such fee or tax. The Secretary of State may assess a service charge of $19 in addition to the fee or tax due and owing for all dishonored checks.

If the total amount then due and owing exceeds the sum of $50 and has not been paid in full within 60 days from the date such fee or tax became due to the Secretary of State, the Secretary of State shall assess a penalty of 25% of such amount remaining unpaid.

All amounts payable under this Section shall be computed to the nearest dollar.

(d) The minimum fee and tax to be paid by any applicant for apportionment of a fleet of vehicles under this Code shall be $15 if the application was filed on or before the date specified by the Secretary together with fees and taxes due. If an application and the fees or taxes due are filed after the date specified by the Secretary, the Secretary may prescribe the payment of interest at the rate of 1/2 of 1% per month or fraction thereof after such due date and a minimum of $8.

(e) Trucks, truck tractors, truck tractors with loads, and motor buses, any one of which having a combined total weight in excess of 12,000 lbs. shall file an application for a Fleet Reciprocity Permit issued by the Secretary of State. This permit shall be in the possession of any driver operating a vehicle on Illinois highways. Any foreign licensed vehicle of the second division operating at any time in Illinois without a Fleet Reciprocity Permit or other proper Illinois registration, shall subject the operator to the penalties provided in Section 3-834 of this Code. For the purposes of this Code, "Fleet Reciprocity Permit" means any second division motor vehicle with a foreign license and used only in interstate transportation of goods. The fee for such permit shall be $15 per fleet which shall include all vehicles of the fleet being registered.

(f) For purposes of this Section, "all-terrain vehicle or off-highway motorcycle used for production agriculture" means any all-terrain vehicle or off-highway motorcycle used in the raising of or the propagation of livestock, crops for sale for human consumption, crops for livestock

New matter indicated by italics - deletions by strikeout.
consumption, and production seed stock grown for the propagation of feed grains and the husbandry of animals or for the purpose of providing a food product, including the husbandry of blood stock as a main source of providing a food product. "All-terrain vehicle or off-highway motorcycle used in production agriculture" also means any all-terrain vehicle or off-highway motorcycle used in animal husbandry, floriculture, aquaculture, horticulture, and viticulture.

(Source: P.A. 91-37, eff. 7-1-99; 91-441, eff. 1-1-00; 92-16, eff. 6-28-01.)

(625 ILCS 5/3-821.2 new)

Sec. 3-821.2. Delinquent Registration Renewal Fee. For registration renewal periods beginning on or after January 1, 2005, the Secretary of State may impose a delinquent registration renewal fee of $20 for the registration renewal of all passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds if the application for registration renewal is received by the Secretary more than one month after the expiration of the most recent period during which the vehicle was registered. If a delinquent registration renewal fee is imposed, the Secretary shall not renew the registration of such a vehicle until the delinquent registration renewal fee has been paid, in addition to any other registration fees owed for the vehicle. Active duty military personnel stationed outside of Illinois shall not be required to pay the delinquent registration renewal fee. If a delinquent registration renewal fee is imposed, the Secretary shall adopt rules for the implementation of this Section.

(625 ILCS 5/11-501)(from Ch. 95 1/2, par. 11-501)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

New matter indicated by italics - deletions by strikeout.
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Except as provided under paragraphs (c-3), (c-4), and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a law of another state or local ordinance committed within 5 years of a previous violation of this Section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 5 days of imprisonment or assigned to a minimum of 30 days of community service as may be determined by the court. Every person convicted of violating this Section or a similar provision of a local ordinance shall be subject to an additional mandatory minimum fine of $500 and an additional mandatory 5 days of community service in a program benefiting children if the person committed a violation of paragraph (a) or a similar provision of a local ordinance while transporting a person under age 16. Every person convicted a second time for violating this Section or a similar provision of a local ordinance within 5 years of a previous violation of this Section or a similar provision of a law of another state or local ordinance shall be subject to an additional mandatory minimum fine of $500 and an additional 10 days of mandatory community service in a program benefitting children if the current offense was committed while transporting a person under age 16. The imprisonment or assignment under this

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subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-1) (1) A person who violates this Section during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates this Section a third time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 3 felony.

(3) A person who violates this Section a fourth or subsequent time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 2 felony.

(c-2) (Blank).

(c-3) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of imprisonment for a fourth or subsequent offense, in addition to the fine and community service required under subsection (c) and the possible imprisonment required under subsection (d). The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-4) When a person is convicted of violating Section 11-501 of this Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or when that person is convicted of violating this Section while transporting a child under the age of 16:

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(1) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a first time, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(2) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a second time within 10 years, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(3) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a third time within 20 years is guilty of a Class 4 felony and, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(4) A person who is convicted of violating this subsection (c-4) a fourth or subsequent time is guilty of a Class 2 felony and, in addition to any other penalty that may be imposed under subsection (c), is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of this Section, or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with children on board;

(C) the person in committing a violation of paragraph (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of paragraph (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 relating

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to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of paragraph (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of paragraph (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of paragraph (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of paragraph (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

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(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) Every person sentenced under paragraph (2) or (3) of subsection (c-1) of this Section or subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 60 days community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a

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local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined $500 $100, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating this Section or a similar provision of a local ordinance, the fine shall be $1,000 $200. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies $100 or $200 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; revised 8-27-03.)

ARTICLE 35

Section 35-1. Short title. This Article may be cited as the Tax Shelter Voluntary Compliance Law, and references in this Article to "this Law" mean this Article.

Section 35-5. Tax Shelter Voluntary Compliance Program.

(a) In general. The Department of Revenue shall establish and administer a tax shelter voluntary compliance program as provided in this Section for eligible taxpayers subject to tax under the Illinois Income Tax Act. The tax shelter voluntary compliance program shall be conducted

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from October 15, 2004 to January 31, 2005 and shall apply to tax liabilities under Section 201 of the Illinois Income Tax Act attributable to the use of tax avoidance transactions for taxable years beginning before January 1, 2004. The Department shall adopt rules, issue forms and instructions, and take such other actions as it deems necessary to implement the provisions of this Law. Any correspondence mailed by the Department to a taxpayer at the taxpayer's last known address outlining the tax shelter voluntary compliance program constitutes a "contact" within the meaning of Sections 1005(b)(6) and 1005(c) of the Illinois Income Tax Act.

(b) Election. An eligible taxpayer that meets the requirements of subsection (c) of this Section with respect to any taxable year to which this Law applies may elect to participate in the tax shelter voluntary compliance program under either method for any particular tax avoidance transaction period. Such election shall be made separately for each taxable year and in the form and manner prescribed by the Department, and once made shall be irrevocable.

(1) Voluntary compliance without appeal. If an eligible taxpayer elects to participate under this paragraph, then: (i) the Department shall abate and not seek to collect any penalty that may be applicable to the underreporting or underpayment of Illinois income tax attributable to the use of tax avoidance transactions for such taxable year, (ii) except as otherwise provided in this Law, the Department shall not seek civil or criminal prosecution against the taxpayer for such taxable year with respect to tax avoidance transactions, and (iii) the taxpayer may not file a claim for credit or refund with respect to the tax avoidance transaction for such taxable year. Nothing in this subsection shall preclude a taxpayer from filing a claim for credit or refund for the same taxable year in which a tax avoidance transaction was reported if such credit or refund is not attributable to the tax avoidance transaction. No penalty may be waived or abated under this Law if the penalty imposed related to an amount of Illinois income tax assessed prior to October 15, 2004.

(2) Voluntary compliance with appeal. If an eligible taxpayer elects to participate under this paragraph, then: (i) the Department shall abate and not seek to collect the penalties imposed under Sections 1005(b) and 1005(c) of the Illinois Income Tax Act with respect to such taxable year, (ii) except as otherwise
provided in this Act, the Department shall not seek civil or criminal prosecution against the taxpayer for such taxable year with respect to tax avoidance transactions, and (iii) the taxpayer may file a claim for credit or refund as provided in the Illinois Income Tax Act with respect to such taxable year. Notwithstanding Section 909(e) of the Illinois Income Tax Act, the taxpayer may not file a written protest until after either of the following: (i) the Department issues a notice of denial, or (ii) the earlier of (1) the date which is 180 days after the date of a final determination by the Internal Revenue Service with respect to the transactions at issue, or (2) the date that is 3 years after the date the claim for refund was filed or one year after full payment of all tax, including penalty and interest. No penalty may be waived or abated under this Act if the penalty imposed relates to an amount of Illinois income tax assessed prior to October 15, 2004.

(c) Eligible taxpayer. The tax shelter voluntary compliance program applies to any taxpayer who, during the period from October 15, 2004 to January 31, 2005, does both of the following:

1. Files an amended return for the taxable year for which the taxpayer used a tax avoidance transaction to under report the taxpayer's Illinois income tax liability, reporting the total Illinois net income and tax for such taxable year computed without regard to any tax avoidance transactions;

2. Makes full payment of the additional Illinois income tax and interest due for such taxable year that is attributable to the use of the tax avoidance transaction (not including a payment made under protest as provided in Section 2a.1 of the State Officers and Employees Money Disposition Act (30 ILCS 230/2a.1));

For purposes of this subsection (c), if the Department subsequently determines that the correct amount of Illinois income tax was not paid for the taxable year, then the penalty relief under this Section shall not apply to any portion of the underpayment attributable to a tax avoidance transaction not paid to the State.

Section 35-10. "Tax avoidance transaction" defined. For purposes of this Law, the term "tax avoidance transaction" means a plan or arrangement devised for the principal purpose of avoiding federal income tax. Tax avoidance transactions include, but are not limited to, "listed transactions" as defined in Treasury Regulations Section 1.6011-4(b)(2).

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Section 35-15. Use of evidence of participation in the program. The fact of a taxpayer's participation in the tax shelter voluntary compliance program shall not be considered evidence that the taxpayer in fact engaged in a tax avoidance transaction.

Section 35-90. The Illinois Income Tax Act is amended by changing Sections 501, 905, 1001, 1002, and 1005 and by adding Sections 1007, 1008, 1405.5, and 1405.6 as follows:

(35 ILCS 5/501)(from Ch. 120, par. 5-501)

Sec. 501. Notice or Regulations Requiring Records, Statements and Special Returns.

(a) In general. Every person liable for any tax imposed by this Act shall keep such records, render such statements, make such returns and notices, and comply with such rules and regulations as the Department may from time to time prescribe. Whenever in the judgment of the Director it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns and notices, render such statements, or keep such records, as the Director deems sufficient to show whether or not such person is liable for tax under this Act.

(b) Reportable transactions. For each taxable year in which a taxpayer is required to make a disclosure statement under Treasury Regulations Section 1.6011-4 (26 CFR 1.6011-4) (including any taxpayer that is a member of a consolidated group required to make such disclosure) with respect to a reportable transaction (including a listed transaction) in which the taxpayer participated in a taxable year for which a return is required under Section 502 of this Act, such taxpayer shall file a copy of such disclosure with the Department. Disclosure under this subsection is required to be made by any taxpayer that is a member of a unitary business group that includes any person required to make a disclosure statement under Treasury Regulations Section 1.6011-4. Disclosure under this subsection is required with respect to any transaction entered into after February 28, 2000 that becomes a listed transaction at any time, and shall be made in the manner prescribed by the Department. With respect to transactions in which the taxpayer participated for taxable years ending before December 31, 2004, disclosure shall be made by the due date (including extensions) of the first return required under Section 502 of this Act due after the effective date of this amendatory Act of the 93rd General Assembly. With respect to transactions in which the taxpayer participated for taxable years ending on and after December 31, 2004, disclosure shall be made in the time and

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manner prescribed in Treasury Regulations Section 1.6011-4(e). Notwithstanding the above, no disclosure is required for transactions entered into after February 28, 2000 and before January 1, 2005 (i) if the taxpayer has filed an amended Illinois income tax return which reverses the tax benefits of the potential tax avoidance transaction, or (ii) as a result of a federal audit the Internal Revenue Service has determined the tax treatment of the transaction and an Illinois amended return has been filed to reflect the federal treatment.

(Source: P.A. 76-261.)

(35 ILCS 5/905)(from Ch. 120, par. 9-905)
Sec. 905. Limitations on Notices of Deficiency.

(a) In general. Except as otherwise provided in this Act:

(1) A notice of deficiency shall be issued not later than 3 years after the date the return was filed, and

(2) No deficiency shall be assessed or collected with respect to the year for which the return was filed unless such notice is issued within such period.

(b) Substantial omission of items.

(1) Omission of more than 25% of income. If the taxpayer omits from base income an amount properly includible therein which is in excess of 25% of the amount of base income stated in the return, a notice of deficiency may be issued not later than 6 years after the return was filed. For purposes of this paragraph, there shall not be taken into account any amount which is omitted in the return if such amount is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the Department of the nature and the amount of such item.

(2) Reportable transactions. If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a reportable transaction, as required under Section 501(b) of this Act, a notice of deficiency may be issued not later than 6 years after the return is filed with respect to the taxable year in which the taxpayer participated in the reportable transaction and said deficiency is limited to the non-disclosed item.

(c) No return or fraudulent return. If no return is filed or a false and fraudulent return is filed with intent to evade the tax imposed by this Act, a notice of deficiency may be issued at any time.

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(d) Failure to report federal change. If a taxpayer fails to notify the Department in any case where notification is required by Section 304(c) or 506(b), or fails to report a change or correction which is treated in the same manner as if it were a deficiency for federal income tax purposes, a notice of deficiency may be issued (i) at any time or (ii) on or after August 13, 1999, at any time for the taxable year for which the notification is required or for any taxable year to which the taxpayer may carry an Article 2 credit, or a Section 207 loss, earned, incurred, or used in the year for which the notification is required; provided, however, that the amount of any proposed assessment set forth in the notice shall be limited to the amount of any deficiency resulting under this Act from the recomputation of the taxpayer's net income, Article 2 credits, or Section 207 loss earned, incurred, or used in the taxable year for which the notification is required after giving effect to the item or items required to be reported.

(e) Report of federal change.

(1) Before August 13, 1999, in any case where notification of an alteration is given as required by Section 506(b), a notice of deficiency may be issued at any time within 2 years after the date such notification is given, provided, however, that the amount of any proposed assessment set forth in such notice shall be limited to the amount of any deficiency resulting under this Act from recomputation of the taxpayer's net income, net loss, or Article 2 credits for the taxable year after giving effect to the item or items reflected in the reported alteration.

(2) On and after August 13, 1999, in any case where notification of an alteration is given as required by Section 506(b), a notice of deficiency may be issued at any time within 2 years after the date such notification is given for the taxable year for which the notification is given or for any taxable year to which the taxpayer may carry an Article 2 credit, or a Section 207 loss, earned, incurred, or used in the year for which the notification is given, provided, however, that the amount of any proposed assessment set forth in such notice shall be limited to the amount of any deficiency resulting under this Act from recomputation of the taxpayer's net income, Article 2 credits, or Section 207 loss earned, incurred, or used in the taxable year for which the notification is given after giving effect to the item or items reflected in the reported alteration.

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(f) Extension by agreement. Where, before the expiration of the time prescribed in this Section for the issuance of a notice of deficiency, both the Department and the taxpayer shall have consented in writing to its issuance after such time, such notice may be issued at any time prior to the expiration of the period agreed upon. In the case of a taxpayer who is a partnership, Subchapter S corporation, or trust and who enters into an agreement with the Department pursuant to this subsection on or after January 1, 2003, a notice of deficiency may be issued to the partners, shareholders, or beneficiaries of the taxpayer at any time prior to the expiration of the period agreed upon. Any proposed assessment set forth in the notice, however, shall be limited to the amount of any deficiency resulting under this Act from recomputation of items of income, deduction, credits, or other amounts of the taxpayer that are taken into account by the partner, shareholder, or beneficiary in computing its liability under this Act. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(g) Erroneous refunds. In any case in which there has been an erroneous refund of tax payable under this Act, a notice of deficiency may be issued at any time within 2 years from the making of such refund, or within 5 years from the making of such refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact, provided, however, that the amount of any proposed assessment set forth in such notice shall be limited to the amount of such erroneous refund.

Beginning July 1, 1993, in any case in which there has been a refund of tax payable under this Act attributable to a net loss carryback as provided for in Section 207, and that refund is subsequently determined to be an erroneous refund due to a reduction in the amount of the net loss which was originally carried back, a notice of deficiency for the erroneous refund amount may be issued at any time during the same time period in which a notice of deficiency can be issued on the loss year creating the carryback amount and subsequent erroneous refund. The amount of any proposed assessment set forth in the notice shall be limited to the amount of such erroneous refund.

(h) Time return deemed filed. For purposes of this Section a tax return filed before the last day prescribed by law (including any extension thereof) shall be deemed to have been filed on such last day.
(i) Request for prompt determination of liability. For purposes of subsection (a)(1), in the case of a tax return required under this Act in respect of a decedent, or by his estate during the period of administration, or by a corporation, the period referred to in such Subsection shall be 18 months after a written request for prompt determination of liability is filed with the Department (at such time and in such form and manner as the Department shall by regulations prescribe) by the executor, administrator, or other fiduciary representing the estate of such decedent, or by such corporation, but not more than 3 years after the date the return was filed. This subsection shall not apply in the case of a corporation unless:

(1) (A) such written request notifies the Department that the corporation contemplates dissolution at or before the expiration of such 18-month period, (B) the dissolution is begun in good faith before the expiration of such 18-month period, and (C) the dissolution is completed;

(2) (A) such written request notifies the Department that a dissolution has in good faith been begun, and (B) the dissolution is completed; or

(3) a dissolution has been completed at the time such written request is made.

(j) Withholding tax. In the case of returns required under Article 7 of this Act (with respect to any amounts withheld as tax or any amounts required to have been withheld as tax) a notice of deficiency shall be issued not later than 3 years after the 15th day of the 4th month following the close of the calendar year in which such withholding was required.

(k) Penalties for failure to make information reports. A notice of deficiency for the penalties provided by Subsection 1405.1(c) of this Act may not be issued more than 3 years after the due date of the reports with respect to which the penalties are asserted.

(l) Penalty for failure to file withholding returns. A notice of deficiency for penalties provided by Section 1004 of this Act for taxpayer's failure to file withholding returns may not be issued more than three years after the 15th day of the 4th month following the close of the calendar year in which the withholding giving rise to taxpayer's obligation to file those returns occurred.

(m) Transferee liability. A notice of deficiency may be issued to a transferee relative to a liability asserted under Section 1405 during time periods defined as follows:

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1) Initial Transferee. In the case of the liability of an initial transferee, up to 2 years after the expiration of the period of limitation for assessment against the transferor, except that if a court proceeding for review of the assessment against the transferor has begun, then up to 2 years after the return of the certified copy of the judgment in the court proceeding.

2) Transferee of Transferee. In the case of the liability of a transferee, up to 2 years after the expiration of the period of limitation for assessment against the preceding transferee, but not more than 3 years after the expiration of the period of limitation for assessment against the initial transferor; except that if, before the expiration of the period of limitation for the assessment of the liability of the transferee, a court proceeding for the collection of the tax or liability in respect thereof has been begun against the initial transferor or the last preceding transferee, as the case may be, then the period of limitation for assessment of the liability of the transferee shall expire 2 years after the return of the certified copy of the judgment in the court proceeding.

(n) Notice of decrease in net loss. On and after the effective date of this amendatory Act of the 92nd General Assembly, no notice of deficiency shall be issued as the result of a decrease determined by the Department in the net loss incurred by a taxpayer under Section 207 of this Act unless the Department has notified the taxpayer of the proposed decrease within 3 years after the return reporting the loss was filed or within one year after an amended return reporting an increase in the loss was filed, provided that in the case of an amended return, a decrease proposed by the Department more than 3 years after the original return was filed may not exceed the increase claimed by the taxpayer on the original return.

(Source: P.A. 91-541, eff. 8-13-99; 92-846, eff. 8-23-02.)

(35 ILCS 5/1001)(from Ch. 120, par. 10-1001)

Sec. 1001. Failure to File Tax Returns.

(a) Failure to file tax return. In case of failure to file any tax return required under this Act on the date prescribed therefor, (determined with regard to any extensions of time for filing) there shall be added as a penalty the amount prescribed by Section 3-3 of the Uniform Penalty and Interest Act.

(b) Failure to disclose reportable transaction. Any taxpayer who fails to comply with the requirements of Section 501(b) of this Act shall

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pay a penalty in the amount determined under this subsection. Such
penalty shall be deemed assessed upon the date of filing of the return for
the taxable year in which the taxpayer participates in the reportable
transaction. A taxpayer shall not be considered to have complied with the
requirements of Section 501(b) of this Act unless the disclosure statement
filed with the Department includes all of the information required to be
disclosed with respect to a reportable transaction pursuant to Treasury
Regulations Section 1.6011-4 (26 CFR 1.6011-4) and regulations
promulgated by the Department under Section 501(b) of this Act.

(1) Amount of penalty. Except as provided in paragraph (2), the
amount of the penalty under this subsection shall be $15,000 for each
failure to comply with the requirements of Section 501(b).

(2) Increase in penalty for listed transactions. In the case of a
failure to comply with the requirements of Section 501(b) with respect to a
"listed transaction", the penalty under this subsection shall be $30,000 for
each failure.

(3) Authority to rescind penalty. The Department may rescind all
or any portion of any penalty imposed by this subsection with respect to
any violation, if any of the following apply:

(A) It is determined that failure to comply did not
jeopardize the best interests of the State and is not due to any
willful neglect or any intent not to comply;

(B) The person on whom the penalty is imposed has a
history of complying with the requirements of this Act;

(C) It is shown that the violation is due to an unintentional
mistake of fact;

(D) Imposing the penalty would be against equity and good
conscience;

(E) Rescinding the penalty would promote compliance with
the requirements of this Act and effective tax administration; or

(F) The taxpayer can show that there was a reasonable
cause for the failure to disclose and that the taxpayer acted
in good faith.

A determination made under this subparagraph (3) may be
reviewed in any administrative or judicial proceeding.

(4) Coordination with other penalties. The penalty imposed by this
subsection is in addition to any penalty imposed by this Act or the Uniform
Penalty and Interest Act. The doubling of penalties and interest authorized

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by the Illinois Tax Delinquency Amnesty Act (P.A. 93-26) are not applicable to the reportable penalties under subsection (b).

(c) The total penalty imposed under subsection (b) of this Section with respect to any taxable year shall not exceed 10% of the increase in net income (or reduction in Illinois net loss under Section 207 of this Act) that would result had the taxpayer not participated in any reportable transaction affecting its net income for such taxable year.

(Source: P.A. 87-205.)

(35 ILCS 5/1002)(from Ch. 120, par. 10-1002)

Sec. 1002. Failure to Pay Tax.

(a) Negligence. If any part of a deficiency is due to negligence or intentional disregard of rules and regulations (but without intent to defraud) there shall be added to the tax as a penalty the amount prescribed by Section 3-5 of the Uniform Penalty and Interest Act.

(b) Fraud. If any part of a deficiency is due to fraud, there shall be added to the tax as a penalty the amount prescribed by Section 3-6 of the Uniform Penalty and Interest Act.

(c) Nonwillful failure to pay withholding tax. If any employer, without intent to evade or defeat any tax imposed by this Act or the payment thereof, shall fail to make a return and pay a tax withheld by him at the time required by or under the provisions of this Act, such employer shall be liable for such taxes and shall pay the same together with the interest and the penalty provided by Sections 3-2 and 3-3, respectively, of the Uniform Penalty and Interest Act and such interest and penalty shall not be charged to or collected from the employee by the employer.

(d) Willful failure to collect and pay over tax. Any person required to collect, truthfully account for, and pay over the tax imposed by this Act who willfully fails to collect such tax or truthfully account for and pay over such tax or willfully attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for the penalty imposed by Section 3-7 of the Uniform Penalty and Interest Act.

(e) Penalties assessable.

(1) In general. Except as otherwise provided in this Act provided in paragraphs (2), (3) and (4), the penalties provided by this Act shall be paid upon notice and demand and shall be assessed, collected, and paid in the same manner as taxes and any reference in this Act to the tax imposed by this Act shall be deemed also to refer to penalties provided by this Act.

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(2) Procedure for assessing certain penalties. For the purposes of Article 9 any penalty under Section 804(a) or Section 1001 shall be deemed assessed upon the filing of the return for the taxable year.

(3) Procedure for assessing the penalty for failure to file withholding returns or annual transmittal forms for wage and tax statements. The penalty imposed by Section 1004 will be asserted by the Department's issuance of a notice of deficiency. If taxpayer files a timely protest, the procedures of Section 908 will be followed. If taxpayer does not file a timely protest, the notice of deficiency will constitute an assessment pursuant to subsection (c) of Section 904.

(4) Assessment of penalty under Section 1005(b). The penalty imposed under Section 1005(b) shall be deemed assessed upon the assessment of the tax to which such penalty relates and shall be collected and paid on notice and demand in the same manner as the tax.

(f) Determination of deficiency. For purposes of subsections (a) and (b), the amount shown as the tax by the taxpayer upon his return shall be taken into account in determining the amount of the deficiency only if such return was filed on or before the last day prescribed by law for the filing of such return, including any extensions of the time for such filing.

(Source: P.A. 89-379, eff. 1-1-96.)

(35 ILCS 5/1005)(from Ch. 120, par. 10-1005)

Sec. 1005. Penalty for Underpayment of Tax.

(a) In general. If any amount of tax required to be shown on a return prescribed by this Act is not paid on or before the date required for filing such return (determined without regard to any extension of time to file), a penalty shall be imposed in the manner and at the rate prescribed by the Uniform Penalty and Interest Act.

(b) Reportable transaction penalty. If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20% of the amount of that understatement. This penalty shall be deemed assessed upon the assessment of the tax to which such penalty relates and shall be collected and paid on notice and demand in the same manner as the tax.

(1) Reportable transaction understatement. For purposes of this Section, the term "reportable transaction understatement" means the sum of subparagraphs (A) and (B):

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(A) The product of (i) the amount of the increase (if any) in Illinois net income, as determined by reference to the amount of post-apportioned income that results from a difference between the proper tax treatment of an item to which this subsection applies and the taxpayer’s treatment of that item (as shown on the taxpayer’s return of tax), including an amended return filed prior to the date the taxpayer is first contacted by the Department regarding the examination of the return, and (ii) the applicable tax rates under Section 201 of this Act.

(B) Special rules in the case of carrybacks and carryovers. The penalty for an understatement of income attributable to a reportable transaction applies to any portion of an understatement for a year to which a loss, deduction, or credit is carried that is attributable to a reportable transaction for that year in which the carryback or carryover of the loss, deduction, or credit arises (the "loss or credit year").

(2) Items to which subsection applies. This subsection shall apply to any item which is attributable to either of the following: (i) any listed transaction as defined in Treasury Regulations Section 1.6011-4, and (ii) any reportable transaction as defined in Treasury Regulations Section 1.6011-4 (other than a listed transaction) if a significant purpose of the transaction is the avoidance or evasion of federal income tax.

(3) Subsection (b) shall be applied by substituting "30%" for "20%" with respect to the portion of any reportable transaction understatement with respect to which the requirements of (4)(B)(i) of this subsection are not met.

(4) Reasonable cause exception.

(A) In general. No penalty shall be imposed under this subsection with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

(B) Special rules. Subparagraph (A) does not apply to any reportable transaction (including listed transaction) unless all of the following requirements are met:

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(i) The relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with Section 501(b) of this Act. A taxpayer failing to adequately disclose in accordance with Section 501(b) shall be treated as meeting the requirements of this subparagraph (i) if the penalty for that failure was rescinded under Section 1001(b)(3) of this Act;

(ii) There is or was substantial authority for such treatment; and

(iii) The taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

(C) Rules relating to reasonable belief. For purposes of subparagraph (B), a taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief meets the requirements of this subparagraph (C):

(i) Such belief must be based on the facts and law that exist at the time the return of tax that includes that tax treatment is filed;

(ii) Such belief must relate solely to the taxpayer's chances of success on the merits of that treatment and does not take into account the possibility that the return will not be audited, that the treatment will not be raised on audit, or that the treatment will be resolved through settlement if it is raised; and

(iii) Such belief is not solely based on the opinion of a disqualified tax advisor or on a disqualified opinion.

(5) Definitions.

(A) Disqualified tax advisor. The term "disqualified tax advisor" is a tax advisor that meets any of the following conditions:

(I) Is a material advisor who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of Sections 267(b) or 707(b)(1) of the
Internal Revenue Code) to any person who so participates;

(II) Is compensated directly or indirectly by a material advisor with respect to the transaction;

(III) Has a fee arrangement with respect to the transaction that is contingent on all or part of the intended tax benefits from the transaction being sustained; or

(IV) As determined under regulations prescribed by either the Secretary of the Treasury for federal income tax purposes or the Department, has a continuing financial interest with respect to the transaction.

(B) Disqualified opinion. The term "disqualified opinion" means an opinion that meets any of the following conditions:

(I) Is based on unreasonable factual or legal assumptions (including assumptions as to future events);

(II) Unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person;

(III) Does not identify and consider all relevant facts; or

(IV) Fails to meet any other requirement as either the Secretary of the Treasury for federal income tax purposes or the Department may prescribe.

(C) Material Advisor. The term "material advisor" shall have substantially the same meaning as the same term is defined under Treasury Regulations Section 301.6112-1, (26 CFR 301.6112-1) and shall include any person that is a material advisor for federal income tax purposes under such regulation.

(6) Effective date. This subsection shall apply to taxable years ending on and after December 31, 2004, except that a reportable transaction understatement shall include an understatement (as determined under paragraph (1)) with respect to any taxable year for which the limitations period on assessment

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has not expired as of January 1, 2005 that is attributable to a transaction which the taxpayer has entered into after February 28, 2000 and before December 31, 2004 that becomes a listed transaction (as defined in Treasury Regulations Section 1.6011-4(b)(2) at any time.

(c) 100% interest penalty. If a taxpayer has been contacted by the Internal Revenue Service or the Department regarding the use of a potential tax avoidance transaction with respect to a taxable year and has a deficiency with respect to such taxable year or years, there shall be added to the tax attributable to the potential tax avoidance transaction (determined as described in subsection (b)(1) of Section 1005) an amount equal to 100% of the interest assessed under the Uniform Penalty and Interest Act (determined without regard to subsection (f) of Section 3-2 of such Act) for the period beginning on the last date prescribed by law for the payment of such tax and ending on the date of the notice of deficiency. Such penalty shall be deemed assessed upon the assessment of the interest to which such penalty relates and shall be collected and paid in the same manner as such interest. The penalty imposed by this subsection is in addition to any penalty imposed by this Act or the Uniform Penalty and Interest Act. For purposes of this subsection and subsection (d) of this Section, the term "potential tax avoidance transaction" means any tax shelter as defined in Section 6111 of the Internal Revenue Code. This subsection shall apply to taxable years ending on and after December 31, 2004, except that the penalty may also be imposed with respect to any taxable year for which the limitations period on assessment has not expired as of January 1, 2005 that is attributable to a transaction in which the taxpayer has entered into after February 28, 2000 and before December 31, 2004, which transaction becomes a listed transaction (as defined in Treasury Regulations Section 1.6011-4(b)(2)) at any time.

(d) 150% interest rate. For taxable years ending on and after July 1, 2002, for any notice of deficiency issued before the taxpayer is contacted by the Internal Revenue Service or the Department regarding a potential tax avoidance transaction, the taxpayer is subject to interest as provided under Section 3-2 of the Uniform Penalty and Interest Act, but with respect to any deficiency attributable to a potential tax avoidance transaction, the taxpayer is subject to interest at a rate of 150% of the otherwise applicable rate.

(e) Coordination with other penalties. Except as provided in regulations, the penalties imposed by this Section are in addition to any

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other penalty imposed by this Act or the Uniform Penalty and Interest Act. The doubling of penalties and interest authorized by the Illinois Tax Delinquency Amnesty Act (P.A. 93-26), are not applicable to the reportable transaction penalties and interest under subsections (b), (c), and (d).

The provisions of this Section shall apply to all taxable years ending on or after January 1, 1986.

(Source: P.A. 87-205.)

(35 ILCS 5/1007 new)

Sec. 1007. Failure to register tax shelter or maintain list.

(a) Penalty Imposed. Any person that fails to comply with the requirements of Section 1405.5 or Section 1405.6 shall incur a penalty as provided in this Section. A person shall not be in compliance with the requirements of Section 1405.5 unless and until the required registration has been filed and contains all of the information required to be included with such registration under Section 6111 of the Internal Revenue Code or such Section 1405.5. A person shall not be in compliance with the requirements of Section 1405.6 unless, at the time the required list is made available to the Department, such list contains all of the information required to be maintained under Section 6112 of the Internal Revenue Code or such Section 1405.6.

(b) Amount of Penalty. The following penalties apply:

(1) In the case of each failure to comply with the requirements of subsection (a), subsection (b), or subsection (e) of Section 1405.5, the penalty shall be $15,000.

(2) If the failure is with respect to a listed transaction under subsection (c) of Section 1405.5, the penalty shall be $100,000.

(3) In the case of each failure to comply with the requirements of subsection (a) or subsection (b) of Section 1405.6, the penalty shall be $15,000.

(4) If the failure is with respect to a listed transaction under subsection (c) of Section 1405.6, the penalty shall be $100,000.

(c) Authority to rescind penalty. The Director of the Board of Appeals may rescind all or any portion of any penalty imposed by this Section with respect to any violation, if any of the following apply:

(1) It is determined that failure to comply did not jeopardize the best interests of the State and is not due to any willful neglect or any intent not to comply;

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(2) The person on whom the penalty is imposed has a history of complying with the requirements of this Act;
(3) It is shown that the violation is due to an unintentional mistake of fact;
(4) Imposing the penalty would be against equity and good conscience;
(5) Rescinding the penalty would promote compliance with the requirements of this Act and effective tax administration; or
(6) The taxpayer can show that there was reasonable cause for the failure to disclose and that the taxpayer acted in good faith.

(d) Coordination with other penalties. The penalty imposed by this Section is in addition to any penalty imposed by this Act or the Uniform Penalty and Interest Act.

(35 ILCS 5/1008 new)
Sec. 1008. Promoting tax shelters. Except as herein provided, the provisions of Section 6700 of the Internal Revenue Code shall apply for purposes of this Act as if such Section applied to an Illinois deduction, credit, exclusion from income, allocation or apportionment rule, or other Illinois tax benefit. Notwithstanding Section 6700(a) of the Internal Revenue Code, if an activity with respect to which a penalty imposed under Section 6700(a) of the Internal Revenue Code, as applied for purposes of this Act, involves a statement described in Section 6700(a)(2)(A) of the Internal Revenue Code, as applied for purposes of this Act, the amount of the penalty imposed under this Section shall be the greater of $10,000 or 50% of the gross income received (or to be received) from any person to whom such statement is furnished that is required to file a return under Section 502 of this Act.

(35 ILCS 5/1405.5 new)
Sec. 1405.5. Registration of tax shelters.
(a) Federal tax shelter. Any tax shelter organizer required to register a tax shelter under Section 6111 of the Internal Revenue Code shall send a duplicate of the federal registration information to the Department not later than the day on which registration is required under federal law. Any person required to register under Section 6111 of the Internal Revenue Code who receives a tax registration number from the Secretary of the Treasury shall, within 30 days after request by the Department, file a statement of that registration number.
(b) Additional requirements for listed transactions. In addition to the requirements of subsection (a), for any transactions entered into on or

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after February 28, 2000 that become listed transactions (as defined under Treasury Regulations Section 1.6011-4) at any time, those transactions shall be registered with the Department (in the form and manner prescribed by the Department) by the later of (i) 60 days after entering into the transaction, (ii) 60 days after the transaction becomes a listed transaction, or (iii) December 31, 2004.

(c) Tax shelters subject to this Section. The provisions of this Section apply to any tax shelter herein described that additionally satisfies any of the following conditions: (1) is organized in this State; (2) is doing business in this State; or (3) is deriving income from sources in this State.

(d) Tax shelter identification number. Any person required to file a return under this Act and required to include on the person’s federal tax return a tax shelter identification number pursuant to Section 6111 of the Internal Revenue Code shall furnish such number upon filing of the person’s Illinois return.

(35 ILCS 5/1405.6 new)

Sec. 1405.6. Investor lists.

(a) Federal abusive tax shelter. Any person required to maintain a list under Section 6112 of the Internal Revenue Code and Treasury Regulations Section 301.6112-1 with respect to a potentially abusive tax shelter shall furnish such list to the Department not later than the time such list is required to be furnished to the Internal Revenue Service under federal income tax law.

The list required under this Section shall include the same information required with respect to a potentially abusive tax shelter under Treasury Regulations Section 301.6112-1 and any other information as the Department may require.

(b) Additional requirements for listed transactions. For transactions entered into on or after February 28, 2000 that become listed transactions (as defined under Treasury Regulations Section 1.6011-4) at any time, the list shall be furnished to the Department by the later of (i) 60 days after entering into the transaction, (ii) 60 days after the transaction becomes a listed transaction, or (iii) December 31, 2004.

(d) Tax Shelters subject to this Section. The provisions of this Section apply to any tax shelter herein described that additionally satisfies any of the following conditions:

(1) Organized in this State;
(2) Doing Business in this State; or
(3) Deriving income from sources in this State.

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ARTICLE 40

Section 40-5. The Illinois Income Tax Act is amended by changing Section 201 as follows:

(35 ILCS 5/201)(from Ch. 120, par. 2-201)

Sec. 201. Tax Imposed.

(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) (Blank).

(5) (Blank).

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

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(c) Personal Property Tax Replacement Income Tax. Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of
domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code,

equals 1.25% for taxable years ending prior to December 31, 2003, or 1.75% for taxable years ending on or after December 31, 2003, of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois

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Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit

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from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(2) The term "qualified property" means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing; and

(E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the sale of tangible personal property or services rendered in conjunction with the sale of tangible consumer goods or commodities.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such increase

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shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2003, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2003.

(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under

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subsection (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

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(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in the Enterprise Zone by the taxpayer; and

(E) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(g) Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone.

New matter indicated by italics - deletions by strikeout.
(1) A taxpayer conducting a trade or business in an enterprise zone or a High Impact Business designated by the Department of Commerce and Economic Opportunity Community Affairs conducting a trade or business in a federally designated Foreign Trade Zone or Sub-Zone shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section in the amount of $500 per eligible employee hired to work in the zone during the taxable year.

(2) To qualify for the credit:

   (A) the taxpayer must hire 5 or more eligible employees to work in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone during the taxable year;

   (B) the taxpayer's total employment within the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone must increase by 5 or more full-time employees beyond the total employed in that zone at the end of the previous tax year for which a jobs tax credit under this Section was taken, or beyond the total employed by the taxpayer as of December 31, 1985, whichever is later; and

   (C) the eligible employees must be employed 180 consecutive days in order to be deemed hired for purposes of this subsection.

(3) An "eligible employee" means an employee who is:

   (A) Certified by the Department of Commerce and Economic Opportunity Community Affairs as "eligible for services" pursuant to regulations promulgated in accordance with Title II of the Job Training Partnership Act, Training Services for the Disadvantaged or Title III of the Job Training Partnership Act, Employment and Training Assistance for Dislocated Workers Program.

   (B) Hired after the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone was designated or the trade or business was located in that zone, whichever is later.

   (C) Employed in the enterprise zone or Foreign Trade Zone or Sub-Zone. An employee is employed in an enterprise zone or federally designated Foreign Trade Zone

New matter indicated by italics - deletions by strikeout.
or Sub-Zone if his services are rendered there or it is the base of operations for the services performed.

(D) A full-time employee working 30 or more hours per week.

(4) For tax years ending on or after December 31, 1985 and prior to December 31, 1988, the credit shall be allowed for the tax year in which the eligible employees are hired. For tax years ending on or after December 31, 1988, the credit shall be allowed for the tax year immediately following the tax year in which the eligible employees are hired. If the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(5) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this subsection (g).

(6) The credit shall be available for eligible employees hired on or after January 1, 1986.

(h) Investment credit; High Impact Business.

(1) Subject to subsections (b) and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Economic Opportunity Community Affairs designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available (i) until the minimum investments in qualified property set forth in subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act have been satisfied or (ii) until the time authorized in subsection (b-5) of the Illinois Enterprise Zone Act for entities designated as High Impact Businesses under subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act, and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit

New matter indicated by italics - deletions by strikeout.
applicable to such investments shall be taken in the taxable year in which such investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business authorized under subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:
   (A) is tangible, whether new or used, including buildings and structural components of buildings;
   (B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);
   (C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and
   (D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone

New matter indicated by italics - deletions by strikeout.
located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) Credit for Personal Property Tax Replacement Income Tax. For tax years ending prior to December 31, 2003, a credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

New matter indicated by italics - deletions by strikeout.
Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year, provided that no credit may be carried forward to any year ending on or after December 31, 2003. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsections (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986 and prior to December 31, 2003, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is

New matter indicated by italics - deletions by strikeout.
a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first. No carryforward credit may be claimed in any tax year ending on or after December 31, 2003.

(k) Research and development credit.

For tax years ending after July 1, 1990 and prior to December 31, 2003, and beginning again for tax years ending on or after December 31, 2004, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first; provided that no credit earned in a tax year ending prior to December 31, 2003 may be carried forward to any year ending on or after December 31, 2003.

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied.
first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

(l) Environmental Remediation Tax Credit.

   (i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section

New matter indicated by italics - deletions by strikeout.
267 of the Internal Revenue Code by virtue of being a related
taxpayer, as well as any of its partners. The credit allowed against
the tax imposed by subsections (a) and (b) shall be equal to 25% of
the unreimbursed eligible remediation costs in excess of $100,000
per site, except that the $100,000 threshold shall not apply to any
site contained in an enterprise zone as determined by the
Department of Commerce and Community Affairs (now
Department of Commerce and Economic Opportunity). The total
credit allowed shall not exceed $40,000 per year with a maximum
total of $150,000 per site. For partners and shareholders of
subchapter S corporations, there shall be allowed a credit under
this subsection to be determined in accordance with the
determination of income and distributive share of income under
Sections 702 and 704 and subchapter S of the Internal Revenue
Code.

(ii) A credit allowed under this subsection that is unused in
the year the credit is earned may be carried forward to each of the 5
taxable years following the year for which the credit is first earned
until it is used. The term "unused credit" does not include any
amounts of unreimbursed eligible remediation costs in excess of
the maximum credit per site authorized under paragraph (i). This
credit shall be applied first to the earliest year for which there is a
liability. If there is a credit under this subsection from more than
one tax year that is available to offset a liability, the earliest credit
arising under this subsection shall be applied first. A credit allowed
under this subsection may be sold to a buyer as part of a sale of all
or part of the remediation site for which the credit was granted. The
purchaser of a remediation site and the tax credit shall succeed to
the unused credit and remaining carry-forward period of the seller.
To perfect the transfer, the assignor shall record the transfer in the
chain of title for the site and provide written notice to the Director
of the Illinois Department of Revenue of the assignor's intent to
sell the remediation site and the amount of the tax credit to be
transferred as a portion of the sale. In no event may a credit be
transferred to any taxpayer if the taxpayer or a related party would
not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have
the same meaning as under Section 58.2 of the Environmental
Protection Act.

New matter indicated by italics - deletions by strikeout.
(m) Education expense credit. Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this subsection claimed by a family that is the custodian of qualifying pupils exceed $500. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection:

"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of $250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.

"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.

"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils.

(Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 92-846, eff. 8-23-02; 93-29, eff. 6-20-03; revised 12-6-03.)

ARTICLE 45

Section 45-5. The Environmental Protection Act is amended by changing Sections 12.5 as follows:

(415 ILCS 5/12.5)

Sec. 12.5. NPDES discharge fees; sludge permit fees.

(a) Beginning July 1, 2003, the Agency shall assess and collect annual fees (i) in the amounts set forth in subsection (e) for all discharges

New matter indicated by italics - deletions by strikeout.
that require an NPDES permit under subsection (f) of Section 12, from each person holding an NPDES permit authorizing those discharges (including a person who continues to discharge under an expired permit pending renewal), and (ii) in the amounts set forth in subsection (f) of this Section for all activities that require a permit under subsection (b) of Section 12, from each person holding a domestic sewage sludge generator or user permit.

Each person subject to this Section must remit the applicable annual fee to the Agency in accordance with the requirements set forth in this Section and any rules adopted pursuant to this Section.

(b) Within 30 days after the effective date of this Section, and by May 31 of each year thereafter, the Agency shall send a fee notice by mail to each existing permittee subject to a fee under this Section at his or her address of record. The notice shall state the amount of the applicable annual fee and the date by which payment is required.

Except as provided in subsection (c) with respect to initial fees under new permits and certain modifications of existing permits, fees payable under this Section for the 12 months beginning July 1, 2003 are due by the date specified in the fee notice, which shall be no less than 30 days after the date the fee notice is mailed by the Agency, and fees payable under this Section for subsequent years shall be due on July 1 or as otherwise required in any rules that may be adopted pursuant to this Section.

(c) The initial annual fee for discharges under a new individual NPDES permit or for activity under a new individual sludge generator or sludge user permit must be remitted to the Agency prior to the issuance of the permit. The Agency shall provide notice of the amount of the fee to the applicant during its review of the application. In the case of a new individual NPDES or sludge permit issued during the months of January through June, the Agency may prorate the initial annual fee payable under this Section.

The initial annual fee for discharges or other activity under a general NPDES permit must be remitted to the Agency as part of the application for coverage under that general permit.

If a requested modification to an existing NPDES permit causes a change in the applicable fee categories under subsection (e) that results in an increase in the required fee, the permittee must pay to the Agency the amount of the increase, prorated for the number of months remaining before the next July 1, before the modification is granted.

New matter indicated by italics - deletions by strikeout.
(d) Failure to submit the fee required under this Section by the due date constitutes a violation of this Section. Late payments shall incur an interest penalty, calculated at the rate in effect from time to time for tax delinquencies under subsection (a) of Section 1003 of the Illinois Income Tax Act, from the date the fee is due until the date the fee payment is received by the Agency.

(e) The annual fees applicable to discharges under NPDES permits are as follows:

(1) For NPDES permits for publicly owned treatment works, other facilities for which the wastewater being treated and discharged is primarily domestic sewage, and wastewater discharges from the operation of public water supply treatment facilities, the fee is:

   (i) $1,500 for the 12 months beginning July 1, 2003 and $500 for each subsequent year, for facilities with a Design Average Flow rate of less than 100,000 gallons per day;
   (ii) $5,000 for the 12 months beginning July 1, 2003 and $2,500 for each subsequent year, for facilities with a Design Average Flow rate of at least 100,000 gallons per day but less than 500,000 gallons per day;
   (iii) $7,500 for facilities with a Design Average Flow rate of at least 500,000 gallons per day but less than 1,000,000 gallons per day;
   (iv) $15,000 for facilities with a Design Average Flow rate of at least 1,000,000 gallons per day but less than 5,000,000 gallons per day;
   (v) $30,000 for facilities with a Design Average Flow rate of at least 5,000,000 gallons per day but less than 10,000,000 gallons per day; and
   (vi) $50,000 for facilities with a Design Average Flow rate of 10,000,000 gallons per day or more.

(2) For NPDES permits for treatment works or sewer collection systems that include combined sewer overflow outfalls, the fee is:

   (i) $1,000 for systems serving a tributary population of 10,000 or less;

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(ii) $5,000 for systems serving a tributary population that is greater than 10,000 but not more than 25,000; and
(iii) $20,000 for systems serving a tributary population that is greater than 25,000.

The fee amounts in this subdivision (e)(2) are in addition to the fees stated in subdivision (e)(1) when the combined sewer overflow outfall is contained within a permit subject to subsection (e)(1) fees.

(3) For NPDES permits for mines producing coal, the fee is $5,000.

(4) For NPDES permits for mines other than mines producing coal, the fee is $5,000.

(5) For NPDES permits for industrial activity where toxic substances are not regulated, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

(i) $1,000 for a facility with a Design Average Flow rate that is not more than 10,000 gallons per day;
(ii) $2,500 for a facility with a Design Average Flow rate that is more than 10,000 gallons per day but not more than 100,000 gallons per day; and
(iii) $10,000 for a facility with a Design Average Flow rate that is more than 100,000 gallons per day.

(6) For NPDES permits for industrial activity where toxic substances are regulated, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

(i) $15,000 for a facility with a Design Average Flow rate that is not more than 250,000 gallons per day; and
(ii) $20,000 for a facility with a Design Average Flow rate that is more than 250,000 gallons per day.

(7) For NPDES permits for industrial activity classified by USEPA as a major discharge, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

(i) $30,000 for a facility where toxic substances are not regulated; and
(ii) $50,000 for a facility where toxic substances are regulated.

New matter indicated by italics - deletions by strikeout.
(8) For NPDES permits for municipal separate storm sewer systems, the fee is $1,000.

(9) For NPDES permits for construction site or industrial storm water, the fee is $500.

(f) The annual fee for activities under a permit that authorizes applying sludge on land is $2,500 for a sludge generator permit and $5,000 for a sludge user permit.

(g) More than one of the annual fees specified in subsections (e) and (f) may be applicable to a permit holder. These fees are in addition to any other fees required under this Act.

(h) The fees imposed under this Section do not apply to the State or any department or agency of the State, nor to any school district, or to any private sewage disposal system as defined in the Private Sewage Disposal Licensing Act (225 ILCS 225/).

(i) The Agency may adopt rules to administer the fee program established in this Section. The Agency may include provisions pertaining to invoices, notice of late payment, and disputes concerning the amount or timeliness of payment. The Agency may set forth procedures and criteria for the acceptance of payments. The absence of such rules does not affect the duty of the Agency to immediately begin the assessment and collection of fees under this Section.

(j) All fees and interest penalties collected by the Agency under this Section shall be deposited into the Illinois Clean Water Fund, which is hereby created as a special fund in the State treasury. Gifts, supplemental environmental project funds, and grants may be deposited into the Fund. Investment earnings on moneys held in the Fund shall be credited to the Fund.

Subject to appropriation, the moneys in the Fund shall be used by the Agency to carry out the Agency’s clean water activities.

(k) Except as provided in subsection (l), fees paid to the Agency under this Section are not refundable.

(l) The Agency may refund the difference between (a) the amount paid by any person under subsection (e)(1)(i) or (e)(1)(ii) of this Section for the 12 months beginning July 1, 2004 and (b) the amount due under subsection (e)(1)(i) or (e)(1)(ii) as established by this amendatory Act of the 93rd General Assembly.

(Source: P.A. 93-32, eff. 7-1-03.)

ARTICLE 50

New matter indicated by italics - deletions by strikeout.
Section 50-5. The Film Production Services Tax Credit Act is amended by changing Section 90 as follows:

(35 ILCS 15/90)

(Schedule to be repealed on January 1, 2005)

Sec. 90. Repeal. This Act is repealed 2 years after its effective date.

(Source: P.A. 93-543, eff. 1-1-04.)

ARTICLE 99

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


PUBLIC ACT 93-0841
(Senate Bill No. 2208)

AN ACT in relation to budget implementation.

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

Section 1. Short title. This Act may be cited as the FY2005 Budget Implementation (Human Services) Act.

Section 5. Purpose. It is the purpose of this Act to make changes in State programs that are necessary to implement the Governor's FY2005 budget recommendations concerning human services.

Section 7. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

(5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

Sec. 5-45. Emergency rulemaking.

(a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.

(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting

New matter indicated by italics - deletions by strikeout.
settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24 month period, except that this limitation on the number of emergency rules that may be adopted in a 24 month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act or (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

(d) In order to provide for the expeditious and timely implementation of the State's fiscal year 1999 budget, emergency rules to implement any provision of Public Act 90-587 or 90-588 or any other budget initiative for fiscal year 1999 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (d). The adoption of emergency rules authorized by this subsection (d) shall be deemed to be necessary for the public interest, safety, and welfare.

(e) In order to provide for the expeditious and timely implementation of the State's fiscal year 2000 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2000 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (e). The adoption of emergency rules authorized by this subsection (e) shall be deemed to be necessary for the public interest, safety, and welfare.

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subsection (e) shall be deemed to be necessary for the public interest, safety, and welfare.

(f) In order to provide for the expeditious and timely implementation of the State's fiscal year 2001 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2001 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (f). The adoption of emergency rules authorized by this subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.

(g) In order to provide for the expeditious and timely implementation of the State's fiscal year 2002 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2002 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (g). The adoption of emergency rules authorized by this subsection (g) shall be deemed to be necessary for the public interest, safety, and welfare.

(h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.

(i) In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget, emergency rules to implement any provision of this amendatory Act of the 93rd General Assembly or any other budget initiative for fiscal year 2004 may be

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adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (i). The adoption of emergency rules authorized by this subsection (i) shall be deemed to be necessary for the public interest, safety, and welfare.

(j) In order to provide for the expeditious and timely implementation of the provisions of the State’s fiscal year 2005 budget as provided under the Fiscal Year 2005 Budget Implementation (Human Services) Act, emergency rules to implement any provision of the Fiscal Year 2005 Budget Implementation (Human Services) Act may be adopted in accordance with this Section by the agency charged with administering that provision, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (j). The Department of Public Aid may also adopt rules under this subsection (j) necessary to administer the Illinois Public Aid Code and the Children’s Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (j) shall be deemed to be necessary for the public interest, safety, and welfare.

(Source: P.A. 92-10, eff. 6-11-01; 92-597, eff. 6-28-02; 93-20, eff. 6-20-03.)

Section 10. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 18.4 and adding Section 18.5 as follows:

(20 ILCS 1705/18.4)

Sec. 18.4. Community Mental Health Medicaid Trust Fund; reimbursement.

(a) The Community Mental Health Medicaid Trust Fund is hereby created in the State Treasury.

(b) Except as otherwise provided in this Section, any funds paid to the State by the federal government under Title XIX or Title XXI of the Social Security Act for services delivered by community mental health services providers, and any interest earned thereon, shall be deposited directly into the Community Mental Health Medicaid Trust Fund. Beginning with State fiscal year 2005, the first $95,000,000 received by the Department shall be deposited 26.3% into the General Revenue Fund and 73.7% into the Community Mental Health Medicaid

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Trust Fund. Amounts received in excess of $95,000,000 in any State fiscal year shall be deposited 50% into the General Revenue Fund and 50% into the Community Mental Health Medicaid Trust Fund. The Department shall analyze the budgeting and programmatic impact of this funding allocation and report to the Governor and the General Assembly the results of this analysis and any recommendations for change, no later than December 31, 2005.

(c) The Department shall reimburse community mental health services providers for Medicaid-reimbursed mental health services provided to eligible individuals. Moneys in the Community Mental Health Medicaid Trust Fund may be used for that purpose.

(d) As used in this Section:

"Medicaid-reimbursed mental health services" means services provided by a community mental health provider under an agreement with the Department that is eligible for reimbursement under the federal Title XIX program or Title XXI program.

"Provider" means a community agency that is funded by the Department to provide a Medicaid-reimbursed service.

"Services" means mental health services provided under one of the following programs:

(1) Medicaid Clinic Option;
(2) Medicaid Rehabilitation Option;
(3) Targeted Case Management.

(Source: P.A. 92-597, eff. 6-28-02.)

(20 ILCS 1705/18.5 new)
Sec. 18.5. Community Developmental Disability Services Medicaid Trust Fund; reimbursement.

(a) The Community Developmental Disability Services Medicaid Trust Fund is hereby created in the State treasury.

(b) Any funds in excess of $16,700,000 in any fiscal year paid to the State by the federal government under Title XIX or Title XXI of the Social Security Act for services delivered by community developmental disability services providers for services relating to Developmental Training and Community Integrated Living Arrangements as a result of the conversion of such providers from a grant payment methodology to a fee-for-service payment methodology, or any other funds paid to the State for any subsequent revenue maximization initiatives performed by such providers, and any interest earned thereon, shall be deposited directly into the Community Developmental Disability Services Medicaid Trust Fund.
One-third of this amount shall be used only to pay for Medicaid-reimbursed community developmental disability services provided to eligible individuals, and the remainder shall be transferred to the General Revenue Fund.

(c) For purposes of this Section:

"Medicaid-reimbursed developmental disability services" means services provided by a community developmental disability provider under an agreement with the Department that is eligible for reimbursement under the federal Title XIX program or Title XXI program.

"Provider" means a qualified entity as defined in the State's Home and Community-Based Services Waiver for Persons with Developmental Disabilities that is funded by the Department to provide a Medicaid-reimbursed service.

"Revenue maximization alternatives" do not include increases in funds paid to the State as a result of growth in spending through service expansion or rate increases.

Section 20. The State Finance Act is amended by changing Sections 6z-58 and 25 and by adding Section 8.55 as follows:

(30 ILCS 105/6z-58)
Sec. 6z-58. The Family Care Fund.

(a) There is created in the State treasury the Family Care Fund. Interest earned by the Fund shall be credited to the Fund.

(b) The Fund is created solely for the purposes of receiving, investing, and distributing moneys in accordance with (i) an approved waiver under the Social Security Act resulting from the Family Care waiver request submitted by the Illinois Department of Public Aid on February 15, 2002 and (ii) an interagency agreement between the Department of Public Aid and another agency of State government. The Fund shall consist of:

(1) All federal financial participation moneys received pursuant to the approved waiver, except for moneys received pursuant to expenditures for medical services by the Department of Public Aid from any other fund; and

(2) All other moneys received by the Fund from any source, including interest thereon.

(c) Subject to appropriation, the moneys in the Fund shall be disbursed for reimbursement of medical services and other costs associated with persons receiving such services:

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(1) under programs administered by the Department of Public Aid; and

(2) pursuant to an interagency agreement, under programs administered by another agency of State government, under the waiver due to their relationship with children receiving medical services pursuant to Article V of the Illinois Public Aid Code or the Children's Health Insurance Program Act.

(Source: P.A. 92-600, eff. 6-28-02; 93-20, eff. 6-20-03.)

(30 ILCS 105/8.55 new)
Sec. 8.55. Intercfund transfers. On or after July 1, 2004 and until June 30, 2006, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Director of Public Aid, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the General Revenue Fund from the designated funds not exceeding the following totals:

Hospital Provider Fund ......................... $36,000,000
Health and Human Services Medicaid Trust Fund .. $124,000,000.

Transfers of moneys under this Section may not exceed a total of $80,000,000 in any State fiscal year.

(30 ILCS 105/25) (from Ch. 127, par. 161)
Sec. 25. Fiscal year limitations.

(a) All appropriations shall be available for expenditure for the fiscal year or for a lesser period if the Act making that appropriation so specifies. A deficiency or emergency appropriation shall be available for expenditure only through June 30 of the year when the Act making that appropriation is enacted unless that Act otherwise provides.

(b) Outstanding liabilities as of June 30, payable from appropriations which have otherwise expired, may be paid out of the expiring appropriations during the 2-month period ending at the close of business on August 31. Any service involving professional or artistic skills or any personal services by an employee whose compensation is subject to income tax withholding must be performed as of June 30 of the fiscal year in order to be considered an "outstanding liability as of June 30" that is thereby eligible for payment out of the expiring appropriation.

However, payment of tuition reimbursement claims under Section 14-7.03 or 18-3 of the School Code may be made by the State Board of Education from its appropriations for those respective purposes for any fiscal year, even though the claims reimbursed by the payment may be claims attributable to a prior fiscal year, and payments may be made at the

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direction of the State Superintendent of Education from the fund from which the appropriation is made without regard to any fiscal year limitations.

Medical payments may be made by the Department of Veterans' Affairs from its appropriations for those purposes for any fiscal year, without regard to the fact that the medical services being compensated for by such payment may have been rendered in a prior fiscal year.

Medical payments may be made by the Department of Public Aid and medical payments and child care payments may be made by the Department of Human Services (as successor to the Department of Public Aid) from appropriations for those purposes for any fiscal year, without regard to the fact that the medical or child care services being compensated for by such payment may have been rendered in a prior fiscal year; and payments may be made at the direction of the Department of Central Management Services from the Health Insurance Reserve Fund and the Local Government Health Insurance Reserve Fund without regard to any fiscal year limitations.

Medical payments may be made by the Department of Human Services from its appropriations relating to substance abuse treatment services for any fiscal year, without regard to the fact that the medical services being compensated for by such payment may have been rendered in a prior fiscal year, provided the payments are made on a fee-for-service basis consistent with requirements established for Medicaid reimbursement by the Department of Public Aid.

Additionally, payments may be made by the Department of Human Services from its appropriations, or any other State agency from its appropriations with the approval of the Department of Human Services, from the Immigration Reform and Control Fund for purposes authorized pursuant to the Immigration Reform and Control Act of 1986, without regard to any fiscal year limitations.

Further, with respect to costs incurred in fiscal years 2002 and 2003 only, payments may be made by the State Treasurer from its appropriations from the Capital Litigation Trust Fund without regard to any fiscal year limitations.

Lease payments may be made by the Department of Central Management Services under the sale and leaseback provisions of Section 7.4 of the State Property Control Act with respect to the James R. Thompson Center and the Elgin Mental Health Center and surrounding

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land from appropriations for that purpose without regard to any fiscal year limitations.

Lease payments may be made under the sale and leaseback provisions of Section 7.5 of the State Property Control Act with respect to the Illinois State Toll Highway Authority headquarters building and surrounding land without regard to any fiscal year limitations.

(c) Further, payments may be made by the Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) from their respective appropriations for grants for medical care to or on behalf of persons suffering from chronic renal disease, persons suffering from hemophilia, rape victims, and premature and high-mortality risk infants and their mothers and for grants for supplemental food supplies provided under the United States Department of Agriculture Women, Infants and Children Nutrition Program, for any fiscal year without regard to the fact that the services being compensated for by such payment may have been rendered in a prior fiscal year.

(d) The Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(e) The Department of Public Aid, and the Department of Human Services (acting as successor to the Department of Public Aid), and the Department of Human Services making fee-for-service payments relating to substance abuse treatment services provided during a previous fiscal year shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before November 30, a report that shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for
(i) services provided in prior fiscal years and (ii) services for which claims were received in prior fiscal years.

(f) The Department of Human Services (as successor to the Department of Public Aid) shall annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services (other than medical care) provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(g) In addition, each annual report required to be submitted by the Department of Public Aid under subsection (e) shall include the following information with respect to the State's Medicaid program:

1. Explanations of the exact causes of the variance between the previous year's estimated and actual liabilities.
2. Factors affecting the Department of Public Aid's liabilities, including but not limited to numbers of aid recipients, levels of medical service utilization by aid recipients, and inflation in the cost of medical services.
3. The results of the Department's efforts to combat fraud and abuse.

(h) As provided in Section 4 of the General Assembly Compensation Act, any utility bill for service provided to a General Assembly member's district office for a period including portions of 2 consecutive fiscal years may be paid from funds appropriated for such expenditure in either fiscal year.

(i) An agency which administers a fund classified by the Comptroller as an internal service fund may issue rules for:

1. Billing user agencies in advance based on estimated charges for goods or services;
2. Issuing credits during the subsequent fiscal year for all user agency payments received during the prior fiscal year which were in excess of the final amounts owed by the user agency for that period; and
3. Issuing catch-up billings to user agencies during the subsequent fiscal year for amounts remaining due when payments

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received from the user agency during the prior fiscal year were less than the total amount owed for that period.
User agencies are authorized to reimburse internal service funds for catch-up billings by vouchers drawn against their respective appropriations for the fiscal year in which the catch-up billing was issued.
(Source: P.A. 92-885, eff. 1-13-03; 93-19, eff. 6-20-03.)

Section 22. The Illinois Income Tax Act is amended by changing Section 917 as follows:
(35 ILCS 5/917) (from Ch. 120, par. 9-917)
Sec. 917. Confidentiality and information sharing.
(a) Confidentiality. Except as provided in this Section, all information received by the Department from returns filed under this Act, or from any investigation conducted under the provisions of this Act, shall be confidential, except for official purposes within the Department or pursuant to official procedures for collection of any State tax or pursuant to an investigation or audit by the Illinois State Scholarship Commission of a delinquent student loan or monetary award or enforcement of any civil or criminal penalty or sanction imposed by this Act or by another statute imposing a State tax, and any person who divulges any such information in any manner, except for such purposes and pursuant to order of the Director or in accordance with a proper judicial order, shall be guilty of a Class A misdemeanor. However, the provisions of this paragraph are not applicable to information furnished to a licensed attorney representing the taxpayer where an appeal or a protest has been filed on behalf of the taxpayer.
(b) Public information. Nothing contained in this Act shall prevent the Director from publishing or making available to the public the names and addresses of persons filing returns under this Act, or from publishing or making available reasonable statistics concerning the operation of the tax wherein the contents of returns are grouped into aggregates in such a way that the information contained in any individual return shall not be disclosed.
(c) Governmental agencies. The Director may make available to the Secretary of the Treasury of the United States or his delegate, or the proper officer or his delegate of any other state imposing a tax upon or measured by income, for exclusively official purposes, information received by the Department in the administration of this Act, but such permission shall be granted only if the United States or such other state, as the case may be, grants the Department substantially similar privileges. The Director may exchange information with the Illinois Department of

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Public Aid and the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and the Illinois Public Aid Code. The Director may exchange information with the Director of the Department of Employment Security for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and Acts administered by the Department of Employment Security. The Director may make available to the Illinois Industrial Commission information regarding employers for the purpose of verifying the insurance coverage required under the Workers' Compensation Act and Workers' Occupational Diseases Act. The Director may exchange information with the Illinois Department on Aging for the purpose of verifying sources and amounts of income for purposes directly related to confirming eligibility for participation in the programs of benefits authorized by the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may make available to any State agency, including the Illinois Supreme Court, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to file returns under this Act or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a

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security that confers such a right to vote. A general partnership interest is a voting security.

The Director may make available to any State agency, including the Illinois Supreme Court, units of local government, and school districts, information regarding whether a bidder or contractor is an affiliate of a person who is not collecting and remitting Illinois Use taxes, for the limited purpose of enforcing bidder and contractor certifications.

The Director may also make available to the Secretary of State information that a corporation which has been issued a certificate of incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted. For taxable years ending on or after December 31, 1987, the Director may make available to the Director or principal officer of any Department of the State of Illinois, information that a person employed by such Department has failed to file returns under this Act or pay the tax, penalty and interest shown therein. For purposes of this paragraph, the word "Department" shall have the same meaning as provided in Section 3 of the State Employees Group Insurance Act of 1971.

(d) The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance
of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

(e) Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer, by an authorized representative of the taxpayer, or, in the case of information related to a joint return, by the spouse filing the joint return with the taxpayer.

(Source: P.A. 93-25, eff. 6-20-03.)

Section 25. The Nursing Home Care Act is amended by changing Section 3-103 as follows:

(210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

Sec. 3-103. The procedure for obtaining a valid license shall be as follows:

(1) Application to operate a facility shall be made to the Department on forms furnished by the Department.

(2) All license applications shall be accompanied with an application fee. The fee for an annual license shall be $995 based on the licensed capacity of the facility and shall be determined as follows: 0-49 licensed beds, a flat fee of $500; 50-99 licensed beds, a flat fee of $750; and for any facility with 100 or more licensed beds, a fee of $1,000 plus $10 per licensed bed. Facilities that pay a fee or assessment pursuant to Article V-C of the Illinois Public Aid Code shall be exempt from the license fee imposed under this item (2). The fee for a 2-year license shall be double the fee for the annual license set forth in the preceding sentence. The first $600,000 of such fees collected each fiscal year shall be deposited with the State Treasurer into the Long Term Care Monitor/Receiver Fund, which has been created as a special fund in the State treasury. Any such fees in excess of $600,000 collected in a fiscal year shall be deposited into the General Revenue Fund. This special fund is to be used by the Department for expenses related to the appointment of monitors and receivers as contained in Sections 3-501 through 3-517. At the end of each fiscal year, any funds in excess of $1,000,000 held in the Long Term Care Monitor/Receiver Fund shall be deposited in the State's General Revenue Fund. The application shall be under oath and the submission of false or misleading information shall be a Class A misdemeanor. The application shall contain the following information:

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(a) The name and address of the applicant if an individual, and if a firm, partnership, or association, of every member thereof, and in the case of a corporation, the name and address thereof and of its officers and its registered agent, and in the case of a unit of local government, the name and address of its chief executive officer;

(b) The name and location of the facility for which a license is sought;

(c) The name of the person or persons under whose management or supervision the facility will be conducted;

(d) The number and type of residents for which maintenance, personal care, or nursing is to be provided; and

(e) Such information relating to the number, experience, and training of the employees of the facility, any management agreements for the operation of the facility, and of the moral character of the applicant and employees as the Department may deem necessary.

(3) Each initial application shall be accompanied by a financial statement setting forth the financial condition of the applicant and by a statement from the unit of local government having zoning jurisdiction over the facility's location stating that the location of the facility is not in violation of a zoning ordinance. An initial application for a new facility shall be accompanied by a permit as required by the "Illinois Health Facilities Planning Act". After the application is approved, the applicant shall advise the Department every 6 months of any changes in the information originally provided in the application.

(4) Other information necessary to determine the identity and qualifications of an applicant to operate a facility in accordance with this Act shall be included in the application as required by the Department in regulations.

(Source: P.A. 93-32, eff. 7-1-03.)

Section 27. The Pharmacy Practice Act of 1987 is amended by changing Section 25 as follows:

(225 ILCS 85/25) (from Ch. 111, par. 4145)

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

Sec. 25. No person shall compound, or sell or offer for sale, or cause to be compounded, sold or offered for sale any medicine or preparation under or by a name recognized in the United States Pharmacopoeia National Formulary, for internal or external use, which

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differs from the standard of strength, quality or purity as determined by the test laid down in the United States Pharmacopoeia National Formulary official at the time of such compounding, sale or offering for sale. Nor shall any person compound, sell or offer for sale, or cause to be compounded, sold, or offered for sale, any drug, medicine, poison, chemical or pharmaceutical preparation, the strength or purity of which shall fall below the professed standard of strength or purity under which it is sold. If the physician or other authorized prescriber, when transmitting an oral or written prescription, does not prohibit drug product selection, a different brand name or nonbrand name drug product of the same generic name may be dispensed by the pharmacist, provided that the selected drug has a unit price less than the drug product specified in the prescription and provided that the selection is permitted, is not subject to review at a meeting of the Technical Advisory Council, is not subject to a hearing in accordance with this Section, or is not specifically prohibited by the current Drug Product Selection Formulary issued by the Department of Public Health pursuant to Section 3.14 of the Illinois Food, Drug and Cosmetics Act, as amended. A generic drug determined to be therapeutically equivalent by the United States Food and Drug Administration (FDA) shall be available for substitution in Illinois in accordance with this Act and the Illinois Food, Drug and Cosmetic Act, provided that each manufacturer submits to the Director of the Department of Public Health a notification containing product technical bioequivalence information as a prerequisite to product substitution when they have completed all required testing to support FDA product approval and, in any event, the information shall be submitted no later than 60 days prior to product substitution in the State. If the Technical Advisory Council finds that a generic drug product may have issues related to the practice of medicine or the practice of pharmacy, the Technical Advisory Council shall review the generic drug product at its next regularly scheduled Technical Advisory Council meeting. Following the Technical Advisory Council's review and initial recommendation that a generic drug product not be included in the Illinois Formulary, a hearing shall be conducted in accordance with the rules of the Department of Public Health and Article 10 of the Illinois Administrative Procedure Act if requested by the manufacturer. The Technical Advisory Council shall make its recommendation to the Department of Public Health within 20 business days after the public hearing. If the Department of Public Health, on the recommendation of the Technical Advisory Council, determines that,

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based upon a preponderance of the evidence, the drug is not bioequivalent, not therapeutically equivalent, or could cause clinically significant harm to the health or safety of patients receiving that generic drug, the Department of Public Health may prohibit the generic drug from substitution in the State. A decision by the Department of Public Health to prohibit a drug product from substitution shall constitute a final administrative decision within the meaning of Section 22.2 of the Illinois Food, Drug and Cosmetic Act and Section 3-101 of the Code of Civil Procedure, and shall be subject to judicial review pursuant to the provisions of Article III of the Administrative Review Law. A decision to prohibit a generic drug from substitution must be accompanied by a written detailed explanation of the basis for the decision. On the prescription forms of prescribers, shall be placed a signature line and the words "may substitute" and "may not substitute". The prescriber, in his or her own handwriting, shall place a mark beside either the "may substitute" or "may not substitute" alternatives to guide the pharmacist in the dispensing of the prescription. A prescriber placing a mark beside the "may substitute" alternative or failing in his or her own handwriting to place a mark beside either alternative authorizes drug product selection in accordance with this Act. Preprinted or rubber stamped marks, or other deviations from the above prescription format shall not be permitted. The prescriber shall sign the form in his or her own handwriting to authorize the issuance of the prescription. When a person presents a prescription to be dispensed, the pharmacist to whom it is presented may inform the person if the pharmacy has available a different brand name or nonbrand name of the same generic drug prescribed and the price of the different brand name or nonbrand name of the drug product. If the person presenting the prescription is the one to whom the drug is to be administered, the pharmacist may dispense the prescription with the brand prescribed or a different brand name or nonbrand name product of the same generic name that has been permitted by the Department of Public Health, if the drug is of lesser unit cost and the patient is informed and agrees to the selection and the pharmacist shall enter such information into the pharmacy record. If the person presenting the prescription is someone other than the one to whom the drug is to be administered the pharmacist shall not dispense the prescription with a brand other than the one specified in the prescription unless the pharmacist has the written or oral authorization to select brands from the person to whom the drug is to be administered or a parent, legal guardian or spouse of that person.

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In every case in which a selection is made as permitted by the Illinois Food, Drug and Cosmetic Act, the pharmacist shall indicate on the pharmacy record of the filled prescription the name or other identification of the manufacturer of the drug which has been dispensed.

The selection of any drug product by a pharmacist shall not constitute evidence of negligence if the selected nonlegend drug product was of the same dosage form and each of its active ingredients did not vary by more than 1 percent from the active ingredients of the prescribed, brand name, nonlegend drug product or if the selected legend drug product was included in the Illinois Drug Product Selection Formulary current at the time the prescription was dispensed. Failure of a prescribing physician to specify that drug product selection is prohibited does not constitute evidence of negligence unless that practitioner has reasonable cause to believe that the health condition of the patient for whom the physician is prescribing warrants the use of the brand name drug product and not another.

The Department is authorized to employ an analyst or chemist of recognized or approved standing whose duty it shall be to examine into any claimed adulteration, illegal substitution, improper selection, alteration, or other violation hereof, and report the result of his investigation, and if such report justify such action the Department shall cause the offender to be prosecuted.

(Source: P.A. 91-766, eff. 9-1-00; 92-112, eff. 7-20-01.)

Section 30. The Illinois Public Aid Code is amended by changing Sections 5-5, 5-5.4, 5A-2, 5A-4, 5A-5, 5A-7, and 5A-12 and adding Sections 5-5.4c and 12-10.7 as follows:

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses

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prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

The Illinois Department of Public Aid shall provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by

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the Department of Human Services as successor to the Department of Public Aid:

(1) dental services, which shall include but not be limited to prosthodontics; and

(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows: a baseline mammogram for women 35 to 39 years of age and an annual mammogram for women 40 years of age or older. All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. As used in this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, image receptor, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with 2 views for each breast.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Public Aid shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social

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services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Illinois Department of Public Aid nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois

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Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany

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each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor that provides non-emergency medical transportation, defined by the Department by rule, shall be conditional for 180 days. During that time, the Department of Public Aid may terminate the vendor's eligibility to participate in the medical assistance program.

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without cause. That termination of eligibility is not subject to the Department's hearing process.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department. Rules under clause (2) above shall not provide for purchase or lease-purchase of durable medical equipment or supplies used for the purpose of oxygen delivery and respiratory care.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;
(b) actual statistics and trends in the provision of the various medical services by medical vendors;
(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and

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(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

(Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 92-789, eff. 8-6-02; 93-632, eff. 2-1-04.)

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2005, unless specifically provided for in this Section. The changes made by this amendatory Act of the 93rd General Assembly extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

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For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department of Public Aid shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall

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be provided for a period not exceeding 2 years after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

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Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the Illinois Department shall determine by rule the rates taking effect on July 1, 2004, which shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not

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make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 92-10, eff. 6-11-01; 92-31, eff. 6-28-01; 92-597, eff. 6-28-02; 92-651, eff. 7-11-02; 92-848, eff. 1-1-03; 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; revised 2-3-04.)

(305 ILCS 5/5-5.4c new)

Sec. 5-5.4c. Bed reserves; approval. The Department of Public Aid shall approve bed reserves at a daily rate of 75% of an individual's current Medicaid per diem, for nursing facilities 90% or more of whose residents are Medicaid recipients and that have occupancy levels of at least 93% for resident bed reserves not exceeding 10 days.

(305 ILCS 5/5A-2) (from Ch. 23, par. 5A-2)

(Section scheduled to be repealed on July 1, 2005)

Sec. 5A-2. Assessment; no local authorization to tax.

(a) Subject to Sections 5A-3 and 5A-10, an annual assessment on inpatient services is imposed on each hospital provider in an amount equal to the hospital’s occupied bed days multiplied by $84.19 for State fiscal years 2004 and 2005, if the payment methodologies required under 5A-12 and the waiver granted under 42 CFR 433.68 are approved with an effective date prior to July 1, 2004; or the assessment will be imposed for

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fiscal year 2005 only, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved with an effective date on or after July 1, 2004 in an amount equal to the hospital's occupied bed days multiplied by $84.19.

The Department of Public Aid shall use the number of occupied bed days as reported by each hospital on the Annual Survey of Hospitals conducted by the Department of Public Health to calculate the hospital's annual assessment. If the sum of a hospital's occupied bed days is not reported on the Annual Survey of Hospitals or if there are data errors in the reported sum of a hospital's occupied bed days as determined by the Department of Public Aid, then the Department of Public Aid may obtain the sum of occupied bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department of Public Aid or its duly authorized agents and employees.

(b) Nothing in this amendatory Act of the 93rd General Assembly shall be construed to authorize any home rule unit or other unit of local government to license for revenue or to impose a tax or assessment upon hospital providers or the occupation of hospital provider, or a tax or assessment measured by the income or earnings of a hospital provider.

(c) As provided in Section 5A-14, this Section is repealed on July 1, 2005.

(Source: P.A. 93-659, eff. 2-3-04.)

(305 ILCS 5/5A-4) (from Ch. 23, par. 5A-4)
Sec. 5A-4. Payment of assessment; penalty.
(a) The annual assessment imposed by Section 5A-2 for State fiscal year 2004 shall be due and payable on June 18 of the year. The assessment imposed by Section 5A-2 for State fiscal year 2005 shall be due and payable in quarterly installments, each equalling one-fourth of the assessment for the year, on July 19, October 19, January 18, and April 19 of the year. No installment payment of an assessment imposed by Section 5A-2 shall be due and payable, however, until after: (i) the hospital provider receives written notice from the Department of Public Aid that the payment methodologies to hospitals required under Section 5A-12 have been approved by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services and the waiver under 42 CFR 433.68 for the assessment imposed by Section 5A-2 has been granted by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services; and (ii) the hospital has

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received the payments required under Section 5A-12. Upon notification to the Department of approval of the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68, all quarterly installments otherwise due under Section 5A-2 prior to the date of notification shall be due and payable to the Department within 30 days of the date of notification.

(b) The Illinois Department is authorized to establish delayed payment schedules for hospital providers that are unable to make installment payments when due under this Section due to financial difficulties, as determined by the Illinois Department.

(c) If a hospital provider fails to pay the full amount of an installment when due (including any extensions granted under subsection (b)), there shall, unless waived by the Illinois Department for reasonable cause, be added to the assessment imposed by Section 5A-2 a penalty assessment equal to the lesser of (i) 5% of the amount of the installment not paid on or before the due date plus 5% of the portion thereof remaining unpaid on the last day of each 30-day period thereafter or (ii) 100% of the installment amount not paid on or before the due date. For purposes of this subsection, payments will be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

(Source: P.A. 93-659, eff. 2-3-04.)

(305 ILCS 5/5A-5) (from Ch. 23, par. 5A-5)
Sec. 5A-5. Notice; penalty; maintenance of records.

(a) After December 31 of each year (except as otherwise provided in this subsection), and on or before March 31 of the succeeding year, the Department of Public Aid shall send a notice of assessment to every hospital provider subject to assessment under this Article. The notice of assessment shall notify the hospital of its assessment and for the State fiscal year commencing on the next July 1, except that the notice for the State fiscal year commencing July 1, 2003 shall be sent within 14 days of receipt by the Department of notification from the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services that the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 have been approved before June 1, 2004. The notice shall be on a form prepared by the Illinois Department and shall state the following:

(1) The name of the hospital provider.

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(2) The address of the hospital provider's principal place of business from which the provider engages in the occupation of hospital provider in this State, and the name and address of each hospital operated, conducted, or maintained by the provider in this State.

(3) The occupied bed days of the hospital provider, the amount of assessment imposed under Section 5A-2 for the State fiscal year for which the notice is sent, and the amount of each quarterly installment to be paid during the State fiscal year.

(4) (Blank).

(5) Other reasonable information as determined by the Illinois Department.

(b) If a hospital provider conducts, operates, or maintains more than one hospital licensed by the Illinois Department of Public Health, the provider shall pay the assessment for each hospital separately.

(c) Notwithstanding any other provision in this Article, in the case of a person who ceases to conduct, operate, or maintain a hospital in respect of which the person is subject to assessment under this Article as a hospital provider, the assessment for the State fiscal year in which the cessation occurs shall be adjusted by multiplying the assessment computed under Section 5A-2 by a fraction, the numerator of which is the number of days in the year during which the provider conducts, operates, or maintains the hospital and the denominator of which is 365. Immediately upon ceasing to conduct, operate, or maintain a hospital, the person shall pay the assessment for the year as so adjusted (to the extent not previously paid).

(d) Notwithstanding any other provision in this Article, a provider who commences conducting, operating, or maintaining a hospital, upon notice by the Illinois Department, shall pay the assessment computed under Section 5A-2 and subsection (e) in installments on the due dates stated in the notice and on the regular installment due dates for the State fiscal year occurring after the due dates of the initial notice.

(e) Notwithstanding any other provision in this Article, in the case of a hospital provider that did not conduct, operate, or maintain a hospital throughout calendar year 2001, the assessment for that State fiscal year shall be computed on the basis of hypothetical occupied bed days for the full calendar year as determined by the Illinois Department.

(f) (Blank).

(g) (Blank).

(h) (Blank).

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Sec. 5A-7. Administration; enforcement provisions.

(a) The Illinois Department shall establish and maintain a listing of all hospital providers appearing in the licensing records of the Illinois Department of Public Health, which shall show each provider's name and principal place of business and the name and address of each hospital operated, conducted, or maintained by the provider in this State. The Illinois Department shall administer and enforce this Article and collect the assessments and penalty assessments imposed under this Article using procedures employed in its administration of this Code generally. The Illinois Department, its Director, and every hospital provider subject to assessment measured by occupied bed days shall have the following powers, duties, and rights:

(1) The Illinois Department may initiate either administrative or judicial proceedings, or both, to enforce provisions of this Article. Administrative enforcement proceedings initiated hereunder shall be governed by the Illinois Department's administrative rules. Judicial enforcement proceedings initiated hereunder shall be governed by the rules of procedure applicable in the courts of this State.

(2) No proceedings for collection, refund, credit, or other adjustment of an assessment amount shall be issued more than 3 years after the due date of the assessment, except in the case of an extended period agreed to in writing by the Illinois Department and the hospital provider before the expiration of this limitation period.

(3) Any unpaid assessment under this Article shall become a lien upon the assets of the hospital upon which it was assessed. If any hospital provider, outside the usual course of its business, sells or transfers the major part of any one or more of (A) the real property and improvements, (B) the machinery and equipment, or (C) the furniture or fixtures, of any hospital that is subject to the provisions of this Article, the seller or transferee shall pay the Illinois Department the amount of any assessment, assessment penalty, and interest (if any) due from it under this Article up to the date of the sale or transfer. If the seller or transferee fails to pay any assessment, assessment penalty, and interest (if any) due, the purchaser or transferee of such asset shall be liable for the amount

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of the assessment, penalties, and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee. The purchaser or transferee shall continue to be liable until the purchaser or transferee pays the full amount of the assessment, penalties, and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee or until the purchaser or transferee receives from the Illinois Department a certificate showing that such assessment, penalty, and interest have been paid or a certificate from the Illinois Department showing that no assessment, penalty, or interest is due from the seller or transferor under this Article.

(4) Payments under this Article are not subject to the Illinois Prompt Payment Act. Credits or refunds shall not bear interest.

(b) In addition to any other remedy provided for and without sending a notice of assessment liability, the Illinois Department may collect an unpaid assessment by withholding, as payment of the assessment, reimbursements or other amounts otherwise payable by the Illinois Department to the hospital provider.

(a) To the extent practicable, the Illinois Department shall administer and enforce this Article and collect the assessments, interest, and penalty assessments imposed under this Article using procedures employed in its administration of this Code generally and, as it deems appropriate, in a manner similar to that in which the Department of Revenue administers and collects the retailers' occupation tax under the Retailers' Occupation Tax Act ("ROTA"). Instead of certificates of registration, the Illinois Department shall establish and maintain a listing of all hospital providers appearing in the licensing records of the Department of Public Health, which shall show each provider's name, principal place of business, and the name and address of each hospital operated, conducted, or maintained by the provider in this State. In addition, the following specified provisions of the Retailers' Occupation Tax Act are incorporated by reference into this Section except that the Illinois Department and its Director (rather than the Department of Revenue and its Director) and every hospital provider subject to assessment measured by occupied bed days (rather than persons subject to retailers' occupation tax measured by gross receipts from the sale of tangible personal property at retail) shall have the powers, duties, and rights specified in these ROTA provisions, as modified in this Section or

New matter indicated by italics - deletions by strikeout.
by the Illinois Department in a manner consistent with this Article and except as manifestly inconsistent with the other provisions of this Article:

(1) ROTA, Section 4 (examination of return; notice of correction; evidence; limitations; protest and hearing); except that (i) the Illinois Department shall issue notices of assessment liability (rather than notices of tax liability as provided in ROTA, Section 4); (ii) in the case of a fraudulent return or in the case of an extended period agreed to by the Illinois Department and the hospital provider before the expiration of the limitation period, no notice of assessment liability shall be issued more than 3 years after the later of the due date of the return required by Section 5A-5 or the date the return (or an amended return) was filed (rather within the period stated in ROTA, Section 4); and (iii) the penalty provisions of ROTA, Section 4 shall not apply.

(2) ROTA, Sec. 5 (failure to make return; failure to pay assessment), except that the penalty and interest provisions of ROTA, Section 5 shall not apply.

(3) ROTA, Section 5a (lien; attachment; termination; notice; protest; review; release of lien; status of lien).

(4) ROTA, Section 5b (State lien notices; State lien index; duties of recorder and registrar of titles).

(5) ROTA, Section 5c (liens; certificate of release).

(6) ROTA, Section 5d (Department not required to furnish bond; claim to property attached or levied upon).

(7) ROTA, Section 5e (foreclosure on liens; enforcement).

(8) ROTA, Section 5f (demand for payment; levy and sale of property; limitation).

(9) ROTA, Section 5g (sale of property; redemption).

(10) ROTA, Section 5j (sales on transfers outside usual course of business; report; payment of assessment; rights and duties of purchaser; penalty), except that notice shall be provided to the Illinois Department as specified by rule.

(11) ROTA, Section 6 (erroneous payments; credit or refund), provided that (i) the Illinois Department may only apply an amount otherwise subject to credit or refund to a liability arising under this Article; (ii) except in the case of an extended period agreed to by the Illinois Department and the hospital provider before the expiration of this limitation period, a claim for credit or refund must be filed no more than 3 years after the due date of the

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return required by Section 5A-5 (rather than the time limitation stated in ROTA, Section 6); and (iii) credits or refunds shall not bear interest:

(12) ROTA, Section 6a (claims for credit or refund);

(13) ROTA, Section 6b (tentative determination of claim; notice; hearing; review), provided that a hospital provider or its representative shall have 60 days (rather than 20 days) within which to file a protest and request for hearing in response to a tentative determination of claim:

(14) ROTA, Section 6c (finality of tentative determinations);

(15) ROTA, Section 8 (investigations and hearings);

(16) ROTA, Section 9 (witness; immunity);

(17) ROTA, Section 10 (issuance of subpoenas; attendance of witnesses; production of books and records);

(18) ROTA, Section 11 (information confidential; exceptions);

(19) ROTA, Section 12 (rules and regulations; hearing; appeals), except that a hospital provider shall not be required to file a bond or be subject to a lien in lieu thereof in order to seek court review under the Administrative Review Law of a final assessment or revised final assessment or the equivalent thereof issued by the Illinois Department under this Article.

(b) In addition to any other remedy provided for and without sending a notice of assessment liability, the Illinois Department may collect an unpaid assessment by withholding, as payment of the assessment, reimbursements or other amounts otherwise payable by the Illinois Department to the provider.

(Source: P.A. 93-659, eff. 2-3-04.)

(305 ILCS 5/5A-12)

(Section scheduled to be repealed on July 1, 2005)

Sec. 5A-12. Hospital access improvement payments.

(a) To improve access to hospital services, for hospital services rendered on or after June 1, 2004, the Department of Public Aid shall make payments to hospitals as set forth in this Section, except for hospitals described in subsection (b) of Section 5A-3. These payments shall be paid on a quarterly basis. For State fiscal year 2004, if the effective date of the approval of the payment methodology required under this Section and the waiver granted under 42 CFR 433.68 by the Centers for Medicare and

New matter indicated by italics - deletions by strikeout.
Medicaid Services of the U.S. Department of Health and Human Services is prior to July 1, 2004, the Department shall pay the total amounts required for fiscal year 2004 under this Section within 25 days of the latest notification; these amounts shall be paid on or before June 15 of the year. No payment shall be made for State fiscal year 2004 if the effective date of the approval is on or after July 1, 2004. In State fiscal year 2005 and subsequent State fiscal years, the total amounts required under this Section shall be paid in 4 equal installments on or before July 15, October 15, January 14, and April 15 of the year, except that if the date of notification of the approval of the payment methodologies required under this Section and the waiver granted under 42 CFR 433.68 is on or after July 1, 2004, the sum of amounts required under this Section prior to the date of notification shall be paid within 25 days of the date of the last notification.

Payments under this Section are not due and payable, however, until (i) the methodologies described in this Section are approved by the federal government in an appropriate State Plan amendment, (ii) the assessment imposed under this Article is determined to be a permissible tax under Title XIX of the Social Security Act, and (iii) the assessment is in effect.

(b) High volume payment. In addition to rates paid for inpatient hospital services, the Department of Public Aid shall pay, to each Illinois hospital that provided more than 20,000 Medicaid inpatient days of care during State fiscal year 2001 (except for hospitals that qualify for adjustment payments under Section 5-5.02 for the 12-month period beginning on October 1, 2002), $190 for each Medicaid inpatient day of care provided during that fiscal year. A hospital that provided less than 30,000 Medicaid inpatient days of care during that period, however, is not entitled to receive more than $3,500,000 per year in such payments.

(c) Medicaid inpatient utilization rate adjustment. In addition to rates paid for inpatient hospital services, the Department of Public Aid shall pay each Illinois hospital (except for hospitals described in Section 5A-3), for each Medicaid inpatient day of care provided during State fiscal year 2001, an amount equal to the product of $57.25 multiplied by the quotient of 1 divided by the greater of 1.6% or the hospital's Medicaid inpatient utilization rate (as used to determine eligibility for adjustment payments under Section 5-5.02 for the 12-month period beginning on October 1, 2002). The total payments under this subsection to a hospital may not exceed $10,500,000 annually.

(d) Psychiatric base rate adjustment.
(1) In addition to rates paid for inpatient psychiatric services, the Department of Public Aid shall pay each Illinois general acute care hospital with a distinct part-psychiatric unit, for each Medicaid inpatient psychiatric day of care provided in State fiscal year 2001, an amount equal to $400 less the hospital's per-diem rate for Medicaid inpatient psychiatric services as in effect on October 1, 2003. In no event, however, shall that amount be less than zero.

(2) For distinct part-psychiatric units of Illinois general acute care hospitals, except for all hospitals excluded in Section 5A-3, whose inpatient per-diem rate as in effect on October 1, 2003 is greater than $400, the Department shall pay, in addition to any other amounts authorized under this Code, $25 for each Medicaid inpatient psychiatric day of care provided in State fiscal year 2001.

(e) Supplemental tertiary care adjustment. In addition to rates paid for inpatient services, the Department of Public Aid shall pay to each Illinois hospital eligible for tertiary care adjustment payments under 89 Ill. Adm. Code 148.296, as in effect for State fiscal year 2003, a supplemental tertiary care adjustment payment equal to the tertiary care adjustment payment required under 89 Ill. Adm. Code 148.296, as in effect for State fiscal year 2003.

(f) Medicaid outpatient utilization rate adjustment. In addition to rates paid for outpatient hospital services, the Department of Public Aid shall pay each Illinois hospital (except for hospitals described in Section 5A-3), an amount equal to the product of 2.45% multiplied by the hospital's Medicaid outpatient charges multiplied by the quotient of 1 divided by the greater of 1.6% or the hospital's Medicaid outpatient utilization rate. The total payments under this subsection to a hospital may not exceed $6,750,000 annually.

For purposes of this subsection:

"Medicaid outpatient charges" means the charges for outpatient services provided to Medicaid patients for State fiscal year 2001 as submitted by the hospital on the UB-92 billing form or under the ambulatory procedure listing and adjudicated by the Department of Public Aid on or before September 12, 2003.

"Medicaid outpatient utilization rate" means a fraction, the numerator of which is the hospital's Medicaid outpatient charges and the

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denominator of which is the total number of the hospital's charges for outpatient services for the hospital's fiscal year ending in 2001.

(g) State outpatient service adjustment. In addition to rates paid for outpatient hospital services, the Department of Public Aid shall pay each Illinois hospital an amount equal to the product of 75.5% multiplied by the hospital's Medicaid outpatient services submitted to the Department on the UB-92 billing form for State fiscal year 2001 multiplied by the hospital's outpatient access fraction.

For purposes of this subsection, "outpatient access fraction" means a fraction, the numerator of which is the hospital's Medicaid payments for outpatient services for ambulatory procedure listing services submitted to the Department on the UB-92 billing form for State fiscal year 2001, and the denominator of which is the hospital's Medicaid outpatient services submitted to the Department on the UB-92 billing form for State fiscal year 2001.

The total payments under this subsection to a hospital may not exceed $3,000,000 annually.

(h) Rural hospital outpatient adjustment. In addition to rates paid for outpatient hospital services, the Department of Public Aid shall pay each Illinois rural hospital an amount equal to the product of $14,500,000 multiplied by the rural hospital outpatient adjustment fraction.

For purposes of this subsection, "rural hospital outpatient adjustment fraction" means a fraction, the numerator of which is the hospital's Medicaid visits for outpatient services for ambulatory procedure listing services submitted to the Department on the UB-92 billing form for State fiscal year 2001, and the denominator of which is the total Medicaid visits for outpatient services for ambulatory procedure listing services for all Illinois rural hospitals submitted to the Department on the UB-92 billing form for State fiscal year 2001.

For purposes of this subsection, "rural hospital" has the same meaning as in 89 Ill. Adm. Code 148.25, as in effect on September 30, 2003.

(i) Merged/closed hospital adjustment. If any hospital files a combined Medicaid cost report with another hospital after January 1, 2001, and if that hospital subsequently closes, then except for the payments described in subsection (e), all payments described in the various subsections of this Section shall, before the application of the annual limitation amount specified in each such subsection, be multiplied by a fraction, the numerator of which is the number of occupied bed days

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attributable to the open hospital and the denominator of which is the sum of the number of occupied bed days of each open hospital and each closed hospital. For purposes of this subsection, "occupied bed days" has the same meaning as the term is defined in subsection (a) of Section 5A-2.

(j) For purposes of this Section, the terms "Medicaid days", "Medicaid charges", and "Medicaid services" do not include any days, charges, or services for which Medicare was liable for payment.

(k) As provided in Section 5A-14, this Section is repealed on July 1, 2005.

(Source: P.A. 93-659, eff. 2-3-04.)

(305 ILCS 5/12-10.7 new)

Sec. 12-10.7. The Health and Human Services Medicaid Trust Fund.

(a) The Health and Human Services Medicaid Trust Fund shall consist of (i) moneys appropriated or transferred into the Fund, pursuant to statute, (ii) federal financial participation moneys received pursuant to expenditures from the Fund, and (iii) the interest earned on moneys in the Fund.

(b) Subject to appropriation, the moneys in the Fund shall be used by a State agency for such purposes as that agency may, by the appropriation language, be directed.

Section 35. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Section 6 as follows:

(320 ILCS 25/6) (from Ch. 67 1/2, par. 406)

Sec. 6. Administration.

(a) In general. Upon receipt of a timely filed claim, the Department shall determine whether the claimant is a person entitled to a grant under this Act and the amount of grant to which he is entitled under this Act. The Department may require the claimant to furnish reasonable proof of the statements of domicile, household income, rent paid, property taxes accrued and other matters on which entitlement is based, and may withhold payment of a grant until such additional proof is furnished.

(b) Rental determination. If the Department finds that the gross rent used in the computation by a claimant of rent constituting property taxes accrued exceeds the fair rental value for the right to occupy that residence, the Department may determine the fair rental value for that residence and recompute rent constituting property taxes accrued accordingly.

New matter indicated by italics - deletions by strikeout.
(c) Fraudulent claims. The Department shall deny claims which have been fraudulently prepared or when it finds that the claimant has acquired title to his residence or has paid rent for his residence primarily for the purpose of receiving a grant under this Act.

(d) Pharmaceutical Assistance. The Department shall allow all pharmacies licensed under the Pharmacy Practice Act of 1987 to participate as authorized pharmacies unless they have been removed from that status for cause pursuant to the terms of this Section. The Director of the Department may enter into a written contract with any State agency, instrumentality or political subdivision, or a fiscal intermediary for the purpose of making payments to authorized pharmacies for covered prescription drugs and coordinating the program of pharmaceutical assistance established by this Act with other programs that provide payment for covered prescription drugs. Such agreement shall establish procedures for properly contracting for pharmacy services, validating reimbursement claims, validating compliance of dispensing pharmacists with the contracts for participation required under this Section, validating the reasonable costs of covered prescription drugs, and otherwise providing for the effective administration of this Act.

The Department shall promulgate rules and regulations to implement and administer the program of pharmaceutical assistance required by this Act, which shall include the following:

1. Execution of contracts with pharmacies to dispense covered prescription drugs. Such contracts shall stipulate terms and conditions for authorized pharmacies participation and the rights of the State to terminate such participation for breach of such contract or for violation of this Act or related rules and regulations of the Department;

2. Establishment of maximum limits on the size of prescriptions, new or refilled, which shall be in amounts sufficient for 34 days, except as otherwise specified by rule for medical or utilization control reasons;

3. Establishment of liens upon any and all causes of action which accrue to a beneficiary as a result of injuries for which covered prescription drugs are directly or indirectly required and for which the Director made payment or became liable for under this Act;

4. Charge or collection of payments from third parties or private plans of assistance, or from other programs of public

New matter indicated by italics - deletions by strikeout.
assistance for any claim that is properly chargeable under the assignment of benefits executed by beneficiaries as a requirement of eligibility for the pharmaceutical assistance identification card under this Act;

(4.5) Provision for automatic enrollment of beneficiaries into a Medicare Discount Card program authorized under the federal Medicare Modernization Act of 2003 (P.L. 108-391) to coordinate coverage including Medicare Transitional Assistance;

(5) Inspection of appropriate records and audit of participating authorized pharmacies to ensure contract compliance, and to determine any fraudulent transactions or practices under this Act;

(6) Annual determination of the reasonable costs of covered prescription drugs for which payments are made under this Act, as provided in Section 3.16;

(7) Payment to pharmacies under this Act in accordance with the State Prompt Payment Act.

The Department shall annually report to the Governor and the General Assembly by March 1st of each year on the administration of pharmaceutical assistance under this Act. By the effective date of this Act, the Department shall determine the reasonable costs of covered prescription drugs in accordance with Section 3.16 of this Act.

(Source: P.A. 91-357, eff. 7-29-99; 92-651, eff. 7-11-02.)

Section 40. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 3.14 as follows:

(410 ILCS 620/3.14) (from Ch. 56 1/2, par. 503.14)

Sec. 3.14. Dispensing or causing to be dispensed a different drug in place of the drug or brand of drug ordered or prescribed without the express permission of the person ordering or prescribing. However, this Section does not prohibit the interchange of different brands of the same generically equivalent drug product, when the drug products are not required to bear the legend "Caution: Federal law prohibits dispensing without prescription", provided that the same dosage form is dispensed and there is no greater than 1% variance in the stated amount of each active ingredient of the drug products. Nothing in this Section shall prohibit the selection of different brands of the same generic drug, based upon a drug formulary listing which is developed, maintained, and issued by the Department of Public Health under which drug product selection is permitted, is not subject to review at a meeting of the Technical Advisory Board.

New matter indicated by italics - deletions by strikeout.
Council, is not subject to a hearing in accordance with this Section, or is not specifically prohibited: A generic drug determined to be therapeutically equivalent by the United States Food and Drug Administration (FDA) shall be available for substitution in Illinois in accordance with this Act and the Pharmacy Practice Act of 1987, provided that each manufacturer submits to the Director of the Department of Public Health a notification containing product technical bioequivalence information as a prerequisite to product substitution when they have completed all required testing to support FDA product approval and, in any event, the information shall be submitted no later than 60 days prior to product substitution in the State. If the Technical Advisory Council finds that a generic drug product may have issues related to the practice of medicine or the practice of pharmacy, the Technical Advisory Council shall review the generic drug product at its next regularly scheduled Technical Advisory Council meeting. Following the Technical Advisory Council's review and initial recommendation that a generic drug product not be included in the Illinois Formulary, a hearing shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Admin. Code 100) and Article 10 of the Illinois Administrative Procedure Act if requested by the manufacturer. The Technical Advisory Council shall make its recommendation to the Department of Public Health within 20 business days after the public hearing. If the Department of Public Health, on the recommendation of the Technical Advisory Council, determines that, based upon a preponderance of the evidence, the drug is not bioequivalent, not therapeutically equivalent, or could cause clinically significant harm to the health or safety of patients receiving that generic drug, the Department of Public Health may prohibit the generic drug from substitution in the State. A decision by the Department to prohibit a drug product from substitution shall constitute a final administrative decision within the meaning of Section 22.2 of the Illinois Food, Drug and Cosmetic Act and Section 3-101 of the Code of Civil Procedure, and shall be subject to judicial review pursuant to the provisions of Article III of the Administrative Review Law. A decision to prohibit a generic drug from substitution must be accompanied by a written detailed explanation of the basis for the decision. Determination of products which may be selected shall be recommended by a Technical Advisory Council of the Department, selected by the Director of Public Health, which council shall consist of 7 persons including 2 physicians, 2 pharmacists, 2 pharmacologists and one other

New matter indicated by italics - deletions by strikeout.
prescriber who have special knowledge of generic drugs and formulary. Technical Advisory Council members shall serve without pay, and shall be appointed for a 3-year term and until their successors are appointed and qualified. The procedures for operation of the Drug Product Selection Program shall be promulgated by the Director, however the actual list of products prohibited or approved for drug product selection need not be promulgated. The Technical Advisory Council shall take cognizance of federal studies, the U.S. Pharmacopoeia-National Formulary, or other recognized authoritative sources, and shall advise the Director of any necessary modifications. Drug products previously approved by the Technical Advisory Council for generic interchange may be substituted in the State of Illinois without further review subject to the conditions of approval in the State of Illinois prior to the effective date of this amendatory Act of the 91st General Assembly.

Timely notice of revisions to the formulary shall be furnished at no charge to all pharmacies by the Department. Single copies of the drug formulary shall be made available at no charge upon request to licensed prescribers, student pharmacists, and pharmacists practicing pharmacy in this State under a reciprocal license. The Department shall offer subscriptions to the drug formulary and its revisions to other interested parties at a reasonable charge to be established by rule. Before the Department makes effective any additions to or deletions from the procedures for operation of the Drug Product Selection Program under this Section, the Department shall file proposed rules to amend the procedures for operation of the program under Section 5-40 of the Illinois Administrative Procedure Act. The Department shall issue necessary rules and regulations for the implementation of this Section:

(Source: P.A. 91-766, eff. 9-1-00; 92-112, eff. 7-20-01.)

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


PUBLIC ACT 93-0842
(Senate Bill No. 3340)

AN ACT making appropriations.

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

ARTICLE 1

(Public Act 93-681 rep.)

Section 5. Public Act 93-681 made appropriations for State fiscal year 2005 for core services and contained a provision repealing the Act on August 1, 2004. Public Act 93-681 is repealed on the earlier of August 1, 2004 or the effective date of this Act.

Section 10. This Act makes appropriations for State fiscal year 2005 and includes those items of appropriation in Public Act 93-681 that correspond to the items of appropriation in this Act, with changes as applicable. Expenditures and obligations made under the authority of Public Act 93-681 are deemed to have been expended and obligated under the authority of the corresponding item of appropriation in this Act. This Act supersedes Public Act 93-681. The amounts of expenditure made under the authority of Public Act 93-681 are to be subtracted from the corresponding item of appropriation in this Act in determining the amounts available for expenditure under this Act. In the event that expenditures approved by the Comptroller pursuant to Public Act 93-680 prior to the effective date of this Act exceed the new appropriation, the appropriation is increased to the amount of those approved expenditures.

ARTICLE 2

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2004:

ANALYSIS AND REPORTING DIVISION

From the General Revenue Fund:
For Personal Services............................... 653,800
For Employee Retirement Contributions
  Paid by Employer................................. 0
For Retirement Contributions.......................... 40,400
For Social Security Contributions................... 49,900
Total............................................... $744,100

From the State Board of Education Federal Department of Education Fund:
For Personal Services............................... 349,400
For Employee Retirement Contributions
  Paid by Employer................................. 11,700

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<td>EXTERNAL ASSURANCE DIVISION</td>
<td></td>
</tr>
<tr>
<td>From the General Revenue Fund:</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>399,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>30,600</td>
</tr>
<tr>
<td>Total</td>
<td>$463,500</td>
</tr>
<tr>
<td>From the State Board of Education Federal Department of Education Fund:</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>2,011,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>70,700</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>245,300</td>
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</table>

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0842  

<table>
<thead>
<tr>
<th>Division</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Social Security Contributions</td>
<td>153,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>348,000</td>
</tr>
<tr>
<td>Total</td>
<td>$2,829,300</td>
</tr>
</tbody>
</table>

FINANCE AND ADMINISTRATION DIVISION

From the General Revenue Fund:
- For Personal Services: **130,700**
- For Employee Retirement Contributions:
  - Paid by Employer: **0**
  - For Retirement Contributions: **800**
  - For Social Security Contributions: **9,800**
- Total: **$141,300**

FISCAL AND ADMINISTRATIVE SERVICES DIVISION

From the General Revenue Fund:
- For Personal Services: **1,740,400**
- For Employee Retirement Contributions:
  - Paid by Employer: **3,200**
  - For Retirement Contributions: **128,700**
  - For Social Security Contributions: **132,400**
- Total: **$2,001,500**

From the State Board of Education Federal Department of Agriculture Fund:
- For Personal Services: **162,700**
- For Employee Retirement Contributions:
  - Paid by Employer: **3,200**
  - For Retirement Contributions: **22,000**
  - For Social Security Contributions: **12,400**
- For Group Insurance: **48,000**
- Total: **$248,300**

From the State Board of Education Federal Department of Education Fund:
- For Personal Services: **111,500**
- For Employee Retirement Contributions:
  - Paid by Employer: **4,700**
  - For Retirement Contributions: **18,900**
  - For Social Security Contributions: **8,500**
- For Group Insurance: **36,000**
- Total: **$179,600**

FUNDING AND DISBURSEMENT DIVISION

From the General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services ................................................. 797,800
For Employee Retirement Contributions
  Paid by Employer .................................................. 0
  For Retirement Contributions ..................................... 36,800
For Social Security Contributions .............................. 61,000
Total                                                                                           $895,600

From the Drivers Education Fund:
For Personal Services ............................................. 57,300
For Employee Retirement Contributions
  Paid by Employer .................................................. 1,700
  For Retirement Contributions ................................... 2,300
For Social Security Contributions ............................ 4,400
For Group Insurance ............................................... 15,000
Total                                                                                             $80,700

From the State Board of Education Federal Department of Agriculture Fund:
For Personal Services ............................................. 222,600
For Employee Retirement Contributions
  Paid by Employer .................................................. 7,300
  For Retirement Contributions ................................... 30,800
For Social Security Contributions ............................ 17,000
For Group Insurance ............................................... 60,000
Total                                                                                           $337,700

From the State Board of Education Federal Department of Education Fund:
For Personal Services ............................................. 756,200
For Employee Retirement Contributions
  Paid by Employer .................................................. 23,900
  For Retirement Contributions ................................... 102,900
For Social Security Contributions ............................ 57,900
For Group Insurance ............................................... 186,000
Total                                                                                        $1,126,900

GENERAL COUNSEL DIVISION
From the General Revenue Fund:
For Personal Services ............................................. 890,400
For Employee Retirement Contributions
  Paid by Employer .................................................. 0
  For Retirement Contributions ................................. 90,200
For Social Security Contributions ............................ 65,600

New matter indicated by italics - deletions by strikeout.
From the State Board of Education Federal Department of Agriculture Fund:

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<th>Category</th>
<th>Amount</th>
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<tr>
<td>For Personal Services</td>
<td>60,000</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>2,400</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>6,600</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>4,600</td>
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<td>For Group Insurance</td>
<td>12,000</td>
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<td>$85,600</td>
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From the State Board of Education Federal Department of Education Fund:

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<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>244,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>8,500</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>27,100</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>17,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>36,000</td>
</tr>
<tr>
<td>Total</td>
<td>$333,200</td>
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</table>

**GOVERNMENTAL RELATIONS DIVISION**

From the General Revenue Fund:

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<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>219,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>8,100</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>15,900</td>
</tr>
<tr>
<td>Total</td>
<td>$243,800</td>
</tr>
</tbody>
</table>

From the State Board of Education Federal Department of Education Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>113,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>2,600</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>12,600</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>7,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>12,000</td>
</tr>
<tr>
<td>Total</td>
<td>$147,900</td>
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</table>

**HUMAN RESOURCES DIVISION**

From the General Revenue Fund:

<table>
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<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>764,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by Employer................................. 0
For Retirement Contributions.................... 59,200
For Social Security Contributions............... 57,600
Total $880,900

INFORMATION TECHNOLOGY DIVISION
From the General Revenue Fund:
For Personal Services........................... 146,700
For Employee Retirement Contributions
Paid by Employer................................. 0
For Retirement Contributions....................... 900
For Social Security Contributions............... 10,200
Total $157,800

INTERNAL AUDIT DIVISION
From the General Revenue Fund:
For Personal Services........................... 325,400
For Employee Retirement Contributions
Paid by Employer................................. 0
For Retirement Contributions...................... 19,800
For Social Security Contributions............... 24,900
Total $370,100

OPERATIONS ADMINISTRATION DIVISION
From the General Revenue Fund:
For Personal Services........................... 166,300
For Employee Retirement Contributions
Paid by Employer................................. 0
For Retirement Contributions....................... 8,200
For Social Security Contributions............... 10,700
For Contractual Services......................... 16,981,800
For Travel....................................... 313,700
For Commodities.................................. 69,000
For Printing...................................... 105,200
For Equipment.................................... 78,900
For Telecommunications........................... 576,800
For Operation of Automotive Equipment............. 11,800
Total $18,322,400
From the State Board of Education Federal Agency Services Fund:
For Contractual Services......................... 847,000
For Travel....................................... 122,000

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0842

For Commodities............................... 22,500
For Printing.................................... 13,000
For Equipment.................................. 11,000
For Telecommunications......................... 18,000
Total $1,033,500

From the State Board of Education Federal Department of Agriculture Fund:

For Contractual Services...................... 900,000
For Travel.................................... 370,000
For Commodities.............................. 75,000
For Printing................................... 150,000
For Equipment................................. 75,000
For Telecommunications....................... 75,000
Total $3,645,000

From the State Board of Education Federal Department of Education Fund:

For Contractual Services..................... 43,012,400
For Travel.................................... 1,387,500
For Commodities............................. 440,600
For Printing................................... 609,000
For Equipment................................. 383,500
For Telecommunications...................... 612,500
Total $46,445,500

PUBLIC INFORMATION DIVISION

From the General Revenue Fund:

For Personal Services...................... 708,900
For Employee Retirement Contributions
   Paid by Employer........................ 0
   For Retirement Contributions.......... 59,000
   For Social Security Contributions..... 54,200
   Total $822,100

From the State Board of Education Federal Department of Agriculture Fund:

For Personal Services...................... 15,900
For Employee Retirement Contributions
   Paid by Employer....................... 600
   For Retirement Contributions......... 1,800
   For Social Security Contributions.... 1,200
   For Group Insurance................... 3,000

New matter indicated by italics - deletions by strikeout.
From the State Board of Education Federal Department of Education Fund:
For Personal Services.......................... 47,700
For Employee Retirement Contributions
Paid by Employer.............................. 2,000
For Retirement Contributions............... 5,300
For Social Security Contributions............. 3,600
For Group Insurance........................... 9,000
Total $67,600

SPECIAL EDUCATION ADMINISTRATION DIVISION
From the State Board of Education Federal Department of Education Fund:
For Personal Services.......................... 158,700
For Employee Retirement Contributions
Paid by Employer.............................. 5,900
For Retirement Contributions............... 19,700
For Social Security Contributions............. 11,000
For Group Insurance........................... 24,000
Total $219,300

STATE SUPERINTENDENT DIVISION
From the General Revenue Fund:
For Personal Services.......................... 317,500
For Employee Retirement Contributions
Paid by Employer.............................. 0
For Retirement Contributions............... 14,800
For Social Security Contributions............. 15,800
Total $348,100

ACCOUNTABILITY DIVISION
From the General Revenue Fund:
For Personal Services.......................... 823,900
For Employee Retirement Contributions
Paid by Employer.............................. 0
For Retirement Contributions............... 56,800
For Social Security Contributions............. 62,700
Total $943,400

From the State Board of Education Federal Department of Agriculture Fund:
For Personal Services.......................... 42,100

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by Employer............................... 1,700
For Retirement Contributions.................... 4,700
For Social Security Contributions.................. 3,200
For Group Insurance.............................. 12,000
Total............................................ $63,700

From the State Board of Education Federal Department of Education Fund:
For Personal Services............................ 186,100
For Employee Retirement Contributions
Paid by Employer............................... 6,900
For Retirement Contributions..................... 21,800
For Social Security Contributions................ 14,200
For Group Insurance............................. 30,000
Total............................................ $259,000

BUSINESS AND SUPPORT SERVICES DIVISION
From the General Revenue Fund:
For Personal Services............................ 926,700
For Employee Retirement Contributions
Paid by Employer............................... 0
For Retirement Contributions..................... 65,800
For Social Security Contributions................ 70,900
Total............................................ $1,063,400

From the School Infrastructure Fund:
For Personal Services............................ 69,900
For Employee Retirement Contributions
Paid by Employer............................... 3,000
For Retirement Contributions..................... 2,800
For Social Security Contributions................ 5,300
For Group Insurance............................. 12,000
Total............................................ $93,000

CAREER DEVELOPMENT DIVISION
From the General Revenue Fund:
For Personal Services............................ 235,900
For Employee Retirement Contributions
Paid by Employer............................... 0
For Retirement Contributions..................... 1,400
For Social Security Contributions................ 18,000
Total............................................ $255,300

New matter indicated by italics - deletions by strikeout.
From the State Board of Education Federal Department of Education Fund:

For Personal Services........................... 485,900
For Employee Retirement Contributions
Paid by Employer................................. 16,800
For Retirement Contributions..................... 63,900
For Social Security Contributions.................. 37,200
For Group Insurance.................................. 96,000
Total                                            $699,800

CURRICULUM AND INSTRUCTION DIVISION

From the General Revenue Fund:

For Personal Services........................... 185,700
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions....................... 8,100
For Social Security Contributions.................. 14,200
Total                                            $208,000

From the State Board of Education Federal Agency Services Fund:

For Personal Services........................... 37,200
For Employee Retirement Contributions
Paid by Employer.................................. 3,000
For Retirement Contributions....................... 4,100
For Social Security Contributions.................. 2,800
For Group Insurance................................ 6,000
Total                                            $53,100

From the State Board of Education Federal Agency Services Fund:

For Personal Services........................... 69,900
For Employee Retirement Contributions
Paid by Employer.................................. 2,900
For Retirement Contributions....................... 7,700
For Social Security Contributions.................. 5,300
For Group Insurance................................ 12,000
Total                                            $97,800

From the State Board of Education Federal Department of Education Fund:

For Personal Services........................... 862,700
For Employee Retirement Contributions
Paid by Employer.................................. 27,600
For Retirement Contributions..................... 100,100

New matter indicated by italics - deletions by strikeout.
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For Social Security Contributions................. 66,000
For Group Insurance.................................. 159,000
Total $1,215,400

EARLY CHILDHOOD DIVISION

From the General Revenue Fund:
For Personal Services............................... 133,700
For Employee Retirement Contributions
Paid by Employer.................................... 0
For Retirement Contributions...................... 13,000
For Social Security Contributions..................
Total $156,900

From the State Board of Education Federal Department of Education Fund:
For Personal Services........................... 601,900
For Employee Retirement Contributions
Paid by Employer.................................. 24,000
For Retirement Contributions.................... 78,300
For Social Security Contributions..................
For Group Insurance.............................. 108,000
Total $858,200

E-LEARNING DIVISION

From the General Revenue Fund:
For Personal Services.............................. 190,300
For Employee Retirement Contributions
Paid by Employer................................... 0
For Retirement Contributions.................... 1,100
For Social Security Contributions............... 14,600
Total $206,000

From the State Board of Education Federal Department of Education Fund:
For Personal Services............................ 77,100
For Employee Retirement Contributions
Paid by Employer................................... 3,000
For Retirement Contributions.................... 8,500
For Social Security Contributions............... 5,900
For Group Insurance............................... 12,000
Total $106,500

ENGLISH LANGUAGE DIVISION

From the State Board of Education Federal Agency Services Fund:

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>72,800</td>
<td></td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>3,000</td>
<td></td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>8,000</td>
<td></td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>5,600</td>
<td></td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>15,000</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$104,400</td>
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From the State Board of Education Federal Department of Education Fund:

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<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>30,200</td>
<td></td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>119,100</td>
<td></td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>59,700</td>
<td></td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>129,000</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$1,123,400</td>
<td></td>
</tr>
</tbody>
</table>

**NUTRITION PROGRAMS DIVISION**

From the General Revenue Fund:

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>21,700</td>
<td></td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
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<tr>
<td>For Retirement Contributions</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>1,700</td>
<td></td>
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<tr>
<td>Total</td>
<td>$23,500</td>
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From the State Board of Education Federal Department of Agriculture Fund:

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,820,400</td>
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</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>117,000</td>
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<tr>
<td>For Retirement Contributions</td>
<td>344,200</td>
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<tr>
<td>For Social Security Contributions</td>
<td>139,300</td>
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<tr>
<td>For Group Insurance</td>
<td>416,000</td>
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</tr>
<tr>
<td>Total</td>
<td>$3,836,900</td>
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</tbody>
</table>

**PLANNING AND PERFORMANCE DIVISION**

From the General Revenue Fund:

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
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</tr>
<tr>
<td>For Retirement Contributions</td>
<td>7,600</td>
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</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Social Security Contributions................. 7,000
Total                                           $118,000

From the State Board of Education Federal Department of Education Fund:
For Personal Services.............................. 58,200
For Employee Retirement Contributions
Paid by Employer................................... 3,500
For Retirement Contributions....................... 6,400
For Social Security Contributions.................. 3,600
For Group Insurance................................ 6,000
Total                                           $77,700

SCHOOL FINANCE DIVISION
From the General Revenue Fund:
For Personal Services........................... 132,500
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions....................... 6,400
For Social Security Contributions.................. 10,000
Total                                           $148,900

SPECIAL EDUCATION BCHICAGO DIVISION
From the State Board of Education Federal Department of Education Fund:
For Personal Services............................ 1,600,600
For Employee Retirement Contributions
Paid by Employer................................. 68,100
For Retirement Contributions..................... 180,300
For Social Security Contributions................ 122,700
For Group Insurance.............................. 296,500
Total                                           $2,267,800

SPECIAL EDUCATION B SPRINGFIELD DIVISION
From the State Board of Education Federal Department of Education Fund:
For Personal Services......................... 1,960,900
For Employee Retirement Contributions
Paid by Employer................................. 76,100
For Retirement Contributions.................... 234,900
For Social Security Contributions.............. 150,000
For Group Insurance............................ 372,000
Total                                           $2,793,900

New matter indicated by italics - deletions by strikeout.
### STUDENT ASSESSMENT DIVISION

From the General Revenue Fund:

<table>
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<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>607,400</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>15,800</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>46,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$669,700</strong></td>
</tr>
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From the State Board of Education Federal Agency Services Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>65,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>2,800</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>7,200</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>5,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>12,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$92,600</strong></td>
</tr>
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### SYSTEM OF SUPPORT DIVISION

From the General Revenue Fund:

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<th>Amount</th>
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<tbody>
<tr>
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<tr>
<td>For Employee Retirement Contributions</td>
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<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>500</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>6,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$94,500</strong></td>
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From the State Board of Education Federal Department of Education Fund:

<table>
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<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
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<td>1,437,800</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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</tr>
<tr>
<td>Paid by Employer</td>
<td>55,200</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>159,300</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>110,000</td>
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<tr>
<td>For Group Insurance</td>
<td>264,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$2,026,300</strong></td>
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</table>

### TEACHER CERTIFICATION AND PROFESSIONAL DEVELOPMENT DIVISION

From the General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,462,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Retirement Contributions.......................... 70,600
For Social Security Contributions...................... 110,500
Total $1,643,200
From the State Board of Education Federal Department of Education Fund:
For Personal Services............................ 182,700
For Employee Retirement Contributions
Paid by Employer........................................... 8,300
For Retirement Contributions...................... 20,200
For Social Security Contributions...................... 14,000
For Group Insurance.................................. 36,000
Total $261,200

TECHNOLOGY SUPPORT DIVISION
From the General Revenue Fund:
For Personal Services............................ 1,024,400
For Employee Retirement Contributions
Paid by Employer........................................... 0
For Retirement Contributions...................... 56,100
For Social Security Contributions...................... 77,700
Total $1,158,200
From the State Board of Education Federal Department of Agriculture Fund:
For Personal Services............................ 48,700
For Employee Retirement Contributions
Paid by Employer........................................... 1,900
For Retirement Contributions...................... 5,400
For Social Security Contributions...................... 3,700
For Group Insurance.................................. 12,000
Total $71,700
From the State Board of Education Federal Department of Education Fund:
For Personal Services............................ 81,700
For Employee Retirement Contributions
Paid by Employer........................................... 2,800
For Retirement Contributions...................... 9,100
For Social Security Contributions...................... 6,200
For Group Insurance.................................. 21,000
Total $120,800

New matter indicated by italics - deletions by strikeout.
Section 7. The following amounts or so much thereof as may be necessary, which shall be used by the Illinois State Board of Education exclusively for the foregoing purposes and not, under any circumstances, for personal services expenditures or other operational or administrative costs, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2004:

From the General Revenue Fund:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bilingual Education (over 500,000 population), 34-18.2 of the School Code</td>
<td>$35,896,600</td>
</tr>
<tr>
<td>Bilingual Education (under 500,000 population), 10-22.38a of the School Code</td>
<td>$28,655,400</td>
</tr>
<tr>
<td>Blind/Dyslexic Persons</td>
<td>$168,800</td>
</tr>
<tr>
<td>Career and Technical Education</td>
<td>$36,062,100</td>
</tr>
<tr>
<td>Charter Schools</td>
<td>$3,421,500</td>
</tr>
<tr>
<td>Disabled Student Services/Materials</td>
<td>$360,000,000</td>
</tr>
<tr>
<td>Disabled Student Transportation Reimbursement</td>
<td>$317,100,000</td>
</tr>
<tr>
<td>Disabled Student Tuition, Private Tuition</td>
<td>$66,811,500</td>
</tr>
<tr>
<td>District Consolidation Tuition, Supplemental Payments to School Districts, 18-8.2, 18-18.3, 18-8.5, 18-8.05(l) of the School Code</td>
<td>$1,678,800</td>
</tr>
<tr>
<td>Early Childhood Block Grant</td>
<td>$243,254,500</td>
</tr>
<tr>
<td>Extraordinary Special Education, 14-7.02 of the School Code</td>
<td>$243,048,000</td>
</tr>
<tr>
<td>Fast Growth Grants</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>General State Aid B Hold Harmless</td>
<td>$30,129,800</td>
</tr>
<tr>
<td>Governmental Internship Program</td>
<td>$129,900</td>
</tr>
<tr>
<td>Metro East Consortium for Child Advocacy</td>
<td>$217,100</td>
</tr>
<tr>
<td>Parental Guardian Programs/Transportation Reimbursement</td>
<td>$14,454,700</td>
</tr>
<tr>
<td>Philip J. Rock Center and School</td>
<td>$2,855,500</td>
</tr>
<tr>
<td>Reading Improvement Block Grant</td>
<td>$76,139,800</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Reimbursement for the Free Breakfast/Lunch Program......................... 20,500,000
For the School Breakfast Incentive Program........................................... 723,500
For the School Safety and Educational Improvement Block Grant................. 54,841,000
For Standards, Assessments and Accountability...................................... 3,552,700
For the Summer Bridges Program......................................................... 22,238,100
For Summer School Payments, 18-4.3 of the School Code.......................... 6,762,000
For Tax-Equivalent Grants, 18-4.4 of the School Code................................ 222,600
For Teacher Education.............................................................................. 4,740,000
For Technology for Success................................................................. 4,134,700
For Textbook Loans, 18-17 of the School Code........................................ 29,126,500
For Transitional Assistance................................................................. 7,700,000
For Transition of Minority Students...................................................... 578,800
For Transportation-Regular/Vocational, Common School Transportation Reimbursement, 29-5 of the School Code..... 261,630,000
For Visually Impaired/Educational Materials Coordinating Unit, 14-11.01 of the School Code................................. 1,121,000
For Regular Education Reimbursement Per 18-3 of the School Code............... 17,400,000
For Special Education Reimbursement Per 14-7.03 of the School Code............ 106,100,000
For all costs associated with Alternative Education/Regional Safe Schools...... 17,035,500
For South Cook Intermediate Service Center.......................................... 300,000
For Truant Alternative and Optional Education Program............................ 15,578,100
For costs associated with Teach for America................................. 450,000
For grants to Local Education Agencies to conduct Agriculture Education Programs................................................. 1,881,200

New matter indicated by italics - deletions by strikeout.
For deposit into the Temporary Relocation Expenses Revolving Grant Fund for use by the State Board of Education as provided in Section 2-3.77 of the School Code........... 0
Total $2,046,639,700

From the Education Assistance Fund:
For General State Aid.......................... 731,900,000

From the Common School Fund:
For General State Aid.......................... 2,950,301,200

From the Common School Fund:
For Regional Superintendents and Assistants Compensation............... 8,150,000

From the General Revenue Fund
For Regional Superintendent Services........ 5,470,000
For all costs associated with the Teachers Academy of Math and Science........ 500,000

From the School District Emergency Financial Assistance Fund:
For Emergency Financial Assistance, 1B-8 of the School Code.................. 5,333,000

From the Drivers Education Fund:
For Drivers Education........................ 15,750,000

From the School Technology Revolving Fund:
For the Statewide Educational Network......... 125,000

From the Charter Schools Revolving Loan Fund:
For Charter Schools Loans...................... 20,000

From the ISBE GED Testing Fund:
For all costs associated with administering GED tests.......................... 800,000

From the School Technology Revolving Loan Fund:
For School Technology Loans, 2-3.117a of the School Code...................... 7,000,000

From the Temporary Relocation Expenses Revolving Grant Fund:
For Temporary Relocation Expenses, 2-3.77 of the School Code................. 600,000

From the State Board of Education Federal Agency Services Fund:
For Learn and Serve America............... 2,500,000

From the State Board of Education Federal Agency Services Fund:
For Refugee Services......................... 2,500,000

From the State Board of Education Federal Agency Services Fund:

New matter indicated by italics - deletions by strikeout.
For the School-to-Work Program.................                              3,000,000
From the State Board of Education Federal Department of Agriculture Fund:
   For Child Nutrition..........................                                       450,000,000
From the State Board of Education Federal Department of Education Fund:
   For Title I..................................                                              650,200,000
   For Title I, Reading First....................                                      50,000,000
   For Title II, Teacher/Principal Training.....                            150,000,000
   For Title III, English Language
      Acquisition...................................... 40,000,000
   For Title IV, 21st Century/Community
      Service Programs................................ 45,000,000
   For Title IV, Safe and Drug Free Schools......                          25,000,000
   For Title V, Innovation Programs.................                               21,000,000
   For Title VI, Renovation/Special
      Education/Technology........................ 10,000,000
   For Title VI, Rural and Low Income
      Students.....................................                                                1,500,000
   For Title X, McKinney Homeless
      Assistance...................................... 3,000,000
   For Enhancing Education through Technology.... 35,000,000
   For Individuals with Disabilities Act,
      Deaf/Blind.....................................                                               380,000
   For Individuals with Disabilities Act,
      IDEA.......................................                                              550,000,000
   For Individuals with Disabilities Act,
      Improvement Program.........................                                2,500,000
   For Individuals with Disabilities Act,
      Model Outreach Program Grants..................                               400,000
   For Individuals with Disabilities Act,
      Pre-School......................................                          25,000,000
   For Grants for Vocational
      Education Basic..........................                                50,000,000
   For Grants for Vocational
      Education Technical Preparation.........                        5,000,000
   For Charter Schools..........................                              2,500,000
   For Transition to Teaching..........................                500,000
   For Advanced Placement Fee..........................                      2,000,000

New matter indicated by italics - deletions by strikeout.
For Math/Science Partnerships.......................... 8,000,000
For Special Federal Congressional Projects.... 10,000,000
Total $1,687,680,000

Section 10. The amount of $29,126,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purpose in Article 1, Section 25, Public Act 93-115, is reappropriated from the General Revenue Fund to the Illinois State Board of Education for Textbook Loans pursuant to Section 18-17 of the School Code.

Section 15. The amount of $472,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with the Community Residential Services Authority.

Section 17. The sum of $100,000, or so much thereof as may be necessary, is appropriated to the Illinois State Board of Education for grants associated with the Illinois Economic Education program.

Section 20. The amount of $1,399,000, or so much thereof as may be necessary, is appropriated from the Teacher Certificate Fee Revolving Fund to the Illinois State Board of education for Teacher Certificates Processing.

Section 23. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Teachers= Academy of Math and Sciences for cost associated with the Science Resource Center.

Section 25. The amount of $125,000, or so much thereof as may be necessary, is appropriated from the Teacher Certificate Institute Fund to the Illinois State Board of Education for Teacher Certificates B Chicago, 3-12, 2-3.105 of the School Code.

Section 30. The amount of $12,000, or so much thereof as may be necessary, is appropriated from the School Bus Driver Permit Fund to the Illinois State Board of Education for the School Bus Driver Permit Program, 3-14.23 of the School Code.

Section 35. The amount of $65,044,700, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Public School Teachers= Pension and Retirement Fund of Chicago for the state= contribution for the fiscal year beginning July 1, 2004.

Section 40. The amount of $69,314,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Teachers= Retirement System of the State of Illinois for transfer into the

New matter indicated by italics - deletions by strikeout.
Teachers = Health Insurance Security Fund as the state's contribution for teachers' health insurance.

ARTICLE 3

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

Payable from the Common School Fund........... 422,763,000
Payable from the Education Assistance Fund................. 300,000,000
Payable from the General Revenue Fund.................. 181,165,000
Total $903,928,000

Section 10. The following named amount, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Teachers' Retirement System for the objects and purposes hereinafter named:

For additional costs due to the establishment of minimum retirement allowances pursuant to Sections 16-136.2 and 16-136.3 of the "Illinois Pension Code", as amended............... 3,100,000
Total $3,100,000

ARTICLE 3A

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Educational Labor Relations Board for the objects and purposes hereinafter named:

OPERATIONS
For Personal Services......................... 960,000
For Employee Retirement Contributions Paid by Employer........................ 0
For State Contributions to State Employees' Retirement System............... 154,600
For State Contributions to Social Security...................... 73,400
For Contractual Services.................... 163,200
For Travel.................................. 24,000
For Commodities............................. 4,800

New matter indicated by italics - deletions by strikeout.
For Printing........................................ 2,900
For Equipment..................................... 24,000
For Electronic Data Processing.................... 22,100
For Telecommunications Services................... 25,900
For Operation of Automotive Equipment.............. 3,800
Total                                                                                        $1,458,700

ARTICLE 4

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Community College Board for ordinary and contingent expenses:

For Personal Services.......................... 1,279,500
For State Contributions to Social Security, for Medicare.................. 13,500
For Contractual Services......................... 375,900
For Travel........................................ 58,100
For Commodities.................................... 8,600
For Printing...................................... 11,000
For Equipment...................................... 2,000
For Electronic Data Processing................... 431,000
For Telecommunications......................... 36,500
For Operation of Automotive Equipment.............. 4,000
East St. Louis Operations.......................... 1,500
Illinois Valley Community College Operations.............................. 160,000
Total                                                                                        $2,381,600

Section 10. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Community College Board Contracts and Grants Fund to the Illinois Community College Board to be expended under the terms and conditions associated with the moneys being received.

Section 15. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the ICCB Adult Education Fund to the Illinois Community College Board for operational expenses associated with administration of adult education and literacy activities.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Community College Board for distribution to qualifying public community colleges for the purposes specified:

New matter indicated by italics - deletions by strikeout.
Base Operating Grants......................... 191,837,100
Small College Grants............................ 900,000
Equalization Grants............................. 76,617,500
Retirees Health Insurance Grants................. 626,600
Workforce Development Grants................... 3,311,300
P-16 Initiative Grants.......................... 1,279,000
Total ........................................... $274,571,500

Section 25. The sum of $1,589,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for grants to operate an educational facility in the former community college district #541 in East St. Louis.

Section 30. The sum of $775,000, or so much thereof as may be necessary, is appropriated from the AFDC Opportunities Fund to the Illinois Community College Board for grants to colleges for workforce training and technology and operating costs of the Board for those purposes.

Section 35. The following named amounts, or so much of those amounts as may be necessary, for the objects and purposes named, are appropriated to the Illinois Community College Board for adult education and literacy activities:

From the General Revenue Fund:
For payment of costs associated with education and educational-related services to local eligible providers for adult education and literacy..................................... 15,829,600
For payment of costs associated with education and educational-related services to local eligible providers for performance-based awards................. 10,491,800
For operational expenses of and for payment of costs associated with education and educational-related services to recipients of Public Assistance, and, if any funds remain, for costs associated with education and educational-related services to local eligible providers for adult education and literacy.............. 7,922,100

New matter indicated by italics - deletions by strikeout.
For payment of costs associated with education and educational-related services to adult education providers for certain grants.......................... 102,000

From the ICCB Adult Education Fund:
For payment of costs associated with education and educational-related services to local eligible providers and to Support Leadership Activities, as Defined by U.S.D.O.E. for adult education and literacy as provided by the United States Department of Education..................... 29,867,200
Total, this Section $64,212,700

Section 40. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Community College Board for all costs associated with career and technical education activities:
From the General Revenue Fund.................. 11,911,700
From the Career and Technical Education Fund.... 22,207,100
Total, this Section $34,118,800

Section 45. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the ICCB Federal Trust Fund to the Illinois Community College Board for ordinary and contingency expenses of the Board.

Section 50. The sum of $5,507,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for grants to community college districts that are negatively impacted by the changes in the Base Operating formula in Section 2-16.02 of the Public Community College Act.

Section 55. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for the City Colleges of Chicago for educational-related expenses.

Section 60. The sum of $120,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for awarding scholarships to qualifying graduates of the Lincoln's Challenge Program.

New matter indicated by italics - deletions by strikeout.
Section 65. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for the Lincoln Land Community College medical training program at the Hillsboro campus.

ARTICLE 5

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Eastern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2003-2005........ 44,609,500
For Contractual Services.......................... 1,700,000
For Commodities.................................. 500,000
For Equipment..................................... 500,000
For Telecommunications Services............... 300,000
Total $47,609,500

Section 10. The sum of $2,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Eastern Illinois University for scholarship grant awards, in accordance with Public Act 91-0083.

ARTICLE 6

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Governors State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2003-2005........ 20,205,100

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security, for Medicare......................... 100,000
For Contractual Services.......................... 3,000,000
For Travel........................................ 50,000
For Commodities................................. 150,000
For Equipment.................................... 400,000
For Telecommunications Services................. 145,000
For Operation of Automotive Equipment......... 25,000
For Awards and Grants............................ 105,000
For Permanent Improvements....................... 100,000
Total                                                                                      $24,280,100

ARTICLE 7

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Board of Higher Education to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

For Personal Services......................... 2,201,000
For State Contributions to Social Security, for Medicare......................... 29,500
For Contractual Services........................ 478,900
For Travel........................................ 55,000
For Commodities................................. 12,000
For Printing...................................... 11,000
For Equipment.................................... 17,000
For Telecommunications Services............. 43,000
For Operation of Automotive Equipment............. 3,200
Total                                                                                        $2,850,600

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act:

Quad-Cities Graduate Study Center............... 220,000

Section 15. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act:

Access and Diversity......................... 5,487,300

New matter indicated by italics - deletions by strikeout.
Section 20. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to the Board of Trustees of the University Center of Lake County for the ordinary and contingent expenses of the Center.

Section 25. The sum of $9,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as incentive grants to Illinois higher education institutions in the competition for external grants and contracts.

Section 30. The sum of $17,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Health Services Education Grants Act.

Section 35. The sum of $2,750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for distribution of medical education scholarships authorized by an Act to provide grants for family practice residency programs and medical student scholarships through the Illinois Department of Public Health.

Section 40. The sum of $5,500,000, or so much thereof as may be necessary, is appropriated from the BHE Federal Grants Fund to the Board of Higher Education to be expended under the terms and conditions associated with the federal contracts and grants moneys received.

Section 45. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Illinois Consortium for Educational Opportunity Act.

Section 50. The sum of $2,100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants for Cooperative Work Study Programs to institutions of higher education.

Section 55. The sum of $232,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to Chicago State University to conduct a pilot project to improve retention and graduation rates.

Section 60. The sum of $279,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to Northeastern Illinois University to conduct a pilot project to improve retention and graduation rates.

New matter indicated by italics - deletions by strikeout.
Section 65. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

For Personal Services......................... 10,284,200
For State Contributions to Social Security, for Medicare......................... 179,800
For Contractual Services........................ 3,607,000
For Travel........................................ 126,400
For Commodities.................................. 381,100
For Equipment.................................... 462,900
For Telecommunications........................... 289,000
For Operation of Automotive Equipment.............. 30,600
For Electronic Data Processing.................... 121,900
Total $15,482,900

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Mathematics and Science Academy Income Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

For Personal Services......................... 1,165,500
For State Contributions to Social Security, for Medicare.......................... 21,200
For Contractual Services........................ 514,500
For Travel........................................ 51,500
For Commodities.................................. 203,500
For Equipment.................................... 5,000
For Telecommunications........................... 80,000
For Operation of Automotive Equipment.............. 1,000
For Refunds........................................ 7,800
Total $2,050,000

Section 75. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy for the Excellence 2000 Program in Mathematics and Science.

ARTICLE 8

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Illinois State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

Payable from the General Revenue Fund:

For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2003-2005............ 71,652,000
For Group Insurance........................................ 3,078,300
For Contractual Services................................. 1,921,700
For Commodities............................................. 300,000
For Equipment.................................................. 2,000,000
For Telecommunications Services....................... 500,000
For Permanent Improvements............................ 1,000,000

Total $80,452,000

ARTICLE 9

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Northern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

Payable from the General Revenue Fund:

For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2003-2005............ 87,068,700
For State Contributions to Social Security, for Medicare.............................. 408,900
For Group Insurance............................... 2,337,300
For Contractual Services......................... 6,536,800
For Travel.............................................. 163,500
For Commodities................................. 1,976,400
For Equipment................................. 1,316,500

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services .................. 798,900
For Operation of Automotive Equipment ........... 138,500
For Awards and Grants ............................. 185,700
For Permanent Improvements ....................... 1,343,700
Total ................................................................ $102,274,900

Section 10. The sum of $10,100, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Northern Illinois University for scholarship grant awards, in accordance with Public Act 91-0083.

ARTICLE 10

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Northeastern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2003-2005 ............. 33,655,100
For State Contributions to Social Security, for Medicare ........................................... 400,000
For Group Insurance ................................. 1,072,600
For Contractual Services ......................... 2,650,000
For Equipment ..................................... 1,200,000
Total ................................................................ $38,977,700

Section 10. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Northeastern Illinois University to meet the ordinary and contingent expenses of the University required to match the Federal Title II Teacher Quality Enhancement State Grant, including payment or reimbursement to the University for personal services and related costs incurred during the fiscal year authorized by law, for the fiscal year ending June 30, 2005.

ARTICLE 11

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout.
named, are appropriated to the Board of the Trustees of Southern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

Payable from the General Revenue Fund:

For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2003-2005........ 190,518,500

For State Contributions to Social Security, for Medicare....................... 2,444,400
For Group Insurance............................ 3,698,300
For Contractual Services...................... 11,770,500
For Travel........................................ 57,200
For Commodities.................................. 907,500
For Equipment.................................. 5,079,900
For Telecommunications Services.............. 1,445,100
For Operation of Automotive Equipment............ 226,800
For Awards and Grants........................... 555,500

Total $216,703,700

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

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

Section 20. The sum of $225,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the Southern Illinois University Public Policy Institute.

ARTICLE 12

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of the University of Illinois to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2003-2005........... 611,035,700
For State Contributions to Social Security, for Medicare....................... 8,937,100
For Group Insurance........................................ 24,893,200
For Contractual Services........................................ 27,151,900
For Travel....................................... 249,700
For Commodities.......................................................... 2,518,600
For Equipment........................................ 511,000
For Telecommunications Services................... 5,016,800
For Operation of Automotive Equipment............ 967,000
For Permanent Improvements..................... 750,000
For Distributive Purposes as follows:
For Awards and Grants................................. 5,782,500
For Claims under Workers' Compensation and Occupational Disease Acts, other Statutes, and tort claims.................. 3,270,000
For Hospital and Medical Services and Appliances.......................... 5,817,600
Total $696,901,100

Section 10. The sum of $1,744,600, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Board of Trustees of the University of Illinois for the purpose of maintaining the Illinois Fire Service Institute, paying the Institute's expenses, and providing the facilities and structures incident thereto, including payment to the University for personal services and related costs incurred.

Section 15. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust...
Fund to the Board of Trustees of the University of Illinois for scholarship grant awards, in accordance with Public Act 91-0083.

Section 20. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for the Early Outreach Program at the Chicago campus for costs associated with the 2004 Summer Prep Program.

Section 25. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the University of Illinois to conduct, in cooperation with the Department of Human Services and representative community providers, a comprehensive rate analysis of the State reimbursement levels awarded to Mental Health and Developmentally Disabled community providers. The funding for this study shall not be used to meet other obligations of the Department contained in Statute or any other agreements or obligations. The study must conclude and be submitted to the House Human Services Appropriations Committee and the Senate Appropriations I Committee by March 31, 2005.

Section 30. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the University of Illinois for the Complete Help and Assistance Necessary for a College Education (C.H.A.N.C.E) program at the Office of School Relations at the Chicago Campus.

ARTICLE 13

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Western Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2003-2005........... 48,600,000
For State Contributions to Social Security, for Medicare....................... 450,000
For Group Insurance........................................ 1,744,800

New matter indicated by italics - deletions by strikeout.
For Contractual Services................. 2,986,300
For Travel........................................ 150,000
For Commodities............................... 800,000
For Equipment..................................... 1,000,000
For Telecommunications Services.......... 450,000
For Operation of Automotive Equipment... 60,000
For Awards and Grants.............................. 50,000
For Permanent Improvements................. 100,000
Total $56,391,100

Section 10. The amount of $2,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Western Illinois University for scholarship grant awards from the sale of collegiate license plates.

ARTICLE 14

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

For Administration

For Personal Services......................... 1,988,000
For Employee Retirement Contributions
   Paid by Employer............................... 0
For State Contributions to State
   Employees Retirement System............... 320,200
For State Contributions to Social Security............... 152,000
For Contractual Services....................... 1,802,600
For Travel........................................ 26,400
For Commodities............................... 32,800
For Printing...................................... 100,000
For Equipment................................... 10,000
For Telecommunications........................ 113,500
For Operation of Auto Equipment............. 5,500
Total $4,551,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for its ordinary and contingent expenses:

For Administration

New matter indicated by italics - deletions by strikeout.
For Personal Services........................... 15,200,200
For Employee Retirement Contributions
    Paid by Employer.............................. 456,000
For State Contributions to State
    Employees Retirement System................. 2,448,100
For State Contributions to
    Social Security.............................. 1,163,000
For State Contributions for
    Employees Group Insurance................... 3,603,100
For Contractual Services......................... 9,864,300
For Travel......................................... 190,000
For Commodities.................................... 240,000
For Printing....................................... 627,000
For Equipment...................................... 529,000
For Telecommunications........................... 1,793,500
For Operation of Auto Equipment..................... 32,400
Total                                                                 $36,146,600

Section 15. The sum of $338,699,800, or so much thereof as may
be necessary, is appropriated to the Illinois Student Assistance
Commission from the General Revenue Fund for payment of grant awards
to students eligible to receive such awards, as provided by law.

Section 20. The following named amount, or so much thereof as
may be necessary, respectively, is appropriated from the Monetary Award
Program Reserve Fund to the Illinois Student Assistance Commission for
the following purpose:

Grants
For payment of Monetary Award
    Program grant awards to students
    eligible to receive such awards,
    as provided by law............................. 875,000

Section 25. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the General
Revenue Fund to the Illinois Student Assistance Commission for the
following purposes:

Grants and Scholarships
For payment of matching grants to Illinois
    institutions to supplement scholarship
    programs, as provided by law.................. 950,000
For payment of Merit Recognition Scholarships

New matter indicated by italics - deletions by strikeout.
to undergraduate students under the Merit Recognition Scholarship Program provided for in Section 31 of the Higher Education Student Assistance Act.................. 5,400,000

For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are dependents of correctional officers killed or permanently disabled in the line of duty, as provided by law................. 350,000

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

For payment of military Veterans' scholarships at State-controlled universities and at public community colleges for students eligible, as provided by law............. 19,230,000

For payment of Minority Teacher Scholarships..... 3,100,000
For payment of Illinois Scholars Scholarships.... 3,020,000
For payment of Illinois Incentive for Access grants, as provided by law............... 7,200,000
Total                      $43,750,000

Section 30. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the National Guard Grant Fund to the Illinois Student Assistance Commission for payment of military veterans’ scholarships at state-controlled universities and at public community colleges for students eligible, as provided by law.

Section 35. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the Loan Repayment for Teachers Program.

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

Grants and Scholarships
For payment of Illinois Future Teacher

New matter indicated by italics - deletions by strikeout.
Corps Scholarships, as provided by law......... 4,100,000

Section 45. The following named amount, or so much thereof as may be necessary, is appropriated from the Contracts and Grants Fund to the Illinois Student Assistance Commission for the following purpose:
To support outreach, research, and training activities............................... 70,000

Section 50. The following named amount, or so much thereof as may be necessary, is appropriated from the Optometric Licensing and Disciplinary Board Fund to the Illinois Student Assistance Commission for the following purpose:
Grants and Scholarships
For payment of scholarships for the Optometric Education Scholarship Program, as provided by law....................... 50,000

Section 55. The sum of $190,000,000, or so much thereof as may be necessary, is appropriated from the Federal Student Loan Fund to the Illinois Student Assistance Commission for distribution when necessary as a result of the following: for guarantees of loans that are uncollectible, for collection payments to the Student Loan Operating Fund as required under agreements with the United States Secretary of Education, for payment to the Student Loan Operating Fund for Default Aversion Fees, and for other distributions as necessary and provided for under the Federal Higher Education Act.

Section 60. The sum of $24,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for distribution as necessary for the following: for payment of collection agency fees associated with collection activities for Federal Family Education Loans, for Default Aversion Fee reversals, and for distributions as necessary and provided for under the Federal Higher Education Act.

Section 65. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for costs associated with Federal Loan System Development and Maintenance.

Section 70. The sum of $300,000, or so much of that amount as may be necessary, is appropriated from the Accounts Receivable Fund to the Illinois Student Assistance Commission for costs associated with the collection of delinquent scholarship awards pursuant to the Illinois State Collection Act of 1986.

New matter indicated by italics - deletions by strikeout.
Section 75. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Assistance Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:
   For payment of Robert C. Byrd Honors Scholarships......................... 1,800,000

Section 80. The sum of $70,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the University Grant Fund for payment of grants for the Higher Education License Plate Program, as provided by law.

Section 85. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Assistance Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:
   For transferring repayment funds collected under the Paul Douglas Teacher Scholarship Program to the U.S. Treasury......................... 400,000

Section 90. The following named amount, or so much thereof as may be necessary, is appropriated from the Illinois Future Teacher Corps Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:
   For payment of scholarships for the Illinois Future Teacher Corps Scholarship Program as provided by law........ 60,000

ARTICLE 15

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Chicago State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

Payable from the General Revenue Fund:
   For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2003-2005........ 34,861,700
   For State Contributions to Social Security, for Medicare.................. 369,100

New matter indicated by italics - deletions by strikeout.
For Contractual Services....................... 1,209,600
For Travel........................................ 16,000
For Commodities................................... 16,000
For Equipment.................................... 313,700
For Telecommunications Services.............. 304,400
For Operation of Automotive Equipment........... 1,000
For Awards and Grants............................ 102,200
For Permanent Improvements..................... 816,600
Total................................................................ $38,010,300

Section 10. The sum of $250,000, or so much thereof as may necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University to meet the ordinary and contingent expenses of the University required to match the Federal Title II Teacher Quality Enhancement State Grant, including payment or reimbursement to the University for personal services and related costs incurred during the fiscal year authorized by law, for the fiscal year ending June 30, 2005.

Section 15. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 12, Section 30 of Public Act 93-90, is reappropriated from the General Revenue Fund to the Board of Trustees of Chicago State university for all costs associated with the Illinois Commission of the 50th anniversary of Brown v. Board of Education, including payments or reimbursement to the University for personal services and related costs incurred during the fiscal year ending June 30, 2005.

Section 20. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for the Financial Assistance Outreach Center.

Section 25. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for costs associated with the HIV/AIDS Policy and Research Institute in the College of Health Sciences.

ARTICLE 16

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the State
Universities Civil Service System to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2005:

For Personal Services............................  915,000
For Social Security................................  11,000
For Contractual Services.........................  251,900
For Travel........................................  12,000
For Commodities....................................  6,000
For Printing.......................................  4,000
For Equipment.....................................  26,000
For Telecommunications Services...............  25,700
For Operation of Automotive Equipment...........  2,000

Total                                                                 $1,253,600

ARTICLE 17
Section 5. The sum of $3,268,700, or so much thereof as may be necessary, is appropriated to the Community College Health Insurance Security Fund for the State's contribution, as required by law.

Section 10. The sum of $222,630,000, minus the amount transferred to the State Universities Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Universities Retirement System of Illinois pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.

Section 15. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Board of Trustees of the State Universities Retirement System for the State's contribution, as provided by law:
Payable from the Education Assistance Fund......  47,352,000

ARTICLE 18
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

FOR OPERATIONS
ADMINISTRATIVE SERVICES
Payable from General Revenue Fund:
For Personal Services............................  1,611,600
For Employee Retirement Contributions
Paid by Employer..................................  0

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
  Employees' Retirement System.................. 259,600
For State Contributions to
  Social Security.................................. 123,100
For Contractual Services......................... 162,900
For Travel......................................... 20,400
For Commodities.................................. 37,300
For Printing....................................... 18,100
For Equipment..................................... 37,200
For Telecommunications Services.................. 47,000
For Operation of Auto Equipment................... 7,600
For Refunds....................................... 9,600
Total............................................. $2,334,400

Payable from Wholesome Meat Fund:
For Personal Services............................ 391,400
For Employee Retirement Contributions
  Paid by Employer.................................. 11,800
For State Contributions to State
  Employees' Retirement System.................. 63,100
For State Contributions to
  Social Security.................................. 30,000
For Group Insurance............................... 84,000
For Contractual Services......................... 20,400
For Travel......................................... 20,100
For Commodities.................................. 1,100
For Printing....................................... 1,100
For Equipment..................................... 28,000
For Telecommunications Services................... 1,100
For Operation of Auto Equipment................. 0
Total.................................................. $652,100

Payable from the Illinois Rural Rehabilitation Fund:
For Illinois' part in administration
  of Titles I and II of the federal Bankhead-Jones Farm Tenant Act:
For Operations..................................... 5,000

  Section 10. The sum of $11,370,000, or so much thereof as may be
necessary, is appropriated from the Agricultural Premium Fund to the

New matter indicated by italics - deletions by strikeout.
Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

Section 15. The sum of $1,782,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**COMPUTER SERVICES**

Payable from General Revenue Fund:
- For Personal Services............................ 693,100
- For Employee Retirement Contributions
  - Paid by Employer................................. 0
- For State Contributions to State
  - Employees' Retirement System................. 111,700
- For State Contributions to
  - Social Security................................. 53,100
- For Contractual Services......................... 68,500
- For Commodities.................................. 2,500
- For Printing....................................... 100
- For Equipment..................................... 73,200
- For Telecommunications Services............... 24,100
  Total $1,026,300

Payable from Agricultural Premium Fund:
- For Personal Services............................ 174,000
- For Employee Retirement Contributions
  - Paid by Employer................................. 5,300
- For State Contributions to State
  - Employees' Retirement System................. 28,100
- For State Contributions to
  - Social Security................................. 13,300
- For Contractual Services......................... 45,400
- For Equipment..................................... 29,000
- For Telecommunications Services............... 5,000
  Total $300,100

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout.
named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

**FOR OPERATIONS**
**AGRICULTURE REGULATION**

Payable from General Revenue Fund:
- For Personal Services.......................... 2,617,200
- For Employee Retirement Contributions
  - Paid by Employer................................ 0
- For State Contributions to State
  - Employees' Retirement System................. 421,600
- For State Contributions to
  - Social Security................................ 200,300
- For Contractual Services....................... 39,600
- For Travel........................................ 243,400
- For Commodities................................. 38,200
- For Printing...................................... 4,800
- For Equipment.................................... 12,700
- For Telecommunications Services.............. 37,700
- For Operation of Auto Equipment.............. 26,400
- Total                                                                 $3,641,900

Payable from the Agricultural Federal Projects Fund:
- For Expenses of Various Federal Projects........ 100,000
- Total                                                                 $100,000

Section 30. The sum of $450,000, or so much thereof as may be necessary, is appropriated from the Fertilizer Control Fund to the Department of Agriculture for Fertilizer Research.

Section 35. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Feed Control Fund to the Department of Agriculture for Feed Control.

Section 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

**MARKETING**

Payable from General Revenue Fund:
- For Personal Services.......................... 534,400
- For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer..................................... 0
For State Contributions to State
  Employees' Retirement System.................... 86,100
For State Contributions to
  Social Security......................... 40,900
For Contractual Services....................... 9,300
For Travel.................................... 6,300
For Commodities............................ 1,900
For Printing.................................. 6,600
For Equipment................................ 6,000
For Telecommunications Services............. 16,000
For Operation of Auto Equipment............. 2,900
Total .................................. $710,400
Payable from Agricultural Premium Fund:
  For Expenses Connected With the Promotion
  and Marketing of Illinois Agriculture
  and Agriculture Exports.................... 1,956,000
  For Implementation of programs
  and activities to promote, develop
  and enhance the biotechnology
  industry in Illinois...................... 140,000
  For expenses related to a contractual
  Viticulturist and a contractual
  Enologist................................ 150,000
Payable from Agricultural Marketing Services Fund:
  For administering Illinois' part under Public
  Law No. 733, "An Act to provide for further
  research into basic laws and principles
  relating to agriculture and to improve
  and facilitate the marketing and
  distribution of agricultural products"........ 4,000
Payable from Agriculture Federal Projects Fund:
  For expenses of various Federal Projects...... 750,000
Payable from the General Revenue Fund:
  For Grants to Aquaculture Cooperatives........ 200,000

New matter indicated by italics - deletions by strikeout.
Section 45. The sum of $5,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Agriculture Assembly.

Section 50. The sum of $384,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Illinois AgriFIRST Program.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES

Payable from General Revenue Fund:
For Personal Services......................... 2,962,300
For Employee Retirement Contributions
  Paid by Employer............................. 0
For State Contributions to State
  Employees' Retirement System.............. 477,200
For State Contributions to
  Social Security............................. 226,200
For Contractual Services..................... 677,500
For Travel...................................... 53,000
For Commodities............................. 388,500
For Printing................................... 11,800
For Equipment................................ 88,500
For Telecommunications Services............ 53,100
For Operation of Auto Equipment............ 46,100
For Swine Disease Research................... 39,700
For Bovine Disease Research................... 18,800
Total ......................................... $5,042,700

Payable from the Illinois Department
  of Agriculture Laboratory
  Services Revolving Fund:
  For Expenses Authorized
    by the Animal Disease
    Laboratories Act........................... 700,000

Payable from the Agriculture
  Federal Projects Fund:
  For Expenses of Various
  Federal Projects............................ 1,285,000

New matter indicated by italics - deletions by strikeout.
Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**MEAT AND POULTRY INSPECTION**

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,750,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>443,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>210,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>100</td>
</tr>
<tr>
<td>For Travel</td>
<td>3,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>100</td>
</tr>
<tr>
<td>For Printing</td>
<td>100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>10,800</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>11,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,430,800</strong></td>
</tr>
</tbody>
</table>

Payable from Wholesome Meat Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,339,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>70,200</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>376,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>179,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>708,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>95,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>225,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>15,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>6,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>235,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>70,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>109,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,430,400</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

WEIGHTS AND MEASURES

Payable from the General Revenue Fund:
- For Personal Services............................ 660,200
- For Employee Retirement Contributions
  - Paid by Employer.................................. 0
- For State Contributions to State
  - Employees' Retirement System................. 106,400
- For State Contributions to Social Security.................................. 50,500
- For Contractual Services........................... 8,900
- For Travel........................................ 19,800
- For Commodities.................................... 2,900
- For Printing....................................... 8,000
- For Equipment..................................... 15,400
- For Telecommunications Services............... 6,900
- For Operation of Auto Equipment............... 24,400
- For Expenses of a Motor Fuel and Petroleum Standards Program
  pursuant to P.A. 86-0232......................... 79,200
Total $982,600

Payable from the Agriculture Federal Projects Fund:
- For Expenses of various Federal Projects........ 100,000
Total $100,000

Payable from the Weights and Measures Fund:
- For Personal Services............................ 1,035,600
- For Employee Retirement Contributions
  - Paid by Employer.................................. 31,100
- For State Contributions to State
  - Employees' Retirement System................. 166,800
- For State Contributions to Social Security........................... 79,200
- For Group Insurance............................... 276,000
- For Contractual Services.......................... 184,500
- For Travel........................................ 98,700

New matter indicated by italics - deletions by strikeout.
For Commodities.............................. 25,900
For Printing................................... 5,300
For Equipment................................. 315,600
For Telecommunications Services.......... 19,600
For Operation of Auto Equipment......... 112,700
Total $2,351,000

Payable from Agricultural Master Fund:

For Expenses Relating to Administering Federal Cooperative Agreements Relating to Enforcement of Marketing Regulations........... 415,000

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

Environmental Programs
Payable from the General Revenue Fund
For Personal Services....................... 811,700
For Employee Retirement Contributions
Paid by Employer.............................. 0
For State Contributions to State Employees Retirement System............ 130,800
For State Contributions to Social Security........................................... 62,100
For Contractual Services..................... 1,700
For Travel..................................... 18,200
For Commodities............................. 800
For Printing................................... 1,000
For Equipment................................. 900
For Telecommunications Services.......... 10,100
For Operation of Automotive Equipment..... 4,800
For the Detection, Eradication, and Control of Exotic Pests, such as the Asian Long-Horned Beetle and Gypsy Moth......................... 228,800
Total 1,270,900

Payable from Agriculture Pesticide Control Act Fund:
For Expenses of Pesticide Enforcement Program... 770,000

Payable from Pesticide Control Fund:
For Administration and Enforcement

New matter indicated by italics - deletions by strikeout.
of the Pesticide Act of 1979.............. 2,363,300
Payable from the Agriculture Federal Projects Fund:
   For expenses of Various Federal Projects....... 787,000

Payable from the General Revenue Fund:
   For Administration of the Livestock Management Facilities Act........... 288,300
Payable from the Used Tire Management Fund:
   For Mosquito Control.......................... 40,000

Section 75. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

   LAND AND WATER RESOURCES

Payable from the Agricultural Premium Fund:
   For Personal Services.......................... 795,700
   For Employee Retirement Contributions
      Paid by Employer............................. 23,900
   For State Contributions to State
      Employees Retirement System............... 128,200
   For State Contributions to Social Security.......................... 60,900
   For Contractual Services...................... 110,100
   For Travel........................................ 22,800
   For Commodities................................ 7,000
   For Printing...................................... 7,900
   For Equipment.................................... 39,900
   For Telecommunications Services............... 20,500
   For Operation of Automotive Equipment........ 15,000
   For the Ordinary and Contingent
      Expenses of the Natural Resources
      Advisory Board............................... 2,000

Total  $1,233,900

Payable from the Agriculture Federal Projects Fund:
   For Expenses Relating to Various
      Federal Projects............................. 815,000

Section 80. The sum of $4,700,000, or so much thereof as may be necessary, is appropriated to the Department of Agriculture from the Conservation 2000 Fund for the Conservation 2000 Program to implement

New matter indicated by italics - deletions by strikeout.
agricultural resource enhancement programs for Illinois=\textit{natural resources}, including operational expenses, consisting of the following elements at the approximate costs set forth below:

- **Conservation Practices**
  - Cost Sharing Program................. 2,050,000
  - Sustainable Agriculture Program........ 450,000
  - Soil and Water Conservation Grants........ 1,700,000
  - Streambank Restoration.................... 500,000

- **Section 85.** The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

  **SPRINGFIELD BUILDINGS AND GROUNDS**

  Payable from General Revenue Fund:
  - For Personal Services.................. 2,690,700
  - For Employee Retirement Contributions
    - Paid by Employer.................. 0
  - For State Contributions to State
    - Employees' Retirement System............. 433,400
  - For State Contributions to Social Security........ 217,500
  - For Contractual Services........... 1,712,600
  - For Payment to the City of Springfield
    - for Fire Protection Services at the
      Illinois State Fairgrounds........... 139,700
  - For Commodities....................... 79,200
  - For Equipment......................... 120,000
  - For Telecommunications Services......... 57,900
  - For Operation of Auto Equipment......... 6,300
  - Total.................................. $5,457,300

- **Section 90.** The sum of $1,150,000, or so much thereof as may be necessary, is appropriated from the Illinois State Fair Fund to the Department of Agriculture to satisfy obligations related to the development, use, and operation of a multi-purpose outdoor theater, and to promote and conduct activities at the Illinois State Fairgrounds at Springfield other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairground uses sufficient to offset such expenditures have been collected and deposited into the Illinois State Fair Fund.

New matter indicated by italics - deletions by strikeout.
Section 95. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**DUQUOIN BUILDINGS AND GROUNDS**

Payable from General Revenue Fund:
- For Personal Services: $830,400
- For Employee Retirement Contributions
  - Paid by Employer: $0
- For State Contributions to State Employees' Retirement System: $149,900
- For State Contributions to Social Security: $71,700
- For Contractual Services: $325,700
- For Travel: $6,900
- For Commodities: $60,500
- For Equipment: $90,200
- For Telecommunications Services: $16,900
- For Operation of Auto Equipment: $7,100
- **Total:** $1,659,300

Section 100. The sum of $316,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture to conduct activities at the Illinois State Fairgrounds at DuQuoin other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairgrounds use sufficient to offset such expenditures have been collected and deposited into the Agricultural Premium Fund.

Section 105. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**DUQUOIN STATE FAIR**

Payable from General Revenue Fund:
- For Personal Services: $245,300
- For Employee Retirement Contributions
  - Paid by Employer: $0
- For State Contributions to State Employees' Retirement System: $39,600
- For State Contributions to Social Security: $19,900

New matter indicated by italics - deletions by strikeout.
For Contractual Services.......................... 408,600  
For Travel......................................... 5,600  
For Commodities................................... 22,800  
For Printing....................................... 8,100  
For Equipment...................................... 6,500  
For Telecommunications Services................... 33,200  
For Operation of Auto Equipment............... 1,000  
For Entertainment at the  
DuQuoin State Fair............................... 460,400  
Total                                                                                         $1,251,000  

Payable from the Agricultural Premium Fund:  
For Financial Assistance for the  
DuQuoin State Fair............................... 455,200  

Section 110. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Agriculture for:  

**ILLINOIS STATE FAIR**  

Payable from the Illinois State Fair Fund:  
For Operations of the Illinois State Fair  
Including Entertainment and the Percentage  
Portion of Entertainment Contracts.......... 4,000,000  
Total                                                                                         $4,000,000  

Section 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:  

**COUNTY FAIRS AND HORSE RACING**  

Payable from the Agricultural Premium Fund:  
For Personal Services......................... 188,100  
For Employee Retirement Contributions  
Paid by Employer................................ 5,700  
For State Contributions to State  
Employees' Retirement System.............. 30,300  
For State Contributions to  
Social Security.............................. 14,400  
For Contractual Services...................... 5,800  
For Travel....................................... 3,500  
For Commodities.............................. 2,000  
For Printing..................................... 3,500  
For Equipment................................. 11,300  
For Telecommunications Services............... 4,900  

New matter indicated by italics - deletions by strikeout.
For Operation of Auto Equipment................. 2,000
Total                                      $271,500

Payable from Illinois Standardbred Breeders Fund:
For Personal Services............................. 77,700
For Employee Retirement Contributions
   Paid by Employer...................................... 2,400
For State Contributions to State
   Employees' Retirement System...................... 12,600
For State Contributions to Social Security.................. 6,000
For Contractual Services......................... 20,600
For Travel........................................... 5,000
For Commodities.................................... 2,000
For Printing......................................... 3,000
For Operation of Auto Equipment.................... 4,000
Total                                      $133,300

Payable from Illinois Thoroughbred Breeders Fund:
For Personal Services............................. 300,600
For Employee Retirement Contributions
   Paid by Employer...................................... 9,100
For State Contributions to State
   Employees' Retirement System...................... 48,500
For State Contributions to Social Security.................. 23,000
For Contractual Services......................... 26,100
For Travel........................................... 6,000
For Commodities.................................... 2,000
For Printing......................................... 2,100
For Equipment....................................... 28,400
For Telecommunications Services.................... 15,600
For Operation of Auto Equipment.................... 6,500
Total                                      $467,900

Section 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**ADMINISTRATIVE SERVICES PROGRAMS**

Payable from the Illinois Rural

New matter indicated by italics - deletions by strikeout.
Rehabilitation Fund:
   For Illinois' part in administration
   of Titles I and II of the federal
   Bankhead-Jones Farm Tenant Act:
   For Programs, Loans and Grants............... 38,000
Payable from the General Revenue Fund:
   For the Agricultural Leadership Foundation ...... 28,800
   For distribution of institutional agricultural
   research grants to public universities
   authorized by the Food and Agriculture
   Research Act to include administrative costs
   incurred by the Department of Agriculture
   pursuant to Section 15 of the Food and
   Agriculture Research Act (Public
   Act 89-182).................................. 3,500,000
Total $3,566,800

Section 125. The following named amount, or so much thereof as
may be necessary, is appropriated to the Department of Agriculture for:
   ANIMAL INDUSTRIES PROGRAMS
Payable from General Revenue Fund:
   For awards for destruction of livestock,
   as provided by law......................... 4,700

Section 130. The following named amount, or so much thereof as
may be necessary, is appropriated to the Department of Agriculture for:
   LAND AND WATER RESOURCES PROGRAMS
Payable from the General Revenue Fund:
   For Soil Surveys in Mapping Illinois
   Soil and operational expenses............... 394,700
   For grants to Soil and Water Conservation
   Districts for clerical and other personnel,
   for education and promotional assistance,
   and for expenses of Water Conservation
   District Boards and administrative
   Expenses.................................... 5,545,600
Total $5,940,300

Section 135. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Agriculture for:
   ILLINOIS STATE FAIR PROGRAMS
Payable from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Awards to Livestock Breeders  
and related expenses ....................... 160,500

For Awards and Premiums at the  
Illinois State Fair  
and related expenses ....................... 297,000

For Awards and Premiums for Grand  
Circuit Horse Racing at the  
Illinois State Fairgrounds  
and related expenses ....................... 138,000

Total $595,500

Payable from the Illinois State Fair Fund:

For Awards to Livestock Breeders  
and related expenses ....................... 57,400

For Awards and Premiums at the  
Illinois State Fair  
and related expenses ....................... 173,200

For Awards and Premiums for Grand  
Circuit Horse Racing at the  
Illinois State Fairgrounds  
and related expenses ....................... 49,400

Total $280,000

Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

DUQUOIN STATE FAIR PROGRAMS

Payable from General Revenue Fund:

For awards and premiums to the  
DuQuoin State Fair and related expenses....... 139,200

For harness racing at the  
DuQuoin State Fair and related expenses....... 29,500

Total $168,700

Section 145. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

COUNTY FAIRS AND HORSE RACING PROGRAMS

Payable from the Illinois Racing  
Quarterhorse Breeders Fund:  
For promotion of the Illinois horse  
racing and breeding industry ................. 71,200

Payable from the Illinois Standardbred

New matter indicated by italics - deletions by strikeout.
Breeders Fund:
For grants and other purposes.................. 1,473,200
Payable from the Illinois Thoroughbred Breeders Fund:
For grants and other purposes.................. 2,007,900
Total $3,552,300
Payable from the Agricultural Premium Fund:
For distribution to encourage and aid county fairs and other agricultural societies. This distribution shall be prorated and approved by the Department of Agriculture.................. 2,146,100
For premiums to agricultural extension or 4-H clubs to be distributed at a uniform rate.......................... 762,000
For premiums to vocational agriculture fairs.......................... 179,500
For rehabilitation of county fairgrounds........ 2,602,000
For grants and other purposes for county fair and state fair horse racing.............. 413,000
Total $6,102,600
Payable from the General Revenue Fund:
For distribution to county fairs for premiums and rehabilitation as set forth in the Agriculture Fair Act............... 666,000
Total $666,000
Payable from Fair and Exposition Fund:
For distribution to County Fairs and Fair and Exposition Authorities .......... 1,357,400
Total $1,357,400

Section 150. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for grants, contracts, and administrative expenses associated with the development of the Illinois Grape and Wine Industry, including prior year costs.

ARTICLE 19

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout.
named are appropriated to the Department of Central Management Services:

**BUREAU OF ADMINISTRATIVE OPERATIONS**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>3,060,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>493,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>214,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>317,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>61,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>18,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>24,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>14,100</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>323,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>58,100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>1,200</td>
</tr>
<tr>
<td>For Refunds</td>
<td>1,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,587,900</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM STATE GARAGE REVOLVING FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>400,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>12,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>64,500</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>30,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>96,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>16,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,800</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>860,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>7,900</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$1,502,600</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>598,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by Employer............................... 17,900
For State Contribution to State
Employees' Retirement Fund..................... 96,400
For State Contributions to Social
Security........................................... 45,800
For Group Insurance............................. 108,000
For Contractual Services......................... 14,100
For Travel........................................... 2,000
For Commodities.................................. 3,700
For Printing........................................ 3,700
For Equipment..................................... 4,700
For Electronic Data Processing.................... 11,800
For Telecommunications Services................. 8,100
Total $914,500

PAYABLE FROM PAPER AND PRINTING REVOLVING FUND
For Personal Services............................. 49,900
For Employee Retirement Contributions
Paid by Employer.................................. 1,500
For State Contributions to State
Employees' Retirement System................... 8,000
For State Contribution to
Social Security.................................... 3,900
For Group Insurance.............................. 12,000
For Contractual Services........................... 500
For Commodities................................. 300
For Printing....................................... 200
For Equipment..................................... 1,000
For Electronic Data Processing................... 107,100
For Telecommunications Services................. 800
Total $185,200

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services............................ 467,100
For Employee Retirement Contributions
Paid by Employer.................................. 14,000
For State Contributions to State
Employees' Retirement System................... 75,200
For State Contribution to
Social Security.................................... 35,800

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group Insurance</td>
<td>108,000</td>
</tr>
<tr>
<td>Contractual Services</td>
<td>29,800</td>
</tr>
<tr>
<td>Travel</td>
<td>1,200</td>
</tr>
<tr>
<td>Commodities</td>
<td>4,800</td>
</tr>
<tr>
<td>Printing</td>
<td>7,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>5,900</td>
</tr>
<tr>
<td>Electronic Data Processing</td>
<td>4,804,700</td>
</tr>
<tr>
<td>Telecommunications Services</td>
<td>6,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,559,900</strong></td>
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</tbody>
</table>

PAYABLE FROM PROFESSIONAL SERVICES FUND

<table>
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<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>5,932,100</td>
</tr>
<tr>
<td>Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>178,000</td>
</tr>
<tr>
<td>State Contributions to State Employees' Retirement System</td>
<td>955,400</td>
</tr>
<tr>
<td>State Contributions to Social Security</td>
<td>453,800</td>
</tr>
<tr>
<td>Group Insurance</td>
<td>1,344,000</td>
</tr>
<tr>
<td>Contractual Services</td>
<td>334,800</td>
</tr>
<tr>
<td>Travel</td>
<td>198,700</td>
</tr>
<tr>
<td>Commodities</td>
<td>23,400</td>
</tr>
<tr>
<td>Printing</td>
<td>35,100</td>
</tr>
<tr>
<td>Equipment</td>
<td>61,500</td>
</tr>
<tr>
<td>Electronic Data Processing</td>
<td>100,200</td>
</tr>
<tr>
<td>Telecommunications Services</td>
<td>77,900</td>
</tr>
<tr>
<td>Internal Audit Consolidation</td>
<td>2,580,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$12,275,000</strong></td>
</tr>
</tbody>
</table>

Section 10. In addition to any other amounts heretofore appropriated for such purpose, $64,700,000, or so much thereof as may be necessary, is appropriated from the Efficiency Initiatives Revolving Fund to the Department of Central Management Services for costs associated with the efficiency initiatives authorized by Section 405-292 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois.

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Central Management Services:

ILLINOIS INFORMATION SERVICES

New matter indicated by italics - deletions by strikeout.
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services.............................. 727,300
For Employee Retirement Contributions
Paid by Employer........................................ 0
For State Contributions to State
Employees' Retirement System....................... 117,200
For State Contributions to Social
Security.................................................. 51,000
For Contractual Services............................. 56,600
For Travel............................................... 10,500
For Commodities....................................... 6,000
For Printing............................................ 400
For Equipment.......................................... 38,200
For Telecommunications Services..................... 39,200
For Operation of Auto Equipment..................... 4,400
Total ................................................... $1,050,800

PAYABLE FROM PAPER AND PRINTING REVOLVING FUND
For Personal Services.................................. 0
For Employee Retirement Contributions
Paid by Employer........................................ 0
For State Contributions to State
Employees' Retirement System....................... 0
For Group Insurance.................................... 0
For Contractual Services.............................. 0
For Travel............................................. 0
For Commodities...................................... 0
For Printing........................................... 0
For Equipment......................................... 0
For Telecommunications Services..................... 0
For Operation of Auto Equipment..................... 0
For Warehouse Stock for all State Agencies
and For Printing and Distribution of
Wall Certificates...................................... 0
For Refunds........................................... 0
Total ................................................... 0

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services................................. 1,267,900

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
  Paid by Employer................................. 38,000
For State Contributions to State
  Employees' Retirement System.................... 204,200
For State Contributions to Social Security................................. 97,000
For Group Insurance........................................ 372,000
For Contractual Services.............................. 1,676,200
For Travel........................................ 13,100
For Commodities................................... 21,700
For Printing...................................... 43,000
For Equipment..................................... 100,200
For Telecommunications Services.................... 6,700
For Operation of Auto Equipment................... 73,500
Total                                                                 $3,913,500

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

  BUREAU OF STRATEGIC SOURCING AND PROCUREMENT

  PAYABLE FROM GENERAL REVENUE FUND

For Personal Services............................... 1,815,200
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For State Contributions to State
  Employees' Retirement System.................... 292,400
For State Contributions to Social Security................................. 127,100
For Contractual Services............................... 104,700
For Travel........................................ 31,100
For Commodities................................... 25,500
For Printing...................................... 28,100
For Equipment..................................... 11,800
For Telecommunications Services.................... 35,900
For Operation of Auto Equipment................... 3,200
Total                                                                 $2,475,000

  PAYABLE FROM STATE GARAGE REVOLVING FUND

For Personal Services............................... 7,570,000
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer................................. 227,100
For State Contributions to State
Employees' Retirement System.................. 1,219,200
For State Contributions to Social
Security........................................... 579,000
For Group Insurance............................. 1,752,000
For Contractual Services........................ 1,107,000
For Travel.......................................... 39,900
For Commodities................................ 135,100
For Printing....................................... 34,500
For Equipment.................................... 750,500
For Telecommunications Services................. 151,600
For Operation of Auto Equipment............... 21,217,100
For Refunds........................................ 10,000
Total                                                                                       $34,793,000

PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND
For Personal Services............................ 1,405,000
For Employee Retirement Contributions
Paid by Employer................................. 42,100
For State Contributions to State
Employees' Retirement System.................. 226,300
For State Contributions to Social
Security........................................... 107,500
For Group Insurance............................. 336,000
For Contractual Services........................ 520,200
For Travel.......................................... 31,600
For Commodities................................ 13,600
For Printing....................................... 5,400
For Equipment.................................... 19,000
For Electronic Data Processing................... 9,200
For Telecommunications Services............... 21,000
Total                                                                                         $2,736,900

PAYABLE FROM PAPER AND PRINTING REVOLVING FUND
For Personal Services............................ 128,500
For Employee Retirement Contributions
Paid by Employer................................. 3,900
For State Contributions to State
Employees' Retirement System.................. 20,700

New matter indicated by italics - deletions by strikeout.
Security............................................... 9,900
For Group Insurance............................... 36,000
For Contractual Services......................... 113,300
For Travel.............................................. 6,600
For Commodities................................. 25,000
For Printing.......................................... 5,000
For Equipment....................................... 70,000
For Telecommunications Services............... 3,700
For Operation of Auto Equipment................. 4,500
For Warehouse Stock for all State
Agencies and for printing and
distribution of wall certificates......... 1,971,100
For Refunds........................................ 5,000
Total                                                                 $2,403,200

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services............................ 460,000
For Employee Retirement Contributions
Paid by Employer................................. 13,800
For State Contributions to State
Employees' Retirement System................. 74,100
For State Contributions to Social
Security............................................... 35,200
For Group Insurance............................. 108,000
For Contractual Services....................... 9,000
For Travel............................................. 8,000
For Commodities.................................. 2,700
For Printing......................................... 900
For Equipment..................................... 9,700
For Electronic Data Processing............... 13,300
For Telecommunications Services............. 7,800
Total                                                                 $742,500

PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For Personal Services............................ 411,400
For Employee Retirement Contributions
Paid by Employer................................. 12,300
For State Contributions to State
Employees' Retirement System................. 66,300
For State Contributions to Social
Security............................................... 31,500

New matter indicated by italics - deletions by strikeout.
Section 25. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

**BUREAU OF BENEFITS**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Object Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>524,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>59,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>7,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,700</td>
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<tr>
<td>For Printing</td>
<td>2,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>10,900</td>
</tr>
<tr>
<td>For payment of claims under the Representation and Indemnification in Civil Lawsuits Act</td>
<td>1,477,400</td>
</tr>
<tr>
<td>For payment of Workers' Compensation Act claims and contractual services in connection with said claims</td>
<td>400</td>
</tr>
</tbody>
</table>

For Group Insurance for Contractual Services for Travel for Commodities for Printing for Equipment for Electronic Data Processing for Telecommunications Services Total

$664,000
payments..................................... 13,920,000
For auto liability, adjusting and administration
of claims, loss control and prevention
services, and auto liability claims........... 1,600,200
Total $973,833,800
PAYABLE FROM LOCAL GOVERNMENT HEALTH INSURANCE
RESERVE FUND
For Personal Services....................... 471,400
For Employee Retirement Contributions
Paid by Employer.......................... 14,100
For State Contributions to State
Employees' Retirement System............. 75,900
For State Contributions to Social
Security................................... 36,100
For Group Insurance........................ 132,000
For Contractual Services.................. 169,500
For Travel.................................. 19,000
For Commodities......................... 10,000
For Printing................................ 140,000
For Equipment........................... 17,700
For Electronic Data Processing.......... 47,000
For Telecommunications Services...... 18,400
For Operation of Auto Equipment...... 6,500
Total $1,157,600
For the Local Governments Contribution
Under Program of Group Life, Dental, Hospital,
And Surgical And Medical Insurance For
Persons Serving Local Governments....... 115,000,000
PAYABLE FROM ROAD FUND
For Group Insurance...................... 121,659,000
For payment of claims and claims
administration under the
Workers' Compensation Act.............. 5,364,400
PAYABLE FROM GROUP INSURANCE PREMIUM FUND
For expenses of Cost Containment Program... 288,000
For Life Insurance Coverage As Elected
By Members Per The State Employees
Group Insurance Act..................... 77,433,000
PAYABLE FROM HEALTH INSURANCE RESERVE FUND

New matter indicated by italics - deletions by strikeout.
For Expenses of a Cost Containment Program...... 158,900
For Provisions of Health Care Coverage
As Elected by Eligible Members Per State
Employees Group Insurance Act............... 1,642,186,300
PAYABLE FROM WORKERS' COMPENSATION REVOLVING FUND
For administrative costs of claims services
and payment of temporary total
disability claims of any state agency
or university employee......................... 650,000

Expenditures from appropriations for treatment and expense may be
made after the Department of Central Management Services has certified
that the injured person was employed and that the nature of the injury is
compensable in accordance with the provisions of the Workers'
Compensation Act or the Workers' Occupational Diseases Act, and then
has determined the amount of such compensation to be paid to the injured
person.

Expenditures for this purpose may be made by the Department of
Central Management Services without regard to the fiscal year in which
benefit or service was rendered or cost incurred as allowable or provided by
the Workers' Compensation Act or the Workers' Occupational Diseases
Act.

PAYABLE FROM STATE EMPLOYEES DEFERRED
COMPENSATION FUND
For expenses related to the administration
of the State Employees Deferred
Compensation Plan............................ 1,698,300

Section 27. The sum of $350,000, or so much thereof as may be
necessary, is appropriated from the Senior Citizens and Disabled Persons
Prescription Drug Discount Fund to the Department of Central
Management Services=Bureau of Benefits for expenses related to the
Senior Citizens and Disabled Persons Prescription Drug Discount Program
operated by the Department.

Section 30. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named are appropriated to the Department of Central Management
Services:

BUREAU OF PERSONNEL
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 5,083,600

New matter indicated by italics - deletions by strikeout.
Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Department of Central Management Services:

BUSINESS ENTERPRISE PROGRAM

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services

For Employee Retirement Contributions

Paid by Employer

For State Contributions to State

Employees' Retirement System

For State Contributions to Social Security

For Contractual Services

For Travel

For Commodities

For Printing

For Equipment

For Telecommunications Services

For Operation of Auto Equipment

For Awards to Employees and Expenses of Employees' Suggestion Award Board

For Wage Claims

For Expenses of Compensation Review Board

For Expenses of the Upward Mobility Program

For Expenses of the Governor's Commission on the Status of Women in Illinois

For Veterans' Job Assistance Program

For Governor's and Vito Marzullo's Internship programs

For Nurses' Tuition

Total

$14,071,800

New matter indicated by italics - deletions by strikeout.
For Contractual Services.......................... 71,900
For Travel........................................ 13,300
For Commodities.................................... 6,200
For Printing....................................... 8,600
For Equipment...................................... 1,000
For Telecommunications Services............... 7,700
For Operation of Auto Equipment.............. 2,300
Total $467,900

PAYABLE FROM MINORITY AND FEMALE BUSINESS ENTERPRISE FUND

For Expenses of the Business Enterprise Program 50,000

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

BUREAU OF PROPERTY MANAGEMENT
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services.......................... 6,419,100
For Employee Retirement Contributions
Prepaid by Employer.............................. 0
For State Contributions to State Employees' Retirement System.......................... 1,033,900
For State Contributions to Social Security........................................ 449,550
For Contractual Services....................... 9,154,900
For Travel........................................ 13,500
For Commodities.................................. 139,500
For Printing...................................... 12,000
For Equipment..................................... 36,700
For Telecommunications Services............... 102,600
For Operation of Auto Equipment............... 24,700
For Surplus Real Property........................ 195,200
Total $17,581,650

PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND

For Personal Services.......................... 607,500
For Employee Retirement Contributions
Prepaid by Employer.............................. 18,200
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System........................................ 97,900
For State Contributions to Social Security................................. 46,500
For Group Insurance.............................................. 84,000
For Contractual Services........................................ 438,400
For Commodities.................................................. 19,800
For Equipment...................................................... 1,100
For Telecommunications Services.................................... 10,300
Total $1,323,700

PAYABLE FROM STATE SURPLUS PROPERTY REVOLVING FUND
For Personal Services.............................................. 965,400
For Employee Retirement Contributions Paid by Employer..................... 29,000
For State Contributions to State Employees' Retirement System............. 155,500
For State Contributions to Social Security........................................ 73,900
For Group Insurance.............................................. 228,000
For Contractual Services........................................ 567,500
For Travel............................................................ 39,700
For Commodities.................................................. 10,300
For Printing.......................................................... 5,000
For Equipment...................................................... 124,900
For Electronic Data Processing......................................... 83,000
For Telecommunications Services........................................ 26,000
For Operation of Auto Equipment..................................... 127,700
For Expenses of a Recycling Program................................... 150,000
For Refunds.......................................................... 5,000
Total $2,590,900

Section 45. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Facilities Management Revolving Fund to the Department of Central Management Services for expenses related to the management of facilities operated by the Department.

Section 50. The sum of $138,000, or so much thereof as may be necessary, is appropriated from the Special Events Revolving Fund to the Department of Central Management Services for expenses related to the lease or rental of buildings subject to the jurisdictions of the Department of

New matter indicated by italics - deletions by strikeout.
Central Management Services to individuals or organizations, pursuant to Public Act 84-0961.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to the Department of Central Management Services:

**BUREAU OF COMMUNICATION AND COMPUTER SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

- For Education Technology, including operating and administrative costs $20,400,000
- For Personal Services $20,096,800
- For Employee Retirement Contributions Paid by Employer $602,900
- For State Contributions to State Employees' Retirement System $3,236,800
- For State Contributions to Social Security $1,537,400
- For Group Insurance $3,096,000
- For Contractual Services $2,608,600
- For Travel $117,600
- For Commodities $108,300
- For Printing $209,000
- For Equipment $178,400
- For Electronic Data Processing $70,929,600
- For Telecommunications Services $3,887,500
- For Operation of Auto Equipment $6,300
- For Refunds $7,593,400

**Total** $114,208,600

**PAYABLE FROM COMMUNICATIONS REVOLVING FUND**

- For Personal Services $6,942,000
- For Employee Retirement Contributions Paid by Employer $208,300
- For State Contributions to State Employees' Retirement System $1,118,100
- For State Contributions to Social Security $531,100
- For Group Insurance $1,296,000
- For Contractual Services $2,273,100

New matter indicated by italics - deletions by strikeout.
For Travel........................................ 54,000
For Commodities.............................. 22,800
For Printing................................... 57,500
For Equipment.................................. 31,700
For Telecommunications Services............. 133,871,600
For Operation of Auto Equipment................ 15,000
For Refunds.................................. 280,000
Total                                                                                     $146,701,200

Section 60. The amount of $4,061,300, or so much thereof as may be necessary, is appropriated from the Statistical Services Revolving Fund to the Department of Central Management Services for expenses related to the study, development and implementation of technology standards including related administrative expenses.

ARTICLE 20

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the State Civil Service Commission:

For Personal Services............................. 239,100
For Employee Retirement Contributions
Paid by Employer..................................... 0
For State Contributions to State
Employees' Retirement System....................... 38,500
For State Contributions to Social Security................ 18,300
For Contractual Services............................ 47,500
For Travel........................................... 18,700
For Commodities................................... 3,400
For Printing.......................................... 1,400
For Equipment....................................... 19,200
For Telecommunications Services................... 5,800
Total                                                                                     $391,900

ARTICLE 21

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission:

CHIEF COMMISSIONER'S OFFICE
Payable from Transportation Regulatory Fund:
For Personal Services............................. 77,100

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
  Paid by Employer................................. 2,300
For State Contributions to State
  Employees' Retirement System................... 12,400
For State Contributions to
  Social Security................................ 5,900
For Group Insurance............................... 12,000
For Contractual Services............................ 400
For Travel......................................... 2,100
For Equipment...................................... 5,800
For Telecommunications......................... 7,200
For Operation of Auto Equipment............... 1,100
Total $126,300

Payable from Public Utility Fund:
  For Personal Services......................... 712,100
  For Employee Retirement Contributions
    Paid by Employer............................... 21,400
  For State Contributions to State
    Employees' Retirement System............. 114,700
  For State Contributions to
    Social Security............................ 54,500
  For Group Insurance.......................... 144,000
  For Contractual Services..................... 22,700
  For Travel...................................... 64,900
  For Commodities................................ 2,100
  For Equipment................................... 2,300
  For Telecommunications....................... 20,000
  For Operation of Auto Equipment......... 800
Total $1,159,500

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for ordinary and contingent expenses to the Illinois Commerce Commission, as follows:

  **PUBLIC UTILITIES**

Payable from Public Utility Fund:
  For Personal Services......................... 12,057,300
  For Employee Retirement Contributions
    Paid by Employer............................... 361,700
  For State Contributions to State
    Employees' Retirement System.............. 1,941,900

  New matter indicated by italics - deletions by strikeout.
For State Contributions to
  Social Security.............................. 915,600
  For Group Insurance.......................... 2,412,000
  For Contractual Services..................... 1,572,400
  For Travel.................................... 224,400
  For Commodities.............................. 46,700
  For Printing.................................. 50,500
  For Equipment............................... 74,800
  For Electronic Data Processing............... 812,700
  For Telecommunications...................... 536,000
  For Operation of Auto Equipment............. 21,000
  For Refunds.................................. 17,000
  Total                                    $21,044,000

Payable from General Revenue Fund:
  For legal costs associated with the
  passage of "An Act to abolish
  incinerator subsidies under the
  retail rate law"............................. 391,900

  Section 15. The following named amounts, or so much thereof as
  may be necessary, respectively, are appropriated to the Illinois Commerce
  Commission:

  **TRANSPORTATION**

Payable from Transportation Regulatory Fund:
  For Personal Services......................... 3,675,900
  For Employee Retirement Contributions
    Paid by Employer............................ 110,300
  For State Contributions to State
    Employees' Retirement System.............. 592,000
  For State Contributions to
    Social Security............................ 281,300
  For Group Insurance......................... 684,000
  For Contractual Services.................... 506,800
  For Travel................................... 160,600
  For Commodities................................ 28,300
  For Printing.................................. 27,800
  For Equipment................................ 91,400
  For Electronic Data Processing............... 405,300
  For Telecommunications...................... 287,900
  For Operation of Auto Equipment............. 47,900

New matter indicated by italics - deletions by strikeout.
Section 20. The sum of $8,000,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for disbursing funds collected for the Single State Insurance Registration Program to be distributed to: (1) participating states, provided that no distributions exceed funds made available from registration collections; and (2) for refunds for overpayments.

Section 25. The sum of $1,757,600, or so much thereof as may be necessary, is appropriated from the Public Utility Fund to assist the Illinois Commerce Commission in implementing the Electric Service Customer Choice and Rate Relief Law of 1997, including costs in the prior year.

Section 30. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Digital Divide Elimination Infrastructure Fund to the Illinois Commerce Commission for grants and awards for the construction of high-speed data transmission facilities.

Section 35. The sum of $950,000, or so much thereof as may be necessary, is appropriated from the Restricted Call Registry Fund to the Illinois Commerce Commission for the purpose of implementing the Restricted Call Registry Act, including costs in prior years.

Section 40. The sum of $74,000, or so much thereof as may be necessary, is appropriated from the Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for a grant to the Statewide One-call Notice System, as required in the Illinois Underground Utility Facilities Damage Prevention Act.

The sum of $1,000, or so much thereof as may be necessary, is appropriated from the Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for refunds.

Section 45. The sum of $44,800,000, or so much thereof as may be necessary, is appropriated from the Wireless Service Emergency Fund to the Illinois Commerce Commission for grants to emergency telephone system boards, qualified government entities, or the Department of State Police for the design, implementation, operation, maintenance, or upgrade of wireless 9-1-1 or E9-1-1 emergency services and public safety answering points and for reimbursement of the Communications Revolving Fund for administrative costs incurred by the Illinois Commerce Commission related to administering the program.

New matter indicated by italics - deletions by strikeout.
Section 50. The sum of $35,400,000, or so much thereof as may be necessary, is appropriated from the Wireless Carrier Reimbursement Fund to the Illinois Commerce Commission for reimbursement of wireless carriers for costs incurred in complying with the applicable provisions of Federal Communications Commission wireless enhanced 9-1-1 services mandates and for reimbursement of the Communications Revolving Fund for administrative costs incurred by the Illinois Commerce Commission related to administering the program.

Section 55. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to assist the Illinois Commerce Commission in monitoring railroad crossing safety.

ARTICLE 22
Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Elections for its ordinary and contingent expenses as follows:

<table>
<thead>
<tr>
<th>The Board</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>17,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>18,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$35,900</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Administration</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>546,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid By Employer</td>
<td>21,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees'</td>
<td></td>
</tr>
<tr>
<td>Retirement System</td>
<td>87,987</td>
</tr>
<tr>
<td>For State Contributions to</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>41,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>371,250</td>
</tr>
<tr>
<td>For Travel</td>
<td>17,965</td>
</tr>
<tr>
<td>For Commodities</td>
<td>16,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>10,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,900</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>109,100</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>2,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,227,802</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Elections</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,376,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
   Paid By Employer................................. 55,100
For State Contributions to State
   Employees' Retirement System.................... 221,619
For State Contributions to Social Security........ 105,300
For Contractual Services........................... 19,220
For Travel........................................... 42,970
For Printing.......................................... 28,600
For Equipment........................................ 2,800
For Purchase of Election Codes...................... 15,000
For HAVA Maintenance of Effort Contribution-State.. 550,000
For Reimbursement to Counties for Increased Compensation to Judges and other Election Officials, as provided in Public Acts 81-850, 81-1149, and 90-672... 3,450,000
For Payment of Lump Sum Awards to County Clerks, County Recorders, and Chief Election Clerks as Compensation for Additional Duties required of such officials by consolidation of elections law, as provided in Public Acts 82-691 and 90-713................. 812,500
For Payment to Election Authorities for expenses in supplying voter registration tapes to the State Board of Elections pursuant to Public Act 85-958............................... 32,500
TOTAL                                                                                     $6,711,609

General Counsel
For Personal Services.............................. 252,600
For Employee Retirement Contributions
   Paid By Employer.................................. 10,100
For State Contributions to State
   Employees' Retirement System................... 40,684
For State Contributions to Social Security........ 19,400
For Contractual Services........................... 138,400
For Travel............................................ 6,000
For Equipment........................................ 500
TOTAL                                                                                     $467,684

Campaign Disclosure
For Personal Services.............................. 689,400
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0842

Paid By Employer................................ 27,600
For State Contributions to State
   Employees' Retirement System.............. 111,035
For State Contributions to
   Social Security.............................. 52,800
For Contractual Services....................... 15,825
For Travel........................................... 11,000
For Printing......................................... 16,900
For Equipment..................................... 12,800
TOTAL................................................. $937,360

Information Technology
For Personal Services............................ 390,100
For Employee Retirement Contributions
   Paid By Employer................................. 15,600
For State Contributions to State Employees'
   Retirement System.............................. 62,991
For State Contributions to Social Security...... 29,900
For Contractual Services.......................... 316,650
For Travel............................................. 11,300
For Commodities................................... 16,600
For Printing.......................................... 700
For Equipment....................................... 94,000
TOTAL............................................... $937,841

Total General Revenue Fund:.......................... $10,318,196

Section 10. The following amount, or so much of that amount as
may be necessary, is appropriated to the State Board of Elections:
For Implementation of Help America Vote Act
   of 2002 Lump Sum Payable from Help Illinois
   Vote Fund............................................. 140,000,000

Section 15. The sum of $5,000,000, or so much thereof as may be
necessary, is appropriated from the Capital Development Fund to the State
Board of Elections for grants to local governments for the purchase of
handicapped accessible polling machines.

Section 20. No contract shall be entered into or obligation incurred
for any expenditures made from an appropriation herein made in Section 15
until after the purpose and amounts have been approved in writing by the
Governor.

ARTICLE 23

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Employment Security:

OFFICE OF THE DIRECTOR
Payable from Title III Social Security and Employment Service Fund:
For Personal Services......................... 6,792,600
For Employee Retirement Contributions Paid by Employer......................... 3,056,100
For State Contributions to State Employees' Retirement System................. 1,094,000
For State Contributions to Social Security................................ 519,700
For Group Insurance............................ 1,404,000
For Contractual Services......................... 14,584,300
For Travel....................................... 132,600
For Telecommunications Services................. 237,700
Total ........................................... $13,842,400

Section 10. The amount of $10,000,000, or so much thereof as may be necessary, is appropriated from the Unemployment Compensation Special Administration Fund to the Department of Employment Security for the payment of interest on advances made to the Unemployment Trust Fund as required by Title XII of the Social Security Act.

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

FINANCE AND ADMINISTRATION BUREAU
Payable from Title III Social Security and Employment Service Fund:
For Personal Services......................... 12,769,600
For State Contributions to State Employees' Retirement System................. 2,056,700
For State Contributions to Social Security................................ 976,900
For Group Insurance......................... 3,000,000
For Contractual Services......................... 14,584,300
For Travel....................................... 132,600

New matter indicated by italics - deletions by strikeout.
For Commodities................................ 1,138,500
For Printing................................... 1,942,800
For Equipment.................................... 922,400
For Telecommunications Services............... 547,300
For Operation of Auto Equipment............... 96,500
Payable from Title III Social Security and Employment Service Fund:
For expenses related to America's Labor Market Information System.............. 4,500,000
For Potential Relocation of Central Office.............................................. 500,000
Total                                                                                       $43,167,600

INFORMATION SERVICE BUREAU
Payable from Title III Social Security and Employment Service Fund:
For Personal Services.......................... 6,832,900
For State Contributions to State Employees' Retirement System................... 1,100,500
For State Contributions to Social Security............................................... 522,800
For Group Insurance.............................. 1,380,000
For Contractual Services....................... 16,728,000
For Travel........................................ 22,800
For Equipment.................................. 3,107,800
For Electronic Data Processing.................... 0
For Telecommunications Services.............. 2,107,200
Total                                                                                      $31,802,000

Section 20. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Employment Security:

OPERATIONS
Payable from Title III Social Security and Employment Service Fund:
For Personal Services....................... 3,732,900
For State Contributions to State Employees' Retirement System.................. 601,200
For State Contributions to Social Security............................................. 285,600
For Group Insurance........................... 828,000
For Contractual Services...................... 7,223,400

New matter indicated by italics - deletions by strikeout.
For Travel........................................                                                 70,000
For Telecommunications Services...................                                91,200
For Permanent Improvements........................                                  85,000
For Refunds......................................  300,000
Total                                                                                       $13,217,300
Payable from Title III Social Security
and Employment Service Fund:
For the expenses related to the
development of Training Programs.............. 100,000
For the expenses related to Employment
Security Automation................................ 5,000,000
For expenses related to a Benefit
Information System Redefinition...............  10,000,000
Total                                                                                       $15,100,000
Payable from the Unemployment Compensation
Special Administration Fund:
For expenses related to Legal
Assistance as required by law............... 2,000,000
For deposit into the Title III
Social Security and Employment
Service Fund................................ 10,000,000
For Interest on Refunds of Erroneously
Paid Contributions, Penalties and
Interest........................................ 100,000
Total                                                                                       $12,100,000
Section 25. The following named sums, or so much thereof as may
be necessary, are appropriated to the Department of Employment Security:

WORKFORCE DEVELOPMENT
Payable from Title III Social Security and
Employment Service Fund:
For Personal Services........................ 50,292,300
For State Contributions to State
Employees' Retirement System................. 8,100,100
For State Contributions to Social
Security........................................ 3,847,400
For Group Insurance......................... 13,788,000
For Contractual Services..................... 10,079,200
For Travel......................................  925,600

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services.............. 5,456,600
For Refunds............................................. 0
Total .................................................. $92,489,200

Of the sum appropriated above, $4,888,648 is appropriated pursuant to the provisions governing federal fiscal year 2002 found in Sections 903(a), 903(b), and 903(c) of the Federal Social Security Act.

Section 30. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the Title II Social Security and Employment Services Fund to the Department of Employment Security, for all costs, including administrative costs associated with providing community partnerships for enhanced customer service.

Section 35. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Employment Security:

UNEMPLOYMENT INSURANCE REVENUE
Payable from Title III Social Security and Employment Service Fund:
For Personal Services...................... 21,448,200
For State Contributions to State
   Employees' Retirement System.......... 3,454,400
For State Contributions to Social Security..................................... 1,640,800
For Group Insurance................................. 4,980,000
For Contractual Services....................... 2,926,600
For Travel........................................ 200,000
For Telecommunications Services............. 700,000
Total .................................................. $35,350,000

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Employment Security:

OPERATIONS
Grants-In-Aid
Payable from Title III Social Security and Employment Service Fund:
For Grants......................................... 10,000,000
For Tort Claims................................. 715,000
Total ................................................ $10,715,000

Section 45. The amount of $704,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Employment Security for the purpose of making grants to

New matter indicated by italics - deletions by strikeout.
community non-profit agencies or organizations for the operation of a statewide network of outreach services for veterans, as provided for in the Vietnam Veterans' Act.

Section 50. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Employment Security, for unemployment compensation benefits, other than benefits provided for in Section 3, to Former State Employees as follows:

TRUST FUND UNIT
Grants-In-Aid
Payable from the Road Fund:
For benefits paid on the basis of wages
paid for insured work for the Department
of Transportation............................                                            1,900,000
Payable from the Illinois Mathematics
and Science Academy Income Fund..............                              16,700
Payable from Title III Social Security
and Employment Service Fund....................                                1,734,300
Payable from the General Revenue Fund...........                              20,064,000
Total                                                                                       $23,715,000

ARTICLE 24

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Environmental Protection Agency:

ADMINISTRATION
For Personal Services............................... 590,900
For Employee Retirement Contributions
Paid by Employer......................................                                                0
For State Contributions to State
Employees' Retirement System....................... 95,200
For State Contributions to
Social Security......................................... 45,100
For Contractual Services.........................   9,100
For Travel............................................. 6,900
For Commodities..................................... 17,600
For Printing........................................... 0
For Equipment......................................... 2,900
For Telecommunications Services..................... 19,000
For Operation of Auto Equipment.................... 8,400

New matter indicated by italics - deletions by strikeout.
Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

Payable from U.S. Environmental Protection Fund:
For Contractual Services...................... 1,608,600
Payable from Underground Storage Tank Fund:
For Contractual Services......................... 221,800
Payable from Solid Waste Management Fund:
For Contractual Services......................... 243,800
Payable from Subtitle D Management Fund:
For Contractual Services......................... 88,700
Payable from Clean Air Act Permit Fund:
For Contractual Services......................... 1,155,800
Payable from Water Revolving Fund:
For Contractual Services......................... 605,700
Payable from Community Water Supply Laboratory Fund:
For Contractual Services......................... 108,100
Payable from Used Tire Management Fund:
For Contractual Services......................... 117,000
Payable from Conservation 2000 Fund:
For Contractual Services......................... 29,400
Payable from Hazardous Waste Fund:
For Contractual Services......................... 326,700
Payable from Environmental Protection Permit and Inspection Fund:
For Contractual Services......................... 406,800
Payable from Vehicle Inspection Fund:
For Contractual Services......................... 493,500
Payable from the Clean Water Fund:
For Contractual Services......................... 290,000
Total $795,100

Section 15. The sum of $972,300, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for pollution prevention activities.

Section 20. The sum of $275,000, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency from the EPA Special States Projects Trust Fund for the purpose of funding the

New matter indicated by italics - deletions by strikeout.
planning, administration, and operation of environmental intern programs to be funded by advance contributions.

Section 25. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for all costs associated with the development and implementation of Illinois Environmental Facts On-Line.

Section 30. The sum of $442,900, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for the purpose of administering the toxic and hazardous materials program and the regulatory innovation program.

Section 35. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the Industrial Hygiene Regulatory and Enforcement Fund to the Environmental Protection Agency for the purpose of administering the industrial hygiene licensing program.

Section 40. The sum of $236,200, or so much thereof as may be necessary, is appropriated from the Environmental Protection Permit and Inspection Fund to the Environmental Protection Agency for development of environmental planning activities.

Section 45. The amount of $4,995,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for awards and grants as directed by the Environmental Protection Trust Fund Commission.

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

AIR POLLUTION CONTROL
Payable from U.S. Environmental Protection Fund:
For Personal Services......................... 2,978,700
For Employee Retirement Contributions
  Paid by Employer........................... 89,400
For State Contributions to State Employees' Retirement System............. 479,800
For State Contributions to Social Security.......................... 227,900
For Group Insurance........................... 660,000
For Contractual Services...................... 1,425,700
For Travel.................................. 120,800

New matter indicated by italics - deletions by strikeout.
For Commodities................................. 132,000
For Printing...................................... 40,000
For Equipment.................................... 600,000
For Telecommunications Services............... 195,300
For Operation of Auto Equipment................. 46,800
For Use by the City of Chicago................... 374,600
For Expenses Related to the
Development and Implementation
of a Targeted Clean Air Information
and Education Program........................... 1,050,000
Total                                                                                         $8,421,000
Payable from the Environmental Protection Permit and Inspection Fund for
Air Permit and Inspection Activities:
For Personal Services.......................... 2,805,000
For Other Expenses............................. 2,065,500
For Refunds...................................... 150,000
Total                                                                                         $5,020,500
Payable from the Vehicle Inspection Fund:
For Personal Services.......................... 4,548,600
For Employee Retirement Contributions
Paid by Employer............................... 136,500
For State Contributions to State
Employees' Retirement System.................... 732,600
For State Contributions to
Social Security................................. 400,000
For Group Insurance............................ 1,164,000
For Vehicle Inspections, including
prior year costs.................................. 51,934,800
For Contractual Services....................... 1,656,300
For Travel........................................ 50,000
For Commodities.................................. 20,000
For Printing...................................... 359,000
For Equipment.................................... 100,000
For Telecommunications......................... 125,000
For Operation of Auto Equipment............... 30,000
Total                                                                                         $61,256,800
Section 55. The following named amounts, or so much thereof as
may be necessary, is appropriated from the Clean Air Act Permit Fund to
the Environmental Protection Agency for the purpose of funding Clean Air

New matter indicated by italics - deletions by strikeout.
Act Title V activities in accordance with Clean Air Act Amendments of 1990:

For Personal Services and Other Expenses of the Program....................... 13,850,000
For Refunds...................................... 150,000
Total $14,000,000

Section 60. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the EPA Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of funding clean air activities.

Section 65. The sum of $37,100, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for the purpose of funding an on-site monitor at the Robbins Resource Recovery Incinerator, Robbins, Illinois.

Section 70. The named amounts, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Environmental Protection Agency for the purpose of administering the Alternate Fuels Rebate Program and the Ethanol Fuel Research Program:

For Personal Services and Other Expenses........................................ 200,000
For Grants and Rebates................................. 2,000,000
Total $2,200,000

Section 75. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Alternate Compliance Market Account Fund to the Environmental Protection Agency for all costs associated with the emissions reduction market program.

Section 80. The amount of $5,000,000, or so much thereof as may be necessary, is appropriated from the Special State Projects Trust Fund to the Environmental Protection Agency for all costs associated with the Drive Green Illinois initiative and other clean air public awareness programs.

LABORATORY SERVICES

Section 85. The named amounts, or so much thereof as may be necessary, are appropriated from the Community Water Supply Laboratory Fund to the Environmental Protection Agency for the purpose of performing laboratory testing of samples from community water supplies and for administrative costs of the Agency and the Community Water Supply Testing Council.

For Personal Services and Other

New matter indicated by italics - deletions by strikeout.
Expenses of the Program....................... 3,351,400
For Permanent Improvements.................... 7,600
Total                                      $3,359,000

Section 90. The sum of $742,800, or so much thereof as may be necessary, is appropriated from the Environmental Laboratory Certification Fund to the Environmental Protection Agency for the purpose of administering the environmental laboratories certification program.

Section 95. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the EPA Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of performing laboratory analytical services for government entities.

Section 100. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

LAND POLLUTION CONTROL

Payable from U.S. Environmental Protection Fund:
For Personal Services......................... 2,912,800
For Employee Retirement Contributions
   Paid by Employer............................... 87,400
For State Contributions to State Employees' Retirement System............... 469,200
For State Contributions to Social Security....................... 225,000
For Group Insurance............................ 540,000
For Contractual Services....................... 850,000
For Travel...................................... 60,000
For Commodities................................ 70,000
For Printing.................................... 60,000
For Equipment................................ 110,000
For Telecommunications Services.............. 230,000
For Operation of Auto Equipment............... 43,100
For Use by the Office of the Attorney General..... 25,000
For Underground Storage Tank Program......... 2,268,500
Total                                      $7,951,000

Section 105. The following named sums, or so much thereof as may be necessary, including prior year costs, are appropriated to the Environmental Protection Agency, payable from the U. S. Environmental Protection Fund, for use of remedial, preventive or corrective action in

New matter indicated by italics - deletions by strikeout.
accordance with the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended:

For Personal Services.............................................. 2,288,200
For Employee Retirement Contributions
  Paid by Employer.............................................. 68,700
For State Contributions to State
  Employees' Retirement System................................ 368,600
For State Contributions to
  Social Security.................................................. 177,000
For Group Insurance................................................ 510,000
For Contractual Services........................................ 280,000
For Travel.......................................................... 95,000
For Commodities..................................................... 100,000
For Printing.......................................................... 10,000
For Equipment......................................................... 181,000
For Telecommunications Services............................... 70,000
For Operation of Auto Equipment.................................. 65,000
For Contractual Expenses Related to
  Remedial, Preventive or Corrective
  Actions in Accordance with the
  Federal Comprehensive and Liability
  Act of 1980, including Costs in
  Prior Years..................................................... 9,000,000
Total........................................................................... $13,213,500

Section 110. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for the purpose of funding the Underground Storage Tank Program.

Payable from the Underground Storage Tank Fund:
For Personal Services.............................................. 2,515,600
For Employee Retirement Contributions
  Paid by Employer.............................................. 75,500
For State Contributions to State
  Employees' Retirement System................................. 405,200
For State Contributions to
  Social Security.................................................. 193,200
For Group Insurance................................................. 488,000
For Contractual Services........................................ 290,000
For Travel.......................................................... 32,000
For Commodities..................................................... 15,000

New matter indicated by italics - deletions by strikeout.
For Equipment.................................... 105,000
For Telecommunications Services............... 25,000
For Operation of Auto Equipment............... 10,700
For Reimbursements to Eligible Owners/
Operators of Leaking Underground
Storage Tanks, including claims
submitted in prior years and for
costs associated with site remediation....... 70,000,000
Total                                      $74,155,200

Section 115. The following named sums, or so much thereof as
may be necessary, are appropriated to the Environmental Protection Agency
for use in accordance with Section 22.2 of the Environmental Protection
Act:
Payable from the Hazardous Waste Fund:
For Personal Services......................... 328,800
For Employee Retirement Contributions
Paid by Employer............................... 9,900
For State Contributions to State
Employees' Retirement System............... 53,000
For State Contributions to
Social Security................................. 26,000
For Group Insurance........................... 59,000
For Contractual Services....................... 600,000
For Travel....................................... 6,000
For Commodities................................ 0
For Printing...................................... 0
For Equipment.................................. 47,000
For Telecommunications Services.............. 10,000
For Operation of Auto Equipment............. 21,000
For Personal Services and Other
Expenses Related to Removal or
Remedial Actions and for Expenses
Related to Reviewing the Performance
of Response Actions Pursuant
to Title XVII of the Environmental
Protection Act................................. 4,015,800
For Contractual Services for Site
Remediations, including costs
in Prior Years................................. 22,000,000

New matter indicated by italics - deletions by strikeout.
Section 120. The following named sums, or so much thereof as may be necessary, are appropriated from the Environmental Protection Permit and Inspection Fund to the Environmental Protection Agency for land permit and inspection activities:

For Personal Services.......................... 3,238,000
For Employee Retirement Contributions
Paid by Employer............................ 97,200
For State Contributions to State
Employees' Retirement System.............. 521,600
For State Contributions to Social Security
For Group Insurance........................ 708,000
For Contractual Services................... 585,600
For Travel................................... 12,000
For Commodities............................ 39,000
For Printing.................................. 34,000
For Equipment................................ 57,500
For Telecommunications Services........... 21,300
For Operation of Auto Equipment........... 30,000
Total........................................ $5,591,900

Section 125. The following named sums, or so much thereof as may be necessary, are appropriated from the Solid Waste Management Fund to the Environmental Protection Agency for use in accordance with Section 22.15 of the Environmental Protection Act:

For Personal Services........................ 4,190,800
For Employee Retirement Contributions
Paid by Employer............................ 125,800
For State Contributions to State
Employees' Retirement System.............. 675,000
For State Contributions to Social Security
For Group Insurance......................... 1,025,000
For Contractual Services................... 193,800
For Travel................................... 80,000
For Commodities............................ 15,000
For Printing.................................. 30,000
For Equipment................................ 52,000
For Telecommunications Services........... 86,000

Total........................................ $27,176,500

New matter indicated by italics - deletions by strikeout.
For Operation of Auto Equipment .......................... 24,000  
For Refunds ................................................. 20,000  
For financial assistance to units of local government for operations under delegation agreements .......................... 750,000  
Total  $7,597,400  

Section 130. The following named sums, or so much therefore as may be necessary, are appropriated to the Environmental Protection Agency for conducting a household hazardous waste collection program, including costs from prior years:

- Payable from the Solid Waste Management Fund ......................... 3,058,000  
- Payable from the Special State Projects Trust Fund .................. 750,000

Section 135. The following named amounts, or so much thereof as may be necessary, are appropriated from the Used Tire Management Fund to the Environmental Protection Agency for purposes as provided for in Section 55.6 of the Environmental Protection Act:

- For Personal Services ........................................ 1,300,300  
- For Employee Retirement Contributions
  - Paid by Employer ........................................ 39,100  
- For State Contributions to State Employees' Retirement System ................. 209,500  
- For State Contributions to Social Security ................................ 99,500  
- For Group Insurance ........................................... 312,000  
- For Contractual Services .................................... 2,589,400  
- For Travel .................................................... 32,000  
- For Commodities .............................................. 15,000  
- For Printing .................................................. 2,000  
- For Equipment ................................................ 100,000  
- For Telecommunications Services .................. 14,700  
- For Operation of Auto Equipment .................. 8,000  
Total  $4,721,500  

Section 140. The following named amounts, or so much thereof as may be necessary, are appropriated from the Subtitle D Management Fund to the Environmental Protection Agency for the purpose of funding the Subtitle D permit program in accordance with Section 22.44 of the Environmental Protection Act:

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>961,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>28,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>155,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>74,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>198,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>227,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>27,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>12,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>41,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>12,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>9,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,746,100</strong></td>
</tr>
</tbody>
</table>

Section 145. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Landfill Closure and Post Closure Fund to the Environmental Protection Agency for the purpose of funding closure activities in accordance with Section 22.17 of the Environmental Protection Act.

Section 150. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Hazardous Waste Occupational Licensing Fund to the Environmental Protection Agency for expenses related to the licensing of Hazardous Waste Laborers and Crane and Hoisting Equipment Operators, as mandated by Public Act 85-1195.

Section 155. The following named amount, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency for use in accordance with the Brownfields Redevelopment program:

Payable from the Brownfields Redevelopment Fund:
- For Personal Services and Other Expenses of the Program: 1,257,400

Section 160. The sum of $14,000,000, or so much thereof as may be necessary, is appropriated from the Brownfields Redevelopment Fund to the Environmental Protection Agency for financial assistance for brownfields redevelopment in accordance with 58.3(5), 58.13 and 58.15 of the Environmental Protection Act, including costs in prior years.

Section 165. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

New matter indicated by italics - deletions by strikeout.
BUREAU OF WATER

Payable from U.S. Environmental Protection Fund:
For Personal Services......................... 6,337,400
For Employee Retirement Contributions
Paid by Employer.............................. 190,200
For State Contributions to State
Employees' Retirement System.............. 1,020,800
For State Contributions to
Social Security.............................. 484,800
For Group Insurance......................... 1,452,000
For Contractual Services.................... 2,337,000
For Travel................................... 113,900
For Commodities............................. 67,600
For Printing.................................. 58,200
For Equipment................................ 436,500
For Telecommunications Services.......... 178,600
For Operation of Auto Equipment.......... 61,500
For Use by the Department of Public Health.............................. 703,000
For non-point source pollution management and special water pollution studies including costs in prior years.............. 10,950,000
For all costs associated with the Drinking Water Operator Certification Program, including costs in prior years............. 2,300,000
For Water Quality Planning, including costs in prior years............. 350,000
For Use by the Department of Agriculture.................................. 100,000
Total  $27,141,500

Section 170. The following named sums, or so much thereof as may be necessary, are appropriated from the Hazardous Waste Fund to the Environmental Protection Agency for use in accordance with Section 22.2 of the Environmental Protection Act:
For Personal Services....................... 265,400
For Employee Retirement Contributions
Paid by Employer.............................. 8,000

New matter indicated by italics - deletions by strikeout.
For State Contribution to State
  Employees' Retirement System............................. 42,800
  For State Contribution to
  Social Security............................................. 20,300
  For Group Insurance.......................................... 60,000
  For Contractual Services................................. 29,000
  For Travel.................................................... 6,000
  For Commodities............................................... 6,000
  For Equipment................................................ 27,000
  For Telecommunications.................................. 9,800
  For Operation of Automotive Equipment.................. 2,000
Total................................................................... $476,300

Section 175. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

Payable from the Environmental Protection Permit and Inspection Fund:
  For Personal Services................................. 1,518,300
  For Employee Retirement Contributions
    Paid by Employer......................................... 45,600
  For State Contribution to State
    Employees' Retirement System....................... 244,600
  For State Contribution to
    Social Security.......................................... 116,100
  For Group Insurance...................................... 360,000
  For Contractual Services.............................. 118,500
  For Travel................................................... 28,200
  For Commodities........................................... 38,400
  For Printing................................................. 6,000
  For Equipment............................................... 95,400
  For Telecommunications Services.................... 30,500
  For Operation of Automotive Equipment............. 22,800
Total.................................................................. $2,624,400

Section 180. The named amounts, or so much thereof as may be necessary, are appropriated from the Conservation 2000 Fund to the Environmental Protection Agency for the purpose of funding lake management activities required by the Illinois Lake Management Program:
  For Personal Services and Other

New matter indicated by italics - deletions by strikeout.
Expenses of the Program........................ 570,600
For Financial Assistance........................ 1,000,000
Total                                 $1,570,600

Section 185. The sum of $3,576,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purpose in Article 1, Sections 43 and 44 of Public Act 93-96, is reappropriated from the Conservation 2000 Fund to the Environmental Protection Agency for financial assistance under the Illinois Lake Management Program.

Section 190. The amount of $6,430,300, or so much thereof as may be necessary, is appropriated from the Clean Water Fund to the Environmental Protection Agency for all costs associated with clean water activities.

Section 191. The amount of $1,400,000, or so much thereof as may be necessary, is appropriated from the Clean Water Fund to the Environmental Protection Agency for refunds.

Section 195. The following named amounts, or so much thereof as may be necessary, respectively, for the object and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

Payable from the Water Revolving Fund:
For Administrative Costs of
Water Pollution Control
Revolving Loan Program......................... 2,324,200
For Program Support Costs of Water
Pollution Control Program....................... 7,040,400
For Administrative Costs of the Drinking
Water Revolving Loan Program.................. 1,350,200
For Program Support Costs of the Drinking
Water Program.................................... 1,694,700
For Wellhead Protection, capacity
development and technical assistance
to public water supplies....................... 1,241,700
Total                                  $13,651,200

Section 200. The sum of $272,000,000, new appropriation, is appropriated, and the sum of $389,619,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Section 47 of Public Act 93-96, as amended, is reappropriated from the

New matter indicated by italics - deletions by strikeout.
Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater treatment facilities pursuant to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 205. The sum of $153,000,000, new appropriation, is appropriated, and the sum of $188,567,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Section 48 of Public Act 93-96, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the Safe Drinking Water Act, as amended, and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged program.

Section 210. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the Special State Projects Trust Fund to the Environmental Protection Agency for all costs associated with environmental studies and activities.

Section 215. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Environmental Protection Agency for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Pollution Control Board Division.

**POLLUTION CONTROL BOARD DIVISION**

Payable from Pollution Control Board Fund:
- For Contractual Services............................ 12,500
- For Printing............................................. 0
- For Telecommunications Services...................... 4,000
- For Refunds........................................... 1,000
  **Total** $17,500

Payable from the Environmental Protection Permit and Inspection Fund:
- For Personal Services......................... 647,400
- For Employee Retirement Contributions
- Paid by Employer................................... 19,500
- For State Contributions to State Employees'

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement System</td>
<td>104,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>49,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>132,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,900</td>
</tr>
<tr>
<td>For Court Reporting Costs</td>
<td>4,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>7,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$975,900</td>
</tr>
</tbody>
</table>

Payable from the Clean Air Act Permit Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>689,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>20,700</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>111,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>52,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>168,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,052,300</td>
</tr>
</tbody>
</table>

Section 220. The amount of $17,800, or so much thereof as may be necessary, is appropriated from the Used Tire Management Fund to the Environmental Protection Agency for the purposes as provided for in Section 55.6 of the Environmental Protection Act.

ARTICLE 25

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Professions Dedicated Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,106,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>63,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>339,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>161,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>528,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>102,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>85,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Refunds........................................ 22,500
Total $3,407,800

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Dental Disciplinary Fund to the Department of Financial and Professional Regulation:

For Personal Services............................ 486,950
For Employee Retirement Contributions
Paid by Employer.................................... 14,600
For State Contributions to State
Employees' Retirement System.................... 78,400
For State Contributions to
Social Security...................................... 37,300
For Group Insurance................................ 108,000
For Contractual Services......................... 60,500
For Travel........................................... 20,000
For Refunds....................................... 5,000
Total $810,750

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Medical Disciplinary Fund to the Department of Financial and Professional Regulation:

For Personal Services.......................... 2,164,100
For Employee Retirement Contributions
Paid by Employer.................................... 64,900
For State Contributions to State
Employees' Retirement System.................... 348,600
For State Contributions to
Social Security...................................... 165,600
For Group Insurance............................... 480,000
For Contractual Services........................ 156,000
For Travel.......................................... 50,000
For Refunds....................................... 15,000
Total $3,444,200

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Optometric Licensing and Disciplinary Committee Fund to the Department of Financial and Professional Regulation:

For Personal Services........................... 248,650

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by Employer................................. 7,500
For State Contributions to State
Employees' Retirement System............... 40,100
For State Contributions to
Social Security................................. 19,050
For Group Insurance............................. 60,000
For Contractual Services..................... 75,000
For Travel........................................ 12,000
For Refunds..................................... 2,500
Total                                                                 $464,800

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Design Professionals Administration and Investigation Fund to the Department of Financial and Professional Regulation:
For Personal Services.......................... 440,250
For Employee Retirement Contributions
Paid by Employer................................. 13,200
For State Contributions to State
Employees' Retirement System............... 70,900
For State Contributions to
Social Security................................. 33,700
For Group Insurance............................ 132,000
For Contractual Services..................... 140,000
For Travel........................................ 60,000
For Refunds..................................... 2,500
Total                                                                 $892,550

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Pharmacy Disciplinary Fund to the Department of Financial and Professional Regulation:
For Personal Services.......................... 710,300
For Employee Retirement Contributions
Paid by Employer................................. 21,300
For State Contributions to State
Employees' Retirement System............... 114,400
For State Contributions to
Social Security................................. 54,400
For Group Insurance............................ 120,000

New matter indicated by italics - deletions by strikeout.
For Contractual Services.......................... 116,000  
For Travel........................................... 30,000  
For Refunds........................................... 7,500  
Total $1,173,900  

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Podiatric Disciplinary Fund to the Department of Financial and Professional Regulation:

For Contractual Services.......................... 5,000  
For Travel........................................... 5,000  
For Refunds........................................... 1,000  
Total $11,000  

Section 40. The sum of $473,600, or so much thereof as may be necessary, is appropriated from the Registered CPA Administration and Disciplinary Fund to the Department of Financial and Professional Regulation for the administration of the Registered CPA Program.  

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Nursing Dedicated and Professional Fund to the Department of Financial and Professional Regulation:

For Personal Services............................. 856,000  
For Employee Retirement Contributions  
  Paid by Employer........................................ 25,700  
For State Contributions to State Retiree Systems................. 137,800  
For State Contributions to Social Security......................... 65,500  
For Group Insurance.................................... 216,000  
For Contractual Services............................ 181,000  
For Travel........................................... 25,000  
For Refunds............................................ 15,000  
Total $1,522,000  

Section 50. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the Professional Regulation Evidence Fund to the Department of Financial and Professional Regulation for the purchase of evidence and equipment to conduct covert activities.  

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Professions
Indirect Cost Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,800,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>174,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>934,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>443,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,332,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,099,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>75,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>60,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>120,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>150,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,150,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>450,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>179,000</td>
</tr>
<tr>
<td>Total</td>
<td>$12,967,200</td>
</tr>
</tbody>
</table>

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Financial Institution Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,941,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>58,200</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>312,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>148,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>391,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>326,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>176,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>29,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>14,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>6,400</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>115,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>71,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>4,900</td>
</tr>
<tr>
<td>For Refunds</td>
<td>3,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Credit Union Fund to the Department of Financial and Professional Regulation:

**CREDIT UNION**

Payable from Credit Union Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,932,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>58,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>311,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>147,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>360,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>224,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>289,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>17,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>4,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,800</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>133,800</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>64,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>2,200</td>
</tr>
<tr>
<td>For Refunds</td>
<td>1,000</td>
</tr>
<tr>
<td>Total</td>
<td>$3,553,400</td>
</tr>
</tbody>
</table>

Section 70. In addition to the amounts heretofore appropriated, the following named amount, or so much thereof as may be necessary, is appropriated from the TOMA Consumer Protection Fund to the Department of Financial and Professional Regulation:

**TOMA CONSUMER PROTECTION**

For Refunds                                                | 20,000 |

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Bank and Trust Company Fund to the Department of Financial and Professional Regulation:

**DOMESTIC AND FOREIGN COMMERCIAL BANK REGULATION**

For Personal Services                                      | 9,925,400|
For Employee Retirement Contributions Paid by Employer    | 297,800  |

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System.......................... 1,598,600
For State Contributions to
Social Security........................................... 759,300
For Group Insurance........................................ 1,776,000
For Contractual Services.............................. 1,185,750
For Travel................................................... 812,700
For Commodities........................................... 38,200
For Printing.................................................. 41,800
For Equipment............................................... 71,800
For Electronic Data Processing....................... 732,400
For Telecommunications Services...................... 214,600
For Operation of Auto Equipment..................... 4,200
For Refunds.................................................. 1,000
For Corporate Fiduciary Receivership............... 540,000
Total                                                                                      $17,999,550

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Pawnbroker Regulation Fund to the Department of Financial and Professional Regulation:

PAWNBROKER REGULATION
For Personal Services................................. 71,500
For Employee Retirement Contributions
  Paid by Employer......................................... 2,100
For State Contributions to State
Employees' Retirement System.......................... 11,600
For State Contributions to
Social Security........................................... 5,500
For Group Insurance...................................... 12,000
For Contractual Services............................. 11,900
For Travel.................................................. 7,100
For Commodities......................................... 800
For Printing.................................................. 3,000
For Electronic Data Processing....................... 5,100
For Telecommunications Services.................... 1,800
Total                                                                                      $132,400

Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Savings and Residential Finance Regulatory Fund to the Department of Financial and Professional Regulation:

New matter indicated by italics - deletions by strikeout.
MORTGAGE BANKING AND THRIFT REGULATION

For Personal Services.......................... 2,137,400
For Personal Services:
  Per Diem........................................ 1,000
For Employee Retirement Contributions
  Paid by Employer................................ 64,100
For State Contributions to State
  Employees' Retirement System............... 344,300
For State Contributions to Social Security........................................ 163,600
For Group Insurance................................ 396,000
For Contractual Services......................... 477,250
For Travel........................................ 119,500
For Commodities................................... 19,400
For Printing...................................... 42,100
For Equipment..................................... 74,400
For Electronic Data Processing................. 253,400
For Telecommunications Services............. 42,300
For Operation of Automotive Equipment........ 2,800
For Refunds........................................ 500
Total                                                                                      $4,138,050

Section 90. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Real Estate License Administration Fund to the Department of Financial and Professional Regulation:

REAL ESTATE LICENSING AND ENFORCEMENT

For Personal Services......................... 1,817,200
For Personal Services:
  Per Diem......................................... 9,000
For Employee Retirement Contributions
  Paid by Employer............................... 54,500
For State Contributions to State
  Employees' Retirement System.............. 292,700
For State Contributions to Social Security........................................ 139,100
For Group Insurance................................ 348,000
For Contractual Services....................... 491,550
For Travel......................................... 91,600
For Commodities................................... 20,100

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Printing</td>
<td>47,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>65,600</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>227,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>57,800</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>7,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,672,250</strong></td>
</tr>
</tbody>
</table>

Section 95. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Appraisal Administration Fund to the Department of Financial and Professional Regulation:

**APPRAISAL LICENSING**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>374,400</td>
</tr>
<tr>
<td>For Personal Services:</td>
<td></td>
</tr>
<tr>
<td>Per Diem</td>
<td>3,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>11,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>60,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>28,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>72,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>195,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>25,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>8,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,800</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>45,800</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>9,900</td>
</tr>
<tr>
<td>For forwarding real estate appraisal fees to the federal government</td>
<td>30,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$874,200</strong></td>
</tr>
</tbody>
</table>

Section 100. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Auction Regulation Administration Fund to the Department of Financial and Professional Regulation:

**AUCTIONEER REGULATION**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>102,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Personal Services:
Per Diem.............................. 2,500
For Employee Retirement Contributions
Paid by Employer...................... 3,100
For State Contributions to State
Employees' Retirement System........... 16,400
For State Contributions to
Social Security.......................... 7,800
For Group Insurance.................... 24,000
For Contractual Services.............. 81,600
For Travel.................................. 10,000
For Commodities.......................... 3,600
For Printing................................. 9,300
For Equipment............................. 7,500
For Electronic Data Processing.......... 24,300
For Telecommunications Services....... 10,600
For Refunds............................... 4,900
Total $307,800

Section 105. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the Real Estate Research and Education Fund to the Department of Financial and Professional Regulation for research and education in accordance with Section 25-25 of the Real Estate License Act of 2000.

Section 110. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Home Inspector Administration Fund to the Department of Financial and Professional Regulation:

HOME INSPECTOR REGULATION
For Personal Services..................... 136,900
For Personal Services:
Per Diem.................................. 3,000
For Employee Retirement Contributions
Paid by Employer......................... 4,100
For State Contributions to State
Employees' Retirement System........... 22,100
For State Contributions to
Social Security............................ 10,500
For Group Insurance...................... 36,000
For Contractual Services............... 18,000

New matter indicated by italics - deletions by strikeout.
Section 115. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Real Estate Audit Fund to the Department of Financial and Professional Regulation for operating expenses for Real Estate audits.

Section 120. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Producer Administration Fund to the Department of Financial and Professional Regulation:

PRODUCER ADMINISTRATION

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>6,091,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>182,700</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>981,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>466,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,614,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,785,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>377,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>57,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>94,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>137,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>219,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>10,900</td>
</tr>
<tr>
<td>For Refunds</td>
<td>225,000</td>
</tr>
<tr>
<td>Total</td>
<td>$12,243,900</td>
</tr>
</tbody>
</table>

Section 125. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Financial Regulation Fund to the Department of Financial and Professional Regulation:

FINANCIAL REGULATION

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>9,146,200</td>
</tr>
</tbody>
</table>
For Employee Retirement Contributions
  Paid by Employer.......................... 274,400
For State Contributions to the State
  Employees' Retirement System............. 1,473,200
For State Contributions to
  Social Security.......................... 699,900
For Group Insurance......................... 1,986,000
For Contractual Services.................... 1,920,700
For Travel.................................. 731,800
For Commodities............................ 70,100
For Printing.................................. 36,500
For Equipment............................... 123,000
For Telecommunications Services............ 151,500
For Operation of Auto....................... 7,300
For Refunds................................. 100,000
Total ................................. $16,720,600

Section 130. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Financial and Professional Regulation:

PENSION DIVISION
Payable from Public Pension Regulation Fund:
  For Personal Services...................... 472,300
  For Employee Retirement Contributions
    Paid by Employer.......................... 14,200
  For State Contributions to the State
    Employees' Retirement System............ 76,000
  For State Contributions to
    Social Security.......................... 36,200
  For Group Insurance...................... 108,000
  For Contractual Services.................. 12,600
  For Travel.................................. 48,500
  For Printing................................ 10,500
  For Equipment............................. 15,300
  For Telecommunications Services.......... 9,100
Total .................................. $802,700

Section 135. The following named sum, or so much thereof as may be necessary, is appropriated to the Department of Financial and

New matter indicated by italics - deletions by strikeout.
Professional Regulation for the administration of the Senior Health Insurance Program:
Payable from the Senior Health Insurance Program Fund.......................... 600,000
Total $600,000

ARTICLE 26
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

OPERATIONS
GOVERNMENT SERVICES

For Personal Services:
Payable from General Revenue Fund...................... 3,214,000
Payable from Motor Fuel Tax Fund...................... 411,800
Payable from Illinois Tax Increment Fund.................. 181,100
Payable from Personal Property Tax Replacement Fund.................. 785,800

For Employee Contributions
Paid by Employer:
Payable from General Revenue Fund...................... 0
Payable from Motor Fuel Tax Fund...................... 12,400
Payable from Illinois Tax Increment Fund.................. 5,400
Payable from Personal Property Tax Replacement Fund.................. 23,600

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund...................... 517,700
Payable from Motor Fuel Tax Fund...................... 66,300
Payable from Illinois Tax Increment Fund.................. 29,200
Payable from Personal Property Tax Replacement Fund.................. 126,600

For State Contributions to Social Security:
Payable from General Revenue Fund...................... 234,300
Payable from Motor Fuel Tax Fund...................... 30,500
Payable from Illinois Tax

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increment Fund</td>
<td>13,400</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>58,200</td>
</tr>
<tr>
<td><strong>For Group Insurance:</strong></td>
<td></td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>96,000</td>
</tr>
<tr>
<td>Payable from Illinois Tax Increment Fund</td>
<td>48,000</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>216,000</td>
</tr>
<tr>
<td><strong>For Contractual Services:</strong></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>152,700</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>32,600</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>For Travel:</strong></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>42,200</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>13,400</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>16,000</td>
</tr>
<tr>
<td><strong>For Commodities:</strong></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>8,600</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>2,000</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>4,600</td>
</tr>
<tr>
<td><strong>For Equipment:</strong></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>56,600</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>37,000</td>
</tr>
<tr>
<td>Payable from Child Support Administrative Fund</td>
<td>12,300</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>22,000</td>
</tr>
<tr>
<td><strong>For Electronic Data Processing:</strong></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>For Administration of the Illinois Affordable Housing Act:</strong></td>
<td></td>
</tr>
<tr>
<td>Payable from Illinois Affordable Housing Trust Fund</td>
<td>2,400,000</td>
</tr>
<tr>
<td><strong>For Transfer from the General Revenue Fund into the Senior Citizens Real Estate</strong></td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Deferred Tax Revolving Fund.............................. 0
Total                                                                                         $8,881,300

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

**OPERATIONS**

**TAX ENFORCEMENT**

For Personal Services:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund..........</td>
<td>37,669,200</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund...........</td>
<td>6,675,950</td>
</tr>
<tr>
<td>Payable from Underground Storage Tank Fund</td>
<td>158,400</td>
</tr>
<tr>
<td>Payable from Illinois Gaming Law Enforcement Fund</td>
<td>720,100</td>
</tr>
<tr>
<td>Payable from Home Rule Municipal Retailers Occupation Tax Fund</td>
<td>150,000</td>
</tr>
<tr>
<td>Payable from County Option Motor Fuel Tax Fund</td>
<td>88,200</td>
</tr>
<tr>
<td>Payable from Child Support Administrative Fund</td>
<td>1,299,400</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>973,000</td>
</tr>
</tbody>
</table>

For Employee Contributions

Paid by Employer:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund..........</td>
<td>0</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund...........</td>
<td>200,300</td>
</tr>
<tr>
<td>Payable from Underground Storage Tank Fund</td>
<td>4,800</td>
</tr>
<tr>
<td>Payable from Illinois Gaming Law Enforcement Fund</td>
<td>21,600</td>
</tr>
<tr>
<td>Payable from Home Rule Municipal Retailers Occupation Tax Fund</td>
<td>4,500</td>
</tr>
<tr>
<td>Payable from County Option Motor Fuel Tax Fund</td>
<td>2,700</td>
</tr>
<tr>
<td>Payable from Child Support Administrative Fund</td>
<td>39,000</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>29,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund.............. 6,067,000
Payable from Motor Fuel Tax Fund.............. 1,075,200
Payable from Underground Storage Tank Fund......................... 25,500
Payable from Illinois Gaming Law Enforcement Fund............... 116,000
Payable from Home Rule Municipal Retailers Occupation Tax Fund........ 24,200
Payable from County Option Motor Fuel Tax Fund......................... 14,200
Payable from Child Support Administrative Fund......................... 209,300
Payable from Personal Property Tax Replacement Fund......................... 156,700

For State Contributions to Social Security:
Payable from General Revenue Fund.............. 2,674,600
Payable from Motor Fuel Tax Fund.............. 492,150
Payable from Underground Storage Tank Fund......................... 11,900
Payable from Illinois Gaming Law Enforcement Fund......................... 43,200
Payable from Home Rule Municipal Retailers Occupation Tax Fund........ 11,300
Payable from County Option Motor Fuel Tax Fund......................... 6,600
Payable from Child Support Administrative Fund......................... 97,500
Payable from Personal Property Tax Replacement Fund......................... 73,000

For Group Insurance:
Payable from Motor Fuel Tax Fund.............. 1,380,000
Payable from Underground Storage Tank Fund......................... 36,000
Payable from Illinois Gaming Law Enforcement Fund......................... 180,000
Payable from Home Rule Municipal Retailers Occupation Tax Fund........ 36,000

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0842

Payable from County Option Motor Fuel Tax Fund .................. 24,000
Payable from Child Support Administrative Fund .................. 360,000
Payable from Personal Property Tax Replacement Fund .......... 276,000

For Contractual Services:
Payable from General Revenue Fund .................. 625,800
Payable from Motor Fuel Tax Fund .................. 97,300
Payable from Illinois Gaming Law Enforcement Fund .......... 4,300
Payable from Personnel Property Tax Replacement Fund .......... 100,000

For Travel:
Payable from General Revenue Fund .................. 816,600
Payable from Motor Fuel Tax Fund .................. 915,400
Payable from Underground Storage Tank Fund .................. 14,500
Payable from Illinois Gaming Law Enforcement Fund .......... 26,400
Payable from Home Rule Municipal Retailers Occupation Tax Fund .......... 27,500
Payable from County Option Motor Fuel Tax Fund ................. 14,600
Payable from Personal Property Tax Replacement Fund .......... 131,500

For Commodities:
Payable from General Revenue Fund .................. 6,400
Payable from Motor Fuel Tax Fund .................. 1,800
Payable from Underground Storage Tank Fund .................. 800
Payable from Illinois Gaming Law Enforcement Fund .......... 2,900
Payable from Personal Property Tax Replacement Fund .......... 900

For Electronic Data Processing:
Payable from General Revenue Fund .................. 2,200
Payable from Motor Fuel Tax Fund .................. 3,400
Payable from Illinois Gaming

New matter indicated by italics - deletions by strikeout.
Law Enforcement Fund.............................. 4,100
Payable from Personal Property Tax Replacement Fund.............................. 1,000

For Administrative Costs of
Joint State/Federal Motor Fuel Tax Enforcement Program:
Payable from Motor Fuel Tax Fund............... 71,000

For Administration of the
Dyed Diesel Fuel Roadside Enforcement Plan per PA 91-173,
Including prior year costs:
Payable from Tax Compliance And Administration Fund..................... 29,600

Total $64,324,700

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

OPERATIONS
TAX OPERATIONS

For Personal Services:
Payable from General Revenue Fund............ 34,691,500
Payable from Motor Fuel Tax Fund............... 5,093,100
Payable from Underground Storage Tank Fund...................... 334,800
Payable from Illinois Gaming Law Enforcement Fund..................... 50,300
Payable from County Option Motor Fuel Tax Fund..................... 241,500
Payable from Tax Compliance and Administration Fund..................... 314,500
Payable from Personal Property Tax Replacement Fund..................... 3,169,800

For Employee Contributions
Paid by Employer:
Payable from General Revenue Fund............... 0
Payable from Motor Fuel Tax Fund............... 152,800
Payable from Underground Storage Tank Fund...................... 10,100

New matter indicated by italics - deletions by strikeout.
Payable from Illinois Gaming Law Enforcement Fund ........................... 1,500
Payable from County Option Motor Fuel Tax Fund ............................ 7,300
Payable from Tax Compliance And Administration Fund .................... 9,400
Payable from Personal Property Tax Replacement Fund ..................... 95,100
For Extra Help:
  Payable from General Revenue Fund ................................ 78,700
For State Contributions to State Employees' Retirement System:
  Payable from General Revenue Fund ................................... 5,600,100
  Payable from Motor Fuel Tax Fund ....................................... 820,300
  Payable from Underground Storage Tank Fund .......................... 53,900
  Payable from Illinois Gaming Law Enforcement Fund ................. 8,100
  Payable from County Option Motor Fuel Tax Fund .................... 38,900
  Payable from Tax Compliance and Administration Fund ............... 50,700
  Payable from Personal Property Tax Replacement Fund ............... 510,500
For State Contributions to Social Security:
  Payable from General Revenue Fund ................................... 2,572,000
  Payable from Motor Fuel Tax Fund ....................................... 376,800
  Payable from Underground Storage Tank Fund .......................... 25,000
  Payable from Illinois Gaming Law Enforcement Fund ................. 3,800
  Payable from County Option Motor Fuel Tax Fund .................... 18,100
  Payable from Tax Compliance and Administration Fund ............... 23,400
  Payable from Personal Property Tax Replacement Fund ............... 236,200
For Group Insurance:
  Payable from Motor Fuel Tax Fund ....................................... 1,140,000
  Payable from Underground Storage Tank Fund .......................... 108,000

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Payable from Illinois Gaming</th>
<th>12,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Enforcement Fund..............................................</td>
<td></td>
</tr>
<tr>
<td>Payable from County Option Motor Fuel Tax Fund................</td>
<td>84,000</td>
</tr>
<tr>
<td>Payable from Tax Compliance and Administration Fund...........</td>
<td>84,000</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund...........</td>
<td>972,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For Contractual Services:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund............................</td>
<td>5,421,600</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund................................</td>
<td>919,200</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund.........</td>
<td>54,100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For Travel:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund............................</td>
<td>117,400</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund..............................</td>
<td>11,300</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund.........</td>
<td>3,800</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For Commodities:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund............................</td>
<td>438,900</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund..............................</td>
<td>59,600</td>
</tr>
<tr>
<td>Payable from Underground Storage Tank Fund.................</td>
<td>1,300</td>
</tr>
<tr>
<td>Payable from County Option Motor Fuel Tax Fund.............</td>
<td>2,400</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund.......</td>
<td>48,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For Printing:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund............................</td>
<td>934,100</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund..............................</td>
<td>151,800</td>
</tr>
<tr>
<td>Payable from Underground Storage Tank Fund..................</td>
<td>1,500</td>
</tr>
<tr>
<td>Payable from Illinois Gaming Law Enforcement Fund...........</td>
<td>4,500</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund........</td>
<td>84,600</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For Electronic Data Processing:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund............................</td>
<td>3,490,900</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund..............................</td>
<td>1,723,200</td>
</tr>
<tr>
<td>Payable from Transportation Regulatory Fund.................</td>
<td>1,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Payable from Underground Storage Tank Fund................................. 6,800
Payable from Illinois Gaming Law Enforcement Fund............................. 150,100
Payable from Home Rule Municipal Retailers Occupation Tax Fund.............. 140,300
Payable from County Option Motor Fuel Tax Fund................................. 29,700
Payable from Illinois Tax Increment Fund........................................ 265,200
Payable from Tax Compliance and Administration Fund.......................... 106,600
Payable from Child Support Administrative Fund.................................. 6,800
Payable from Personal Property Tax Replacement Fund.......................... 530,500

For Telecommunications Services:
Payable from General Revenue Fund............................................ 1,841,600
Payable from Motor Fuel Tax Fund.................................................. 91,700
Payable from Underground Storage Tank Fund...................................... 10,300
Payable from Illinois Gaming Law Enforcement Fund............................ 10,500
Payable from Home Rule Municipal Retailers Occupation Tax Fund............. 3,700
Payable from County Option Motor Fuel Tax Fund.................................. 13,800
Payable from Illinois Tax Increment Fund........................................... 16,400
Payable from Tax Compliance and Administration Fund.......................... 5,700
Payable from Child Support Administrative Fund.................................... 15,600
Payable from Personal Property Tax Replacement Fund.......................... 18,300

For Operation of Auto Equipment:
Payable from General Revenue Fund.................................................. 24,900
Payable from Motor Fuel Tax Fund..................................................... 20,000
Payable from Illinois Gaming Law Enforcement Fund............................. 19,500

New matter indicated by italics - deletions by strikeout.
Payable from Personal Property Tax Replacement Fund................................. 16,000
For Administration of the Illinois Petroleum Education and Marketing Act:
Payable from the Tax Compliance and Administration Fund.......................... 9,000
For Administration of the Dry Cleaners Environmental Response Trust Fund Act:
Payable from the Tax Compliance and Administration Fund.......................... 49,900
For Administration of the Simplified Telecommunications Act:
Payable from the Tax Compliance and Administration Fund.......................... 1,299,800
For deposit into the General Obligation Bond Retirement and Interest Fund for costs associated with the debt service payments of rolling stock and capital equipment:
Payable from the General Revenue Fund.............................. 0
Total $75,160,100

GOVERNMENT SERVICES GRANTS

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Revenue as follows:
Payable from General Revenue Fund:
For the State's Share of County Supervisors of Assessments' or County Assessors' salaries, as provided by law................................. 2,384,000
For additional compensation for local assessors, as provided by Sections 2.3 and 2.6 of the "Revenue Act of 1939", as amended 600,000
For additional compensation for local assessors, as provided by Section 2.7 of the "Revenue Act of 1939", as amended................................. 843,600
For additional compensation for county treasurers, pursuant to Public Act 84-1432, as amended................................. 663,000
For the State≠Share of State≠Attorneys≠

New matter indicated by italics - deletions by strikeout.
And Assistant State=Attorneys=salaries,
Including prior years costs.............. 11,165,000
For the annual stipend for Sheriffs as
Provided in subsection (d) of Section
4-6300 and Section 4-8002 of the
Counties Code............................. 663,000
For the annual stipend to county
Coroners pursuant to 55 ILCS 5/4-6002
Including prior years costs............... 663,000
Total $16,981,600
Payable from State and Local Sales
Tax Reform Fund:
For Allocation to Chicago for
additional 1.25% Use Tax Pursuant
to P.A. 86-0928......................... 39,733,400
Payable from Local Government Distributive
Fund:
For Allocation to Local Governments of
additional 1.25% Use Tax Pursuant to
P.A. 86-0928......................... 100,074,700
Payable from R.T.A. Occupation and Use
Tax Replacement Fund:
For Allocation to RTA for 10% of the
1.25% Use Tax Pursuant to P.A. 86-0928...... 19,866,600
Payable from Senior Citizens' Real Estate
Deferred Tax Revolving Fund:
For Payments to Counties as Required
by the Senior Citizens Real
Estate Tax Deferral Act.................. 5,500,000
Payable from Illinois Tax
Increment Fund:
For Distribution to Local Tax
Increment Finance Districts............. 18,629,900

TAX ENFORCEMENT GRANTS
Section 25. The following named sums, or so much thereof as may
be necessary, are appropriated to the Department of Revenue for the
purposes as follows:
Payable from the Illinois Gaming Law
Enforcement Fund:

New matter indicated by italics - deletions by strikeout.
For a Grant for Allocation to Local Law Enforcement Agencies for joint state and local efforts in Administration of the Charitable Games, Pull Tabs and Jar Games Act........................................ 1,400,000

**TAX OPERATIONS GRANTS**

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from the Motor Fuel Tax Fund:</td>
<td></td>
</tr>
<tr>
<td>For Reimbursement to International Fuel Tax Agreement Member States..........</td>
<td>42,633,700</td>
</tr>
<tr>
<td><strong>TAX OPERATIONS REFUNDS</strong></td>
<td></td>
</tr>
<tr>
<td>For Refunds and Repayment to persons as provided by law:</td>
<td></td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund............</td>
<td>16,793,000</td>
</tr>
<tr>
<td>For Refund of certain taxes in lieu of credit memoranda, where such refunds are authorized by law:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund.............</td>
<td>8,876,500</td>
</tr>
<tr>
<td>For Refunds provided for in Section 13a.8 of the Motor Fuel Tax Act:</td>
<td></td>
</tr>
<tr>
<td>Payable from the Underground Storage Tank Fund...............................</td>
<td>98,000</td>
</tr>
<tr>
<td>For Refunds associated with the Simplified Municipal Telecommunications Act:</td>
<td></td>
</tr>
<tr>
<td>Payable from the Municipal Telecommunications Fund............................</td>
<td>98,000</td>
</tr>
</tbody>
</table>

**GOVERNMENT SERVICE GRANTS**

Section 35. The sum of $50,350,000 is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Revenue for Grants, (down payment assistance, rental subsidies, security deposit subsidies, technical assistance, outreach, building an organization’s capacity to develop affordable housing projects and other related purposes), mortgages, loans, or for the purpose of securing bonds pursuant to the Illinois Affordable Housing Act, administered by the Illinois Housing Development Authority.

New matter indicated by italics - deletions by strikeout.
Section 40. The sum of $16,905,200, new appropriation, is appropriated and the sum of $28,144,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 5, Section 40 of Public Act 93-0091 is reappropriated from the Federal HOME Investment Trust Fund to the Department of Revenue for the Illinois HOME Investment Partnerships Program administered by the Illinois Housing Development Authority.

ILLINOIS GAMING BOARD

Section 45. The sum of $110,000,000, or so much thereof as may be necessary, is appropriated from the State Gaming Fund to the Department of Revenue for distributions to local governments for admissions and wagering tax.

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for the ordinary and contingent expenses of the Illinois Gaming Board:

Payable from State Gaming Fund:

For Personal Services.......................... 4,935,000
For Employee Retirement Contributions
Paid by Employer............................... 148,100
For State Contributions to the
State Employees' Retirement System........... 794,800
For State Contributions to Social Security............... 223,650
For Group Insurance........................... 923,000
For Contractual Services..................... 6,934,400
For Travel...................................... 94,900
For Commodities................................ 23,000
For Printing................................... 6,500
For Equipment.................................. 50,000
For Electronic Data Processing.................. 88,900
For Telecommunications....................... 424,400
For Operation of Auto Equipment............. 74,200
Total........................................... $14,720,850

REFUNDS

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for:

New matter indicated by italics - deletions by strikeout.
ILLINOIS GAMING BOARD

Payable from State Gaming Fund:
  For Refunds...................................... 50,000

LIQUOR CONTROL

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Dram Shop Fund to the Department of Revenue:
  For Personal Services......................... 2,153,500
  For Employee Retirement Contributions
    Paid by Employer................................. 64,600
  For State Contributions to State
    Employees' Retirement System..................... 346,800
  For State Contributions to Social Security............... 159,400
  For Group Insurance.................................. 528,000
  For Contractual Services.............................. 210,200
  For Travel......................................... 113,000
  For Commodities................................... 16,000
  For Printing......................................... 6,000
  For Equipment..................................... 159,600
  For Electronic Data Processing.................... 48,900
  For Telecommunications Services................... 54,000
  For Operation of Automotive Equipment.......... 53,000
  For Refunds....................................... 10,000
  Total $3,923,000

Section 65. The amount of $279,600, or so much thereof as may be necessary, is appropriated from the Dram Shop Fund to the Department of Revenue to conduct a study to determine the extent of enforcement of laws relating to access by minors to tobacco products.

Section 70. The sum of $164,500, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Revenue for the purpose of operating the local government tobacco enforcement grant program.

Section 75. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Revenue for grants to local governmental units to establish enforcement programs that will reduce youth access to tobacco products.

New matter indicated by italics - deletions by strikeout.
Section 80. The sum of $195,600, or so much thereof as may be necessary, respectively, are appropriated for the Retailer Education Program from the Dram Shop Fund to the Department of Revenue.

Section 85. The sum of $268,200, or so much thereof as may be necessary, is appropriated from the Dram Shop Fund to the Department of Revenue for the purpose of operating the Beverage Alcohol Sellers and Servers Education and Training (BASSET) Program.

LOTTERY

Section 90. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the State Lottery Fund to meet the ordinary and contingent expenses of the Department of Revenue for Lottery, including operating expenses related to Multi-State Lottery games pursuant to the Illinois Lottery Law:

OPERATIONS

Payable from State Lottery Fund:
For Personal Services.......................... 7,755,100
For Employee Retirement Contributions
Paid by Employer................................. 232,700
For State Contributions for the State
Employees' Retirement System................... 1,249,000
For State Contributions to
Social Security................................. 577,700
For Group Insurance............................ 2,073,600
For Contractual Services....................... 26,193,100
For Travel....................................... 110,400
For Commodities................................ 61,400
For Printing..................................... 30,700
For Equipment................................... 177,000
For Electronic Data Processing............... 3,480,000
For Telecommunications Services.............. 9,735,600
For Operation of Auto Equipment.............. 264,600
For Expenses of Developing and
Promoting Lottery Games...................... 11,276,900
For Expenses of the Lottery Board............ 8,300
For Refunds..................................... 48,000
Total $63,274,100

Section 95. The sum of $256,050,000, or so much thereof as may be necessary, is appropriated from the State Lottery Fund to the Department

New matter indicated by italics - deletions by strikeout.
of the Revenue for Lottery, for payment of prizes to holders of winning lottery tickets or shares, including prizes related to Multi-State Lottery games, and payment of promotional or incentive prizes associated with the sale of lottery tickets, pursuant to the provisions of the "Illinois Lottery Law".

Section 100. The sum of $33,600, or so much thereof as may be necessary, is appropriated from the State Lottery Fund to the Illinois Department of the Revenue for Lottery, for payment to the Illinois State Police for investigatory services.

RACING

Section 105. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Horse Racing Fund to the Department of Revenue for the ordinary and contingent expenses of the Illinois Racing Board:

OPERATIONS
GENERAL OFFICE

For Personal Services........................... 928,500
For Employee Retirement Contributions
    Paid by Employer................................ 27,900
For State Contributions to State
    Employees' Retirement System................. 149,500
For State Contributions to Social Security........ 68,700
For Group Insurance............................. 204,000
For Contractual Services....................... 85,500
For Contractual Services:
    Hearing Officers................................ 11,100
    For Travel...................................... 31,100
    For Commodities.............................. 7,700
    For Printing................................... 10,800
    For Equipment................................. 1,700
    For Electronic Data Processing.............. 142,800
    For Telecommunications Services............. 94,300
    For Operation of Auto Equipment............. 21,500
    For Expenses related to the Laboratory
        Program..................................... 1,817,800
For Expenses related to the Regulation
    Of Racing Program............................. 3,702,700

New matter indicated by italics - deletions by strikeout.
For Refunds.......................................... 300
Total $7,305,900

ARTICLE 27

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Property Tax Appeal Board:

Payable from the General Revenue Fund:
For Personal Services............................ 1,227,500
For Employee Contributions Paid
By Employer........................................ 0
For State Contributions to State
Employees' Retirement System................... 197,700
For State Contributions to
Social Security................................... 93,900
For Contractual Services......................... 42,200
For Travel.......................................... 33,600
For Commodities................................ 9,600
For Printing........................................ 5,800
For Equipment.................................... 4,600
For Electronic Data Processing............... 43,200
For Telecommunication Services............... 43,200
For Operation of Auto Equipment............. 13,400
For Refunds....................................... 200
For Costs Associated with the Appeal
Process and the Reestablishment of a
Cook County Office.............................. 600,000
Total $2,314,900

ARTICLE 28
CONSERVATION 2000 PROGRAM

Section 5. The sum of $4,542,100, new appropriation, is appropriated, and the sum of $4,385,306, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Section 10 of Public Act 93-97, as amended, are reappropriated from the Conservation 2000 Fund to the Department of Natural Resources for the Conservation 2000 Program to implement ecosystem-based management for Illinois' natural resources.

New matter indicated by italics - deletions by strikeout.
Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

**GENERAL OFFICE**

For Personal Services:
- Payable from General Revenue Fund.............. 6,903,300
- Payable from State Boating Act Fund.............. 584,200
- Payable from Wildlife and Fish Fund.............. 1,326,300

For Employee Retirement Contributions
- Payable from General Revenue Fund.............. 0
- Payable from State Boating Act Fund.............. 17,500
- Payable from Wildlife and Fish Fund.............. 39,800

For State Contributions to State Employees’ Retirement System:
- Payable from General Revenue Fund.............. 1,111,800
- Payable from State Boating Act Fund.............. 94,100
- Payable from Wildlife and Fish Fund.............. 213,600

For State Contributions to Social Security:
- Payable from General Revenue Fund.............. 528,100
- Payable from State Boating Act Fund.............. 44,700
- Payable from Wildlife and Fish Fund.............. 101,500

For Group Insurance:
- Payable from State Boating Act Fund.............. 136,100
- Payable from Wildlife and Fish Fund.............. 292,600

For Contractual Services:
- Payable from General Revenue Fund.............. 1,796,700
- Payable from State Boating Act Fund.............. 276,000
- Payable from Wildlife and Fish Fund.............. 1,104,100

For Travel:
- Payable from General Revenue Fund.............. 117,600
- Payable from Wildlife and Fish Fund.............. 9,800

For Commodities:
- Payable from General Revenue Fund.............. 64,500
- Payable from Wildlife and Fish Fund.............. 60,100

For Printing:
- Payable from General Revenue Fund.............. 79,700
- Payable from State Boating Act Fund.............. 163,400

New matter indicated by italics - deletions by strikeout.
Public Act 93-0842

Payable from Wildlife and Fish Fund.......... 285,600

For Equipment:
Payable from General Revenue Fund............ 5,100
Payable from Wildlife and Fish Fund........... 124,300

For Electronic Data Processing:
Payable from General Revenue Fund............. 164,200
Payable from State Boating Act Fund........... 84,500
Payable from Wildlife and Fish Fund............ 99,400

For Telecommunications Services:
Payable from General Revenue Fund............. 251,800
Payable from Wildlife and Fish Fund............ 79,200

For Operation of Auto Equipment:
Payable from General Revenue Fund............. 42,500
Payable from Wildlife and Fish Fund............ 22,900

For expenses incurred in acquiring salmon stamp designs and printing salmon stamps:
Payable from Salmon Fund....................... 10,000

For the purpose of publishing and distributing a bulletin or magazine and for purchasing, marketing and distributing conservation related products for resale, and refunds for such purposes:
Payable from Wildlife and Fish Fund............ 480,500

For expenses incurred in producing and distributing site brochures, public information literature and other printed materials from revenues received from the sale of advertising:
Payable from State Boating Act Fund............ 25,000
Payable from State Parks Fund................... 50,000
Payable from Wildlife and Fish Fund............ 50,000

For the coordination of public events and promotions from activity fees, donations and vendor revenue:
Payable from State Parks Fund................... 47,100
Payable from Wildlife and Fish Fund............ 47,100

For deposit into the General Obligation Bond Retirement and

New matter indicated by italics - deletions by strikeout.
Interest Fund for costs associated with the debt service payments of rolling stock and capital equipment
Payable from the General Revenue Fund.................. 0

For the purpose of remitting funds collected from the sale of Federal Duck Stamps to the U.S. Fish and Wildlife Service:
Payable from Wildlife and Fish Fund............... 23,600

For expenses of the OSLAD Program:
Payable from Open Space Lands Acquisition and Development Fund...................... 1,054,800

For furniture, fixtures, equipment, displays, telecommunications, cabling, network hardware, software, relays and switches and related expenses for new DNR Headquarters:
Payable from the General Revenue Fund....... 1,128,000

For expenses of the Natural Areas Acquisition Program:
Payable from the Natural Areas Acquisition Fund................................. 148,300

For expenses of the Park and Conservation program:
Payable from Park and Conservation Fund................................. 4,163,800

For expenses of the Bikeways Program:
Payable from Park and Conservation Fund................................. 416,700

For Natural Resources Trustee Program:
Payable from Natural Resources Restoration Trust Fund............................. 377,700

Total                                                                                       $24,247,600

ILLINOIS RIVER INITIATIVES

Section 15. The sum of $0, new appropriation, is appropriated, and the sum of $4,785,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Sections 30 and 35 of Public Act 93-97, as amended, are reappropriated from the General Revenue Fund to the Department of Natural Resources for the non-

New matter indicated by italics - deletions by strikeout.
federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 20. The sum of $250,000, new appropriation, is appropriated and the sum of $172,835, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Sections 30 and 35 of Public Act 93-97, as amended, are reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long-term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 25. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF RESOURCE CONSERVATION
For Personal Services:
Payable from General Revenue Fund.............. 3,972,100
Payable from Wildlife and Fish Fund............. 8,116,900
Payable from Salmon Fund......................... 171,800
Payable from Natural Areas Acquisition Fund........................................ 1,426,000
For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund............... 0
Payable from Wildlife and Fish Fund............. 243,500
Payable from Salmon Fund......................... 5,200

New matter indicated by italics - deletions by strikeout.
Payable from Natural Areas Acquisition Fund............................................. 42,800

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund..................... 639,700
Payable from Wildlife and Fish Fund............... 1,307,300
Payable from Salmon Fund........................... 27,700
Payable from Natural Areas Acquisition Fund......................... 229,700

For State Contributions to Social Security:
Payable from General Revenue Fund..................... 303,800
Payable from Wildlife and Fish Fund............... 620,900
Payable from Salmon Fund........................... 13,100
Payable from Natural Areas Acquisition Fund......................... 109,100

For Group Insurance:
Payable from Wildlife and Fish Fund............... 1,594,000
Payable from Salmon Fund........................... 38,700
Payable from Natural Areas Acquisition Fund......................... 329,500

For Contractual Services:
Payable from General Revenue Fund..................... 776,100
Payable from Wildlife and Fish Fund............... 2,156,100
Payable from Salmon Fund........................... 2,900
Payable from Natural Areas Acquisition Fund......................... 82,500
Payable from Natural Heritage Fund..................... 59,200

For Travel:
Payable from General Revenue Fund..................... 31,200
Payable from Wildlife and Fish Fund............... 151,000
Payable from Natural Areas Acquisition Fund......................... 32,200

For Commodities:
Payable from General Revenue Fund..................... 209,900
Payable from Wildlife and Fish Fund............... 1,253,600
Payable from Natural Areas Acquisition Fund......................... 40,200
Payable from the Natural Heritage Fund............... 16,000

For Printing:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund.................. 17,700
Payable from Wildlife and Fish Fund.............. 218,700
Payable from Natural Areas Acquisition
Fund............................................... 11,600

For Equipment:
Payable from General Revenue Fund................. 9,000
Payable from Wildlife and Fish Fund.............. 299,600
Payable from Natural Areas Acquisition
Fund............................................... 114,000
Payable from Illinois Forestry
Development Fund................................. 121,800

For Telecommunications Services:
Payable from General Revenue Fund................. 74,100
Payable from Wildlife and Fish Fund.............. 203,800
Payable from Natural Areas Acquisition
Fund............................................... 34,200

For Operation of Auto Equipment:
Payable from General Revenue Fund................. 69,800
Payable from Wildlife and Fish Fund.............. 337,000
Payable from Natural Areas Acquisition
Fund............................................... 57,700

For the Purposes of the "Illinois
Non-Game Wildlife Protection Act":
Payable from Illinois Wildlife
Preservation Fund............................... 500,000

For programs beneficial to advancing forests
and forestry in this State as provided for
in Section 7 of the "Illinois Forestry
Development Act", as now or hereafter
amended:
Payable from Illinois Forestry Development
Fund.................................................. 1,027,500

For Administration of the "Illinois
Natural Areas Preservation Act":
Payable from Natural Areas Acquisition
Fund.................................................. 1,216,400

For payment of the expenses of the Illinois
Forestry Development Council:
Payable from Illinois Forestry Development
Fund........................................... 118,500
For an Urban Fishing Program in conjunction with the Chicago Park District to provide fishing and resource management at the park district lagoons:
   Payable from Wildlife and Fish Fund............... 225,100
For costs associated with the Rend Lake Water Supply Study:
   Payable from Wildlife and Fish Fund............... 525,000
For workshops, training and other activities to improve the administration of fish and wildlife federal aid programs from federal aid administrative grants received for such purposes:
   Payable from Wildlife and Fish Fund............... 11,400
For expenses of the Natural Areas Stewardship Program:
   Payable from Natural Areas Acquisition Fund......................... 1,110,300
For expenses of the Urban Forestry Program:
   Payable from Illinois Forestry Development Fund........... 313,600
For expenses associated with the Inner City Urban Revitalization program:
   Payable from the Illinois Forestry Development Fund................ 240,900
For deposit into the General Obligation Bond Retirement and Interest Fund to retire bonds sold for the Conservation Reserve Enhancement Program:
   Payable from General Revenue Fund................... 0
Total ........................................ $30,860,300

Section 30.  The sum of $757,182, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 45 of Public Act 93-97, as amended, is reappropriated from the Illinois Wildlife Preservation Fund to the Department of Natural Resources for purposes associated with the Illinois Non-Game Wildlife Protection Act.®

New matter indicated by italics - deletions by strikeout.
Section 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF LAW ENFORCEMENT

For Personal Services:
Payable from General Revenue Fund.............. 5,083,400
Payable from State Boating Act Fund............. 2,053,600
Payable from State Parks Fund................. 663,200
Payable from Wildlife and Fish Fund............ 3,355,600

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund............... 0
Payable from State Boating Act Fund............. 61,600
Payable from State Parks Fund.................. 19,900
Payable from Wildlife and Fish Fund............ 100,700

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund............... 818,700
Payable from State Boating Act Fund............. 330,800
Payable from State Parks Fund.................. 106,800
Payable from Wildlife and Fish Fund............ 540,500

For State Contributions to Social Security:
Payable from General Revenue Fund............... 102,400
Payable from State Boating Act Fund............. 25,400
Payable from State Parks Fund.................. 9,800
Payable from Wildlife and Fish Fund............ 29,600

For Group Insurance:
Payable from State Boating Act Fund............. 304,000
Payable from State Parks Fund.................. 107,300
Payable from Wildlife and Fish Fund............ 537,300

For Contractual Services:
Payable from General Revenue Fund............... 152,600
Payable from State Boating Act Fund............. 76,100
Payable from Wildlife and Fish Fund............ 159,900

For Travel:
Payable from General Revenue Fund............... 80,300
Payable from Wildlife and Fish Fund............ 59,400

For Commodities:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund.......................... 103,800
Payable from State Boating Act Fund...................... 14,400
Payable from Wildlife and Fish Fund............................. 44,200
For Printing:
Payable from General Revenue Fund.......................... 20,100
Payable from Wildlife and Fish Fund............................. 5,800
For Equipment:
Payable from General Revenue Fund.......................... 18,300
Payable from State Boating Act Fund...................... 112,800
Payable from State Parks Fund..................................... 122,200
Payable from Wildlife and Fish Fund............................. 218,300
For Telecommunications Services:
Payable from General Revenue Fund.......................... 319,700
Payable from State Boating Act Fund...................... 142,900
Payable from Wildlife and Fish Fund............................. 197,000
For Operation of Auto Equipment:
Payable from General Revenue Fund.......................... 172,900
Payable from State Boating Act Fund...................... 178,700
Payable from Wildlife and Fish Fund............................. 181,300
For Snowmobile Programs:
Payable from State Boating Act Fund...................... 32,900
For Payment of Timber Buyers bond forfeitures:
Payable from Illinois Forestry Development Fund:............................. 25,000
For use in enforcing laws regulating controlled substances and cannabis on Department of Natural Resources regulated lands and waterways to the extent funds are received by the Department:
Payable from the Drug Traffic Prevention Fund:............................. 25,000
For use in alcohol related enforcement efforts and training to the extent funds are available to the Department:
Payable from the General Revenue Fund.............. 14,400
Payable from State Boating Fund............................. 20,000
Total ........................................ $16,774,500

New matter indicated by italics - deletions by strikeout.
Section 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

**OFFICE OF LAND MANAGEMENT AND EDUCATION**

For Personal Services:
- Payable from General Revenue Fund.............. 18,548,800
- Payable from State Boating Act Fund.............. 1,492,900
- Payable from State Parks Fund.................. 1,132,000
- Payable from Wildlife and Fish Fund.............. 1,940,500

For Employee Retirement Contributions
Paid by State:
- Payable from General Revenue Fund............... 0
- Payable from State Boating Act Fund.............. 44,800
- Payable from State Parks Fund.................. 34,000
- Payable from Wildlife and Fish Fund.............. 58,200

For State Contributions to State
Employee's Retirement System:
- Payable from General Revenue Fund.............. 2,987,500
- Payable from State Boating Act Fund.............. 240,400
- Payable from State Parks Fund.................. 182,300
- Payable from Wildlife and Fish Fund.............. 312,500

For State Contributions to Social Security:
- Payable from General Revenue Fund.............. 1,419,000
- Payable from State Boating Act Fund.............. 114,200
- Payable from State Parks Fund.................. 86,600
- Payable from Wildlife and Fish Fund.............. 148,400

For Group Insurance:
- Payable from State Boating Act Fund.............. 368,800
- Payable from State Parks Fund.................. 297,700
- Payable from Wildlife and Fish Fund.............. 444,600

For Contractual Services:
- Payable from General Revenue Fund.............. 2,423,900
- Payable from State Boating Act Fund.............. 436,200
- Payable from State Parks Fund.................. 2,616,500
- Payable from Wildlife and Fish Fund.............. 293,700

For Travel:
- Payable from General Revenue Fund.............. 8,700
- Payable from State Boating Act Fund.............. 5,900

New matter indicated by italics - deletions by strikeout.
Payable from State Parks Fund.................. 49,700
Payable from Wildlife and Fish Fund........... 14,700

For Commodities:
Payable from General Revenue Fund............ 866,800
Payable from State Boating Act Fund........... 51,000
Payable from State Parks Fund................ 443,400
Payable from Wildlife and Fish Fund.......... 246,700

For Printing:
Payable from General Revenue Fund............ 14,600

For Equipment:
Payable from General Revenue Fund............ 53,100
Payable from State Parks Fund............... 711,800
Payable from Wildlife and Fish Fund.......... 287,300

For Telecommunications Services:
Payable from General Revenue Fund............ 94,200
Payable from State Parks Fund............... 304,800
Payable from Wildlife and Fish Fund.......... 32,500

For Operation of Auto Equipment:
Payable from General Revenue Fund............ 371,300
Payable from State Parks Fund............... 258,100
Payable from Wildlife and Fish Fund.......... 147,700

For Illinois-Michigan Canal:
Payable from State Parks Fund............... 118,000

For Union County and Horseshoe Lake Conservation Areas, Farming and Wildlife Operations:
Payable from Wildlife and Fish Fund.......... 466,100

For operations and maintenance from revenues derived from the sale of surplus crops and timber harvest:
Payable from the State Parks Fund............ 1,000,000
Payable from the Wildlife and Fish Fund...... 1,000,000

For Snowmobile Programs:
Payable from State Boating Act Fund.......... 46,900

For operating expenses of the North Point Marina at Winthrop Harbor:
Payable from the Illinois Beach Marina Fund............... 1,624,500

New matter indicated by italics - deletions by strikeout.
program:
Payable from Park and Conservation Fund................................. 4,728,800
For expenses of the Bikeways program:
Payable from Park and Conservation Fund................................. 1,224,000
For Wildlife Prairie Park Operations and Improvements:
Payable from General Revenue Fund................................. 828,200
Payable from Wildlife Prairie Park Fund................................. 100,000
For expenses of the Environment and Nature Training Institute for Conservation Education (E.N.T.I.C.E.)
Payable from General Revenue Fund................................. 273,400
For Operations and Maintenance, including costs associated with operating new sites and facilities:
Payable from General Revenue Fund................................. 0
Payable from State Parks Fund................................. 1,500,000
For expenses associated with an outdoor education and recreation camp for inner-city youth known as Under Illinois Skies:
Payable from General Revenue Fund................................. 0
Payable from Wildlife and Fish Fund................................. 0
For expenses associated with Safety Education Programs:
Payable from Wildlife and Fish Fund................................. 0
Total $52,495,800

Section 45. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF MINES AND MINERALS
For Personal Services:
Payable from General Revenue Fund................................. 2,295,100
Payable from Mines and Minerals Underground Injection Control Fund................................. 246,100
Payable from Plugging and Restoration Fund ....... 195,700

New matter indicated by italics - deletions by strikeout.
Payable from Underground Resources
Conservation Enforcement Fund...................... 284,500
Payable from Federal Surface Mining Control
and Reclamation Fund................................. 1,344,400
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund.................................................. 1,787,800

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund.................. 0
Payable from Mines and Minerals Underground
Injection Control Fund................................. 7,400
Payable from Plugging and Restoration Fund ....... 5,900
Payable from Underground Resources
Conservation Enforcement Fund....................... 8,500
Payable from Federal Surface Mining Control
and Reclamation Fund................................. 40,300
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund.................................................. 53,600

For State Contributions to State
Employees' Retirement System:
Payable from General Revenue Fund.................. 369,600
Payable from Mines and Minerals Underground
Injection Control Fund................................. 39,600
Payable from Plugging and Restoration Fund ....... 31,500
Payable from Underground Resources
Conservation Enforcement Fund....................... 45,800
Payable from Federal Surface Mining Control
and Reclamation Fund................................. 216,500
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund.................................................. 287,900

For State Contributions to Social Security:
Payable from General Revenue Fund................. 175,600
Payable from Mines and Minerals Underground
Injection Control Fund................................. 18,800
Payable from Plugging and Restoration Fund ....... 15,000
Payable from Underground Resources

New matter indicated by italics - deletions by strikeout.
Conservation Enforcement Fund....................                                  21,800
Payable from Federal Surface Mining Control
and Reclamation Fund............................                                        102,800
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund............................................                                                    136,800

For Group Insurance:
Payable from Mines and Minerals Underground
Injection Control Fund.........................                             59,500
Payable from Plugging and Restoration Fund ......                          40,800
Payable from Underground Resources
Conservation Enforcement Fund...............                                  79,000
Payable from Federal Surface Mining Control
and Reclamation Fund............................                                        259,800
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund............................................                                                    300,000

For Contractual Services:
Payable from General Revenue Fund.................                              188,300
Payable from Mines and Minerals Underground
Injection Control Fund.........................                             27,700
Payable from Plugging and Restoration Fund ......                          13,100
Payable from Underground Resources
Conservation Enforcement Fund...............                                  113,400
Payable from Federal Surface Mining Control
and Reclamation Fund............................                                        372,300
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust
Fund............................................                                                    278,900

For Travel:
Payable from General Revenue Fund.................                              32,600
Payable from Mines and Minerals Underground
Injection Control Fund.........................                             1,000
Payable from Plugging and Restoration Fund ......                          1,400
Payable from Underground Resources
Conservation Enforcement Fund...............                                  6,000
Payable from Federal Surface Mining Control
and Reclamation Fund............................                                        31,400
Payable from Abandoned Mined Lands

New matter indicated by italics - deletions by strikeout.
Reclamation Council Federal Trust Fund ......................................................... 30,700

For Commodities:
- Payable from General Revenue Fund ........................................ 26,900
- Payable from Mines and Minerals Underground Injection Control Fund ........................................ 2,200
- Payable from Plugging and Restoration Fund .................. 2,500
- Payable from Underground Resources Conservation Enforcement Fund ........................................ 9,600
- Payable from Federal Surface Mining Control and Reclamation Fund ........................................ 15,400
- Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ......................................................... 27,300

For Printing:
- Payable from General Revenue Fund ........................................ 4,200
- Payable from Mines and Minerals Underground Injection Control Fund ........................................ 500
- Payable from Plugging and Restoration Fund .................. 500
- Payable from Underground Resources Conservation Enforcement Fund ........................................ 3,300
- Payable from Federal Surface Mining Control and Reclamation Fund ........................................ 11,200
- Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ......................................................... 12,800

For Equipment:
- Payable from General Revenue Fund ........................................ 32,200
- Payable from Mines and Minerals Underground Injection Control Fund ........................................ 15,200
- Payable from Plugging and Restoration Fund .................. 35,300
- Payable from Underground Resources Conservation Enforcement Fund ........................................ 9,300
- Payable from Federal Surface Mining Control and Reclamation Fund ........................................ 118,400
- Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ......................................................... 109,200

For Electronic Data Processing:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund................. 20,500
Payable from Mines and Minerals Underground Injection Control Fund......................... 3,900
Payable from Plugging and Restoration Fund ...... 19,900
Payable from Underground Resources Conservation Enforcement Fund............... 12,800
Payable from Federal Surface Mining Control and Reclamation Fund....................... 131,500
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.................... 114,800

For Telecommunications Services:
Payable from General Revenue Fund................. 51,200
Payable from Mines and Minerals Underground Injection Control Fund......................... 2,700
Payable from Plugging and Restoration Fund ...... 9,500
Payable from Underground Resources Conservation Enforcement Fund............... 15,600
Payable from Federal Surface Mining Control and Reclamation Fund....................... 29,900
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.................... 45,100

For Operation of Auto Equipment:
Payable from General Revenue Fund................. 44,600
Payable from Mines and Minerals Underground Injection Control Fund......................... 13,500
Payable from Plugging and Restoration Fund......................... 19,000
Payable from Underground Resources Conservation Enforcement Fund............... 32,100
Payable from Federal Surface Mining Control and Reclamation Fund....................... 30,800
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.................... 40,200

For the purpose of coordinating training and education programs for miners and laboratory analysis and testing of

New matter indicated by italics - deletions by strikeout.
coal samples and mine atmospheres:
  Payable from the General Revenue Fund............  13,700
  Payable from the Coal Mining Regulatory Fund.............................................  32,800
  Payable from Federal Surface Mining Control and Reclamation Fund....................  373,200
For expenses associated with Aggregate Mining Regulation:
  Payable from Aggregate Operations Regulatory Fund............................................  338,700
For expenses associated with Explosive Regulation:
  Payable from Explosives Regulatory Fund..........  139,700
For expenses associated with Environmental Mitigation Projects, Studies, Research, and Administrative Support:
  Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund......................................  400,000
For the purpose of reclaiming surface mined lands, with respect to which a bond has been forfeited:
  Payable from Land Reclamation Fund...............  350,000
For expenses associated with Surface Coal Mining Regulation:
  Payable from Coal Mining Regulatory Fund........  324,200
For the State of Illinois' share of expenses of Interstate Oil Compact Commission created under the authority of "An Act ratifying and approving an Interstate Compact to Conserve Oil and Gas", approved July 10, 1935, as amended:
  Payable from General Revenue Fund................  6,600
For State expenses in connection with the Interstate Mining Compact:
  Payable from General Revenue Fund...............  19,300
For expenses associated with litigation of Mining Regulatory actions:
  Payable from Federal Surface Mining

New matter indicated by italics - deletions by strikeout.
Control and Reclamation Fund....................... 15,000
For Small Operators' Assistance Program:
   Payable from Federal Surface Mining
   Control and Reclamation Fund............... 150,000
For Plugging & Restoration Projects:
   Payable from Plugging & Restoration Fund.... 674,100
For Interest Penalty Escrow:
   Payable from General Revenue Fund............ 500
   Payable from Underground Resources
   Conservation Enforcement Fund............... 500
For the purpose of carrying out the
   Illinois Petroleum Education and
   Marketing Act:
   Payable from the Petroleum Resources
   Revolving Fund............................... 625,000
Total ..................................... $14,104,000

Section 50. The sum of $1,009,889, or so much thereof as may be
necessary and as remains unexpended, at the close of business on June 30,
2004, from appropriations heretofore made in Article 1, Sections 60 and 65
of Public Act 93-97, as amended, is reappropriated from the Plugging and
Restoration Fund to the Department of Natural Resources for plugging and
restoration projects.

Section 55. The following named sums, or so much thereof as may be
necessary, for the objects and purposes hereinafter named, are
appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:

OFFICE OF WATER RESOURCES
For Personal Services:
   Payable from General Revenue Fund.......... 3,889,200
   Payable from State Boating Act Fund......... 283,800
For Employee Retirement Contributions
   Paid by State:
      Payable from General Revenue Fund........... 0
      Payable from State Boating Act Fund....... 8,500
For State Contributions to State
   Employees' Retirement System:
      Payable from General Revenue Fund....... 626,400
      Payable from State Boating Act Fund...... 45,700
For State Contributions to Social Security:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund................. 297,500
Payable from State Boating Act Fund............... 21,700
For Group Insurance:
  Payable from State Boating Act Fund............... 83,000
For Contractual Services:
  Payable from General Revenue Fund............... 422,800
  Payable from State Boating Act Fund............... 23,000
For Travel:
  Payable from General Revenue Fund............... 148,500
  Payable from State Boating Act Fund............... 6,500
For Commodities:
  Payable from General Revenue Fund............... 14,000
  Payable from State Boating Act Fund............... 17,200
For Printing:
  Payable from General Revenue Fund............... 4,600
For Equipment:
  Payable from General Revenue Fund............... 10,400
  Payable from State Boating Act Fund............... 39,000
For Telecommunications Services:
  Payable from General Revenue Fund............... 87,000
  Payable from State Boating Act Fund............... 7,800
For Operation of Auto Equipment:
  Payable from General Revenue Fund............... 88,200
  Payable from State Boating Act Fund............... 7,700
For execution of state assistance programs to improve the administration of the National Flood Insurance Program (NFIP) and National Dam Safety Program as approved by the Federal Emergency Management Agency (82 Stat. 572):
  Payable from National Flood Insurance Program Fund........................................... 305,200
For Repairs and Modifications to Facilities:
  Payable from State Boating Act Fund............... 53,900
For expenses associated with the operations and maintenance of an Aquatic Nuisance Barrier in the Chicago Sanitary and Ship Canal:

New matter indicated by italics - deletions by strikeout.
Section 60. The sum of $889,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the objects, uses, and purposes specified, including grants for such purposes and electronic data processing expenses, at the approximate costs set forth below:

Corps of Engineers Studies - To jointly plan local flood protection projects with the U.S. Army Corps of Engineers and to share planning expenses as required by Section 203 of the U.S. Water Resources Development Act of 1996 (P.L. 104-303)............................... 77,800

Federal Facilities - For payment of the State's share of operation and maintenance costs as local sponsor of the federal Rend Lake Reservoir and the federal projects on the Kaskaskia River........................................... 0

Lake Michigan Management - For studies carrying out the provisions of the Level of Lake Michigan Act, 615 ILCS 50 and the Lake Michigan Shoreline Act, 615 ILCS 55................................. 21,100

National Water Planning - For expenses to participate in national and regional water planning programs including membership in regional and national associations, commissions and compacts........... 140,900

River Basin Studies - For purchase of necessary mapping, surveying, test boring, field work, equipment, studies, legal fees, hearings, archaeological and environmental studies, data, engineering, technical services, appraisals and other related expenses to make water resources

New matter indicated by italics - deletions by strikeout.
reconnaissance and feasibility studies of river basins, to identify drainage and flood problem areas, to determine viable alternatives for flood damage reduction and drainage improvement, and to prepare project plans and specifications.................. 134,400

Design Investigations - For purchase of necessary mapping, equipment test boring, field work for Geotechnical investigations and other design and construction related studies......................................... 0

Rivers and Lakes Management - For purchase of necessary surveying, equipment, obtaining data, field work studies, publications, legal fees, hearings and other expenses to carry out the provisions of the 1911 Act in relation to the "Regulation of Rivers, Lakes and Streams Act", 615 ILCS 5/4.9 et seq................. 24,600

State Facilities - For materials, equipment, supplies, services, field vehicles, and heavy construction equipment required to operate, maintain, repair, construct, modify or rehabilitate facilities controlled or constructed by the Office of Water Resources, and to assist local governments for flood control and to preserve the streams of the State.............................................. 71,000

State Water Supply and Planning - For data collection, studies, equipment and related expenses for analysis and management of the water resources of the State, implementation of the

New matter indicated by italics - deletions by strikeout.
State Water Plan, and management of state-owned water resources.......... 67,200
USGS Cooperative Program - For payment of the Department's share of operation and maintenance of statewide stream gauging network, water data storage and retrieval system, preparation of topography mapping, and water related studies; all in cooperation with the U.S. Geological Survey.............................. 352,300
Total $889,300

Section 65. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:

WASTE MANAGEMENT AND RESEARCH CENTER
For Ordinary and Contingent Expenses:
Payable from General Revenue Fund............ 2,411,300
Payable from Toxic Pollution Prevention Fund.......................... 89,700
Payable from Hazardous Waste Research Fund.......................... 472,100
Payable from Natural Resources Information Fund.......................... 24,700
Total $2,997,800

STATE GEOLOGICAL SURVEY
For Ordinary and Contingent Expenses:
Payable from General Revenue Fund............ 6,413,200
Payable from Natural Resources Information Fund.......................... 202,100
Total $6,615,300

STATE NATURAL HISTORY SURVEY
For Ordinary and Contingent Expenses:
Payable from General Revenue Fund............ 3,912,700
Payable from Natural Resources Information Fund.......................... 14,200
For Mosquito Research and Abatement:

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Payable from Used Tire Management Fund</th>
<th>199,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$4,125,900</td>
</tr>
</tbody>
</table>

**STATE WATER SURVEY**

For Ordinary and Contingent Expenses:

<table>
<thead>
<tr>
<th>Payable from General Revenue Fund</th>
<th>3,918,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from Natural Resources Information Fund</td>
<td>5,700</td>
</tr>
<tr>
<td>Total</td>
<td>$3,924,200</td>
</tr>
</tbody>
</table>

**STATE MUSEUMS**

For Ordinary and Contingent Expenses:

<table>
<thead>
<tr>
<th>Payable from General Revenue Fund</th>
<th>4,895,700</th>
</tr>
</thead>
</table>

**FOR REFUNDS**

Section 70. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Natural Resources:

For Payment of Refunds:

<table>
<thead>
<tr>
<th>Payable from General Revenue Fund</th>
<th>1,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from State Boating Act Fund</td>
<td>30,000</td>
</tr>
<tr>
<td>Payable from State Parks Fund</td>
<td>25,000</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>1,150,000</td>
</tr>
<tr>
<td>Payable from Plugging and Restoration Fund</td>
<td>25,000</td>
</tr>
<tr>
<td>Payable from Underground Resources Conservation Enforcement Fund</td>
<td>25,000</td>
</tr>
<tr>
<td>Payable from Natural Resources Information Fund</td>
<td>1,000</td>
</tr>
<tr>
<td>Payable from Illinois Beach Marina Fund</td>
<td>25,000</td>
</tr>
</tbody>
</table>

Total | $1,282,500

Section 75. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from General Revenue Fund:

(From Article 1, Section 145, on page 33, lines 21-30 and Section 150 on page 35, lines 19-27 of Public Act 93-97, as amended)

For multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources,
including construction and development,
all costs for supplies, material,
labor, land acquisition, services,
studies and all other expenses required
to comply with the intent of this
appropriation........................................ 2,405,209

Section 80. The following named sums, new appropriations, or so
much thereof as may be necessary, respectively, for the objects and
purposes hereinafter named, are appropriated to the Department of Natural
Resources:
Payable from General Revenue Fund:
For multiple use facilities and
programs for conservation purposes
provided by the Department of Natural
Resources, including construction
and development, all costs for supplies,
materials, labor, land acquisition,
services, studies and all other
expenses required to comply with the
intent of this appropriation..................... 805,200

Section 85. The sum of $200,000, or so much thereof as may be
necessary, is appropriated from the Emergency Public Health Fund to the
Department of Natural Resources for research regarding mosquitoes and
the diseases they spread.

Section 90. The sum of $150,000, new appropriation, is
appropriated from the State Boating Act Fund to the Department of Natural
Resources for a grant to the Chain O’Lakes B Fox River Waterway
Management Agency for the Agency’s operational expenses.

Section 95. The sum of $29,000,000, or so much thereof as may be
necessary, is appropriated from the Capital Development Fund to the
Capital Development Board in conjunction with the Department of Natural
Resources for the construction of the World Shooting Complex in Sparta.

Section 100. No contract shall be entered into or obligation
incurred or any expenditure made from a reappropriation herein made in
Section 95.

ARTICLE 29

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund for the ordinary

New matter indicated by italics - deletions by strikeout.
and contingent expenses of the Governor's Office of Management and Budget in the Executive Office of the Governor:

**GENERAL OFFICE**

For Personal Services........................... 2,112,000
For Employee Retirement Contributions
   Paid by Employer........................................ 0
For State Contributions to the State
   Employees' Retirement System..................... 340,200
For State Contributions to
   Social Security........................................ 160,800
For Contractual Services.......................... 192,000
For Travel................................................. 86,400
For Commodities........................................ 6,700
For Printing............................................... 34,600
For Equipment.......................................... 15,300
For Electronic Data Processing.................... 134,400
For Telecommunications Services................... 81,600
Total                                                                                         $3,164,000

Section 10. The amount of $1,384,600, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Governor's Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of General Obligation bonds.

Section 15. The amount of $425,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Governor's Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of Build Illinois bonds.

Section 20. The amount of $255,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Retirement and Interest Fund to the Governor's Office of Management and Budget for the purpose of making payments to the Trustee under the Master Indenture as defined by and pursuant to the Build Illinois Bond Act.

Section 25. The amount of $113,400, or so much thereof as may be necessary, is appropriated from the School Infrastructure Fund to the Governor's Office of Management and Budget for operational expenses related to the School Infrastructure Program.

Section 30. The sum of $14,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Civic Center Bond Retirement

New matter indicated by italics - deletions by strikeout.
and Interest Fund to the Governor’s Office of Management and Budget for the principal and interest and premium, if any, on Limited Obligation Revenue bonds issued pursuant to the Metropolitan Civic Center Support Act.

Section 35. No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in Sections 10, 15, and 20 until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 30

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Arts Council:

Payable from the General Revenue Fund:

For Personal Services.......................... 1,098,300
For Employee Retirement Contributions
   Paid by Employer.................................. 0
For State Contributions to State
   Employees' Retirement Contributions........... 176,900
For State Contributions to
   Social Security............................... 83,800
For Contractual Services....................... 182,800
For Travel....................................... 19,000
For Commodities............................... 8,500
For Printing................................... 52,900
For Equipment.................................. 900
For Electronic Data Processing................... 19,200
For Telecommunications Services.............. 20,200
For Travel and Meeting Expenses of
   Arts Council and Panel Members.............. 28,800
Total........................................................................ $1,691,300

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Arts Council to enhance the cultural environment in Illinois:

Payable from General Revenue Fund:

For Grants and Financial Assistance for
   Arts Organizations......................... 5,855,400
For Grants and Financial Assistance for

New matter indicated by italics - deletions by strikeout.
New matter indicated by italics - deletions by strikeout.
Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

ARTICLE 32

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated for the ordinary and contingent expenses of the Office of the Governor:

EXECUTIVE OFFICE

Payable from the General Revenue Fund:
For Personal Services............................. 5,259,200
For Employee Retirement Contributions
   Paid by Employer................................. 0
For State Contributions to State
   Employees' Retirement System................. 847,100
For State Contributions to
   Social Security................................. 373,000
For Contractual Services......................... 680,000
For Travel......................................... 140,000
For Commodities................................ 75,000
For Printing...................................... 50,000
For Equipment.................................. 5,000
For Electronic Data Processing.................. 160,000
For Telecommunications Services.............. 450,000
For Repairs and Maintenance................... 32,000
For Expenses Related to Ethnic Celebrations,
   Special Receptions, and Other Events......... 70,000
Total........................................... 8,141,300

Section 10. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Governor's Grant Fund to the Office of the Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Governor.

ARTICLE 33

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
EXECUTIVE OFFICE

New matter indicated by italics - deletions by strikeout.
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services......................... 1,049,000
For Employee Retirement Contributions
  Paid by Employer.................................... 0
For State Contributions to State
  Employees' Retirement System................ 169,000
  For State Contributions to Social Security .... 80,300
For Contractual Services......................... 127,800
For Travel........................................ 13,100
For Commodities.................................... 5,300
For Printing...................................... 76,600
For Electronic Data Processing.................... 40,800
For Telecommunications Services................. 18,700
For Lincoln Legals............................... 135,200
Total                                                                                         $1,715,700

PAYABLE FROM ILLINOIS HISTORIC SITES FUND

For Contractual Services......................... 55,000
For Commodities................................. 1,000
For Printing...................................... 16,300
For Equipment..................................... 1,000
For historic preservation programs
  administered by the Executive Office,
  only to the extent that funds are received
  through grants, and awards, or gifts .......... 225,000
For research projects associated with
  Abraham Lincoln................................. 200,000
Total                                                                                         $498,300

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

FOR OPERATIONS

ILLINOIS HISTORICAL LIBRARY DIVISION

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services......................... 905,000
For Employee Retirement Contributions
  Paid by Employer................................. 0
For State Contributions to State
  Employees' Retirement System................. 145,800

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security ...... 68,400
For Contractual Services......................... 18,800
For Travel........................................... 4,400
For Commodities................................... 12,100
For Printing........................................ 1,200
For Equipment..................................... 27,400
For Telecommunications Services............... 9,300
For On-Line Computer Library Center (OCLC)...... 51,200
For Purchase and Care of Lincolnia.............. 18,600
Total                                                                 $1,262,000

Section 15. The sum of $225,000 or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for the ordinary and contingent expenses of the Historical Library including microfilming Illinois newspapers and manuscripts and performing genealogical research.

Section 20. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
PRESERVATION SERVICES DIVISION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services ......................... 547,500
For Employee Retirement Contributions
    Paid by Employer ................................ 0
For State Contributions to State
    Employees' Retirement System .............. 88,200
For State Contributions to Social Security .... 40,700
For Contractual Services ....................... 32,400
For Travel.......................................... 5,500
For Commodities.................................. 2,300
For Telecommunications........................... 11,600
For the Main Street Program ................... 163,700
For Access Improvements to Historic Places.... 100,000
Total                                                                 $991,900

PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Personal Services ......................... 343,400
For Employee Retirement Contributions
    Paid by Employer ............................ 10,300

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
   Employees' Retirement System..................  55,300
For State Contributions to Social Security ......  26,300
For Group Insurance................................ 96,000
For Contractual Services...........................  59,000
For Travel...........................................  26,000
For Commodities....................................  3,000
For Printing...........................................  1,000
For Equipment........................................  2,000
For Electronic Data Processing......................  5,000
For Telecommunications Services...................  13,000
For historic preservation programs
   made either independently or in cooperation with the Federal Government
   or any agency thereof, any municipal corporation, or political subdivision
   of the State, or with any public or private corporation, organization, or individual,
   or for refunds................................... 662,800
Total                                                                                       $1,303,100

Section 25. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for awards and grants for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 30. The sum of $90,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 1, Section 3a of Public Act 93-0093, as amended, is reappropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for awards and grants for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 35. The sum of $50,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 1, Section 3b of

New matter indicated by italics - deletions by strikeout.
Public Act 93-0093, as amended, is reappropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for awards and grants for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 40. The sum of $48,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 1, Section 3d of Public Act 93-0093, as amended, is reappropriated from the General Revenue Fund to the Historic Preservation Agency to make Illinois Heritage Grants for the purpose of planning, survey, rehabilitation, restoration, reconstruction, landscaping and acquisition of Illinois properties designated on the National Register of Historic Places or as a landmark based on a county or municipal ordinance or those located within certain historic districts deemed historically significant.

Section 43. The amount of $250,000 is appropriated from the General Revenue Fund to the Illinois Historic Preservation Agency for a grant for the establishment of the Vernon Jarret Museum of Civil Rights.

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
ADMINISTRATIVE SERVICES DIVISION
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services......................... 1,130,800
For Employee Retirement Contributions
    Paid by Employer.......................... 0
For State Contributions to State
    Employees' Retirement System............. 182,100
    For State Contributions to Social Security ....... 86,600
    For Contractual Services.................... 312,200
For Travel..................................... 2,100
For Commodities................................ 16,200
For Printing.................................... 1,300
For Telecommunications Services.............. 22,800
For Operation of Auto Equipment............... 12,000
For deposit into the General Obligation

New matter indicated by italics - deletions by strikeout.
Bond Retirement and Interest Fund for
costs associated with the debt service
payments of rolling stock and capital
equipment............................................ 0
Total                                                                                         $1,766,100

Section 50. The sum of $200,000 or so much thereof as may be
necessary is appropriated from the Illinois Historic Sites Fund to the
Historic Preservation Agency for the ordinary and contingent expenses of
the Administrative Services division for costs associated with but not
limited to Union Station, the Old State Capitol and the Old Journal Register
Building.

Section 55. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and
purposes hereinafter named, to meet the ordinary and contingent expenses
of the Historic Preservation Agency:

FOR OPERATIONS
HISTORIC SITES DIVISION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 4,737,400
For Employee Retirement Contributions
    Paid by Employer............................. 0
For State Contributions to State
    Employees' Retirement System............. 763,000
    For State Contributions to Social Security ...... 362,500
For Contractual Services......................... 861,700
For Travel........................................ 16,700
For Commodities................................. 145,300
For Equipment..................................... 47,500
For Telecommunications Services............... 62,600
For Operation of Auto Equipment............... 42,000
Total                                                                                         $7,038,600
PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Personal Services.......................... 38,000
For Employee Retirement Contributions
    Paid by Employer............................. 1,100
For State Contributions to State
    Employees' Retirement System............. 6,100
    For State Contributions to Social Security ...... 2,950
For Group Insurance................................ 12,000

New matter indicated by italics - deletions by strikeout.
For Contractual Services

For Travel

For Commodities

For Equipment

For Telecommunications Services

For Operation of Auto Equipment

For Historic Preservation Programs Administered by the Historic Sites Division, Only to the Extent that Funds are Received Through Grants, Awards, or Gifts

For Permanent Improvements

Total

Section 60. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for operations, maintenance, repairs, permanent improvements, special events, and all other costs related to the operation of Illinois Historic Sites and only to the extent which donations are received at Illinois State Historic Sites.

Section 65. The sum of $196,300, or so much thereof as may be necessary, is appropriated to the Historic Preservation Agency from the General Revenue Fund for programs and purposes including repairing, maintaining, reconstructing, rehabilitating, replacing, fixed assets, construction and development, studies, all costs for supplies, materials, labor, land acquisition and its related costs, services and other expenses at historic sites.

Section 70. The sum of $235,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Historic Preservation Agency for the operational expenses of the Lewis and Clark Historic Site in Madison County.

Section 75. The amounts appropriated for repairs and maintenance and other capital improvements in Section 5b of this Article for repairs and/or replacements, and miscellaneous capital improvements at the agency's various historical sites, and are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials, and all other types of repairs and maintenance, and capital improvements.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made

New matter indicated by italics - deletions by strikeout.
in Section 5c of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 80. The sum of $7,655,950, or so much thereof as may be necessary, is appropriated from the Presidential Library and Museum Operating Fund to the Historic Preservation Agency to meet the ordinary and contingent expenses of the Abraham Lincoln Presidential Library and Museum in Springfield.

ARTICLE 34

Section 5. The sum of $5,737,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of Executive Inspector General for its ordinary and contingent expenses.

ARTICLE 35

Section 5. The sum of $650,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Executive Ethics Commission for its ordinary and contingent expenses.

ARTICLE 36

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Labor Relations Board for the objects and purposes hereinafter named:

OPERATIONS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,087,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>175,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>81,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>161,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>22,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>3,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>21,700</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>20,800</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>44,100</td>
</tr>
<tr>
<td>Total</td>
<td>$1,621,000</td>
</tr>
</tbody>
</table>

Section 10. The sum of $320,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois
Labor Relations Board for costs associated with Public Act 93-0655, including administrative expenses.

ARTICLE 37

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Office of the Lieutenant Governor:

**GENERAL OFFICE**

For Personal Services........................... 960,000
For Employee Retirement Contributions
  Paid by Employer........................................ 0
For State Contributions to State
  Employees' Retirement System...................... 154,600
For Social Security................................... 73,400
For Contractual Services............................. 432,000
For Travel.............................................. 74,000
For Commodities...................................... 25,000
For Printing............................................ 25,000
For Equipment......................................... 7,700
For Electronic Data Processing..................... 40,800
For Telecommunications Services.................. 72,000
For Operational and Grant Expenses of the
  Rural Affairs Council......................... 364,800
For Ordinary and Contingent Expenses of
  The Illinois River Coordination Council......... 190,000
Total................................................................ 2,419,300

Section 10. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Office of Lieutenant Governor for all costs associated with the Rural Affairs Council including any grants or administration expenses.

Section 15. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Lieutenant Governor's Grant Fund to the Office of Lieutenant Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Lieutenant Governor.

ARTICLE 38

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the State Employees' Retirement System:

FOR OPERATIONS
FOR THE SOCIAL SECURITY ENABLING ACT

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>42,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>6,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>3,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>19,350</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>200</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>400</td>
</tr>
<tr>
<td>Total</td>
<td>$73,550</td>
</tr>
</tbody>
</table>

CENTRAL OFFICE

For Employee Retirement Contributions Paid by Employer for Prior Fiscal Year:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>90,000</td>
</tr>
</tbody>
</table>

Section 10. The sum of $0, minus the amount transferred to the State Employees' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Employees' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 15. The sum of $15,090,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the Judges' Retirement System for the State's Contribution, as provided by law.

Section 20. The sum of $16,901,000, minus the amount transferred to the Judges' Retirement System pursuant to continuing appropriation
authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Judges' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 25. The sum of $2,206,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the General Assembly Retirement System for the State's Contribution, as provided by law.

Section 30. The sum of $2,469,000, minus the amount transferred to the General Assembly Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the General Assembly Retirement System, pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

ARTICLE 39

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

For Personal Services.......................... 674,950
For Employee Retirement Contributions
  Paid by Employer................................ 25,038
For State Contributions to State Employees'
  Retirement System.................................. 108,707
For State Contribution to Social
  Security........................................... 47,885
For Contractual Services.......................... 46,636
For Travel.......................................... 2,100
For Commodities.................................. 2,363
For Printing......................................... 4,283
For Equipment..................................... 900
For Electronic Data Processing.................. 1,500
For Telecommunications Services............... 8,300
For additional costs associated with
  the assumption of duties of the
  Pension Laws Commission....................... 158,000
Total........................................... $1,080,662

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,900,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>76,000</td>
</tr>
<tr>
<td>For State Contribution to State Employees Retirement System</td>
<td>387,600</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>145,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>392,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>6,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>3,200</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,048,200</td>
</tr>
<tr>
<td>For Purchase, Maintenance, and Rental of General Assembly Electronic Data Processing Equipment, and any other operational purposes of the General Assembly</td>
<td>702,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>162,200</td>
</tr>
<tr>
<td>Total</td>
<td><strong>$4,833,700</strong></td>
</tr>
</tbody>
</table>

Section 15. The following amount, or so much of that amount as may be necessary, is appropriated to the Legislative Information System:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Purchase, Maintenance, and Rental of Electronic Data Processing Equipment and Software relating to the development and implementation of legislative systems, and for consulting, technical, and design services related thereto</td>
<td><strong>1,050,000</strong></td>
</tr>
</tbody>
</table>

Section 20. The following amount, or so much of that amount as may be necessary, is appropriated from the General Assembly Computer Equipment Revolving Fund to the Legislative Information System:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Purchase, Maintenance, and Rental of General Assembly Electronic Data Processing Equipment and for other operational purposes of the General Assembly</td>
<td><strong>1,600,000</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 25. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Audit Commission:

For Personal Services............................. 166,500
For Employee Retirement Contributions
   Paid by Employer.................................. 6,700
For State Contributions to State Employees' Retirement System................................. 34,000
For State Contribution to Social Security................................................................. 12,700
For Contractual Services............................. 5,900
For Travel........................................... 5,500
For Commodities........................................ 500
For Printing......................................... 1,500
For Equipment...................................... 500
For Electronic Data Processing....................... 3,000
For Telecommunications Services..................... 1,600
Total                                                                                   $238,400

Section 30. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Printing Unit:

For Personal Services........................... 1,181,500
For Employee Retirement Contributions
   Paid by Employer.................................. 47,260
For State Contributions to State Employees' Retirement System................................. 190,300
For State Contribution to Social Security................................................................. 90,380
For Contractual Services............................. 231,000
For Travel........................................... 0
For Commodities.................................... 180,000
For Printing......................................... 101,400
For Equipment...................................... 200,200
For Telecommunications Services..................... 7,450
Total                                                                                   $2,229,490

Section 35. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects

New matter indicated by italics - deletions by strikeout.
and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Research Unit:

For Personal Services........................... 1,139,568
For Employee Retirement Contributions
  Paid by Employer............................... 45,583
For State Contribution to State Employees’
  Retirement System............................ 232,426
For State Contribution to Social
  Security......................................... 87,177
For Contractual Services......................... 551,846
For Travel......................................... 8,600
For Commodities................................ 12,200
For Printing....................................... 20,850
For Equipment................................... 55,100
For Telecommunications Services............... 26,600
For New Member Conference.................... 30,000
Total                                        $2,209,950

Section 40. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Illinois Legislative Research Unit for the following purposes:

For payment of expenses of the
  Legislative Staff Intern program,
  including stipends, tuition, and
  administration for 20 persons............. 492,000
For payment of expenses of the Zeke
  Giorgi Memorial Intern Program, including
  stipends, tuition, and administration
  for 4 persons................................. 101,700
Total                                        $593,700

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

For Personal Services........................... 1,625,000
For Employee Retirement Contributions
  Paid by Employer.............................. 65,000
For State Contributions to State Employees’
  Retirement System........................... 331,400
For State Contribution to Social

New matter indicated by italics - deletions by strikeout.
Security.........................................  124,300
For Contractual Services......................  104,600
For Travel.......................................  15,000
For Commodities................................  10,000
For Printing.....................................  67,800
For Equipment..................................  170,000
For Telecommunications Services.............  15,000
Total                                                                                         $2,528,100

Section 50. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated for the objects
and purposes hereinafter named to meet the ordinary and contingent
expenses of the Office of the Architect of the Capitol:
For Personal Services.........................  442,500
For Employee Retirement Contributions
  Paid by Employer...............................  14,000
For State Contributions to State Employees'  Retirement System............................  71,300
For State Contribution to Social
  Security........................................  26,800
For Contractual Services.....................  99,000
For Travel.......................................  3,000
For Commodities................................  1,500
For Printing.....................................  500
For Equipment..................................  2,300
For Electronic Data Processing...............  8,700
For Telecommunications Services...........  6,500
Total                                                                                         $676,100

Section 55. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated for the objects
and purposes hereinafter named to meet the ordinary and contingent
expenses of the Joint Committee on Administrative Rules:
For Personal Services..........................  776,000
For Employee Retirement Contributions
  Paid by Employer.............................  30,000
For State Contributions to State Employees'  Retirement System............................  125,000
For State Contribution to Social
  Security.......................................  55,000
For Contractual Services.....................  35,000

New matter indicated by italics - deletions by strikeout.
For Travel.......................................... 16,000
For Commodities..................................... 11,000
For Equipment....................................... 19,000
For Telecommunications Services.................... 10,000
Total                                                                                         $1,077,000

Section 60. The sum of $103,700, or so much thereof as may be necessary, is appropriated for the ordinary and contingent expenses of the Senate Operations Commission including the planning costs, construction costs, moving expenses and all other costs associated with the construction and reconstruction of Senate offices in the Capitol Complex area.

Section 70. The amount of $64,514, or so much of this amount as may be necessary and remains unexpended on June 30, 2004 from an appropriation heretofore made for such purpose in Section 80 of Article 16 of Public Act 93-91, is reappropriated from the Capital Development Fund to the Office of the Architect of the Capitol for plans, specifications, and continuation of work pursuant to the report and recommendations of the architectural, structural, and mechanical surveys of the State Capitol Building. This is for the continuation of the rehabilitation of the Capitol Building.

Section 75. The sum of $694,237, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Section 85 of Article 16 of Public Act 93-91, is reappropriated from the Capital Development Fund to the Office of the Architect of the Capitol for remodeling, planning, relocation, permanent equipment, and other related expenses, including architectural and engineering fees associated with construction, for the remodeling of office space and other support areas under the jurisdiction of the House of Representatives and the Senate.

ARTICLE 40

Section 5. The following sums, or so much thereof as may be necessary, respectively, are appropriated to the President of the Senate and the Speaker of the House of Representatives for furnishing the items provided in Section 4 of the General Assembly Compensation Act to members of their respective houses throughout the year in connection with their legislative duties and responsibilities and not in connection with any political campaign, as prescribed by law:
To the President of the Senate.................. 4,470,700
To the Speaker of the House of Representatives......................... 7,471,500

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

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

For the ordinary and incidental expenses of legislative leadership and legislative staff assistants:
- President.......................... 4,825,900
- Minority Leader.................. 4,825,900

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

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

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

For travel, including expenses to Springfield of members on official legislative business during weeks when the General Assembly is not in session................................. 52,700

Total $13,734,100

New matter indicated by italics - deletions by strikeout.
Section 20. The sum of $1,916,447, or so much thereof as may be necessary, is appropriated for the use of the Senate standing committees for expert witnesses, technical services, consulting assistance and other research assistance associated with special studies and long range research projects which may be requested by the standing committees.

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

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary, incidental and contingent expenses of the House Majority and Minority Leadership Staff and Office operations:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Speaker</td>
<td>4,334,600</td>
</tr>
<tr>
<td>For the Minority Leader</td>
<td>4,334,600</td>
</tr>
<tr>
<td>Total</td>
<td>8,669,200</td>
</tr>
</tbody>
</table>

Section 35. The following named sums, or so much thereof as may be necessary, are appropriated to meet the ordinary, incidental and contingent expenses of the House Majority and Minority Leadership Staff and the general staff:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Speaker</td>
<td>326,300</td>
</tr>
<tr>
<td>For the Minority Leader</td>
<td>148,000</td>
</tr>
<tr>
<td>Total</td>
<td>474,300</td>
</tr>
</tbody>
</table>

Section 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, relating to the operation of the House of Representatives, are appropriated to meet its ordinary and contingent expenses:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the ordinary and incidental expenses of The general staff, operations, and special And standing committees of the House, for per diem employees and for expenses incurred in transcribing and printing of House debates</td>
<td>4,872,600</td>
</tr>
</tbody>
</table>

For the ordinary and incidental expenses of the House, also including the purchasing on contract as required by law of printing, binding, printing paper, stationery and office supplies, no part of which shall be expended for expenses of purchasing,

New matter indicated by italics - deletions by strikeout.
handling or distributing such supplies and
against which no indebtedness shall be
incurred without the written approval of the
Speaker of the House of Representatives........  91,000

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

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

Section 50. The following named sums, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2004, from an appropriation heretofore made for such purposes in Article
17 of Public Act 93-91 as amended by this Act, are appropriated for
expenses in connection with the planning and preparation of redistricting of
legislative and representative districts as required by Article IV, Section 3
of the Illinois Constitution of 1970:
For the Speaker...............................  441,600
For the Minority Leader.............................. 0
Total                                    $441,600

Section 55. The sum of $250,000, or so much thereof as may be
necessary, is appropriated from the General Assembly Operations
Revolving Fund to the Office of the Speaker, to meet the ordinary and
contingent expenses of the House.

Section 60. The amount of $311,600, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the General
Assembly to meet ordinary and contingent expenses. Any use of funds
appropriated under this Section must be approved jointly by the Clerk of
the House of Representatives and the Secretary of the Senate.

Section 65. As used in Sections 30 and 35 hereof, except where the
approval of the Speaker of the House of Representatives is expressly
required for the expenditure of or the incurring of indebtedness against an

New matter indicated by italics - deletions by strikeout.
appropriation for certain purchases on contract, "Speaker" means the leader of the party having the largest number of members of the House of Representatives as of January 13, 2003, and "Minority Leader" means the leader of the party having the second largest number of members of the House of Representatives as of January 13, 2003.

Section 70. The sum of $300,000, or so much thereof as may be necessary, is appropriated to the General Assembly Office of the Inspector General to meet their ordinary and contingent expenses.

ARTICLE 41

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

GENERAL ADMINISTRATION

OPERATIONS

Payable from the General Revenue Fund:
For Personal Services ......................... 4,000,500
For Retirement Contributions Paid
by Employer ...................................... 0
For Extra Help ..................................... 9,600
For State Contributions to State
Employees' Retirement System ............... 645,900
For State Contributions to Social Security ............... 307,000
For Contractual Services ................... 2,827,400
For Travel ....................................... 140,600
For Commodities ................................ 67,300
For Printing ...................................... 49,900
For Equipment ................................... 71,600
For Electronic Data Processing .......... 1,132,700
For Telecommunications Services .......... 154,200
For Operation of Automotive Equipment .... 45,200
Total ............................................. $9,451,900

Payable from the Tourism Promotion Fund:
For Personal Services ....................... 1,353,600
For Retirement Contributions Paid
by Employer .................................... 40,600
For State Contributions to State
Employees' Retirement System ............... 218,000

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security</td>
<td>103,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>306,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>682,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>14,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>16,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>30,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>72,900</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>194,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>31,300</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>11,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,073,700</strong></td>
</tr>
</tbody>
</table>

**Payable from the Intra-Agency Services Fund:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,952,100</td>
</tr>
<tr>
<td>For Retirement Contributions Paid by Employer</td>
<td>58,600</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>79,500</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>327,200</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$6,291,600</strong></td>
</tr>
</tbody>
</table>

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF TOURISM OPERATIONS**

**Payable from the Tourism Promotion Fund:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,142,700</td>
</tr>
<tr>
<td>For Retirement Contributions Paid by Employer</td>
<td>34,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
Employees' Retirement System.................. 184,000
For State Contributions to
Social Security.................................. 87,500
For Group Insurance........................... 252,000
For Contractual Services....................... 520,700
For Travel....................................... 70,000
For Commodities............................... 14,300
For Printing.................................... 607,600
For Equipment.................................. 19,300
For Telecommunications Services............... 35,000
For Statewide Tourism Promotion............... 5,656,500
For Advertising and Promotion of Tourism
Throughout Illinois Under Subsection (2)
of Section 4a of the Illinois Promotion
Act............................................... 12,578,700
For Advertising and Promotion of Illinois
Tourism in International Markets............... 2,740,500
For Illinois State Fair Ethnic
Village Expenses............................... 61,000
Total $24,004,100

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF TOURISM
GRANTS-IN-AID

Payable from General Revenue Fund:
For Grants, Contracts and Administrative
Expenses Associated with the Development
Of the Illinois Grape and Wine Industry,
Including Prior Year Costs....................... 144,000
For a Grant to the Illinois Health and
Sports Foundation for the Prairie
State Games..................................... 96,000
Total                                    $240,000

Payable from the International Tourism Fund:
For grants to Convention and Tourism Bureaus
Chicago Convention and Tourism Bureau and
Chicago Office of Tourism..................... 3,638,000

New matter indicated by italics - deletions by strikeout.
Balance of State.............................. 1,000,000
Total $4,638,000

Payable from the Tourism Attraction Development Matching Grant Fund:
For the Tourism Attraction Development Grant Program Pursuant to 20 ILCS 665/8a........... 95,000

Payable from Local Tourism Fund:
For grants to Convention and Tourism Bureaus--
Chicago Convention and Tourism Bureau....... 2,217,100
Chicago Office of Tourism....................... 1,883,900
Balance of State.................................. 8,197,800

For grants, contracts, and administrative expenses associated with the Local Tourism and Convention Bureau Program pursuant to 20 ILCS 605/605-705 including prior year costs....................... 280,000
Total $12,578,800

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

Payable from the Tourism Promotion Fund:
For the Tourism Matching Grant Program Pursuant to 20 ILCS 665/8-1 for Counties under 1,000,000..................... 1,094,000
For the Tourism Matching Grant Program Pursuant to 20 ILCS 665/8-1 for Counties over 1,000,000....................... 656,000
For the Tourism Attraction Development Grant Program Pursuant to 20 ILCS 665/8a...... 1,876,900
For Purposes Pursuant to the Illinois Promotion Act, 20 ILCS 665/4a-1 to Match Funds from Sources in the Private Sector................................. 600,000
For Grants to Regional Tourism Development Organizations......................... 720,000
Total $4,946,900

The Department, with the consent in writing from the Governor, may reapportion not more than ten percent of the total appropriation of

New matter indicated by italics - deletions by strikeout.
Tourism Promotion Fund, in Section 20 above, among the various purposes therein recommended.

Section 25. The amount of $858,704, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 3, Section 25 of Public Act 93-91, is reappropriated to the Department of Commerce and Economic Opportunity from the International Tourism Fund for grants, contracts, and administrative expenses associated with the Abraham Lincoln Presidential Library and Museum, including prior year costs.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF WORKFORCE DEVELOPMENT
GRANTS-IN-AID
Payable from the Federal Workforce Training Fund:
For Grants, Contracts and Administrative Expenses Associated with the Workforce Investment Act and other workforce training programs, including refunds and prior year costs.......................... 350,000,000

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS OPERATIONS
Payable from the General Revenue Fund:
For Personal Services........................... 927,200
For Retirement Contributions Paid by Employer........................................... 0
For State Contributions to State Employees' Retirement System................. 149,300
For State Contributions to Social Security........................................... 70,900
For Contractual Services.......................... 55,000
For Travel........................................ 22,600
For Commodities.................................... 1,200
For Printing......................................... 800

New matter indicated by italics - deletions by strikeout.
For Equipment........................................ 4,800
For Telecommunications Services................... 15,600
For Operation of Automotive Equipment.............. 1,000
Total $1,248,400

Payable from the Federal Industrial Services Fund:
For Personal Services............................. 864,100
For Retirement Contributions Paid
by Employer.......................................... 25,900
For State Contributions to State
Employees' Retirement System.................... 139,200
For State Contributions to
Social Security..................................... 66,200
For Group Insurance................................ 204,000
For Contractual Services.......................... 274,800
For Travel............................................ 67,900
For Commodities.................................... 12,700
For Printing......................................... 20,000
For Equipment..................................... 237,000
For Telecommunications Services............... 30,000
For Operation of Automotive Equipment........... 9,500
For Other Expenses of the Occupational
Safety and Health Administration Program..... 451,000
Total $2,402,300

Payable from the Tobacco Settlement Recovery Fund:
For Administration, Grant, and Investment
Expenses of technology initiatives............. 2,000,000

Section 40. The amount of $1,155,503, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2004, from a reappropriation heretofore made in Article 3, Section 40 of
Public Act 93-91, is reappropriated from the Tobacco Settlement Recovery
Fund to the Department of Commerce and Economic Opportunity for
administration, grant, and investment expenses of technology initiatives.

Section 45. The amount of $1,939,000, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2004, from a reappropriation heretofore made in Article 3, Section 35 of
Public Act 93-91, is reappropriated from the Tobacco Settlement Recovery
Fund to the Department of Commerce and Economic Opportunity for
administration, grant, and investment expenses of technology initiatives.

New matter indicated by italics - deletions by strikeout.
Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS GRANTS-IN-AID**

Payable from General Revenue Fund:
- For the Job Training and Economic Development Grant Program Act of 1997, as amended, including grants, contracts, and administrative expenses, including prior year costs........... 1,392,000
- For Grants, Contracts and Administrative Expenses of the Employer Training Investment Program for companies with 250 or more employees pursuant but not limited to 20 ILCS 605/605-800, including Prior Year Costs...... 14,900,600
- For Grants, Contracts and Administrative Expenses of the Employer Training Investment Program for companies with less than 250 employees pursuant but not limited to 20 ILCS 605/605-800, including Prior Year Costs....... 2,592,000
- For Grants and Administrative Expenses Pursuant to the High Technology School-to-Work Act, Including Prior Year Costs........................................... 942,200
- For Grants and Administrative Expenses for the Illinois Technology Enterprise Corporation Program, including prior year costs............... 435,800
- For all costs relating to the Center for Safe Food for Small Business at the Illinois Institute of Technology....... 192,000
- For a Grant to match private funds available to the Higher Education & Business Partnership Initiative............... 750,000
- Total $21,454,600

Payable from the New Technology Recovery Fund:
- For Grants, Loans, Investments, and Administrative Expenses

New matter indicated by italics - deletions by strikeout.
Pursuant to the Technology Advancement and Development Act, Including Prior Year Costs.................. 1,500,000

Payable from the Workforce, Technology, and Economic Development Fund:
For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/605-420, Including Prior Year Costs........... 11,400,000

Payable from the Tobacco Settlement Recovery Fund:
For Grants and Administrative Expenses For the Illinois Technology Enterprise Corporation Program, Including Prior Year Costs................................. 1,500,000

Payable from the Digital Divide Elimination Fund:
For Grants, Contracts and Administrative Expenses Pursuant to 30 ILCS 780, Including prior year costs.................... 7,750,000

Payable from the Illinois Equity Fund:
For Grants, Loans, and Investments in Accordance with the Provisions of Public Act 84-0109, as amended............ 2,850,000

Section 55. The sum of $1,104,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 45 of Public Act 93-91, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for Current Workforce Training Grants, including prior year costs.

Section 60. The amount of $192,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 3, Section 45 of Public Act 93-91, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for Workplace Skills Enhancement Program, including prior year costs.

Section 62. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 8B, Section 42 of Public Act 93-664, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants, contracts, and administrative expenses for the Industrial Training Program, pursuant
to 20 ILCS 605/605-800 and 20 ILCS 605/605-802, including prior year costs.

Section 64. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Illinois Manufacturing Extension Center.

**BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS REFUNDS**

Section 65. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Federal Industrial Services Fund to the Department of Commerce and Economic Opportunity for refunds to the federal government and other refunds.

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF REGIONAL ECONOMIC DEVELOPMENT OPERATIONS**

Payable from General Revenue Fund:

For Personal Services.......................... 2,248,000
For Retirement Contributions Paid
  by Employer........................................... 0
For State Contributions to State
  Employees' Retirement System............... 362,100
For State Contributions to
  Social Security............................... 172,000
For Contractual Services.................... 289,400
For Travel........................................ 52,800
For Commodities.................................. 5,400
For Printing...................................... 4,800
For Equipment.................................... 3,100
For Telecommunications Services........... 33,800
For Operation of Automotive Equipment...... 53,800
Total ................................................. $3,225,200

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF BUSINESS DEVELOPMENT OPERATIONS**

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund:
For Personal Services.............................. 1,767,400
For Retirement Contributions Paid
by Employer........................................... 0
For State Contributions to State
Employees' Retirement System...................... 284,700
For State Contributions to
Social Security...................................... 135,300
For Contractual Services............................ 779,100
For Travel............................................. 64,800
For Commodities...................................... 7,100
For Printing............................................ 600
For Equipment........................................ 5,300
For Telecommunications Services.................... 59,900
For Operation of Automotive Equipment............. 1,800
For Advertising and Promotion....................... 480,000
For Administrative and Related
Expenses of the Illinois
Women's Business Ownership
Council................................................... 9,600
Total                                                                 $3,595,600

Payable from Economic Research and Information Fund:
For Purposes Set Forth in
Section 605-20 of the Civil
Administrative Code of Illinois
(20 ILCS 605/605-20)............................... 230,000

Payable from the Commerce and Community Assistance Fund:
For Personal Services.............................. 777,600
For Retirement Contributions Paid
by Employer........................................... 23,300
For State Contributions to State
Employees' Retirement System...................... 125,200
For State Contributions to
Social Security...................................... 59,500
For Group Insurance.................................. 150,000
For Contractual Services............................ 236,800
For Travel............................................. 76,000
For Commodities.................................... 14,800
For Printing............................................ 19,100

New matter indicated by italics - deletions by strikeout.
For Equipment................................. 15,600  
For Telecommunications Services................. 45,400  
Total ........................................ $1,543,300  

Payable from Illinois Capital Revolving Loan Fund:  
For Administration and Related  
Support Pursuant to Public  
Act 84-0109, as amended.................. 1,600,000  

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:  

**BUREAU OF BUSINESS DEVELOPMENT**  
**GRANTS-IN-AID**  

Payable from the General Revenue Fund:  
For Small Business Development Centers,  
Including Prior Year Costs.................... 2,507,500  
For the Purpose of Providing Grants  
to Procurement Centers to  
Expand Participation in the  
Government Contracting Process and  
to Increase the Opportunities for  
Purchasing Outsourcing Among  
Illinois Suppliers......................... 524,000  
For grants, contracts, and administrative  
expenses associated with  
Entrepreneurship Centers,  
including prior year costs................. 2,400,000  
Total ........................................ $5,431,500  

Payable from the Small Business Environmental Assistance Fund:  
For grants and administrative  
expenses of the Small Business  
Environmental Assistance Program........... 500,000  

Payable from the Urban Planning Assistance Fund:  
For grants, contracts, administrative  
expenses and refunds associated with  
the U.S. Department of Defense  
Procurement Assistance Program,  
Including prior year costs................. 750,000  

Payable from Commerce and Community Assistance Fund:  

New matter indicated by italics - deletions by strikeout.
For Small Business Development Center
   Including Prior Year Costs.................... 1,800,000
For Administration and Grant Expenses
   Relating to Small Business Development
   Management and Technical Assistance,
   Labor Management Programs for New
   and Expanding Businesses, and Economic
   and Technological Assistance to
   Illinois Communities and Units of
   Local Government, Including Prior
   Year Costs.................................... 4,000,000
Total.................................................................. $5,800,000

Payable from the Corporate Headquarters Relocation Assistance Fund:
   For Grants Pursuant to the Corporate
   Headquarters Relocation Act, including
   prior year costs................................. 1,000,000

Payable From the Illinois Capital Revolving Loan Fund:
   For the Purpose of Grants, Loans, and
   Investments in Accordance with
   the Provisions of Public Act
   84-0109, as amended.............................. 12,886,300

Payable from the Large Business Attraction Fund:
   For the purpose of Grants, Loans,
   Investments, and Administrative
   Expenses in Accordance with Article
   10 of the Build Illinois Act...................... 5,000,000

Payable from the Public Infrastructure Construction Loan Revolving Fund:
   For the Purpose of Grants, Loans,
   Investments, and Administrative
   Expenses in Accordance with Article
   8 of the Build Illinois Act...................... 5,000,000

Payable from Port Development Revolving Loan Fund:
   For grants and loans associated with the
   Port Development Revolving Loan Program
   Pursuant to 30 ILCS 750/9-11..................... 4,000,000

   Section 85. The following named amounts, or so much thereof as
   may be necessary, respectively, are appropriated to the Department of
   Commerce and Economic Opportunity:

   BUREAU OF BUSINESS DEVELOPMENT

   New matter indicated by italics - deletions by strikeout.
REFUNDS
Payable from Commerce and Community Assistance Fund:
For Refunds to the Federal Government and other refunds................. 50,000

Section 90. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF COAL DEVELOPMENT AND MARKETING
GRANTS-IN-AID
Payable from the Coal Technology Development Assistance Fund:
For Grants, Contracts and Administrative Expenses Under the Provisions of the Illinois Coal Technology Development Assistance Act, Including Prior Years Costs................................................................. 25,274,300

Section 95. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

ILLINOIS FILM OFFICE
Payable from Tourism Promotion Fund:
For Personal Services.............................. 452,300
For Employee Retirement Contributions Paid by Employer............................. 13,600
For State Contributions to State Employees’ Retirement System.......................... 72,800
For State Contributions to Social Security ........................................ 34,700
For Group Insurance...................................... 96,000
For Contractual Services............................... 180,300
For Travel....................................................... 35,800
For Commodities........................................... 13,000
For Printing................................................... 20,000
For Equipment................................................. 5,000
For Telecommunications Services.................. 19,000
For Operation of Automotive Equipment........ 3,400
Total                                                                                        $945,900

Section 100. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

New matter indicated by italics - deletions by strikeout.
ILLINOIS TRADE OFFICE
OPERATIONS

Payable from General Revenue Fund:
For Personal Services.......................... 1,436,800
For Employee Retirement Contributions
Paid by Employer..................................... 0
For State Contributions to State Employees' Retirement System............................. 231,400
For State Contributions to Social Security........ 109,900
For Contractual Services.......................... 1,293,900
For Travel............................................. 43,400
For Commodities.................................... 7,600
For Printing.......................................... 11,500
For Equipment...................................... 5,800
For Telecommunications Services............... 106,500
For Administrative and Related Expenses of the NAFTA Opportunity Centers............ 202,100
For all costs Associated with New and Expanding International Markets to Increase Export and Reverse Investment Opportunities for Illinois Business and Industries, Including Prior Year Costs.............................. 1,155,000
Total                                                                                         4,603,900

Payable from the International and Promotional Fund:
For Grants, Contracts, Administrative Expenses, and Refunds Pursuant to 20 ILCS 605/605-25, including Including prior year costs............................ 717,000

Section 105. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF COMMUNITY DEVELOPMENT
OPERATIONS

Payable from the General Revenue Fund:
For Personal Services............................ 866,100
For Retirement Contributions Paid by Employer.................................................. 0
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System.............. 139,500
For State Contributions to
Social Security............................... 66,300
For Contractual Services...................... 114,200
For Travel..................................... 19,400
For Commodities.............................. 3,600
For Printing.................................. 500
For Equipment................................. 2,500
For Telecommunications Services.............. 18,200
For Operation of Automotive Equipment........ 3,700
Total ........................................ $1,234,000

Payable from the Federal Moderate Rehabilitation
Housing Fund:
For Personal Services......................... 96,000
For Retirement Contributions Paid
by Employer.................................... 2,900
For State Contributions to State
Employees' Retirement System............... 15,500
For State Contributions to
Social Security............................... 7,400
For Contractual Services...................... 24,000
For Travel................................... 12,400
For Commodities............................. 8,300
For Printing................................ 1,700
For Equipment................................. 300
For Telecommunications Services............ 6,000
For Operation of Automotive Equipment....... 4,700
Total ......................................... $179,700

Payable from the Community Services Block Grant Fund:
For Personal Services......................... 541,400
For Retirement Contributions Paid
by Employer.................................. 16,200
For State Contributions to State
Employees' Retirement System............... 87,200
For State Contributions to
Social Security.............................. 41,500
For Group Insurance......................... 108,000
For Contractual Services..................... 45,700

New matter indicated by italics - deletions by strikeout.
Section 110. The following named amounts, or so much thereof as may be necessary, respectively are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF COMMUNITY DEVELOPMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:
For Grants, Contracts and Administrative Expenses Associated with the Illinois Tomorrow Program, Including Prior

New matter indicated by italics - deletions by strikeout.
Year Costs: 468,000
For the Northeast DuPage Special Recreation Association: 250,000
For Administrative and Grant Expenses Relating to Research, Planning, Technical Assistance, Technological Assistance and Other Financial Assistance to Assist Businesses, Communities, Regions and Other Economic Development Purposes: 1,132,000
Total: $1,850,000

Payable from the Agricultural Premium Fund:
For the Ordinary and Contingent Expenses of the Rural Affairs Institute at Western Illinois University: 160,000

Payable from the Federal Moderate Rehabilitation Housing Fund:
For Housing Assistance Payments Including Reimbursement of Prior Year Costs: 4,000,000

Payable from the Community Services Block Grant Fund:
For Grants to Eligible Recipients as Defined in the Community Services Block Grant Act, including prior year costs: 75,000,000

Payable from the Community Development Small Cities Block Grant Fund:
For Grants to Local Units of Government or Other Eligible Recipients as Defined in the Community Development Act of 1974, as amended, for Illinois Cities with Populations Under 50,000, Including Reimbursements for Costs in Prior Years: 160,000,000

Section 115. The amount of $624,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 3, Section 170 of Public Act 93-91, is reappropriated to the Department of Commerce and Economic Opportunity from the General Revenue Fund for the purpose of making grants to community organizations, not-for-profit

New matter indicated by italics - deletions by strikeout.
corporations, or local governments linked to the development of job
creation projects that would increase economic development in
economically depressed areas within the state.

Section 116. The sum of $750,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for the Western
Illinois Economic Development Authority for economic development
initiatives.

Section 117. The sum of $275,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for the purpose of
providing a grant to the Lincoln Foundation for Performance Excellence.

Section 118. The sum of $400,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for the purpose of
providing a grant to the Boys and Girls Club of Danville.

Section 119. The sum of $125,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for the purpose of
providing a grant to the Stephenson County Senior Center.

Section 120. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Commerce and Economic Opportunity:

COMMUNITY DEVELOPMENT
REFUNDS
For refunds to the Federal Government and other refunds:
Payable from Federal Moderate
Rehabilitation Housing Fund....................... 500,000
Payable from Community Services
Block Grant Fund.............................. 170,000
Payable from Community Development/
Small Cities Block Grant Fund............... 300,000
Total.......................................... $970,000

Section 125. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Commerce and Economic Opportunity:

ENERGY CONSERVATION
GRANTS-IN-AID
Payable from the Alternate Fuels Fund:

New matter indicated by italics - deletions by strikeout.
For Administration and Grant Expenses of the Ethanol Fuel Research Program, Including Prior Year Costs...................... 950,000

Payable from the Renewable Energy Resources Trust Fund:
For Grants, Loans, Investments and Administrative Expenses of the Renewable Energy Resources Program, Including Prior Year Costs................................. 15,500,000

Payable from the Energy Efficiency Trust Fund:
For Grants and Administrative Expenses Relating to Projects that Promote Energy Efficiency, Including Prior Year Costs........ 5,550,000

Payable from Institute of Natural Resources Federal Projects Grant Fund:
For Expenses and Grants Connected with Energy Programs, Including Prior Year Costs........................................... 2,002,200

Payable from the Federal Energy Fund:
For Expenses and Grants Connected with the State Energy Program, Including Prior Year Costs................................. 3,472,000

Payable from the Petroleum Violation Fund:
For Expenses and Grants Connected with Energy Programs, Including Prior Year Costs........................................... 6,463,900

Section 130. The following named amounts, so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

RECYCLING AND WASTE MANAGEMENT OPERATIONS

Payable from the Solid Waste Management Revolving Loan Fund:
For Grants, Loans, Investments, and Administrative Expenses pursuant to the Illinois Solid Waste Management Act, including prior year costs............. 1,335,000

Section 135. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

New matter indicated by italics - deletions by strikeout.
RECYCLING AND WASTE MANAGEMENT
GRANTS-IN-AID
Payable from the Solid Waste Management Fund:
For Grants, Contracts and Administrative Expenses Associated with Providing Financial Assistance for Recycling and Reuse in Accordance with Section 22.15 of the Environmental Protection Act, the Illinois Solid Waste Management Act and the Solid Waste Planning and Recycling Act, including prior year costs................. 9,607,200

Payable from the Used Tire Management Fund:
For Grants, Contracts and Administrative Expenses Associated with the Purposes as Provided for in Section 55.6 of the Environmental Protection Act, Including Prior Year Costs.......................... 1,500,000

Section 137. The amount of $250,000 is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the United Business Association of Midway.

ARTICLE 42
Section 5. The sum of $262,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Procurement Policy Board for its ordinary and contingent expenses.

ARTICLE 43
Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Attorney General to meet the ordinary and contingent expenses of the following division of the Office of the Attorney General:

GENERAL OFFICE
For Personal Services......................... 28,078,400
For State Contribution to State Employees' Retirement System............... 4,522,307
For State Contribution to Social Security...... 2,148,000
For Employees' Retirement Contributions Paid by Employer......................... 503,700
For Contractual Services....................... 2,470,000
For Travel.................................. 350,000
For Commodities.............................. 125,000

New matter indicated by italics - deletions by strikeout.
For Printing........................................ 120,000
For Equipment..................................... 375,000
For Electronic Data Processing............... 1,450,000
For Telecommunications.......................... 690,000
For Operation of Auto Equipment............... 90,000
For Operational Expenses, Office
of the Inspector General...................... 300,000
Total                                                                                       $41,222,407

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

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

ENVIRONMENTAL ENFORCEMENT-
ASBESTOS LITIGATION DIVISION
For Personal Services.......................... 1,191,000
For State Contribution to State
     Employees' Retirement System.............. 191,822
     For State Contribution to Social Security... 91,100
     For Employees' Retirement Contributions
     Paid by the Employer...................... 20,300
     For Group Insurance....................... 264,000
     For Contractual Services................... 460,000
     For Travel.................................. 50,000
     For Operational Expenses................... 60,000
Total                                                                                       $2,328,222

Section 20. The amount of $3,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund to the Office of the Attorney General for use, subject to pertinent court order or agreement, in the performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 25. The amount of $950,000, or so much thereof as may be necessary, is appropriated from the Illinois Charity Bureau Fund to the Office of the Attorney General to enforce the provisions of the Solicitation

New matter indicated by italics - deletions by strikeout.
for Charity Act and to gather and disseminate information about charitable trustees and organizations to the public.

Section 30. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Whistleblower Reward and Protection Fund to the Office of the Attorney General for State law enforcement purposes.

Section 35. The amount of $900,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Attorney General for financial support under the Capital Crimes Litigation Act.

Section 40. The amount of $750,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Attorney General for the funding of a unit responsible for oversight, enforcement, and implementation of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96L13146), for enforcement of the Tobacco Product Manufacturers' Escrow Act, and for handling remaining tobacco-related litigation.

Section 45. The amount of $3,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General's State Projects and Court Ordered Distribution Fund to the Attorney General for payment of interagency agreements, for court-ordered distributions to third parties, and, subject to pertinent court order, for performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 50. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Attorney General's Grant Fund to the Office of the Attorney General to be expended in accordance with the terms and conditions upon which those funds were received.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Attorney General to meet the ordinary and contingent expenses of the Attorney General:

OPERATIONS
Payable from the Violent Crime Victims Assistance Fund:
For Personal Services............................ 775,400
For State Contribution to State Employees' Retirement System...................... 124,886
For State Contribution to Social Security........ 59,800

New matter indicated by italics - deletions by strikeout.
For Employees' Retirement Contributions
   Paid by the Employer............................  14,100
For Group Insurance...............................  204,000
For Operational Expenses,
   Crime Victims Services Division...............  130,000
For Operational Expenses,
   Automated Victim Notification System.........  800,000
For Awards and Grants under the Violent
   Crime Victims Assistance Act..................  7,300,000
Total                                          $8,908,186

Section 60. The amount of $280,000, or so much thereof as may be necessary, is appropriated from the Child Support Administrative Fund to the Office of the Attorney General for child support enforcement purposes.

Section 65. The amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the Attorney General Federal Grant Fund to the Office of the Attorney General for funding for federal grants.

Section 70. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Sex Offender Management Board Fund to the Sex Offender Management Board for the purposes authorized by the Sex Offender Management Board Act including, but not limited to, sex offender evaluation, treatment, and monitoring programs and grants. Funding received from private sources is to be expended in accordance with the terms and conditions placed upon the funding.

Section 75. The amount of $50,000, or so much thereof as may be necessary, is appropriated from the Statewide Grand Jury Prosecution Fund to the Office of the Attorney General for expenses incurred in criminal prosecutions arising under the Statewide Grand Jury Act.

ARTICLE 44

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

   EXECUTIVE GROUP

For Personal Services:
   For Regular Positions:
      Payable from General Revenue Fund .........................  4,379,400
      Payable from Securities Audit

New matter indicated by italics - deletions by strikeout.
and Enforcement Fund

For Extra Help:
Payable from General Revenue Fund

For Employee Contribution to State Employees' Retirement System:
Payable from General Revenue Fund
Payable from Road Fund
Payable from Securities Audit and Enforcement Fund
Payable from Vehicle Inspection Fund

For State Contribution to State Employees' Retirement System:
Payable from General Revenue Fund
Payable from Securities Audit and Enforcement Fund

For State Contribution to Social Security:
Payable from General Revenue Fund
Payable from Securities Audit and Enforcement Fund

For Group Insurance:
Payable from Securities Audit and Enforcement Fund

For Contractual Services:
Payable from General Revenue Fund

For Travel Expenses:
Payable from General Revenue Fund

For Commodities:
Payable from General Revenue Fund

For Printing:
Payable from General Revenue

New matter indicated by italics - deletions by strikeout.
Fund............................................ 11,900
For Equipment:
   Payable from General Revenue
   Fund........................................ 9,400
For Telecommunications:
   Payable from General Revenue
   Fund........................................... 156,400

GENERAL ADMINISTRATIVE GROUP
For Personal Services:
For Regular Positions:
   Payable from General Revenue
   Fund........................................ 44,573,000
   Payable from Road Fund............................ 0
   Payable from Lobbyist Registration
   Fund........................................... 243,400
   Payable from Registered Limited
   Liability Partnership Fund...................... 62,800
   Payable from Securities Audit
   and Enforcement Fund............................ 3,070,700
   Payable from Division of Business Services
   Special Operations Fund........................ 1,253,100
For Extra Help:
   Payable from General Revenue
   Fund........................................... 871,800
   Payable from Road Fund............................. 0
   Payable from Securities Audit
   and Enforcement Fund............................. 13,800
   Payable from Division of Business Services
   Special Operations Fund......................... 129,600
For Employee Contribution to State
Employees' Retirement System:
   Payable from Lobbyist Registration
   Fund........................................ 9,700
   Payable from Registered Limited
   Liability Partnership Fund........................ 2,500
   Payable from Securities Audit
   and Enforcement Fund........................... 122,800
   Payable from Division of Business Services
   Special Operations Fund........................ 55,300

New matter indicated by italics - deletions by strikeout.
For State Contribution to
State Employees' Retirement System:
   Payable from General Revenue Fund.......................... 7,178,900
   Payable from Road Fund.................................. 0
   Payable from Lobbyist Registration Fund....................... 39,200
   Payable from Registered Limited Liability Partnership Fund.... 10,100
   Payable from Securities Audit and Enforcement Fund............. 494,600
   Payable from Division of Business Services Special Operations Fund 201,800

For State Contribution to
Social Security:
   Payable from General Revenue Fund.................................. 3,469,700
   Payable from Road Fund.................................. 0
   Payable from Lobbyist Registration Fund....................... 31,800
   Payable from Registered Limited Liability Partnership Fund.... 4,800
   Payable from Securities Audit and Enforcement Fund............. 236,300
   Payable from Division of Business Services Special Operations Fund 128,400

For Group Insurance:
   Payable from Lobbyist Registration Fund.......................... 72,000
   Payable from Registered Limited Liability Partnership Fund.... 24,000
   Payable from Securities Audit and Enforcement Fund............. 684,000
   Payable from Division of Business Services Special Operations Fund 480,000

For Contractual Services:
   Payable from General Revenue Fund................................ 13,742,800
   Payable from Road Fund.................................. 1,240,200

New matter indicated by italics - deletions by strikeout.
Payable from Motor Fuel Tax Fund.................. 440,000
Payable from Lobbyist Registration Fund.................. 72,000
Payable from Registered Limited Liability Partnership Fund.................. 600
Payable from Securities Audit and Enforcement Fund.................. 1,019,400
Payable from Division of Business Services Special Operations Fund.................. 502,600
For Travel Expenses:
Payable from General Revenue Fund.................. 362,900
Payable from Road Fund............................... 0
Payable from Lobbyist Registration Fund.................. 1,000
Payable from Securities Audit and Enforcement Fund.................. 35,000
Payable from Division of Business Services Special Operations Fund.................. 35,500
For Commodities:
Payable from General Revenue Fund.................. 858,700
Payable from Road Fund............................... 0
Payable from Lobbyist Registration Fund.................. 1,000
Payable from Registered Limited Liability Partnership Fund.................. 900
Payable from Securities Audit and Enforcement Fund.................. 20,300
Payable from Division of Business Services Special Operations Fund.................. 79,900
For Printing:
Payable from General Revenue Fund.................. 486,300
Payable from Road Fund............................... 0
Payable from Lobbyist Registration Fund.................. 1,000
Payable from Securities Audit and Enforcement Fund.................. 16,000

New matter indicated by italics - deletions by strikeout.
Payable from Division of Business Services Special Operations Fund......................... 65,600
For Equipment:
Payable from General Revenue Fund................................................. 412,300
Payable from Road Fund......................................................... 0
Payable from Lobbyist Registration Fund........................................ 3,000
Payable from Registered Limited Liability Partnership Fund......................... 0
Payable from Securities Audit and Enforcement Fund............................. 120,000
Payable from Division of Business Services Special Operations Fund.............. 20,000
For Electronic Data Processing:
Payable from General Revenue Fund.............................................. 0
Payable from Road Fund......................................................... 0
Payable from the Secretary of State Special Services Fund.......................... 8,045,000
For Telecommunications:
Payable from General Revenue Fund.............................................. 401,800
Payable from Road Fund......................................................... 0
Payable from Lobbyist Registration Fund........................................ 1,000
Payable from Registered Limited Liability Partnership Fund......................... 600
Payable from Securities Audit and Enforcement Fund............................. 84,100
Payable from Division of Business Services Special Operations Fund.............. 103,400
For Operation of Automotive Equipment:
Payable from General Revenue Fund.............................................. 400,700
Payable from Securities Audit and Enforcement Fund............................. 16,400
Payable from Division of Business Services Special Operations Fund.............. 45,100
For Refunds:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue  
Fund..............................  14,000  
Payable from Road Fund..............  2,674,200  

**MOTOR VEHICLE GROUP**

For Personal Services:  
For Regular Positions:  
Payable from General Revenue  
Fund.........................  11,202,900  
Payable from Road Fund..............  76,553,200  
Payable from the Secretary of State  
Special License Plate Fund..............  443,900  
Payable from Motor Vehicle Review  
Board Fund........................  177,100  
Payable from Vehicle Inspection  
Fund.........................  1,158,700  

For Extra Help:  
Payable from General Revenue  
Fund.........................  109,000  
Payable from Road Fund..............  5,405,400  
Payable from Vehicle Inspection  
Fund.........................  34,400  

For Employees Contribution to  
State Employees' Retirement System:  
Payable from the Secretary of State  
Special License Plate Fund..............  17,800  
Payable from Motor Vehicle Review  
Board Fund........................  7,100  

For State Contribution to  
State Employees' Retirement System:  
Payable from General Revenue  
Fund..............................  1,804,300  
Payable from Road Fund..............  12,329,700  
Payable from the Secretary of State  
Special License Plate Fund..............  71,500  
Payable from Motor Vehicle Review  
Board Fund........................  28,500  
Payable From Vehicle Inspection Fund..............  186,600  

For State Contribution to  
Social Security:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue
Fund........................................... 867,400
Payable from Road Fund....................... 5,715,700
Payable from the Secretary of State
Special License Plate Fund.................... 33,500
Payable from Motor Vehicle Review
Board Fund...................................... 13,500
Payable from Vehicle Inspection
Fund............................................. 98,100
For Group Insurance:
Payable from the Secretary of State
Special License Plate Fund..................... 168,000
Payable From Motor Vehicle Review
Board Fund...................................... 12,000
Payable from Vehicle Inspection
Fund............................................. 438,000
For Contractual Services:
Payable from General Revenue
Fund............................................. 2,392,200
Payable from Road Fund......................... 12,724,200
Payable from CDLIS AAMVANET
Trust Fund........................................ 575,000
Payable from the Secretary of State
Special License Plate Fund....................... 50,100
Payable from Motor Vehicle Review
Board Fund...................................... 71,800
Payable from Vehicle Inspection
Fund............................................. 669,700
For Travel Expenses:
Payable from General Revenue
Fund............................................. 101,400
Payable from Road Fund......................... 594,900
Payable from the Secretary of State
Special License Plate Fund....................... 600
Payable from Motor Vehicle Review
Board Fund...................................... 800
Payable from Vehicle Inspection
Fund............................................. 800
For Commodities:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue
Fund........................................... 78,100
Payable from Road Fund....................... 2,629,600
Payable from the Secretary of State
Special License Plate Fund................... 400,000
Payable from Motor Vehicle
Review Board Fund............................... 500
Payable from Vehicle Inspection
Fund............................................. 26,500
For Printing:
Payable from General Revenue
Fund............................................. 703,200
Payable from Road Fund....................... 2,444,500
Payable from the Secretary of State
Special License Plate Fund.................... 50,000
Payable from Motor Vehicle Review
Board Fund...................................... 0
Payable from Vehicle Inspection
Fund............................................. 64,100
For Equipment:
Payable from General Revenue
Fund.............................................. 0
Payable from Road Fund......................... 450,000
Payable from CDLIS/AAMVANET Fund........... 488,800
Payable from the Secretary of State
Special License Plate Fund..................... 0
Payable from Motor Vehicle Review
Board Fund...................................... 900
Payable from Vehicle Inspection
Fund............................................. 8,000
For Telecommunications:
Payable from General Revenue
Fund.............................................. 91,500
Payable from Road Fund......................... 2,128,200
Payable from the Secretary of State
Special License Plate Fund..................... 83,300
Payable from Motor Vehicle Review
Board Fund...................................... 700
Payable from Vehicle Inspection

New matter indicated by italics - deletions by strikeout.
Section 10. The following amount, or so much of this amount as may be necessary, respectively, is appropriated to the Office of the Secretary of State for any operations, alterations, rehabilitation, and nonrecurring repairs and maintenance of the interior and exterior of the various buildings and facilities under the jurisdiction of the Office of the Secretary of State, including sidewalks, terraces, and grounds and all labor, materials, and other costs incidental to the above work:

From General Revenue Fund.......................... 450,000

Section 20. The sum of $589,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2004 from appropriations heretofore made for such purposes in Section 110 of Article 13 of Public Act 93-0091, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for new construction and alterations, and maintenance of the interiors and exteriors of the following facilities under the jurisdiction of the Secretary of State: Chicago West Facility, 5301 N. Lexington Ave., Chicago, Illinois 60644; Roger McAuliffe Facility, 5401 N. Elston Ave., Chicago, Illinois 60630; Charles Chew Jr. Facility, 9901 S. King Drive, Chicago, Illinois 60628; and Capitol Complex buildings located in Springfield, Illinois.

Section 25. The amount of $208,100, or so much thereof as may be necessary, is appropriated from the State Parking Facility Maintenance Fund to the Secretary of State for the maintenance of parking facilities owned or operated by the Secretary of State.

Section 30. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:

For annual equalization grants, per capita and area grants, and per capita grants to public libraries, under Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:

From General Revenue Fund......................... 16,668,400
From Live and Learn Fund......................... 16,004,200

Section 35. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for library services for the blind and physically handicapped:

New matter indicated by italics - deletions by strikeout.
Section 40. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:
For annual per capita grants to all school districts of the State for the establishment and operation of qualified school libraries or the additional support of existing qualified school libraries under Section 8.4 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:
   From General Revenue Fund.......................... 375,000
   From Live and Learn Fund.......................... 1,025,000

Section 45. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for grants to library systems for library computers and new technologies to promote and improve interlibrary cooperation and resource sharing programs among Illinois libraries:
   From Live and Learn Fund.......................... 500,000

Section 50. The following amounts, or so much of these amounts as may be necessary, are appropriated to the Office of the Secretary of State for annual library technology grants and for direct purchase of equipment and services that support library development and technology advancement in libraries statewide:
   From General Revenue Fund.......................... 644,900
   From Live and Learn Fund.......................... 700,000
   From Secretary of State Special Services Fund.......................... 1,600,000
   Total $2,944,900

Section 55. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Live and Learn Fund for the purpose of making grants to libraries for construction and renovation as provided in Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:
   From Live and Learn Fund.......................... 370,800

Section 60. The amount of $1,825,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2004 from appropriations heretofore made for such purposes in Section 70 and Section 80 of Article 13 of Public Act 93-0091, is reappropriated from the Live and

New matter indicated by italics - deletions by strikeout.
Learn Fund to the Office of the Secretary of State for the purpose of making grants to libraries for construction and renovation as provided by Section 8 of the Illinois Library System Act.

Section 65. The sum of $100,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2004 from appropriations heretofore made for such purposes in Section 105 of Article 13 of Public Act 93-0091, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for a grant to the Chicago Public Library for planning a new library for Grand Crossing.

Section 70. The amount of $100,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2002 from appropriations heretofore made for such purposes in Section 110 of Article 21 of Public Act 92-8, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for making grants to the Chicago Library System for land acquisition, planning, construction, reconstruction, rehabilitation, and all necessary costs associated with the establishment of a regional library.

Section 80. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes: For library services under the Federal Library Services and Technology Act, P.L. 104-208, as amended; and the National Foundation on the Arts and Humanities Act of 1965, P.L. 89-209. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:

From Federal Library Services Fund:............. 8,454,500

Section 85. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for support and expansion of the Literacy Programs administered by education agencies, libraries, volunteers, or community based organizations or a coalition of any of the above:

From General Revenue Fund:.................. 4,650,000
From Live and Learn Fund:...................... 500,000
From Federal Library Services Fund:
From LSTA Title IA.............................. 1,000,000
From Secretary of State Special Services Fund 1,300,000

Section 90. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for tuition and fees for Illinois Archival Depository System Interns:

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

New matter indicated by italics - deletions by strikeout.
Section 95. The sum of $250,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for the Penny Severns Summer Family Literacy Grants.

Section 100. In addition to any other amounts appropriated for such purposes, the sum of $1,700,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of Secretary of State for a grant to the Chicago Public Library.

Section 105. The sum of $250,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for all expenditures and grants to libraries for the Project Next Generation Program.

Section 110. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Live and Learn Fund for the purpose of promotion of organ and tissue donations:

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

Section 115. The sum of $50,000, or so much of this amount as may be necessary, is appropriated from the Secretary of State Special License Plate Fund to the Office of the Secretary of State for grants to benefit Illinois Veterans Home libraries.

Section 120. The amount of $45,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Master Mason Fund to provide grants to the Illinois Masonic Foundation for the Prevention of Drug and Alcohol Abuse Among Children, Inc., a not-for-profit corporation, for the purpose of providing Model Student Assistance Programs in public and private schools in Illinois.

Section 125. The amount of $10,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Illinois Pan Hellenic Trust Fund to provide grants for charitable purposes sponsored by African-American fraternities and sororities.

Section 130. The amount of $20,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Park District Youth Program Fund to provide grants for the Illinois Association of Park Districts: After School Programming.

Section 135. The amount of $20,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Illinois Route

New matter indicated by italics - deletions by strikeout.
66 Heritage Project Fund to provide grants for the development of tourism, education, preservation and promotion of Route 66.

Section 140. The sum of $45,000, or so much of this amount as may be necessary, is appropriated from the Police Memorial Committee Fund to the Office of the Secretary of State for grants to the Police Memorial Committee for maintaining a memorial statue, holding an annual memorial commemoration, and giving scholarships to children to police officers killed in the line of duty.

Section 145. The sum of $160,000, or so much of this amount as may be necessary, is appropriated from the Mammogram Fund to the Office of the Secretary of State for grants to the Susan G. Komen Foundation for breast cancer research, education, screening, and treatment.

Section 150. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for such purposes in Section 3-646 of the Illinois Vehicle Code (625 ILCS 5), for grants to the Regional Organ Bank of Illinois and to Mid-America Transplant Services for the purpose of promotion of organ and tissue donation awareness. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:

From Organ Donor Awareness Fund.......................... 100,000

Section 155. The amount of $10,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Chicago and Northeast Illinois District Council of Carpenters Fund to provide grants for charitable purposes.

Section 160. The amount of $10,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the U.S. Marine Corps Scholarship Fund to provide grants for scholarships for Higher Education.

Section 165. The sum of $50,000, or so much of this amount as may be necessary, is appropriated from the Pet Overpopulation Fund to the Office of the Secretary of State for grants to humane societies to be used solely for the humane sterilization of dogs and cats in the State of Illinois.

Section 170. The amount of $945,000, or so much of this amount as may be necessary, is appropriated from the SOS Federal Projects Fund to the Office of the Secretary of State for the cost incident to augmenting the Illinois commercial motor vehicle safety program by assuring and verifying the identity of drivers, including CDL operators, prior to licensure.

Section 175. The amount of $273,500 or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State

New matter indicated by italics - deletions by strikeout.
from the Securities Investors Education Fund for any expenses used to promote public awareness of the dangers of securities fraud.

Section 180. The amount of $92,500, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Secretary of State Evidence Fund for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence.

Section 185. The amount of $185,000, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Office of Secretary of State for the cost of administering the Alternate Fuels Act.

Section 190. The amount of $10,175,000, or so much of this amount as may be necessary, is appropriated from the Secretary of State Special Services Fund to the Office of the Secretary of State for office automation and technology.

Section 195. The amount of $13,875,000, or so much of this amount as may be necessary, is appropriated from the Motor Vehicle License Plate Fund to the Office of the Secretary of State for the cost incident to providing new or replacement plates for motor vehicles.

Section 200. The sum of $1,912,700, or so much of this amount as may be necessary, is appropriated from the Secretary of State DUI Administration Fund to the Office of Secretary of State for operation of the Department of Administrative Hearings of the Office of Secretary of State and for no other purpose.

Section 205. The amount of $46,300, or so much thereof as may be necessary, is appropriated from the Secretary of State Police DUI Fund to the Secretary of State for the payments of goods and services that will assist in the prevention of alcohol related criminal violence throughout the state.

Section 210. The amount of $250,000 is appropriated from the Secretary of State Police Services Fund to the Secretary of State for purposes as indicated by the grantor or contractor or, in the case of money bequeathed or granted for no specific purpose, for any purpose as deemed appropriate by the Director of Police, Secretary of State in administering the responsibilities of the Secretary of State Department of Police.

Section 215. The amount of $231,300, or so much of this amount as may be necessary, is appropriated from the Office of the Secretary of State Grant Fund to the Office of the Secretary of State to be expended in accordance with the terms and conditions upon which such funds were received.

ARTICLE 45

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the following divisions of the State Comptroller for the Fiscal Year ending June 30, 2005:

Administration
For Personal Services .................. 4,109,900
For Employee Retirement Contributions
   Paid by the Employer .................. 0
For State Contribution to State
   Employees' Retirement System ....... 662,000
For State Contribution to
   Social Security ..................... 314,400
For Contractual Services .............. 1,602,000
For Travel ............................ 45,300
For Commodities ....................... 99,500
For Printing .......................... 35,000
For Equipment ........................ 12,800
For Telecommunications ............... 241,000
Total ................................ $7,130,800

Statewide Fiscal Operations
For Personal Services .................. 4,646,700
For Employee Retirement Contributions
   Paid by the Employer .................. 0
For State Contribution to State
   Employees' Retirement System ....... 748,400
For State Contribution to
   Social Security ..................... 355,500
For Contractual Services .............. 339,400
For Travel ............................ 4,300
For Commodities ....................... 20,300
For Printing .......................... 0
For Equipment ........................ 0
For Electronic Data Processing ........ 0
Total ................................ $6,114,600

Electronic Data Processing

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,111,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by the Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contribution to State Employees' Retirement System</td>
<td>662,200</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>314,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,211,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>8,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>119,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>338,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,584,400</td>
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<tr>
<td>Total</td>
<td>$9,349,400</td>
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</tbody>
</table>

**Special Audits**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,804,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by the Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contribution to State Employees' Retirement System</td>
<td>290,600</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>138,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>75,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>70,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Expenses of Local Government Officials Training</td>
<td>12,500</td>
</tr>
<tr>
<td>For Contractual Services for auditing and assisting local governments</td>
<td>25,000</td>
</tr>
<tr>
<td>Total</td>
<td>$2,418,400</td>
</tr>
</tbody>
</table>

**Merit Commission**

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

Section 10. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated to the State Comptroller from the Comptroller's

New matter indicated by italics - deletions by strikeout.
Administrative Fund for the discharge of duties of the office, pursuant to Public Act 89-511.

Section 15. The amount of $50,300, or so much thereof as may be necessary, is appropriated to the State Comptroller from the State Lottery Fund for expenses in connection with the State Lottery.

Section 20. The amount of $250,000, or so much thereof as may be necessary, is appropriated to the State Comptroller to meet the ordinary and contingent expenses for the Office of Inspector General.

ARTICLE 46

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay the elected State officers of the Executive Branch of the State Government, at various rates prescribed by law:
- For the Governor................................. 150,700
- For the Lieutenant Governor..................... 115,300
- For the Secretary of State....................... 133,000
- For the Attorney General......................... 133,000
- For the Comptroller............................... 115,300
- For the State Treasurer........................... 115,300

Total..................................................... $762,600

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay certain appointed officers of the Executive Branch of the State Government, at the various rates prescribed by law:
- From General Revenue Fund
  - Department on Aging
    - For the Director.............................. 98,200
  - Department of Agriculture
    - For the Director.............................. 113,200
    - For the Assistant Director................. 96,100
  - Department of Central Management Services
    - For the Director.............................. 120,900
    - For 2 Assistant Directors................. 205,600
  - Department of Children and Family Services
    - For the Director.............................. 127,600
  - Department of Corrections
    - For the Director.............................. 127,600
    - For 2 Assistant Directors................. 217,000
  - Department of Commerce and Economic Opportunities

New matter indicated by italics - deletions by strikeout.
For the Director................................... 120,900
For the Assistant Director......................... 102,800

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

Department of Financial and Professional Regulation
For the Secretary................................. 120,900
For the Director................................... 98,200
For the Director................................... 113,200
For the Director................................... 105,400

Department of Human Services
For the Secretary................................. 127,600
For 2 Assistant Secretaries....................... 206,100

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

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

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

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

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

Department of Public Aid
For the Director................................... 120,900
For the Assistant Director......................... 102,800

New matter indicated by italics - deletions by strikeout.
Department of Public Health
For the Director................................. 127,600
For the Assistant Director..................... 108,500

Department of Revenue
For the Director................................. 120,900
For the Assistant Director..................... 102,800

Property Tax Appeal Board
For the Chairman................................. 55,000
For four members................................. 177,300

Department of Veterans' Affairs
For the Director................................. 98,200
For the Assistant Director..................... 83,700

Civil Service Commission
For the Chairman................................. 26,900
For four members................................. 86,100

Commerce Commission
For the Chairman................................. 113,900
For four members................................. 397,700

Court of Claims
For the Chief Judge.............................. 55,200
For the six Judges............................... 305,400

State Board of Elections
For the Chairman................................. 49,700
For the Vice-Chairman......................... 40,800
For six members................................. 191,500

Illinois Emergency Management Agency
For the Director................................. 98,200
For the Assistant Director..................... 98,200

Department of Human Rights
For the Director................................. 98,200

Human Rights Commission
For the Chairman................................. 44,400
For twelve members............................. 478,700

Industrial Commission
For the Chairman................................. 106,400
For six members................................. 610,800

Liquor Control Commission
For the Chairman................................. 33,100
For six members................................. 173,600

New matter indicated by italics - deletions by strikeout.
For the Secretary........................................... 32,000
For the Chairman and one member as
designated by law, $200 per diem
for work on a license appeal
commission........................................... 55,000

Pollution Control Board
For the Chairman................................. 102,900
For four members................................. 397,700

Prisoner Review Board
For the Chairman................................. 81,500
For fourteen members of the
Prisoner Review Board............................ 1,021,300

Secretary of State Merit Commission
For the Chairman................................. 14,700
For four members................................. 43,900

Educational Labor Relations Board
For the Chairman................................. 88,700
For four members................................. 319,200

Department of State Police
For five members of the State Police
Merit Board, $202 per diem,
whichever is applicable in accordance
with law, for a maximum of 100
days each........................................... 101,000

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

Office of Small Business Utility Advocate
For the small business utility advocate........... 0

Total, General Revenue Fund...................... $10,484,500

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

Illinois Racing Board
For eleven members of the Illinois
Racing Board, $300 per diem to a
maximum 10,712 as prescribed
by law:
From the Horse Racing Fund............... 117,100

New matter indicated by italics - deletions by strikeout.
Department of Employment Security
Payable from Title III Social Security and Employment Service Fund:
For the Director................................... 120,900
For five members of the Board of Review........................... 75,000
Total $195,900

Department of Financial and Professional Regulation
Payable from Bank and Trust Company Fund:
For the Director................................... 115,700
Subtotals:
General Revenue.............................. 10,484,500
Fire Prevention................................... 98,200
Horse Racing..................................... 117,100
Bank and Trust Company Fund........... 115,700
Title III Social Security and Employment Service Fund.............. 195,900
Total $11,011,400

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay certain officers of the Legislative Branch of the State Government, at the various rates prescribed by law:
Office of Auditor General
For the Auditor General......................... 112,600
For two Deputy Auditor Generals............... 209,300
Total $321,900

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

For additional amounts, as prescribed by law, for party leaders in both chambers as follows:
For the Speaker of the House, the President of the Senate and Minority Leaders of both Chambers............. 93,600
For the Majority Leader of the House............. 19,800
For the eleven assistant majority and minority leaders in the Senate............. 193,000

New matter indicated by italics - deletions by strikeout.
For the twelve assistant majority
and minority leaders in the House............. 184,200
For the majority and minority
caucus chairmen in the Senate................ 35,100
For the majority and minority
conference chairmen in the House............. 30,700
For the two Deputy Majority and the two
Deputy Minority leaders in the House......... 67,300
For chairmen and minority spokesmen of
standing committees in the Senate
except the Rules Committee, the Committee
on Committees and the Committee on
the Assignment of Bills....................... 315,800
For chairmen and minority
spokesmen of standing and select
committees in the House...................... 666,600
Total                                       $1,605,800

For per diem allowances for the
members of the Senate, as
provided by law.............................. 324,000
For per diem allowances for the
members of the House, as
provided by law............................. 709,000
For mileage for all members of the
General Assembly, as provided
by law........................................ 405,000
Total                                       $1,438,000

Section 20. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the State Comptroller in connection with the
payment of salaries for officers of the Executive and Legislative Branches
of State Government:
For State Contribution to State Employees'
Retirement System:
   From General Revenue Fund................. 1,740,000
   From Horse Racing Fund.................... 18,900
   From Fire Prevention Fund.................. 16,300
   From Bank and Trust Company Fund......... 18,700
   From Title III Social Security

New matter indicated by italics - deletions by strikeout.
and Employment Service Fund.......................... 31,600
Savings and Residential Finance
  Regulatory Fund........................................ 0
Real Estate License
  Administration Fund................................. 0
Total $1,825,500

For State Contribution to Social Security:
  From General Revenue Fund......................... 943,200
  From Horse Racing Fund............................  9,000
  From Fire Prevention Fund.........................  6,900
  From Bank and Trust Company Fund................  7,200
  From Title III Social Security and Employment Service Fund........... 13,000
  From Savings and Residential Finance Regulatory Fund..................  0
  From Real Estate License Administration Fund.........................  0
Total $979,300

For Group Insurance:
  From Fire Prevention Fund........................... 12,000
  From Bank and Trust Company Fund.................. 12,000
  From Title III Social Security and Employment Service Fund........ 72,000
  Savings and Residential Finance
    Regulatory Fund......................................  0
  Real Estate License Administration Fund...............  0
Total $96,000

Section 25. The amount of $50,000, or so much thereof as may be necessary, is appropriated to the State Comptroller for contingencies in the event that any amounts appropriated in Sections 15 through 30 are insufficient and other expenses associated with the administration of Sections 15 through 30.

ARTICLE 47

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

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Category</th>
<th>General Revenue Fund</th>
<th>State Pensions Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>From General Revenue Fund</td>
<td>4,537,400</td>
<td>2,565,300</td>
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<tr>
<td>From State Pensions Fund</td>
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<tr>
<td>For Employee Retirement Contribution (pickup)</td>
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<tr>
<td>From General Revenue Fund</td>
<td>181,500</td>
<td>102,700</td>
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<td>From State Pensions Fund</td>
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<tr>
<td>For State Contributions to State Employees= Retirement System:</td>
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<td>From General Revenue Fund</td>
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<td>413,200</td>
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<td>From State Pensions Fund</td>
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<tr>
<td>For State Contribution to Social Security:</td>
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<tr>
<td>From General Revenue Fund</td>
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<td>194,100</td>
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<td>From State Pensions Fund</td>
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<td>For Group Insurance from State Pensions Fund....</td>
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<td>720,000</td>
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<td>For Contractual Services:</td>
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<tr>
<td>From General Revenue Fund</td>
<td>1,016,300</td>
<td>3,021,100</td>
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<td>From State Pensions Fund</td>
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<tr>
<td>For Travel:</td>
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</tr>
<tr>
<td>From General Revenue Fund</td>
<td>121,100</td>
<td>110,000</td>
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<tr>
<td>From State Pensions Fund</td>
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<td>For Commodities:</td>
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<tr>
<td>From General Revenue Fund</td>
<td>47,600</td>
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<td>From State Pensions Fund</td>
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<td>For Printing:</td>
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<tr>
<td>From General Revenue Fund</td>
<td>25,900</td>
<td>18,900</td>
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<tr>
<td>From State Pensions Fund</td>
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<td></td>
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<td>For Equipment:</td>
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<tr>
<td>From General Revenue Fund</td>
<td>56,200</td>
<td>18,900</td>
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<tr>
<td>From State Pensions Fund</td>
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<td>For Electronic Data Processing:</td>
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<tr>
<td>From General Revenue Fund</td>
<td>948,000</td>
<td>1,019,100</td>
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<td>From State Pensions Fund</td>
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<td></td>
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<td>For Telecommunications Services:</td>
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<tr>
<td>From General Revenue Fund</td>
<td>160,100</td>
<td>63,100</td>
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<td>From State Pensions Fund</td>
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<td>For Operation of Automotive Equipment:</td>
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</tr>
<tr>
<td>From General Revenue Fund</td>
<td>7,600</td>
<td>2,700</td>
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<tr>
<td>From State Pensions Fund</td>
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<td></td>
</tr>
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<td>Total, This Section</td>
<td>$16,454,600</td>
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</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 10. The amount of $8,100,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Bank Services Trust Fund for the purpose of making payments to financial institutions for banking services pursuant to the State Treasurer's Bank Services Trust Fund Act.

Section 15. The amount of $9,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the General Revenue Fund for the purpose of making refunds of overpayments of estate tax and accrued interest on those overpayments, if any, and payment of certain statutory costs of assessment.

Section 20. The amount of $6,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the General Revenue Fund for the purpose of making refunds of accrued interest on protested tax cases.

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

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

Section 35. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the State Treasurer for the payment of interest on and retirement of State bonded indebtedness:

For payment of principal and interest on any and all bonds issued pursuant to the Anti-Pollution Bond Act, the Transportation Bond Act, the Capital Development Bond Act of 1972, the School Construction Bond Act, the Illinois Coal and Energy Development Bond Act, and the General Obligation Bond Act:

From the General Obligation Bond Retirement and Interest Fund:

- Principal.............................................. 531,200,000
- Interest............................................. 1,088,900,000
- Total.................................................. $1,620,100,000

Section 40. The amount of $450,900, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the
State Treasurer for the State Treasurer's costs to administer the Capital Litigation Trust Fund in accordance with the Capital Crimes Litigation Act.

Section 45. The amount of $2,691,200, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of expenses of the Cook County State's Attorney in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

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

Section 55. The amount of $1,200,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of compensation and expenses of court appointed defense counsel, other than the Cook County Public Defender, in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 60. The following named amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the separate account held by the State Treasurer for payment of compensation and expenses of court appointed counsel other than Public Defenders incurred in the defense of capital cases in counties other than Cook County in accordance with the Capital Crimes Litigation Act.

Section 65. The following named amount of $500,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the separate account held by the State Treasurer for payment of expenses of Public Defenders incurred in the defense of capital cases in counties other than Cook County in accordance with the Capital Crimes Litigation Act.

Section 70. The following named amount of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the State Treasurer for operational expenses for the Office of the Inspector General.
Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Office of the Auditor General to meet the ordinary and contingent expenses of the Office of the Auditor General, as provided in the Illinois State Auditing Act:

For Personal Services:
- For Regular Positions: 3,918,200

Employee Contribution to Retirement System by Employer: 156,700

For State Contribution to State Employees' Retirement System: 631,100

For State Contribution to Social Security: 299,800

For Contractual Services: 653,300

For Travel: 95,000

For Commodities: 20,000

For Printing: 22,000

For Equipment: 50,000

For Electronic Data Processing: 75,000

For Telecommunications: 75,000

For Operation of Auto Equipment: 5,000

Total: 5,968,800

Section 10. The sum of $13,735,145, or so much of that amount as may be necessary, is appropriated to the Auditor General from the Audit Expense Fund for audits, studies, and investigations.

ARTICLE 49

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Court of Claims for its ordinary and contingent expenses:

CLAIMS ADJUDICATION

Payable from the General Revenue Fund:
- For Personal Services: 920,100

For State Contribution to State Employees' Retirement System: 148,191

For Employee Retirement Contributions Paid by Employer: 36,000

For State Contribution to Social Security: 70,400

For Contractual Services: 16,300

For Travel: 13,000

New matter indicated by italics - deletions by strikeout.
For Commodities.................................... 7,500
For Printing....................................... 5,000
For Equipment...................................... 8,200
For Telecommunications Services............... 4,400
For Reimbursement for Incidental
Expenses Incurred by Judges................. 35,300
Total $1,264,391

Section 10. The amount of $300,000, or so much of that amount as
may be necessary, is appropriated from the Court of Claims Administration
and Grant Fund to the Court of Claims for administrative expenses under
the Crime Victims Compensation Act.

Section 15. The amount of $500,000, or so much of that amount as
may be necessary, is appropriated from the General Revenue Fund to the
Court of Claims for payment of awards solely as a result of the lapsing of
an appropriation originally made from any funds held by the State
Treasurer.

Section 20. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Court of Claims for payment of
claims as follows:
For claims under the Crime Victims
Compensation Act:
Payable from General Revenue
Fund............................................... 24,000,000
For claims other than Crime Victims:
Payable from the General
Revenue Fund...................................... 10,000,000
Payable from the Road Fund.................... 1,000,000
Payable from the DCFS Children's
Services Fund...................................... 1,500,000
Payable from the State Garage
Revolving Fund.................................. 50,000
Payable from the Traffic and Criminal
Conviction Surcharge Fund..................... 100,000
Payable from the Vocational
Rehabilitation Fund............................ 125,000
Total $36,775,000

ARTICLE 50
Section 5. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows: No. 96-CC-4265, Judith Herrmann.

Tort, against the
Department of Public Health............... $71,789.55

No. 97-CC-2779, Margaret Glodek,
Wrongful Death, against the Department of State Police......................... $100,000

No. 98-CC-3134, Anne Wos.
Personal Injury, against the Secretary of State........................ $25,000.00

No. 98-CC-4810, Patricia Ross, by her guardian and Next friend of Essie Ross. Personal Injury, against the Department of Human Services..... 7,500.00

No. 00-CC-2010, Danny Montley.
Personal Injury, against the Department of Corrections............... $43,724.58

No. 00-CC-4663, Jonathon W. Kefer. Reimbursement, against the Department of Transportation.... $14,425.74

No. 01-CC-0330, Anita Sanders. Personal Injury, against the University of Illinois........ $34,000.00

No. 02-CC-2160, Alana Rollins.
Personal Injury, against Chicago State University.............. $60,000.00

No. 02-CC-3734, Sandra Rhodes Banks.
Personal Injury, against the Department of Human Services............... $52,000.00

No. 02-CC-4275, 18th Street Partnership. Contract, against the Secretary of State......... $200,000.00

No. 02-CC-4880, Rikki Russell, by her Father and Next Friend, Richard Russell. Personal Injury, against Southern Illinois University............... $4,000.00

No. 04-CC-0664, Elton Houston
Illegal Incarceration, against the Department of Corrections............ $120,300.00

No. 04-CC-2898, Keith Ray Harris.
Illegal Incarceration, against

New matter indicated by italics - deletions by strikeout.
the Department of Corrections.............. $154,153.43

Section 10. The following named amounts are appropriated to the Court of Claims from the Education Assistance Fund 007, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................... $37,012.34

Section 15. The following named amounts are appropriated to the Court of Claims from the Road Fund 011, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 92-CC-1111, Franklyn Lightbourne, Marilyn Rahming, as Admin. Of the Estate of Stephen King, a deceased minor, & Patrick Gray. Personal Injury and Wrongful Death against the Department of Transportation. $3,100,000.00
No. 00-CC-3529, Mary Ann Rabe. Personal Injury and Property Damage, against the Department of Transportation............... $19,000.00
No. 02-CC-3443, Zainab Jamali. Personal Injury, against the Department of Transportation............... $20,000.00

Section 20. The following named amounts are appropriated to the Court of Claims from State Fund 012, Motor Fuel Tax Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.............. $78.37
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 .......... $664.50

Section 25. The following named amounts are appropriated to the Court of Claims from State Fund 014, Food and Drug Safety Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...................... $503.49
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........... $87.79

Section 30. The following named amounts are appropriated to the Court of Claims from State Fund 015, Penny Severns Breast and Cervical

New matter indicated by italics - deletions by strikeout.
Cancer Research Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
  For payments of awards for lapsed appropriation
  claims less than $50,000.......................... $6,968.89

Section 35. The following named amounts are appropriated to the Court of Claims from State Fund 016, Teacher Certificate Fee Revolving Loan Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
  Reimburse the General Revenue Fund for payments
  of awards pursuant to P.A. 92-357.............. $206.02

Section 40. The following named amounts are appropriated to the Court of Claims from State Fund 018, Transportation Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
  Reimburse the General Revenue Fund for payments
  of awards pursuant to P.A. 92-357............. $3,553.66

Section 45. The following named amounts are appropriated to the Court of Claims from State Fund 022, General Professions Dedicated Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
  For payments of awards for lapsed
  appropriation claims less than $50,000....... $102.86

Section 50. The following named amounts are appropriated to the Court of Claims from State Fund 039, State Boating Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
  Reimburse the General Revenue Fund for payments
  of awards pursuant to P.A. 92-357............. $144.22

Section 55. The following named amounts are appropriated to the Court of Claims from State Fund 040, State Parks Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
  Reimburse the General Revenue Fund for payments
  of awards pursuant to P.A. 92-357............. $8,307.55

Section 60. The following named amounts are appropriated to the Court of Claims from State Fund 041, Wildlife and Fish Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
  For payments of awards for lapsed appropriation

New matter indicated by italics - deletions by strikeout.
Section 65. The following named amounts are appropriated to the Court of Claims from State Fund 045, Agricultural Premium Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- For payments of awards for lapsed appropriation claims less than $50,000: $7,076.70
- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357: $3,348.56

Section 70. The following named amounts are appropriated to the Court of Claims from State Fund 046, Aeronautics Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357: $62.01

Section 75. The following named amounts are appropriated to the Court of Claims from State Fund 047, Fire Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357: $471.55

Section 80. The following named amounts are appropriated to the Court of Claims from Federal Fund 052, Title II Social Security and Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- For payments of awards for lapsed appropriation claims less than $50,000: $92,736.93
- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357: $47,290.33

Section 85. The following named amounts are appropriated to the Court of Claims from State Fund 054, State Pensions Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- For payments of awards for lapsed appropriation claims less than $50,000: $86.57
- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357: $103.06
Section 90. The following named amounts are appropriated to the Court of Claims from State Fund 059, Public Utility Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................... $32,974.29
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............. $2,306.75

Section 95. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-3453 Lake County Health Department.
Against the Department of Public Health..... $58,916.50
For payments of awards for lapsed appropriation claims less than $50,000.................... $145,792.84
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............. $8,311.68

Section 100. The following named amounts are appropriated to the Court of Claims from Federal Fund 065, Environmental Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................... $547.08
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............. $3,722.95

Section 105. The following named amounts are appropriated to the Court of Claims from State Fund 072, Underground Storage Tank Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 98-CC-0823 All States Environmental Services Inc. Contract, against the Environment Protection Agency. $750,000 or such lesser sum as would conform to the final decision making an award, recommendation, or finding by the Court of Claims.

For payments of awards for lapsed appropriation claims less than $50,000.................... $518.45

Section 110. The following named amounts are appropriated to the Court of Claims from State Fund 074, EPA Special State Projects Trust

New matter indicated by italics - deletions by strikeout.
Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........................................$340.79

Section 115. The following named amounts are appropriated to the Court of Claims from State Fund 078, Solid Waste Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........................................$329.50

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $281.27

Section 120. The following named amounts are appropriated to the Court of Claims from State Fund 091, Clean Air Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $181.86

Section 125. The following named amounts are appropriated to the Court of Claims from State Fund 093, Illinois State Medical Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........................................$600.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $32.11

Section 130. The following named amounts are appropriated to the Court of Claims from State Fund 094, DCFS Training Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...........................................$17,669.40

Section 135. The following named amounts are appropriated to the Court of Claims from State Fund 129, State Gaming Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less

New matter indicated by italics - deletions by strikeout.
than $50,000.............................. $36.84
Reimburse the General Revenue Fund for payments
of awards pursuant to P.A. 92-357........... $8,296.76

Section 140. The following named amounts are appropriated to the
Court of Claims from State Fund 141, Capital Development Fund, to pay
claims in conformity with awards and recommendations made by the Court
of Claims as follows:
  For payments of awards for lapsed appropriation
  claims less than $50,000.................... $50,793.29
Reimburse the General Revenue Fund for
  payments of awards pursuant to P.A. 92-357... $9,374.69

Section 145. The following named amounts are appropriated to the
Court of Claims from State Fund 151, Registered CPA Administration and
Disciplinary Fund, to pay claims in conformity with awards and
recommendations made by the Court of Claims as follows:
  Reimburse the General Revenue Fund for
  payments of awards pursuant to P.A. 92-357... $2,100.00

Section 150. The following named amounts are appropriated to the
Court of Claims from State Fund 163, Weights and Measures Fund, to pay
claims in conformity with awards and recommendations made by the Court
of Claims as follows:
  For payments of awards for lapsed
  appropriation claims less than $50,000....... $572.64

Section 155. The following named amounts are appropriated to the
Court of Claims from State Fund 175, Illinois Asbestos Abatement Fund,
to pay claims in conformity with awards and recommendations made by the
Court of Claims as follows:
  Reimburse the General Revenue Fund for
  payments of awards pursuant to P.A. 92-357.... $14.86

Section 160. The following named amounts are appropriated to the
Court of Claims from State Fund 218, Professional Indirect Cost Fund, to
pay claims in conformity with awards and recommendations made by the
Court of Claims as follows:
  For payments of awards for lapsed appropriation
  claims less than $50,000..................... $17,402.13
Reimburse the General Revenue Fund for
  payments of awards pursuant to P.A. 92-357.. $31,310.10

Section 165. The following named amounts are appropriated to the
Court of Claims from State Fund 244, Savings and Residential Finance

New matter indicated by italics - deletions by strikeout.
Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $25.00

Section 170. The following named amounts are appropriated to the Court of Claims from State Fund 259, Optometric Licensing and Disciplinary Committee Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. $89.28

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $233.00

Section 175. The following named amounts are appropriated to the Court of Claims from State Fund 262, Mandatory Arbitration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $233.00

Section 180. The following named amounts are appropriated to the Court of Claims from State Fund 270, Water Pollution Control Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..................... $5,213.92

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $366.63

Section 185. The following named amounts are appropriated to the Court of Claims from State Fund 272, LaSalle Veterans=Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $62.10

Section 190. The following named amounts are appropriated to the Court of Claims from State Fund 273, Anna Veterans=Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $1,064.00

Section 195. The following named amounts are appropriated to the Court of Claims from State Fund 285, Long Term Care Monitor/Receiver

New matter indicated by italics - deletions by strikeout.
Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...

Section 200. The following named amounts are appropriated to the Court of Claims from State Fund 294, Used Tire Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...

Section 205. The following named amounts are appropriated to the Court of Claims from State Fund 301, Working Capital Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........

Section 210. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-1025, BMC Software Distribution Inc. Debt, against the Department of Central Management Services.................

No. 04-CC-1340, IBM Corp. Debt, against the Department of Central Management Services.................

For payments of awards for lapsed appropriation claims less than $50,000.................

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...

Section 215. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................

Reimburse the General Revenue Fund for

New matter indicated by italics - deletions by strikeout.
Section 220. The following named amounts are appropriated to the Court of Claims from State Fund 336, Environmental Laboratory Certification Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.......................... $16.31

Section 225. The following named amounts are appropriated to the Court of Claims from State Fund 340, Public Health Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.......................... $3,113.31

Section 230. The following named amounts are appropriated to the Court of Claims from State Fund 344, Care Provider Fund for Persons with a Developmental Disability, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.......................... $6,327.44

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.. $60,817.78

Section 235. The following named amounts are appropriated to the Court of Claims from State Fund 363, Divisions of Corporations Special Operations Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.......................... $5,440.76

Section 240. The following named amounts are appropriated to the Court of Claims from State Fund 372, Plumbing Licensure and Program Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.......................... $156.35

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $111.69

Section 245. The following named amounts are appropriated to the Court of Claims from State Fund 376, State Police Motor Vehicle Theft

New matter indicated by italics - deletions by strikeout.
Prevention Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $14.00

Section 250. The following named amounts are appropriated to the Court of Claims from State Fund 386, Appraisal Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- For payments of awards for lapsed appropriation claims less than $50,000....... 1,405.27:
- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $3,200.00

Section 255. The following named amounts are appropriated to the Court of Claims from Federal Fund 408, DHS Special Purposes Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- For payments of awards for lapsed appropriation claims less than $50,000....... $5,200.00

Section 260. The following named amounts are appropriated to the Court of Claims from State Fund 421, Public Aid Recoveries Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $2,620.28

Section 265. The following named amounts are appropriated to the Court of Claims from State Fund 438, Illinois State Fair Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- For payments of awards for lapsed appropriation claims less than $50,000........ $370.00
- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $507.54

Section 270. The following named amounts are appropriated to the Court of Claims from Federal Fund 447, GI Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- For payments of awards for lapsed appropriation claims less than $50,000........ $54.55

New matter indicated by italics - deletions by strikeout.
Section 275. The following named amounts are appropriated to the Court of Claims from State Fund 483, Secretary of State Special Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 02-CC-5221 Saber Consulting. Debt, against the Secretary of State $55,000.00

No. 04-CC-0523, Vion Corporation.
Debt, against the Secretary of State $286,850.00

Section 280. The following named amounts are appropriated to the Court of Claims from Federal Fund 484, Nuclear Civil Protection Planning Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $542.00

Section 285. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-2634, City of Chicago.
Debt, against the Criminal Justice Information Authority $50,671.64
For payments of awards for lapsed appropriation claims less than $50,000 $28,567.82
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $16,321.78

Section 290. The following named amounts are appropriated to the Court of Claims from Federal Fund 495, Old Age Survivors Insurance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000 $434.85
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $6,708.00

Section 295. The following named amounts are appropriated to the Court of Claims from Federal Fund 497, Federal Civil Preparedness Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000 $2,076.00

New matter indicated by italics - deletions by strikeout.
Section 300. The following named amounts are appropriated to the Court of Claims from State Fund 502, Early Intervention Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................... $5,053.33
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.. $10,942.55

Section 305. The following named amounts are appropriated to the Court of Claims from State Fund 514, State Asset Forfeiture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $803.52

Section 310. The following named amounts are appropriated to the Court of Claims from State Fund 523, Department of Corrections Reimbursement and Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-1283, DMS Pharmaceutical Group, Inc. Debt, against the Department of Corrections............................. $414,402.36
For payments of awards for lapsed appropriation claims less than $50,000............... $58,422.01
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $92.90

Section 315. The following named amounts are appropriated to the Court of Claims from State Fund 537, State Offender DNA Identification System Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................... $11,848.00

Section 320. The following named amounts are appropriated to the Court of Claims from State Fund 549, Illinois Charity Bureau Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $4,335.30

Section 325. The following named amounts are appropriated to the Court of Claims from State Fund 550, Supplemental Low Income Energy

New matter indicated by italics - deletions by strikeout.
Assistance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.... $700.00

Section 330. The following named amounts are appropriated to the Court of Claims from Federal Fund 561, SBE Federal Department of Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........ $8,019.53
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357......... $3,435.98

Section 335. The following named amounts are appropriated to the Court of Claims from Federal Fund 566, DCFS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000....................... $645.88
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $8,850.11

Section 340. The following named amounts are appropriated to the Court of Claims from State Fund 573, Petroleum Resources Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. 87.72

Section 345. The following named amounts are appropriated to the Court of Claims from State Fund 576, Pesticide Control Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $1,047.28

Section 350. The following named amounts are appropriated to the Court of Claims from State Fund 581, Juvenile Accountability Incentive Block Grant Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000...... $15,263.19

Reimburse the General Revenue Fund for

New matter indicated by italics - deletions by strikeout.
Section 355. The following named amounts are appropriated to the Court of Claims from Federal Fund 592, DHS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims
less than $50,000............................                                            $7,800.00

Section 360. The following named amounts are appropriated to the Court of Claims from State Fund 600, Whistleblower Reward and Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...                         $7,281.25

Section 365. The following named amounts are appropriated to the Court of Claims from State Fund 611, Fund for Illinois=Future, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-1539, Village of Roscoe.
Debt, against the Department of Natural Resources......................... $100,000.00
No. 04-CC-1740, Bronzeville Children’s Museum. Debt, against the Department of Natural Resources........ $148,652.00

Section 370. The following named amounts are appropriated to the Court of Claims from State Fund 614, Capital Litigation Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. $36,733.08

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...                         $1,328.99

Section 375. The following named amounts are appropriated to the Court of Claims from State Fund 621, International Tourism Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357......                           $30.35

Section 380. The following named amounts are appropriated to the Court of Claims from State Fund 622, Motor Vehicle License Plate Fund,

New matter indicated by italics - deletions by strikeout.
to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-1098, Macon Resources.
Debt, against the Department of Natural Resources

$173,848.56

Section 385. The following named amounts are appropriated to the Court of Claims from State Fund 632, Horse Racing Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000

$126.72

Section 390. The following named amounts are appropriated to the Court of Claims from Federal Fund 664, Student Loan Operating Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-0672, Diversified Collection Services, Inc. Debt, against the Illinois Student Assistance Commission

$99,951.01

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

$14.51

Section 395. The following named amounts are appropriated to the Court of Claims from Federal Fund 700, USDA Women, Infants and Children Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000

$555.33

Section 400. The following named amounts are appropriated to the Court of Claims from State Fund 708, Illinois Standardbred Breeders Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

$27.95

Section 405. The following named amounts are appropriated to the Court of Claims from State Fund 711, State Lottery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

$4,126.56

New matter indicated by italics - deletions by strikeout.
Section 410. The following named amounts are appropriated to the Court of Claims from State Fund 718, Community Mental Health Medicaid Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................... $67,283.55
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.. $63,684.76

Section 415. The following named amounts are appropriated to the Court of Claims from Federal Fund 726, Federal Industrial Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $1,980.00

Section 420. The following named amounts are appropriated to the Court of Claims from State Fund 729, Illinois Century Network Special Purposes Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $7,706.00

Section 425. The following named amounts are appropriated to the Court of Claims from State Fund 733, Tobacco Settlement Recovery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-0648, Golin/Harris International. Debt, against the Department of Public Health................. $154,250.32
No. 04-CC-2638, City of Chicago. Debt, against the Department of Public Health......................... $902,045.76
For payments of awards for lapsed appropriation claims less than $50,000....................... $16,315.00
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $1,069.88

Section 430. The following named amounts are appropriated to the Court of Claims from State Fund 757, Child Support Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation

New matter indicated by italics - deletions by strikeout.
claims less than $50,000..................  $39,287.75
Reimburse the General Revenue Fund for
payments of awards pursuant to P.A. 92-357...

Section 435. The following named amounts are appropriated to the
Court of Claims from State Fund 763, Tourism Promotion Fund, to pay
claims in conformity with awards and recommendations made by the Court
of Claims as follows:
No. 04-CC-2267, BBDO Chicago, Inc.
Debt, against the Illinois Student
Assistance Commission....................  $99,486.50
Reimburse the General Revenue Fund for
payments of awards pursuant to P.A. 92-357..

Section 440. The following named amounts are appropriated to the
Court of Claims from Federal Fund 765, Federal Surface Mining Control
and Reclamation Fund, to pay claims in conformity with awards and
recommendations made by the Court of Claims as follows:
For payments of awards for lapsed
appropriation claims less than $50,000........  $451.80
Reimburse the General Revenue Fund for
payments of awards pursuant to P.A. 92-357....  $153.44

Section 445. The following named amounts are appropriated to the
Court of Claims from State Fund 795, Bank and Trust Company Fund, to
pay claims in conformity with awards and recommendations made by the
Court of Claims as follows:
No. 02-CC-3993, John Conkright,
Gregg Goodman, Joseph Koppeis, et al.
Refund, against the Office of Banks
and Real Estate............................  $6,800.00
No. 04-CC-3663, Price Waterhouse Coopers
LLP. Debt, against the Office of
Banks & Real Estate........................  $103,191.42
Reimburse the General Revenue Fund for payments
of awards pursuant to P.A. 92-357........  $1,549.00

Section 450. The following named amounts are appropriated to the
Court of Claims from State Fund 796, Nuclear Safety Emergency
Preparedness Fund, to pay claims in conformity with awards and
recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................  $1,308.53

New matter indicated by italics - deletions by strikeout.
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............. $487.19

Section 455. The following named amounts are appropriated to the Court of Claims from State Fund 801, Attorney General=State Projects and Court Ordered Distribution Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.................. $288.55

Section 460. The following named amounts are appropriated to the Court of Claims from State Fund 802, Personal Property Tax Replacement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $1,005.00

Section 465. The following named amounts are appropriated to the Court of Claims from State Fund 821, Dram Shop Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........ $1,169.86
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......... $2,856.74

Section 470. The following named amounts are appropriated to the Court of Claims from State Fund 828, Hazardous Waste Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 97-CC-4339 Kimmins Thermal Corp. Contract, against the Environmental Protection Agency. $70,260.30
For payments of awards for lapsed appropriation claims less than $50,000........ $417.94
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357... $9,039.00

Section 475. The following named amounts are appropriated to the Court of Claims from State Fund 850, Real Estate License Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000.................. $1,129.45
Reimburse the General Revenue Fund for payments

New matter indicated by italics - deletions by strikeout.
of awards pursuant to P.A. 92-357

Section 480. The following named amounts are appropriated to the Court of Claims from Federal Fund 872, Maternal and Child Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

Section 485. The following named amounts are appropriated to the Court of Claims from Federal Fund 873, Preventive Health and Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

Section 490. The following named amounts are appropriated to the Court of Claims from State Fund 879, Traffic and Criminal Conviction Surcharge Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

Section 495. The following named amounts are appropriated to the Court of Claims from Federal Fund 883, Intra-Agency Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

Section 500. The following named amounts are appropriated to the Court of Claims from State Fund 886, Criminal Justice Information Systems Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

Section 505. The following named amounts are appropriated to the Court of Claims from Federal Fund 896, Public Health Special State
Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $806.25

Section 510. The following named amounts are appropriated to the Court of Claims from State Fund 903, State Surplus Property Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000....................... $776.45

Section 515. The following named amounts are appropriated to the Court of Claims from State Fund 905, Illinois Forestry Development Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $154.90

Section 520. The following named amounts are appropriated to the Court of Claims from State Fund 906, State Police Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $14.14

Section 525. The following named amounts are appropriated to the Court of Claims from State Fund 909, Illinois Wildlife Preservation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $800.00

Section 530. The following named amounts are appropriated to the Court of Claims from Federal Fund 911, Juvenile Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........... $14,270.38

Section 535. The following named amounts are appropriated to the Court of Claims from State Fund 957, Child Support Enforcement Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for

New matter indicated by italics - deletions by strikeout.
Section 540. The following named amounts are appropriated to the Court of Claims from State Fund 962, Park and Conservation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000.....................       $905.80

Reimburse the General Revenue Fund for payments
of awards pursuant to P.A. 92-357...........       $6,600.40

Section 545. The following named amounts are appropriated to the Court of Claims from State Fund 963, Child Support Enforcement Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments
of awards pursuant to P.A. 92-357...       $8,274.74

Section 550. The following named amounts are appropriated to the Court of Claims from State Fund 971, Build Illinois Bond Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments
of awards pursuant to P.A. 92-357...........       $733.21

Section 555. The following named amounts are appropriated to the Court of Claims from State Fund 973, Illinois Capital Revolving Loan Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments
of awards pursuant to P.A. 92-357...........       $800.00

Section 560. The following named amounts are appropriated to the Court of Claims from State Fund 980, Manteno Veterans Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000.....................       $2,397.36

Section 565. The following named amounts are appropriated to the Court of Claims from Federal Fund 991, Abandoned Mined Lands Reclamation Council Federal Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000.....................       $2,336.42

New matter indicated by italics - deletions by strikeout.
Section 570. The following named amounts are appropriated to the Court of Claims from State Fund 997, Insurance Financial Regulation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $393.75

ARTICLE 51

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

For Personal Services:
  Judges' Salaries............................ 123,052,500

For Travel:
  Judges of the Supreme Court................. 29,600
  Judges of the Appellate Court............... 149,100
  Judges of the Circuit Court................ 767,400
  Judicial Conference and Supreme Court Committees.................. 727,800

For State Contributions
to Social Security............................ 1,996,600
Total, this Section $126,723,000

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

For Personal Services......................... 6,128,000
For Extra Help........................................... 0
For State Contributions
to State Employees' Retirement............... 987,000
For State Contributions
to Social Security................................. 468,800
For Contractual Services....................... 1,505,800
For Travel............................................... 20,000
For Commodities..................................... 56,100
For Printing............................................ 606,400
For Equipment........................................ 1,432,200
For Electronic Data Processing.................. 128,600
For Telecommunications.......................... 136,000

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

Administration of the First Appellate District
For Personal Services........................................... 6,497,900
For State Contributions to State Employees' Retirement.............. 1,046,500
For State Contributions to Social Security............................ 497,000
For Contractual Services........................................... 527,300
For Travel....................................................... 2,100
For Commodities.................................................... 56,200
For Printing........................................................ 41,400
For Equipment..................................................... 139,500
For Telecommunications............................................ 126,000
Total..................................................................... $8,933,900

Administration of the Second Appellate District
For Personal Services........................................... 2,663,500
For State Contributions to State Employees' Retirement.............. 429,000
For State Contributions to Social Security............................ 203,800
For Contractual Services........................................... 1,090,900
For Travel....................................................... 4,800
For Commodities.................................................... 26,400
For Printing........................................................ 13,200
For Equipment..................................................... 208,500
For Operation of Automotive Equipment................................. 900
For Telecommunications............................................ 62,500
Total..................................................................... $4,703,500

Administration of the Third Appellate District
For Personal Services........................................... 1,897,700
For Extra Help....................................................... 0

New matter indicated by italics - deletions by strikeout.
For State Contributions to
  State Employees' Retirement...................... 305,600
For State contributions
to Social Security............................... 145,200
For Contractual Services......................... 791,000
For Travel........................................... 4,700
For Commodities.................................... 24,800
For Printing......................................... 20,700
For Equipment...................................... 425,500
For Telecommunications........................... 61,600
  Total.................................................. $3,676,800

Administration of the Fourth Appellate District
For Personal Services............................... 1,993,000
For State Contributions
to State Employees' Retirement.................... 321,000
For State Contributions
to Social Security................................. 152,400
For Contractual Services.......................... 766,000
For Travel........................................... 5,800
For Commodities.................................... 12,400
For Printing......................................... 9,500
For Equipment...................................... 128,700
For Telecommunications........................... 56,000
  Total.................................................. $3,444,800

Administration of the Fifth Appellate District
For Personal Services............................... 2,032,700
For Extra Help........................................ 0
For State Contributions to
  State Employees' Retirement..................... 327,300
For State Contributions to
  Social Security.................................... 155,400
For Contractual Services.......................... 655,400
For Travel........................................... 5,400
For Commodities.................................... 23,200
For Printing........................................... 15,800
For Equipment...................................... 238,200
For Telecommunications........................... 57,500
For Operation of Automotive Equipment............ 1,200
  Total.................................................. $3,512,100

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Circuit Clerks' Additional Duties</td>
<td>663,000</td>
</tr>
<tr>
<td>For Circuit Clerks' Notification Costs</td>
<td>0</td>
</tr>
<tr>
<td>For Mandatory Arbitration</td>
<td>880,600</td>
</tr>
<tr>
<td>For Sexually Violent Persons Commitment Act</td>
<td>300,000</td>
</tr>
<tr>
<td>For Probation Reimbursements</td>
<td>58,803,400</td>
</tr>
<tr>
<td>For Personal Services:</td>
<td></td>
</tr>
<tr>
<td>Official Court Reporting</td>
<td>29,055,000</td>
</tr>
<tr>
<td>Circuit Court Personnel</td>
<td>1,583,400</td>
</tr>
<tr>
<td>For State Contribution to State Employees' Retirement</td>
<td>4,934,600</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>2,343,900</td>
</tr>
<tr>
<td>For Travel:</td>
<td></td>
</tr>
<tr>
<td>Official Court Reporting</td>
<td>161,400</td>
</tr>
<tr>
<td>Circuit Court Personnel</td>
<td>11,800</td>
</tr>
<tr>
<td>For Contractual Services: Transcript Fees for Official Court Reporting</td>
<td>3,891,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>250,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>194,300</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>5,499,600</td>
</tr>
</tbody>
</table>

Total, this Section $108,572,900

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,177,100</td>
</tr>
<tr>
<td>For Retirement - Paid by Employer</td>
<td>2,265,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement</td>
<td>833,800</td>
</tr>
<tr>
<td>For Social Security</td>
<td>396,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,646,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>183,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>76,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>104,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>123,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Electronic Data Processing .................. 4,924,700
For Telecommunications .......................... 202,400
For Operation of
  Automotive Equipment ......................... 16,100
For Probation Training .......................... 391,300
For Contractual Services: Judicial Conference
  and Supreme Court Committees ............... 726,300
For Judges' Out-of-State
  Educational Programs .......................... 60,100
For Training of Circuit Court Officers
  and Personnel ................................ 61,500
Total, this Section .............................. $18,188,400

Section 30. The sum of $50,000, or so much thereof as may be
necessary, is appropriated to the Supreme Court for the contingent

Section 35. The sum of $12,300,000, or so much thereof as may be
necessary, is appropriated from the Mandatory Arbitration Fund to the
Supreme Court for Mandatory Arbitration Programs.

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

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

ARTICLE 52

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Department of Children and Family
Services:

CENTRAL ADMINISTRATION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services ......................... 6,831,500
For Retirement Contributions Paid
  By Employer .................................. 0
For Retirement Contributions ................. 1,100,300
For State Contributions to
  Social Security ............................ 572,100
For Contractual Services ..................... 3,254,600
For Travel ................................... 161,100

New matter indicated by italics - deletions by strikeout.
For Commodities ...................................  21,000
For Printing .................................  2,000
For Equipment ..................................  9,800
For Telecommunications .....................  241,400
For Attorney General Representation
on Child Welfare Litigation Issues ..........  587,100
Total ........................................  $12,780,900

PAYABLE FROM C&FS SPECIAL PURPOSES TRUST FUND
For Private Grants for Child Welfare Improvements .........  360,000
Total ........................................  $360,000

Section 10. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Children and Family Services:

INSPECTOR GENERAL
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services .......................  1,153,700
For Retirement Contributions ...............  185,800
For State Contributions to Social Security .......  89,700
For Contractual Services ...................  859,700
For Travel ...................................  19,500
For Commodities ............................  7,900
For Printing .................................  1,000
For Equipment ...............................  1,000
For Telecommunications Services ..........  44,000
Total ........................................  $2,362,300

Section 15. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Department of Children and Family
Services:

ADMINISTRATIVE CASE REVIEW
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services .......................  5,049,000
For Retirement Contributions ...............  813,200
For State Contributions to Social Security .......  386,700
For Contractual Services ...................  68,400

New matter indicated by italics - deletions by strikeout.
NEW MATTERT INDICATED BY ITALICS - DELETIONS BY STRIKEOUT.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

OFFICE OF QUALITY ASSURANCE
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services.......................... 1,671,800
For Retirement Contributions..................... 269,300
For State Contributions to Social Security............... 128,100
For Contractual Services......................... 277,700
For Travel....................................... 139,600
For Commodities.................................... 2,300
For Printing....................................... 1,000
For Equipment...................................... 2,000
For Telecommunications............................. 20,500
Total                                      $2,512,300

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

OPERATIONS AND COMMUNITY SERVICES
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services.......................... 2,556,800
For Retirement Contributions..................... 411,800
For State Contributions to Social Security............... 203,700
For Contractual Services......................... 171,100
For Travel....................................... 141,500
For Commodities.................................... 2,300
For Printing....................................... 1,000
For Equipment...................................... 2,900
For Telecommunications Services...................... 88,000
For Targeted Case Management.................... 8,376,700

New matter indicated by italics - deletions by strikeout.
Total $11,955,800

PAYABLE FROM C&FS FEDERAL PROJECTS FUND
For Federal Child Welfare Projects............ 1,175,000
For Independent Living Initiative.......... 10,300,000
For LAN State Board of Education............. 1,600,000
Total $13,075,000

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD WELFARE - DOWNSTATE REGIONS
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services........................ 42,948,100
For Retirement Contributions............... 6,917,200
For State Contributions to
Social Security............................... 3,241,800
For Contractual Services.................... 8,577,600
For Travel................................... 2,277,100
For Commodities................................ 154,900
For Printing................................... 132,400
For Equipment.................................. 14,700
For Telecommunications Services.......... 1,837,200
Total $66,101,000

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CHILD WELFARE - COOK REGION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services........................ 33,953,200
For Retirement Contributions............... 5,468,500
For State Contributions to
Social Security............................... 2,545,000
For Contractual Services.................... 11,510,100
For Travel................................... 1,260,700
For Commodities................................ 167,400
For Printing................................... 120,000
For Equipment.................................. 24,400
For Telecommunications Services.......... 1,998,500
Total $57,047,800

New matter indicated by italics - deletions by strikeout.
Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD PROTECTION ADMINISTRATION**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>6,175,400</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>994,600</td>
</tr>
<tr>
<td>For State Contributions to</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>472,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>366,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>44,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>12,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>3,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>485,800</td>
</tr>
<tr>
<td>For Child Death Review Teams</td>
<td>122,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$8,679,700</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM C&FS FEDERAL PROJECTS FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Federal Child Protection Projects</td>
<td>5,292,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,292,600</strong></td>
</tr>
</tbody>
</table>

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD PROTECTION - DOWNSTATE REGIONS**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>24,192,000</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>3,896,400</td>
</tr>
<tr>
<td>For State Contributions to</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>1,848,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>977,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>9,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$30,924,300</strong></td>
</tr>
</tbody>
</table>

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD PROTECTION - COOK REGION**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>25,360,800</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>4,084,600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**SUPPORT SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

- For Personal Services.......................... $6,724,600
- For Retirement Contributions................... $1,083,100
- For State Contributions to Social Security........ $532,200
- For Contractual Services....................... $5,620,600
- For Travel....................................... $122,200
- For Commodities.................................. $217,500
- For Printing..................................... $296,200
- For Equipment...................................... $5,900
- For Electronic Data Processing............... $8,303,100
- For Telecommunications Services............. $1,327,800
- For Operation of Automotive Equipment........ $49,000
- For Refunds....................................... $5,800
- For Cook County Referral Support System........ $247,200

Total .................................................. $24,535,200

**PAYABLE FROM DCFS CHILDREN'S SERVICES FUND**

- For Title IV-E Reimbursement Enhancement.................. $4,439,600
- For SSI Reimbursement............................ $1,763,700
- For AFCARS/SACWIS Information System................ $23,536,300

Total .................................................. $29,739,600

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CLINICAL SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

- For Personal Services......................... $2,382,600

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Retirement Contributions</td>
<td>383,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>182,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>195,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>88,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>59,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,298,400</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM DCFS CHILDREN'S SERVICES FUND**

For Training Department Staff.......................... 1,564,000

**OFFICE OF THE GUARDIAN**

**PAYABLE FROM GENERAL REVENUE FUND**

For Personal Services.................................. 2,926,200
For Retirement Contributions.......................... 471,300
For State Contributions to Social Security............ 231,700
For Contractual Services................................ 513,200
For Travel.............................................. 70,300
For Commodities........................................ 3,700
For Printing............................................. 500
For Equipment........................................... 2,000
For Telecommunications................................ 102,600
**Total**                                                                                             **$4,321,500**

**PURCHASE OF SERVICE MONITORING**

**PAYABLE FROM GENERAL REVENUE FUND**

For Personal Services.................................. 14,886,700
For Retirement Contributions.......................... 2,397,700
For State Contributions to Social Security............ 1,150,500
For Contractual Services................................ 2,403,700
For Travel.............................................. 41,400
For Commodities........................................ 11,500
For Printing............................................. 2,000
For Equipment........................................... 4,900
For Telecommunications................................ 122,200
**Total**                                                                                               **$21,020,600**
Section 65. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:

**GRANTS-IN-AID**
**REGIONAL OFFICES**
**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Foster Homes and Specialized Foster Care and Prevention</td>
<td>161,733,000</td>
</tr>
<tr>
<td>For Counseling and Auxiliary Services</td>
<td>8,435,300</td>
</tr>
<tr>
<td>For Institution and Group Home Care and Prevention</td>
<td>92,620,700</td>
</tr>
<tr>
<td>For Services Associated with the Foster Care Initiative</td>
<td>7,613,800</td>
</tr>
<tr>
<td>For Purchase of Adoption and Guardianship Services</td>
<td>175,745,500</td>
</tr>
<tr>
<td>For Health Care Network</td>
<td>4,328,300</td>
</tr>
<tr>
<td>For Cash Assistance and Housing</td>
<td>3,632,000</td>
</tr>
<tr>
<td>For Children's Personal and Physical Maintenance</td>
<td>4,625,800</td>
</tr>
<tr>
<td>For MCO Technical Assistance and Program Development</td>
<td>1,663,500</td>
</tr>
<tr>
<td>For Pre Admission/Post Discharge Psychiatric Screening</td>
<td>8,071,800</td>
</tr>
<tr>
<td>For Assisting in the Development of Children's Advocacy Centers</td>
<td>2,169,500</td>
</tr>
<tr>
<td>For Psychological Assessments including Operations and Administrative Expenses</td>
<td>3,211,900</td>
</tr>
<tr>
<td>Total</td>
<td>$474,709,500</td>
</tr>
</tbody>
</table>

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Foster Homes and Specialized Foster Care and Prevention</td>
<td>137,972,200</td>
</tr>
<tr>
<td>For Counseling and Auxiliary Services</td>
<td>19,263,600</td>
</tr>
<tr>
<td>For Institution and Group Home Care and Prevention</td>
<td>92,143,300</td>
</tr>
<tr>
<td>For Assisting in the development of Children's Advocacy Centers</td>
<td>2,169,500</td>
</tr>
</tbody>
</table>

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

of Children's Advocacy Centers..............  1,505,400
For Services Associated with the Foster
Care Initiative.................................  1,620,700
For Purchase of Adoption and
Guardianship Services.......................  121,754,000
For Family Preservation Services.........  20,462,500
For Purchase of Children's Services.........  710,000
Federal Compliance/Program Improvement
Plan Implementation..........................  19,550,000
For Family Centered Services Initiative....  17,476,800
Total                                                                                   $432,458,500

Section 70. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Department of Children and Family
Services:

    CENTRAL ADMINISTRATION

PAYABLE FROM GENERAL REVENUE FUND
For Department Scholarship Program.........  842,500

Section 75. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Children and Family Services for:

    OPERATION AND COMMUNITY SERVICES

PAYABLE FROM GENERAL REVENUE FUND
For Reimbursing Counties....................  338,500
Total                                                                                   $338,500

Section 80. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Children and Family Services for:

    GRANTS-IN-AID

SUPPORT SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Tort Claims................................  233,800
Total                                                                                   $233,800

CHILD PROTECTION ADMINISTRATION
Payable from the General Revenue Fund:
For Protective/Family Maintenance
Day Care......................................  19,825,400
For Day Care Infant Mortality...............  1,251,300
Total                                                                                   $21,076,700
Payable from the Child Abuse Prevention Fund:
For Child Abuse Prevention...................... 600,000

CLINICAL SERVICES

Payable from the DCFS Training Fund:
For Foster Care and Adoption
Care Training Services...................... 16,052,000

ARTICLE 53
Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:

PROGRAM ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services..................... 18,856,200
For Employee Retirement Contributions
Paid by Employer................................. 0
For State Contributions to State
Employees' Retirement System.............. 3,037,000
For State Contributions to Social Security........... 1,442,500
For Contractual Services...................... 16,721,900
For Travel....................................... 215,800
For Commodities.................................. 898,800
For Printing..................................... 898,800
For Equipment.................................. 1,070,800
For Telecommunications Services............ 1,477,200
For Operation of Auto Equipment............. 76,100
For Deposit into General Obligation Bond
Retirement and Interest Fund............. 850,000,000
Total............................................ $894,604,400

OFFICE OF INSPECTOR GENERAL

Payable from General Revenue Fund:
For Personal Services...................... 10,954,600
For Employee Retirement Contributions
Paid by Employer................................. 0
For State Contributions to State
Employees' Retirement System.............. 1,764,300
For State Contributions to Social Security........... 838,000
For Contractual Services...................... 4,276,200

New matter indicated by italics - deletions by strikeout.
For Travel ....................................... 296,300
For Equipment .................................. 403,400
Total $18,532,800
Payable from Public Aid Recoveries Trust Fund:
For Personal Services ......................... 620,800
For Employee Retirement Contributions
Paid by Employer ............................... 18,600
For State Contributions to State
Employees' Retirement System ................ 100,000
For State Contributions to
Social Security ................................. 47,500
For Group Insurance ........................... 153,300
Total $940,200
Payable from Long Term Care Provider Fund:
For Administrative Expenses ................. 169,100
Payable from Energy Administration Fund:
For Personal Services .......................... 241,500
For Employee Retirement Contributions
Paid by Employer ............................... 7,200
For State Contributions to State
Employees' Retirement System ............... 38,900
For State Contributions to
Social Security ................................. 18,500
For Group Insurance ........................... 48,000
For Contractual Services ...................... 45,300
For Travel ....................................... 40,100
For Commodities ............................... 2,000
For Equipment ................................. 8,700
For Telecommunications Services ............ 6,100
For Operation of Automotive Equipment ...... 1,000
For Administrative and Grant Expenses
Relating to Training, Technical
Assistance, and Administration of the
Weatherization Programs ...................... 250,000
Total $707,300
Payable from Low Income Home Energy
Assistance Block Grant Fund:
For Personal Services ......................... 1,527,500

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Employee Retirement Contributions</td>
<td>45,800</td>
</tr>
<tr>
<td>Paid by Employer</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>246,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>116,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>222,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>278,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>117,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>8,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>65,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>145,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>36,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>2,900</td>
</tr>
<tr>
<td>For Expenses Related to the Development and Maintenance of the LIHEAP System</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$3,811,200</td>
</tr>
</tbody>
</table>

**CHILD SUPPORT ENFORCEMENT**

Payable from Child Support Administrative Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>46,051,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>1,381,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>7,417,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>3,522,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>11,284,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>66,149,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>630,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>333,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>162,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,959,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>6,319,800</td>
</tr>
<tr>
<td>For Costs Related to the State Disbursement Unit</td>
<td>17,676,500</td>
</tr>
<tr>
<td>For Administrative Costs Related to Enhanced Collection Efforts including</td>
<td></td>
</tr>
<tr>
<td>Paternity Adjudication Demonstration</td>
<td>12,829,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Child Support Enforcement
Demonstration Projects....................... 1,500,000
Total $177,218,600

The amount of $31,008,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the General Revenue Fund for deposit into the Child Support Administrative Fund.

ATTORNEY GENERAL REPRESENTATION
Payable from General Revenue Fund:
For Personal Services......................... 1,456,200
For Employee Retirement Contributions
Paid by Employer................................. 0
For State Contributions to State
Employees' Retirement System................. 234,500
For State Contributions to
Social Security................................. 111,400
For Contractual Services...................... 332,000
For Travel....................................... 10,900
For Equipment.................................. 29,600
Total $2,174,600

PUBLIC AID RECOVERIES
Payable from Public Aid Recoveries Trust Fund:
For Personal Services......................... 6,523,800
For Employee Retirement Contributions
Paid by Employer................................. 195,700
For State Contributions to State
Employees' Retirement System............... 1,050,700
For State Contributions to
Social Security................................. 499,100
For Group Insurance............................ 1,468,300
For Contractual Services.................... 17,358,800
For Travel...................................... 120,000
For Commodities................................ 50,000
For Printing.................................... 25,000
For Equipment.................................. 973,800
For Telecommunications Services............. 320,000
Total $28,585,200

MEDICAL
Payable from General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
Section 10. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND
THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>23,223,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,740,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,776,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,395,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>459,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>98,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>1,930,800</td>
</tr>
<tr>
<td>For Purchase of Medical Management Services</td>
<td>9,744,000</td>
</tr>
<tr>
<td>For Purchase of Services Relating to and costs associated with the develop-</td>
<td>1,660,800</td>
</tr>
<tr>
<td>ment and implementation of an electronic Medicaid client eligibility</td>
<td></td>
</tr>
<tr>
<td>verification system</td>
<td></td>
</tr>
<tr>
<td>For Costs Associated with the Development, Implementation and Operation of</td>
<td>3,894,900</td>
</tr>
<tr>
<td>a Medical Data Warehouse</td>
<td></td>
</tr>
<tr>
<td>For Refunds of Premium Payments Received Pursuant to Section 25(a)(2)</td>
<td>96,000</td>
</tr>
<tr>
<td>of the Children's Health Insurance Program Act</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$51,019,800</td>
</tr>
</tbody>
</table>

Payable from Provider Inquiry Trust Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For expenses associated with providing access and utilization of IDPA</td>
<td>1,500,000</td>
</tr>
<tr>
<td>eligibility files</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Physicians.............................. 423,537,900
For Dentists................................. 91,587,800
For Optometrists............................. 9,852,600
For Podiatrists............................... 2,307,400
For Chiropractors............................ 1,225,400
For Hospital In-Patient, Disproportionate
Share and Ambulatory Care............... 2,004,484,600
For federally defined Institutions for
Mental Diseases........................... 112,526,100
For Supportive Living Facilities.......... 16,392,000
For all other Skilled, Intermediate, and Other
Related Long Term Care Services....... 696,461,000
For Community Health Centers.......... 115,906,600
For Hospice Care........................... 33,236,200
For Independent Laboratories............ 22,637,400
For Home Health Care, Therapy, and
Nursing Services............................ 41,635,300
For Appliances................................ 52,778,300
For Transportation.......................... 70,124,600
For Other Related Medical Services
and for development, implementation, and
operation of managed
care and children's health
programs including operating
and administrative costs and
related distributive purposes.......... 60,760,800
For Medicare Part A Premiums........... 8,611,000
For Medicare Part B Premiums.......... 146,704,100
For Medicare Part B Premiums for
Qualified Individuals under the
Federal Balanced Budget Act of 1997... 11,095,800
For Health Maintenance Organizations and
Managed Care Entities..................... 158,044,700
For Division of Specialized Care
for Children................................. 58,994,700
Total .................. $4,138,904,300

In addition to any amounts heretofore appropriated, the following
named amounts, or so much thereof as may be necessary, are appropriated
to the Department of Public Aid for Medical Assistance under the Illinois

New matter indicated by italics - deletions by strikeout.
Public Aid Code, the Children's Health Insurance Program Act, and the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act for Prescribed Drugs, including costs associated with the implementation and operation of the SeniorCare program:

Payable from:

- General Revenue Fund: 889,246,200
- Drug Rebate Fund: 427,000,000
- Tobacco Settlement Recovery Fund: 373,152,900
- Medicaid Buy-In Program Revolving Fund: 100,000

Total: $1,689,499,100

The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Aid for the purposes hereinafter named:

FOR MEDICAL ASSISTANCE

Payable from General Revenue Fund:

- For Grants for Medical Care for Persons Suffering from Chronic Renal Disease: 867,300
- For Grants for Medical Care for Persons Suffering from Hemophilia: 5,785,400
- For Grants for Medical Care for Sexual Assault Victims: 1,446,400
- For Grants to Altgeld Clinic: 385,700

Total: $8,484,800

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total General Revenue Fund appropriations in Section 2 above among the various purposes therein enumerated.

In addition to any amounts heretofore appropriated, the amount of $7,826,600, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the General Revenue Fund for expenses relating to the Children's Health Insurance Program Act, including payments under Section 25 (a)(1) of that Act, and related operating and administrative costs.

Section 15. In addition to any amounts heretofore appropriated, the amount of $40,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Family Care Fund for i) Medical Assistance payments on behalf of individuals eligible for Medical Assistance programs administered by the Department of Public Aid.
Aid, and ii) pursuant to an interagency agreement, medical services and other costs associated with children’s mental health programs administered by another agency of state government, including operating and administrative costs.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:
Payable from Tobacco Settlement Recovery Fund:
   For Deposit into the Medical Research and Development Fund......................... 6,400,000
   For Deposit into the Post-Tertiary Clinical Services Fund........................ 6,400,000
   For Deposit into the Independent Academic Medical Center Fund................... 1,000,000
Total $13,800,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:
   FOR THE PURPOSES ENUMERATED IN THE EXCELLENCE IN ACADEMIC MEDICINE ACT
Payable from:
   Independent Academic Medical Center Fund................................ 2,000,000
   Medical Research and Development Fund....... 12,800,000
   Post-Tertiary Clinical Services Fund....... 12,800,000
Total $27,600,000

Section 30. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:
   FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN’S HEALTH INSURANCE PROGRAM ACT
Payable from Care Provider Fund for Persons With A Developmental Disability:
   For Administrative Expenditures............... 94,200
Payable from Long Term Care Provider Fund:
   For Skilled, Intermediate, and Other Related Long Term Care Services............... 821,328,300

New matter indicated by italics - deletions by strikeout.
For Administrative Expenditures.............. 1,233,000
Total $822,655,500
Payable from Hospital Provider Fund:
  For Hospitals............................... 860,000,000
  For Medical Assistance Providers......... 36,000,000
  Total $896,000,000
Payable from Health and Human Services Medicaid Trust Fund:
  For Skilled, Intermediate, and Other Related Long Term Care Services........ 60,000,000
  For Medical Assistance Providers........ 124,000,000
  Total $184,000,000

Section 35. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE

AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from County Provider Trust Fund:
  For Distributive Hospitals.................. 1,981,119,000
  For Administrative Expenditures........... 500,000
  Total $1,981,619,000

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:

For Refunds of Overpayments of Assessments or Inter-Governmental Transfers Made by Providers During the Period From July 1, 1991 through June 30, 2004:
  Payable from:
    Care Provider Fund for Persons With A Developmental Disability........... 1,000,000
    Long Term Care Provider Fund........... 2,750,000
    County Provider Trust Fund............. 1,000,000
    Total $4,750,000

Section 45. The amount of $15,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the
Trauma Center Fund for adjustment payments to certain Level I and Level II trauma centers.

Section 50. The amount of $173,400,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the University of Illinois Hospital Services Fund to reimburse the University of Illinois Hospital for hospital services.

Section 55. The amount of $8,500,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Juvenile Rehabilitation Services Medicaid Matching Fund for grants to the Department of Corrections and counties for court-ordered juvenile behavioral health services under the Medicaid Rehabilitation Option and the Children's Health Insurance Program Act.

Section 60. The amount of $8,673,300, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Medical Special Purposes Trust Fund for medical demonstration projects and costs associated with the implementation of federal Health Insurance Portability and Accountability Act mandates.

Section 65. The amount of $240,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Special Education Medicaid Matching Fund for grants to local education agencies for medical services eligible for federal reimbursement under Title XIX or Title XXI of the federal Social Security Act.

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid:

**ENERGY ASSISTANCE GRANTS-IN-AID**

Payable from Supplemental Low-Income Energy Assistance Fund:
- For Grants and Administrative Expenses
  - Pursuant to Section 13 of the Energy Assistance Act of 1989, as Amended,
  - Including Prior Year Costs....................... 88,786,100

Payable from Energy Assistance Contribution Fund:
- For the Administration and Grants Expenses for Energy Assistance Programs, Including Prior Year Costs......................... 300,000

Payable from Energy Administration Fund:
- For Grants and Technical Assistance

New matter indicated by italics - deletions by strikeout.
Services for Nonprofit Community Organizations Including Reimbursement For Costs in Prior Years..................... 17,500,000
Payable from Low Income Home Energy Assistance Block Grant Fund:
For Grants to Eligible Recipients Under the Low Income Home Energy Assistance Act of 1981, Including Reimbursement for Costs in Prior Years....................................... 200,000,000
Payable from Good Samaritan Energy Trust Fund:
For Grants, Contracts and Administrative Expenses Pursuant to the Good Samaritan Energy Plan Act....................... 500,000

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid:

ENERGY ASSISTANCE REFUNDS
For refunds to the Federal Government and other refunds:
Payable from Energy Administration Fund........................................... 300,000
Payable from Low Income Home Energy Assistance Block Grant Fund.................................... 600,000
Total $900,000

ARTICLE 54
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for income assistance and related distributive purposes, including such Federal funds as are made available by the Federal Government for the following purposes:

DISTRIBUTIVE ITEMS OPERATIONS
Payable from the Special Purposes Trust Fund:
For Personal Services........................... 382,500
For Employee Retirement Contributions Paid by Employer................................. 11,500

New matter indicated by italics - deletions by strikeout.
For Retirement Contributions........................ 61,600
For State Contributions to Social Security............... 29,300
For Group Insurance.................................. 84,000
For Contractual Services............................ 26,200
For Travel............................................. 31,500
For Commodities..................................... 9,000
For Printing......................................... 1,000
For Equipment...................................... 6,000
Total $642,600

DISTRIBUTIVE ITEMS

GRANTS-IN-AID

Payable from General Revenue Fund:
For Aid to Aged, Blind or Disabled under Article III......... 27,352,300
For Temporary Assistance for Needy Families under Article IV and other social services........ 112,700,000
For Grants Associated with Child Care Services, Including Operating and Administrative Costs.......... 398,819,100
For Emergency Assistance for Families with Dependent Children........ 445,700
For Funeral and Burial Expenses under Articles III, IV, and V, including prior year costs........ 9,650,000
For Refugees...................................... 1,658,600
For New Americans Initiative........................ 3,000,000
For State Family and Children Assistance...................... 1,409,500
For State Transitional Assistance......................... 8,331,200
For Services to Non-Citizens pursuant to 305 ILCS 5/12-4.34........... 5,150,000
For a grant to Children's Place for costs associated with specialized child care for families affected by HIV/AIDS........................................ 752,700
For costs related to the Illinois Equal Justice Act.................. 472,900

New matter indicated by italics - deletions by strikeout.
The Department, with the consent in writing from the Governor, may reapportion not more than ten percent of the total appropriation of General Revenue Funds in Section 1 above "For Income Assistance and Related Distributive Purposes" among the various purposes therein enumerated, excluding Emergency Assistance for Families with Dependent Children.

The Department, with the consent in writing from the Governor, may reapportion not more than six percent of the appropriation "For Temporary Assistance for Needy Families under Article IV" representing savings attributable to not increasing grants due to the births of additional children to the appropriation from the General Revenue Fund in Section 39.1 in this Article for Employability Development Services.

Section 10. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:

Payable from the General Revenue Fund:
- For Grants Associated with Child Care Services, Including Operating and Administrative Costs: 162,205,500
- For Grants Associated with the Great START Program, Including Operation and Administrative Costs: 1,891,400

Payable from the Special Purposes Trust Fund:
- For Grants Associated with Child Care Services, Including Operation and administrative Costs: 122,233,800
- For Grants Associated with the Great START Program, Including Operation and Administrative Costs: 5,200,000
- For Grants Associated with Migrant Child Care Services: 2,500,000

Total: $294,030,700

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

FIELD LEVEL OPERATIONS
Payable from General Revenue Fund:
- For Personal Services: 160,569,300

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
  Paid by Employer................................. 0
  For Retirement Contributions............... 25,861,300
For State Contributions to
  Social Security................................. 12,282,900
  For Contractual Services..................... 43,301,800
  For Travel........................................ 757,900
  For Commodities.................................. 15,600
  For Equipment................................... 1,078,200
  For Telecommunications Services............. 2,792,600
  Total ........................................... $246,659,700

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ATTORNEY GENERAL REPRESENTATION
Payable from General Revenue Fund:
  For Personal Services.......................... 250,400
  For Employee Retirement Contributions
    Paid by Employer.................................. 0
  For Retirement Contributions............... 40,300
  For State Contributions to
    Social Security............................... 19,200
  For Contractual Services..................... 4,100
  Total ........................................... $314,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

TRAINING PERSONNEL
Payable from General Revenue Fund:
  For Personal Services.......................... 1,423,800
  For Employee Retirement Contributions
    Paid by Employer.................................. 0
  For Retirement Contributions............... 229,300
  For State Contributions to
    Social Security............................... 108,900
  For Contractual Services..................... 296,100
  For Travel........................................ 122,800
  For Equipment................................... 2,400
  For Expenses Related to Training

New matter indicated by italics - deletions by strikeout.
Department Staff................................ 189,100
Total ............................................ 2,372,400

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

TINLEY PARK MENTAL HEALTH CENTER
For Personal Services........................ 15,956,500
For Employee Retirement Contributions
Paid by Employer................................. 0
For Retirement Contributions................. 2,569,900
For State Contributions to Social
Security............................................. 1,220,600
For Contractual Services....................... 946,800
For Travel......................................... 32,200
For Commodities................................ 2,755,000
For Printing........................................ 11,300
For Equipment..................................... 75,100
For Telecommunications Services............ 149,000
For Operation of Auto Equipment............ 30,100
For Expenses Related to Living
Skills Program..................................... 20,700
For Costs Associated with Behavioral
Health Services - Tinley Park Network....... 174,200
Total .............................................. 23,941,400

Section 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

ADMINISTRATIVE AND PROGRAM SUPPORT
Payable from General Revenue Fund:
For Personal Services............................ 20,973,300
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Retirement Contributions.................. 3,378,000
For State Contributions to Social Security.. 1,604,500
For Group Insurance............................. 241,300
For Contractual Services....................... 14,711,000
For Travel......................................... 282,200

New matter indicated by italics - deletions by strikeout.
For Commodities..................................... 1,552,900
For Printing....................................... 1,129,100
For Equipment...................................... 64,400
For Telecommunications Services............... 1,566,100
For Operation of Auto Equipment................. 202,700
For In-Service Training........................... 17,600
For Health Insurance Portability
and Accountability Act........................... 2,895,000
For Ordinary and Contingent Expenses of
Team Illinois........................................ 0
For Indirect Cost Principles/Interfund
Transfer Payable to the Vocational
Rehabilitation Fund.................................. 3,329,300
Total                                                                 $51,947,400
Payable from the DHS Recoveries Trust Fund:
For Personal Services......................... 2,732,500
For Employee Retirement Contributions
Paid by Employer..................................... 82,000
For Retirement Contributions.................... 440,100
For State Contributions to Social Security...... 209,000
For Group Insurance.............................. 720,000
For Contractual Services......................... 1,537,500
For Travel............................................. 50,000
For Commodities..................................... 16,800
For Printing.......................................... 7,600
For Equipment........................................ 2,900
For Telecommunications Services.............. 15,000
Total                                                                 $5,813,400
Payable from Vocational Rehabilitation Fund:
For Personal Services......................... 5,823,700
For Employee Retirement Contributions
Paid by Employer..................................... 174,700
For Retirement Contributions.................... 938,000
For State Contributions to Social Security ...... 445,500
For Group Insurance............................. 1,434,000
For Contractual Services......................... 2,755,800
For Travel............................................. 136,000
For Commodities..................................... 136,500
For Printing.......................................... 37,000

New matter indicated by italics - deletions by strikeout.
For Equipment.................................... 198,600
For Telecommunications Services.............. 226,500
For Operation of Auto Equipment.................. 28,500
For In-Service Training......................... 366,700
Total $12,701,500

Payable from DMH/DD Private Resources Fund:
For Costs associated with the Health
and Human Services Reform Activities
funded by Private Donations from the
Annie E. Casey Foundation...................... 150,000

ADMINISTRATIVE AND PROGRAM SUPPORT

GRANTS-IN-AID

Section 40. The sum of $3,189,300, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund and the sum of $16,723,400, or so much thereof as may be necessary, respectively, is appropriated from the Mental Health Fund to the Department of Human Services for payment of workers' compensation claims.

Expenditures from appropriations for treatment and expense may be made after the Department of Human Services has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Human Services without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

Section 45. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

GRANTS-IN-AID

For Tort Claims:
Payable from General Revenue Fund.............. 580,900
Payable from Vocational Rehabilitation Fund................................. 10,000
Total $590,900

For Reimbursement of Employees for
Work-Related Personal Property Damages:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund................. 12,600
For Grants Associated with Systems Change
Including Operating and Administrative Costs
Payable from the DHS Federal Projects Fund...... 450,000

PERMANENT IMPROVEMENTS

Section 50. The following named sums, or so much thereof as may
be necessary, are appropriated from the General Revenue Fund to the
Department of Human Services for repairs and maintenance, roof repairs
and/or replacements and miscellaneous at the Department's various
facilities and are to include capital improvements including construction,
reconstruction, improvements, repairs and installation of capital facilities,
cost of planning, supplies, materials, and all other expenses required for
roof and other types of repairs and maintenance, capital improvements and
demolition.

No contract shall be entered into or obligations incurred for any
expenditures from appropriations made in this Section of the Article until
after the purposes and amounts have been approved in writing by the
Governor.
For Repair, Maintenance and other Capital
Improvements at various facilities.............. 1,595,700
For Miscellaneous Permanent Improvements........ 250,700
Total                                      $1,846,400

Section 55. The following named sums, or so much thereof as may
be necessary, are appropriated to the Department of Human Services as
follows:

REFUNDS
Payable from General Revenue Fund............... 9,000
Payable from Vocational Rehabilitation Fund .... 5,000
Payable from Youth Drug Abuse Prevention Fund....................... 30,000
Payable from DHS Federal Projects Fund......................... 25,000
Payable from USDA
Women, Infants and Children Fund................ 200,000
Payable from Maternal and Child Health Services Block Grant Fund........ 5,000
Payable from Mental Health Fund....................... 100,000
Payable from the Early Intervention Services Revolving Fund............. 100,000

New matter indicated by italics - deletions by strikeout.
Payable from Drug Treatment Fund................. 5,000
Total $479,000

Section 60. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for ordinary and contingent expenses:

MANAGEMENT INFORMATION SERVICES
Payable from General Revenue Fund:
For Personal Services......................... 14,306,600
For Employee Retirement Contributions
  Paid by Employer................................. 0
For Retirement Contributions.................. 2,304,200
For State Contributions to Social Security .... 1,094,500
For Contractual Services....................... 20,347,400
For Travel........................................ 81,900
For Equipment.................................. 1,426,800
For Electronic Data Processing............... 2,490,200
For Telecommunications Services............ 4,914,500
Total $46,966,100
Payable from Vocational Rehabilitation Fund:
For Personal Services.......................... 2,192,000
For Employee Retirement Contributions
  Paid by Employer................................. 65,800
For Retirement Contributions.................. 353,000
For State Contributions to Social Security ..... 167,700
For Group Insurance............................ 396,000
For Contractual Services....................... 2,669,800
For Travel........................................ 50,000
For Commodities.................................. 60,600
For Printing.................................... 65,800
For Equipment.................................. 1,854,000
For Telecommunications Services............ 2,443,200
For Operation of Auto Equipment............. 2,800
Total $10,320,600
Payable from USDA Women, Infants and Children Fund:
For Personal Services......................... 539,300
For Employee Retirement Contributions
  Paid by Employer................................. 16,200
For Retirement Contributions.................. 86,900

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security ........ 41,200
For Group Insurance.................................. 96,000
For Contractual Services.......................... 325,400
For Electronic Data Processing.................... 150,000
Total .................................................. $1,255,000

Payable from Maternal and Child Health Services Block Grant Fund:
For Operational Expenses Associated with Support of Maternal and Child Health Programs .................. 236,000

Payable from the Mental Health Fund:
For Services Provided Under Contract to Maximize Cost Recovery .......................... 650,400

Section 65. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

JACK MABLEY DEVELOPMENT CENTER
For Personal Services................................ 6,876,600
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions....................... 1,107,500
For State Contributions to Social Security................. 526,000
For Contractual Services.......................... 1,211,400
For Travel.................................................. 3,900
For Commodities..................................... 407,200
For Printing............................................ 4,700
For Equipment......................................... 26,300
For Telecommunications Services...................... 40,100
For Operation of Automotive Equipment................. 23,400
Total .................................................. $10,227,100

Section 70. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ALTON MENTAL HEALTH CENTER
For Personal Services.......................... 13,899,800
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer......................................                                                0
For Retirement Contributions.......................... 2,238,700
For State Contributions to Social Security............... 1,063,300
For Contractual Services.............................. 1,548,300
For Travel........................................                                                  32,400
For Commodities.....................................                                           390,700
For Printing........................................                                                15,500
For Equipment......................................                                              86,900
For Telecommunications Services...................... 120,400
For Operation of Auto Equipment........................ 54,800
For Expenses Related to Living Skills Program............ 3,300
For Costs Associated with Behavioral Health Services - Alton Network............. 4,858,000
Total                                                                                       $24,312,100

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES
Payable from Old Age Survivors' Insurance Fund:
For Personal Services............................. 28,515,800
For Employee Retirement Contributions
  Paid by Employer.................................... 855,500
  For Retirement Contributions...................... 4,592,800
  For State Contributions to Social Security ....... 2,181,500
  For Group Insurance.............................. 7,146,000
  For Contractual Services......................... 14,066,400
  For Travel........................................... 198,000
  For Commodities.................................. 379,100
  For Printing...................................... 165,000
  For Equipment................................... 1,819,900
  For Telecommunications Services.................. 1,404,700
  For Operation of Auto Equipment................... 100
Total                                                                                       $61,324,800

Section 80. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES GRANTS-IN-AID

New matter indicated by italics - deletions by strikeout.
For Services to Disabled Individuals:
   Payable from Old Age Survivors' Insurance.... 19,000,000
For SSI Advocacy Services:
   Payable from General Revenue Fund.......... 1,967,500
   Payable from the Special Purposes
   Trust Fund..................................... 606,000

Section 85. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

HOME SERVICES PROGRAM
Payable from General Revenue Fund:
   For Personal Services......................... 4,454,100
   For Employee Retirement Contributions
   Paid by Employer.................................. 0
   For Retirement Contributions.................... 717,400
   For State Contribution to
   Social Security............................... 340,700
   For Contractual Services...................... 141,600
   For Travel....................................... 123,200
   For Commodities.................................. 1,900
   For Printing..................................... 3,600
   For Equipment................................... 1,000
   For Telecommunications Services.............. 4,900
Total                                    $5,788,400

Section 90. The following named amount, or so much thereof as
may be necessary, is appropriated to the Department of Human Services:

HOME SERVICES PROGRAM
   GRANTS-IN-AID
For Purchase of Services of the
Home Services Program, pursuant
to 20 ILCS 2405/3, including
operating and administrative costs:
 payable from General Revenue Fund........... 350,221,800

Section 95. The following named sums, or so much thereof as may
be necessary, respectively, for the purposes hereinafter named, are
appropriated to the Department of Human Services for Grants-In-Aid and
Purchased Care in its various regions pursuant to Sections 3 and 4 of the
Community Services Act and the Community Mental Health Act:

MENTAL HEALTH/DEVELOPMENTAL DISABILITIES

New matter indicated by italics - deletions by strikeout.
GRANTS-IN-AID AND PURCHASED CARE

For Community Service Grant Programs for Persons with Mental Illness:
   Payable from General Revenue Fund........... 170,002,900
   Payable from Community Mental Health Services Block Grant Fund............. 13,025,400
   Payable from the DHS Federal Projects Fund.......................... 16,000,000

For Costs Associated With The Purchase and Disbursement of Psychotropic Medications for Mentally Ill Clients in the Community:
   Payable from General Revenue Fund........... 3,000,000

For Psychiatric Services North Central Network:
   Payable from General Revenue Fund........... 9,329,900

For Community Integrated Living Arrangements for Persons with Mental Illness:
   Payable from General Revenue Fund........... 37,003,200

For Supportive MI Housing:
   Payable from the General Revenue Fund........ 4,450,000

For Medicaid Services for Persons with Mental Illness/and KidCare Clients in fiscal year 2005 and all prior fiscal years:
   Payable from General Revenue Fund........... 4,944,900
   Payable from Community Mental Health Medicaid Trust Fund...................... 95,689,900

For Emergency Psychiatric Services:
   Payable from General Revenue Fund........... 10,311,100

For Community Service Grant Programs for Children and Adolescents with Mental Illness:
   Payable from General Revenue Fund........... 24,613,200
   Payable from Community Mental Health Services Block Grant Fund............... 4,341,800

For Purchase of Care for Children and Adolescents with Mental Illness

New matter indicated by italics - deletions by strikeout.
approved through the Individual
Care Grant Program:
   Payable from General Revenue Fund........... 23,895,900
For Costs Associated with Children and
Adolescent Mental Health Programs:
   Payable from General Revenue Fund........... 11,158,700
For Teen Suicide Prevention Including
Provisions Established in Public Act
85-0928:
   Payable from Community Mental Health
   Services Block Grant Fund..................... 206,400
   Total............................................ $427,973,300
For Community Based Services for Persons with
Developmental Disabilities at the approximate
cost set forth below:
   Payable from the General Revenue Fund...... 545,163,000
   Payable from the Mental Health Fund......... 9,965,600
   Total............................................ $555,128,600
For Developmental Disability Quality
Assurance Waiver:
   Payable from General Revenue Fund........... 500,000
For costs associated with the provision
of Specialized Services to Persons with
Developmental Disabilities:
   Payable from General Revenue Fund........... 9,232,200
For Family Assistance Program, the
Home Based Support Services Program,
and for costs associated with services
for individuals with Developmental
Disabilities to enable them to reside
in their homes, at the approximate costs
set forth below:
   Payable from the General Revenue Fund...... 27,930,800
For the Family Assistance Program............. 8,000,000
For the Home Based Support
Services Program............................... 19,930,800
   Total............................................ $37,663,000
Payments to Providers of Care for
Persons with Developmental

New matter indicated by italics - deletions by strikeout.
Disabilities Payable from the Health & Human Services Medicaid Trust Fund.......................... 0

Section 100. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:
For costs related to Developmental Disability Community Transitions,
Including Operations and Administration...... 2,450,000
For a Grant to the Autism Project for an Autism Diagnosis Education Program for Young Children:
Payable from the General Revenue Fund....... 2,500,000
For Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs in fiscal year 2005 and in all prior fiscal years:
Payable from the General Revenue Fund...... 350,768,200
Payable from the Care Provider Fund for Persons With A Developmental Disability... 36,000,000
For Costs Associated with Mental Health Services for Youths in the Juvenile Justice System:
Payable from the General Revenue Fund....... 1,864,300
For a Grant to the Farm Resource Center:
Payable from the General Revenue Fund....... 570,000
Total $394,152,500

Section 105. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services for Payments to Community Providers and Administrative Expenditures, including such Federal funds as are made available by the Federal Government for the following purpose:
Payable from the Community Mental Health and Developmental Disabilities Services Provider Participation Fee Trust Fund:
For Community Mental Health and Developmental Services Costs Regarding Medicaid Services................. 500,000

New matter indicated by italics - deletions by strikeout.
Section 110. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

INSPECTOR GENERAL

Payable from General Revenue Fund:
For Personal Services......................... 3,804,800
For Employee Retirement Contributions
Paid by Employer......................................................... 0
For Retirement Contributions..................... 612,800
For State Contributions to Social Security........................................ 291,000
For Contractual Services......................... 174,500
For Travel....................................... 170,300
For Commodities................................... 45,400
For Equipment.................................... 141,500
For Telecommunications Services.................. 103,000
Total                                                                                       $5,343,300

Section 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDITION PREVENTION

GRANTS-IN-AID

For Addiction Prevention and Related Services:
Payable from General Revenue Fund............. 5,268,000
Payable from the Youth Alcoholism and Substance Abuse Fund......................... 1,050,000
Payable from Alcoholism and Substance Abuse Fund........................................ 3,009,300
Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund......................... 16,000,000
Total                                                                                       $25,327,300

Section 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDITION TREATMENT

GRANTS-IN-AID

Payable from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Costs Associated with Addiction
Treatment Services For Special
Populations.................................. 8,793,600
For Costs Associated with Community
Based Addiction Treatment to Medicaid
Eligible and KidCare clients,
Including Prior Year Costs.................... 50,713,500
For Costs Associated with Community
Based Addiction Treatment Services........... 81,483,700
For Addiction Treatment Services for
DCFS clients.................................... 11,688,300
For Grants and Administrative Expenses
Related to the Welfare Reform
Pilot Project.................................... 2,787,200
Total                                                                                     $155,466,300
Payable from Illinois State Gaming Fund
For Costs Associated with Treatment
of Individuals who are Compulsive
Gamblers........................................ 960,000
Total                                                                                       $960,000
For Addiction Treatment and Related Services:
Payable from Prevention and Treatment
of Alcoholism and Substance Abuse
Block Grant Fund.............................. 57,500,000
Payable from Drug Treatment Fund.............. 5,000,000
Payable from Youth Drug Abuse
Prevention Fund............................... 530,000
Total                                                                                       $63,030,000
For underwriting the cost of housing
for groups of recovering individuals:
Payable from Group Home Loan
Revolving Fund.................................. 100,000
For Grants and Administrative Expenses
Related to the Domestic Violence and
Substance Abuse Demonstration Project:
Payable from General Revenue Fund............ 641,800
For Grants and Administrative Expenses
Related to Addiction Treatment and
Related Services:

New matter indicated by italics - deletions by strikeout.
Payable from Drunk and Drugged Driving Prevention Fund................................. 3,082,900
Payable from Alcoholism and Substance Abuse Fund........................................ 10,102,900

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total appropriation of General Revenue Funds in Section 15 above "Addiction Treatment" among the purposes therein enumerated.

Section 125. The sum of $4,400,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 120 of Public Act 93-0092 is reappropriated from the General Revenue Fund to the Department of Human Services for the purpose of Community Based Addiction Treatment Services to Medicaid-Eligible and KidCare Clients.

Section 130. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**CLYDE L. CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER**

For Personal Services.......................... 24,676,000
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Retirement Contributions.................. 3,974,300
For State Contributions to Social Security.............................................. 1,887,700
For Contractual Services......................... 1,899,700
For Travel.......................................... 23,900
For Commodities.................................. 1,233,800
For Printing......................................... 14,000
For Equipment..................................... 87,400
For Telecommunications Services............. 155,300
For Operation of Auto Equipment............. 44,000
For Expenses Related to Living Skills Program..................................... 37,400
For Costs Associated with Behavioral Health Services - Choate Network.......... 41,300

New matter indicated by italics - deletions by strikeout.
Total $34,074,800

Section 135. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from General Revenue Fund to the Department of Human Services:
For Lincoln Developmental Center
Operational Expenses............................ 990,900

Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS
Payable from Illinois Veterans' Rehabilitation Fund:
For Personal Services......................... 1,267,400
For Employee Retirement Contributions
Paid by Employer.................................. 38,000
For Retirement Contributions.................... 204,100
For State Contributions to Social Security ...... 97,000
For Group Insurance............................. 264,000
For Travel........................................ 12,200
For Commodities................................... 5,600
For Equipment..................................... 7,000
For Telecommunications Services............... 19,500
Total $1,914,800
Payable from Vocational Rehabilitation Fund:
For Personal Services......................... 30,433,600
For Employee Retirement Contributions
Paid by Employer.................................. 913,000
For Retirement Contributions.................... 4,901,600
For State Contributions to Social Security .... 2,328,200
For Group Insurance............................. 7,692,000
For Contractual Services....................... 7,124,100
For Travel..................................... 1,200,000
For Commodities.................................. 306,900
For Printing...................................... 145,100
For Equipment................................... 629,900
For Telecommunications Services............... 1,676,300
For Operation of Auto Equipment............... 5,700
For Administrative Expenses of the
Statewide Deaf Evaluation Center............... 247,800
Total $57,604,200

New matter indicated by italics - deletions by strikeout.
Section 145. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**REHABILITATION SERVICES BUREAUS**

**GRANTS-IN-AID**

For Case Services to Individuals:
- Payable from General Revenue Fund............. 9,180,300
- Payable from Illinois Veterans' Rehabilitation Fund............................... 2,413,700
- Payable from State Projects Fund.................. 15,000
- Payable from Vocational Rehabilitation Fund... 46,110,700

For Grants for Multiple Sclerosis:
- Payable from the Multiple Sclerosis Fund........ 300,000

For Implementation of Title VI, Part C of the Vocational Rehabilitation Act of 1973 as Amended--Supported Employment:
- Payable from General Revenue Fund............. 2,243,900
- Payable from Vocational Rehabilitation Fund.... 1,900,000

For Small Business Enterprise Program:
- Payable from Vocational Rehabilitation Fund.... 3,623,700

For Case Services to Migrant Workers:
- Payable from General Revenue Fund............. 19,300
- Payable from Vocational Rehabilitation Fund...... 210,000

For Grants to Independent Living Centers:
- Payable from General Revenue Fund............. 4,743,800
- Payable from Vocational Rehabilitation Fund.... 2,000,000

For the Illinois Coalition for Citizens with Disabilities:
- Payable from General Revenue Fund............. 118,500
- Payable from Vocational Rehabilitation Fund...... 77,200

For Lekotek Services for Children with Disabilities:
- Payable from the General Revenue Fund........... 579,000

For Independent Living Older Blind Grant:
- Payable from the Vocational Rehabilitation Fund................................. 245,500
- Payable from General Revenue Fund.................. 114,300

For Independent Living Older Blind Formula:
- Payable from Vocational Rehabilitation Fund.... 1,000,000

New matter indicated by italics - deletions by strikeout.
For Technology Related Assistance
Regional Access and Mobilization Project:
Payable from the General Revenue Fund........... 600,000
Project for Individuals of All Ages
with Disabilities:
Payable from the Vocational
Rehabilitation Fund.......................... 1,050,000
Total............................................... $76,544,900

Section 150. The sum of $17,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 2, Section 140 of Public Act 93-0092 is reappropriated from the Vocational Rehabilitation Fund to the Department of Human Services for Case Services to Individuals.

Section 155. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

<table>
<thead>
<tr>
<th>CLIENT ASSISTANCE PROJECT</th>
<th>Payable from Vocational Rehabilitation Fund:</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services...........</td>
<td>506,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer...............</td>
<td>15,200</td>
</tr>
<tr>
<td>For Retirement Contributions...............</td>
<td>81,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security ......</td>
<td>38,800</td>
</tr>
<tr>
<td>For Group Insurance..................</td>
<td>120,000</td>
</tr>
<tr>
<td>For Contractual Services..............</td>
<td>45,300</td>
</tr>
<tr>
<td>For Travel...............................</td>
<td>38,200</td>
</tr>
<tr>
<td>For Commodities........................</td>
<td>2,700</td>
</tr>
<tr>
<td>For Printing............................</td>
<td>400</td>
</tr>
<tr>
<td>For Equipment..........................</td>
<td>32,100</td>
</tr>
<tr>
<td>For Telecommunications Services.........</td>
<td>12,800</td>
</tr>
<tr>
<td>Total...................................</td>
<td>$893,900</td>
</tr>
</tbody>
</table>

Section 160. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Vocational Rehabilitation Fund to the Department of Human Services for a grant relating to a Client Assistance Project.

Section 165. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout.
named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

CHICAGO-READ MENTAL HEALTH CENTER

For Personal Services......................... 22,331,700
For Employee Retirement Contributions
   Paid by Employer................................. 0
For Retirement Contributions................... 3,596,800
For State Contributions to
   Social Security.................................. 1,708,300
For Contractual Services....................... 2,526,500
For Travel........................................... 37,700
For Commodities.................................. 733,500
For Printing........................................ 14,600
For Equipment..................................... 64,300
For Telecommunications Services............... 177,800
For Operation of Auto Equipment............... 31,700
For Costs Associated with Behavioral
   Health Services - Chicago-Read
   Network.......................................... 370,200
Total                                                                 $31,593,100

Section 170. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

PROGRAM ADMINISTRATION - DISABILITIES AND BEHAVIORAL HEALTH

Payable from General Revenue Fund:
For Personal Services.......................... 10,391,400
For Employee Retirement Contributions Paid
   by Employer........................................ 0
For Retirement Contributions................... 1,673,600
For State Contributions to Social Security.... 795,000
For Contractual Services........................ 1,185,700
For Travel.......................................... 221,900
For Commodities.................................. 19,991,200
For Printing........................................ 28,100
For Equipment..................................... 430,200
For Telecommunications Services.............. 159,100
For Operation of Auto Equipment.............. 2,200

New matter indicated by italics - deletions by strikeout.
For Contractual Services:
  For Private Hospitals for Recipients of State Facilities.............. \textbf{925,900}
  Total \textbf{$35,804,300$}

Payable from the Prevention/Treatment - Alcoholism and Substance Abuse Block Grant Fund:
  For Personal Services.......................... \textbf{2,223,300}
  For Employee Retirement Contributions Paid by Employer................\textbf{66,700}
  For Retirement Contributions..................... \textbf{358,100}
  For State Contributions to Social Security ...... \textbf{170,100}
  For Group Insurance................................ \textbf{396,000}
  For Contractual Services....................... \textbf{1,416,800}
  For Travel....................................... \textbf{200,000}
  For Commodities................................... \textbf{53,800}
  For Printing...................................... \textbf{35,000}
  For Equipment..................................... \textbf{14,300}
  For Electronic Data Processing.................... \textbf{300,000}
  For Telecommunications Services.................. \textbf{117,800}
  For Operation of Auto Equipment................... \textbf{20,000}
  For Expenses Associated with the Administration of the Alcohol and Substance Abuse Prevention and Treatment Programs.............................. \textbf{215,000}
  For Deposit into the Group Home Loan Revolving Fund.................. \textbf{100,000}
  Total \textbf{$5,686,900$}

Payable from the Vocational Rehabilitation Fund:
  For Personal Services.............................. \textbf{699,600}
  For Employee Retirement Contributions Paid by Employer................\textbf{21,000}
  For Retirement Contributions........................ \textbf{112,700}
  For State Contributions to Social Security ...... \textbf{53,500}
  For Group Insurance................................ \textbf{150,000}
  For Contractual Services.......................... \textbf{61,000}
  For Travel........................................ \textbf{50,000}
  For Commodities...................................... \textbf{300}
  For Equipment..................................... \textbf{40,000}

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0842

For Telecommunications Services...................... 16,900
Total $1,205,000

Payable from the Community Mental Health Services Block Grant Fund:
For Personal Services.............................. 517,200
For Employee Retirement Contributions Paid by Employer................................. 15,500
For Retirement Contributions ....................... 83,300
For State Contributions to Social Security ....... 39,600
For Group Insurance.................................. 120,000
For Contractual Services............................ 180,100
For Travel............................................... 10,000
For Commodities.................................... 5,000
For Equipment........................................ 5,000
Total $975,700

Payable from the DHS Federal Projects Fund:
For Federally Assisted Programs.................... 5,949,200

Payable from the Mental Health Fund:
For Costs Related to Provision of Support Services Provided to Departmental and Non-Departmental Organizations............ 4,770,200

Payable from the Youth Alcoholism and Substance Abuse Prevention Fund:
For Deposit into the Fund Which Receives All Payments Under Section 5-3 of Act for Alcoholic Liquors.................. 150,000

Payable from the Rehabilitation Services Elementary and Secondary Education Act Fund:
For Federally Assisted Programs.................... 1,350,000

Section 175. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Human Services:

SEXUALLY VIOLENT PERSONS PROGRAM

Payable from General Revenue Fund:
For Sexually Violent Persons Program.................. 18,988,900

Section 180. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Human Services:

New matter indicated by italics - deletions by strikeout.
named, are appropriated from the General Revenue Fund for the ordinary
and contingent expenditures of the Department of Human Services:

H. DOUGLAS SINGER MENTAL HEALTH AND DEVELOPMENTAL
CENTER

For Personal Services........................ 8,868,600
For Employee Retirement Contributions
Paid by Employer............................... 0
For Retirement Contributions............... 1,428,400
For State Contributions to
Social Security............................... 678,500
For Contractual Services.................... 2,294,400
For Travel..................................... 7,600
For Commodities............................. 396,000
For Printing.................................. 10,300
For Equipment................................ 27,500
For Telecommunications Services........... 86,300
For Operation of Auto Equipment........... 19,400
For Expenses Related to Living
Skills Program............................... 3,800
For Costs Associated with Behavioral
Health Services - Singer Network........... 38,200
Total $13,859,000

Section 185. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund to meet the
ordinary and contingent expenditures of the Department of Human
Services:

ANN M. KILEY DEVELOPMENTAL CENTER

For Personal Services........................ 19,012,300
For Employee Retirement Contributions
Paid by Employer............................... 0
For Retirement Contributions............... 3,062,100
For State Contributions to Social
Security......................................... 1,473,300
For Contractual Services.................... 2,037,500
For Travel..................................... 10,100
For Commodities............................. 916,600
For Printing.................................. 14,900
For Equipment................................ 35,300

New matter indicated by italics - deletions by strikeout.
Section 190. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**ILLINOIS SCHOOL FOR THE DEAF**

Payable from General Revenue Fund:
- For Personal Services: $11,666,700
- For Student, Member or Inmate Compensation: $13,400
- For Employee Retirement Contributions
  - Paid by Employer: $0
- For Retirement Contributions: $1,879,000
- For State Contributions to Social Security: $605,500
- For Contractual Services: $1,609,700
- For Travel: $19,000
- For Commodities: $497,400
- For Printing: $1,000
- For Equipment: $117,900
- For Telecommunications Services: $116,200
- For Operation of Auto Equipment: $39,100
- Total: $16,564,900

Payable from Vocational Rehabilitation Fund:
- For Secondary Transitional Experience Program: $50,000

Section 195. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED**

Payable from General Revenue Fund:
- For Personal Services: $6,322,000
- For Student, Member or Inmate Compensation: $16,400
- For Employee Retirement Contributions
  - Paid by Employer: $0
- For Retirement Contributions: $1,018,200
- For State Contributions to Social Security: $1,018,200

New matter indicated by italics - deletions by strikeout.
Security........................................ 379,300
For Contractual Services........................ 619,000
For Travel........................................ 13,800
For Commodities................................ 229,200
For Printing..................................... 2,500
For Equipment................................... 80,000
For Telecommunications Services.............. 49,100
For Operation of Auto Equipment.............. 11,500
Total                                                                                       $8,741,000

Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience
Program........................................... 42,900

Section 200. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund to meet the
ordinary and contingent expenses of the Department of Human Services:

JOHN J. MADDEN MENTAL HEALTH CENTER
For Personal Services............................. 17,278,300
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Retirement Contributions.................... 2,782,800
For State Contributions to Social
Security............................................. 1,321,800
For Contractual Services......................... 1,798,500
For Travel......................................... 26,800
For Commodities.................................. 524,300
For Printing....................................... 18,700
For Equipment.................................... 31,200
For Telecommunications Services............... 143,900
For Operation of Auto Equipment.............. 14,500
For Expenses Related to Living
Skills Program.................................... 19,200
For Costs Associated with Behavioral Health
Services - Madden Network...................... 143,100
Total                                                                                       $24,103,100

Section 205. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund to meet the

New matter indicated by italics - deletions by strikeout.
ordinary and contingent expenditures of the Department of Human Services:

WARREN G. MURRAY DEVELOPMENTAL CENTER

For Personal Services........................ 22,054,200
For Employee Retirement Contributions
    Paid by Employer............................... 0
    For Retirement Contributions................ 3,552,100
For State Contributions to Social Security.............................. 1,701,200
For Contractual Services......................... 1,656,600
For Travel........................................ 9,900
For Commodities.................................. 1,388,000
For Printing...................................... 10,000
For Equipment.................................... 122,300
For Telecommunications Services................. 56,000
For Operation of Auto Equipment................... 33,900
For Expenses Related to Living
    Skills Program................................ 2,900
Total                                                                 $30,587,100

Section 210. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ELGIN MENTAL HEALTH CENTER

For Personal Services.......................... 41,061,300
For Employee Retirement Contributions
    Paid by Employer............................... 0
    For Retirement Contributions................ 6,613,300
For State Contributions to Social Security.............................. 3,141,200
For Contractual Services......................... 4,157,000
For Travel........................................ 45,500
For Commodities.................................. 1,173,800
For Printing...................................... 34,700
For Equipment.................................... 131,400
For Telecommunications Services................. 309,100
For Operation of Auto Equipment................... 111,200
For Expenses Related to Living
    Skills Program................................ 31,200

New matter indicated by italics - deletions by strikeout.
For Costs Associated with Behavioral Health Services - Elgin Network.......................... 7,388,300
Total $64,198,000

Section 215. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY AND RESIDENTIAL SERVICES
FOR THE BLIND AND VISUALLY IMPAIRED

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,305,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>210,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security .......</td>
<td>91,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>32,300</td>
</tr>
<tr>
<td>For Travel........................................</td>
<td>57,800</td>
</tr>
<tr>
<td>For Commodities...................................</td>
<td>6,300</td>
</tr>
<tr>
<td>For Printing........................................</td>
<td>200</td>
</tr>
<tr>
<td>For Equipment.....................................</td>
<td>200</td>
</tr>
<tr>
<td>For Telecommunications Services....................</td>
<td>2,100</td>
</tr>
<tr>
<td>Total</td>
<td>$1,705,800</td>
</tr>
</tbody>
</table>

Section 220. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

CHESTER MENTAL HEALTH CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>24,472,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>3,941,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security .......</td>
<td>1,895,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,652,300</td>
</tr>
<tr>
<td>For Travel........................................</td>
<td>69,500</td>
</tr>
<tr>
<td>For Commodities...................................</td>
<td>633,500</td>
</tr>
<tr>
<td>For Printing........................................</td>
<td>10,300</td>
</tr>
<tr>
<td>For Equipment.....................................</td>
<td>50,300</td>
</tr>
<tr>
<td>For Telecommunications Services....................</td>
<td>101,900</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Operation of Auto Equipment...................                                 15,700  
For Expenses Related to Living  
Skills Program.....................................          4,600  
Total                                                                                       $33,847,000  

Section 225. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

JACKSONVILLE DEVELOPMENTAL CENTER  
For Personal Services........................                                         20,140,400  
For Employee Retirement Contributions  
Paid by Employer.........................................          0  
For Retirement Contributions..................                                   3,243,800  
For State Contributions to Social  
Security..............................................        1,540,700  
For Contractual Services.......................                                       1,408,300  
For Travel........................................                                                  14,600  
For Commodities................................                                          1,629,100  
For Printing......................................                                                 12,900  
For Equipment.....................................                                              89,600  
For Telecommunications Services...............                                 79,500  
For Operation of Auto Equipment...................                                 46,600  
For Expenses Related to Living  
Skills Program...................................                      16,200  
Total                                                                                       $28,221,700  

Section 230. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION  
Payable from General Revenue Fund:  
For Personal Services.........................                                          3,404,400  
For Student, Member or Inmate Compensation ........                         2,000  
For Employee Retirement Contributions  
Paid by Employer.........................................          0  
For Retirement Contributions.....................                                    548,300  
For State Contributions to Social Security ......                               260,500  
For Contractual Services.........................                                        783,000  
For Travel.........................................                                                   8,900  

New matter indicated by italics - deletions by strikeout.
Section 235. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ANDREW McFARLAND MENTAL HEALTH CENTER

For Personal Services........................ 10,849,800
For Employee Retirement Contributions
  Paid by Employer................................. 0
  For Retirement Contributions................... 1,747,500
For State Contributions to
  Social Security................................. 830,000
  For Contractual Services....................... 1,733,300
  For Travel........................................ 13,500
  For Commodities................................. 348,800
  For Printing.................................... 6,800
  For Equipment.................................... 63,600
  For Telecommunications Services.............. 86,100
  For Operation of Auto Equipment.............. 23,000
  For Expenses Related to Living
    Skills Program................................ 11,400
  For Costs Associated with Behavioral Health
    Services - McFarland Network................ 146,800
Total                                    $15,860,600

Section 240. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REFUGEE SOCIAL SERVICE PROGRAM
Payable from the Special Purposes Trust Fund:
  For Personal Services.......................... 555,100

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by Employer................................. 16,700
For Retirement Contributions..................... 89,400
For State Contributions to Social Security.......... 42,400
For Group Insurance............................... 96,000
For Contractual Services.......................... 47,100
For Travel.......................................... 9,500
For Commodities................................... 33,000
For Printing....................................... 37,600
For Equipment..................................... 7,100
Total $933,900

Section 245. The following named sum, or so much thereof as may be necessary, respectively, is appropriated to the Department of Human Services for the purposes hereinafter named:

REFUGEE SOCIAL SERVICE PROGRAM
GRANTS-IN-AID
Payable from Special Purposes Trust Fund:
For Refugee Resettlement Purchase
of Service.................................. 10,128,200

Section 250. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

GOVERNOR SAMUEL H. SHAPIRO DEVELOPMENTAL CENTER
For Personal Services............................. 47,892,000
For Employee Retirement Contributions
Paid by Employer................................. 0
For Retirement Contributions..................... 7,673,200
For State Contributions to Social Security........... 3,644,600
For Contractual Services.......................... 4,215,000
For Travel.......................................... 11,800
For Commodities.................................. 3,034,800
For Printing....................................... 33,800
For Equipment..................................... 173,100
For Telecommunications Services................... 122,800
For Operation of Auto Equipment.................... 113,900
Total $66,915,000

New matter indicated by italics - deletions by strikeout.
Section 255. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

**EMPLOYMENT AND SOCIAL SERVICE PROGRAMS**

Payable from General Revenue Fund:
- For Personal Services .......................... 5,871,600
- For Employee Retirement Contributions
  - Paid by Employer ............................... 0
  - For Retirement Contributions ............... 945,700
- For State Contributions to
  - Social Security ............................... 449,200
  - For Contractual Services .................... 78,200
  - For Travel ...................................... 72,200
  - For Equipment ................................. 4,400
  **Total** ........................................ $7,421,300

Payable from the Special Purposes Trust Fund:
- For Operation of Federal Employment Programs ........................................ 10,000,000

Section 260. The following named amounts, or so much thereof as may be necessary, respectively, for the objects hereinafter named, are appropriated to the Department of Human Services for Employment and Social Services and related distributive purposes, including such Federal funds as are made available by the Federal government for the following purposes:

**EMPLOYMENT AND SOCIAL SERVICE PROGRAMS**

**GRANTS-IN-AID**

Payable from General Revenue Fund:
- For Employability Development Services
  - Including Operating and Administrative Costs and Related Distributive Purposes .... 14,323,000
  - For Emergency Food and Shelter Program ........ 9,368,300
  - For Emergency Food Program .................. 267,000
  - For Grants for Crisis Nurseries .............. 472,900
  - For Food Stamp Employment and Training including Operating and Administrative Costs and Related Distributive Purposes ..... 11,202,300
- For Illinois Community Action
  - Association for the Family and Community Development Grant Program .............. 313,600

New matter indicated by italics - deletions by strikeout.
For Grants for Supportive Housing Services.............................. 3,490,300
Total $39,437,400

Payable from the Special Purposes Trust Fund:
For Federal/State Employment Programs and Related Services............................. 5,000,000
For Emergency Food Program Transportation and Distribution, including grants and operations.......... 5,000,000
For Homeless Assistance through the McKinney Block Grant............................ 4,000,000
For the development and implementation of the Federal Title XX Empowerment Zone and Enterprise Community initiatives.......................... 38,925,300
For Grants Associated with the Head Start State Collaboration, Including Operating and Administrative Costs........ 300,000
Total $53,225,300

Payable from Local Initiative Fund:
For Purchase of Services under the Donated Funds Initiative Program............. 22,391,700
Funds appropriated from the Local Initiative Fund in Section 39.1, above, shall be expended only for purposes authorized by the Department of Human Services in written agreements.

Payable from Assistance to the Homeless Fund:
For Costs Related to Providing Assistance to the Homeless Including Operating and Administrative Costs and Grants........... 300,000

Payable from Employment and Training Fund:
For Costs Related to Employment and Training Programs Including Operating and Administrative Costs and Grants to Qualified Public and Private Entities for Purchase of Employment and Training Services............................. 84,455,100

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund:
For costs related to the Homelessness Prevention Act............................... 3,140,000

Section 265. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

JUVENILE JUSTICE PROGRAMS

Payable from General Revenue Fund:
For Personal Services........................... 287,400
For Employee Retirement Contributions Paid by Employer.............................. 0
For Retirement Contributions...................... 46,300
For State Contributions to Social Security................................. 22,000
For Contractual Services.......................... 51,100
For Travel........................................ 6,500
For Equipment.................................... 100
For Telecommunications Services.................... 2,600
Total $416,000

Payable from Juvenile Justice Trust Fund:
For Personal Services........................... 180,900
For Employee Retirement Contributions Paid by Employer.............................. 5,400
For Retirement Contributions...................... 29,100
For State Contributions to Social Security................................. 13,900
For Group Insurance............................... 36,000
For Contractual Services.......................... 66,900
For Travel........................................ 26,500
For Commodities................................. 4,600
For Printing....................................... 3,500
For Telecommunications Services................. 11,900
For Detention Monitoring......................... 75,000
Total $453,700

Section 270. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

JUVENILE JUSTICE PROGRAMS
GRANTS-IN-AID

New matter indicated by italics - deletions by strikeout.
Payable from Juvenile Justice Trust Fund:
For Juvenile Justice Planning and Action Grants for Local Units of Government and Non-Profit Organizations including
Prior Fiscal Years Costs.......................... 12,600,000
For Grants to State Agencies, including Prior Fiscal Years......................... 370,000
Total $12,970,000

Section 275. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

COMMUNITY HEALTH

Payable from the General Revenue Fund:
For Personal Services.......................... 3,302,600
For Employee Retirement Contributions Paid by Employer................................. 0
For Retirement Contributions.................... 531,900
For State Contributions to Social Security ...... 252,600
For Contractual Services........................ 447,200
For Travel........................................ 123,300
For Commodities................................ 19,600
For Equipment.................................... 32,500
For Telecommunications Services............... 46,300
For Expenses for the Development and Implementation of Cornerstone.............. 2,146,800
Total $6,902,800

Payable from the DHS Federal Projects Fund:
For Personal Services.......................... 612,300
For Employee Retirement Contributions Paid by Employer................................. 18,400
For Retirement Contributions.................... 98,600
For State Contributions to Social Security ...... 46,800
For Group Insurance............................. 132,000
For Contractual Services........................ 1,405,200
For Travel........................................ 155,500
For Commodities................................ 36,000
For Printing..................................... 22,000
For Equipment.................................... 568,000
For Telecommunications Services................ 246,800

New matter indicated by italics - deletions by strikeout.
For Expenses Related to Public Health Programs................................................. 256,200
For Operational Expenses for Maternal and Child Health Special Projects of Regional and National Significance.......................... 226,300
Total $3,824,100
Payable from the USDA Women, Infants and Children Fund:
For Personal Services........................................ 3,413,200
For Employee Retirement Contributions Paid by Employer........................................ 102,400
For Retirement Contributions.................................. 549,700
For State Contributions to Social Security ........ 261,100
For Group Insurance.................................................. 720,000
For Contractual Services........................................ 1,139,200
For Travel............................................................ 239,000
For Commodities......................................................... 54,200
For Printing.............................................................. 184,500
For Equipment.......................................................... 279,000
For Telecommunications Services.............................. 250,000
For Operation of Auto Equipment............................... 17,600
For Operational Expenses of the Women, Infants and Children (WIC) Program, Including Investigations.......................... 4,600,000
For Operational Expenses of Banking Services for Food Instruments Verification and Vendor Payment under the Women, Infants and Children (WIC) Program................................................................. 1,000,000
For Operational Expenses of the Federal Commodity Supplemental Food Program............................................................. 42,500
For Operational Expenses Associated with Support of the USDA Women, Infants and Children Program.......................... 150,000
Total $13,002,400
Payable from the Maternal and Child Health Services Block Grant Fund:

New matter indicated by italics - deletions by strikeout.
For Operational Expenses of Maternal and Child Health Programs...................... 4,223,300

Payable from the Preventive Health and Health Services Block

Grant Fund:

For Expenses of Preventive Health and Health Services Programs....................... 55,000

Payable from the DHS State Projects Fund:

For Operational Expenses for Public Health Programs................................. 368,000

Section 280. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

COMMUNITY HEALTH GRANTS-IN-AID

Payable from the General Revenue Fund:

For Grants to Public and Private Agencies for Problem Pregnancies..................... 248,800

For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities.......................... 5,542,000

For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services........ 16,836,600

For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services for Medicaid Eligible Families.......................... 27,598,600

For Grants for the Intensive Prenatal Performance Project............................... 3,136,300

For Grants to the Chicago Department of Health for Maternal and Child Health Services................................. 295,000

For Grants and Administrative Expenses Related to the Healthy Families Program................................. 9,686,700

For Costs Associated with the Domestic Violence Shelters and Services Program................................. 21,279,700

New matter indicated by italics - deletions by strikeout.
For Grants for After School Youth Support Programs................................. 20,428,500
For Costs Associated with Teen Parent Services................................. 7,122,400
For Grants to Family Planning Programs For Contraceptive Services................... 723,800
For a Grant to Mano a Mano Family Resource Center.......................... 50,000
For a Grant for Youth and Family Counseling................................. 75,000
Payable from the Sexual Assault Services Fund:
For Grants Related to the Sexual Assault Services Program............ 100,000
Total $113,123,400
Payable from the Special Purposes Trust Fund:
For Costs Associated with Family Violence Prevention Services........... 5,000,000
Payable from the DHS Federal Projects Fund:
For Grants for Public Health Programs........................................ 2,830,000
For Grants for Maternal and Child Health Special Projects of Regional and National Significance........... 1,300,000
For Grants for Family Planning Programs Pursuant to Title X of the Public Health Service Act......... 8,000,000
For Grants for the Federal Healthy Start Program.......................... 4,000,000
Total $21,130,000
Payable from the Special Purposes Trust Fund:
For Community Grants................................ 5,698,100
Payable from the Domestic Violence Abuser Services Fund:
For Domestic Violence Abuser Services.................. 100,000
Payable from the Federal National Community Services Grant Fund:
For Payment for Community Activities,

New matter indicated by italics - deletions by strikeout.
Including Prior Years' Costs................. 13,000,000

Payable from the USDA Women, Infants and Children Fund:
For Grants to Public and Private Agencies for Costs of Administering the USDA Women, Infants, and Children (WIC) Nutrition Program................................. 42,000,000
For Grants for the Federal Commodity Supplemental Food Program .......... 1,400,000
For Grants for Free Distribution of Food Supplies under the USDA Women, Infants, and Children (WIC) Nutrition Program ................. 173,000,000
For Grants for Administering USDA Women, Infants, and Children (WIC) Nutrition Program Food Centers................................. 24,000,000
For Grants for USDA Farmer's Market Nutrition Program.......................... 1,500,000
Total                                                                                          $260,698,100

Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants for Maternal and Child Health Programs, Including Programs Appropriated Elsewhere in this Section.................. 8,465,200
For Grants to the Chicago Department of Health for Maternal and Child Health Services........................................ 5,000,000
For Grants to the Board of Trustees of the University of Illinois, Division of Specialized Care for Children............... 7,800,000
For Grants for an Abstinence Education Program including operating and administrative costs............................ 2,500,000
Total                                                                                           $23,765,200

Payable from the Preventive Health and Health Services Block Grant Fund:
For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities...................... 500,000
For Grants for Rape Prevention Education Programs, including operating and

New matter indicated by italics - deletions by strikeout.
administrative costs................. 1,000,000
Total                                $1,500,000

Payable from the DHS State Projects Fund:
For Grants to Establish Health Care Systems for DCFS Wards.............. 2,361,400

Payable from Domestic Violence Shelter and Service Fund:
For Domestic Violence Shelters and Services Program...................... 1,000,000
For Grants in Children's Cancer Research:
Payable from Children's Cancer Fund.................................. 2,500
For Grants for Diabetes Research:
Payable from American Diabetes Association Fund..................... 74,000
For Children's Health Programs:
Payable from Tobacco Settlement Recovery Fund...................... 2,000,000
For a Grant to the Coalition for Technical Assistance and Training:
Payable from Tobacco Settlement Recovery Fund.................. 250,000
For a Grant to the Gilead Outreach and Referral Center:
Payable from the General Revenue Fund........ 250,000

Section 285. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY YOUTH SERVICES
Payable from General Revenue Fund:
For Personal Services................. 171,000
For Employee Retirement Contributions
Paid by Employer.......................... 0
For Retirement Contributions.............. 27,500
For State Contributions to Social Security.............................. 13,100
Total                                $211,600

Section 290. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY YOUTH SERVICES

New matter indicated by italics - deletions by strikeout.
GRANTS-IN-AID

Payable from General Revenue Fund:
For Community Services........................ 6,937,900
For Youth Services Grants Associated with
Juvenile Justice Reform....................... 3,283,900
For Comprehensive Community-Based
Service to Youth................................ 12,854,000
For Unified Delinquency Intervention
Services....................................... 2,991,100
For Homeless Youth Services............... 4,609,400
For Early Intervention........................ 61,191,600
For Redeploy Illinois......................... 2,000,000
For Parents Too Soon Program............. 7,235,000
For Delinquency Prevention............... 1,533,300
Total $102,636,200

Payable from the Special Purposes Trust Fund:
For Parents Too Soon Program,
including grants and operations............ 3,665,200

Payable from the Early Intervention
Services Revolving Fund:
For Grants Associated with the
Early Intervention Services
Program, including operating
and administrative costs.................... 119,977,800
Total $123,643,000

Section 295. The sum of $15,000,000, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2004 from appropriations and reappropriations hereof
made for such
purposes in Article 2, Section 285 of Public Act 93-0092, is reappropriated
from the Early Intervention Services Revolving Fund to the Department
of Human Services for grants associated with the Early Intervention Program,
including operating and administrative costs.

Section 300. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund to meet the
ordinary and contingent expenditures of the Department of Human
Services:

WILLIAM W. FOX DEVELOPMENTAL CENTER
For Personal Services....................... 12,419,600

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
  Paid by Employer................................. 0
  For Retirement Contributions.................... 2,000,300
For State Contributions to Social Security............... 950,100
  For Contractual Services......................... 1,073,800
  For Travel........................................... 6,900
  For Commodities................................... 808,500
  For Printing......................................... 8,700
  For Equipment........................................ 33,100
  For Telecommunications Services.................. 21,900
  For Operation of Auto Equipment.................. 20,400
  For Expenses Related to Living
    Skills Program.................................... 1,000
Total                                                                             $17,344,300

Section 305. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

ELISABETH LUDEMAN DEVELOPMENTAL CENTER
  For Personal Services............................. 26,600,900
  For Employee Retirement Contributions
    Paid by Employer.................................. 0
    For Retirement Contributions................... 4,284,300
  For State Contributions to Social Security........... 2,048,100
    For Contractual Services....................... 2,528,100
    For Travel......................................... 3,500
    For Commodities.................................. 598,700
    For Printing....................................... 9,200
    For Equipment...................................... 96,900
    For Telecommunications Services............... 123,100
    For Operation of Auto Equipment................. 41,900
    For Expenses Related to Living
      Skills Program.................................. 24,700
Total                                                                             $36,359,400

Section 310. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout.
named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

**WILLIAM A. HOWE DEVELOPMENTAL CENTER**

For Personal Services........................................... 36,177,600
For Employee Retirement Contributions
  Paid by Employer............................................... 0
For Retirement Contributions..................................... 5,826,800
For State Contributions to Social Security.............................. 2,767,600
For Contractual Services......................................... 4,685,800
For Travel...................................................................... 34,100
For Commodities.......................................................... 953,600
For Printing................................................................. 18,700
For Equipment.............................................................. 81,300
For Telecommunications Services................................. 144,400
For Operation of Auto Equipment................................. 186,600
For Expenses Related to Living Skills Program......................... 11,100
Total............................................................................ $50,887,600

**ARTICLE 55**

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Deaf and Hard of Hearing Commission:

For Personal Services........................................... 405,900
For Employee Retirement Contributions
  Paid by Employer............................................... 0
For State Contributions to State Employees' Retirement System......... 65,400
For State Contributions to Social Security.......................... 29,700
For Contractual Services......................................... 61,600
For Travel...................................................................... 19,600
For Commodities.......................................................... 11,700
For Printing................................................................. 5,900
For Equipment.............................................................. 1,500
For Telecommunications Services................................. 18,600
For Operation of Automotive Equipment.......................... 2,400

New matter indicated by italics - deletions by strikeout.
For Expenses relative to the operation of the Commission...

Total $28,900

Total $651,200

ARTICLE 56

Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Guardianship and Advocacy Commission for the purposes hereinafter named:

For Personal Services...

For Employee Retirement Contributions Paid by Employer...

For State Contributions to the State Employees' Retirement System...

For State Contributions to Social Security...

For Contractual Services...

For Travel...

For Commodities...

For Printing...

For Equipment...

For Electronic Data Processing...

For Telecommunications Services...

For Operation of Auto Equipment...

Total $8,046,600

Section 10. The sum of $187,700, or so much thereof as may be necessary, is appropriated from the Guardianship and Advocacy Fund to the Guardianship and Advocacy Commission for services pursuant to Section 5 of the Guardianship and Advocacy Act.

ARTICLE 57

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Illinois Council on Developmental Disabilities:

Payable from Council on Developmental Disabilities Federal Fund:

For Personal Services...

For Employee Retirement Contributions Paid By Employer...

For State Contributions to the State...

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0842

Employees' Retirement System................. 106,800
For State Contributions to
Social Security............................... 50,800
For Group Insurance.......................... 168,000
For Contractual Services...................... 469,700
For Travel..................................... 43,000
For Commodities............................. 30,000
For Printing.................................. 37,500
For Equipment............................... 15,000
For Electronic Data Processing............... 25,000
For Telecommunications Services............. 45,000
Total $1,674,000

Section 10. The amount of $2,500,000, or so much thereof as may be necessary, is appropriated from the Council on Developmental Disabilities Federal Fund to the Illinois Council on Developmental Disabilities for awards and grants to community agencies and other State agencies.

ARTICLE 58

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF OLDER AMERICAN SERVICES
Payable from Services for Older Americans Fund:
For Personal Services.......................... 1,056,900
For State Contributions to State
Employees' Retirement System................. 170,200
For State Contributions to Social Security .... 80,900
For Group Insurance........................... 146,900
For Travel..................................... 55,700
Total $1,510,600

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF LONG TERM CARE
Payable from General Revenue Fund:
For Personal Services.......................... 972,100
For State Contributions to State
Employees' Retirement System................. 156,600

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security ...... 74,300  
For Travel........................................... 55,400  
For the Alzheimer's Disease  
Task Force and Conference......................... 12,400  
Total                                                                                         $1,270,800  

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF ADMINISTRATIVE SUPPORT

Payable from General Revenue Fund:

For Personal Services............................. 1,386,500  
For Employee Retirement Contributions Paid by Employer........................................ 0  
For State Contributions to State  
Employees' Retirement System....................... 223,300  
For State Contributions to Social Security ...... 106,600  
For Contractual Services................................................................. 169,200  
For Travel........................................... 48,300  
For Commodities........................................... 18,100  
For Printing........................................ 11,300  
For Equipment........................................ 15,200  
For Telecommunications............................. 55,700  
For Operation of Auto Equipment...................... 3,400  
Total                                                                                         $2,037,600  

Payable from Services for Older Americans Fund:

For Personal Services............................. 774,600  
For Employee Retirement Contributions Paid by Employer........................................ 54,900  
For State Contributions to State  
Employees' Retirement System....................... 124,800  
For State Contributions to Social Security ...... 59,300  
For Group Insurance.................................. 150,000  
For Contractual Services............................ 107,400  
For Travel........................................... 26,400  
For Commodities........................................... 7,200  
For Printing........................................ 12,800  
For Equipment........................................ 1,100  
For Telecommunications............................. 15,500  

New matter indicated by italics - deletions by strikeout.
For Operations of Auto Equipment........................ 2,400
Total $1,336,400

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

BUREAU OF INFORMATION SERVICES SECTION

Payable from General Revenue Fund:
For Personal Services.......................... 603,600
For State Contributions to State Employees' Retirement System.......................... 97,200
For State Contributions to Social Security ...... 46,100
For Contractual Services........................ 120,900
For Travel..................................... 4,600
For Commodities................................ 5,800
For Printing...................................... 12,200
For Electronic Data Processing.................. 120,400
For Telecommunications Services............... 14,100
Total $1,024,900

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
OPERATIONS

Payable from General Revenue Fund:
For Expenses of the Provisions of the Elder Abuse and Neglect Act.............. 8,898,200
For Expenses of the Intergenerational Programs........................................ 60,900
For Expenses of the Illinois Department on Aging for Monitoring and Support Services................................ 296,900
For Expenses of the Illinois Council on Aging........................................... 12,200
For Expenses of the Senior Employment Specialist Program.......................... 264,300
For Expenses of the Grandparents Raising Grandchildren Program.................. 136,500
For Administrative Expenses of Senior Meal Program................................... 34,500

New matter indicated by italics - deletions by strikeout.
For Administrative Expenses of the Red Tape Cutter Program............................... 9,800
For Expenses of the Senior Helpline.............................................. 468,600
Total.................................................................................. $10,181,900

Payable from Services for Older Americans Fund:
For Administrative Expenses of Senior Meal Program........................................ 52,100
For Expenses for Senior Caregivers of Adult Disabled Children.............................. 214,500
For Purchase of Training Services......................................................... 148,300
For Expenses of the Discretionary Government Projects...................................... 120,000
Total.................................................................................. $534,900

Payable from the Department on Aging's Special Projects Fund:
For Expenses of Private Partnership Projects................................................ 45,000

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

Payable from General Revenue Fund:
For the purchase of Illinois Community Care Program homemaker and Senior Companion Services.............................. 188,619,600
For Grants and for Administrative Expenses Associated with Case Management.............................. 27,278,000
For Grants for distribution to the 13 Area Agencies on Aging for costs for home delivered meals and mobile food equipment .... 6,969,600
Grants for Community Based Services including information and referral services, transportation and delivered meals.............................. 3,062,300
Grants for Community Based Services for equal distribution to each of the 13

New matter indicated by italics - deletions by strikeout.
Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department on Aging for the ordinary and contingent expenses of the Senior Citizens Circuit Breaker and Pharmaceutical Assistance Program:

New matter indicated by italics - deletions by strikeout.
Public Act 93-0842

Payable from General Revenue Fund............  57,284,900
Payable from Tobacco Settlement Recovery Fund.........................  8,890,900
Payable from General Revenue Fund:
  For Pharmaceutical Refund....................  146,600

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Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**DIRECTOR'S OFFICE**

Payable from the General Revenue Fund:
  For Personal Services.........................  2,180,900
  For Employee Retirement Contributions
    Paid by Employer..................................  0
  For State Contributions to State
    Employees' Retirement System..................  351,300
  For State Contributions to Social Security ....  165,500
  For Contractual Services.......................  109,500
  For Travel........................................  62,800
  For Commodities..................................  5,100
  For Printing......................................  1,800
  For Equipment....................................  400
  For Telecommunications Services...............  60,600
  For Operation of Auto Equipment...............  700
  Total ..........................................  2,938,600

Payable from the Public Health Services Fund:
  For Operational Expenses Associated with
    Support of Federally Funded Public
    Health Programs..................................  150,000
  For Operational Expenses to Support
    Refugee Health Care............................  514,000
  Total, Public Health Services Fund............  $664,000

Payable from the Public Health Special
  State Projects Fund:
  For Expenses of Public Health Programs........  750,000

  Section 10. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for expenses targeted to decrease health disparities in communities of color for Breast and Cervical Cancer.

New matter indicated by italics - deletions by strikeout.
Section 15. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health from the Public Health Services Fund for the objects and purposes hereinafter named:

**DIRECTOR'S OFFICE**

For Grants for the Development of Refugee Health Care......................... 1,186,000

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**OFFICE OF FINANCE AND ADMINISTRATION**

Payable from the General Revenue Fund:

For Personal Services.......................... 5,825,300
For Employee Retirement Contributions
Paid by Employer............................... 0
For State Contributions to State Employees' Retirement System............... 938,200
For State Contributions to Social Security ...... 445,600
For Contractual Services....................... 4,120,400
For Travel........................................ 60,100
For Commodities............................... 105,200
For Printing..................................... 187,200
For Equipment................................... 5,500
For Telecommunications Services.............. 327,500
For Operation of Auto Equipment............... 44,100
For Expenses of the Public Health Information Network....................... 84,700
For Expenses of the Adoption Registry and Medical Information Exchange.......... 136,400
For Operational Expenses of Maintaining the Vital Records System........... 221,700
For Operational Expenses of the Regional Data Base System.................... 31,200
Total $12,533,100

Payable from the Public Health Services Fund:

For Personal Services........................ 194,500
For Employee Retirement Contributions
Paid by Employer............................... 5,800
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Section 25. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF FINANCE AND ADMINISTRATION

Payable from the General Revenue Fund:
For Grants for Development of Local Health Departments and the Public Health Workforce, including Operational Expenses...... 179,700

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout.
OFFICE OF FINANCE AND ADMINISTRATION

For Other Refunds, Payable from the General Revenue Fund.......................... 39,100
For Refunds, Payable from the Public Health Services Fund.......................... 75,000
For Refunds, Payable from the Maternal and Child Health Services Block Grant Fund............. 5,000
For Refunds, Payable from the Preventive Health and Health Services Block Grant Fund.......................... 5,000
Total $124,100

Section 35. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIVISION OF INFORMATION TECHNOLOGY

Payable from the General Revenue Fund:
For Personal Services.......................... 1,913,600
For Employee Retirement Contributions
Paid by Employer.......................... 0
For State Contributions to State Employees' Retirement System.................. 308,200
For State Contributions to Social Security .... 145,200
For Contractual Services.......................... 237,300
For Travel.......................... 5,300
For Commodities.......................... 4,800
For Printing.......................... 16,000
For Electronic Data Processing.......................... 594,700
For Telecommunications Services.......................... 59,300
For Operational Expenses for Health Information Systems Targeted for Health Screening Programs.......................... 132,500
For Expenses for Public Health Prevention Systems.......................... 963,900
For Expenses Associated with the Childhood Immunization Program.......................... 271,600
Total $4,652,400

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Operational Expenses of the Lead

New matter indicated by italics - deletions by strikeout.
Poisoning Screening and Prevention Program.............................. 250,000
Payable from the Metabolic Screening and Treatment Fund:
For Operational Expenses of the Metabolic Screening Program.......... 390,000
Payable from the Public Health Services Fund:
For Expenses Associated with Support of Federally Funded Public Health Programs........... 1,250,000
Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses Associated with Support of Maternal and Child Health Programs........ 200,000
Payable from the Public Health Special State Projects Fund:
For Expenses of EPSDT........................................ 150,000

Section 40. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the General Revenue Fund:
For Personal Services................................. 1,049,100
For Employee Retirement Contributions Paid by Employer................................. 0
For State Contributions to State Employees' Retirement System.......... 169,000
For State Contributions to Social Security ...... 80,300
For Contractual Services.............................. 29,100
For Travel.................................................. 52,900
For Commodities........................................... 8,300
For Printing............................................... 2,500
For Equipment............................................. 100
For Telecommunications Services...................... 30,500
For Operation of Auto Equipment....................... 400
For Operational Expenses of Legacy Public Health Programs............... 359,000
For Deposit into the Lead Poisoning,

New matter indicated by italics - deletions by strikeout.
Screening, Prevention, and Abatement Fund................................. 684,300
For Expenses of the Governor's Health and Physical Fitness Advisory Committee............... 6,500
For Expenses of the Prostate Cancer Awareness and Screening Program...................... 297,000
Total                                                                 $2,769,000
For Expenses related to Services for Prostate Cancer Public Awareness Initiatives payable from the General Revenue Fund................. 1,400,000
Payable from the General Revenue Fund:
For grants for the extension and provision of perinatal services for premature and high-risk infants and their mothers....... 1,157,700
For a grant to Sacred Heart Hospital of Chicago........................................ 250,000
Payable from the Public Health Services Fund:
For Personal Services....................... 1,205,000
For Employee Retirement Contributions Paid by Employer............................. 36,200
For State Contributions to State Employees' Retirement System................... 194,100
For State Contributions to Social Security ...... 92,200
For Group Insurance.............................. 352,000
For Contractual Services...................... 650,000
For Travel........................................ 160,000
For Commodities................................. 13,000
For Printing...................................... 44,000
For Equipment.................................. 50,000
For Telecommunications Services............... 65,000
Total                                                                 $2,861,500
Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Expenses, Including Refunds, of the Lead Poisoning Screening and Prevention Program.................... 683,100
Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses of Maternal and

New matter indicated by italics - deletions by strikeout.
Child Health Programs.......................... 440,000
Payable from the Preventive Health
and Health Services Block Grant Fund:
For Expenses of Preventive Health and
Health Services Programs....................... 1,226,800
Payable from the Maternal and Child Health
Block Grant Fund:
For Grants for the Extension and Provision
of Perinatal Services for Premature and
High-risk Infants and their Mothers............. 2,401,800
Payable from the Public Health Special
State Projects Fund:
For Expenses for Public Health Programs....... 750,000
Payable from the Metabolic Screening
and Treatment Fund:
For Operational Expenses for Metabolic
Screening Follow-up Services.................... 1,020,900
Payable from the Hearing Instrument
Dispenser Examining and Disciplinary Fund:
For Expenses Pursuant to the Hearing
Aid Consumer Protection Act.................... 104,500
Payable from Lou Gehrig’s Disease Research Fund:
For grants to the Les Turner ALS foundation
for Research on Amyotrophic Lateral
Sclerosis (ALS)..................................... 100,000
Payable from the Leukemia Treatment and Education Fund:
For grants for the treatment of Leukemia,
Lymphoma and Myeloma......................... 100,000
Payable from the Asthma and Lung Research Fund:
For a grant to the Asthma Clinical
Research Program................................. 100,000
Payable from the Spinal Cord Injury Paralysis
Cure Research Trust Fund:
For grants for spinal cord injury research....... 100,000

Section 45. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION
Payable from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Grants for Vision and Hearing Screening Programs....................... 674,800
For Grants Associated with Donated Dental Services.......................... 73,300
For a grant to the Amyotrophic Lateral Sclerosis (ALS) Association for Research into discovering the cause and cure for Amyotrophic Lateral Sclerosis.................. 1,000,000
Total $1,748,100

Payable from the Alzheimer's Disease Research Fund:
For Grants Pursuant to the Alzheimer's Disease Research Act................. 200,000
Payable from the Public Health Services Fund:
For Grants for Public Health Programs, Including Operational Expenses........ 6,000,000
Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Grants for the Lead Poisoning Screening and Prevention Program............. 2,000,000
Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants for Maternal and Child Health Programs.............................. 495,000
Payable from the Preventive Health and Health Services Block Grant Fund:
For Grants for Prevention Programs Including operational expenses............. 2,000,000
Payable from the Metabolic Screening and Treatment Fund:
For Grants for Metabolic Screening Follow-up Services........................ 2,200,000
For Grants for Free Distribution of Medical Preparations and Food Supplies...... 1,250,000
Total $3,450,000

Payable from the General Revenue Fund:
For Grants to the University of Chicago Transplant Section for Juvenile Diabetes Research.......................... 2,500,000

New matter indicated by italics - deletions by strikeout.
Payable from the Tobacco Settlement Recovery Fund:
For Certified Local Health Department
  Grants for Anti-Smoking Programs............... 5,000,000
For Grants and Administrative Expenses
  for the Tobacco Use Prevention Program......................... 5,000,000
Total $10,000,000

Section 50. In addition to any amounts previously appropriated, the sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the American Lung Association for operations of the Quitline.

Payable from the Prostate Cancer Research Fund:
For Grants to Public and Private Entities
  In Illinois for Prostate Cancer Research....... 500,000

Section 55. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH CARE REGULATION

Payable from the General Revenue Fund:
For Personal Services ..................... 13,521,900
For Employee Retirement Contributions
  Paid by Employer ......................... 0
For State Contributions to State Employees'
  Retirement System ....................... 2,177,800
For State Contributions to Social Security .... 1,026,000
For Contractual Services .................... 223,300
For Travel .................................. 790,300
For Commodities ............................. 18,500
For Printing .................................. 6,200
For Equipment .................................. 300
For Telecommunications Services ............ 142,300
For Operation of Auto Equipment ............ 1,600
For Operational Expenses of
  Three First Aid Stations ................... 90,000
For Expenses of the Assisted Living
  and Shared Housing Program ............... 224,800
Total $18,223,000

Payable from the Public Health Services Fund:
For Personal Services ..................... 6,825,000

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
   Paid by Employer.............................................................................. 204,800
   For State Contributions to State Employees' Retirement System........ 1,099,200
   For State Contributions to Social Security ...... 522,100
   For Group Insurance................................................................. 1,104,000
   For Contractual Services......................................................... 300,000
   For Travel................................................................................. 1,100,000
   For Commodities........................................................................ 8,200
   For Equipment............................................................................ 300,000
   For Telecommunications............................................................ 50,000
   For Expenses of Monitoring in Long Term Care Facilities................. 1,500,000
   Total........................................................................................... $13,013,300

Payable from Assisted Living and Shared Housing Regulatory Fund:
   For operational expenses of the Assisted Living and Shared Housing Program, pursuant to Public Act 91-0656........................................... 100,000

Payable from the Long Term Care Monitor/Receiver Fund:
   For Expenses, Including Refunds, Related to Appointment of Long Term Care Monitors and Receivers.................................................. 607,800

Payable from the Regulatory Evaluation and Basic Enforcement Fund:
   For Expenses of the Alternative Health Care Delivery Systems Program................................................................. 75,000

Payable from the Trauma Center Fund:
   For Expenses of Administering the Distribution of Payments to Trauma Centers................................................................. 6,000,000

Payable from the EMS Assistance Fund:
   For Expenses of Administering the Distribution of Payments from the EMS Assistance Fund, Including Refunds........ 300,000

Payable from the Health Facility Plan Review Fund:

New matter indicated by italics - deletions by strikeout.
For Expenses of Health Facility
Plan Review Program and Hospital
Network System, including refunds............ 2,219,000

Payable from Innovations in Long Term Care Quality
Demonstration Grants Fund:
For demonstration grants for nursing homes..... 1,000,000

Payable from the End Stage Renal Disease
Facility Licensing Fund:
For expenses of the End Stage Renal Disease
Facility Licensing Program...................... 385,000

Section 60. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION

Payable from the General Revenue Fund:
For Personal Services......................... 6,388,900
For Employee Retirement Contributions
Paid by Employer................................. 0
For State Contributions to State Employees' Retirement System......................... 1,029,000
For State Contributions to Social Security ...... 488,800
For Contractual Services.......................... 117,700
For Travel........................................ 204,000
For Commodities.................................. 15,900
For Printing........................................ 9,200
For Equipment.................................... 100
For Telecommunications Services............... 91,400
For Operation of Auto Equipment................. 6,900
For Expenses of Implementing Federal Awards, Including Services Performed by Local Health Providers......................... 9,800
For Expenses of Immunization Promotion, Awareness, and Outreach...................... 977,600
For Expenses Incurred for the Rapid Investigation and Control of Disease or Injury...................... 567,400
For Expenses of Environmental Health Surveillance and Prevention Activities, Including Mercury

New matter indicated by italics - deletions by strikeout.
Public Act 93-0842

Hazards and West Nile Virus........................................ 459,600
For Expenses for Expanded Lab Capacity and Enhanced Statewide Communication Capabilities Associated with Homeland Security................................. 508,000
Total                                                                                       $10,874,300
Payable from the Public Health Services Fund:
For Personal Services................................. 3,747,000
For Employee Retirement Contributions
Paid by Employer................................................. 112,400
For State Contributions to State Employees' Retirement System.................. 603,500
For State Contributions to Social Security ...... 286,600
For Group Insurance.................................... 700,000
For Contractual Services............................. 3,152,800
For Travel.................................................. 332,800
For Commodities........................................... 230,000
For Printing.................................................. 70,800
For Equipment............................................. 875,000
For Telecommunications Services................. 286,800
For Operation of Auto Equipment.................. 10,000
For Expenses of Implementing Federal Awards, Including Services Performed by Local Health Providers............... 4,925,700
For Expenses Related to the Summer Food Inspection Program......................... 45,000
Total                                                                                       $15,378,400
Payable from the Food and Drug Safety Fund:
For Expenses of Administering the Food and Drug Safety Program, including Refunds............... 1,727,600
Payable from the Illinois School Asbestos Abatement Fund:
For Expenses, Including Refunds, of Administering and Executing the Asbestos Abatement Act and the Federal Asbestos Hazard Emergency Response Act of 1986 (AHERA)................ 952,500

New matter indicated by italics - deletions by strikeout.
Payable from the Public Health Water Permit Fund:
For Expenses, Including Refunds, of Administering the Groundwater Protection Act......................... 200,000

Payable from the Used Tire Management Fund:
For Expenses of Vector Control Programs, including Mosquito Abatement....................... 500,000

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Expenses of the Lead Poisoning Screening, and Prevention Program, Including Refunds...................... 600,000

Payable from the Tanning Facility Permit Fund:
For Expenses to Administer the Tanning Facility Permit Act, Including Refunds............................... 500,000

Payable from the Plumbing Licensure and Program Fund:
For Expenses to Administer and Enforce the Illinois Plumbing License Law, including Refunds................... 1,331,400

Payable from the Pesticide Control Fund:
For Public Education, Research, and Enforcement of the Structural Pest Control Act.......................... 200,000

Payable from the Facility Licensing Fund:
For Expenses, including Refunds, of Environmental Health Programs................................. 659,900

Payable from the Public Health Special State Projects Fund:
For Expenses of Conducting EPSDT and other Health Protection Programs........... 1,200,000

Payable from the Emergency Public Health Fund:
For expenses of mosquito abatement in an effort to curb the spread of West

New matter indicated by italics - deletions by strikeout.
Section 65. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION

Payable from the General Revenue Fund:

For Grants for Free Distribution of
Medical Preparations....................... 4,274,300
For Grants for Sexually Transmitted Disease
Medical Services to Individuals............ 10,800
For Grants to Metro Chicago Hospital
Council for support of the Illinois
Poison Control Center....................... 1,427,200
For Local Health Protection Grants
to Certified Local Health Departments
for Health Protection Programs including,
But Not Limited To, Infectious
Diseases, Food Sanitation,
Potable Water and Private Sewage........... 13,981,400
Total $19,693,700

Payable from the Tobacco Settlement
Recovery Fund:

For a Grant for the University of Illinois
for Sickle Cell Research.................... 1,900,000

Section 70. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for expenses of programs related to Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV):

OFFICE OF HEALTH PROTECTION: AIDS/HIV

Payable from the General Revenue Fund:

For Personal Services...................... 396,100
For State Contributions to State
Employees' Retirement System............. 63,800
For State Contributions to Social Security .... 30,000
For Contractual Services................... 26,500
For Travel................................... 12,400
For Expenses of an AIDS Hotline.......... 202,700

New matter indicated by italics - deletions by strikeout.
For Expenses of Minority AIDS/HIV
Prevention and Outreach....................... 3,150,000
For Expenses of AIDS/HIV Education,
Drugs, Services, Counseling, Testing,
Referral and Partner Notification
(CTRPN), and Patient and Worker
Notification pursuant to Public
Act 87-763................................ 15,658,600
Total $19,540,100

Payable from the Public Health Services Fund:
For Expenses of Programs for Prevention
of AIDS/HIV.............................. 4,651,600
For Expenses for Surveillance Programs and
Seroprevalence Studies of AIDS/HIV...... 1,500,000
For Expenses Associated with the
Ryan White Comprehensive AIDS
Resource Emergency Act of
1990 (CARE) and other AIDS/HIV services.... 35,900,000
Total $42,051,600

Section 75. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

SPRINGFIELD LABORATORY
Payable from the General Revenue Fund:
For Personal Services........................ 1,133,700
For Employee Retirement Contributions
Paid by Employer.............................. 0
For State Contributions to State Employees’
Retirement System............................. 182,600
For State Contributions to Social
Security.......................................... 86,000
Total $1,402,300

CARBONDALE LABORATORY
Payable from the General Revenue Fund:
For Personal Services....................... 298,400
For Employee Retirement Contributions
Paid by Employer.............................. 0
For State Contributions to State
Employees' Retirement System.............. 48,100
PUBLIC ACT 93-0842

For State Contributions to Social Security ...... 22,700
Total $369,200

CHICAGO LABORATORY
Payable from the General Revenue Fund:
For Personal Services.......................... 1,633,100
For Employee Retirement Contributions
Paid by Employer...................................... 0
For State Contributions to State Employees' Retirement System................. 263,000
For State Contributions to Social Security ...... 123,900
Total $2,065,000

PUBLIC HEALTH LABORATORIES
Payable from the General Revenue Fund:
For Contractual Services......................... 276,100
For Travel........................................ 23,000
For Commodities.................................. 320,600
For Printing...................................... 17,600
For Equipment...................................... 3,300
For Telecommunications Services................... 65,500
For Operation of Auto Equipment................... 1,700
For Expenses of Increasing and Maintaining Laboratory Capacity for the Rapid Response to Outbreaks or Incidence of Infectious Diseases or Injury................................. 114,400
For Operational Expenses to Provide Clinical and Environmental Public Health Laboratory Services......................... 4,288,400
Total, General Revenue Fund $5,110,600
Payable from the Public Health Services Fund:
For Personal Services........................... 200,000
For Employee Retirement Contributions
Paid by Employer...................................... 6,000
For State Contributions to State Employees' Retirement System................. 32,200
For State Contributions to Social Security ...... 15,300
For Group Insurance............................... 48,000
For Contractual Services......................... 200,000
For Travel.................................. 20,000

New matter indicated by italics - deletions by strikeout.
For Commodities......................... 340,000
For Printing................................. 10,000
For Equipment.............................. 115,000
For Telecommunications Services......... 7,000
Total, Public Health Services Fund $993,500

Payable from the Public Health Laboratory Services Revolving Fund:
For Expenses, Including Refunds, to Administer Public Health Laboratory Programs and Services............................. 3,078,000

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Expenses, Including Refunds, of Lead Poisoning Screening, Prevention and Abatement Program............. 1,347,100

Payable from the Metabolic Screening and Treatment Fund:
For Expenses, Including Refunds, of Testing and Screening for Metabolic Diseases......................... 3,974,300

Section 80. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the General Revenue Fund:
For Personal Services..................... 362,400
For Employee Retirement Contributions Paid by Employer................................. 0
For State Contributions to State Employees' Retirement System....................... 58,400
For State Contributions to Social Security........................................ 27,500
For Contractual Services.................... 50,500
For Travel.................................... 23,500
For Commodities........................... 3,300
For Printing................................. 14,700
For Equipment.............................. 700
For Telecommunications Services......... 12,700

New matter indicated by italics - deletions by strikeout.
For Operational Expenses of State-
wide Women's Healthline...................... 88,000
For Operational Expenses for Educational
Programs to Reduce Breast Cancer............ 25,600
For Expenses for Breast and Cervical
Cancer Screenings and other
Related Activities............................. 2,150,000
For payment into the Penny Severns
Breast and Cervical Cancer Research
Fund............................................. 244,400
For Expenses of the Women's Health
Promotion Programs............................ 945,200
Total $4,006,900

Payable from the Public Health Services Fund:
For Personal Services.......................... 472,200
For Employee Retirement Contributions
Paid by Employer............................... 14,200
For State Contributions to State
Employees' Retirement System............... 76,100
For State Contributions to
Social Security............................... 36,100
For Group Insurance........................... 108,000
For Contractual Services....................... 500,000
For Travel................................... 50,000
For Commodities............................... 53,200
For Printing.................................. 34,500
For Equipment................................. 50,000
For Telecommunications Services.......... 10,000
For Expenses of Federally Funded Women's
Health Program.............................. 2,600,000
Total $4,004,300

Payable from the Public Health Special
State Projects Fund:
For Expenses of Women's Health Programs..... 200,000

Section 85. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:
OFFICE OF WOMEN'S HEALTH
Payable from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Grants Pursuant to the Promotion of Women's Health ...................... $1,148,600
  Total $1,148,600
Payable from the Public Health Services Fund:
  For Grants for Breast and Cervical Cancer Screenings in Fiscal Year 2005 and all prior fiscal years .......... $6,000,000
Payable from the Penny Severns Breast and Cervical Cancer Research Fund:
  For Grants for Breast and Cervical Cancer Research ........................................... $600,000

Section 90. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIVISION OF PUBLIC HEALTH PREPAREDNESS

Payable from the Public Health Services Fund:
  For Expenses of Federally Funded Bioterrorism Preparedness Activities .................................. $55,000,000
Payable from the Federal Civil Preparedness Administrative Fund:
  For Costs Associated with Illinois Terrorism Task Force Approved Purchases for Homeland Security ........... $2,100,000

Section 95. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF POLICY, PLANNING AND STATISTICS

Payable from the General Revenue Fund:
  For Personal Services ........................................... $1,820,400
  For Employee Retirement Contributions Paid by Employer .......................................................... 0
  For State Contributions to State Employees=Retirement System ................................................. $293,200
  For State Contributions to Social Security .......................................................... $138,100
  For Contractual Services ........................................... $27,900
  For Travel .......................................................... $32,600
  For Commodities .......................................................... $2,600

New matter indicated by italics - deletions by strikeout.
For Printing......................................... 300
For Equipment...................................... 4,800
For Telecommunications Services............... 29,900
For Expenses to establish program
to provide scholarships to Allied
Health Professionals......................... 92,800
For operating expenses of the Center
for Rural Health............................... 461,500
For grants to public and private agencies
for Residency Programs pursuant to the
Family Practice Residency Act.............. 309,500
For grants to public and private agencies
for Residency Programs pursuant to the
Family Practice Residency Act.............. 480,700
For matching grants to Community Based
Organizations for Comprehensive
Primary Care..................................... 399,800
For grants to assist Community and
Migrant Health Centers to expand service
capacity and develop additional sites........ 399,800
For hospital grants to diversify
services and convert to facilities
that are less dependent on Acute
Care Bed capacity............................. 399,800
For expenses of the Adverse Pregnancy
Outcomes Reporting Systems (APORS)
Program.......................................... 365,800
For expenses of State Cancer Registry,
Including matching funds for National
Cancer Institute grants...................... 166,200
Total                                      $5,425,700
Payable from Rural/Downstate Health Access Fund:
For expenses associated with the Rural/
Downstate Health Access Program.......... 525,000
Payable from the Public Health Services Fund;
For expenses related to Epidemiological
Health Outcomes Investigations and
Database Development....................... 4,230,000
For expenses for Rural Health Center to

New matter indicated by italics - deletions by strikeout.
expand the availability of Primary Health Care................................. 2,000,000
For operational expenses to develop a Health Care Provider Recruitment and Retention Program................................. 300,000
For grants to develop a Health Care Provider Recruitment and Retention Program................................. 450,000
For grants to develop a Health Professional Educational Loan Repayment Program.................. 900,000
Total........................................................................................................ $7,880,000
Payable from Community Health Center Care Fund:
For expenses for access to Primary Health Care Services Program per Family Practice Residency Act................................. 1,185,600
Payable from Illinois Health Facilities Planning Fund:
For Personal Services......................................................... 905,000
For Employee Retirement Contributions Paid by Employer................................. 27,200
For State Contributions to State Employees Retirement System................................. 145,800
For State Contributions to Social Security................................................. 69,000
For Group Insurance......................................................... 180,600
For Contractual Services......................................................... 403,900
For Travel........................................................................................... 40,000
For Commodities................................................................. 3,000
For Printing...................................................................................... 500
For Equipment.................................................................................. 25,000
For Telecommunications Services................................. 10,000
Total......................................................................................................... $1,810,000
Payable from Nursing Dedicated and Professional Fund:
For expenses of the Nursing Education Scholarship Law................................. 750,000
Payable from the Regulatory Evaluation and Basic Enforcement Fund:
For Expenses of the Alternative Health Care Delivery Systems Program......................... 75,000
Payable from the Tobacco Settlement Recovery Fund:

New matter indicated by italics - deletions by strikeout.
For grants for the Community Health Center Expansion Program......................... 3,000,000
Payable from the General Revenue Fund:
For grants for the Community Health Center Expansion Program......................... 500,000
For grants for Access to Health Care Services for the underinsured..................... 25,000
Total $525,000
Payable from the Preventive Health and Health Services Block Grant Fund:
For expenses of Preventive Health and Health Services Needs Assessment............... 1,156,700
Payable from Public Health Special State Projects Fund:
For expenses associated with Health Outcomes Investigations.......................... 500,000
Payable from Illinois State Podiatric Disciplinary Fund:
For expenses of the Podiatric Scholarship And Residency Act.......................... 65,000
Payable from the Public Health Federal Projects Fund:
For expenses of Health Outcomes, Research, Policy and Surveillance.................. 812,000

Section 100. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to the Illinois Hospital Research and Education Foundation for the creation and maintenance of the Illinois Healthcare Broadband Network. The amount appropriated can be used for all purposes necessary to establish and maintain the Broadband Network, including, but not limited to, securing federal matching dollars.

Section 105. The sum of $700,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for all expenses associated with the Save a Life Program.

ARTICLE 60
Section 5. The sum of $192,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Medical District Commission for ordinary and contingent expenses.

ARTICLE 61

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

ADMINISTRATION

Payable from General Revenue Fund:

For Personal Services .......................... 531,000
For Employee Retirement Contributions
Paid by Employer .............................. 0
For State Contributions to State
Employees' Retirement System .................. 85,500
For State Contributions to
Social Security .................................. 40,600
For Contractual Services ....................... 298,000
For Travel ...................................... 16,500
For Commodities ............................... 15,800
For Printing ................................... 4,700
For Equipment ................................. 24,800
For Telecommunications Services .............. 27,100
For Operation of Auto Equipment .............. 11,600
Total ................................................................ $1,055,600

The sum of $156,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Rights for the purpose of funding expenses associated with the Commission on Discrimination and Hate Crimes.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

DIVISION OF CHARGE PROCESSING

Payable from General Revenue Fund:

For Personal Services .......................... 4,083,800
For Employee Retirement Contributions
Paid by Employer .............................. 0
For State Contributions to State
Employees' Retirement System .................. 657,700
For State Contributions to
Social Security ................................. 312,400
For Contractual Services ....................... 33,400
For Travel ...................................... 22,800
For Commodities ............................... 6,800

New matter indicated by italics - deletions by strikeout.
**PUBLIC ACT 93-0842**

For Printing................................. 1,300  
For Equipment.......................... 11,900  
For Telecommunications Services.......... 67,700  
Total ........................................ $5,197,800

Payable from Special Projects Division Fund:  
For Personal Services......................... 1,504,100  
For Employee Retirement Contributions  
Paid by Employer.......................... 45,100  
For State Contributions to State  
Employees' Retirement System................. 242,300  
For State Contributions to  
Social Security............................... 115,100  
For Group Insurance.......................... 372,000  
For Contractual Services..................... 106,700  
For Travel.................................... 41,500  
For Commodities.............................. 13,300  
For Printing.................................. 9,300  
For Equipment.............................. 9,600  
For Telecommunications Services.......... 88,000  
Total ........................................ $2,547,000

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

**COMPLIANCE**

Payable from General Revenue Fund:  
For Personal Services........................ 593,700  
For Employee Retirement Contributions  
Paid by Employer.......................... 0  
For State Contributions to State  
Employees' Retirement System................. 95,600  
For State Contributions to  
Social Security............................... 45,400  
For Contractual Services..................... 3,600  
For Travel.................................... 12,900  
For Commodities.............................. 2,100  
For Printing.................................. 1,000  
For Telecommunications Services.......... 14,000  
Total ........................................ $768,300

**ARTICLE 62**

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Human Rights Commission for the objects and purposes hereinafter enumerated:

**GENERAL OFFICE**

Payable from General Revenue Fund:
- For Personal Services............................ 960,800
- For Employee Retirement Contributions
  - Paid by Employer.................................. 0
- For State Contributions to State
  - Employees' Retirement System............... 154,800
- For State Contributions to Social Security.......................... 73,500
- For Contractual Services........................ 161,300
- For Travel........................................ 29,300
- For Commodities................................... 12,700
- For Printing....................................... 4,400
- For Equipment..................................... 13,600
- For Electronic Data Processing............... 2,900
- For Telecommunications Services.............. 26,300
  **Total**                                                                 $1,439,600

**ARTICLE 63**

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Department of Veterans' Affairs:

**CENTRAL OFFICE**

- For Personal Services............................ 1,395,700
- For Employee Retirement Contributions
  - Paid by Employer.................................. 0
- For State Contributions to State
  - Employees' Retirement System............... 224,800
- For State Contributions to Social Security.......................... 106,700
- For Contractual Services........................ 373,600
- For Travel........................................ 19,900
- For Commodities................................... 9,900
- For Printing....................................... 5,900
- For Equipment..................................... 2,000
- For Electronic Data Processing............... 1,055,100

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services....................... 35,400
For Operation of Auto Equipment....................... 10,200
Total                                              $3,239,200

Section 10. The following named sums, or so much thereof as
may be necessary, are appropriated from the General Revenue Fund to the
Department of Veterans' Affairs for the objects and purposes and in the
amounts set forth as follows:

GRANTS-IN-AID
For Bonus Payments to War Veterans and Peacetime
Crisis Survivors........................................ 97,800
For Providing Educational Opportunities for
Children of Certain Veterans, as provided
by law.................................................. 163,700
For Specially Adapted Housing for
Veterans................................................ 120,200
For Cartage and Erection of Veterans'
Headstones............................................ 615,800
For Cartage and Erection of Veterans'
Headstones/Prior Years Claims......................... 34,200
Total                                              $1,031,700

Section 15. The sum of $825,900, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Veterans' Affairs for the payment of scholarships to
students who are dependents of Illinois resident military personnel
declared to be prisoners of war, missing in action, killed or permanently
disabled, as provided by law.

Section 20. The sum of $350,000, or so much thereof as may be
necessary, is appropriated from the World War II Illinois Veterans=
Memorial Fund to the Department of Veterans= Affairs for grants
associated with the construction and maintenance of an Illinois World War
II Memorial.

Section 25. The sum of $250,000, or so much thereof as may be
necessary, is appropriated from the Illinois Military Family Relief Fund to
the Department of Veterans=Affairs for the payment of benefits authorized
under the Survivor=Compensation Act.

Section 30. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Veterans' Affairs for objects and purposes hereinafter named:
VETERANS' FIELD SERVICES

New matter indicated by italics - deletions by strikeout.
Payable from the General Revenue Fund:
For Personal Services..........................  2,218,600
For Employee Retirement Contributions
  Paid by Employer..............................  0
For State Contributions to the State
  Employees' Retirement system...............  357,300
For State Contributions to Social
  Security........................................  169,700
For Contractual Services........................  332,600
For Travel........................................  42,000
For Commodities...................................  11,100
For Printing.......................................  5,900
For Equipment......................................  4,600
For Electronic Data Processing....................  27,600
For Telecommunications Services...................  75,500
For Operation of Auto Equipment...................  14,600
Total                                                                                        $3,259,500

Section 35. The sum of $3,164,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Veterans' Affairs for ordinary and contingent expenses of
Illinois Veterans=Home at Anna.

Section 40. The sum of $1,780,700, or so much thereof as may be
necessary, is appropriated from the Anna Veterans=Home Fund to the
Department of Veterans' Affairs for ordinary and contingent expenses of
Illinois Veterans=Home at Anna.

Section 45. The sum of $13,000, or so much thereof as may be
necessary, is appropriated from the Anna Veterans=Home Fund to the
Department of Veterans' Affairs for refunds.

Section 50. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT QUINCY

Payable from General Revenue Fund:
For Personal Services..........................  12,458,600
For Employee Retirement Contributions
  Paid by Employer..............................  0
For State Contributions to the State
  Employees' Retirement System...............  1,966,300
For State Contributions to

New matter indicated by italics - deletions by strikeout.
Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT LASALLE

Payable from General Revenue Fund:

For Personal Services.......................... 4,504,400
For Employee Retirement Contributions
Paid by Employer........................................ 0
For State Contributions to the State
Employees' Retirement System............... 685,200
For State Contributions to Social Security .... 325,500
For Contractual Services............................. 100
For Commodities...................................... 100

Payable from Quincy Veterans' Home Fund:

For Personal Services.......................... 9,671,400
For Member Compensation.......................... 25,000
For Employee Retirement Contributions
Paid by Employer........................................ 290,100
For State Contributions to the State
Employees' Retirement System............... 1,561,700
For State Contributions to Social Security .... 739,900
For Contractual Services............................. 2,446,800
For Travel........................................ 4,000
For Commodities...................................... 5,358,100
For Printing...................................... 23,700
For Equipment.................................... 112,400
For Electronic Data Processing................. 70,000
For Telecommunications Services.............. 79,400
For Operation of Auto Equipment............... 60,000
For Refunds.................................... 42,200

Total $20,484,700

New matter indicated by italics - deletions by strikeout.
Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS' HOME AT MANTENO**

Payable from General Revenue Fund:
- For Personal Services ......................... $5,570,900
- For State Contributions to the State
  - Social Security .................................. $420,500
- For the addition of 38 beds ..................... $4,900
Total ........................................... $8,787,600

Payable from Manteno Veterans' Home Fund:
- For Personal Services ......................... $7,005,600

New matter indicated by italics - deletions by strikeout.
For Member Compensation............................ 5,000
For Employee Retirement Contributions
Paid by Employer................................. 210,200
For State Contributions to the State
Employees' Retirement System.................... 1,129,100
For State Contributions to
Social Security.................................. 536,000
For Contractual Services......................... 3,833,400
For Travel......................................... 5,600
For Commodities................................ 1,419,400
For Printing...................................... 19,500
For Equipment.................................... 99,000
For Electronic Data Processing.................... 63,000
For Telecommunications Services............... 58,800
For Operation of Auto Equipment............... 48,400
For Refunds..................................... 25,900
Total                                                                                      $14,458,900

Section 65. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Veterans' Affairs for the objects and purposes hereinafter named:

STATE APPROVING AGENCY
Payable from GI Education Fund:
For Personal Services............................ 422,300
For Employee Retirement Contributions
Paid by Employer................................. 12,700
For State Contributions to the State
Employees' Retirement System................... 68,000
For State Contributions to
Social Security.................................. 32,300
For Group Insurance............................. 96,000
For Contractual Services......................... 112,300
For Travel........................................ 93,700
For Commodities................................. 57,800
For Printing...................................... 27,600
For Equipment.................................... 93,900
For Electronic Data Processing................... 59,200
For Telecommunications Services............... 31,600
For Operation of Auto Equipment.............. 34,000
Total                                                                                     $1,141,400

New matter indicated by italics - deletions by strikeout.
Section 70. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans Affairs for a grant to the Veterans Assistance Commission of DuPage County.

ARTICLE 64

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to meet the ordinary and contingent expenses of the Prisoner Review Board:

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>750,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>120,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>57,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>176,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>103,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>12,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>10,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>18,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>37,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>30,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,318,600</strong></td>
</tr>
</tbody>
</table>

Section 10. The amount of $24,000, or so much thereof as may be necessary, is appropriated to the Prisoner Review Board from the General Revenue Fund for expenses relating to the victim notification units.

ARTICLE 65

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the following divisions of the Department of Corrections.

**FOR OPERATIONS**

**GENERAL OFFICE**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>13,912,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
Employees' Retirement System .................. 2,240,700
For State Contributions to
Social Security .................................... 1,064,400
For Contractual Services ....................... 6,164,200
For Travel ....................................... 334,900
For Commodities .................................. 375,300
For Printing ...................................... 47,500
For Equipment .................................... 234,300
For Electronic Data Processing.................. 7,684,500
For Telecommunications Services ............... 2,805,400
For Operation of Auto Equipment ............... 255,500
For Sheriffs' Fees for Conveying Prisoners .... 374,900
For support costs associated with the
Criminal Law and Corrections Task Force ........ 0
For payment of claims as provided by the
"Workers' Compensation Act" or the "Workers'
Occupational Diseases Act", including
Treatment, Expenses and Benefits Payable
for Total Temporary Incapacity for Work ...... 2,698,600
Expenditures from appropriations for treatment and expense may be made after the Department of Corrections has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Corrections without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.
For Tort Claims .................................. 470,400
For the State's share of Assistant
State's Attorneys' salaries -
reimbursement to counties pursuant
to Chapter 53 of the Illinois
Revised Statutes .............................. 418,200
For Repairs, Maintenance and Other
Capital Improvements ......................... 1,452,300
Total ........................................... $40,533,100

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCHOOL DISTRICT</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>16,526,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate</td>
<td>37,500</td>
</tr>
<tr>
<td>Compensation</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
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<tr>
<td>Employees' Retirement System</td>
<td>2,661,700</td>
</tr>
<tr>
<td>Retirement System</td>
<td>6,200</td>
</tr>
<tr>
<td>State Contributions to Social Security</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>10,224,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>81,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>788,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>89,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>92,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>6,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>13,000</td>
</tr>
<tr>
<td>Total</td>
<td>$31,791,200</td>
</tr>
</tbody>
</table>

| FIELD SERVICES                       |                |
| For Personal Services                | 40,719,200     |
| For Employee Retirement Contributions |                |
| Paid by Employer                     | 0              |
| For Student, Member and Inmate       | 106,800        |
| Compensation                         |                |
| For State Contributions to State     |                |
| Employees' Retirement System         | 6,558,200      |
| Retirement System                    | 3,115,000      |
| Social Security                      |                |
| For Contractual Services             | 33,842,000     |
| For Travel                           | 209,000        |
| For Travel and Allowance for Prisoners |            |
| For Commodities                      | 761,900        |
| For Printing                         | 16,200         |
| For Equipment                        | 530,800        |
| For Telecommunications Services      | 7,323,700      |
| For Operation of Auto Equipment      | 1,890,860      |
| Total                                | $95,077,400    |

New matter indicated by italics - deletions by strikeout.
Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the General Revenue Fund for:

**STATEVILLE CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>58,715,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>307,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>9,456,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>4,491,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>13,395,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>74,900</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>28,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,475,300</td>
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<tr>
<td>For Printing</td>
<td>81,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>22,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>370,200</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>513,000</td>
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<td>Total</td>
<td>$92,932,800</td>
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**THOMSON CORRECTIONAL CENTER**

<table>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>0</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>0</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>0</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
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</table>

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$0</strong></td>
</tr>
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**DECATUR WOMEN'S CORRECTIONAL CENTER**

<table>
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<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
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</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>97,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,892,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>898,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,145,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,700</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>23,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>664,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>15,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>71,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>58,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>47,300</td>
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<td><strong>Total</strong></td>
<td><strong>$18,666,100</strong></td>
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**DWIGHT CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>135,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,148,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,495,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>6,983,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>27,800</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Paroled and Discharged Prisoners.............. 15,900
For Commodities.................................. 2,087,600
For Printing....................................... 25,000
For Equipment.................................... 96,100
For Telecommunications Services............... 152,400
For Operation of Auto Equipment............. 176,100
Total .............................................. $33,889,200

LINCOLN CORRECTIONAL CENTER
For Personal Services............................ 11,121,600
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Student, Member and Inmate
Compensation...................................... 216,800
For State Contributions to State
Employees' Retirement System.................. 1,791,300
For State Contributions to Social Security...... 850,800
For Contractual Services........................ 5,240,600
For Travel......................................... 4,300
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners............. 13,500
For Commodities.................................. 1,064,500
For Printing....................................... 14,500
For Equipment..................................... 81,300
For Telecommunications Services.............. 80,200
For Operation of Auto Equipment............. 67,200
Total .............................................. $20,546,600

DIXON CORRECTIONAL CENTER
For Personal Services............................ 25,382,400
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Student, Member and Inmate
Compensation...................................... 446,600
For State Contributions to State
Employees' Retirement System.................. 4,088,100
For State Contributions to Social Security...... 1,941,800
For Contractual Services........................ 9,521,800
For Travel......................................... 18,300

New matter indicated by italics - deletions by strikeout.
For Travel and Allowances for Committed, Paroled and Discharged Prisoners................. 22,800
For Commodities........................................... 2,624,900
For Printing.................................................. 26,400
For Equipment.............................................. 112,300
For Telecommunications Services................... 145,500
For Operation of Auto Equipment.................... 197,000
Total                                                                                      $44,527,900

EAST MOLINE CORRECTIONAL CENTER
For Personal Services................................. 12,992,500
For Employee Retirement Contributions
Paid by Employer........................................... 0
For Student, Member and Inmate Compensation.......................... 290,500
For State Contributions to State
Employees' Retirement System....................... 2,092,600
For State Contributions to Social Security............ 2,401,200
For Contractual Services.............................. 5,243,600
For Travel.................................................. 7,700
For Travel and Allowances for Committed, Paroled and Discharged Prisoners................. 46,800
For Commodities........................................... 1,372,400
For Printing.................................................. 13,800
For Equipment.............................................. 90,300
For Telecommunications Services............ 75,300
For Operation of Auto Equipment.................... 78,500
Total                                                                                      $21,413,000

HILL CORRECTIONAL CENTER
For Personal Services................................. 14,908,500
For Employee Retirement Contributions
Paid by Employer........................................... 0
For Student, Member and Inmate Compensation.......................... 332,700
For State Contributions to State
Employees' Retirement System....................... 2,401,200
For State Contributions to Social Security .... 1,140,500
For Contractual Services.............................. 5,243,600
For Travel.................................................. 7,700

New matter indicated by italics - deletions by strikeout.
For Travel and Allowance for Committed, Paroled and Discharged Prisoners................. 33,800
For Commodities................................. 2,400,200
For Printing....................................... 10,700
For Equipment.................................... 116,600
For Telecommunications Services............... 46,300
For Operation of Auto Equipment............... 63,200
Total                                      $26,705,000

ILLINOIS RIVER CORRECTIONAL CENTER
For Personal Services......................... 17,125,800
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Student, Member and Inmate Compensation........................................ 403,300
For State Contributions to State
Employees' Retirement System.................. 2,758,300
For State Contributions to Social Security .... 1,310,200
For Contractual Services....................... 5,722,200
For Travel........................................ 17,000
For Travel and Allowance for Committed, Paroled and Discharged Prisoners............... 27,100
For Commodities.................................. 1,986,900
For Printing...................................... 16,000
For Equipment................................... 103,500
For Telecommunications Services.............. 69,600
For Operation of Auto Equipment.............. 60,400
Total                                      $29,600,300

DANVILLE CORRECTIONAL CENTER
For Personal Services......................... 16,838,700
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Student, Member and Inmate Compensation........................................ 361,200
For State Contributions to State
Employees' Retirement System.................. 2,712,100
For State Contributions to Social Security .... 1,288,100
For Contractual Services....................... 4,664,200
For Travel........................................ 10,500

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>10,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,030,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>22,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>111,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>89,900</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>155,500</td>
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<tr>
<td>Total</td>
<td>$28,294,400</td>
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**JACKSONVILLE CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>22,341,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>466,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,598,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,709,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,912,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>10,800</td>
</tr>
<tr>
<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
<td>47,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,852,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>25,700</td>
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<tr>
<td>For Equipment</td>
<td>147,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>89,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>161,500</td>
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<tr>
<td>Total</td>
<td>$35,362,600</td>
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</table>

**LOGAN CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>19,061,500</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>427,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,070,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,458,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,919,000</td>
</tr>
<tr>
<td>Total</td>
<td>$35,362,600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Travel.........................................                                                 3,200
For Travel and Allowances for Committed, 26,600
Paroled and Discharged Prisoners.................
For Commodities................................ 2,530,500
For Printing..................................... 12,900
For Equipment.................................... 117,300
For Telecommunications Services................. 130,500
For Operation of Auto Equipment............... 224,400
Total                                                                                      $30,981,800
PONTIAC CORRECTIONAL CENTER
For Personal Services......................... 33,279,300
For Employee Retirement Contributions Paid by Employer...................................... 0
For Student, Member and Inmate Compensation............................................. 222,600
For State Contributions to State Employees' Retirement System........... 5,360,000
For State Contributions to Social Security............................... 2,545,800
For Contractual Services....................... 7,009,600
For Travel........................................ 21,100
For Travel and Allowances for Committed, 10,000
Paroled and Discharged Prisoners.................
For Commodities.................................. 3,052,900
For Printing..................................... 45,100
For Equipment.................................... 146,800
For Telecommunications Services................. 171,700
For Operation of Auto Equipment............... 85,100
Total                                                                                      $51,950,000
WESTERN ILLINOIS CORRECTIONAL CENTER
For Personal Services........................ 18,640,500
For Employee Retirement Contributions Paid by Employer...................................... 0
For Student, Member and Inmate Compensation............................................. 355,600
For State Contributions to State Employees' Retirement System........... 3,002,300
For State Contributions to Social Security............................... 1,425,900

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Contractual Services</td>
<td>5,042,700</td>
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<tr>
<td>For Travel</td>
<td>7,400</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>43,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,211,600</td>
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<tr>
<td>For Printing</td>
<td>33,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>109,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>51,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>98,900</td>
</tr>
<tr>
<td>Total</td>
<td>$31,021,700</td>
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**CENTRALIA CORRECTIONAL CENTER**

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>292,100</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,970,400</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>1,410,900</td>
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<tr>
<td>For Contractual Services</td>
<td>4,509,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>14,100</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>35,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,766,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>20,200</td>
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<tr>
<td>For Equipment</td>
<td>84,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>80,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>91,100</td>
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<tr>
<td>Total</td>
<td>$29,718,100</td>
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**GRAHAM CORRECTIONAL CENTER**

<table>
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<tr>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>273,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,398,700</td>
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</table>

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Social Security</td>
<td>1,614,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>7,428,000</td>
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<tr>
<td>For Travel</td>
<td>16,400</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>15,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,292,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>24,900</td>
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<tr>
<td>For Equipment</td>
<td>96,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>74,500</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>70,100</td>
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<tr>
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**MENARD CORRECTIONAL CENTER**

<table>
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<th>Description</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>374,400</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>6,440,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>3,059,100</td>
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<tr>
<td>For Contractual Services</td>
<td>8,070,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>43,800</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>21,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>4,759,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>32,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>208,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>160,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>115,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$63,273,100</strong></td>
</tr>
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**PINCKNEYVILLE CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>18,814,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>308,100</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,030,200</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$21,152,200</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to
Social Security
For Contractual Services
For Travel
For Travel and Allowances for Committed, Paroled and Discharged Prisoners
For Commodities
For Printing
For Equipment
For Telecommunications Services
For Operation of Auto Equipment
Total

$32,501,900

SOUTHWESTERN ILLINOIS CORRECTIONAL CENTER
For Personal Services
For Employee Retirement Contributions
Paid by Employer
For Student, Member and Inmate Compensation
For State Contributions to State Employees' Retirement System
For State Contributions to Social Security
For Contractual Services
For Travel
For Travel and Allowances for Committed, Paroled and Discharged Prisoners
For Commodities
For Printing
For Equipment
For Telecommunications Services
For Operation of Auto Equipment
Total

$19,206,900

TAYLORVILLE CORRECTIONAL CENTER
For Personal Services
For Employee Retirement Contributions
Paid by Employer
For Student, Member and Inmate Compensation
For State Contributions to State Employees' Retirement System

$19,206,900

New matter indicated by italics - deletions by strikeout.
For State Contribution to
Social Security................................. 934,100
For Contractual Services....................... 4,733,200
For Travel........................................ 2,900
For Travel and Allowance for
Committed, Paroled and Discharged
Prisoners.......................................... 23,800
For Commodities................................ 1,119,400
For Printing...................................... 12,400
For Equipment................................... 84,700
For Telecommunications Services............. 57,100
For Operation of Automotive Equipment....... 54,200
Total $21,438,800

VANDALIA CORRECTIONAL CENTER
For Personal Services............................ 19,995,300
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Student, Member and Inmate
Compensation..................................... 374,400
For State Contributions to State
Employees' Retirement System................. 3,220,500
For State Contributions to
Social Security.................................. 1,542,100
For Contractual Services....................... 4,159,600
For Travel........................................ 16,300
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners........... 49,000
For Commodities................................. 2,246,700
For Printing...................................... 22,900
For Equipment................................... 56,400
For Telecommunications Services........... 98,300
For Operation of Auto Equipment............. 122,800
Total $31,904,300

BIG MUDDY RIVER CORRECTIONAL CENTER
For Personal Services.......................... 18,620,200
For Employee Retirement Contributions
Paid by Employer.................................. 0
For Student, Member and Inmate
Compensation..................................... 360,800

New matter indicated by italics - deletions by strikeout.
For State Contributions to State Employees' Retirement System........... 2,999,000
For State Contributions to Social Security.......................... 1,424,400
For Contractual Services.......................... 7,778,100
For Travel............................................ 22,100
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........ 74,500
For Commodities.................................. 2,303,500
For Printing........................................... 23,700
For Equipment...................................... 116,200
For Telecommunications Services.............. 140,200
For Operation of Auto Equipment.............. 101,500
Total                                      $33,964,200

LAWRENCE CORRECTIONAL CENTER
For Personal Services.......................... 15,973,400
For Employee Retirement Contributions Paid by Employer.......................... 0
For Student, Member and Inmate Compensation.......................... 209,000
For State Contributions to State Employees' Retirement System........... 2,572,700
For State Contributions to Social Security.......................... 1,222,000
For Contractual Services...................... 3,775,800
For Travel............................................ 9,300
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........ 23,200
For Commodities.................................. 2,849,700
For Printing.......................................... 21,000
For Equipment...................................... 85,100
For Telecommunications Services.............. 128,500
For Operation of Auto Equipment.............. 41,100
Total                                      $26,910,800

ROBINSON CORRECTIONAL CENTER
For Personal Services.......................... 12,217,200
For Employee Retirement Contributions Paid by Employer.......................... 0
For Student, Member and

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inmate Compensation</td>
<td>235,100</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,967,700</td>
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<tr>
<td>For State Contribution to Social Security</td>
<td>934,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,549,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>17,000</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>11,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,490,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>27,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>93,300</td>
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<tr>
<td>For Telecommunications Services</td>
<td>33,100</td>
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<tr>
<td>For Operation of Automotive Equipment</td>
<td>82,800</td>
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<tr>
<td>Total</td>
<td>$20,658,800</td>
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</table>

**SHAWNEE CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>17,459,300</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>402,200</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,812,000</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>1,335,600</td>
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<tr>
<td>For Contractual Services</td>
<td>5,830,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>13,400</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>99,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,517,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>19,400</td>
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<tr>
<td>For Equipment</td>
<td>93,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>85,300</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>84,300</td>
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<td>Total</td>
<td>$30,750,900</td>
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**TAMMS CORRECTIONAL CENTER**

<table>
<thead>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>17,259,500</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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New matter indicated by italics - deletions by strikeout.
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<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid by Employer</td>
<td>0</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>125,400</td>
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<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>2,779,800</td>
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<td>For State Contributions to Social Security</td>
<td>1,320,400</td>
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<td>For Contractual Services</td>
<td>4,721,600</td>
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<td>For Travel</td>
<td>32,400</td>
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<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
<td>1,900</td>
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<td>For Commodities</td>
<td>961,400</td>
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<tr>
<td>For Printing</td>
<td>13,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>96,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>127,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>68,100</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$27,508,100</strong></td>
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**VIENNA CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>16,958,800</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>255,300</td>
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<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>2,731,400</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>1,297,400</td>
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<tr>
<td>For Contractual Services</td>
<td>3,385,400</td>
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<tr>
<td>For Travel</td>
<td>5,400</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>44,600</td>
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<tr>
<td>For Commodities</td>
<td>2,589,900</td>
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<tr>
<td>For Printing</td>
<td>16,400</td>
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<tr>
<td>For Equipment</td>
<td>101,100</td>
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<tr>
<td>For Telecommunications Services</td>
<td>72,900</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>95,300</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$27,553,900</strong></td>
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**SHERIDAN CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>17,670,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Student, Member and Inmate
Compensation........................................ 404,700
For State Contributions to State
Employees' Retirement System........................ 2,846,000
For State Contributions to
Social Security........................................ 1,351,700
For Contractual Services............................ 20,358,700
For Travel.............................................. 50,500
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners................... 75,300
For Commodities..................................... 1,768,400
For Printing............................................ 54,100
For Equipment....................................... 288,000
For Telecommunications Services................... 231,900
For Operation of Auto Equipment................... 260,500
Total                                                                                      $45,359,900

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the General Revenue Fund:

ILLINOIS YOUTH CENTER - CHICAGO
For Personal Services................................ 4,196,900
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Student, Member and Inmate
Compensation......................................... 9,700
For State Contributions to State
Employees' Retirement System...................... 676,000
For State Contributions to
Social Security....................................... 321,100
For Contractual Services........................... 2,556,200
For Travel............................................. 6,700
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners.................. 300
For Commodities..................................... 207,800
For Printing.......................................... 3,300
For Equipment....................................... 49,800
For Telecommunications Services................... 34,400

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Operation of Auto Equipment</td>
<td>24,900</td>
</tr>
<tr>
<td>Total</td>
<td>$8,087,100</td>
</tr>
</tbody>
</table>

**ILLINOIS YOUTH CENTER - HARRISBURG**

- For Personal Services: 11,782,300
- For Employee Retirement Contributions Paid by Employer: 0
- For Student, Member and Inmate Compensation: 62,900
- For State Contributions to State Employees' Retirement System: 1,897,700
- For State Contributions to Social Security: 901,300
- For Contractual Services: 2,247,300
- For Travel: 5,600
- For Travel and Allowances for Committed, Paroled and Discharged Prisoners: 4,200
- For Commodities: 269,400
- For Printing: 19,300
- For Equipment: 67,700
- For Telecommunications Services: 65,900
- For Operation of Auto Equipment: 36,100

**Total** $17,359,700

**ILLINOIS YOUTH CENTER - JOLIET**

- For Personal Services: 10,637,900
- For Employee Retirement Contributions Paid by Employer: 0
- For Student, Member and Inmate Compensation: 46,800
- For State Contributions to State Employees' Retirement System: 1,713,400
- For State Contributions to Social Security: 813,800
- For Contractual Services: 1,839,800
- For Travel: 4,100
- For Travel and Allowances for Committed, Paroled and Discharged Prisoners: 2,100
- For Commodities: 438,300
- For Printing: 7,900
- For Equipment: 69,200

**Total** $17,359,700

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services................. 60,300
For Operation of Auto Equipment................. 29,000
Total $15,662,600

ILLINOIS YOUTH CENTER - Kewanee
For Personal Services......................... 8,544,100
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Student, Member and Inmate
Compensation........................................... 11,100
For State Contributions to State
Employees' Retirement System.................... 1,376,100
For State Contributions to Social Security........ 654,800
For Contractual Services.......................... 3,906,800
For Travel........................................... 7,800
For Travel Allowances for Committed,
Paroled and Discharged Prisoners............... 1,100
For Commodities................................ 453,200
For Printing........................................ 7,900
For Equipment...................................... 43,700
For Telecommunications Services............... 90,400
For Operation of Auto Equipment................. 29,000
Total $15,126,000

ILLINOIS YOUTH CENTER - Murphysboro
For Personal Services......................... 5,734,900
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Student, Member and Inmate
Compensation........................................... 16,600
For State Contributions to State
Employees' Retirement System.................... 923,700
For State Contributions to Social Security........ 438,800
For Contractual Services.......................... 1,129,100
For Travel........................................... 11,900
For Travel Allowances for Committed,
Paroled and Discharged Prisoners............... 2,400
For Commodities................................ 317,700
For Printing........................................ 8,600

New matter indicated by italics - deletions by strikeout.
For Equipment..................................... 58,100
For Telecommunications Services............. 39,200
For Operation of Auto Equipment............... 18,800
Total $8,699,800

ILLINOIS YOUTH CENTER - PERE MARQUETTE
For Personal Services.......................... 2,309,600
For Employee Retirement Contributions
  Paid by Employer.............................. 0
For Student, Member and Inmate
  Compensation................................... 15,700
For State Contributions to State
  Employees' Retirement System................. 372,000
For State Contributions to
  Social Security............................... 176,700
For Contractual Services....................... 394,600
For Travel.................................. 1,000
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners............ 1,400
For Commodities............................... 174,000
For Printing................................... 5,200
For Equipment.................................. 50,300
For Telecommunications Services.............. 73,200
For Operation of Auto Equipment.............. 17,100
Total $3,590,800

ILLINOIS YOUTH CENTER - RUSHVILLE
For Personal Services.......................... 0
For Employee Retirement Contributions
  Paid by Employer.............................. 0
For Student, Member, and Inmate
  Compensation................................... 0
For State Contribution to State
  Employees' Retirement System................. 0
For State Contributions to
  Social Security............................... 0
For Contractual Services....................... 0
For Travel.................................. 0
For Travel Allowance for Committed,
  Paroled and Discharged Prisoners............ 0
For Commodities............................... 0

New matter indicated by italics - deletions by strikeout.
For Printing........................................... 0
For Equipment........................................... 0
For Telecommunications............................... 0
For Operation of Auto Equipment......................... 0
For Deposit into Travel and Allowance
Revolving Fund........................................ 0
Total $0

**ILLINOIS YOUTH CENTER - ST. CHARLES**

<table>
<thead>
<tr>
<th>Item</th>
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<tbody>
<tr>
<td>For Personal Services..........................</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
</tr>
<tr>
<td>For Contractual Services</td>
</tr>
<tr>
<td>For Travel</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
</tr>
<tr>
<td>For Commodities</td>
</tr>
<tr>
<td>For Printing</td>
</tr>
<tr>
<td>For Equipment</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

**ILLINOIS YOUTH CENTER - VALLEY VIEW**

For Personal Services.......................... 0
For Employee Retirement Contributions Paid by Employer | 0 |
For Student, Member and Inmate Compensation | 0 |
For State Contributions to State Employees' Retirement System | 0 |
For State Contributions to Social Security | 0 |
For Contractual Services | 0 |
For Travel | 0

New matter indicated by italics - deletions by strikeout.
For Travel and Allowances for Committed, Paroled and Discharged Prisoners................. 0
For Commodities........................................ 0
For Printing........................................... 0
For Equipment.......................................... 0
For Telecommunications Services......................... 0
For Operation of Auto Equipment........................ 0
For Ordinary and Contingent Expenses.................... 0
Total  $0

ILLINOIS YOUTH CENTER - WARRENVILLE
For Personal Services............................... 5,420,600
For Employee Retirement Contributions  
  Paid by Employer........................................ 0
For Student, Member and Inmate Compensation........................................ 20,200
For State Contributions to State Employees' Retirement System.............. 873,100
For State Contributions to Social Security.......................... 414,600
For Contractual Services............................. 1,237,900
For Travel............................................ 5,200
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........... 100
For Commodities..................................... 138,200
For Printing.......................................... 6,900
For Equipment........................................ 66,900
For Telecommunications Services....................... 51,800
For Operation of Auto Equipment..................... 28,800
Total  $8,264,300

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the Working Capital Revolving Fund:

ILLINOIS CORRECTIONAL INDUSTRIES
For Personal Services............................. 10,185,200
For Employee Retirement Contributions  
  Paid by Employer...................................... 305,600
For the Student, Member and Inmate Compensation.................................. 2,800,000
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System................. 1,640,500
For State Contributions to
Social Security................................. 779,200
For Group Insurance................................ 2,268,000
For Contractual Services....................... 3,900,000
For Travel....................................... 154,500
For Commodities.................................. 35,000,000
For Printing....................................... 51,000
For Equipment.................................. 3,200,000
For Telecommunications Services............... 90,600
For Operation of Auto Equipment.............. 800,000
For Repairs, Maintenance and Other
Capital Improvements............................ 750,000
For Refunds.................................... 20,000
Total                                                                 $61,944,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the General Revenue Fund:

SEX OFFENDER TREATMENT AND MONITORING
For Personal Services............................. 0
For Employee Retirement Contributions
Paid by Employer................................... 0
For the Student, Member and Inmate
Compensation....................................... 0
For State Contributions to State
Employees' Retirement System.................... 0
For State Contributions to
Social Security................................... 0
For Contractual Services......................... 300,000
For Travel....................................... 0
For Commodities.................................. 0
For Printing....................................... 0
For Equipment................................... 0
For Telecommunications Services............... 0
For Operation of Auto Equipment............... 0
Total                                                                 $300,000

Section 30. The sum of $104,294,200, or so much thereof as may be necessary, is appropriated from the Department of Corrections Reimbursement and Education Fund to meet the ordinary and contingent costs.
expenses of the Department of Corrections described below and having the
estimated cost as follows:

For payment of expenses associated
with School District Programs.............. 14,000,000
For payment of expenses associated
with federal programs, including,
but not limited to, construction of
additional beds, treatment programs,
and juvenile supervision..................... 57,200,000
For payment of expenses associated
with miscellaneous programs, including,
but not limited to, medical costs,
food expenditures, and various
construction costs.............................. 33,094,200
Total........................................... 104,294,200

Section 35. The sum of $7,500,000, or so much thereof as may be
necessary, is appropriated to the Department of Corrections from the
General Revenue Fund for a grant to the Cook County Sheriff's Office for
expenses associated with the operations of the Cook County Juvenile
Detention Center.

Section 40. The amount of $1,000,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Corrections for a grant to the Cook County Sheriff's Office
for the expenses of the Cook County Boot Camp.

Section 45. The amounts appropriated for repairs and
maintenance, and other capital improvements in Sections 5, 20, and 30 for
repairs and maintenance, roof repairs and/or replacements, and
miscellaneous capital improvements at the Department's various
institutions, and are to include construction, reconstruction, improvements,
repairs and installation of capital facilities, costs of planning, supplies,
materials and all other expenses required for roof and other types of
repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs
and maintenance and other capital improvements from appropriations
made in Sections 5, 20, and 30 of this Article until after the purposes and
amounts have been approved in writing by the Governor.

Section 50. The amount of $362,700, or so much thereof as may be
necessary, is appropriated to the Department of Corrections from the
General Revenue Fund for a grant to the City of Thomson for the

New matter indicated by italics - deletions by strikeout.
reimbursement of costs incurred in relation to the construction of the Thomson Correctional Center.

Section 55. The amount of $600,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for a grant to Operation Ceasefire.

Section 60. The amount of $1,250,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the Working Capital Revolving Fund for a grant to Operation Ceasefire.

Section 65. The amount of $750,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the Corrections Reimbursement Fund for a grant to Operation Ceasefire.

Section 70. The amount of $25,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for a grant to the Ashanti Community Center for all costs associated with re-entry programs.

ARTICLE 66

Section 5. The sum of $512,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Upper Illinois River Valley Development Authority for replenishment of a draw on the Debt Service Reserve Fund backing bonds issued on behalf of Waste Recovery - Illinois.

ARTICLE 67

Section 5. The sum of $1,420,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Spectrulite Consortium Inc.

Section 10. The sum of $644,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Waste Recovery-Illinois.

ARTICLE 68

Section 5. The sum of $240,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Finance Authority for the purpose of interest buy-back as authorized under the Illinois Farm Development Act.

ARTICLE 69

New matter indicated by italics - deletions by strikeout.
Section 5. The amount of $243,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the East St. Louis Financial Advisory Authority for the operating expenses of the City of East St. Louis Financial Advisory Authority.

ARTICLE 70

Section 5. The sum of $36,131,000, or so much thereof as may be necessary, is appropriated from the Illinois Sports Facilities Fund to the Illinois Sports Facilities Authority for its corporate purposes.

ARTICLE 71

Section 5. The sum of $31,590,000, or so much thereof as may be necessary, is appropriated from the Metropolitan Fair and Exposition Authority Improvement Bond Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's Dedicated State Tax Revenue Bonds, issued pursuant to the "Metropolitan Fair and Exposition Authority Act", as amended.

Section 10. The sum of $96,991,000, or so much thereof as may be necessary, is appropriated from the McCormick Place Expansion Project Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's McCormick Place Expansion Project Bonds, issued pursuant to the "Metropolitan Pier and Exposition Authority Act", as amended.

ARTICLE 72

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Capital Development Board:

GENERAL OFFICE

Payable from Capital Development Fund:
For Personal Services ......................... 3,807,400
For Employee Retirement Contributions
  Paid by Employer .......................... 114,000
For State Contributions to State
  Employees' Retirement System .......... 613,200
For State Contributions to Social Security ....................... 291,600
For Group Insurance ........................ 888,000
For Contractual Services .................. 294,000
For Travel ................................ 33,000
For Commodities .......................... 30,300
For Equipment ............................ 29,400

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services.............. 92,000  
For Operation of Auto Equipment.............. 22,300  
For Expenses of the Illinois Building Commission.............. 0  
Total ........................................... $6,215,200  

Payable from Capital Development Board Revolving Fund: 
For Personal Services.......................... 3,166,400  
For Employee Retirement Contributions Paid by Employer.................. 95,000  
For State Contributions to State Employees' Retirement System........... 510,000  
For State Contributions to Social Security ...... 241,600  
For Group Insurance.......................... 828,000  
For Contractual Services....................... 260,600  
For Travel...................................... 265,600  
For Commodities................................ 29,400  
For Printing..................................... 42,200  
For Equipment................................. 35,800  
For Electronic Data Processing.................. 185,200  
For Operational purposes....................... 769,900  
For Telecommunications Services............... 119,500  
For Review Staff............................... 607,300  

Payable from the School Infrastructure Fund: 
For operational purposes relating to the School Infrastructure Program........ 600,000  

Payable from the Illinois Building Commission Revolving Fund: 
For Expenses to Administer the Illinois Building Commission Act, including Refunds.................. 0  
Total ........................................... $7,756,500  

ARTICLE 73  
Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Military Affairs:  

FOR OPERATIONS  
OFFICE OF THE ADJUTANT GENERAL  

Payable from General Revenue Fund: 
For Personal Services......................... 1,176,000  

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid By Employer...................................... 0
For State Contributions to State
Employees' Retirement System...................... 189,400
For State Contributions to
Social Security...................................... 90,000
For Contractual Services............................. 17,300
For Travel.............................................. 14,300
For Commodities................................. 5,100
For Printing........................................ 4,200
For Equipment...................................... 4,900
For Electronic Data Processing..................... 15,600
For Telecommunications Services.................. 35,500
For Operation of Auto Equipment................... 19,200
For State Officer's Candidate School............ 700
For Lincoln's Challenge Stipend Payments...... 506,900
For Lincoln's Challenge......................... 3,118,700
Total $5,197,800

Payable from Federal Support Agreement Revolving Fund:
Army/Air Reimbursable Positions.................... 7,521,350
Lincoln's Challenge................................ 4,889,700
Lincoln's Challenge Stipend Payments........... 1,200,000
Total $13,611,050

FACILITIES OPERATIONS

Payable from General Revenue Fund:
For Personal Services.................................. 4,296,300
For Employee Retirement Contributions
Paid by Employer...................................... 0
For State Contributions to State
Employees' Retirement System...................... 692,000
For State Contributions to
Social Security...................................... 328,700
For Contractual Services............................ 1,908,400
For Commodities..................................... 80,100
For Equipment...................................... 14,500
Total $7,320,000

Section 10. The sum of $4,500,000, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs for expenses related to Army

New matter indicated by italics - deletions by strikeout.
National Guard Facilities operations and maintenance as provided for in the Cooperative Funding Agreements, including costs in prior years.

Section 15. The sum of $296,600, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs for expenses related to the Bartonville and Kankakee armories for operations and maintenance according to the Joint-Use Agreement, including costs in prior years.

Section 20. The sum of $43,000 from the General Revenue Fund to the Department of Military Affairs for rehabilitation and minor construction at armories and camps.

Section 25. The sum of $7,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs for expenses related to the care and preservation of historic artifacts.

Section 30. The sum of $1,461,200, or so much thereof as may be necessary, is appropriated from the Military Affairs Trust Fund to the Department of Military Affairs to support youth and other programs, provided such amounts shall not exceed funds to be made available from public or private sources.

Section 35. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Military Family Relief Fund to the Department of Military Affairs for the issuance of grants to families of persons who are members of the Illinois National Guard or Illinois residents who are members of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks, including costs in prior years.

Section 40. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs for grants of $259,038 to the designee of an Armed Forces member "killed in the line of duty." The Armed Forces member must be on active duty in Operation Enduring Freedom or Operation Iraqi Freedom.

Section 45. No contract shall be entered into or obligation incurred for any expenditures made from an appropriation herein made in Section 20 until after the purpose and amounts have been approved in writing by the Governor.

ARTICLE 74

Section 5. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are

New matter indicated by italics - deletions by strikeout.
appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

**CENTRAL OFFICES, ADMINISTRATION AND PLANNING OPERATIONS**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>21,800,500</td>
</tr>
<tr>
<td>For Employee Retirement Contribution Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,511,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,620,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,774,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>657,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>471,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>800,400</td>
</tr>
<tr>
<td>For Equipment:</td>
<td>116,400</td>
</tr>
<tr>
<td>Purchase of Cars &amp; Trucks</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>399,300</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>159,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$34,310,300</strong></td>
</tr>
</tbody>
</table>

**LUMP SUMS**

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Planning, Research and Development Purposes.......................... 480,000
For costs associated with asbestos abatement.............................. 552,400
For metropolitan planning and research purposes as provided by law, provided such amount shall not exceed funds to be made available from the federal government or local sources.................. 25,000,000
For metropolitan planning and research purposes as provided by law........ 1,248,000
For federal reimbursement of planning activities as provided by the Transportation Equity Act for the 21st Century................. 1,750,000
For the federal share of the IDOT

New matter indicated by italics - deletions by strikeout.
ITS Program, provided expenditures do not exceed funds to be made available by the Federal Government ........................................ 2,000,000
For the state share of the IDOT ITS Corridor Program .................. 2,880,000
For the Department's share of costs with the Illinois Commerce Commission for monitoring railroad crossing safety .................. 288,000
Total $34,198,400

AWARDS AND GRANTS

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Tort Claims, including payment pursuant to P.A. 80-1078 ................. 509,300
For representation and indemnification for the Department of Transportation, the Illinois State Police and the Secretary of State provided that the representation required resulted from the Road Fund portion of their normal operations ........................................ 249,600
For Transportation Enhancement, Congestion Mitigation, Air Quality, High Priority and Scenic By-way Projects not eligible for inclusion in the Highway Improvement Program Appropriation provided expenditures do not exceed funds made available by the federal government .................. 40,000,000
For auto liability payments for the Department of Transportation, the Illinois State Police and the Secretary of State provided that the liability resulted from the Road Fund portion of their normal operations .................. 1,854,900
For grants to Illinois Universities for applied research on transportation ............. 0

New matter indicated by italics - deletions by strikeout.
For payment of claims as provided by the "Workers' Compensation Act" or the "Workers' Occupational Diseases Act", including Treatment, Expenses and Benefits Payable for Total Temporary Incapacity for Work for State Employees whose salaries are paid from the Road Fund:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Awards and Grants</td>
<td>13,920,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$56,533,800</td>
</tr>
</tbody>
</table>

Expenditures from appropriations for treatment and expense may be made after the Department of Transportation has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Transportation without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**BUREAU OF INFORMATION PROCESSING OPERATIONS**

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,342,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>860,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>402,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,500,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>53,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>23,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>6,200</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>106,600</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>1,043,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$13,337,500</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 25. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**CENTRAL OFFICES, DIVISION OF HIGHWAYS OPERATIONS**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>26,746,700</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>976,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>4,465,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>2,043,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,856,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>498,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>357,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>243,600</td>
</tr>
<tr>
<td>For Equipment: Purchase of Cars and Trucks</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>2,473,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>267,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$42,937,000</strong></td>
</tr>
</tbody>
</table>

**LUMP SUMS**

Section 30. The sum of $633,600, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for repair of damages by motorists to state vehicles and equipment or replacement of state vehicles and equipment, provided such amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages.

Section 35. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Transportation Safety Highway Hire-back Fund to the Department of Transportation for agreements with the Illinois Department of State Police to provide patrol officers in highway construction work zones.

**AWARDS AND GRANTS**

Section 40. The sum of $2,292,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for reimbursement to participating counties in the County Engineers Compensation Program, providing those reimbursements do not
exceed funds to be made available from their federal highway allocations retained by the Department.

Section 45. The following named sums, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for grants to local governments for the following purposes:
For reimbursement of eligible expenses arising from local Traffic Signal Maintenance Agreements created by Part 468 of the Illinois Department of Transportation Rules and Regulations........... 2,880,000
For reimbursement of eligible expenses arising from City, County, and other State Maintenance Agreements............. 13,581,100
Total $16,461,100

REFUNDS

Section 50. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Refunds....................................... 26,900

Section 55. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses of the Division of Traffic Safety:

TRAFFIC SAFETY OPERATIONS

For Personal Services........................... 5,102,000
For Employee Retirement Contributions
Paid by State........................................ 0
For State Contributions to State Employees' Retirement System.......... 821,700
For State Contributions to Social Security ...... 363,400
For Contractual Services....................... 1,269,300
For Travel........................................ 51,600
For Commodities................................... 92,200
For Printing..................................... 273,600
For Equipment..................................... 11,000
For Equipment:
Purchase of Cars and Trucks..................... 0
For Telecommunications Services............... 102,300

New matter indicated by italics - deletions by strikeout.
For Operation of Automotive Equipment.............. 70,400
Total                                $8,157,500

LUMP SUMS
Section 60. The sum of $7,750,000, or so much thereof as may be
necessary, is appropriated from the Road Fund to the Department of
Transportation for improvements to traffic safety, provided such amount
not exceed funds to be made available from the federal government
pursuant to the primary seatbelt enforcement incentive grant.

REFUNDS
Section 65. The following named amount, or so much thereof as
may be necessary, is appropriated from the Road Fund to the Department of
Transportation for the objects and purposes hereinafter named:
For Refunds......................................... 8,800

Section 70. The following named sums, or so much thereof as may
be necessary, for the objects and purposes hereinafter named, are
appropriated from the Cycle Rider Safety Training Fund, as authorized by
Public Act 82-0649, to the Department of Transportation for the
administration of the Cycle Rider Safety Training Program by the Division
of Traffic Safety:

OPERATIONS
For Personal Services......................... 151,700
For Employee Contribution to
Retirement System by Employer.............. 4,600
For State Contributions to State
Employees' Retirement System............... 24,400
For State Contributions to Social Security .... 11,400
For Group Insurance............................ 33,000
For Contractual Services...................... 10,600
For Travel........................................ 13,800
For Commodities............................... 1,000
For Printing..................................... 2,300
For Equipment.................................. 2,400
For Operation of Automotive Equipment...... 5,200
Total                                $260,400

AWARDS AND GRANTS
Section 75. The sum of $2,600,000, or so much thereof as may be
necessary, is appropriated from the Cycle Rider Safety Training Fund, as
authorized by Public Act 82-0649, to the Department of Transportation for

New matter indicated by italics - deletions by strikeout.
reimbursement to State and local universities and colleges for Cycle Rider Safety Training Programs.

Section 80. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DAILY LABOR

OPERATIONS

<table>
<thead>
<tr>
<th>Object Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,260,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>686,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>325,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>912,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>226,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>95,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>186,600</td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
</tr>
<tr>
<td>Purchase of Cars and Trucks</td>
<td>71,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>22,300</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>248,300</td>
</tr>
<tr>
<td>Total</td>
<td>$7,036,000</td>
</tr>
</tbody>
</table>

Section 85. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 1, SCHAUMBURG OFFICE

OPERATIONS

<table>
<thead>
<tr>
<th>Object Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>75,479,600</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>5,704,770</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>13,075,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>6,102,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>14,351,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>207,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,303,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,657,500</td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 90. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 2, DIXON OFFICE**

**OPERATIONS**

For Personal Services.......................... 24,479,700
For Extra Help.................................... 2,069,400
For Employee Retirement Contributions
   Paid by State.................................... 0
For State Contributions to State
   Employees' Retirement System............... 4,276,000
   For State Contributions to Social Security .... 1,976,100
   For Contractual Services...................... 3,268,700
   For Travel..................................... 207,800
   For Commodities................................ 2,838,000
   For Equipment.................................. 1,090,500
For Equipment:
   Purchase of Cars and Trucks................... 1,019,100
   For Telecommunications Services............. 354,000
   For Operation of Automotive Equipment........ 2,040,100
Total ............................................. $43,619,400

Section 95. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 3, OTTAWA OFFICE**

**OPERATIONS**

For Personal Services.......................... 22,360,100
For Extra Help.................................... 2,276,900
For Employee Retirement Contributions
   Paid by State.................................... 0
For State Contributions to State
   Employees' Retirement System............... 3,968,100
   For State Contributions to Social Security .... 1,848,400
   For Contractual Services...................... 2,668,200
   For Travel..................................... 101,100

New matter indicated by italics - deletions by strikeout.
Section 100. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 4, PEORIA OFFICE**

**OPERATIONS**

For Personal Services........................................ 19,485,400
For Extra Help.................................................. 2,141,800
For Employee Retirement Contributions
  Paid by State................................................... 0
For State Contributions to State
  Employees' Retirement System............................. 3,483,300
  For State Contributions to Social Security .... 1,614,300
  For Contractual Services.................................. 3,595,300
  For Travel.................................................... 120,000
  For Commodities............................................. 1,155,000
  For Equipment............................................... 903,600
  For Equipment:
    Purchase of Cars and Trucks.......................... 755,200
    For Telecommunications Services...................... 227,800
    For Operation of Automotive Equipment............. 1,462,800
Total.................................................................$34,939,500

Section 105. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 5, PARIS OFFICE**

**OPERATIONS**

For Personal Services........................................ 20,939,200
For Extra Help.................................................. 1,652,300
For Employee Retirement Contributions
  Paid by State................................................... 0
For State Contributions to State
  Employees' Retirement System............................. 3,638,600

New matter indicated by italics - deletions by strikeout.
Section 110. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 6, SPRINGFIELD OFFICE**

OPERATIONS

For Personal Services ......................... 22,722,400
For Extra Help ....................................... 1,500,000
For Employee Retirement Contributions
Paid by State ........................................ 0
For State Contributions to State
Employees' Retirement System ...................... 3,901,300
For State Contributions to Social Security .... 1,808,000
For Contractual Services ............................. 2,973,600
For Travel .............................................. 114,200
For Commodities ..................................... 1,689,800
For Equipment ......................................... 808,900
For Equipment:
Purchase of Cars and Trucks......................... 711,100
For Telecommunications Services               225,300
For Operation of Automotive Equipment........... 2,219,700
Total .................................................. $38,674,300

Section 115. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 7, EFFINGHAM OFFICE**

OPERATIONS

For Personal Services ............................ 15,165,800
For Extra Help ...................................... 1,113,700
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by State............................................... 0
For State Contributions to State
Employees' Retirement System.................. 2,622,000
For State Contributions to Social Security .... 1,210,000
For Contractual Services ....................... 1,811,300
For Travel.............................................. 139,900
For Commodities...................................... 1,101,700
For Equipment......................................... 753,300
For Equipment: Purchase of Cars and Trucks 522,600
For Telecommunications Services................ 134,300
For Operation of Automotive Equipment ........ 913,100
Total $25,487,700

Section 120. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 8, COLLINSVILLE OFFICE
OPERATIONS
For Personal Services......................... 28,439,800
For Extra Help......................................... 1,849,300
For Employee Retirement Contributions
Paid by State............................................... 0
For State Contributions to State
Employees' Retirement System............... 4,878,400
For State Contributions to Social Security ... 2,260,800
For Contractual Services...................... 5,169,100
For Travel.............................................. 184,800
For Commodities...................................... 1,615,100
For Equipment.......................................... 1,296,600
For Equipment: Purchase of Cars and Trucks 1,292,400
For Telecommunications Services............. 703,100
For Operation of Automotive Equipment ...... 1,831,500
Total $49,520,900

Section 125. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 9, CARBONDALE OFFICE
OPERATIONS

New matter indicated by italics - deletions by strikeout.
For Personal Services .......................... 15,039,800
For Extra Help ................................. 1,265,600
For Employee Retirement Contributions
   Paid by State ........................................ 0
For State Contributions to State
   Employees' Retirement System ............... 2,626,200
For State Contributions to Social Security .... 1,191,100
For Contractual Services ....................... 2,068,800
For Travel ........................................ 63,600
For Commodities .................................. 795,600
For Equipment .................................... 718,800
   For Equipment:
      Purchase of Cars and Trucks ............... 597,900
For Telecommunications Services ............. 100,300
For Operation of Automotive Equipment ...... 1,053,700
Total                                                                 $25,521,400

Section 130. The following named sums, or so much thereof as
may be necessary, for the objects and purposes hereinafter named, are
appropriated to the Department of Transportation for the ordinary and
contingent expenses of Aeronautics Operations:

AERONAUTICS DIVISION
OPERATIONS

For Personal Services:
   Payable from the Road Fund ................. 4,235,500
For Employee Retirement Contributions
   Paid by State:
      Payable from the Road Fund ............... 0
For State Contributions to State
   Employees' Retirement System:
      Payable from the Road Fund ............... 682,200
For State Contributions to Social Security:
   Payable from the Road Fund ............... 319,700
For Contractual Services:
   Payable from the Road Fund ............... 2,905,800
   Payable from Air Transportation Revolving Fund ............... 800,000
For Travel:
   Payable from the Road Fund ............... 109,300
For Travel: Executive Air Transportation

New matter indicated by italics - deletions by strikeout.
Expenses of the General Assembly:
   Payable from the General Revenue Fund............ 190,100
For Travel: Executive Air Transportation
Expenses of the Governor's Office:
   Payable from the General Revenue Fund............ 181,600
For Commodities:
   Payable from Aeronautics Fund.................... 149,500
   Payable from the Road Fund...................... 454,000
For Equipment:
   Payable from the General Revenue Fund.......... 2,104,900
   Payable from the Road Fund..................... 269,800
For Equipment: Purchase of Cars and Trucks:
   Payable from the Road Fund........................ 0
For Telecommunications Services:
   Payable from the Road Fund...................... 95,000
For Operation of Automotive Equipment:
   Payable from the Road Fund....................... 20,100
Total                                      $12,517,500

REFUNDS
Section 135. The following named amount, or so much thereof as
     may be necessary, is appropriated from the Aeronautics Fund to the
     Department of Transportation for the objects and purposes hereinafter
     named:
   For Refunds........................................ 500

Section 140. The following named amount, or so much thereof as
     may be necessary, is appropriated from the General Revenue Fund to the
     Department of Transportation for the objects and purposes hereinafter
     named:
   For Refunds....................................... 35,000

AWARDS AND GRANTS
Section 145. The sum of $400,000, or so much thereof as may be
     necessary, is appropriated from the General Revenue Fund to the
     Department of Transportation for such purposes as are described in
     Sections 31 and 34 of the Illinois Aeronautics Act, as amended.

LUMP SUM
Section 150. The sum of $250,000, or so much thereof as may be
     necessary, is appropriated from the Tax and Assessment Recovery Fund to
     the Department of Transportation for payments to the Will County
     Treasurer for payments of property taxes from rental fees.

New matter indicated by italics - deletions by strikeout.
Section 155. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses incident to Public Transportation and Railroads Operations:

PUBLIC TRANSPORTATION DIVISION
OPERATIONS

For Personal Services..........................                                         1,500,800
For Employee Retirement Contributions.........................................                                                    0
For State Contributions to State Employees' Retirement System....................                                  241,700
For State Contributions to Social Security........................................                                                  111,800
For Contractual Services..........................                                         21,400
For Travel........................................                                                  16,500
For Commodities....................................                                             2,400
For Equipment.....................................                                              11,600
For Equipment: Purchase of Cars and Trucks..........................                           18,000
For Telecommunications Services..................................................                                 20,300
For Operation of Automotive Equipment...............
11,100
Total                                                                                         $1,955,600

LUMP SUMS

Section 160. The sum of $90,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for public transportation technical studies.

Section 165. The sum of $631,000, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the Transportation Equity Act for the 21st Century.

Section 170. The sum of $433,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for administrative expenses incurred in connection with the purposes of Section 18 of the Federal Transit Act (Section 5311 of the USC), as amended, provided such amount shall not exceed funds available from the Federal government under that Act.

AWARDS AND GRANTS

Section 175. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Transportation for making grants to eligible recipients of funding under Article II of the Downstate Public Transportation Act for the purpose of reimbursing the recipients which provide reduced fares for mass transportation services for students, handicapped persons and the elderly.

Section 180. The sum of $38,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making grants to the Regional Transportation Authority for the purpose of reimbursing the Service Boards for providing reduced fares for mass transportation services for students, handicapped persons, and the elderly to be allocated proportionately among the Service Boards based upon actual costs incurred by each Service Board for such reduced fares.

Section 185. The sum of $186,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for the purpose stated in Section 4.09 of the "Regional Transportation Authority Act", as amended.

Section 190. The sum of $55,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional State Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1989.

Section 195. The sum of $93,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional Financial Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c-5) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1999.

Section 200. The following named sums, or so much thereof as may be necessary, are appropriated from the Downstate Public Transportation Fund to the Department of Transportation for operating assistance grants to provide a portion of the eligible operating expenses for

New matter indicated by italics - deletions by strikeout.
the following carriers for the purposes stated in Article II of Public Act 78-1109, as amended:

**URBANIZED AREAS**

<table>
<thead>
<tr>
<th>Carrier</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Champaign-Urbana Mass Transit District</td>
<td>11,412,700</td>
</tr>
<tr>
<td>Greater Peoria Mass Transit District</td>
<td>9,500,600</td>
</tr>
<tr>
<td>Rock Island County Metropolitan Mass Transit District</td>
<td>6,590,800</td>
</tr>
<tr>
<td>Springfield Mass Transit District</td>
<td>6,562,100</td>
</tr>
<tr>
<td>Bloomington-Normal Public Transit System</td>
<td>3,138,500</td>
</tr>
<tr>
<td>City of Decatur</td>
<td>3,138,000</td>
</tr>
<tr>
<td>City of Pekin</td>
<td>471,100</td>
</tr>
<tr>
<td>River Valley Metro Mass Transit District</td>
<td>1,062,900</td>
</tr>
<tr>
<td>City of South Beloit</td>
<td>42,700</td>
</tr>
<tr>
<td>City of DeKalb</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total, Urbanized Areas</strong></td>
<td><strong>$48,667,200</strong></td>
</tr>
</tbody>
</table>

**NON-URBANIZED AREAS**

<table>
<thead>
<tr>
<th>Carrier</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Danville</td>
<td>1,141,400</td>
</tr>
<tr>
<td>City of Quincy</td>
<td>1,569,000</td>
</tr>
<tr>
<td>RIDES Mass Transit District</td>
<td>1,452,300</td>
</tr>
<tr>
<td>South Central Illinois Mass Transit District</td>
<td>1,479,800</td>
</tr>
<tr>
<td>City of Galesburg</td>
<td>713,400</td>
</tr>
<tr>
<td>Jackson County Mass Transit District</td>
<td>121,000</td>
</tr>
<tr>
<td>City of Macomb</td>
<td>0</td>
</tr>
<tr>
<td>Shawnee Mass Transit District</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total, Non-Urbanized Areas</strong></td>
<td><strong>$6,476,900</strong></td>
</tr>
</tbody>
</table>

Section 205. The sum of $17,800,000, or so much thereof as may be necessary, is appropriated from the Metro East Public Transportation Fund to the Department of Transportation for operating assistance grants subject to the provisions of the "Downstate Public Transportation Act", as amended by the 81st General Assembly.

Section 210. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Downstate Public Transportation Fund to the Department of Transportation for audit adjustments in accordance with Section 15.1 of the "Downstate Public Transportation Act", approved August 9, 1974, as amended.

**RAIL PASSENGER**

**AWARDS AND GRANTS**

New matter indicated by italics - deletions by strikeout.
Section 215. The sum of $12,100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for funding the State's share of intercity rail passenger service and making necessary expenditures for services and other program improvements.

Section 220. The following named sums, or so much thereof as may be necessary, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the ordinary and contingent expenses incident to the operations and functions of administering the provisions of the "Illinois Highway Code", relating to use of Motor Fuel Tax Funds by the counties, municipalities, road districts and townships:

**MOTOR FUEL TAX ADMINISTRATION OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>6,035,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>181,100</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>972,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>440,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,056,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>63,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>92,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>7,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>38,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>12,800</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>23,200</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>7,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$8,929,000</strong></td>
</tr>
</tbody>
</table>

**AWARDS AND GRANTS**

Section 225. The following named sums, or so much thereof as are available for distribution in accordance with Section 8 of the Motor Fuel Tax Law, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the purposes stated:

**DISTRIBUTIVE ITEMS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For apportioning, allotting, and paying as provided by law:</td>
<td></td>
</tr>
<tr>
<td>To Counties</td>
<td>232,300,000</td>
</tr>
<tr>
<td>To Municipalities</td>
<td>325,800,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 230. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Commercial Motor Vehicle Safety Program under provisions of Title IV of the Surface Transportation Assistance Act of 1982, as amended by the Transportation Equity Act for the 21st Century:

FOR THE DIVISION OF TRAFFIC SAFETY

For Personal Services......................... 661,600
For Employee Retirement Contributions
  Paid by the State............................ 0
For State Contributions to State
  Employees' Retirement System............... 106,600
  For State Contributions to Social Security ..... 49,500
  For Contractual Services..................... 331,500
  For Travel...................................... 73,900
  For Commodities.............................. 24,000
  For Printing.................................... 34,300
  For Equipment.................................. 47,600
  For Telecommunications Services.............. 1,900
  For Operation of Automotive Equipment........ 4,900
  Total........................................... $1,335,800

FOR THE DEPARTMENT OF STATE POLICE

For Personal Services......................... 4,377,600
For Employee Retirement Contributions
  Paid by the State............................ 0
For State Contributions to State
  Employees' Retirement System............... 705,100
  For State Contributions to Social Security ..... 68,500
  For Contractual Services..................... 457,100
  For Travel...................................... 325,800
  For Commodities.............................. 249,700
  For Printing.................................... 89,800
  For Equipment.................................. 618,300
  For Equipment:
    Purchase of Cars and Trucks............... 595,100
    For Telecommunications Services.......... 243,300
    For Operation of Automotive Equipment..... 309,100
  Total........................................... $10,550,000

Total........................................ $663,600,000

Road Districts............................... 105,500,000

New matter indicated by italics - deletions by strikeout.
Section 235. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended:

**FOR THE SECRETARY OF STATE**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>165,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by the State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>26,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>20,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>76,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>12,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>18,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>47,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>28,500</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>26,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$420,900</strong></td>
</tr>
</tbody>
</table>

**FOR THE DEPARTMENT OF STATE POLICE**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,267,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by the State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>365,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>32,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>17,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>10,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>12,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>14,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>150,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,869,700</strong></td>
</tr>
</tbody>
</table>

**FOR THE DIVISION OF TRAFFIC SAFETY**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>497,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by the State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>80,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security ....... 39,900
For Contractual Services......................... 3,034,500
For Travel........................................ 79,900
For Commodities................................ 192,300
For Printing.................................... 174,000
For Equipment.................................. 15,500
For Telecommunications Services................ 2,200
Total                                                                                     $4,115,900

FOR THE DEPARTMENT OF PUBLIC HEALTH
For Contractual Services........................ 108,900
For Travel......................................... 1,000
For Commodities................................ 1,600
Total                                                                                        $111,500

FOR THE ILLINOIS LAW ENFORCEMENT
STANDARDS TRAINING BOARD
For Contractual Services........................ 120,000
For Printing..................................... 5,000
Total                                                                                        $125,000

FOR LOCAL GOVERNMENTS
For local highway safety projects
by county and municipal governments,
state and private universities and other
other private entities............................ 5,269,200

Section 240. The following named sums, or so much thereof as
may be necessary for the agencies hereafter named, are appropriated from
the Road Fund to the Department of Transportation for implementation of
the Alcohol Traffic Safety Programs of Title XXIII of the Surface
Transportation Assistance Act of 1982, as amended by the Transportation
Equity Act for the 21st Century:

FOR THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS
(410)
For Contractual Services......................... 13,000
For Travel........................................ 19,000
Total                                                                                     $32,000

FOR THE DIVISION OF TRAFFIC SAFETY (410)
For Contractual Services......................... 0
For Travel........................................ 3,100
For Commodities................................. 142,300
For Printing..................................... 108,900

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Department</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECRETARY OF STATE (410)</td>
<td>For Personal Services</td>
<td>$32,000</td>
</tr>
<tr>
<td></td>
<td>For Employee Retirement Contributions Paid by the State</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td>For the State Contribution to State Employees' Retirement System</td>
<td>$5,200</td>
</tr>
<tr>
<td></td>
<td>For the State Contribution to Social Security</td>
<td>$500</td>
</tr>
<tr>
<td></td>
<td>For Contractual Services</td>
<td>$28,100</td>
</tr>
<tr>
<td></td>
<td>For Travel</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>For Commodities</td>
<td>$70,100</td>
</tr>
<tr>
<td></td>
<td>For Printing</td>
<td>$59,500</td>
</tr>
<tr>
<td></td>
<td>For Equipment</td>
<td>$42,400</td>
</tr>
<tr>
<td></td>
<td>For Telecommunication Services</td>
<td>$1,000</td>
</tr>
<tr>
<td></td>
<td>For Operation of Auto Equipment</td>
<td>$1,800</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$243,600</td>
</tr>
</tbody>
</table>

| DEPARTMENT OF STATE POLICE (410) | For Personal Services | $841,500 |
| | For Employee Retirement Contributions Paid by the State | $0 |
| | For the State Contribution to State Employees' Retirement System | $135,500 |
| | For the State Contribution to Social Security | $10,900 |
| | For Commodities | $3,500 |
| | For Equipment | $0 |
| | For Operation of Auto Equipment | $58,200 |
| | Total | $1,049,600 |

| ILLINOIS LAW ENFORCEMENT STANDARDS TRAINING BOARD (410) | For Contractual Services | $220,000 |
| | For Printing | $5,000 |
| | Total | $225,000 |

| LOCAL GOVERNMENTS | For local highway safety projects by county and municipal governments, state and private universities and other | |

New matter indicated by italics - deletions by strikeout.
other private entities.............................. 1,593,200

Section 245. The following named sums or so much thereof as may be necessary for the agencies hereafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Section 163 Impaired Driving Incentive Grant Program (.08 Alcohol) as authorized by the Transportation Equity Act for the 21st Century:

FOR THE DIVISION OF TRAFFIC SAFETY (.08)
For Contractual Services................. 5,538,400
For Commodities................................. 22,000
For Equipment.................................... 262,000
For Telecommunications.............................. 27,500
Total $5,849,900

FOR THE DEPARTMENT OF STATE POLICE (.08)
For Equipment.................................... 63,600
Total $63,600

FOR THE ILLINOIS LIQUOR CONTROL COMMISSION (.08)
For Contractual Services................... 146,500
For Travel.......................................... 11,000
For Commodities................................. 9,500
For Printing....................................... 51,000
For Telecommunications......................... 2,500
Total $220,500

FOR LOCAL GOVERNMENTS (.08)
For local highway safety projects by county and municipal governments, state and private universities and other
other private entities.............................. 1,311,400

Section 250. The sum of $409,400, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Transportation for the expenses of an emissions testing/inspection program for diesel powered vehicles in the counties of Cook, DuPage, Lake, Kane, Mc Henry, Will, Madison, St. Clair and Monroe and the townships of Aux Sable, Goose Lake and Oswego.

Section 255. The sum of $700,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for the Intertownship Transportation Program for Northwest Suburban Cook County.

Section 260. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in

New matter indicated by italics - deletions by strikeout.
Section 145  GRF Aeronautics
Section 175  GRF Reduced Fares Downstate
Section 180  GRF Reduced Fares RTA
Section 190  SCIP Debt Service I
Section 195  SCIP Debt Service II
Section 215  GRF Rail Passenger

of this Article until after the purpose and the amount of such expenditure
has been approved in writing by the Governor.

ARTICLE 75
CENTRAL ADMINISTRATION AND PLANNING
LUMP SUMS

Section 5. The sum of $1,084,710 or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2004, from the appropriation and reappropriation heretofore made in the
line item, "For Planning, Research and Development Purposes" for the
Central Offices, Administration and Planning in Article 8, Section 1a and
Article 8A, Section 1a of Public Act 93-91, as amended, is reappropriated
from the Road Fund to the Department of Transportation for the same
purposes.

Section 10. The sum of $2,037,928, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2004, from the appropriation and reappropriation concerning Asbestos
Abatement heretofore made in Article 8, Section 1a and Article 8A, Section
1a1 of Public Act 93-91, as amended, is reappropriated from the Road
Fund to the Department of Transportation for the same purposes.

Section 15. The sum of $21,903,575, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2004, from the appropriation and reappropriation heretofore made for
metropolitan planning in Article 8 Section 1a and Article 8A, Section
1a2 of Public Act 93-91, as amended, is reappropriated from the Road
Fund to the Department of Transportation for the same purposes.

Section 20. The sum of $4,212,632, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2004, from the appropriation and reappropriation heretofore made in
Article 8, Section 1a and Article 8A, Section 1a3 of Public Act 93-91, as
amended, is reappropriated from the Road Fund to the Department of
Transportation for metropolitan planning and research purposes.

Section 25. The sum of $2,060,650, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2004, from the reappropriation heretofore made in Article 8A, Section 1a4 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the state share as provided by law.

Section 30. The sum of $3,510,681, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 1a5 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the federal and private share as provided by law.

Section 35. The sum of $19,527,761, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made in Article 8, Section 1a and Article 8A, Section 1a6 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the federal share of the IDOT ITS program.

Section 40. The sum of $15,222,746, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made in Article 8, Section 1a and Article 8A, Section 1a7 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the state share of the IDOT ITS program.

AWARDS AND GRANTS

Section 45. The sum of $39,956,743, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made in Article 8, Section 1b and Article 8A, Section 1b of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for Enhancement and Congestion Mitigation and Air Quality Projects.

Section 50. The sum of $0, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning the Interstate 355 Southern Extension Corridor Planning Council heretofore made in Article 8A Section 1b1 of Public Act 93-91, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 55. The sum of $0, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made in Article 8, Section

New matter indicated by italics - deletions by strikeout.
1b and Article 8A, Section 1b2 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for grants to Illinois Universities for applied research on Transportation.

CENTRAL OFFICE, DIVISION OF HIGHWAYS

LUMP SUM

Section 60. The sum of $347,631, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation concerning vehicle damages heretofore made in Article 8, Section 4a and Article 8A, Section 3 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 65. The sum of $12,270,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 27 of Public Act 93-91, as amended by the Act, is reappropriated from the Federal Civil Preparedness Administrative Fund to the Illinois Department of Transportation for costs associated with Illinois Terrorism Task Force approved purchases for homeland security.

AWARDS AND GRANTS

Section 70. The sum of $13,477,877, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriations and reappropriation heretofore made for Local Traffic Signal Maintenance Agreements and City, County and other State Maintenance Agreements in Article 8, Section 4b1 and Article 8A, Section 3a1 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

DIVISION OF TRAFFIC SAFETY

AWARDS AND GRANTS

Section 75. The sum of $2,821,014, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made, in Article 8, Section 5b1 and Article 8A, Section 4 of Public Act 93-91, as amended, is reappropriated from the Cycle Rider Safety Training Fund to the Department of Transportation for the same purposes.

DIVISION OF AERONAUTICS

AWARDS AND GRANTS

Section 80. The sum of $1,507,038, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation concerning airport

New matter indicated by italics - deletions by strikeout.
improvements heretofore made in Article 8, Section 18b2 and Article 8A, Section 6a2 of Public Act 93-91, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

HIGHWAY SAFETY PROGRAM B DIVISION OF TRAFFIC SAFETY AWARDS AND GRANTS

Section 85. The sum of $10,218,790, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation concerning Highway Safety Grants heretofore made in Article 8, Section 23 and Article 8A, Section 7a of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of Local Government Projects by Municipalities and Counties.

Section 90. The sum of $1,992,182, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation concerning Section 163 Impaired Driving Incentive Grants (.08 alcohol) heretofore made in Article 8, Section 25 and Article 8A, Section 7a1 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of Local Government Projects by Municipalities and Counties.

Section 95. The sum of $3,764,715, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004 from the appropriation and reappropriation concerning Alcohol Traffic Safety Grants (410) heretofore made in Article 8, Section 24 and Article 8A, Section 7a2 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of Local Government Projects by Municipalities and Counties.

PUBLIC TRANSPORTATION DIVISION LUMP SUMS

Section 100. The sum of $261,763, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation and reappropriation heretofore made for public transportation technical studies in Article 8, Section 19a and Article 8A, Section 8a of Public Act 93-91, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 105. The sum of $1,686,599, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30,
2004, from the appropriation and reappropriation heretofore made in Article 8, Section 19a1 and Article 8A, Section 8a1 of Public Act 93-91, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the Transportation Equity Act for the 21st Century.

Section 110. The sum of $0, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 14a11, of Public Act 93-91, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a grant to the University of Illinois at Chicago Urban Transportation Center to study the PACE bus system in DuPage County.

Section 115. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in:

Section 80   GRF Aeronautics
of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

ARTICLE 76

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

MANAGEMENT AND ADMINISTRATIVE SUPPORT

Payable from General Revenue Fund:

For Personal Services......................... 590,000
For Employee Retirement Contributions
    Paid by Employer................................. 0
For State Contributions to State
    Employees' Retirement System............... 95,000
For State Contributions to Social Security.................... 45,250
For Contractual Services..................... 368,600
For Travel........................................... 3,800
For Commodities............................... 3,500
For Printing....................................... 7,600
For Equipment.................................... 6,900
For Electronic Data Processing.............. 19,600
For Telecommunications....................... 15,200
For Operation of Auto Equipment............ 5,300
For Training and Education................... 206,300

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$1,367,050</td>
</tr>
<tr>
<td>Payable from Radiation Protection Fund:</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>186,900</td>
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<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>5,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>30,100</td>
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<td>For State Contributions to Social Security</td>
<td>14,300</td>
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<tr>
<td>For Group Insurance</td>
<td>48,000</td>
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<td>For Contractual Services</td>
<td>220,800</td>
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<tr>
<td>For Travel</td>
<td>10,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>51,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>42,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>11,700</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>16,100</td>
</tr>
<tr>
<td>Total</td>
<td>$643,100</td>
</tr>
<tr>
<td>Payable from Nuclear Safety Emergency Preparedness Fund:</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>2,406,650</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>72,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>387,600</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>184,150</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>540,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>762,200</td>
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<tr>
<td>For Travel</td>
<td>18,300</td>
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<tr>
<td>For Commodities</td>
<td>54,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>61,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>32,300</td>
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<tr>
<td>For Telecommunications Services</td>
<td>26,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>31,250</td>
</tr>
<tr>
<td>Total</td>
<td>$4,578,850</td>
</tr>
<tr>
<td>Payable from Nuclear Civil Protection Planning Fund:</td>
<td></td>
</tr>
<tr>
<td>For Federal Projects</td>
<td>300,000</td>
</tr>
</tbody>
</table>
Payable from the Emergency Management Preparedness Fund:
For an Emergency Management Preparedness Program............... 5,675,000

Payable from Federal Civil Preparedness Administrative Fund:
For Training and Education....................... 717,300
For Terrorism Preparedness and Training costs in the current and prior years............... 281,093,000
Total $287,785,300

Whenever it becomes necessary for the State or any governmental unit to furnish in a disaster area emergency services directly related to or required by a disaster and existing funds are insufficient to provide such services, the Governor may, when he considers such action in the best interest of the State, release funds from the General Revenue disaster relief appropriation in order to provide such services or to reimburse local governmental bodies furnishing such services. Such appropriation may be used for payment of the Illinois National Guard when called to active duty in case of disaster, and for the emergency purchase or renting of equipment and commodities. Such appropriation shall be used for emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.

Payable from General Revenue Fund:
For disaster relief costs incurred in current and prior years............... 839,500

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for grants to local emergency organizations for objects and purposes hereinafter named:
Payable from the Federal Hardware Assistance Fund:
For Communications and Warning Systems........ 500,000
For Emergency Operating Centers................. 500,000
Payable from the Federal Civil Preparedness Administrative Fund:
For Urban Search and Rescue...................... 2,000,000
Total $3,000,000

New matter indicated by italics - deletions by strikeout.
Section 15. The amount of $444,789, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Public Act 93-68, Article 1, Section 8, is reappropriated from the General Revenue Fund to the Illinois Emergency Management Agency for providing services and for costs associated with homeland security.

Section 20. The sum of $63,300, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for licensing facilities where radioactive uranium and thorium mill tailings are generated or located, and related costs for regulating the decontamination and decommissioning of such facilities and for identification, decontamination and environmental monitoring of unlicensed properties contaminated with such radioactive mill tailings.

Section 25. The amount of $100,000, or so much thereof as may be necessary, is appropriated to the Illinois Emergency Management Agency from the September 11th Fund for grants, contracts and administrative expenses pursuant to 625 ILCS 5/3-653, including prior year costs.

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

**OPERATIONS**

Payable from General Revenue Fund:

For Personal Services.......................... 1,137,400
For Employee Retirement Contributions
  Paid by Employer..................................... 0
For State Contributions to State Employees'
  Retirement System...................................... 183,200
For State Contributions to Social Security ...... 87,000
For Contractual Services......................... 84,700
For Travel........................................... 6,000
For Commodities...................................... 2,800
For Printing......................................... 4,500
For Equipment........................................ 38,400
For Electronic Data Processing.................. 10,600
For Telecommunications......................... 190,600
For Operation of Auto Equipment............... 22,300
Total ............................................... $1,767,500
Payable from Nuclear Safety Emergency

New matter indicated by italics - deletions by strikeout.
Preparedness Fund:
For Personal Services ......................... 810,300
For Employee Retirement Contributions
    Paid by Employer .......................... 24,300
For State Contributions to State Employees'
    Retirement System ........................ 130,500
For State Contributions to Social Security ....... 62,000
For Group Insurance .......................... 240,000
For Contractual Services ........................ 373,900
For Travel ................................... 39,500
For Commodities ................................ 54,300
For Printing ................................... 4,000
For Equipment .................................. 84,500
For Electronic Data Processing.................... 7,000
For Telecommunications ........................... 383,500
For Operation of Auto Equipment................. 18,000
Total  ........................................... $2,231,800

Payable from the Emergency Management
Preparedness Fund:
For an Emergency Management
    Preparedness Program ..................... 1,500,000

Payable from Federal Civil Preparedness
Administrative Fund:
For Training and Education .................... 350,000

Section 35. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Illinois Emergency
Management Agency for the objects and purposes hereinafter enumerated:

RADIATION SAFETY

Payable from Radiation Protection Fund:
For Personal Services .......................... 2,634,000
For Employee Retirement Contributions
    Paid by Employer .......................... 79,000
For State Contributions to State
    Employees' Retirement System .......... 424,200
For State Contributions to
    Social Security .......................... 201,500
For Group Insurance .......................... 516,000
For Contractual Services ........................ 211,300
For Travel ................................... 100,000

New matter indicated by italics - deletions by strikeout.
For Commodities..........................13,200
For Equipment...........................53,700
For Electronic Data Processing.........42,700
For Telecommunications................11,700
For Operation of Auto...................37,000
For Refunds.............................100,000
Total $4,424,300

Section 40. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for reimbursing other governmental agencies for their assistance in responding to radiological emergencies.

Section 45. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for recovery and remediation of radioactive materials and contaminated facilities or properties when such expenses cannot be paid by a responsible person or an available surety.

Section 50. The amount of $380,000, or so much thereof as may be necessary, is appropriated from the Indoor Radon Mitigation Fund to the Illinois Emergency Management Agency for expenses relating to the federally funded State Indoor Radon Abatement Program.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

NUCLEAR FACILITY SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services....................3,660,150
For Employee Retirement Contributions
   Paid by Employer.....................109,800
For State Contributions to State Employees' Retirement System...........589,500
For State Contributions to Social Security..........................280,000
For Group Insurance........................612,000
For Contractual Services................651,800
For Travel...............................101,100
For Commodities........................135,300
For Printing..............................4,000

New matter indicated by italics - deletions by strikeout.
For Equipment.................................... 152,700
For Electronic Data Processing................... 397,900
For Telecommunications Services.................. 383,000
For Operation of Auto............................. 14,500
Total                                                                                         $7,091,750

Section 60. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER ASSISTANCE AND PREPAREDNESS

Payable from General Revenue Fund:

For Personal Services............................ 394,000
For Employee Retirement Contributions
  Paid by Employer................................ 0
For State Contributions to State
  Employees=Retirement System.................... 63,500
For State Contributions to Social Security..................... 30,100
For Commodities.................................... 1,000
For Printing....................................... 1,300
For Electronic Data Processing..................... 5,100
For Telecommunications Services.................... 8,200
For Operation of Automotive Equipment.............. 6,500
State Share of Individual and Household Grant Program for Disaster
  Declarations:
    In current year............................... 299,700
    In prior years................................ 192,000
    Total                                                                                         $1,001,400

Payable from Nuclear Safety Emergency Preparedness Fund:

For Personal Services............................ 437,050
For Employee Retirement Contributions
  Paid by Employer................................ 13,100
For State Contributions to State
  Employees=Retirement System.................... 70,400
For State Contributions to Social Security..................... 33,450
For Group Insurance.............................. 108,000
For Contractual Services......................... 82,250
For Travel........................................ 38,000

New matter indicated by italics - deletions by strikeout.
For Commodities................................... 11,850
For Printing....................................... 6,000
For Equipment..................................... 20,800
For Electronic Data Processing............... 5,000
For Telecommunications Services............ 7,500
For Operation of Automotive Equipment..... 14,000
For compensation to local governments
  for expenses attributable to implementation
  and maintenance of plans and programs
  authorized by the Nuclear Safety
  Preparedness Act including expenses
  incurred prior to July 1, 1997.............. 650,000
Total $1,497,400

Payable from the Federal Aid Disaster Fund:
Federal Share of Individual and Household
  Program for Disaster Declarations:
  In Current Year............................. 21,000,000
  In prior years.............................. 1,500,000
For State administration of the
  Individual and Household Grant Program... 1,000,000
For Federal Disaster Declarations:
  In Prior Years............................. 45,000,000
  In Current Year............................ 30,000,000
For State administration of the
  Federal Disaster Relief Program.......... 1,000,000
Disaster Relief - Hazard Mitigation
  in Current Year............................ 8,000,000
  in Prior Years............................ 35,000,000
For State administration of the
  Hazard Mitigation Program.............. 1,000,000
Total $143,500,000

Payable from the Emergency Planning and Training Fund:
For Activities as a Result of the Illinois
  Emergency Planning and Community Right
  To Know Act................................ 150,000
Payable from the Nuclear Civil Protection Planning Fund:
For Federal Projects......................... 500,000
For Flood Mitigation Assistance............ 3,000,000
Total $3,650,000

New matter indicated by italics - deletions by strikeout.
Payable from the Federal Civil Preparedness Administrative Fund:
  For Training and Education.......................... 1,194,000

Payable from the Emergency Management Preparedness Fund:
  For Emergency Management Preparedness............... 3,025,000

Section 65. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Illinois Emergency
Management Agency for the objects and purposes hereinafter enumerated:

ENVIRONMENTAL SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:
  For Personal Services................................ 1,567,900
  For Employee Retirement Contributions
    Paid by Employer.................................. 47,000
  For State Contributions to State
    Employees' Retirement System....................... 252,500
  For State Contributions to
    Social Security................................... 119,950
  For Group Insurance................................ 300,000
  For Contractual Services............................ 421,600
  For Travel........................................... 41,500
  For Commodities.................................... 72,100
  For Printing........................................ 4,000
  For Equipment...................................... 146,200
  For Electronic Data Processing-------------------- 17,500
  For Telecommunications................................ 28,000
  For Operation of Auto................................. 14,500
  Total ................................................................ 3,032,750

Payable from Low-Level Radioactive Waste
Facility Development and Operation Fund:
  For Refunds for Overpayments made by Low-
  Level Waste Generators................................. 5,000

Section 70. The sum of $1,865,450, or so much thereof as may be
necessary, is appropriated from the Radiation Protection Fund to the
Illinois Emergency Management Agency for licensing facilities where
radioactive uranium and thorium mill tailings are generated or located, and
related costs for regulating the decontamination and decommissioning of
such facilities and for identification, decontamination and environmental
monitoring of unlicensed properties contaminated with such radioactive
mill tailings.

New matter indicated by italics - deletions by strikeout.
Section 75. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency to conduct studies, investigations, training, research and demonstrations relating to the control or measurement of radiation, the effects on health of exposure to radiation, and related problems under funding agreements with the Federal Government, interstate agencies or other sources.

Section 80. The sum of $713,700, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for the purpose of funding costs related to environmental cleanup of the Ottawa Radiation Areas Superfund Project under cooperative agreements with the Federal Government.

Section 85. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Emergency Management Agency for related training and travel expenses and to reimburse the Illinois State Police and the Illinois Commerce Commission for costs incurred for activities related to inspecting and escorting shipments of spent nuclear fuel, high-level radioactive waste, and transuranic waste in Illinois as provided under the rules of the Agency.

Section 90. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Sheffield Agreed Order Fund to the Illinois Emergency Management Agency for the care, maintenance, monitoring, testing, remediation and insurance of the low-level radioactive waste disposal site near Sheffield, Illinois.

Section 95. The sum of $828,550, or so much thereof as may be necessary, is appropriated from the Low-Level Radioactive Waste Facility Development and Operation Fund to the Illinois Emergency Management Agency for use in accordance with Section 14(a) of the Illinois Low-Level Radioactive Waste Management Act for costs related to establishing a low-level radioactive waste disposal facility.

Section 100. The sum of $436,600, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Illinois Emergency Management Agency for the capital costs associated with the Gubernatorial Proclamation of disaster dated April 21, 2004, relating to Kankakee, LaSalle, Putnam, and Will Counties.

Section 105. No contract shall be entered into or obligation incurred for any expenditures made from an appropriation herein made in

New matter indicated by italics - deletions by strikeout.
Section 100 until after the purpose and amounts have been approved in writing by the Governor.

Section 110. Certain Federal receipts shall be placed in the General Revenue Fund, pursuant to law and regulation, as reimbursement for the Federal share of expenditures made from General Revenue appropriations in Sections 5, 30, 60 and 100 of this Article. Other Federal receipts shall be paid into the proper trust fund and shall be available for expenditure only pursuant to the trust fund appropriations in Sections 5, 10, 30, 50, 60 and 100 of this Article or suitable appropriation made by the General Assembly.

ARTICLE 77

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF ADMINISTRATION

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
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<td>For Employee Retirement Contributions Paid by Employer</td>
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<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>1,060,100</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>436,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,067,500</td>
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<tr>
<td>For Travel</td>
<td>64,500</td>
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<td>For Commodities</td>
<td>525,800</td>
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<td>For Printing</td>
<td>94,300</td>
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<td>For Equipment</td>
<td>85,200</td>
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<tr>
<td>For Telecommunications Services</td>
<td>185,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>223,100</td>
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<tr>
<td>For Expenses of Apprehension of Fugitives</td>
<td>0</td>
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<tr>
<td>For Contractual Services:</td>
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<tr>
<td>For Payment of Tort Claims</td>
<td>58,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>7,100</td>
</tr>
<tr>
<td>For Expenses regarding implementation of the Juvenile Justice Reform provisions</td>
<td>174,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Videotaping of Interrogations.............................. 0
For deposit into the General Obligation Bond Retirement and Interest Fund for costs associated with the debt service payments of rolling stock and capital equipment........................................... 0
Total $13,564,000
Payable from Missing and Exploited Children Trust Fund:
For the Administration and fulfillment of its responsibilities under the Intergovernmental Missing Child Recovery Act of 1984........................................ 0
Payable from the State Police Wireless Service Emergency Fund:
For costs associated with the administration and fulfillment of its responsibilities under the Wireless Emergency Telephone Safety Act................................. 2,000,000
Payable from the State Police Vehicle Fund:
For equipment.......................................... 150,000

Section 10. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the State Asset Forfeiture Fund to the Department of State Police for payment of their expenditures as outlined in the Illinois Drug Asset Forfeiture Procedure Act, the Cannabis Control Act, the Controlled Substances Act, and the Environmental Safety Act.

Section 15. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated from the Federal Asset Forfeiture Fund to the Department of State Police for payment of their expenditures in accordance with the Federal Equitable Sharing Guidelines.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

INFORMATION SERVICES BUREAU
Payable from General Revenue Fund:
For Personal Services................................. 4,856,900
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer .................................. 0
For State Contributions to State
Employees' Retirement System .................. 782,300
For State Contributions to Social Security ............. 363,500
For Contractual Services ..................... 948,200
For Travel .................................. 38,000
For Commodities ................................ 34,000
For Printing ................................ 35,200
For Equipment ................................ 3,100
For Electronic Data Processing .................. 2,222,700
For Telecommunications Services ............ 625,500
Total $9,909,400
Payable from LEADS Maintenance Fund:
For Expenses Related to LEADS System .............. 3,500,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF OPERATIONS
Payable from General Revenue Fund:
For Personal Services ......................... 53,346,900
For Employee Retirement Contributions
Paid by Employer .................................. 0
For State Contributions to State
Employees' Retirement System .................. 8,592,100
For State Contributions to Social Security ............. 2,256,200
For Contractual Services ..................... 5,597,900
For Travel .................................. 600,900
For Commodities ................................ 678,900
For Printing ................................ 122,400
For Equipment ................................ 1,058,800
For Electronic Data Processing .................. 88,000
For Telecommunications Services ............ 2,263,000
For Expenses Regarding Implementation of the Statewide Radio Communication System ............. 0
For Operation of Auto Equipment .............. 7,074,900

New matter indicated by italics - deletions by strikeout.
For Expenses Associated with Project X................. 0
Total $81,680,000

Payable from the Road Fund:
For Personal Services......................... 87,487,000
For Employee Retirement Contributions
Paid by Employer.................................. 0
For State Contributions to State
Employees' Retirement System............... 9,036,300
For State Contributions to Social Security............ 786,700
Total $97,310,000

Payable from Transportation Regulatory Fund:
For Personal Services............................ 681,950
For Employee Retirement Contributions
Paid by Employer................................. 20,500
For State Contributions to State
Employees' Retirement System............... 109,900
For State Contributions to Social Security............ 52,050
For Group Insurance............................. 132,000
For Contractual Services......................... 27,600
For Travel......................................... 16,500
For Commodities................................... 7,200
For Equipment....................................... 0
For Telecommunications Services............... 100,000
For Operation of Auto Equipment................. 44,000
Total 1,191,700

Payable from the Traffic and Criminal Conviction Surcharge Fund:
For Personal Services......................... 2,938,500
For Employee Retirement Contributions
Paid by Employer.................................. 0
For State Contributions to State
Employees' Retirement System............... 473,300
For State Contributions to Social Security............ 81,100
For Group Insurance............................. 612,000
For Contractual Services......................... 480,300
For Travel......................................... 68,800

New matter indicated by italics - deletions by strikeout.
For Commodities .................................. 166,600
For Printing ...................................... 22,000
For Telecommunications Services .............. 108,200
For Operation of Auto Equipment ............... 186,800
Total ................................................ $5,137,600

Payable from the State Police Services Fund:
For Payment of Expenses:
Fingerprint Program............................ 8,000,000
For Payment of Expenses:
Federal & IDOT Programs....................... 3,780,000
For Payment of Expenses:
Riverboat Gambling............................ 9,300,000
For Payment of Expenses:
Miscellaneous Programs....................... 3,270,000
Total ................................................ $24,350,000

Payable from the Illinois State Police
Federal Projects Fund:
For Payment of Expenses....................... 15,350,000

Payable from the Motor Carrier Safety Inspection Fund:
For expenses associated with the
enforcement of Federal Motor Carrier
Safety Regulations and related
Illinois Motor Carrier
Safety Laws........................................ 2,400,000

Section 30. The sum of $14,062,208, or so much thereof as may be
necessary and remains unexpended on June 30, 2004, from appropriations
heretofore made in Article 7, Section 85 of Public Act 93-91, as amended,
is re-appropriated to the Department of State Police from the Federal Civil
Preparedness Administrative Fund for Terrorism Task Force Approved
Purchases for Homeland Security.

Section 35. The following amounts, or so much thereof as may be
necessary for the objects and purposes hereinafter named, are appropriated
from the General Revenue Fund and the Drug Traffic Prevention Fund to
the Department of State Police, Division of Operations, pursuant to the
provisions of the "Intergovernmental Drug Laws Enforcement Act" for
Grants to Metropolitan Enforcement Groups.
For Grants to Metropolitan
Enforcement Groups:
Payable from General Revenue Fund............ 710,400

New matter indicated by italics - deletions by strikeout.
Payable from Drug Traffic Prevention Fund........ 120,000

Section 40. In the event of the receipt of funds from the Motor Vehicle Theft Prevention Council, through a grant from the Criminal Justice Information Authority, the amount of $1,200,000, or so much thereof as may be necessary, is appropriated from the State Police Motor Vehicle Theft Prevention Trust Fund to the Department of State Police for payment of expenses.

Section 45. The sum of $1,500,000 or so much thereof as may be necessary, is appropriated from the State Police Whistleblower Reward and Prevention Fund to the Department of State Police for payment of their expenditures for state law enforcement purposes in accordance with the State Whistleblower Protection Act.

Section 50. The following amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Department of State Police for expenses of Racetrack Investigative Services under the "Illinois Horse Racing Act of 1975":

DIVISION OF OPERATIONS
RACETRACK INVESTIGATION UNIT
For Personal Services......................... 513,000
For Employee Retirement Contributions
   Paid by Employer.............................. 0
   For State Contributions to State
      Employees' Retirement System.............. 82,700
   For Social Security.......................... 8,900
Total ......................................... $604,600

Section 55. The following amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Department of State Police for the expenses of Fraud Investigations:

DIVISION OF OPERATIONS
FINANCIAL FRAUD AND FORGERY UNIT
For Personal Services......................... 3,994,500
For Employee Retirement Contributions
   Paid by Employer.............................. 0
   For State Contributions to State
      Employees' Retirement System.............. 643,400
   For Social Security.......................... 57,500
Total ......................................... $4,695,400

New matter indicated by italics - deletions by strikeout.
Section 60. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Medicaid Fraud and Abuse Prevention Fund to the Department of State Police, Division of Operations - Financial Fraud and Forgery Unit for the detection, investigation or prosecution of recipient or vendor fraud.

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF FORENSIC SERVICES AND IDENTIFICATION
Payable from the General Revenue Fund:
For Personal Services..................... 33,628,900
For Employee Retirement Contributions Paid by Employer............................. 0
For State Contributions to State Employees' Retirement System............. 5,416,300
For State Contributions to Social Security.......................... 2,379,100
For Contractual Services..................... 7,660,800
For Travel.................................. 116,200
For Commodities.............................. 1,810,600
For Printing................................. 77,900
For Equipment.............................. 1,981,400
For Electronic Data Processing........... 179,300
For Telecommunications Services........... 571,000
For Operation of Auto Equipment.......... 164,200
For Administration of a Statewide Sexual Assault Evidence Collection Program..... 97,200
For Operational Expenses Related to the Combined DNA Index System........... 4,102,100
Total $58,185,000

Payable from State Crime Laboratory Fund........ 650,000
Payable from State Police DUI Fund.................. 650,000
Payable from State Offender DNA Identification System Fund............... 1,300,000

Section 70. The sum of $350,000, or so much thereof as may be necessary, is appropriated to the Department of State Police, Division of

New matter indicated by italics - deletions by strikeout.
Forensic Services and Identification, from the Firearm Owner's Notification Fund for the administration and operation of the Firearm Owner's Identification Card Program.

Section 75. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for Internal Investigation expenses as follows:

DIVISION OF INTERNAL INVESTIGATION

Payable from the General Revenue Fund:

- For Personal Services.......................... 1,484,000
- For Employee Retirement Contributions Paid by Employer.................................. 0
- For State Contributions to State Employees' Retirement System.............. 239,000
- For State Contributions to Social Security.............................. 40,700
- For Contractual Services.......................... 123,600
- For Travel........................................ 16,300
- For Commodities................................... 22,400
- For Printing....................................... 3,600
- For Equipment..................................... 17,200
- For Telecommunications Services.............. 86,400
- For Operation of Auto Equipment............... 90,800

Total $2,124,000

Section 80. The sum of $175,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Police for grants to local agencies for the purchase of criminal investigation equipment.

ARTICLE 78

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Law Enforcement Training Standards Board:

OPERATIONS

Payable from the Traffic and Criminal Conviction Surcharge Fund:

- For Personal Services.......................... 1,163,200
- For Employee Retirement Contributions Paid by Employer........................ 34,900
- For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System.......................... 187,400
For State Contributions to
   Social Security...................................... 89,450
For Group Insurance.................................... 312,000
For Contractual Services......................... 134,050
For Travel............................................. 42,200
For Commodities................................. 13,000
For Printing........................................... 5,000
For Equipment......................................... 39,000
For Electronic Data Processing...................... 69,000
For Telecommunications Services.................. 36,600
For Operation of Auto Equipment............... 18,200
For Expenses Related to the Audit of
   Assessment Collection and Remittance To
   and Expenditures From the Traffic and
   Criminal Conviction Surcharge Fund.............. 0
   For payment of and/or services
      related to the administration
      of HB576 investigations......................... 50,000
   Total .................................................. $2,194,000
Payable from the Police Training Board Services Fund:
   For payment of and/or services
      related to law enforcement training
      in accordance with statutory provisions
      of the Law Enforcement Intern
      Training Act........................................ 100,000
Payable from the Death Certificate Surcharge Fund:
   For payment of and/or services
      related to death investigation
      in accordance with statutory
      provisions of the Vital Records
      Act.................................................... 126,100
Section 10. The following named amount, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, is appropriated to the Law Enforcement Training Standards Board
as follows:

   GRANTS-IN-AID

Payable from the Traffic and Criminal
Conviction Surcharge Fund:

   New matter indicated by italics - deletions by strikeout.
For payment of and/or reimbursement of training and training services in accordance with statutory provisions...... 11,267,400

ARTICLE 79

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the State Police Merit Board:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>331,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>53,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>25,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>318,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>8,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,900</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>7,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>11,500</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>2,900</td>
</tr>
<tr>
<td>Total</td>
<td>$772,400</td>
</tr>
</tbody>
</table>

ARTICLE 80

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Criminal Justice Information Authority:

OPERATIONS

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,279,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>206,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>100,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>652,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Travel........................................... 16,300
For Commodities................................. 15,450
For Printing....................................... 16,300
For Equipment..................................... 2,900
For Electronic Data Processing............... 263,100
For Telecommunications Services............. 82,200
For Operation of Auto Equipment.............. 6,700
Total ............................................. $2,641,150

Payable from Criminal Justice Information Systems Trust Fund:
For Personal Services........................... 879,300
For Employee Retirement Contributions Paid by Employer......................... 26,400
For State Contributions to State Employees' Retirement System............. 141,600
For State Contributions to Social Security......................... 68,000
For Group Insurance............................. 204,000
For Contractual Services........................ 233,650
For Travel.......................................... 14,150
For Commodities.................................. 6,100
For Printing......................................... 4,000
For Equipment...................................... 4,500
For Electronic Data Processing............... 1,177,450
For Telecommunications Services............. 241,000
For Operation of Auto Equipment.............. 7,400
Total ............................................. $3,007,550

Section 10. The sum of $39,579,300, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to local units of government and non-profit organizations.

Section 15. The following named sums, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants to state agencies:
Payable from the General Revenue Fund.......... 960,000
Payable from the Criminal Justice Trust Fund...................... 13,359,600
Total ........................................... $14,319,600

New matter indicated by italics - deletions by strikeout.
Section 20. The following named sums, or so much thereof as needed, are appropriated to the Illinois Criminal Justice Information Authority for activities undertaken in support of federal assistance programs administered by units of state and local government and non-profit organizations:

Payable from the General Revenue Fund ..........  796,800
Payable from the Criminal Justice Trust Fund ..............  5,600,000
Total ....................................................................... $6,396,800

Section 25. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants and other monies received from federal agencies, from other units of government, and from private/not-for-profit organizations for activities undertaken in support of investigating issues in criminal justice and for undertaking other criminal justice information projects:

Payable from the Criminal Justice Trust Fund ..........  1,700,000
Payable from the Criminal Justice Information Projects Fund ..........  200,000
Total ....................................................................... $1,900,000

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Criminal Justice Information Authority for awards, grants and operational support to implement the Motor Vehicle Theft Prevention Act:

Payable from the Motor Vehicle Theft Prevention Trust Fund:
For Personal Services ..............................................  203,950
For other Ordinary and Contingent Expenses ......  206,000
For Awards and Grants to federal and state agencies, units of local government, corporations, and neighborhood, community and business organizations to include operational activities and programs undertaken by the Authority in support of the Motor Vehicle Theft Prevention Act ..........  7,000,000
For Refunds ..............................................................  50,000

New matter indicated by italics - deletions by strikeout.
Section 35. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to state agencies and units of local government, to include operational activities and programs undertaken by the Authority, in support of Federal Crime Bill Initiatives.

Section 40. The following amount, or so much thereof as may be necessary, is appropriated to the Illinois Criminal Justice Information Authority for awards and grants to state agencies and units of local government, including operational expenses of the Authority in support of the Juvenile Accountability Incentive Block Grant program:
Payable from the Juvenile Accountability Incentive Block Grant Trust Fund
$17,540,000

ARTICLE 81

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

For Personal Services
$285,700
For State Contributions to State Employees' Retirement System
$46,015
For Retirement - Pension pick-up
$10,925
For State Contributions to Social Security
$20,890
For Contractual Services
$274,740
For Travel
$25,000
For Commodities
$2,500
For Printing
$8,700
For Equipment
$1,000
For EDP
$0
For Telecommunications
$9,500
For Operations of Auto Equipment
$3,000

Total
$687,970

ARTICLE 82

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

New matter indicated by italics - deletions by strikeout.
For Personal Services......................... 12,328,517
For Employee Retirement Contributions
    Paid by Employer............................. 39,000
For State Contribution to State Employees' Retirement System.............. 1,985,631
For State Contributions to Social Security................................ 943,131
For Contractual Services.......................... 2,218,134
For Travel........................................ 70,600
For Commodities................................... 58,200
For Printing...................................... 36,750
For Equipment..................................... 6,000
For Electronic Data Processing.......................... 4,000
For Telecommunications........................... 144,700
For Intern Program.................................... 0
Total, This Section $18,360,106

Section 10. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Office of the State Appellate Defender for the ordinary and contingent expenses of the Capital Litigation Division:
For Personal Services......................... 816,796
For Employee Retirement Contributions
    Paid by Employer............................. 2,640
For State Contribution to State Employees' Retirement System.............. 131,553
For State Contributions to Social Security................................ 62,485
For Contractual Services.......................... 198,920
For Travel........................................ 20,000
For Commodities................................... 4,000
For Printing...................................... 3,000
For Equipment..................................... 6,000
For Electronic Data Processing.......................... 4,000
For Telecommunications........................... 30,000
Total, This Section $1,279,394

Section 15. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Office of the State Appellate

New matter indicated by italics - deletions by strikeout.
Defender for expenses related to federally assisted programs to work on sex crimes and crimes against the family appeals cases to which the agency is appointed, to provide statewide training and services to Illinois Public Defenders, and to enhance the capability of public defenders in rural counties to effectively represent their clients in appropriate cases, making available expert witnesses and investigative services to them:

Payable from State Appellate Defender Federal Trust Fund

For State matching purposes:

Payable from Special State Projects Fund

Total, This Section $700,000

Section 20. The amount of $2,728,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Office of the State Appellate Defender for expenses incurred in providing assistance to trial attorneys under subdivision (c)(5) of Section 10 of the State Appellate Defender Act.

Section 25. The amount of $157,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Appellate Defender for expenses incurred to operate the Expungement Information Program.

ARTICLE 83

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Office of the State's Attorney Appellate Prosecutor for the objects and purposes hereinafter named to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2004:

For Personal Services:

Payable from General Revenue Fund for Collective Bargaining Unit

Payable from General Revenue Fund for Administrative Unit

Payable from State's Attorney Appellate Prosecutor's County Fund

For State Contribution to the State Employees' Retirement System Pick Up:

Payable from General Revenue Fund for Collective Bargaining Unit

Payable from General Revenue Fund

New matter indicated by italics - deletions by strikeout.
Administrative Unit.............................................. 32,217
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................. 25,953

For State Contribution to the State Employees' Retirement System:
Payable from General Revenue Fund for
Collective Bargaining Unit................................. 366,144
Payable from General Revenue Fund for
Administrative Unit........................................... 128,472
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................... 103,251

For State Contribution to Social Security:
Payable from General Revenue Fund for
Collective Bargaining Unit.................................. 178,210
Payable from General Revenue Fund for
Administrative Unit........................................... 55,286
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................... 42,984

For County Reimbursement to State for Group Insurance:
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................... 104,500

For Contractual Services:
Payable from General Revenue Fund.................... 300,355
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................... 514,689

For Contractual Services for Tax Objection Casework:
Payable from General Revenue Fund.................... 66,666
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................... 33,334

For Contractual Services for Rental of Real Property:
Payable from General Revenue Fund.................... 217,816
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................... 126,427

For Travel:
Payable from General Revenue Fund.................... 16,720
Payable from State's Attorneys Appellate
Prosecutor's County Fund................................... 9,122

For Commodities:
Payable from General Revenue Fund.................... 14,915
Payable from State's Attorneys Appellate

New matter indicated by italics - deletions by strikeout.
Prosecutor's County Fund.......................... 9,363
For Printing:
Payable from General Revenue Fund............... 4,881
Payable from State's Attorneys Appellate
Prosecutor's County Fund.......................... 3,582
For Equipment:
Payable from General Revenue Fund............... 25,579
Payable from State's Attorneys Appellate
Prosecutor's County Fund.......................... 30,884
For Electronic Data Processing:
Payable from General Revenue Fund............... 16,150
Payable from State's Attorneys Appellate
Prosecutor's County Fund.......................... 31,387
For Telecommunications:
Payable from General Revenue Fund............... 20,900
Payable from State's Attorneys Appellate
Prosecutor's County Fund.......................... 34,716
For Operation of Automotive Equipment:
Payable from General Revenue Fund............... 10,640
Payable from State's Attorneys Appellate
Prosecutor's County Fund.......................... 8,307
For Law Intern Program:
Payable from General Revenue Fund............... 100
Payable from State's Attorneys Appellate
Prosecutor's County Fund.......................... 27,419
For Continuing Legal Education:
Payable from General Revenue Fund............... 100
Payable from Continuing Legal Education
Trust Fund.................................. $150,000
For Legal Publications:
Payable from General Revenue Fund............... $3,515
Payable from State's Attorneys Appellate
Prosecutor's County Fund.......................... 13,924
For expenses for assisting County State's Attorneys for services provided under the Illinois Public Labor Relations Act:
For Personal Services:
Payable from General Revenue Fund............... 77,811
Payable from State's Attorneys Appellate
Prosecutor's County Fund.......................... 43,758

New matter indicated by italics - deletions by strikeout.
For State Contribution to the State Employees' Retirement System Pick Up:

Payable from General Revenue Fund.................. 3,113
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 1,751

For State Contribution to the State Employees' Retirement System:

Payable from General Revenue Fund.................. 12,532
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 7,048

For Contribution to Social Security:

Payable from General Revenue Fund.................. 5,953
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 3,347

For County Reimbursement to State for Group Insurance:

Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 9,167

For Contractual Services:

Payable from General Revenue Fund.................. 6,316
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 306,310

For Travel:

Payable from General Revenue Fund.................. 1,160
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 1,153

For Commodities:

Payable from General Revenue Fund.................. 570
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 781

For Equipment:

Payable from General Revenue Fund.................. 570
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 1,194

For Operation of Automotive Equipment:

Payable from General Revenue Fund.................. 1,140
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 1,107

For expenses pursuant to Narcotics Profit Forfeiture Act:
Payable from Narcotics Profit Forfeiture Fund........ 0

For Expenses Pursuant to Drug Asset Forfeiture Procedure Act:

New matter indicated by italics - deletions by strikeout.
Payable from Narcotics Profit Forfeiture Fund.. 1,350,000
For Expenses Pursuant to P.A. 84-1340, which requires the Office of the State's Attorneys Appellate Prosecutor to conduct training programs for Illinois State's Attorneys, Assistant State's Attorneys and Law Enforcement Officers on techniques and methods of eliminating or reducing the trauma of testifying in criminal proceedings for children who serve as witnesses in such proceedings; and other authorized criminal justice training programs:
  Payable from General Revenue Fund............... 80,000
For Expenses Related to federally assisted Programs to assist local State's Attorneys including violent crimes, drug related cases and cases arising under the Narcotics Profit Forfeiture Act on the request of the State's Attorney:
  Payable from Special Federal Grant Project Fund 2,800,000
For Local Matching Purposes:
  Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 0
For State Matching Purposes:
  Payable from General Revenue Fund............... 0
For Expenses Pursuant to Grant Agreements For Training Grant Programs:
  Payable from Continuing Legal Education Trust Fund 200,000
For Expenses Pursuant to the Capital Crimes Litigation Act:
  Payable from the Capital Litigation Trust Fund... 400,000
Section 10. The amount of $2,700,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Appellate Prosecutor for a grant to the Cook County State's Attorney for expenses incurred in filing appeals in Cook County.
  (Total, $14,546,300; General Revenue Fund, $7,509,771; Office of the State's Attorneys Appellate Prosecutor's County Fund, $2,136,529; Continuing Legal Education Trust Fund, $350,000; Narcotics Profit Forfeiture Fund, $1,350,000; Special Federal Grant Project Funds, $2,800,000; Capital Litigation Trust Fund, $400,000)
Section 15. For Appropriation to the State Treasurer for Expenses Incurred by State's Attorneys other than Cook County:
  Payable from the Capital Litigation Trust Fund............................................... 1,000,000

ARTICLE 84

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

**GENERAL OFFICE**

Payable from the Fire Prevention Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>6,664,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>200,000</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>1,073,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>446,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,560,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>726,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>100,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>50,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>40,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>410,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>240,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>196,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>260,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>4,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$11,972,000</strong></td>
</tr>
</tbody>
</table>

Payable from the Underground Storage Tank Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,334,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>40,100</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>214,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>102,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>319,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>265,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>23,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>6,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>161,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>115,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>47,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>60,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>50,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Expenses of Hearing Officers..................  75,000
Total  $2,816,700

Section 10. The sum of $375,000, or so much thereof as may be
necessary, is appropriated from the Fire Prevention Fund to the Office of
the State Fire Marshal for administrative expenses of the Elevator Safety
and Regulation Act.

Section 15. The sum of $50,000, or so much thereof as may be
necessary, is appropriated from the Illinois Firefighters' Memorial Fund to
the Office of the State Fire Marshal for expenses related to the
maintenance of the Illinois Firefighters' Memorial, holding the annual
Fallen Firefighter Ceremony, and other expenses as allowed under Public
Act 91-0832.

Section 20. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Office of the State
Fire Marshal as follows:
Payable from the Fire Prevention Fund:
For Fire Prevention Training.......................  45,000
For Expenses of Fire Prevention
Awareness Program.................................  75,000
For Expenses of Arson Education
and Seminars......................................  23,500
For expenses of new fire chiefs training........  25,000
For expenses of hearing officers...............  25,000
Total  $193,500

Payable from the Fire Prevention Division Fund:
For Expenses of the U.S. Resource
Conservation and Recovery Act
Underground Storage Program...................  299,800

Payable from the Emergency Response
Reimbursement Fund:
For Hazardous Material Emergency
Response Reimbursement.......................  5,000

Section 25. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the ordinary and
contingent expenses of the Office of the State Fire Marshal, as follows:

GRANTS
Payable from the Fire Prevention Fund:
For Chicago Fire Department Training Program...  1,646,900
For payment to local governmental agencies

New matter indicated by italics - deletions by strikeout.
which participate in the State Training Programs: 550,000
For Regional Training Grants: 300,000
For payments in accordance with Public Act 93-0169: 45,000
Total: $2,541,900

Section 30. The sum of $2,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for the development of new fire districts.

Section 35. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the Underground Storage tank Fund to the Office of the State Fire Marshal for a grant to the City of Chicago for Administrative Costs incurred as a result of the State Underground Storage Program.

ARTICLE 85
Section 5. The following amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes named, to meet the ordinary and contingent expenses of the Illinois Violence Prevention Authority:
Payable from the Violence Prevention Fund:
For Personal Services: 500,200
For Employee Retirement Contributions Paid by Employer: 0
For State Contributions to State Employees' Retirement System: 80,600
For Social Security: 38,300
For Group Insurance: 96,000
For Contractual Services: 40,100
For Travel: 20,000
For Commodities: 2,000
For Printing: 10,000
For Equipment: 1,000
For Electronic Data Processing: 8,000
For Telecommunications Services: 5,000
Total: $801,200
Payable from the General Revenue Fund:
For Contractual Services: 38,400

New matter indicated by italics - deletions by strikeout.
Section 10. The sum of $1,800,000, or so much thereof as may be necessary, is appropriated from the Violence Prevention Fund to the Illinois Violence Prevention Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 15. The sum of $2,239,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 20. The amount of $894,300, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for the Illinois Family Violence Coordinating Council Program.

ARTICLE 86

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

FOR OPERATIONS - GENERAL OFFICE

Payable from General Revenue Fund:

For Personal Services............................                                         560,400
For Employee Retirement Contributions Paid by Employer.....................................                                               0
For State Contributions to State Employees' Retirement System.................. 90,300
For State Contributions to Social Security............................................. 42,900
For Contractual Services..............................                                               216,900
For Travel........................................                                                30,700
For Commodities....................................                                           8,500
For Printing......................................                                                11,700
For Equipment......................................                                             1,900
For Electronic Data Processing.....................                                             83,800
For Telecommunications Services.................                                              22,800
For Operation of Auto Equipment......................                                               0
For Administration and operations of Displaced Homemaker Grant Program.............. 47,000
For Refunds.............................................                                               100
Total                                                                                        $1,117,000

New matter indicated by italics - deletions by strikeout.
Section 10. The following named amount of $621,300, or so much thereof as may be necessary, is appropriated to the Department of Labor for Displaced Homemaker Grants.

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

**PUBLIC SAFETY**

Payable from General Revenue Fund:
- For Personal Services .......................... 832,000
- For Employee Retirement Contributions
  - Paid by Employer .............................. 0
- For State Contributions to State
  - Employees' Retirement System .......... 134,000
- For State Contributions to Social Security .................. 63,600
- For Contractual Services ..................... 35,400
- For Travel ...................................... 104,400
- For Commodities ................................ 5,000
- For Printing ..................................... 7,000
- For Equipment ................................. 5,900
- For Telecommunications Services ............. 17,400

**FAIR LABOR STANDARDS**

Payable from General Revenue Fund:
- For Personal Services ........................ 1,967,800
- For Employee Retirement Contributions
  - Paid by Employer ............................. 0
- For State Contributions to State
  - Employees' Retirement System .......... 316,900
- For State Contributions to Social Security .................. 150,600
- For Contractual Services ..................... 72,200
- For Travel ...................................... 113,100
- For Commodities ................................ 6,100

New matter indicated by italics - deletions by strikeout.
For Printing........................................ 20,800
For Equipment.................................... 19,900
For Telecommunications Services............... 39,800
Total                                          $2,707,200

Payable From the Child Labor and Day and
Temporary Labor Services Enforcement Fund:
For Administration of the Child
Labor Law and Day and Temporary
Labor Services Act.............................. 157,700

Section 25. In addition to any other funds appropriated for that
purpose, the sum of $198,300 is appropriated from the General Revenue
Fund to the Department of Labor for all costs associated with conducting
the study mandated by P.A. 87-405, regarding the employment progress of
women and minorities.

ARTICLE 87

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the Industrial Commission Operations Fund
to the Industrial Commission:

GENERAL OFFICE

For Personal Services:
Regular Positions......................... 4,491,850
Arbitrators................................. 3,422,700
Court Reporters............................ 1,245,150
For Employee Retirement Contributions
Paid by Employer........................... 294,400
For State Contributions to State
Employees' Retirement System.............. 723,500
For Arbitrators' Retirement System........ 551,200
For Court Reporters' Retirement System... 200,500
For State Contributions to
Social Security............................. 700,750
For Group Insurance....................... 2,160,000
For Contractual Services................... 397,000
For Travel.................................... 224,000
For Commodities............................ 45,500
For Printing................................... 35,000
For Equipment............................... 50,000
For Telecommunications Services........... 101,450

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>653,950</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>105,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>50,050</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>142,750</td>
</tr>
<tr>
<td>For Travel</td>
<td>2,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>11,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>56,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,025,100</strong></td>
</tr>
</tbody>
</table>

Section 10. In addition to the amounts heretofore appropriated, the following named amount, or so much thereof as may be necessary, is appropriated from the Industrial Commission Operations Fund to the Industrial Commission for the project hereinafter enumerated:

**PEORIA OFFICE**

For rent, staffing and equipment to operate an office in Peoria.................. 132,300

Section 15. The amount of $119,800, or so much thereof as may be necessary, is appropriated from the Industrial Commission Operations Fund to the Industrial Commission for printing and distribution of Workers' Compensation handbooks containing information as to the rights and obligations of employers.

Section 20. The amount of $279,300, or so much thereof as may be necessary, is appropriated from the Industrial Commission Operations Fund to the Industrial Commission for the implementation and operation of an accident reporting system.

Section 25. The sum of $120,600, or so much thereof as may be necessary, is appropriated from the Industrial Commission Operations Fund to the Industrial Commission for all costs associated with the establishment and operation of a satellite office in the Metro East area.

**ARTICLE 88**

**LT. GOVERNOR**

Section 5. The sum of $35,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made for such purpose in Article 3,
Section 3 of Public Act 93-0587, is reappropriated to the Office of Lieutenant Governor from the Clean Water Trust Fund to for the purpose of making grants to local governments pursuant to Section 10 of the Clean Water Bond Act.
Total, Article 88 $35,000,000

ARTICLE 89
SECRETARY OF STATE

Section 5. The amount of $20,400, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from appropriation heretofore made for such purposes in Article 4, Division FY90, Section 3-6.2e of Public Act 91-0708, as amended, is reappropriated from the Build Illinois Bond Fund to the Office of the Secretary of State for making grants to the City of Chicago for planning, construction, reconstruction, rehabilitation, and all necessary costs for the following branches of the Chicago Public Library at the approximate costs set forth below:

<table>
<thead>
<tr>
<th>Branch Library</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Austin Branch Library</td>
<td>1,150,025</td>
</tr>
<tr>
<td>Legler Library</td>
<td>26,886</td>
</tr>
<tr>
<td>Auburn/Hamilton Park Library</td>
<td>879,056</td>
</tr>
<tr>
<td>Near West Side Branch Library</td>
<td>1,136,419</td>
</tr>
<tr>
<td>Carter G. Woodson Regional Library</td>
<td>68,696</td>
</tr>
<tr>
<td>Clearing Branch Library</td>
<td>258,398</td>
</tr>
<tr>
<td>McKinley Park Branch Library</td>
<td>829,124</td>
</tr>
<tr>
<td>South Chicago Branch Library</td>
<td>551,657</td>
</tr>
<tr>
<td>North Pulaski/Humboldt Library</td>
<td>2,753,474</td>
</tr>
<tr>
<td>Roosevelt Branch</td>
<td>204,000</td>
</tr>
<tr>
<td>Rockwell Gardens Reading &amp; Study Center</td>
<td>0</td>
</tr>
<tr>
<td>Pullman Branch Library</td>
<td>632,063</td>
</tr>
</tbody>
</table>

Total $8,489,798

Total, Article 89 $20,400

ARTICLE 90
DEPARTMENT OF AGRICULTURE

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for repairs, maintenance, and capital improvements including construction, reconstruction, improvement, repair and installation of capital facilities, cost of planning, supplies, materials, equipment, services and all other expenses required to complete the work:
Payable from Agricultural Premium Fund:
For various projects at the State

New matter indicated by italics - deletions by strikeout.
Fairgrounds....................................... 600,000
For various projects at the DuQuoin State Fairgrounds....................................... 225,000
Total                                                                                        $825,000
Total, Article 90                                                                             $825,000

ARTICLE 91
DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

Section 5. The amount of $16,562,392, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 55 of Public Act 93-91, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant to the DuPage Airport Authority for planning, design, construction and access infrastructure related to the hi-tech business campus.

Section 10. The amount of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 60 of Public Act 93-91, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant for planning, design, construction, and all other costs associated with a new Ford Technical Training Center.

Section 15. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 3, Section 95 of Public Act 93-91, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the "TRUE GRID I WIRE" Program.

Section 20. The amounts of $22,000,000 and $551,947, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 3, Section 115 of Public Act 93-91, are reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the purpose of providing partial funds for planning, design, engineering and testing, and construction of a low emissions boiler system for Illinois high-sulfur coals.

No contract shall be entered into or obligation incurred for any expenditure made in this Section of this Article until after the purpose and amounts have been approved in writing by the Governor.

New matter indicated by italics - deletions by strikeout.
Section 25. The sum of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 110 of Public Act 93-91, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the Coal Demonstration Program.

Section 30. The sum of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 3, Section 105 of Public Act 93-91, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for Coal Development Programs.

Section 35. The sum of $50,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 3, Section 105 of Public Act 93-91, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for grants pursuant to 20 ILCS 605/605-332 BCoal Revival Program.

Section 40. The amount of $1,039,300, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 3, Section 200 of Public Act 93-91, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the development of other forms of energy.

No contract shall be entered into or obligation incurred for any expenditure made in this Section of this Article until after the purpose and amounts have been approved in writing by the Governor.

Section 45. The sum of $15,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 8 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 50. The sum of $7,045,856, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 5, Division FY00, Section 1-9 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of

New matter indicated by italics - deletions by strikeout.
Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8 or Article 10 of the Build Illinois Act.

Section 55. The sum of $5,920,528, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY01, Section 5 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 60. The sum of $16,737,962, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 5 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 65. The sum of $11,450,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY03, Section 23 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant but not limited to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 70. The sum of $15,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 15 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to companies to expand or construct ethanol plants in Illinois.

Section 75. The sum of $13,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY03, Section 19 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Argonne National Laboratory for the Rare Isotope Accelerator for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

New matter indicated by italics - deletions by strikeout.
Section 80. The sum of $17,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 7 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the Nanotechnology Institute for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 85. The sum of $15,887,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY03, Section 20 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the Nanotechnology Institute for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Total, Article 91 $225,694,985

ARTICLE 92
DEPARTMENT OF NATURAL RESOURCES
GRANTS AND REIMBURSEMENTS - GENERAL OFFICE

Section 5. The amount of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for contributions of funds to park districts and other entities as provided by the "Illinois Horse Racing Act of 1975" and to public museums and aquariums located in park districts, as provided by "AN ACT concerning aquariums and museums in public parks" and the "Illinois Horse Racing Act of 1975" as now or hereafter amended.

Section 10. The sum of $725,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

Section 15. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of

New matter indicated by italics - deletions by strikeout.
grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 20. To the extent federal funds including reimbursements are available for such purposes, the sum of $1,075,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development of facilities for transient, non-trailerable recreational boats, including grants for such purposes and authorized under the Boating Infrastructure Grant Program.

Section 25. The following named sums, new appropriations, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:

Payable from State Boating Act Fund:
For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation........................ 1,200,000

Payable from State Parks Fund:
For multiple use facilities and programs for park and trail purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies, and all other expenses required to comply with the intent of this appropriation.................... 150,000

Section 30. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for acquisition and development, including grants, for the implementation of the North American Waterfowl Management Plan within the Dominion of Canada or the United States which specifically provides waterfowl for the Mississippi Flyway.

New matter indicated by italics - deletions by strikeout.
Section 35. To the extent federal funds including reimbursements are available for such purposes, the sum of $100,000, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 40. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for wildlife conservation and restoration plans and programs from federal funds provided for such purposes.

Section 45. The following named sums, or so much thereof as may be necessary, respectively, herein made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are appropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Forest Reserve Fund:
For U.S. Forest Service Program..................                                 500,000

Section 50. The sum of $110,000, or so much thereof as may be necessary, is appropriated from the Plugging and Restoration Fund to the Department of Natural Resources, Office of Mines and Minerals for the Landowner Grant Program authorized under the Oil and Gas Act, as amended by Public Act 90-0260.

Section 55. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the Abandoned Mined Lands Set Aside Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines and any other expenses necessary for emergency response.

Section 60. The sum of $110,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 65. The following named sums, new appropriations, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:

New matter indicated by italics - deletions by strikeout.
Payable from Natural Areas Acquisition Fund:
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities.......................... 4,500,000

Section 70. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to make grants to local governments as provided in the "Open Space Lands Acquisition and Development Act".

Section 75. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

FOR ILLINOIS HABITAT FUND PROGRAM

Section 80. The sum of $1,150,000, or so much thereof as may be necessary, is appropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 85. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

Section 90. The sum of $600,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources for expenditure by the Office of Water Resources from the Flood Control Land Lease Fund for disbursement of monies received pursuant to Act of Congress dated September 3, 1954 (68 Statutes 1266, same as appears in Section 701c-3, Title 33, United States Code Annotated), provided such disbursement shall be in compliance with 15 ILCS 515/1 Illinois Compiled Statutes.

Section 95. The following named sums, or so much thereof as may be necessary, respectively, herein made either independently or in

New matter indicated by italics - deletions by strikeout.
cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are appropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Land and Water Recreation Fund:
  For Outdoor Recreation Programs................................. 6,200,000

Section 100. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 110. The following named sums, or so much thereof as may be necessary, respectively, herein made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are appropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Federal Title IV Fire Protection Assistance Fund:
  For Rural Community Fire Protection Programs........................................ 325,000

Section 115. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 120. The sum of $625,000, or so much thereof as may be necessary, is appropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 125. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of

New matter indicated by italics - deletions by strikeout.
$300,000, is appropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 130. The sum of $160,000, or so much thereof as may be necessary, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the payment of grants for the implementation of the North American Waterfowl Management Plan within the Dominion of Canada or the United States which specifically provides waterfowl to the Mississippi Flyway as provided in the "Wildlife Code", as amended.

Section 135. The sum of $160,000, or so much thereof as may be necessary, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the payment of grants for the development of waterfowl propagation areas within the Dominion of Canada or the United States which specifically provide waterfowl for the Mississippi Flyway as provided in the "Wildlife Code", as amended.

Section 140. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

Section 145. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

Section 150. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

Section 155. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

Section 160. The following named sums, new appropriations, or so much thereof as may be necessary, respectively, for the objects and

New matter indicated by italics - deletions by strikeout.
purposes hereinafter named, are appropriated to the Department of Natural Resources:

Payable from the Illinois Beach Marina Fund:
For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor: .................................................. 375,000

Section 165. The sum of $6,000,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

Section 170. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the State Parks Fund to the Department of Natural Resources, in coordination with the Capital Development Board, for the development of the World Shooting and Recreation Complex including all construction expenses required to comply with this appropriation. Provided further, to the extent that revenues are received for such purposes, said revenues must come from non-State sources.

Section 175. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in Section 170 until after the purpose and amount of such expenditure has been approved in writing by the Governor.

Total, Article 92 ........................................................................ $59,565,000

ARTICLE 93
DEPARTMENT OF NATURAL RESOURCES

Section 5. The sum of $750,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 200, page 43, line 14 of Public Act 93-97, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

Section 10. The sum of $2,429,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 200, page 43, line 15 of Public Act 93-97, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the
administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

Section 15. The sum of $120,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 240, page 46, line 26 of Public Act 93-97, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 20. The sum of $175,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 240, page 46, line 27 of Public Act 93-97, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 30. To the extent federal funds including reimbursements are available for such purposes, the sum of $1,598,400, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 220 of Public Act 93-97, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development of facilities for transient, non-trailerable recreational boats, including grants for such purposes and authorized under the Boating Infrastructure Grant Program.

Section 35. The following named sum, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes, is reappropriated to the Department of Natural Resources for the objects and purposes set forth below:
Payable from State Boating Act Fund:
(From Article 1, Section 145 on page 34, lines 3-10, of Public Act 93-97, as amended)
For multiple use facilities and programs

New matter indicated by italics - deletions by strikeout.
for boating purposes provided by the
Department of Natural Resources including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies and all
other expenses required to comply with
the intent of this appropriation............. 1,608,200

Section 40. The following named sum, or so much thereof as may
be necessary, respectively, and as remains unexpended at the close of
business on June 30, 2004, from appropriations heretofore made for such
purposes, is reappropriated to the Department of Natural Resources for the
objects and purposes set forth below:
Payable from State Boating Act Fund:
(Section
150 on page 35, lines 29-33 and on
page 36, lines 1-4 of
Public Act 93-97, as amended)
For multiple use facilities and programs
for boating purposes provided by the
Department of Natural Resources including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies and all
other expenses required to comply with
the intent of this appropriation............. 1,200,000

Section 45. The following named sums, or so much thereof as may
be necessary, respectively, and as remain unexpended at the close of
business on June 30, 2004, from appropriations heretofore made for such
purposes, are reappropriated to the Department of Natural Resources for
the objects and purposes set forth below:
Payable from the State Parks Fund:
(From Article 1, Section 150
on page 36, lines 18-25 of Public
Act 93-97, as amended)
For multiple use facilities and programs
for park and trail purposes provided
by the Department of Natural Resources, including
construction and development, all costs
for supplies, materials, labor, land

New matter indicated by italics - deletions by strikeout.
acquisition, services, studies, and
all other expenses required to comply with
the intent of this appropriation................ 150,000

Payable from the State Parks Fund:
(From Article 1, Section 145 on
page 35, lines 5-12, of Public
Act 93-97, as amended)

For multiple use facilities and programs
for park and trail purposes provided
by the Department of Natural Resources, including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies, and
all other expenses required to comply with
the intent of this appropriation................ 493,200

Section 50. The sum of $1,651,800, or so much thereof as may be
necessary and as remains unexpended at the close of business on June 30,
2004, from appropriations heretofore made in Article 1, Section 90, page
28, line 6 of Public Act 93-97, as amended, is reappropriated from the
Wildlife and Fish Fund to the Department of Natural Resources for
wildlife conservation and restoration plans and programs from federal
funds provided for such purposes.

Section 55. The sum of $3,312,800, or so much thereof as may be
necessary and as remains unexpended at the close of business on June 30,
2004, from appropriations heretofore made in Article 1, Section 90, page
28, line 7 of Public Act 93-97, as amended, is reappropriated from the
Wildlife and Fish Fund to the Department of Natural Resources for
wildlife conservation and restoration plans and programs from federal
funds provided for such purposes.

Section 60. To the extent federal funds including reimbursements
are available for such purposes, the sum of $100,000, or so much thereof
as may be necessary and as remains unexpended at the close of business
on June 30, 2004, from appropriations heretofore made in Article 1,
Section 215, page 44, line 15 of Public Act 93-97, as amended, is
reappropriated from the Wildlife and Fish Fund to the Department of
Natural Resources for construction and renovation of waste reception
facilities for recreational boaters, including grants for such purposes
authorized under the Clean Vessel Act.

New matter indicated by italics - deletions by strikeout.
Section 65. To the extent federal funds including reimbursements are available for such purposes, the sum of $227,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 215, page 44, line 16 of Public Act 93-97, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 70. The sum of $2,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 155, page 36, line 27 of Public Act 93-97, is reappropriated from the Capital Development Fund to the Department of Natural Resources for planning, design and construction of ecosystem rehabilitation, habitat restoration and associated development in cooperation with the U.S. Army Corps of Engineers.

Section 75. The sum of $3,362,600, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 155, page 36, line 28 of Public Act 93-97, is reappropriated from the Capital Development Fund to the Department of Natural Resources for planning, design and construction of ecosystem rehabilitation, habitat restoration and associated development in cooperation with the U.S. Army Corps of Engineers.

Section 80. The sum of $31,326,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 115, page 29, line 30 of Public Act 93-97, and Article 6, Section 1285 of Public Act 93-587, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources to acquire, protect and preserve open space and natural lands.

Section 85. The sum of $4,555,400, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 40, page 6, line 12, Public Act 93-97 as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the

New matter indicated by italics - deletions by strikeout.
Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United State Department of Agriculture.

Section 90. The sum of $1,191,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 40, page 6, line 13, of Public Act 93-97 as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United State Department of Agriculture.

Section 95. The sum of $2,304,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 170 of Public Act 93-97, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the acquisition of lands, buildings, and structures, including easements and other property interests, located in the 100-year floodplain in counties or portions of counties authorized to prepare stormwater management plans and for removing such buildings and structures and preparing the site for open space use.

Section 100. The sum of $11,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 175 of Public Act 93-97, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for water development projects at the approximate cost set forth below:
Union - McHenry County - for flood control and drainage improvement of unnamed Kishwaukee River tributary

New matter indicated by italics - deletions by strikeout.
Wood River - Madison County - for partial payment of the non-federal cost requirements to construct Grassy Lake Pump Station Project in cooperation with the Wood River Drainage and Levee District................................. 200,000

Flood Hazard Mitigation - For implementation of flood hazard mitigation plans, and acquisition of wetland and tree mitigation sites for state and local joint flood control projects in cooperation with federal agencies, state agencies, and units of local government, in various counties........................................ 3,300,000

Fox Chain of Lakes - Lake and McHenry Counties - For the state cost share in implementation of the comprehensive Dredging and Disposal Plan, including beneficial use of dredge material and island creation, for the Fox River and Chain of Lakes.................................................. 2,000,000

Fox River Dams - Kane County - For rehabilitation, modification, and reconstruction of Batavia and Yorkville Dams............................................... 2,600,000

Field Service Facility - Sangamon County - For site development and construction of a field survey service building and storage facility.............................. 200,000

East St. Louis & Vicinity Flood Control - Madison and St. Clair Counties - For partial payment of the non-federal cost requirement of an interior flood protection project and ecosystem restoration at East St. Louis and Vicinity area......................... 1,800,000

Prairie/Farmers Creeks - Cook County - For costs associated with the implementation of flood damage reduction measures along Prairie/Farmers Creeks and the Des Plaines River, including for partial payment of the

New matter indicated by italics - deletions by strikeout.
non-federal cost requirements of the U.S.
Army Corps of Engineers' Upper Des Plaines
River Flood Control Project....................... 600,000

Small Drainage and Flood Control Projects -
For implementation of small drainage and flood control
improvements in accordance with plans
developed in cooperation with local
governments and school districts, not
to exceed $100,000 at any single locality............................. 100,000

Total .................................................. 11,000,000

FOR WATERWAY IMPROVEMENTS

Section 105. The sum of $35,603,700, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2004, from appropriations heretofore made in Article 1, Section 160 of
Public Act 93-97, as amended, is reappropriated from the Capital
Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the following projects at
the approximate costs set forth below:

Addison Creek Watershed - Cook and DuPage Counties............................... 214,800
Chandlerville/Panther Creek - Cass County....................................... 342,100
Chicago Harbor Leakage Control - Cook County - For implementation of a project to identify, measure, control, and eliminate leakage flows through controlling structures at the mouth of the Chicago River in cooperation with federal agencies and units of local government...................... 990,500
Crisenberry Dam - Jackson County:
For complete rehabilitation of the dam and spillway, including the required geotechnical investigation, the preparation of plans and specifications, and the construction of the proposed rehabilitation.................... 633,000

New matter indicated by italics - deletions by strikeout.
Crystal Creek - Cook County...................... 2,866,800
East Chicago (Ford Heights) - Cook County - For partial payment of the non-federal cost requirements of the Deer Creek federal flood control and ecosystem restoration project in cooperation with the Village of East Chicago........................................ 925,600
East Peoria - Tazewell County.................... 1,920,600
East St. Louis and Vicinity Flood Control - Madison and St. Clair Counties - For partial payment of the non-federal cost requirements of an interior flood protection project and ecosystem restoration at East St. Louis and Vicinity area.................. 500,000
Floor Service Facility B Sangamon County........ 200,000
Flood Mitigation - Disaster Declaration Areas.................................................. 3,281,300
Fox Chain O'Lakes - Lake and McHenry Counties ............................................. 2,775,700
Fox River Dams - Kane, Kendall and McHenry Counties........................................ 5,709,100
Granite City - Area Groundwater-Madison County........................................... 300,000
Havana Facilities - Mason County.................. 199,400
Hickory Hills - Cook County........................ 158,500
Hickory/Spring Creeks Watershed - Cook and Will Counties.............................. 2,752,000
Illinois River Mitigation - Calhoun, Jersey, Peoria and Woodford Counties................... 81,000
Indian Creek - Kane County........................ 100,100
Kaskaskia River System - Randolph, Monroe and St. Clair Counties...................... 34,000
Kyte River - Rochelle, Ogle County............... 1,450,900
Lake Michigan Artificial Reef - Cook County................................................. 28,100
Little Calumet Watershed - Cook County.................. 14,200

New matter indicated by italics - deletions by strikeout.
 Loves Park - Winnebago County.......................... 489,800
 Lower Des Plaines River Watershed -
   Cook and Lake Counties............................. 975,000
 Metro-East Sanitary District -
   Madison and St. Clair Counties..................... 60,600
 North Branch Chicago River Watershed -
   Cook and Lake Counties............................. 25,700
 Prairie du Rocher - Randolph County:
   For partial payment to implement the
   federal flood protection project for
   the Village of Prairie du Rocher in
   cooperation with local units of
   government........................................... 10,000
 Prairie/Farmers Creek - Cook County................. 5,234,000
 Asian Carp Barrier - Cook County................... 1,800,000
 Rock River Dams - Rock Island and
   Whiteside Counties................................ 186,000
 Small Drainage and Flood Control
   Projects - Statewide (not to exceed
   $100,000 at any locality)............................ 464,900
 Union - McHenry County............................... 30,000
 Village of Justice - Cook County..................... 100,000
 W. B. Stratton (McHenry) Lock
   and Dam - McHenry County......................... 750,000
 Total $35,603,700

Section 110. The sum of $342,600, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2004, from an appropriation heretofore made in Article 1, Section 165 of
Public Act 93-97, as amended, is reappropriated from the Capital
Development Fund to the Department of Natural Resources for
expenditure by the Office of Water Resources in cooperation with federal
agencies, state agencies and units of local government in the
implementation of flood hazard mitigation plans in counties that received
a Presidential Disaster Declaration as a result of flooding in calendar years
1993 and thereafter, in accordance with reports filed under Section 5 of the
"Flood Control Act of 1945".

Section 115. The sum of $5,000,000, or so much thereof as may be
necessary, and as remains unexpended at the close of business on June
30, 2004, from reappropriations heretofore made in Article 1, Section 290,
page 50, line 1 of Public Act 93-97, and Article 3, Section 4 of Public Act 93-587, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 120. The sum of $21,256,200, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 1, Section 290, page 50, line 2 of Public Act 93-97, and Article 3, Section 4 of Public Act 93-587, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 125. The amount of $30,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 1, Section 285 of Public Act 93-97, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 130. The amount of $4,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 95, page 28, line 17 of Public Act 93-97, as amended, is reappropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 135. The sum of $110,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 95, page 28, line 18 of Public Act 93-97, as amended, is reappropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 140. The sum of $122,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 95, page 28, line 18 of Public Act 93-97, as amended, is reappropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 145. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of

New matter indicated by italics - deletions by strikeout.
business on June 30, 2004, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from Natural Areas Acquisition Fund:
(From Article 1, Section 150 on page 36, lines 11-16, of Public Act 93-97, as amended)
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities............................ 3,665,400

Payable from Natural Areas Acquisition Fund:
(From Article 1, Section 145 on page 34, lines 26-33, of Public Act 93-97, as amended)
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities............................ 2,896,200

Section 150. The sum of $20,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 225, page 45, line 4 of Public Act 93-97, as amended, is reappropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to make grants to local governments as provided in the "Open Space Lands Acquisition and Development Act".

Section 155. The sum of $41,813,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 225, page 45, line 5 of Public Act 93-97, as amended, is reappropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to

New matter indicated by italics - deletions by strikeout.
make grants to local governments as provided in the "Open Space Lands Acquisition and Development Act".

FOR STATE PHEASANT PROGRAM

Section 160. The sum of $550,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 100, page 28, line 28 of Public Act 93-97, as amended, is reappropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

Section 165. The sum of $530,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 100, page 28, line 29 of Public Act 93-97, as amended, is reappropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

Section 170. The sum of $1,150,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 105, page 29, line 7 of Public Act 93-97, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 175. The sum of $726,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 105, page 29, line 8 of Public Act 93-97, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 180. The sum of $223,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 110, page 29, line 17 of Public Act 93-97, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat

New matter indicated by italics - deletions by strikeout.
and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

Section 185. The sum of $707,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 110, page 29, line 18 of Public Act 93-97, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

Section 190. The following named sums, or so much thereof as may be necessary and as remain unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Sections 230 and 235 of Public Act 93-97, as amended, made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are reappropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Land and Water Recreation Fund:

(From Article 1, Section 235, page 46, line 18 of Public Act 93-97, as amended)

For Outdoor Recreation Programs................. 6,200,000

Payable from Land and Water Recreation Fund:

(From Article 1, Section 230 on page 45, line 31, of Public Act 93-97, as amended)

For Outdoor Recreation Programs................. 10,623,700

Section 195. The sum of $599,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 205, page 43, line 24 of Public Act 93-97, as amended, is reappropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

New matter indicated by italics - deletions by strikeout.
Section 200. The sum of $955,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 205, page 43, line 25 of Public Act 93-97, as amended, is reappropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 205. The sum of $5,000,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 1, Section 15 of Public Act 93-97, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition, planning and development of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

Section 210. The sum of $10,194,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 1, Section 20 of Public Act 93-97, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition, planning and development of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

Section 215. The following named sums, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Sections 230 and 235 of Public Act 93-97, as amended, made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are reappropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Federal Title IV Fire Protection Assistance Fund:
(From Article 1, Section 235)

New matter indicated by italics - deletions by strikeout.
on page 46, lines 23-34 of Public Act 93-97, as amended)
For Rural Community Fire Protection Program............................... 313,300

Section 220. Payable from Federal Title IV Fire Protection Assistance Fund:
(From Article 1, Section 230 on page 46, lines 6-7, of Public Act 93-97, as amended)
For Rural Community Fire Protection Program............................... 291,900

Section 225. The sum of $82,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 245, page 47, line 6 of Public Act 93-97, as amended, is reappropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 230. The sum of $71,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 245, page 47, line 7 of Public Act 93-97, as amended, is reappropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 235. The sum of $625,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 250, page 47, line 18 of Public Act 93-97, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 240. The sum of $557,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 250, page 47, line 19 of Public Act 93-97, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

New matter indicated by italics - deletions by strikeout.
Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 245. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $236,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 255, page 48, line 1 of Public Act 93-97, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 250. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $225,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 255, page 48, line 2 of Public Act 93-97, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 255. To the extent federal funds including reimbursements are made available for such purposes, the sum of $35,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 260 of Public Act 93-97, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Urban Forestry programs, including technical assistance, education and grants.

Section 260. The sum of $493,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 140, page 32, line 32 of Public Act 93-97, as amended, is reappropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

Section 265. The sum of $2,360,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 140, page 33, line 1 of Public Act 93-97, as amended, is reappropriated from

New matter indicated by italics - deletions by strikeout.
the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

FOR BIKEWAYS PROGRAMS

Section 270. The following named sums, or so much thereof as may be necessary, and is available for expenditure as provided herein, are appropriated from the Park and Conservation Fund to the Department of Natural Resources for the following purposes:

Section 275. The sum of $10,900 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 130, on page 31, lines 20-26 of Public Act 93-97, as amended, is reappropriated for land acquisition, development and grants, for the following bike paths at the approximate costs set forth below:

- Great River Road/Vadalabene Bikeway through Grafton.......................... $5,300
- Super Trail between the Quad Cities and Savannah................................. 0
- Illinois Prairie Path in Cook County................................................. $5,600

Section 280. The sum of $2,500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 130, on page 31, line 33 Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

Section 285. The sum of $14,044,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 130, on page 32, lines 1-7 of Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

Section 290. The sum of $56,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 130, on page 32, lines 8-14 of Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

New matter indicated by italics - deletions by strikeout.
Resources for land acquisition, development, grants and all other related expenses connected with the acquisition and development of bike paths.

No funds in this Section may be expended in excess of the revenues deposited in the Park and Conservation Fund as provided for in Section 2-119 of the Illinois Vehicle Code.

Section 300. The sum of $995,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 125 of Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilitating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

Section 305. The sum of $500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 130 on page 31, line 11 of Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

Section 310. The sum of $2,034,600, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 120 of Public Act 93-97, as amended, is reappropriated to the Department of Natural Resources from the Park and Conservation Fund for multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilitating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

Section 315. The sum of $4,589,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 130 on page 31, line 12 of Public Act 93-97, as amended, is reappropriated

New matter indicated by italics - deletions by strikeout.
from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

Section 320. The sum of $1,500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 135, page 32, line 19 of Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

Section 325. The sum of $4,427,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 135, page 32, line 20 of Public Act 93-97, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

Section 330. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 1 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 335. The sum of $15,591,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY03, Section 24 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants to museums for permanent improvements.

Section 340. The sum of $7,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04,
Section 2 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 345. The sum of $382,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 1 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 350. The sum of $1,198,600, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY03, Section 1 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 355. The sum of $571,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY02, Section 2 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 360. The sum of $7,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY03, Section 2 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 365. The amount of $33,311, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from

New matter indicated by italics - deletions by strikeout.
appropriations heretofore made for such purposes in Article 5, Division FY86, Section 8-1.22 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for costs associated with drainage, flood control and related improvements.

Section 370. The amount of $20,058, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 5, Division FY87a, Section 6-1.21 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for costs associated with drainage, flood control and related improvements.

Section 375. The amount of $189,520, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 5, Division FY86, Section 8-1.21 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the completion of the following projects at the approximate costs set forth below:

Lower Des Plaines River at Tributaries Watershed - Cook and DuPage Counties - for construction of drainage, flood control, recreation and related improvements and facilities in the Lower Des Plaines Watershed; and for necessary land acquisition, relocation, and related expenses, all in general conformance with the Lower Des Plaines River and Tributaries Watershed Work plan in cooperation with the U.S. Soil Conservation Service and local governments sponsoring this Federal Flood Control project................................................. 189,520

Section 380. The amount of $132,507, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 5, Division FY89, Section 4-1.13 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the following projects at the approximate costs set forth below:

Des Plaines Watershed Mitigation - Cook,
DuPage, and Lake Counties - For implementation of flood hazard mitigation plans, developed in cooperation with units of local government in the Des Plaines Watershed, filed in accordance with Section 5 of the Flood Control Act of 1945, as amended (Ill. Rev. Stat., Ch. 19, par. 126e) 70,935

Indian Creek - Kane County - For implementation of the Indian Creek flood control project in Kane County in cooperation with the City of Aurora 13,850

Midlothian Creek - Cook County - Improvement of Midlothian Creek channel to provide flood damage reduction for Fernway Subdivision in cooperation with the Villages of Orland Park and Tinley Park 47,722

Total $132,507

Section 385. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from the Illinois Beach Marina Fund:
(From Article 1, Section 145 on page 34, lines 15-19, of Public Act 93-97, as amended)
For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor 97,500

Section 390. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:
Payable from the Illinois Beach Marina Fund:
(From Article 1, Section 150 on page 36, lines 6-9 of Public Act

New matter indicated by italics - deletions by strikeout.
For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor.

Section 395. The sum of $5,770,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 270, page 48, line 26 of Public Act 93-97, as amended, is reappropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

Section 400. The sum of $8,289,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 270, page 48, line 27 of Public Act 93-97, as amended, is reappropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

Section 405. The sum of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 115, page 29, line 29 of Public Act 93-97, and Article 6, Section 1285 of Public Act 93-587, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources to acquire, protect and preserve open space and natural lands.

Section 410. The sum of $27,131, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 5, Division FY00, Section 1-5 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects.

New matter indicated by italics - deletions by strikeout.
Section 415.  No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in Sections:
70 through 130,
190, 205, 210
270 through 380, and
405, 410
until after the purpose and amount of such expenditure has been approved in writing by the Governor.
Total, Article 93 $331,364,327

ARTICLE 94
DEPARTMENT OF MILITARY AFFAIRS
Section 5.  The sum of $243,700, or so much thereof as may be necessary, is appropriated from the Illinois National Guard Armory Construction Fund to the Department of Military Affairs for land acquisition and construction of parking facilities at armories.
Total, Article 94 $243,700

ARTICLE 95
DEPARTMENT OF MILITARY AFFAIRS
Section 10.  The sum of $3,134, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 55 of Public Act 93-0076, as amended, is reappropriated from the Illinois National Guard Armory Construction Fund to the Department of Military Affairs for land acquisition and construction of parking facilities at armories.
Total, Article 95 $3,134

ARTICLE 96
DEPARTMENT OF STATE POLICE
Section 10.  The sum of $23,734,522, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 7, Section 10 of Public Act 93-91, as amended, is reappropriated from the Capital Development Fund to the Department of State Police for the cost associated with a statewide voice communication system.
Total, Article 96 $23,734,522

ARTICLE 97
DEPARTMENT OF TRANSPORTATION

New matter indicated by italics - deletions by strikeout.
Section 5. The sum of $9,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for Permanent Improvements to Illinois Department of Transportation facilities, including but not limited to the purchase of land, construction, repair, alterations and improvements to maintenance and traffic facilities, district and central headquarters facilities, storage facilities, grounds, parking areas and facilities, fencing and underground drainage, including plans, specifications, utilities and fixed equipment installed and all costs and charges incident to the completion thereof at various locations.

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For costs associated with the identification and disposal of hazardous materials at storage facilities.............. 1,158,600

For Maintenance, Traffic and Physical Research Purposes (A)....................... 26,129,100

For repair of damages by motorists to highway guardrails, fencing, lighting units, bridges, underpasses, signs, traffic signals, crash attenuators, landscaping, roadside shelters, rest areas, fringe parking facilities, sanitary facilities, maintenance facilities including salt storage buildings, vehicle weight enforcement facilities including scale houses, and other highway appurtenances, provided such amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages........................................ 5,500,000

For Maintenance, Traffic and Physical Research Purposes (B)......................... 12,207,100

Total .............................................. $44,994,800

New matter indicated by italics - deletions by strikeout.
Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For apportionment to counties for construction of township bridges 20 feet or more in length as provided in Section 6-901 through 6-906 of the "Illinois Highway Code"..........................

For apportionment to needy Townships and Road Districts, as determined by the Department in consultation with the County Superintendents of Highways, Township Highway Commissioners, or Road District Highway Commissioners...........................

For apportionment to high-growth cities over 5,000 in population, as determined by the Department in consultation with the Illinois Municipal League..............................

For apportionment to counties under 1,000,000 in population, $8,000,000 of the total apportioned in equal amounts to each eligible county, and $13,800,000 apportioned to each eligible county in proportion to the amount of motor vehicle license fees received from the residents of eligible counties........................................

Total

$50,814,300

Section 20. The following sums, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an

New matter indicated by italics - deletions by strikeout.
effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

District 1, Schaumburg.................................. 0
District 2, Dixon....................................... 0
District 3, Ottawa...................................... 0
District 4, Peoria....................................... 0
District 5, Paris....................................... 0
District 6, Springfield................................. 0
District 7, Effingham................................... 0
District 8, Collinsville................................ 0
District 9, Carbondale.................................. 0
Statewide.............................................. 314,200,000
Engineering............................................. 0
Total................................................................ $314,200,000

Section 25. The sum of $26,250,000, or so much thereof as may be necessary, is appropriated from the Grade Crossing Protection Fund to the Department of Transportation for the installation of grade crossing protection or grade separations at places where a public highway crosses a railroad at grade, as ordered by the Illinois Commerce Commission, as provided by law.

Section 30. The sum of $204,042,900 or so much thereof as may be necessary, is appropriated from the Federal/Local Airport Fund to the Department of Transportation for funding the local or federal share of airport improvement projects undertaken pursuant to pertinent state or federal laws, provided such amounts shall not exceed funds available from federal and/or local sources.

Section 35. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the State Rail Freight Loan Repayment Fund for funding the State Rail Freight Loan Repayment Program created by Section 49.25g-1 of the Civil Administrative Code of Illinois.

Section 40. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 45. The sum of $15,039,000, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as

New matter indicated by italics - deletions by strikeout.
state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

Section 50. The following sums, or so much thereof as may be necessary, are appropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1, Schaumburg</td>
<td>441,655,200</td>
</tr>
<tr>
<td>District 2, Dixon</td>
<td>65,390,000</td>
</tr>
<tr>
<td>District 3, Ottawa</td>
<td>35,719,700</td>
</tr>
<tr>
<td>District 4, Peoria</td>
<td>180,351,200</td>
</tr>
<tr>
<td>District 5, Paris</td>
<td>49,390,400</td>
</tr>
<tr>
<td>District 6, Springfield</td>
<td>47,705,000</td>
</tr>
<tr>
<td>District 7, Effingham</td>
<td>29,600,500</td>
</tr>
<tr>
<td>District 8, Collinsville</td>
<td>91,798,400</td>
</tr>
<tr>
<td>District 9, Carbondale</td>
<td>29,414,600</td>
</tr>
<tr>
<td>Statewide</td>
<td>67,894,000</td>
</tr>
<tr>
<td>Engineering</td>
<td>107,465,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,146,384,000</strong></td>
</tr>
</tbody>
</table>

Section 55. The sum of $1,100,000, or so much thereof as may be necessary, is appropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the Rail Freight Service Assistance Program, created by Section 49.25 through 49.25g-1 of the Civil Administrative Code of Illinois.

Section 60. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in

Section 5 Permanent Improvements
Section 35 State Rail Freight Loan Repayment
Section 40 Fed High Speed Rail Trust

New matter indicated by italics - deletions by strikeout.
Section 55  
Federal Rail Freight Loan Repayment
of this Article until after the purpose and the amount of such expenditure
has been approved in writing by the Governor.

Total, Article 97  
$1,821,825,000

ARTICLE 98

DEPARTMENT OF TRANSPORTATION

Section 5.  The sum of $14,330,994, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2004, from the reappropriation concerning Permanent Improvements
heretofore made in Article 8A, Section 2 of Public Act 93-91, as amended,
is reappropriated from the Road Fund to the Department of Transportation
for the same purposes.

Section 10.  The sum of $7,000,000, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2004, from the appropriation concerning Permanent Improvements
heretofore made in Article 8, Section 2 of Public Act 93-91, as amended,
is reappropriated from the Road Fund to the Department of Transportation
for the same purposes.

Section 15.  The sum of $5,390,104, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2004, from the reappropriation concerning railroad relocation
demonstration projects heretofore made in Article 8A, Section 3a of Public
Act 93-91, as amended, is reappropriated from the Road Fund to the
Department of Transportation for the same purposes, provided such
amount does not exceed funds to be made available from the federal
government.

Section 20.  The sum of $155,595, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2004, from the reappropriation concerning the State share of railroad
relocation demonstration projects heretofore made in Article 8A, Section
3a2 of Public Act 93-91, as amended, is reappropriated from the Road
Fund to the Department of Transportation for the same purposes.

Section 25.  The sum of $14,405,287, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2004, from the reappropriation heretofore made in Article 8A, Section 3b1
of Public Act 93-91, as amended, for Engineering and Consultant
Contracts only, is reappropriated from the Road Fund to the Department of
Transportation for the same purposes.

New matter indicated by italics - deletions by strikeout.
Section 30. The sum of $41,483,251, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 3b of Public Act 93-91, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 35. The sum of $100,918,676, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 3b3 of Public Act 93-91, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 40. The sum of $6,624,021, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made for Engineering and Consultant Contracts in Article 8A, Section 3b3 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 45. The sum of $500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 3b4 of Public Act 93-91, as amended, for western access to O'Hare Airport, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 50. The sum of $5,233,211, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning hazardous materials made in Article 8A, Section 3b5 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 55. The sum of $1,052,836, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation concerning hazardous materials made in Article 8, Section 4c of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 60. The sum of $3,690,818, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made for Formal Contracts in

New matter indicated by italics - deletions by strikeout.
the line item, *For Maintenance, Traffic and Physical Research Purposes (A)* in Article 8A, Section 3b6 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 65. The sum of $17,200,122, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation made for Formal Contracts in the line item, *For Maintenance, Traffic and Physical Research Purposes (A)* in the Central Offices, Division of Highways, in Article 8, Section 4c of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 70. The sum of $2,180,502, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning Highway Damage Claims heretofore made in Article 8A, Section 3b7 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 75. The sum of $4,223,524, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation concerning Highway Damage Claims heretofore made in Article 8, Section 4c of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 80. The sum of $7,477,399, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made for township bridges in Article 8A, Section 5a of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 85. The sum of $11,602,694, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made for township bridges in Article 8, Section 16 of Public Act 93-91, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 90. The sum of $43,302,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b4

New matter indicated by italics - deletions by strikeout.
of Public Act 93-91, as amended, is reappropriated from the Road Fund to
the Department of Transportation for the same purposes.

Section 95. The sum of $131,430,678, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2004, from the reappropriation heretofore made in Article 8A, Section 5b3
of Public Act 93-91, as amended, is reappropriated from the Road Fund to
the Department of Transportation for the same purposes.

Section 100. The sum of $123,163,576, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2004, from the reappropriation heretofore made in Article 8A, Section 5b2
of Public Act 93-91, as amended, is reappropriated from the Road Fund to
the Department of Transportation for the same purposes.

Section 105. The sum of $93,678,309, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2004, from the reappropriation heretofore made in Article 8A Section 5b6
of Public Act 93-91, as amended, is reappropriated from the Road Fund to
the Department of Transportation for the same purposes.

Section 110. The sum of $19,218,795, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2004, from the reappropriation heretofore made in Article 8A Section 5b5
of Public Act 93-91, as amended, is reappropriated from the Road Fund to
the Department of Transportation for the same purposes.

Section 115. The following named sums, or so much thereof as
may be necessary, and remains unexpended at the close of business on
June 30, 2004, from the reappropriations heretofore made in Article 8A,
Section 5b1 of Public Act 93-91, as amended, are reappropriated from the
Road Fund to the Department of Transportation for preliminary
engineering and construction engineering and contract costs of
construction, including reconstruction, extension and improvement of
State highways, arterial highways, roads, access areas, roadside shelters,
rest areas, fringe parking facilities and sanitary facilities, and such other
purposes as provided by the Illinois Highway Code for purposes
allowed or required by Title 23 of the U.S. Code, for bikeways as provided
by Public Act 78-850; and for land acquisition and signboard removal and
control, junkyard removal and control and preservation of natural beauty;
and for capital improvements which directly facilitate an effective vehicle
weight enforcement program; such as scales (fixed and portable), scale pits
and scale installations and scale houses, in accordance with applicable
laws and regulations as follows:

New matter indicated by italics - deletions by strikeout.
New matter indicated by italics - deletions by strikeout.
Section 125. The sum of $963,018, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8B, Section 34 of Public Act 93-664, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 130. The sum of $46,263,998, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made for grade crossing protection or grade separation in Article 8A, Section 5b18 of Public Act 93-91, as amended, is reappropriated from the Grade Crossing Protection Fund to the Department of Transportation for the same purpose.

Section 135. The sum of $25,879,731, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made for grade crossing protection or grade separation in Article 8, Section 17 of Public Act 93-91, as amended, is reappropriated from the Grade Crossing Protection Fund to the Department of Transportation for the same purpose.

Section 140. The sum of $152,968,049, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 6a of Public Act 93-91, as amended, is reappropriated from the Federal/Local Airport Fund to the Department of Transportation for the same purposes.

Section 145. The sum of $71,763,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 18b of Public Act 93-91, as amended, is reappropriated from the Federal/Local Airport Fund to the Department of Transportation for the same purposes.

Section 150. The sum of $155,802 or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A Section 5b7 of Public Act 93-91, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for use as matching funds for the Illinois Transportation Enhancement program for the Historic Preservation Agency.

Section 155. The sum of $27,151, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b8 of Public Act 93-91, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for use as

New matter indicated by italics - deletions by strikeout.
matching funds for the Illinois Transportation Enhancement program for the Department of Natural Resources.

Section 160. The sum of $12,549,710, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 9a1 of Public Act 93-91, as amended, is reappropriated from the State Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 165. The sum of $3,341,000 or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 20a2 of Public Act 93-91, as amended, is reappropriated from the State Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 170. The sum of $8,306,882, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 9a5 of Public Act 93-91, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 175. The sum of $4,512,375, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 20a5 of Public Act 93-91, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 180. The sum of $8,869,810, or so much thereof as may be necessary and remains unexpended, less $3,075,800 to be lapsed from the unexpended balance, at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b17 of Public Act 93-91, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 185. The sum of $68,957,348, or so much thereof as may be necessary and remains unexpended, less $29,989,300 to be lapsed from the unexpended balance, at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 8A, Section 5b16 of Public Act 93-91, for statewide purposes, is reappropriated from the

New matter indicated by italics - deletions by strikeout.
Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 190. The sum of $265,866,720, or so much thereof as may be necessary and remains unexpended, less $66,551,500 to be lapsed from the unexpended balance, at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 8A, Section 5b15 of Public Act 93-91, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 195. The sum of $86,309,700, or so much thereof as may be necessary, for statewide purposes, is appropriated from the Road Fund to the Department of Transportation for highway construction expenditures on projects consistent with the purposes of the Road Fund.

Section 200. The sum of $13,306,900, or so much thereof as may be necessary, for statewide purposes, is appropriated from the State Construction Account Fund to the Department of Transportation for highway construction expenditures on projects consistent with the purposes of the State Construction Account Fund.

Section 205. The sum of $446,345,407, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 16b2 of Public Act 93-91, as amended, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 210. The sum of $100,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 3, Section 1 of Public Act 93-587, as amended, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 215. The sum of $34,008,567, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning airport improvements heretofore made in Article 8A, Section 6a1 of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 220. The sum of $16,032,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation concerning airport improvements heretofore

New matter indicated by italics - deletions by strikeout.
made in Article 8, Section 18b1 of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 225. The sum of $27,885,567, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 6b of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 230. The sum of $5,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 18b1a of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 235. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriations heretofore made in Article 8A, Section 8b of Public Act 93-91, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended</td>
<td>176,194,451</td>
</tr>
<tr>
<td>For the counties of the State outside the counties of Cook, DuPage, Kane, McHenry, and Will, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended</td>
<td>19,664,879</td>
</tr>
<tr>
<td>For the Department of Transportation's Greenlight Program pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended</td>
<td>52,033,678</td>
</tr>
<tr>
<td>To extend the metrolink rail line to Mid-America Airport</td>
<td>5,000,002</td>
</tr>
<tr>
<td>Total</td>
<td>$252,893,010</td>
</tr>
</tbody>
</table>

Section 240. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on
June 30, 2004, from the appropriations heretofore made in Article 8, Section 19b2 of Public Act 93-91, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended</td>
<td>76,000,000</td>
</tr>
<tr>
<td>For the counties of the State outside the counties of Cook, DuPage, Kane, McHenry, and Will, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended</td>
<td>5,000,000</td>
</tr>
<tr>
<td>For the Department of Transportation's Greenlight Program pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended</td>
<td>15,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$96,000,000</td>
</tr>
</tbody>
</table>

Section 245. The sum of $4,963,616, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 8b2 of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 250. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriations heretofore made in Article 8A Section 8b1 of Public Act 93-91, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended</td>
<td>3,007,142</td>
</tr>
<tr>
<td>For the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(2) of the General Obligation Bond Act, as amended</td>
<td>3,072,263</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(3) of the General Obligation Bond Act, as amended

<table>
<thead>
<tr>
<th>County</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$871,759</td>
</tr>
<tr>
<td>Total</td>
<td>$6,951,164</td>
</tr>
</tbody>
</table>

Section 255. The sum of $26,358,536, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 9a7 of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 260. The sum of $20,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 20a6 of Public Act 93-91, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 265. The sum of $47,367,738, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 8b4 of Public Act 93-91, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

Section 270. The sum of $15,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation heretofore made in Article 8, Section 19b6 of Public Act 93-91, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

Section 275. The sum of $168,585,848, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriations heretofore made in Article 8, Section 16b1 of Public Act 93-91, as amended, for Engineering and Consultant

New matter indicated by italics - deletions by strikeout.
Contracts only, is reappropriated from the State Construction Fund to the Department of Transportation for the same purposes.

Section 280. The sum of $5,729,119, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b12 of Public Act 93-91, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 285. The sum of $25,595,890, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b11 of Public Act 93-91, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 290. The sum of $56,070,088, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b10 of Public Act 93-91, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 295. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriations heretofore made in Article 8A, Section 5b9 of Public Act 93-91, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the Illinois Highway Code for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

<table>
<thead>
<tr>
<th>District, Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1, Schaumburg</td>
<td>45,851,186</td>
</tr>
<tr>
<td>District 2, Dixon</td>
<td>5,330,733</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 300. The sum of $13,037,344, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b14 of Public Act 93-91, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 305. The sum of $5,166,906, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation heretofore made in Article 8A, Section 5b13 of Public Act 93-91, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 310. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriations heretofore made in Article 8, Section 16b1 of Public Act 93-91, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the Illinois Highway Code; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

- District 1, Schaumburg................. 78,634,172
District 2, Dixon............................ 60,912,248
District 3, Ottawa........................... 41,716,704
District 4, Peoria........................... 17,358,566
District 5, Paris............................ 32,907,416
District 6, Springfield...................... 53,726,128
District 7, Effingham........................ 24,951,580
District 8, Collinsville..................... 46,558,929
District 9, Carbondale....................... 31,105,562
Statewide.................................... 95,906,896
Total $483,778,201

Section 315. The sum of $3,389,212, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning the federal share of the Rail Freight Loan Repayment Program heretofore made in Article 8A, Section 9a2 of Public Act 93-91, as amended, is reappropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 320. The sum of $1,100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the appropriation concerning the federal share of the Rail Freight Loan Repayment Program heretofore made in Article 8, Section 20a3 of Public Act 93-91, as amended, is reappropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 325. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in:

Section 5     Permanent Improvements
Section 10    Permanent Improvements
Section 15    Rail Relocation BFederal
Section 20    Rail Relocation - State
Section 150   CDB - Enhancement
Section 155   CDB - Enhancement
Section 160   State Rail Freight Loan Repayment
Section 165   State Rail Freight Loan Repayment
Section 170   FHSRTF High Speed Rail - Federal
Section 175   FHSRTF High Speed Rail - Federal
Section 180   Series A - (Road Program)
Section 185   Series A - (Road Program)
Section 190   Series A - (Road Program)

New matter indicated by italics - deletions by strikeout.
Section 205  Series A - (Road Program)
Section 210  Series A - (Road Program)
Section 215  Series B - (Aeronautics)
Section 220  Series B - (Aeronautics)
Section 225  Series B (Land Acquisition 3rd Airport)
Section 230  Series B (Land Acquisition 3rd Airport)
Section 235  Series B (Transit)
Section 240  Series B (Transit)
Section 245  Series B (Transit)
Section 250  Series B (Transit)
Section 255  Series B (Rail)
Section 260  Series B (Rail)
Section 315  Federal Rail Freight Loan Repayment
Section 320  Federal Rail Freight Loan Repayment

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Total, Article 98 $4,139,796,837

ARTICLE 99
CAPITAL DEVELOPMENT BOARD

Section 5. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 1, and Article 2, Section 1 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - DUQUOIN
(From Article 1, Section 1 of Public Act 93-587)
For completing the upgrade of the electrical distribution system, in addition to funds previously appropriated.......................... 1,650,000
(From Article 2, Section 1 of Public Act 93-587)
For upgrading electrical systems, in addition to funds previously appropriated.......................... 964,127
For upgrading the telecommunications system........................................... 400,000
For upgrading the HVAC system.......................... 1,540,475

New matter indicated by italics - deletions by strikeout.
For replacing horse barn roofs................. 16,604
For upgrading electrical utilities, in
addition to funds previously
appropriated........................................ 30,950
For constructing a multi-purpose
building.............................................. 2,045,059

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD
(From Article 2, Section 1 of Public Act 93-587)
For completing the Emerson Building renovation,
in addition to funds previously
appropriated........................................ 977,309
For renovating comfort stations, in addition
to funds previously appropriated.......... 1,037,194
For upgrading the electrical system........... 38,439
For renovating the grandstand area.......... 1,054,710
For renovating or replacing racehorse
barns - Phase IV................................. 102,095
For renovating the Emmerson Building....... 93,813
For renovating or replacing #26 Barn....... 133,169
For renovating the Junior Home Economics
Building............................................. 69,202
For installing HVAC system and
restrooms in the Orr Building............. 228,211
Total $10,381,357

Section 10. The following named amount, or so much thereof as
may be necessary and remains unexpended at the close of business on June
30, 2004, from an appropriation heretofore made for such purposes in
Article 2, Section 1a of Public Act 93-587, as amended, is reappropriated
from the Tobacco Settlement Recovery Fund to the Capital Development
Board for the Department of Agriculture for the project hereinafter
enumerated:

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD
(From Article 2, Section 1a of Public Act 93-587)
For upgrading the chemistry/seed
laboratory systems.............................. 46,156

Section 15. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from a reappropriation heretofore made in Article 5, Division
FY02, Section 14 of Public Act 93-587, are reappropriated from the Build

New matter indicated by italics - deletions by strikeout.
Illinois Bond Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

**ILLINOIS STATE FAIRGROUNDS - DU QUOIN**

For installing a shell over the show
horse arena and improving the interior........... 733,109
For renovating the Hayes House, in addition
to funds previously appropriated................... 271,593

**ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD**

For upgrading sewers, drainage and water
distribution systems, in addition to
funds previously appropriated..................... 20,785
For replacing and upgrading roofs, in addition
to funds previously appropriated.................. 758,209
Total $1,783,696

Section 20. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 2, Section 2 of Public Act 93-587, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

**MT. VERNON APPELLATE COURT BUILDING**
(From Article 2, Section 2 of Public Act 93-587)
For expanding the courthouse...................... 90,860
For expanding the courthouse, in
addition to funds previously
appropriated...................................... 238,320

**SPRINGFIELD - SUPREME COURT BUILDING**
For replacing the roofing system, in addition
to funds previously appropriated.................. 19,090
For replacing the roof............................ 23,575
For renovating the HVAC system on
the 3rd Floor.................................... 140,000
For installing humidifier and water
filtration systems.................................. 1,570,950

**APPELLATE COURT SECOND DISTRICT - ELGIN**
For miscellaneous improvements..................... 297,432
Total $2,380,227

New matter indicated by italics - deletions by strikeout.
Section 25. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 2, Section 2a of Public Act 93-587, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

APPELLATE COURT THIRD DISTRICT - OTTAWA
For tuckpointing, repairing the exterior and replacing the roof, in addition to funds previously appropriated.......................... 144,476

Section 30. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 5, Division FY01, Section 20 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

SUPREME COURT BUILDING - SPRINGFIELD
For renovating the Library and completing HVAC, in addition to funds previously appropriated.......................... 235,000

Section 35. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 1, Sections 18 and 19 of Public Act 93-587, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Office of the Architect of the Capitol for the projects hereinafter enumerated:

CAPITOL BUILDING - SPRINGFIELD
(From Article 1, Section 18 of Public Act 93-587) For equipment, remodeling and all other costs related to the maintenance, renovation or restoration of areas located in the Capitol Building.......................... 2,500,000
(From Article 1, Section 19 of Public Act 93-587) For all costs related to asbestos and environmental abatement in the Capitol Building.......................... 7,500,000
Total $10,000,000

New matter indicated by italics - deletions by strikeout.
Section 40. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Sections 9, 17 and 20, and Article 2, Section 3 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL BUILDING - SPRINGFIELD
(From Article 1, Section 17 of Public Act 93-587)
For planning and design, providing a study, historical analysis, asbestos abatement and all other costs associated with the upgrade of the HVAC system in the Capitol building................................................. 2,650,000
(From Article 1, Section 20 of Public Act 93-587)
For all costs related to the planning and design of life safety and fire protection system improvements, hazardous material abatement, historical restoration and construction in the Capitol Building....... 1,000,000
(From Article 2, Section 3 of Public Act 93-587)
For upgrading the HVAC systems, in addition to funds previously appropriated........................................ 3,043,966

CAPITOL COMPLEX - SPRINGFIELD
For completing the stone restoration, in addition to funds previously appropriated...... 1,520,119
For renovating the exterior of the Capitol and Howlett Buildings............................ 31,784
For demolition of 222 S. College, and landscaping of Capitol Complex in addition to funds previously appropriated................................. 1,200,000
For demolition of 222 South College Building and landscaping of Capitol Complex.......................... 2,387,894

DRIVER'S FACILITY WEST - CHICAGO
For renovating the building.......................... 855,000

MOTOR VEHICLE SERVICES FACILITY - SPRINGFIELD

New matter indicated by italics - deletions by strikeout.
For upgrading the fire alarm and security systems................................. 430,000

STATE POWER PLANT - SPRINGFIELD

For installing new water service and repairing power plant systems......................... 72,377

WILLIAM G. STRATTON BUILDING - SPRINGFIELD

For the planning, design, reconstruction, and construction to renovate or replace the Stratton Office Building, in addition to funds previously appropriated.............. 11,582,631

Total $24,773,771

Section 45. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 5, Division FY02, Section 24 and Division FY01, Section 21 of Public Act 93-587, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL COMPLEX B SPRINGFIELD

For upgrading fire alarm systems in two buildings................................... 150,642

(From Article 5, Division FY01, Section 21 of Public Act 93-587)

For expanding the shipping and receiving dock................................... 227,746

Total $378,388

Section 50. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 3 and Article 2, Section 4 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

STATEWIDE

(From Article 1, Section 3 of Public Act 93-587)

For upgrading the building security system at the James R. Thompson Center

New matter indicated by italics - deletions by strikeout.
and the State of Illinois building
in addition to funds previously
appropriated................................. 655,000
(From Article 2, Section 4 of Public Act 93-587)
For replacing roofing systems at the
following locations at the approximate
costs set forth below......................... 175,358
   Effingham State Garage.......... 190,000
   OFFICE AND LAB BUILDING, CHICAGO MEDICAL CENTER
For planning and beginning the renovation
of the facility............................... 1,624,703
   DIXON STATE GARAGE - LEE COUNTY
For upgrading the lighting and
replacing the roof......................... 240,981
   JAMES R. THOMPSON CENTER - CHICAGO
(From Article 1, Section 3 of Public Act 93-587)
For installing an emergency generator........ 3,545,000
(From Article 2, Section 4 of Public Act 93-587)
For rehabilitating exterior columns, in
addition to funds previously appropriated...... 1,000,000
For upgrading mechanical systems, in
addition to funds previously appropriated....... 834,994
For upgrading mechanical systems............. 29,708
   MEDICAL CENTER (DCFS DISTRICT OFFICE) - CHICAGO
For replacing roof and upgrading
mechanical and electrical systems............ 336,425
   PARIS STATE GARAGE
For replacing the roof and improving
the exterior................................... 62,001
   ROCKFORD REGIONAL OFFICE BUILDING
(From Article 1, Section 3 of Public Act 93-587)
For replacing Halon and upgrading
the air conditioning.......................... 450,000
   ILLINOIS CENTER FOR REHABILITATION AND EDUCATION
   ROOSEVELT ROAD - CHICAGO
(From Article 2, Section 4 of Public Act 93-587)
For upgrading electrical systems.............. 436,295
For upgrading the HVAC system............... 98,237
   ILLINOIS CENTER FOR REHABILITATION AND

New matter indicated by italics - deletions by strikeout.
EDUCATION (WOOD) - CHICAGO
For upgrading fire and safety systems.............. 118,253

SPRINGFIELD - RESEARCH AND COLLECTION CENTER
For expanding surplus warehouse.................... 772,082

SPRINGFIELD STATE GARAGE
For renovating the interior of the central garage.......................... 120,410

SPRINGFIELD - COMPUTER FACILITY
(From Article 2, Section 4 of Public Act 93-587)
For upgrading the computer room and the electrical system....................... 1,130,929
For installing a cooling tower and fire alarm system and various other improvements......... 162,911
For replacement of the halon fire suppression system.......................... 18,598

STATE OF ILLINOIS BUILDING - CHICAGO
For restoring exterior and rebuilding foundation............................... 728,590

SUBURBAN NORTH REGIONAL OFFICE BUILDING - DES PLAINES
For planning and beginning rehabilitation of the exterior and upgrading the atrium............. 43,499
For renovating offices for Environmental Protection Agency, in addition to funds previously appropriated.................................. 175,498
For renovation of Suburban North Regional Office Building (formerly Maine Township North High School building), in addition to funds previously appropriated for such purpose, Phase III.......................... 67,470
Total $12,826,942

Section 55. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 2, Section 4a of Public Act 93-587, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

New matter indicated by italics - deletions by strikeout.
CHICAGO-READ - MEMORIAL CEMETERY  
(From Article 2, Section 4a of Public Act 93-587)  
For upgrading site.................................. 19,564

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION  
(ROOSEVELT ROAD) - CHICAGO  
For tuckpointing exterior.......................... 809,945  
For upgrading lighting & paging systems............ 125,000  
For constructing a parking lot.................... 132,600  
Total $1,087,109

Section 60. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY03, Section 8, Division FY02, Section 15 and Division FY01, Section 10 of Public Act 93-587, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

STATEWIDE  
(From Article 5, Division FY03, Section 8 of Public Act 93-587)  
Telecommunications Building - Springfield  
Roof Replacement................................. 283,693

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION  
(ROOSEVELT) - CHICAGO  
(From Article 5, Division FY02, Section 15 of Public Act 93-587)  
For replacing the roofing system.................. 282,522  
For upgrading the kitchen and plumbing............. 248,489

CHAMPAIGN REGIONAL OFFICE BUILDING  
For upgrading the HVAC system...................... 16,289

JAMES R. THOMPSON CENTER - CHICAGO  
(From Article 5, Division FY01, Section 10 of Public Act 93-587)  
For rehabilitating exterior columns, in addition to funds previously appropriated....... 48,157

SPRINGFIELD REGIONAL OFFICE BUILDING  
For rehabilitating the HVAC system................ 7,393  
Total $886,543

Section 65. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 7, and Article 2, Section 5 of Public Act 93-587, are reappropriated from the Capital Development Fund to the

New matter indicated by italics - deletions by strikeout.
Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

ARGYLE LAKE STATE PARK - MCDONOUGH COUNTY
(From Article 1, Section 7 of Public Act 93-587)
For upgrading the sewage treatment system.............. 275,000

BABE WOODYARD STATE NATURAL AREA - VERMILION COUNTY
(From Article 2, Section 5 of Public Act 93-587)
For developing the site and associated land acquisition.......................... 2,610,485

BEAVER DAM STATE PARK - MACOUPIN COUNTY
For replacing the sewage system..................... 628,814

BEAVER DAM STATE PARK - MACOUPIN COUNTY
For replacing the sewage system..................... 628,814

CARLYLE LAKE STATE PARKS
For cabin construction and site improvements at Eldon Hazlet State Park, Phase II................. 165,910
For road and site improvements at Carlyle Lake................................. 1,477,424
For infrastructure and site improvements at Carlyle Lake............... 863,871

CASTLE ROCK STATE PARK - OGLE COUNTY
For rehabilitating the scenic overlook and water system.................. 1,045,188

CHAIN O' LAKES STATE PARK - MCHENRY COUNTY
For upgrading sewage treatment system................. 41,491

EAGLE CREEK STATE PARK - SHELBY COUNTY
For constructing lake access boat docks at resort........................... 356,503

ELDON HAZLET STATE PARK - CLINTON COUNTY
For replacing the main waterline...................... 13,354

FERNE CLYFFE STATE PARK - JOHNSON COUNTY
(From Article 1, Section 7 of Public Act 93-587)
For replacing the campground sewage treatment system............... 400,000

FORT MASSAC STATE PARK - MASSAC COUNTY
(From Article 2, Section 5 of Public Act 93-587)
For reconstructing the fort.......................... 81,514

FOX RIDGE STATE PARK - COLES COUNTY
For replacing spillway............................. 160,000

New matter indicated by italics - deletions by strikeout.
GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY
For replacing floating boardwalk...................... 485,000
HENNEPIN CANAL PARKWAY STATE PARK AND ACCESS AREA
For rehabilitating/repairing railroad
bridges, in addition to funds
previously appropriated.................................. 859,185
For rehabilitating aqueducts
#3, #4 and #8........................................... 374,411
HORSESHOE LAKE CONSERVATION AREA - ALEXANDER COUNTY
For dam rehabilitation and the State's share
to implement the ecological restoration
plan in cooperation with the U.S. Army Corps of Engineers, and
land acquisition......................................... 842,605
I & M Canal - CHANNAHON STATE PARK - WILL COUNTY
For improving DuPage River Spillway................ 110,000
ILLINOIS BEACH STATE PARK - LAKE COUNTY
For replacing sanitary sewer line...................... 79,748
For replacing sanitary sewer lines.................... 362,372
KANAKEE RIVER STATE PARK - KANAKEE/WILL COUNTIES
For constructing sanitary sewer system, in
addition to funds previously appropriated...... 5,000,000
For planning and constructing a
sanitary sewer system................................... 32,923
KICKAPOO STATE PARK - VERMILION COUNTY
For replacing stairway to Long Pond............... 217,450
For rehabilitating the water
system and day-use areas............................ 181,796
LAKE LE-AQUA-NA STATE PARK - STEPHENSON COUNTY
For replacing sewage treatment plant.............. 158,077
LAKE MURPHYSBORO STATE PARK - JACKSON COUNTY
For replacing the district office
building.................................................. 97,310
LINCOLN TRAIL STATE RECREATION AREA - CLARK COUNTY
For renovating the concession
building.................................................. 40,010
For upgrading campground electrical
and drainage.............................................. 143,087

New matter indicated by italics - deletions by strikeout.
MASON STATE FOREST TREE NURSERY
For expanding the cold storage facility.......... 33,004
For expanding the seed cleaning facility........ 210,659

MORAINE HILLS STATE PARK - MCHENRY COUNTY
For replacement of restrooms and upgrading
the water system.................................. 82,922

MORAINE VIEW STATE PARK - MCLEAN COUNTY
For upgrading the water plant.................... 165,475

MORRISON-ROCKWOOD STATE PARK
For improving the water system and
rehabilitating the campground water............. 59,276

NORTH POINT MARINA - LAKE COUNTY
For construction of a breakwater structure....... 1,012,492

RED HILLS STATE PARK - LAWRENCE COUNTY
For miscellaneous improvements.................. 824,760

RESEARCH & COLLECTIONS CENTER - SPRINGFIELD
For renovating the interior....................... 239,668

ROCK CUT STATE PARK - WINNEBAGO COUNTY
For upgrading the sewage system.................. 1,936,593

NEW OFFICE BUILDING - SPRINGFIELD
For completing construction of an
office building, in addition to funds
previously appropriated............................ 65,000

SAM PARR STATE PARK - JASPER COUNTY
For renovating recreational facilities............ 1,915,000

SILOAM SPRINGS STATE PARK - ADAMS COUNTY
For rehabilitating office/service
area................................................... 1,200,000

SNAKEDEN HOLLOW FISH AND WILDLIFE AREA - KNOX
COUNTY
For rehabilitating the Spillway, in
addition to funds previously
appropriated........................................ 50,391

SPRING GROVE FISHERIES CENTER - MCHENRY COUNTY
For planning and beginning renovation
of hatchery........................................ 144,480

SPRINGFIELD
For constructing an office building and
interpretive center................................. 425,203

New matter indicated by italics - deletions by strikeout.
SPRING LAKE CONSERVATION AREA - TAZEWELL COUNTY
For stabilizing levee and
shoreline........................................ 410,806

STARVED ROCK STATE PARK - LASALLE COUNTY
For construction of a visitors center, in
addition to funds previously appropriated........ 24,820
For rehabilitating the sewer system............... 36,399

STARVED ROCK STATE PARK AND LODGE - LASALLE COUNTY
For upgrading water and sewer systems.............. 600,000

WASTE MANAGEMENT & RESEARCH CENTER
For constructing a garage and
storage area........................................ 368,284

WELDON SPRINGS STATE PARK - DE WITT COUNTY
For upgrading residence utilities................... 40,000

WHITE PINES FOREST STATE PARK - OGLE COUNTY
(From Article 1, Section 7 of Public Act 93-587)
For completing the replacement of the
sewer system, in addition to funds
previously appropriated............................ 665,000
(From Article 2, Section 5 of Public Act 93-587)
For planning and beginning sewer system
replacement........................................... 57,278
For planning and beginning lodge and cabin
restoration........................................... 49,021

WILDLIFE PRAIRIE PARK
(From Article 1, Section 7 of Public Act 93-587)
For rehabilitating the sewage
treatment plant.................................... 780,000
(From Article 2, Section 5 of Public Act 93-587)
For planning and beginning the upgrade
of the park.......................................... 137,296

WILLIAM W. POWERS FISH AND WILDLIFE AREA BCOOK
COUNTY
For replacing sanitary sewer lines and
lift station............................................. 481,155

TUNNEL HILL-CACHE RIVER STATE NATURAL AREA
For constructing a visitor center and
purchasing land...................................... 367,593

STATE MUSEUM - SPRINGFIELD

New matter indicated by italics - deletions by strikeout.
Plan, begin construction of Illinois State Museum................................. 3,573,090
For renovating or replacing exhibits, in addition to funds previously appropriated........... 414,340
For planning and replacement of the main museum exhibits, in addition to funds previously appropriated................................. 20,822

STATEWIDE
(From Article 1, Section 7 of Public Act 93-587)
For replacing/repairing the roofing systems at the following locations at the approximate cost set forth below ......................... 245,000
Clinton Lake Recreational Area - DeWitt County............. 65,000
Ferne Clyffe State Park- Johnson County..................... 20,000
Hennepin Canal Parkway State Park......................... 26,000
Lake Le-Aqua-Na State Park- Stephenson County........ 39,000
Mermet Lake Conservation Area- Massac County........... 95,000
(From Article 2, Section 5 of Public Act 93-587)
For replacing/repairing the roofing systems at the following locations at the approximate costs set forth below ......................... 240,000
Jubilee College State Park-Peoria County............... 45,000
Starved Rock State Park & Lodge-LaSalle County........ 60,000
Kaskaskia River Fish & Wildlife Area-Randolph County.... 25,000
Pyramid State Park- Perry County......................... 55,000
Region V Office (Benton) Franklin County............... 55,000
For rehabilitating dams and bridges...................... 925,644
For constructing, replacing and renovating lodges and concession

New matter indicated by italics - deletions by strikeout.
buildings

For replacing roofs at the following locations, at the approximate cost set forth below

Shabbona Lake State Park
Hennepin Canal Parkway State Park
Randolph Fish & Wildlife Area
Dixon Springs State Park

For replacing and constructing vault toilets at the following locations, at the approximate cost set forth below

Wayne Fitzgerrell State Park
Hennepin Canal Parkway State Trail
Kaskaskia River Fish & Wildlife Area

For rehabilitating bridges at the following locations, at the approximate cost set forth below

Frank Holten State Park

For rehabilitating dams at the following locations, at the approximate cost set forth below

Rock Cut State Park
Snakeden Hollow State Park

For replacing roofs at the following locations, at the approximate cost set forth below

Southern IL Arts & Crafts Center
Frank Holten State Park
DNR Geological Survey-Champaign
Sangchris Lake State Park

New matter indicated by italics - deletions by strikeout.
Illini State Park.................. 1,692
Shelbyville Fish &
Wildlife Area................... 45,000
Trail of Tears State
Forest............................ 8,921
Sanganois Conservation Area..... 5,291
Rice Lake State Park............. 28,090
Hidden Spring State Park........ 43,613
Siloam Springs State Park....... 2,417
Mississippi Palisades
State Park...................... 23,823

For replacing roofing systems at the
following locations, at the approximate
cost set forth below.................. 325,528

Beall Woods Conservation Area -
  Wabash County................... 2,500
Eldon Hazlet State Park -
  Clinton County................... 2,475
Fox Ridge State Park -
  Coles County.................... 21,532
Giant City State Park -
  Jackson/Union Counties.......... 1
Goose Lake Prairie State Park -
  Grundy County................... 9,450
Hennepin Canal Parkway State Trail  41,303
Illinois Beach State Park -
  Lake County..................... 146,682
Illinois Caverns Natural Area -
  Monroe County................... 21,000
Kankakee River State Park -
  Kankakee/Will Counties......... 38,647
Moraine Hills State Park -
  McHenry County................. 23,387
Moraine View State Park -
  McLean County.................. 3,601
Ramsey Lake State Park -
  Fayette County.................. 1,000
Randolph County Conservation Area.. 160
Stephen A. Forbes State Park -

New matter indicated by italics - deletions by strikeout.
Marion County.......................  6,857
Ten Mile Creek State Fish &
Wildlife Area - Jefferson/
Hamilton Counties...............  63
Union County Conservation Area..... 23
Washington County Conservation Area .  3,453
William W. Powers Conservation Area -
Cook County.......................  2,394
Wolf Creek State Park -
Shelby County.....................  1,000

For replacing vault toilets at the following
locations, at the approximate cost set forth
below............................................  440,666

Anderson Lake Conservation Area -
Fulton/Schuyler Counties.........  150,919
Giant City State Park -
Jackson/Union Counties.........  177,162
Randolph County Conservation Area..  100,370
Silver Springs State Park -
Kendall County....................  12,215

For constructing vault toilets at the following
locations at the approximate costs set forth
below............................................  106,610

Cave-In-Rock State Park.........  50,000
Golconda/Rauchfuss Hill..........  10,000
Prophetstown State Park.........  40,000
William W. Powers State Park.....  6,610

For constructing hazardous material storage
buildings...........................................  15,514

For constructing vault toilets at the
following locations at the approximate
cost set forth below:..................  137,897

Apple River Canyon State Park....  19,699
Des Plaines Conservation Area....  19,700
Kankakee River State Park........  19,700
Lake Le-Aqua-Na State Park.......  19,699
Marshall County Conservation Area...  19,700
Morrison-Rockwood State Park.....  19,699
Rice Lake Conservation Area.......  19,700

New matter indicated by italics - deletions by strikeout.
For land acquisition............................... 274,539
For planning, construction, reconstruction,
land acquisition and related costs,
utilities, site improvements, and all other
expenses necessary for various capital
improvements at parks, conservation areas,
and other facilities under the jurisdiction
of the Department of Natural Resources........ 1,423,927
Total $45,944,360

Section 70. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from appropriations heretofore made for such purposes in
Article 2, Section 5a of Public Act 93-587, are reappropriated from the
Tobacco Settlement Recovery Fund to the Capital Development Board for
the Department of Natural Resources for the projects hereinafter enumerated:

STATEWIDE PROGRAM
(From Article 2, Section 5a of Public Act 93-587)
For maintaining lodge and concession
facilities........................................ 74,567
For maintaining lodge
and concession facilities......................... 20,018
For rehabilitating or
replacing playground equipment............... 190,796
For land acquisition
relocation costs................................ 100,000

ILLINOIS BEACH STATE PARK - LAKE COUNTY
For stabilizing the shoreline................. 390,055

KASKASKIA RIVER FISH & WILDLIFE AREA - RANDOLPH
COUNTRY
For providing boat access
safety improvements............................ 180,158

PRAIRIE RIDGE SANCTUARY NATURAL AREA
For upgrading electrical
and providing insulation......................... 99,274

REAVIS SPRING HILL PRAIRIE NATURE PRESERVE - MASON
COUNTRY
For developing natural resources
protection...................................... 42,600

New matter indicated by italics - deletions by strikeout.
WAYNE FITZGERRELL STATE PARK - JEFFERSON COUNTY
For stabilizing the watershed shoreline........... 188,499
Total $1,285,967

Section 75. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from an appropriation and reappropriations heretofore made in
Article 5, Division FY03, Section 12, Division FY02, Section 20, and
Division FY01, Section 15 of Public Act 93-587, are reappropriated from
the Build Illinois Bond Fund to the Capital Development Board for the
Department of Natural Resources for the project hereinafter enumerated:

GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY
(From Article 5, Division FY03, Section 12 of Public Act 93-587)
For rehabilitating visitor's center exterior.......................... 674,600

STATEWIDE PROGRAM
(From Article 5, Division FY02, Section 20 of Public Act 93-587)
For replacing roofs at the following locations, at the approximate costs set
forth below.......................................................... 93,663
Castle Rock State Park.............. 60,000
Morrison-Rockwood State Park....... 33,663

WELDON SPRINGS STATE PARK - DEWITT COUNTY
For improving the campgrounds......................... 321,737

CLINTON LAKE DEWITT COUNTY
(From Article 5, Division FY01, Section 15 of Public Act 93-587)
For upgrading campground electrical............. 125,510

PERE MARQUETTE STATE PARK - JERSEY COUNTY
For replacing Camp Ouatoga shower building............... 3,081

DES PLAINES GAME FARM - WILL COUNTY
For replacing the office building and rehabiliting the shop
building...................................................... 217,797
Total $1,436,388

Section 80. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from appropriations and reappropriations heretofore made for
such purposes in Article 1, Section 4, and Article 2, Section 6 of Public
Act 93-587, as amended, are reappropriated from the Capital Development
Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

CENTRALIA CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For replacing the cooling tower......................... 660,000
(From Article 2, Section 6 of Public Act 93-587)
For upgrading the electrical system, in addition to funds previously appropriated...... 1,600,000
For planning upgrade of electrical system........... 101,567
For upgrading building automation system.......... 172,439

DANVILLE CORRECTIONAL CENTER
For upgrading the power plant, in addition to funds previously appropriated...... 2,200,000
For planning upgrade of the boilers................. 180,050

DECATUR CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For upgrading smoke and fire doors.................. 140,000
(From Article 2, Section 6 of Public Act 93-587)

DIXON CORRECTIONAL CENTER
For planning the upgrade and expansion of the medical care facility.................. 701,710
For constructing a gun range and classroom building............................... 25,941

DWIGHT CORRECTIONAL CENTER
For renovating C9 and Old Hospital..................... 927,701
For renovating Housing Unit C8, in addition to funds previously appropriated.......................... 270,000
For renovating buildings, in addition to funds previously appropriated............. 274,847
For renovation of buildings............................. 30,261

EAST MOLINE CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For completing replacement of the absorption chiller, in addition to funds previously appropriated............... 400,000
For upgrading the roofing system..................... 715,000
(From Article 2, Section 6 of Public Act 93-587)
For replacing windows, in addition to

New matter indicated by italics - deletions by strikeout.
funds previously appropriated................. 1,800,000
For replacing windows......................... 494,899
For replacing the chiller/absorber............ 384,700
For upgrading fire alarm and building
automation systems............................ 268,189
For upgrading the electrical
system.......................................... 666,821

GRAHAM CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For upgrading the cooling tower.............. 290,000
For upgrading the mechanical system.......... 410,000
(From Article 2, Section 6 of Public Act 93-587)
For upgrading the building automation
system, in addition to funds previously
appropriated................................. 900,000
For planning upgrade of building automation
system and fire alarm system............... 128,020
For upgrading electrical system.............. 512,112

HOPKINS PARK
For infrastructure improvements
in connection with the Hopkins Park
Correctional Center............................ 6,423,960

ILLINOIS YOUTH CENTER - KEWANEE - HENRY COUNTY
For constructing a 60-bed inmate
housing addition............................. 340,016

ILLINOIS YOUTH CENTER - HARRISBURG
(From Article 1, Section 4 of Public Act 93-587)
For utility upgrade, including gas
and sewer..................................... 5,540,000
(From Article 2, Section 6 of Public Act 93-587)
For constructing a multi-purpose medical,
vocational and confinement building......... 9,757,548

ILLINOIS YOUTH CENTER - RUSHVILLE
For planning, design, construction, equipment
and all other necessary costs to add
a cellhouse................................... 4,728,662

ILLINOIS YOUTH CENTER - ST. CHARLES
For constructing an R & C building
and other improvements....................... 27,534,500

New matter indicated by italics - deletions by strikeout.
For upgrading site utilities............................... 51,139
For rehabilitation of the administration
building..................................................... 330,715

JOLIET CORRECTIONAL CENTER
For replacing the transfer switch and
emergency generator........................................ 948,968

KANKAKEE MSU - KANKAKEE COUNTY
(From Article 2, Section 6 of Public Act 93-587)
For fencing improvements............................... 79,349

LAWRENCE COUNTY CORRECTIONAL CENTER -
LAWRENCEVILLE
For constructing two cellhouses, in
addition to funds previously appropriated........... 158,637

LINCOLN CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For replacing doors and locks............................ 920,000
For upgrading the dietary freezers.................... 1,830,000
(From Article 2, Section 6 of Public Act 93-587)
For replacing water supply lines....................... 346,562

LOGAN CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For planning and beginning the upgrade
of the power plant........................................ 700,000
For renovating the electrical
distribution system...................................... 1,720,000
(From Article 2, Section 6 of Public Act 93-587)
For constructing a medical building
and dietary building..................................... 4,407,432

MENARD CORRECTIONAL CENTER - CHESTER
For replacing the administration building,
in addition to funds previously
appropriated.............................................. 12,300,000
For replacing the Administration
Building.................................................. 1,000,000
For replacing the sally port............................ 63,269
For stabilizing dam, in addition to funds
previously appropriated................................ 49,653
For correcting slope failure & MSU

New matter indicated by italics - deletions by strikeout.
improvements........................................... 47,156
For improving ventilation and dehumidification
systems in the kitchen and dining rooms......... 75,183
For completing upgrade of North Cellhouse
plumbing system, in addition to funds
previously appropriated............................. 35,051
For replacing toilets and waste lines
at E/W Cellhouse and upgrade
North Cellhouse plumbing......................... 418,214
For renovation or replacement of the
Old Hospital Building, in addition to
funds previously appropriated..................... 153,586
For planning and construction of the
Administration Building............................ 897,201

PONTIAC CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For replacing doors and frames.................... 1,620,000
For replacing the roof on the Training
Center and Industry................................. 390,000

SHAWNEE CORRECTIONAL CENTER
For replacing the emergency generator........... 1,075,000

SOUTHWESTERN CORRECTIONAL CENTER
(From Article 2, Section 6 of Public Act 93-587)
For replacing sewer lines............................ 68,475

STATEVILLE CORRECTIONAL CENTER - JOLIET
(From Article 1, Section 4 of Public Act 93-587)
For replacing doors and locks....................... 580,000
(From Article 2, Section 6 of Public Act 93-587)
For replacing windows in Cellhouse B,
in addition to funds previously
appropriated............................................ 2,500,000
For planning and beginning renovation of
H & I houses........................................... 390,775
For replacing the water line........................ 730,771
For constructing a housing unit, cellhouse,
vehicle maintenance building and
warehouse for the reception and
classification center, in addition to
funds previously appropriated..................... 381,733

New matter indicated by italics - deletions by strikeout.
For replacing windows in B House.................. 2,831,344
For replacing cell fronts in F House............... 139,090
For upgrading plumbing system in F House, in addition to funds previously appropriated.......................... 822,356
For replacing power plant and utility distribution system............ 2,025,822
For planning, design, construction, equipment and all other necessary costs for an Adult Reception and Classification Center.......................... 1,519,562
For upgrading electrical system and elevator and installing HVAC system............. 1,156,777

TAMMS CORRECTIONAL CENTER
Construct bar screen....................................... 556,763

THOMSON CORRECTIONAL CENTER
For constructing three cellhouses and expanding educational and vocational space, in addition to funds previously appropriated.......................... 339,688

VANDALIA CORRECTIONAL CENTER
For constructing a multi-purpose program building.......................... 90,656
For converting Administration Building and planning construction of an Administration/Health Care Unit.......................... 333,846
For planning and beginning construction for a slaughter house and meat plant......... 215,641

VIENNA CORRECTIONAL CENTER
(From Article 1, Section 4 of Public Act 93-587)
For replacing the cooler and freezer........... 2,290,000
For upgrading the power plant...................... 4,670,000
(From Article 2, Section 6 of Public Act 93-587)
For upgrading the HVAC system and replacing water lines in six housing units............. 710,480
For renovating the kitchen............................ 44,164

WESTERN ILLINOIS CORRECTIONAL CENTER - MT. STERLING
For replacing warehouse freezers.......................... 36,738

STATEWIDE

New matter indicated by italics - deletions by strikeout.
For upgrading roofing systems at the following locations at the approximate costs set forth below........................ 1,395,435  
   Hardin County Work  
      Camp............................... 8,808  
   Illinois Youth Center  
      Joliet............................ 978,251  
   Pontiac Correctional Center......................... 408,376  
For replacing windows at the following locations at the approximate costs set forth below, in addition to funds previously appropriated........................ 1,850,000  
   Dixon Correctional Center........ 1,850,000  
For replacing doors and locks at the following locations at the approximate costs set forth below...................... 1,775,842  
   Dixon Correctional Center........ 1,229,188  
   Hill Correctional Center.......... 472,616  
   Vienna Correctional Center.......... 74,038  
For replacing roofing systems at the following locations at the approximate cost set forth below................... 433,337  
   Illinois Youth Center -  
      St. Charles...................... 94,132  
   Illinois Youth Center -  
      Warrenville..................... 307,788  
   Logan Correctional Center.......... 31,417  
For upgrading showers at the following locations at the approximate cost set forth below........................... 655,730  
   Hill Correctional Center...................... 652,730  
   Illinois River Correctional Center.................. 3,000  
For upgrading water distribution systems at the following locations at the approximate cost set forth below................ 593,203  
   Dixon Correctional Center.............. 207,295  

New matter indicated by italics - deletions by strikeout.
For upgrading water towers at the following locations at the approximate cost set forth below...

- Joliet Correctional Center........................ 385,908
- Dixon Correctional Center........................ 812,739
- Illinois Youth Center - St. Charles.............. 1,242,558
- Illinois Youth Center - Valley View.............. 9,530

For planning, design, construction, equipment and all other necessary costs for a maximum security facility...

- 103,942,904

For planning a medium security facility and land acquisition...

- 2,629,428

For replacing locks and control panels at the following locations at the approximate costs set forth below...

- Illinois River Correctional Center............ 283,171
- Western Illinois Correctional Center.......... 283,171
- Danville Correctional Center.................... 283,170

For replacing roofing systems at the following locations at the approximate cost set forth below...

- Menard Correctional Center..................... 7,353
- Vienna Correctional Center...................... 81,100
- Illinois Youth Center - Harrisburg............... 4,138
- Dixon Correctional Center...................... 27,156
- Pontiac Correctional Center.................... 10
- Illinois Youth Center - Joliet................. 63,167

For replacing or upgrading security and monitoring systems at the following locations at the approximate cost set forth below...

- 373,156

New matter indicated by italics - deletions by strikeout.
Vienna Correctional Center............................... 250,000
Pontiac Correctional Center............................... 94,450
Joliet Correctional Center............................... 28,706

For planning and replacing windows at the following locations at the approximate cost set forth below.......................... 2,353,255
Vienna Correctional Center............................... 1,780,000
Sheridan Correctional Center............................... 363,674
Illinois Youth Center - Valley View........................... 8,310
Illinois Youth Center - Joliet............................... 81,499
Dixon Correctional Center............................... 106,031
Shawnee Correctional Center............................... 13,741

For upgrading and renovating showers at the following locations at the approximate cost set forth below.......................... 139,678
Shawnee Correctional Center............................... 106,460
Danville Correctional Center............................... 23,391
Graham Correctional Center............................... 9,827

For replacing security fencing at the following locations at the approximate cost set forth below.......................... 484,909
Hill Correctional Center............................... 3,547
Western IL Correctional Center............................... 31,427
Joliet Correctional Center............................... 49,119

New matter indicated by italics - deletions by strikeout.
Logan Correctional Center.......................... 200,000
Dixon Correctional Center.......................... 100,000
Shawnee Correctional Center.......................... 35,400
Graham Correctional Center.......................... 24,369
Danville Correctional Center.......................... 41,047

For upgrading roads and parking lots at the following locations at the approximate cost set forth below.................................................................................. 193,314
    Illinois Youth Center - Valley View.......................... 172,166

For planning, design, construction, equipment and all other necessary costs for a female multi-security level correctional center........................... 65,713,681

For replacing roofing systems at the following locations at the approximate cost set forth below.................................................................................. 189,284
    Vienna Correctional Center........... 150,261
    Sheridan Correctional Center........ 17,785
    Western Illinois Correctional Center - Mt. Sterling........... 21,238

For upgrading security control systems and panels in housing units at the following locations at the approximate cost set forth below.............................. 41,972
    Danville Correctional Center......... 8,394
    Hill Correctional Center - Galesburg.......................... 8,394
    Western Illinois Correctional Center - Mt. Sterling........... 8,394
    Illinois River Correctional Center - Canton.......................... 8,395
    Shawnee Correctional Center - 

New matter indicated by italics - deletions by strikeout.
Vienna.........................  8,395
For planning, design, construction, equipment and all other necessary costs for a juvenile facility.................  1,748,879
For replacing roofing systems at the following locations at the approximate cost set forth below............................................  213,808
  Dixon Correctional Center, four buildings.......................  3,762
  IYC - St. Charles, two buildings...  187,479
  Joliet Correctional Center, six buildings......................  11,441
  Logan Correctional Center - Lincoln three buildings...........  5,584
  Pontiac Correctional Center, one building.....................  5,542
For inspecting and upgrading water towers at the following locations at the approximate costs set forth below............................  287,081
  Dixon Correctional Center, Upgrade Water Tower...............  60,926
  Graham Correctional Center - Hillsboro Upgrade Water Tower .......  30,990
  Joliet Correctional Center, Upgrade Water Tower...............  37,171
  Logan Correctional Center - Lincoln Complete Water Tower Upgrade ....  13,111
  Menard Correctional Center - Chester Upgrade Water Tower ...........  22,443
  Stateville Correctional Center - Joliet Upgrade Water Tower ...........  36,112
  Statewide, Inspect and Upgrade Water Towers......................  86,328
For upgrading fire and safety systems at the following locations at the approximate costs set forth below, in addition to funds previously appropriated........................  2,037,256
  Menard Correctional Center - Chester...........................  1,854,559

New matter indicated by italics - deletions by strikeout.
Sheridan Correctional Center....... 110,620
Vienna Correctional Center....... 72,077

For replacing doors and locks at the following locations at the approximate costs set forth below:.................... 345,466
IYC - St. Charles................. 160,081
Lincoln Correctional Center....... 94,207
Jacksonville Correctional Center..... 12,473
Sheridan Correctional Center....... 78,705

For upgrading fire safety systems at the following locations at the approximate costs set forth below, in addition to funds previously appropriated:.................... 917,626
Menard Correctional Center....... 1,370
Pontiac Correctional Center....... 696,383
Stateville Correctional Center....... 219,873

For upgrading water and wastewater systems at the following locations at the approximate costs set forth below:........ 442,131
Big Muddy Correctional Center for installing mechanical bar screen.................... 7,348
Centralia Correctional Center for upgrading water treatment plant.................... 946
East Moline Correctional Center for upgrading sewer system........ 4,310
Ed Jenison Work Camp (Paris) for installing mechanical bar screen.................... 2,530
IYC - Harrisburg for upgrading water distribution system........ 59,198
Kankakee MSU for constructing well #2.................... 288,550
IYC - St. Charles for upgrading sewage/storm system........ 67,475
IYC - Valley View for installing mechanical bar screen.................... 11,774

For replacement of locks, windows and

New matter indicated by italics - deletions by strikeout.
doors at the following locations
as set forth below:.........................
  IYC Harrisburg.........................  9,684
  Menard.................................  5,762
  IYC Valley View......................  14,942
For planning, design, construction,
equipment and other necessary costs
for a Correctional Facility for
juveniles...........................................  80,247
For planning, design, construction,
equipment and other necessary costs
for a Medium Security Correctional
Facility..........................................  83,625
For correcting defects in the food preparation
areas, including roofs.......................  61,031
For replacement of roofs at various Department of
Corrections locations...........................  29,547
Total $312,770,215

Section 85. The following named amounts, or so much thereof as
may be necessary and remains unexpended at the close of business on June
30, 2004, from an appropriation heretofore made for such purpose in
Article 5, Division FY04, Section 12, Division FY03, Section 9, Division
FY02, Section 16, and Division FY01, Section 11 of Public Act 93-587,
are reappropriated from the Build Illinois Bond Fund to the Capital
Development Board for the Department of Corrections for the projects
hereinafter enumerated:

  BIG MUDDY CORRECTIONAL FACILITY
(From Article 5, Division FY04, Section 12 of Public Act 93-587)
  For replacing door locking controls
  and intercom systems...........................  2,800,000

STATEVILLE CORRECTIONAL CENTER
(From Article 5, Division FY03, Section 9 of Public Act 93-587)
  For installing fire alarm systems...............  1,600,000

STATEVILLE CORRECTIONAL CENTER
(From Article 5, Division FY02, Section 16 of Public Act 93-587)
  For upgrading the storm and wastewater
  systems, in addition to funds previously
  appropriated.....................................  648,428

STATEWIDE

New matter indicated by italics - deletions by strikeout.
For upgrading the water towers at the following locations at the approximate costs set forth below.......................... 1,293,713

<table>
<thead>
<tr>
<th>Location</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joliet Correctional Center</td>
<td>970,000</td>
</tr>
<tr>
<td>Vienna Correctional Center</td>
<td>323,713</td>
</tr>
<tr>
<td>HILL CORRECTIONAL CENTER - GALESBURG</td>
<td></td>
</tr>
<tr>
<td>VANDALIA CORRECTIONAL CENTER</td>
<td>141,702</td>
</tr>
</tbody>
</table>

For upgrading building automation..........................

<table>
<thead>
<tr>
<th>Location</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>PONTIAC CORRECTIONAL CENTER - LIVINGSTON COUNTY</td>
<td>103,914</td>
</tr>
</tbody>
</table>

(From Article 5, Division FY01, Section 11 of Public Act 93-587)

For repairing and renovating HVAC systems in the Administration Building..........................

<table>
<thead>
<tr>
<th>Location</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>BISHOP HILL HISTORIC SITE - HENRY COUNTY</td>
<td>185,523</td>
</tr>
<tr>
<td>For restoring interior and exterior........</td>
<td>185,523</td>
</tr>
<tr>
<td>For rehabilitating Bjorkland Hotel.................</td>
<td>855,025</td>
</tr>
<tr>
<td>BLACKHAWK STATE HISTORIC SITE</td>
<td>44,764</td>
</tr>
<tr>
<td>For rehabilitating lodge...............</td>
<td>44,764</td>
</tr>
<tr>
<td>For a grant to the City of Rock Island to relocate the existing sewer line........</td>
<td>120,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
BRYANT COTTAGE STATE MEMORIAL - BEMENT
For rehabilitating interior and exterior............. 198,287
CAHOKIA COURTHOUSE STATE MEMORIAL - CAHOKIA
For providing structural stabilization.................. 269,978
For renovation of the Cahokia Courthouse and the Jarrot House.............................. 31,183
CAHOKIA MOUNDS HISTORIC SITE - COLLINSVILLE
For replacement of Monk's Mounds stairs............. 339,695
For restoration of Monk's Mound........................ 1,009,932
For purchasing private land within historic site boundary........................................ 189,979
DAVID DAVIS HOME
To acquire a residence to be converted to a Visitors Center............................... 249,400
FORT DE CHARTRES HISTORIC SITE - RANDOLPH COUNTY
For rehabilitating the stone gatehouse wall and foundation............................. 200,969
JARROT MANSION STATE HISTORICAL SITE
For restoring the mansion, site improvements and land acquisition, in addition to funds previously appropriated.................... 1,563,314
LEWIS AND CLARK STATE MEMORIAL - MADISON COUNTY
For constructing interpretive center, and development of the historic site in addition to funds previously appropriated................................. 22,152
LINCOLN'S TOMB/VIETNAM MEMORIAL - SPRINGFIELD
For rehabilitating site and providing irrigation system........................................... 201,760
LINCOLN-HERndon LAW OFFICE - SPRINGFIELD
For rehabilitating interior and exterior.................. 46,511
LINCOLN'S NEW SALEM HISTORIC SITE - MENARD COUNTY
For providing electrical at campgrounds............................... 120,000
LINCOLN PRESIDENTIAL CENTER - SPRINGFIELD
For constructing library and museum complex, in addition to funds previously appropriated..... 32,316,455
For constructing a Lincoln Presidential

New matter indicated by italics - deletions by strikeout.
For planning and beginning the Lincoln Presidential Center, in addition to funds previously appropriated..............

OLD STATE CAPITOL - SPRINGFIELD
For repairing elevators.........................

SHAWNEETOWN BANK HISTORIC SITE - GALLATIN COUNTY
For rehabilitating exterior.....................

UNION STATION - SPRINGFIELD
For purchasing and rehabilitating.............

STATEWIDE
For statewide ISTEA 21 Match....................

For replacing roofing systems at the following locations at the approximate costs set forth below:.............................
Fort De Chartres, Randolph County....... 100
Washburne House, Galena............... 5,378
David Davis Mansion, Bloomington..... 22,051
Bishop Hill House, Henry County...... 88,093

For matching ISTEA federal grant funds..........

Total

Section 100. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations made for such purposes in Article 2, Section 7a of Public Act 93-587, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

LINCOLN LOG CABIN HISTORIC SITE - COLES COUNTY
For providing roads, parking areas and pedestrian bridges.................................

Section 105. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 5, Division FY02, Section 17, Division FY02, Section 23, Division FY01, Section 12 and Division FY00, Section 1-4 of Public Act 93-587, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

MT. PULASKI COURTHOUSE HISTORIC SITE - LOGAN COUNTY
(From Article 5, Division FY02, Section 17 of Public Act 93-587)

New matter indicated by italics - deletions by strikeout.
For rehabilitating interior & exterior................. 206,768

BISHOP HILL HISTORIC SITE B HENRY COUNTY
(From Article 5, Division FY02, Section 23 of Public Act 93-587)
For restoring interior and exterior..................... 486,676

VANDALIA STATE HOUSE HISTORIC SITE
(From Article 5, Division FY01, Section 12 of Public Act 93-587)
For rehabilitating the interior and exterior........... 240,009

PULLMAN HISTORIC SITE
(From Article 5, Division FY00, Section 1-4 of Public Act 93-587)
For all costs associated with the
stabilization and restoration of the
Pullman Historic Site.............................. 5,697,992
Total $6,631,445

Section 110. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from appropriations and reappropriations heretofore made for
such purposes in Article 1, Section 5, and Article 2, Section 8 of Public
Act 93-587, as amended, are reappropriated from the Capital Development
Fund to the Capital Development Board for the Department of Human
Services for the projects hereinafter enumerated:

ALTON MENTAL HEALTH CENTER - MADISON COUNTY
(From Article 2, Section 8 of Public Act 93-587)
For renovating the Forensic Complex and
constructing two building additions, in
addition to funds previously appropriated...... 3,900,000
For renovating the central dietary,
Phase II, in addition to funds previously
appropriated........................................ 1,066,850
For constructing two building additions
at the Forensic Complex......................... 7,459,488
For rehabilitation of the central dietary....... 226,935

CHESTER MENTAL HEALTH CENTER
(From Article 1, Section 5 of Public Act 93-587)
For completing the replacement of
smoke and heat detectors, in addition
to funds previously appropriated............... 440,000
For upgrading HVAC systems.................... 625,000
(From Article 2, Section 8 of Public Act 93-587)
For renovating support and residential areas,
in addition to funds previously
appropriated................................. 539,737
For replacing smoke/heat detectors.......... 357,046
For replacing sewer lines...................... 189,335
For renovating kitchen area.................. 43,840
For replacing fencing and upgrading
recreational yard............................ 75,795
For renovating support and residential
area............................................. 163,945

CHICAGO REED MENTAL HEALTH CENTER - CHICAGO
(From Article 1, Section 5 of Public Act 93-587)
For rehabbing absorbers, controls
and valves..................................... 410,000
(From Article 2, Section 8 of Public Act 93-587)
For upgrading fire/life safety systems, in
addition to funds previously appropriated.... 66,174
For renovating residential units, in
addition to funds previously
appropriated.................................... 324,265
For renovation of the West Campus Nurses'
Stations........................................ 14,327
For renovation of the West Campus shower
and toilet rooms............................. 134,469

CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER -
ANNA
(From Article 1, Section 5 of Public Act 93-587)
For renovating Sycamore Hall................ 2,785,000
(From Article 2, Section 8 of Public Act 93-587)
For replacing cooling towers..................... 91,042
For planning and beginning the
renovation of Life Skills Building.............. 179,436

ELGIN MENTAL HEALTH CENTER - KANE COUNTY
For replacing power plant and engineering
building........................................ 7,942,071
For renovating the central dietary
and kitchen.................................... 3,756,053
For construction of roads, parking lots
and street lights.............................. 1,107,902
For upgrading and expanding the mechanical

New matter indicated by italics - deletions by strikeout.
infrastructure, in addition to funds previously appropriated.................. 1,407,096

FOX DEVELOPMENTAL CENTER - DWIGHT
(From Article 1, Section 5 of Public Act 93-587)
For upgrading fire alarm systems................... 950,000
(From Article 2, Section 8 of Public Act 93-587)
For replacing and repairing interior doors, flooring and walls, in addition to funds previously appropriated.................. 1,105,000
For planning and beginning replacement of interior doors and flooring and repairing walls in the Main and Administration Buildings.......................... 1,091,883
For replacement of absorbers and upgrading HVAC system.................. 35,808

HOWE DEVELOPMENTAL CENTER - TINLEY PARK
(From Article 1, Section 5 of Public Act 93-587)
For completing replacement of HVAC systems, in addition to funds previously appropriated.......................... 1,400,000
For upgrading plumbing in kitchen................... 735,000
For planning the replacement of absorption-type A/C........................................... 450,000
(From Article 2, Section 8 of Public Act 93-587)
For replacing HVAC and duct work.................. 39,704
For completing upgrade of tunnels, Phase II, in addition to funds previously appropriated.......................... 426,086
For renovating residences, in addition to funds previously appropriated............... 1,952,167
For replacing roofs.................................. 21,272
For renovation of residential buildings........... 126,350

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE
For renovating the High School Building Phase II........................................ 1,580,000
For renovating the health center................... 719,371
For replacing roof and upgrading the mechanical system at Burns Gym................ 2,254,318
For replacing the visual alert system............... 751,734

New matter indicated by italics - deletions by strikeout.
For renovating High School Building.............. 1,069,250
For replacing HVAC, upgrading electrical  
and replacing doors, in addition to  
funds previously appropriated............... 642,256

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE  
(From Article 1, Section 5 of Public Act 93-587)
For renovating auditorium, classroom  
and administration buildings............... 2,385,000
For renovating classrooms in Building 17....... 1,330,000
(From Article 2, Section 8 of Public Act 93-587)
For renovating the Girls' Dormitory, in  
addition to funds previously appropriated....... 254,107
For planning and beginning renovation  
of the Girls' Dormitory........................ 10,761
For installation of individual  
package boilers, in addition  
to funds previously appropriated............. 400,000

JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN COUNTY  
For planning and beginning the renovation  
of the power house............................ 698,226

KILEY DEVELOPMENTAL CENTER - WAUKEGAN  
For converting the facility to natural  
gas, in addition to funds previously  
appropriated..................................... 1,131,120
For renovating homes, Phase II, in  
addition to funds previously  
appropriated..................................... 166,130
For planning and beginning installation  
of gas distribution system.................... 44,634

LINCOLN DEVELOPMENTAL CENTER - LOGAN  
(From Article 1, Section 5 of Public Act 93-587)
For various capital improvements,  
including planning and construction  
of four ten-bed transitional or  
residential homes............................. 7,000,000

LUDEMAN DEVELOPMENTAL CENTER - PARK FOREST  
For upgrading the electrical panel.......... 1,240,000

New matter indicated by italics - deletions by strikeout.
(From Article 2, Section 8 of Public Act 93-587)
For repairing and replacing furnaces and duct work, in addition to funds previously appropriated............................ 500,000
For renovating residential and neighborhood homes, in addition to funds previously appropriated............................ 1,762,272
For replacing plumbing, HVAC and boiler systems................................. 742,685
For renovation of residential buildings, in addition to funds previously appropriated............................ 1,567,702
For renovation of residences.................................................. 35,293

MABLEY DEVELOPMENTAL CENTER - DIXON
For replacing mechanicals and upgrading the fire alarm systems............................. 906,700
For planning and beginning renovation of residential buildings........................... 1,525,139

(From Article 1, Section 5 of Public Act 93-587)
MADDEN MENTAL HEALTH CENTER - HINES
For planning and beginning facility improvements to provide for patient safety and suicide prevention................................. 100,000

(From Article 2, Section 8 of Public Act 93-587)
For renovating pavilions and administration building for safety/security, in addition to funds previously appropriated................. 1,200,000
For renovating dietary.......................................................... 867,500
For renovation of pavilions, in addition to funds previously appropriated.................. 394,351

MCFARLAND MENTAL HEALTH CENTER - SPRINGFIELD
For renovating Kennedy Hall.................................................. 270,413

MURRAY DEVELOPMENTAL CENTER - CENTRALIA
(From Article 1, Section 5 of Public Act 93-587)
For completing the renovation of the boiler house, in addition to funds previously appropriated.................. 3,400,000

New matter indicated by italics - deletions by strikeout.
(From Article 2, Section 8 of Public Act 93-587)
For renovating the boiler house, in addition to funds previously appropriated.......................................................... 1,034,157
For replacing the emergency management system, in addition to funds previously appropriated........................................ 585,000
For planning and beginning boiler house renovation.................................................. 57,310
For replacing energy management system.......................... 120,170

SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE
For replacing the sewer system in south campus.......................................................... 2,112,880
For planning and beginning renovation of dietary.................................................. 453,575
For work necessary to remedy fire damper deficiencies........................................ 1,469,908
For replacing water mains and valves, in addition to funds previously appropriated........................................ 765,085
For replacing steam & condensate lines, in addition to funds previously appropriated........................................ 1,223,848
For upgrading HVAC systems in four residential buildings........................................ 160,894
For planning and beginning the upgrade of steam and condensate lines..................... 137,575
For rehabilitating HVAC system.......................... 52,552

SINGER MENTAL HEALTH CENTER - ROCKFORD
(From Article 1, Section 5 of Public Act 93-587)
For upgrading fire alarm systems.................. 665,000
(From Article 2, Section 8 of Public Act 93-587)
For renovating dietary and stores.......................... 1,813,672
For renovating patient units, Phase II, in addition to funds previously appropriated .................. 3,100,000
For renovating mechanicals and residential areas.................................................. 731,508

New matter indicated by italics - deletions by strikeout.
TINLEY PARK MENTAL HEALTH CENTER - COOK COUNTY
(From Article 1, Section 5 of Public Act 93-587)
For completing the upgrade of fire and life/safety issues in Oak Hall, in addition to funds previously appropriated.................................. 600,000

TINLEY PARK MENTAL HEALTH CENTER/ HOWE DEVELOPMENTAL CENTER
(From Article 2, Section 8 of Public Act 93-587)
For renovation for accessibility in four buildings............................. 74,856

TREATMENT AND DETENTION FACILITY - JOLIET
(From Article 1, Section 5 of Public Act 93-587)
For improving the administration building for life safety................... 160,000

STATEWIDE
For planning and beginning life safety/security systems.................. 1,500,000
For replacing roofing systems at the following locations, at the approximate costs set forth below............ 2,615,000
Chicago-Read Mental Health Center - Cook County............................ 2,115,000
Fox Developmental Center - Dwight......................... 200,000
Kiley Developmental Center - Waukegan............................. 300,000
(From Article 2, Section 8 of Public Act 93-587)
For replacing and repairing roofing systems at the following locations, at the approximate cost set forth below........ 5,409,425
Alton Mental Health Center - Madison................................. 385,732
Shapiro Developmental Center - Kankakee............................. 115,000
Ludeman Developmental Center - Park Forest......................... 25,000
Madden Mental Health Center -

New matter indicated by italics - deletions by strikeout.
Hines.............................. 2,408,100
Murray Developmental Center -
    Centralia..................... 1,828,367
Kiley Developmental Center -
    Waukegan..................... 647,226

(From Article 2, Section 8 of Public Act 93-587)
For replacing and repairing roofing
systems at the following locations, at
the approximate cost set forth below........... 1,212,783
    Alton Mental Health Center........... 12
    Chicago-Read Mental Health
    Center............................ 421,632
    Howe Developmental Center -
    Tinley Park....................... 562,126
    Shapiro Developmental Center -
    Kankakee......................... 42,393
    Illinois School for the
    Deaf - Jacksonville............... 69,661
    Kiley Developmental
    Center - Waukegan............... 116,959

For repairing or replacing roofs
at the following locations, at
the approximate cost set forth below........... 1,486,626
    Illinois School for the
    Visually Impaired -
    Jacksonville..................... 38,369
    Jacksonville Developmental
    Center - Morgan County.......... 60,000
    Lincoln Developmental Center -
    Logan County..................... 7,001
    Murray Developmental Center -
    Centralia......................... 111,001
    Shapiro Developmental Center -
    Kankakee......................... 1,270,255

For planning and beginning construction
of a facility for sexually violent
persons..................................... 250,381

For replacing and repairing roofing systems
at the following locations at the approximate

New matter indicated by italics - deletions by strikeout.
cost set forth below........................................ 381,174
Choate Developmental Center -
   Anna................................. 10,416
Chicago-Read Mental Health Center... 36,000
Tinley Park Mental Health Center... 130,561
Illinois School for the Visually
   Impaired - Jacksonville.......... 19,414
Shapiro Developmental Center -
   Kankakee......................... 25,955
Kiley Developmental Center -
   Waukegan......................... 32,716
Ludeman Developmental Center -
   Park Forest...................... 126,112
For upgrading roads at the following
locations at the approximate
cost set forth below.................................. 43,262
Howe Developmental Center -
   Tinley Park....................... 4,954
Shapiro Developmental Center -
   Kankakee......................... 38,308
For replacing roofing systems at the
following locations at the approximate
costs set forth below.............................. 102,417
Elgin Mental Health Center,
   five buildings..................... 59,071
Jacksonville Mental Health and
   Developmental Center,
   two buildings...................... 43,346
For replacement of roofing systems at the
following locations at the approximate costs
set forth below........................................ 217,456
   Lincoln Development Center....... 54,364
   Murray Developmental Center....... 54,364
   Elgin Developmental Center....... 54,364
   Shapiro Developmental Center..... 54,364
For replacement of roofs at the following
locations at the approximate costs set
forth below............................................. 21,670
   Elgin Mental Health Center -

New matter indicated by italics - deletions by strikeout.
Three buildings...................  3,284
Lincoln Developmental Center -
Three buildings...................  4,088
Ludeman Developmental Center -
Support buildings...............  4,492
Madden Mental Health Center -
Buildings and covered walkways...  1,000
McFarland Mental Health Center -
Three buildings...................  4,570
Meyer Mental Health Center -
One building.....................  1,450
Shapiro Developmental Center -
Three buildings...................  1
Tinley Park Mental Health Center -
Oak Hall...........................  2,785
Total                                                                 $105,146,222

Section 115. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made for such purposes in Article 2, Section 8.1 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

    ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED -
       JACKSONVILLE

For constructing a new building to
replace buildings 2, 3 and 4,
in addition to funds previously
appropriated...........................  86,364
For installation of individual
package boilers........................  224,019
Total                           $310,383

Section 120. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purposes in Article 2, Section 8a of Public Act 93-587, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

    STATEWIDE PROGRAM

New matter indicated by italics - deletions by strikeout.
(From Article 2, Section 8a of Public Act 93-587)

For tuckpointing at the following locations at the approximate cost set forth below........ 171,772

Howe Developmental Center -
Tinley Park......................... 115,000
Madden Mental Health Center - Hines............... 43,661
Tinley Park Mental Health Center.................. 13,111

For tuckpointing exterior and repairing masonry at various facilities................. 394,844

Total $566,616

Section 125. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from an appropriation and reappropriations heretofore made for such purpose in Article 5, Division FY04, Section 13, Division FY03, Section 10, Division FY02, Section 18, and Division FY01, Section 13 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Human Services for the project hereinafter enumerated:

ILLINOIS SCHOOL FOR THE DEAF B JACKSONVILLE
(From Article 5, Division FY04, Section 13 of Public Act 93-587)
For replacing dorm doors.......................... 2,000,000

JACKSONVILLE DEVELOPMENTAL CENTER B MORGAN
(From Article 5, Division FY03, Section 10 of Public Act 93-587)
For upgrading the mechanicals in the power plant, in addition to funds previously appropriated.......................... 1,000,000

CHESTER MENTAL HEALTH CENTER
(From Article 5, Division FY02, Section 18 of Public Act 93-587)
For renovating kitchen area, in addition to funds previously appropriated................. 20,981

CHOATE MENTAL HEALTH CENTER - ANNA
For installing courtyard/recreation area at Dogwood and Rosebud.......................... 20,463

SINGER MENTAL HEALTH CENTER
For repair and/or replacement of roofs............ 71,994

TINLEY PARK MENTAL HEALTH CENTER
For upgrading fire/life safety systems

New matter indicated by italics - deletions by strikeout.
and lighting, in addition to funds previously appropriated.............................. 293,413

FOX DEVELOPMENTAL CENTER - DWIGHT
(From Article 5, Division FY01, Section 13 of Public Act 93-587)
For renovating the water treatment plant........... 1,236,216
Total $4,643,067

Section 130. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriation and reappropriations heretofore made in Article 2, Section 9 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO
(From Article 2, Section 9 of Public Act 93-587)
For upgrading utility and infrastructure, in addition to funds previously appropriated.............................. 650,000
For upgrading core utilities............................. 428,574
For upgrading research center........................... 385,621
For constructing a Lab and Research Biotech Grad Facility............................... 241,478
Total $1,705,673

Section 135. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 5, Division FY01, Section 19 of Public Act 93-587, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO
For upgrading automation system and replacing fans........................................ 6,339
For installing humidification system.................... 14,751
Total $21,090

Section 140. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 6, and Article 2, Section 10 of Public Act 93-587, as amended, are reappropriated from the Capital Development Fund

New matter indicated by italics - deletions by strikeout.
Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

**BLOOMINGTON ARMORY** - McLEAN COUNTY
(From Article 1, Section 6 of Public Act 93-587)
For rehabilitating the mechanical/electrical systems and renovating the interior............ 3,000,000

**CAIRO ARMORY**
(From Article 2, Section 10 of Public Act 93-587)
For replacing roof and renovating the interior and exterior.......................... 1,217,518

**CAMP LINCOLN** - SPRINGFIELD
For converting commissary to a military museum, in addition to funds previously appropriated......................... 113,098
For construction of a military academy facility............................................. 638,820
For site improvements and construction for a military academy facility, including repair and reconstruction of access roads and drives at Camp Lincoln.................. 24,062

**CHAMPAIGN ARMORY**
For upgrading mechanical and electrical systems and installing a kitchen................. 143,081

**DANVILLE ARMORY**
For planning and construction of a new armory........ 5,325

**EAST ST. LOUIS ARMORY** - ST. CLAIR COUNTY
For upgrading mechanical systems and rest rooms........................................... 224,088

**ELGIN ARMORY** - KANE COUNTY
For upgrading the interior and exterior........... 856,456

**GALVA ARMORY** - HENRY COUNTY
For replacing the roof and upgrading the interior and exterior............... 92,807

**GENERAL JONES ARMORY**
For rehabilitating the armory building, in addition to funds previously appropriated.......................... 564,660
For renovation of the exterior and interior, mechanical areas and expansion of the

New matter indicated by italics - deletions by strikeout.
parking lot, in addition to amounts previously appropriated........................................ 13,004
For replacement of the Assembly Hall roofing system including its structural system........................................ 14,708

JOLIET ARMORY - WILL COUNTY
For renovating mechanical and electrical systems and exterior................................. 116,101

KEWANEE ARMORY
For upgrading electrical and mechanical systems and installing a kitchen............... 248,511

LITCHFIELD ARMORY
For remodeling and installing a kitchen.............................................................. 489,302

MACOMB ARMORY - McDonough
(From Article 1, Section 6 of Public Act 93-587)
For completing the mechanical/electrical systems upgrade, renovating the interior, and installing a kitchen, in addition to funds previously appropriated....................... 2,565,000
(From Article 2, Section 10 of Public Act 93-587)
For replacing the mechanical and electrical systems and installing a kitchen............. 891,145

MATTOON ARMORY
For replacing the roof and renovating the interior and exterior................................. 924,273

MONMOUTH ARMORY
For replacing the roof and renovating the interior and exterior.................. 731,379

NORTH RIVERSIDE ARMORY
For rehabilitating the interior and exterior......................................................... 345,789

NORTHWEST ARMORY - CHICAGO
(From Article 1, Section 6 of Public Act 93-587)
For upgrading the electrical system......................... 2,815,000
(From Article 2, Section 10 of Public Act 93-587)
For replacing the mechanical systems............. 1,908,229
For renovation of interior and exterior, in addition to funds previously

New matter indicated by italics - deletions by strikeout.
appropriated for such purposes.......................... 315,232

ROCK FALLS ARMORY
For replacing the mechanical and electrical systems and upgrading the interior............................... 1,937,436

SALEM ARMORY
For remodeling and installing a kitchen................................. 448,940

SYCAMORE ARMORY
For replacing the electrical system, renovating the interior and installing air conditioning................................. 1,607,004

STATEWIDE
For replacing roofing systems, windows and doors, and rehabilitating the exterior walls at the following locations, at the approximate cost set forth below................................. 76,244

Bloomington Armory.......................... 15,248
Kewanee Armory.......................... 15,249
Macomb Armory.......................... 15,249
Rock Falls Armory.......................... 15,249
Sycamore Armory.......................... 15,249

Total $22,327,212

Section 145. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 5, Division FY03, Section 11, Division FY02, Section 19 and Division FY01, Section 14 of Public Act 93-587, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

NORTHWEST ARMORY - CHICAGO
(From Article 5, Division FY03, Section 11 of Public Act 93-587)
For renovating the mechanical systems, in addition to funds previously appropriated.......................... 1,000,000

LAWRENCEVILLE ARMORY
(From Article 5, Division FY02, Section 19 of Public Act 93-587)
For rehabilitating the exterior and
replacing roofing systems................. 225,370

MT. VERNON ARMORY
For resurfacing floors and replacing
exterior doors............................... 33,070

JOLIET ARMORY 
(From Article 5, Division FY01, Section 14 of Public Act 93-587)
For replacing low roof....................... 21,785
Total $1,280,225

Section 150. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from appropriations and reappropriations heretofore made for
such purposes in Article 1, Section 8 and Article 2, Section 12 of Public
Act 93-587, are reappropriated from the Capital Development Fund to the
Capital Development Board for the Department of Revenue for the
projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
(From Article 1, Section 8 of Public Act 93-587)
For completing the upgrade of
building management controls,
in addition to funds
previously appropriated....................... 400,000
For replacing the dock exhaust system..... 590,000
(From Article 2, Section 12 of Public 93-587)
For replacing and repairing concrete
stairway and completing of parking
deck, in addition to funds
previously appropriated....................... 285,000
For upgrading building management
controls........................................... 3,521,054
For upgrading the plumbing system........ 1,719,416
For upgrading parking lot/parking deck
structural repair.............................. 1,250,000
For renovating the interior and
upgrading HVAC.............................. 3,637,868
Total $11,403,338

Section 155. The following named amounts, or so much thereof as
may be necessary and as remain unexpended at the close of business on
June 30, 2004, from appropriations and reappropriations heretofore made
in Article 2, Section 12a of Public Act 93-587, are reappropriated from the

New matter indicated by italics - deletions by strikeout.
Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

**WILLARD ICE BUILDING - SPRINGFIELD**

(From Article 2, Section 12a of Public Act 93-587)

For completing security system upgrade, in addition to funds previously appropriated............ $178,838

For structural analysis of parking deck.................. 16,176

Total                                                  $195,014

Section 160. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 5, Division FY04, Section 10, Division FY03, Section 13 and Division FY01, Section 16 of Public Act 93-587, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

**WILLARD ICE BUILDING B SPRINGFIELD**

(From Article 5, Division FY04, Section 10 of Public Act 93-587)

For completing the upgrade of the Plumbing System........................................ 600,000

(From Article 5, Division FY03, Section 13 of Public Act 93-587)

For planning the curtain wall renovation........... 38,950

(From Article 5, Division FY01, Section 16 of Public Act 93-587)

For resealing and replacing atrium windows................................. 74,930

For installing fire suppression system................. 39,951

Total                                                  $753,831

Section 165. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 2, Section 13 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

**CHICAGO FORENSIC LABORATORY**

(From Article 2, Section 13 of Public Act 93-587)

For construction of a laboratory and parking facilities........................................ 84,737

**DISTRICT 13 HEADQUARTERS - DUQUOIN**

New matter indicated by italics - deletions by strikeout.
For constructing a district 13 headquarters................................. 355,310

DISTRICT 6 HEADQUARTERS - PONTIAC

For planning, construction, reconstruction, demolition of existing buildings, and all costs related to replacing the facilities............................. 714,741

PESOTUM - DISTRICT 10

For replacing the sewer and septic systems.............................. 43,695

SPRINGFIELD ARMORY

For planning and design of the rehabilitation and site improvements of the Springfield Armory, in addition to funds previously appropriated................................. 1,216,439

STERLING - DISTRICT 1

For planning, construction, reconstruction, demolition of existing buildings, and all costs related to the relocation of the headquarters, in addition to funds previously appropriated.......................... 51,231

STATEWIDE

For replacing communications towers equipment and tower buildings.................. 2,141,042
For upgrading generators and UPS systems............... 39,996
For replacing roofing system at the following locations at the approximate cost set forth below................................. 297,862
  District 13 Headquarters,
    DuQuoin........................................ 46,752
    Joliet Laboratory............................... 40,000
  District 6 Headquarters,
    Pontiac........................................ 38,900
  District 9 Headquarters,
    Springfield................................. 109,510
  State Police Training Center,
    Pawnee.......................................... 10,000
  District 18 Headquarters,
    Litchfield................................. 45,000

New matter indicated by italics - deletions by strikeout.
District 19 Headquarters,
Carmi............................... 7,700
For replacing radio communication towers,
equipment buildings and installing emergency
power generators at the following locations:
Pecatonica, Elwood, Kingston, Mason
City........................................... 1,115,826
For replacing radio communication
towers and equipment buildings and
installing emergency power
generators at Andover, Eaton,
Pecatonica, and Cypress......................... 64,211
Total $6,125,090

Section 170. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from an appropriation and reappropriation heretofore made for
such purpose in Article 5, Division FY04, Section 9, Division FY03,
Section 14, Division FY02, Section 21, and Division FY01, Section 17 of
Public Act 93-587, are reappropriated from the Build Illinois Bond Fund
to the Capital Development Board for the Department of State Police for
the project hereinafter enumerated:

SPRINGFIELD STATE POLICE, PAWNEE FACILITY
(From Article 5, Division FY04, Section 9 of Public Act 93-587)
For safety improvements at
the firing range......................... 1,200,000

STATEWIDE
(From Article 5, Division FY03, Section 14 of Public Act 93-587)
For upgrading firing range facilities.......... 375,950

DISTRICT 22 BULLIN
(From Article 5, Division FY02, Section 21 of Public Act 93-587)
For upgrading the HVAC system, in
Addition to funds previously appropriated........ 36,328

JOLIET DISTRICT 5 B WILK COUNTY
(From Article 5, Division FY01, Section 17 of Public Act 93-587)
For replacing roof......................... 42,979
Total $1,655,257

Section 175. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from appropriations and reappropriations heretofore made for
such purposes in Article 1, Section 10, and Article 2, Sections 14 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

**ANNA VETERANS HOME**
(From Article 2, Section 14 of Public Act 93-587)
For constructing a garage.......................... 315,292

**LASALLE VETERANS' HOME**
(From Article 1, Section 10 of Public Act 93-587)
For replacing the roofing system................. 310,000
For replacing the domestic water system......... 110,000
(From Article 2, Section 14 of Public Act 93-587)
For a grant to LaSalle Veterans' home
for all costs associated with architectural
and engineering designs........................... 38,152

**MANTENO VETERANS' HOME - KANKAKEE COUNTY**
(From Article 1, Section 10 of Public Act 93-587)
For replacing air conditioner chillers......... 1,170,000
(From Article 2, Section 14 of Public Act 93-587)
For replacing condensing units............... 346,180
For upgrading or constructing
roads and parking lots......................... 55,922
For planning and constructing
additional storage and support areas......... 99,590
For upgrading courtyard program spaces........ 706,872
For upgrading storm sewer..................... 109,179
For construction of a special care facility.... 164,368

**QUINCY VETERANS' HOME - ADAMS COUNTY**
For constructing a bus and ambulance
garage........................................... 868,293
For improvements to various buildings
and replacement of Fletcher Building
to meet licensure standards..................... 2,562,961
Total $6,856,809

Section 180. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from appropriations and reappropriations heretofore made in
Article 2, Section 14a of Public Act 93-587, are reappropriated from the
Tobacco Settlement Recovery Fund to the Capital Development Board for

New matter indicated by italics - deletions by strikeout.
the Department of Veterans' Affairs for the projects hereinafter enumerated:

MANTENO VETERANS' HOME - KANKAKEE COUNTY

For installing humidifiers and
dehumidifiers..................................... 407,950
For resurfacing roads and parking lots......... 87,556
For demolishing buildings...................... 1,224,881

QUINCY VETERANS' HOME - ADAMS COUNTY

For renovating power plant equipment........... 130,121
Total                                      $1,850,508

Section 185. The following named amount, or so much thereof as
may be necessary and remains unexpended at the close of business on June
30, 2004, from an appropriation heretofore made for such purpose in
Article 5, Division FY04, Section 11, Division FY03, Section 15, and
Division FY02, Section 22 of Public Act 93-587, is reappropriated from
the Build Illinois Bond Fund to the Capital Development Board for the
Department of Veterans' Affairs for the project hereinafter enumerated:

MANTENO VETERANS HOME
(From Article 5, Division FY04, Section 11 of Public Act 93-587)
For completing the upgrade of emergency
generators........................................ 600,000
(From Article 5, Division FY03, Section 15 of Public Act 93-587)
For installing humidifiers and
dehumidifiers, in addition to funds
previously appropriated....................... 1,000,000

LASALLE VETERANS HOME - LASALLE COUNTY
(From Article 5, Division FY02, Section 22 of Public Act 93-587)
For planning expansion of facility ............ 496,961

MANTENO VETERANS HOME - KANKAKEE COUNTY
For constructing an equipment storage
building.......................................... 918,361
Total                                      $3,015,322

Section 190. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from reappropriations heretofore made for such purposes in
Article 1, Section 2 and Article 2, Section 15 of Public Act 93-587, are
reappropriated from the Capital Development Fund to the Capital
Development Board for the projects hereinafter enumerated:

EXECUTIVE MANSION - SPRINGFIELD

New matter indicated by italics - deletions by strikeout.
(From Article 2, Section 15 of Public Act 93-587)
For building improvements.................................. 399,880

ATTORNEY GENERAL BUILDING - SPRINGFIELD
For planning an annex or addition and
beginning construction of
parking facilities........................................... 35,932
For upgrading environmental equipment
and HVAC, in addition to funds previously
appropriated - Archives Building............... 446,974
For upgrading the life/safety and security
systems - Capitol Building......................... 119,706
For renovation of the Waterways Building for
the Fourth District of the Appellate Court ...... 15,103

STATE CAPITOL BUILDING
For upgrading the life/safety and
security systems, in addition to
funds previously appropriated.................... 642,717

STATEWIDE
(From Article 1, Section 2 of Public Act 93-587)
For the purposes of capital planning
and condition assessment and analysis
of State capital facilities, to be
expended only upon the direction of
the Director of the Bureau of
the Budget.................................................. 5,000,000

(From Article 2, Section 15 of Public Act 93-587)
For abating hazardous materials................. 1,714,197
For retrofitting or upgrading mechanized
refrigeration equipment (CFCs)............... 650,000
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act (ADA)........ 1,846,168
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act (ADA)........ 2,320,518
For upgrading and remediating
aboveground and underground storage tanks...... 1,000,000
For abating hazardous materials............... 190,765
For retrofitting or upgrading mechanized

New matter indicated by italics - deletions by strikeout.
refrigeration equipment (CFCs)................. 4,000,000
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act............... 4,265,965
For abating hazardous materials................. 742,024
For retrofitting or upgrading mechanized
refrigeration equipment (CFCs)................. 3,154,050
For upgrading and remediating
aboveground and underground storage tanks...... 3,500,000
For surveys and modifications to buildings
to meet requirements of the federal
Americans With Disabilities Act............... 150,217
For retrofitting or upgrading mechanized
refrigeration equipment (CFCs)............... 787,474
For abating hazardous materials............... 382,636
For upgrading and remediating
underground storage tanks...................... 7,414,822
For surveys and modifications to
buildings to meet requirements of the
federal Americans with Disabilities Act........ 208,537
For abatement of hazardous materials......... 374,616
For upgrading/retrofitting mechanized
refrigeration equipment (CFCs)................. 53,118
For upgrade and remediation of
underground storage tanks..................... 382,370
For abatement of hazardous materials........ 190,856
For upgrade and remediation of
underground storage tanks..................... 115,874
For survey for and abatement of
asbestos-containing materials............... 98,812
For upgrade/retrofit of mechanized
refrigeration equipment (CFCs)................. 38,426
For abatement of hazardous conditions,
including underground storage tanks,
in addition to funds previously
appropriated...................................... 78,894
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act............ 1,409,452

New matter indicated by italics - deletions by strikeout.
For demolition of buildings.......................... 82,050
For retrofitting/upgrading mechanical
refrigeration equipment.............................. 30,551
For the planning, upgrade
and replacement of potentially
hazardous underground storage tanks............. 96,263
For surveys and abatement of asbestos-
containing materials.................................. 41,423
Total                                            $41,980,390

Section 195. The amount of $590,032, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2004, from a reappropriation heretofore made in Article 2, Section 16 of
Public Act 93-587, is reappropriated from the Asbestos Abatement Fund
to the Capital Development Board for surveying and abating asbestos-
containing materials statewide.

Section 200. The amount of $994,978, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2004, from a reappropriation heretofore made in Article 2, Section 17 of
Public Act 93-587, is reappropriated from the Asbestos Abatement Fund
to the Capital Development Board for asbestos surveys and emergency
abatement in relation to asbestos abatement in state governmental
buildings or higher education residential and auxiliary enterprise buildings.

Section 205. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2004, from an appropriation heretofore made in Article 2, Section 18
of Public Act 93-587, are reappropriated from the Tobacco Settlement
Recovery Fund to the Capital Development Board for the projects
hereinafter enumerated:

STATEWIDE
(From Article 2, Section 18 of Public Act 93-587)
Survey for and abate hazardous
materials................................................. 780,987
For repairing minor problems and
emergencies............................................. 994,796
For tuckpointing and repairing exterior
of buildings............................................. 192,900
For demolition of buildings......................... 396,891
For archeological studies of
construction sites................................... 100,000

New matter indicated by italics - deletions by strikeout.
For repairing minor problems and emergencies.............................................. 3,753,509
Total $6,219,083

Section 210. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from reappropriations heretofore made for such purposes in Article 2, Section 20 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for the projects hereinafter enumerated:

CARL SANDBURG COLLEGE
(From Article 2, Section 20 of Public Act 93-587)
For constructing a computer/student center.............................................. 47,137

CITY COLLEGES OF CHICAGO
For various bondable capital improvements........ 8,887,250

CITY COLLEGES OF CHICAGO/KENNEDY KING
For remodeling for Workforce Preparation
Centers.................................................. 3,695,942
For remodeling for a culinary arts educational facility......................... 10,875,000

CITY COLLEGES OF CHICAGO - MALCOLM X COLLEGE
For remodeling the Allied Health program facilities............................... 4,316,750

COLLEGE OF DUPAGE
For upgrading the Instructional Center heating, ventilating and air conditioning systems.......................... 273,534

COLLEGE OF LAKE COUNTY
For planning and beginning construction of a technology building -
Phase 1.................................................. 399,218

ILLINOIS VALLEY COMMUNITY COLLEGE
For planning, construction and renovations necessary to abate asbestos containing materials at campus facilities.............. 1,066,987

JOHN A. LOGAN COMMUNITY COLLEGE - CARTERVILLE
For constructing additions and site improvements, in addition to funds previously appropriated......................... 13,246

New matter indicated by italics - deletions by strikeout.
For planning, construction, utilities,
site improvements, equipment and other
costs necessary for a new Workforce
Development and Community Education
Facility. The provisions of Article V
of the Public Community College Act
are not applicable to this appropriation... 271,813

JOHN WOOD COMMUNITY COLLEGE - QUINCY
For planning campus buildings and site
improvements................................. 87,647

KANKAKEE COMMUNITY COLLEGE
For constructing a laboratory/classroom
facility....................................... 2,631,452

LAKELAND COLLEGE
Student Services Building addition............ 6,602,331

LAKE LAND COLLEGE - MATTOON
For constructing a Technology Building, a
parking area and for site improvements........ 25,555
For constructing a classroom/administration
building and purchasing equipment, in addition
to funds previously appropriated............. 185,916

LEWIS AND CLARK COMMUNITY COLLEGE - GODFREY
For a grant to Lewis and Clark Community College
for all costs associated with construction
redevelopment, infrastructure and
engineering costs at the N.O. Nelson
property in Edwardsville...................... 7,827
For constructing classroom
and office building and additions,
and remodeling of Haskell Hall............... 41,820

LINCOLN LAND COMMUNITY COLLEGE - SPRINGFIELD
For constructing a conference &
training facility addition to the
Millenium Center, in addition
to funds previously appropriated............. 82,394
For constructing an addition and remodeling
Sangamon and Menard Halls................... 42,723

MCHENRY COUNTY COLLEGE
For constructing classrooms and a

New matter indicated by italics - deletions by strikeout.
student services building and remodeling space, in addition to funds previously appropriated........................................ 826,701

MORaine VALey COMMUNITY COLLeGE - PALos HILLs
For constructing a classroom/administration building, providing site improvements and purchasing equipment, in addition to funds previously appropriated......................... 50,336

OAKTON COMMUNITY COLLeGE
For planning an addition to Ray Harstein campus - Phase 1......................... 85,664

PRAIRIE STaTe COLLeGE - CHICAGO HILLs
For constructing an addition to the Adult Training/Outreach Center, in addition to funds previously appropriated................... 2,632,174

REND LAKE COLLeGE - INa
For site development, design and construction of an Industrial & Community Training Center at Pinckneyville Industrial Park.............................. 20,644

RICHLaND COLLeGE - DEcATUR
For remodeling and constructing additions.......... 149,526

SOUtHWEstERN ILLINOIS COLLeGE
(Formerly BELLEVILLE AREA COLLeGE)
For renovating campus buildings and site improvements at the Belleville and Red Bud campuses............................... 46,022

SOUtH SuBURBAN COLLeGE
For improving flood retention......................... 437,000

SPOOn RIVER COLLeGE
For remodeling Engle Hall and constructing a maintenance building.......... 355,901

TRIToN COMMUNITY COLLeGE - RIVER GROVe
For rehabilitating the Liberal Arts Building................................. 1,553,487
For rehabilitating the potable water distribution system........................... 70,146

STATEWIDE
For the Illinois Community College Board

New matter indicated by italics - deletions by strikeout.
miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community Colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for this purpose........

STATEWIDE

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes............... 5,691,847

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes............... 4,227,309

STATEWIDE - CONSTRUCTION DEFECTS

For planning, construction and renovation to correct defectively designed or constructed community college facilities, provided that monies recovered based upon claims arising out of such defective design or construction shall be paid to the state as required by Section 105.12 of the Public Community College Act as reimbursement for monies expended pursuant to this appropriation.......................... 420,847

Total ........................................................................ $58,022,312

New matter indicated by italics - deletions by strikeout.
Section 215. The amount of $1,593, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 5, Division FY00, Section 1-13 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board to plan and construct an industrial training center at Illinois Central College.

Section 220. The amount of $444,171, or so much thereof as may be necessary, and remains unexpended on June 30, 2004, from appropriations heretofore made for such purposes in Article 5, Division FY91, Section 10G of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges repair, renovation, and miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 225. The sum of $1,907,066, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 2, Section 22 of Public Act 93-587 is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 230. The sum of $2,010,657, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 23 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at

New matter indicated by italics - deletions by strikeout.
the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 235. The sum of $2,847,981, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 24 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 240. The sum of $711,865, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 25 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 245. The sum of $3,600,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made for such purpose in Article 2, Section 26 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for miscellaneous capital improvements at various educational facilities statewide, in addition to funds previously appropriated.

Section 250. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 2, Section 27 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

New matter indicated by italics - deletions by strikeout.
ILLINOIS MATHEMATICS AND SCIENCE ACADEMY - AURORA
To plan and begin construction of a space for the delivery of teacher training and development and student enrichment programs.......................... 108,843
For replacing carpeting, constructing storage building and various site improvements, including extending communications conduit system............................... 186,408
Total $295,251

Section 255. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Section 12 and Article 2, Section 28 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

STATEWIDE
(From Article 1, Section 12 of Public Act 93-587)
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes........................................ 20,000,000
Chicago State University............... 322,100
Eastern Illinois University........... 515,500
Governors State University........... 189,700
Illinois State University............. 1,021,300
Northeastern Illinois University...... 383,700
Northern Illinois University........ 1,159,000
Western Illinois University........... 792,200
Southern Illinois University - Carbondale.......... 1,625,000
Southern Illinois University -

New matter indicated by italics - deletions by strikeout.
Edwardsville....................... 763,100
University of Illinois -
  Chicago......................... 2,777,300
University of Illinois -
  Springfield..................... 229,100
University of Illinois -
  Urbana/Champaign............... 4,150,300
Illinois Community
  College Board.................. 6,071,700

(From Article 2, Section 28 of Public Act 93-587)
For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes....... 19,769,057
Chicago State University......... 322,100
Eastern Illinois University....... 515,500
Governors State University....... 132,852
Illinois State University....... 1,021,300
Northeastern Illinois
  University...................... 383,700
Northern Illinois University..... 1,159,000
Western Illinois University...... 792,200
Southern Illinois University -
  Carbondale..................... 1,450,905
Southern Illinois University -
  Edwardsville................... 763,100
University of Illinois -
  Chicago......................... 2,777,300
University of Illinois -
  Springfield..................... 229,100
University of Illinois -
  Urbana/Champaign............... 4,150,300
Illinois Community
  College Board.................. 6,071,700

New matter indicated by italics - deletions by strikeout.
(From Article 2, Section 28 of Public Act 93-587)
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities
This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes...... 8,100,380
Chicago State University............. 309,429
Eastern Illinois University........... 515,500
Illinois State University.......... 1,021,300
Northeastern Illinois University........ 383,700
Northern Illinois University........ 1,159,000
Western Illinois University........ 791,946
Southern Illinois University - Carbondale............... 250,820
University of Illinois - Chicago...................... 2,318,054
University of Illinois - Springfield............... 229,100
University of Illinois - Urbana/Champaign............. 1,121,531
For miscellaneous capital improvements, including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes......................... 4,998,188
Eastern Illinois University........... 477,768
Illinois State University........... 548,098
Northeastern Illinois University........ 375,400

New matter indicated by italics - deletions by strikeout.
For miscellaneous capital improvements including construction, reconstruction remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

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<th>University</th>
<th>Appropriation</th>
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<td>Northern Illinois University</td>
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<td>Western Illinois University</td>
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<td>Northeastern Illinois University</td>
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<td>Southern Illinois University - Carbondale</td>
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<td>University of Illinois - Champaign/Urbana Campus</td>
<td>974,897</td>
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</tbody>
</table>

(From Article 2, Section 28 of Public Act 93-587)

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various
universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes........... 2,127,967

For Eastern Illinois University........ 378,390
For Illinois State University.......... 52,904
For Northeastern Illinois University .. 275,416
For Northern Illinois University...... 248,136
For Western Illinois University....... 39,423
For University of Illinois B
  Chicago............................. 318,991

For University of Illinois -
  Urbana-Champaign.................... 814,707

For miscellaneous capital improvements, including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes........... 1,613,158

For Eastern Illinois University....... 36,177
For Northern Illinois University..... 207,220
For Southern Illinois University - Carbondale......................... 22,188
For Southern Illinois University -Edwardsville....................... 35,137
For University of Illinois -
  Chicago............................. 803,196
For University of Illinois -
  Urbana-Champaign.................... 509,240

For miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment,
materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes................ 960,637

For Chicago State University.......... 121,395
For Eastern Illinois University...... 199,051
For Governors State University....... 71,798
For Illinois State University........ 90,825
For Northeastern Illinois University . 36,177
For Northern Illinois University..... 207,446
For Southern Illinois University...... 4,764
For University of Illinois......... 229,181

SOUTHERN ILLINOIS UNIVERSITY
(From Article 2, Section 28 of Public Act 93-587)
For Southern Illinois University for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials services and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes................ 121,599

UNIVERSITY OF ILLINOIS
For the Board of Trustees of the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other

New matter indicated by italics - deletions by strikeout.
appropriated amounts which can be expended for these purposes................. 151,343

For the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work at the colleges and universities hereinafter enumerated. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes:

Northern Illinois University......................... 83,324

Total $60,773,476

Section 260. The sum of $164,387, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 29 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 265. The following named amounts, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made for such purposes in Article 5, Division FY04, Section 6, Division FY03, Section 6, Division FY02, Section 26, Division FY01, Section 23, and Division FY00, Section 1-1 of Public Act 93-587, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

(From Article 5, Division FY04, Section 6 of Public Act 93-587) For miscellaneous capital improvements including construction, capital

New matter indicated by italics - deletions by strikeout.
facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Chicago State University.......................... 161,000
Eastern Illinois University........................ 257,800
Governors State University........................ 94,900
Illinois State University.......................... 510,700
Northeastern Illinois University.................. 191,800
Northern Illinois University...................... 579,500
Western Illinois University....................... 396,100
Southern Illinois University - Carbondale....... 812,500
Southern Illinois University - Edwardsville...... 381,500
University of Illinois - Chicago................. 1,388,600
University of Illinois - Springfield............. 114,600
University of Illinois - Urbana/Champaign....... 2,075,100
Illinois Community College Board................ 3,035,900
Total $10,000,000

(From Article 5, Division FY03, Section 6 of Public Act 93-587)

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Chicago State University.......................... 161,000
Eastern Illinois University........................ 256,301
Governors State University........................ 94,900
Illinois State University.......................... 510,700
Northeastern Illinois University.................. 191,800
Northern Illinois University...................... 579,500
Western Illinois University....................... 396,100

New matter indicated by italics - deletions by strikeout.
Southern Illinois University - Carbondale...........  788,154
Southern Illinois University - Edwardsville.........  370,079
University of Illinois - Chicago....................  1,388,600
University of Illinois - Springfield...............  114,600
University of Illinois - Urbana/Urbana/Champaign....  2,075,100
Illinois Community College Board.....................  3,033,258
Total                                           9,960,092

(From Article 5, Division FY02, Section 26 of Public Act 93-587)
For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes.
Chicago State University.............................  160,400
Eastern Illinois University.........................  257,800
Governors State University...........................  45,618
Illinois State University.............................  481,702
Northeastern Illinois University.....................  50,568
Northern Illinois University.........................  579,500
Western Illinois University..........................  359,293
Southern Illinois University - Carbondale..........  184,460
Southern Illinois University - Edwardsville........  1
University of Illinois - Chicago....................  1,352,500
University of Illinois - Springfield...............  78,866
University of Illinois - Urbana/Urbana/Champaign....  1,599,698
Total                                           5,150,406

(From Article 5, Division FY01, Section 23 of Public Act 93-587)
For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts

New matter indicated by italics - deletions by strikeout.
which can be expended for these purposes.
Chicago State University ..................... 34,624
Eastern Illinois University .................... 240,116
Governors State University ................... 31,326
Illinois State University .................... 604,900
Northeastern Illinois University ............. 87,701
Northern Illinois University ................ 624,700
Western Illinois University .................. 11,275
Southern Illinois University - Carbondale .... 20,279
University of Illinois - Chicago ............ 424,251
University of Illinois - Springfield .......... 30,052
University of Illinois - Urbana/Champaign ... 268,540
Total $2,377,764

(From Article 5, Division FY00, Section 1-1 of Public Act 93-587)
For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes.
Chicago State University ..................... 102,879
Eastern Illinois University .................... 134,474
Governors State University ................... 0
Illinois State University .................... 141,620
Northeastern Illinois University ............. 80,000
Northern Illinois University ................ 340,000
Western Illinois University ................. 38,564
University of Illinois - Champaign/Urbana ... 65,946
University of Illinois-Chicago ............... 0
Total $903,483

Section 270. The sum of $2,943,792, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2004, from a reappropriation heretofore made in Article 5, Division FY02,
Section 25 of Public Act 93-587, is reappropriated from the Build Illinois
Bond Fund to the Capital Development Board for the Illinois Community
College Board for miscellaneous capital improvements including

New matter indicated by italics - deletions by strikeout.
construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 275. The sum of $2,170,317, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY01, Section 22 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 280. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2004, from appropriations and reappropriations heretofore made in Article 1, Section 12 and Article 2, Section 30 of Public Act 93-587, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

CHICAGO STATE UNIVERSITY
(From Article 1, Section 12 of Public Act 93-587)
For replacing primary electrical
feeder cable................................. 1,000,000
(From Article 2, Section 30 of Public Act 93-587)
For roof replacement projects.............. 4,400,000
For the construction of a conference
center........................................... 5,000,000
For the construction of a day care
facility........................................... 4,927,811
For the construction of a student
financial outreach building................... 5,000,000
For constructing a new library facility,
site improvements, utilities, and
purchasing equipment, in addition
to funds previously appropriated.......... 13,492,621

New matter indicated by italics - deletions by strikeout.
For technology improvements and
defered maintenance......................... 1,790,400
For remodeling Building K, in addition
to funds previously appropriated........... 9,021,380
For planning and beginning to remodel
Building K and improving site............... 1,005,474
For planning, site improvements, utilities,
construction, equipment and other costs
necessary for a new library facility......... 7,846,920
For a grant to Chicago State University for
all costs associated with construction of
a Convocation Center......................... 8,498,757
For upgrading campus infrastructure,
in addition to the funds
previously appropriated....................... 704,490
For renovating buildings and upgrading
mechanical systems............................ 535,658

EASTERN ILLINOIS UNIVERSITY
(From Article 1, Section 12 of Public Act 93-587)
For upgrading the electrical
distribution system............................ 4,217,100
(From Article 2, Section 30 of Public Act 93-587)
For renovating and expanding the
Fine Arts Center, in addition to
funds previously appropriated............... 39,702,200
For planning and beginning to renovate
and expand the Fine Arts Center -
Phase 1, in addition to funds
previously appropriated....................... 1,511,247
For planning and beginning to renovate
and expand the Fine Arts Center............. 1,824,490
For upgrading campus buildings for health,
safety and environmental improvements.... 386,432
For constructing an addition and
renovating Booth Library..................... 164,441

GOVERNORS STATE UNIVERSITY
For constructing addition and
remodeling the teaching & learning
complex, in addition to funds

New matter indicated by italics - deletions by strikeout.
previously appropriated.......................... 15,145,819
For costs associated with establishing
a campus-wide fire alarm system at
Governor's State University................. 852,829
For constructing a child development center
and an addition to the main building
and remodeling Wings E and F.............. 106,006
For upgrading and replacing cooling
and refrigeration systems and
equipment........................................ 260,036
For remodeling the main building........... 169,802

ILLINOIS STATE UNIVERSITY
(From Article 1, Section 12 of Public Act 93-587)
For renovating Stevenson and Turner
Halls for life/safety....................... 22,145,000
(From Article 2, Section 30 of Public Act 93-587)
For the upgrade and remodeling
of Schroeder Hall......................... 16,563,925
For planning and beginning to rehabilitate
Schroeder Hall................................. 435,067
For planning, site improvements, utilities,
construction, equipment and other costs
necessary for a new facility for the
College of Business......................... 3,068,029
For remodeling Julian and Moulton Halls..... 623,305

NORTHEASTERN ILLINOIS UNIVERSITY
For renovating Building "C" and
remodeling and expanding Building "E"
and Building "F"........................... 8,790,495
For planning and beginning to remodel
Buildings A, B and E....................... 3,666,246
For remodeling in the Science Building
to upgrade heating, ventilating and air
conditioning systems........................ 2,021,400
For replacing fire alarm systems, lighting
and ceilings................................. 1,405,413
For renovating the auditorium in
Building E................................... 188,362
For renovation of Buildings E, F, and

New matter indicated by italics - deletions by strikeout.
the auditorium, and demolition and
replacement of Buildings G, J and M,
in addition to amounts previously
appropriated........................................ 102,848
For remodeling the library....................... 75,323

NORTHERN ILLINOIS UNIVERSITY
For renovating the Founders Library
basement, in addition to funds previously
appropriated........................................ 669,635
For planning a classroom building and
developing site in Hoffman Estates........... 1,314,500
For completing the construction of the
Engineering Building, in addition to
amounts previously appropriated for
such purpose........................................ 3,775,481
For renovating Altgeld Hall and
purchasing equipment............................ 1,730,741
For upgrading storm waterway controls in
addition to funds previously appropriated...... 1,076,401

SOUTHERN ILLINOIS UNIVERSITY
For planning, construction and equipment
for a cancer center.................................. 14,010,728

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE
For renovating and constructing an
addition to the Morris Library, in
addition to funds previously
appropriated........................................... 25,690,000
For planning a renovation and
addition to the Morris Library............... 1,068,906
For renovating Altgeld Hall and Old
Baptist Foundation, in addition to funds
previously appropriated.......................... 1,589,801
For site improvements and purchasing
equipment for the Engineering and
Technology Building.................................. 11,190
For construction of an engineering building
annex.................................................... 8,073

SOUTHERN ILLINOIS UNIVERSITY - EDWARDSVILLE
For planning, construction and equipment

New matter indicated by italics - deletions by strikeout.
for an advanced technical worker training facility......................... 1,027,745

For construction of the Engineering Facility building and related site improvements......... 24,511
For replacement of the high temperature water distribution system.......................... 168,709

SIU SCHOOL OF MEDICINE - SPRINGFIELD
For constructing and for equipment for an addition to the combined laboratory, in addition to funds previously appropriated.............................................. 3,879,576

UNIVERSITY OF ILLINOIS AT CHICAGO
(From Article 2, Section 30 of Public Act 93-587)
Plan, construct, and equip the Chemical Sciences Building.......................... 57,600,000
For planning, construction and equipment for a chemical sciences building............... 6,400,000
To plan and begin construction of a medical imaging research/clinical facility.................. 2,747,439
For remodeling the Clinical Sciences Building............................................. 1,012,572
For the renovation of the court area and Lecture Center, in addition to funds previously appropriated.......................................................... 713,318

UNIVERSITY OF ILLINOIS AT CHICAGO
For remodeling Alumni Hall, Phase II, including utilities................................. 22,874

UNIVERSITY OF ILLINOIS AT CHAMPAIGN-URBANA
(From Article 1, Section 12 of Public Act 93-587)
For planning, analysis and design of Lincoln Hall. Design cannot proceed beyond Program Analysis/Preliminary Design unless approved in writing by the Governor......................................................... 2,000,000
(From Article 2, Section 30 of Public Act 93-587)
Expansion of Microelectronics Lab...................... 17,607,743
For planning, construction and equipment for a biotechnology genomic facility......... 67,302,061

New matter indicated by italics - deletions by strikeout.
For planning, construction and equipment for a supercomputing application facility........ 22,265,960
For planning, construction and equipment for a technology transfer incubator facility.......................... 37,057
To plan and begin construction of a biotechnology/genomic facility.................. 2,713,467
To plan and begin construction of a supercomputing application facility.................. 773,243
To plan and begin construction of a technology transfer incubator facility.......................... 118,932
For remodeling the Mechanical Engineering Laboratory Building.......................... 36,644
For initiating a campus flood control project........................................ 60,806

UNIVERSITY CENTER OF LAKE COUNTY
For constructing a university center and purchasing equipment, in addition to funds previously appropriated.................. 7,993,382
For land, planning, remodeling, construction and all costs necessary to construct a facility.......................... 10,622,467

WESTERN ILLINOIS UNIVERSITY - MACOMB
Plan and construct performing arts center........ 4,000,000
For improvements to Memorial Hall.......................... 11,931,823
Total $458,655,111

Section 285. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 13 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for Southern Illinois University School of Medicine, Springfield, for the project hereinafter enumerated:

SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF MEDICINE SPRINGFIELD
(From Article 1, Section 13 of Public Act 93-587)
For construction and equipment

New matter indicated by italics - deletions by strikeout.
for an addition to the combined
laboratory for Illinois State Police
Crime Lab........................................ 2,110,070

Section 290. The following named amounts, or so much thereof as
may be necessary, and remain unexpended on June 30, 2004, from
appropriations heretofore made for such purposes in Article 5, Division
FY91, Section 2-6 of Public Act 93-587, as amended, are reappropriated
from the Build Illinois Bond Fund to the Capital Development Board for
the Board of Higher Education for the projects hereinafter enumerated:

NORTHERN ILLINOIS UNIVERSITY - DEKALB
To construct and equip the Engineering
Building............................................ 41,524
To purchase equipment and complete
construction for Faraday Hall Addition............. 93,085
Total, Build Illinois Bond Fund $134,609

Section 295. The following named amount, or so much thereof as
may be necessary, and remains unexpended on June 30, 2004, from
appropriations heretofore made for such purposes in Article 5, Division
FY91, Section 2-8 of Public Act 93-587, as amended, is reappropriated
from the Build Illinois Bond Fund to the Capital Development Board for
the University of Illinois for the projects hereinafter enumerated:

UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN
To construct and equip the Chemical and Life
Sciences Building..................................... 41,746

Section 300. The following named amount, or so much thereof as
may be necessary, and remains unexpended on June 30, 2004, from
appropriations heretofore made for such purposes in Article 5, Division
FY91, Section 2-20.1 of Public Act 93-587, as amended, is reappropriated
from the Build Illinois Bond Fund to the Capital Development Board for
the Board of Higher Education for the projects hereinafter enumerated:

NORTHERN ILLINOIS UNIVERSITY - DE KALB
For construction of the Engineering Building
including extension of utilities, in
addition to funds previously appropriated
for such purpose..................................... 55,370

Section 305. The amount of $74,795, or so much thereof as may
be necessary, and remains unexpended on June 30, 2004, from
appropriations heretofore made for such purposes in Article 5, Division
FY91, Section 10E of Public Act 93-587, as amended, is reappropriated

New matter indicated by italics - deletions by strikeout.
from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 310. The sum of $22,390, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 31 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Trustees of the University of Illinois (formerly for the Department of Human Services) for renovation of the School of Public Health and Psychiatric Institute (formerly the ISPI building).

Section 315. The sum of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 2, Section 32 Public Act 93-587, is reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to the University of Illinois College of Medicine at Peoria for planning a Clinical and Basic Research Oncology Center.

Section 320. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 2, Section 33 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for the project hereinafter enumerated:

EAST ST. LOUIS COLLEGE CENTER
(From Article 2, Section 33 of Public Act 93-587)
For construction of facilities, remodeling, site improvements, utilities and other costs necessary for adapting the former campus of Metropolitan Community College for a Community College Center and Southern Illinois University, in addition to funds previously appropriated......................... 4,918,765

Section 325. The following named amount or so much thereof as may be necessary and remains unexpended at the close of business on June

New matter indicated by italics - deletions by strikeout.
30, 2004, from an appropriation heretofore made for such purpose in Article 1, Section 11 of Public Act 93-587, is reappropriated from the School Construction Fund to the Capital Development Board for the State Board of Education for the projects hereinafter enumerated:

**STATEWIDE**

(From Article 1, Section 11 of Public Act 93-587)

Grants for facility construction................. 397,210,828

Section 330. The sum of $210,816,230, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 2, Section 34 of Public Act 93-587, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 335. The sum of $77,517,195, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 2, Section 35 of Public Act 93-587, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 340. The sum of $40,273,862, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 2, Section 36 of Public Act 93-587, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 345. The sum of $7,273,747, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 2, Section 37 of Public Act 93-587, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 350. The sum of $964,824, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 38 of Public Act 93-587, is reappropriated from the School

New matter indicated by italics - deletions by strikeout.
Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law.

Section 355. The sum of $1,223,663, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purposes in Article 2, Section 39 of Public Act 93-587, is reappropriated from the School Infrastructure Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law.

Section 360. The amount of $11,828,001 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 2, Section 40 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Capital Development Board for grants to units of local government and other eligible entities for all costs associated with land acquisition, construction and rehabilitation projects.

Section 365. The sum of $50,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY04, Section 5 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 370. The sum of $46,864,524, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY03, Section 5 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 380. The sum of $29,751,093, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 11 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 385. The sum of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY03, Section 16 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning and construction of a Bio-Medical Research Facility. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 390. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY03, Section 17 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction, and equipment for a Nanofabrication and Molecular Center. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 395. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 6 of Public Act 93-587, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the Field Museum for planning, construction and equipment for a collection research center.

Section 400. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 58 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a

New matter indicated by italics - deletions by strikeout.
grant to Northwestern University for the planning and construction of a biomedical research facility.

Section 405. The amount of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 59 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a biomedical research facility.

Section 410. The amount of $1,100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY02, Section 59a of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a nanofabrication and molecular center.

Section 415. The sum of $1,919,033, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 5, Division FY00, Section 1-3 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for miscellaneous capital improvements to state facilities including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the facilities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Total, Article 99 $2,235,126,843

ARTICLE 100

ILLINOIS COMMERCE COMMISSION

Section 5. The sum of 3,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 15 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Illinois Commerce Commission for train whistle abatement in counties with over 3,000,000 in population, where a public highway crosses a railroad at grade.

Total, Article 100 $3,000,000

ARTICLE 101

New matter indicated by italics - deletions by strikeout.
ENVIRONMENTAL PROTECTION AGENCY

Section 5. The sum of $4,380,100, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from reappropriations heretofore made in Article 1, Section 24 of Public Act 93-96, is reappropriated to the Environmental Protection Agency from the Anti-Pollution Fund for payment of claims submitted, including claims submitted in prior years, to the state and approved for payment under the Leaking Underground Storage Tank Program established in Title XVI of the Environmental Protection Act.

Section 10. The sum of $22,600,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from reappropriations heretofore made for such purpose in Article 1, Section 49 of Public Act 93-96, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for deposit into the Water Revolving Fund.

Section 15. The sum of $11,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made for such purpose in Article 1, Section 49 of Public Act 93-96, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for deposit into the Water Revolving Fund.

Section 20. The sum of $5,848,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 1, Section 50 of Public Act 93-96, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for grants to units of local government for wastewater facilities, pursuant to provisions of the "Anti-Pollution Bond Act."

Section 25. The amount of $69,418,300, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from reappropriations heretofore made for such purposes in Article 5, Division FY86-FY93, Section 10B of Public Act 93-0587, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for wastewater compliance grants to units of local government or sewer systems and wastewater treatment facilities pursuant to procedures and rules established under the Anti-Pollution Bond Act. These grants are limited to projects for which the local government provides at least 30% of the project cost. There is an approved project compliance plan, and there is an enforceable compliance schedule prior to

New matter indicated by italics - deletions by strikeout.
the grant award. The grant award will be based on eligible project cost contained in the approved compliance plan.

Section 30. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made in Article 5, Division FY03, Section 3 of Public Act 93-0587, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 35. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 3 of Public Act 93-0587, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 40. The sum of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 4, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Hazardous Waste Fund for use pursuant to Section 22.2 of the Environmental Protection Act.

Section 45. The sum of $1,766,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY03, Section 25 of Public Act 93-0587, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for grants and contracts for public drinking water infrastructure, including design and construction, where private drinking water wells have been contaminated by a hazardous substance.

Total, Article 101 $129,013,100

ARTICLE 102
HISTORIC PRESERVATION AGENCY

Section 5. The sum of $1,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 5c of Public Act 93-0093, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for a grant to the
Lake County Forest Preserve District for planning, construction and renovation of the Adlai Stevenson Home State Historic Site.

Section 10. The sum of $437,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 12 of Public Act 93-0093, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for costs associated with the acquisition or improvements of Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark Boundary.

Section 15. The sum of $460,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 1, Section 13 of Public Act 93-0093, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for support facilities, acquisition or improvements for Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark Boundary.

Section 20. The sum of $100,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Section 19 of Public Act 93-0587, as amended, is reappropriated from the Build Illinois Bond Fund to the Historic Preservation Agency for repairs, renovation and expansion of historic structures used for training.

Total, Article 102 $1,997,800

ARTICLE 103

ILLINOIS FINANCE AUTHORITY

Section 5. The sum of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 5, Division FY04, Section 14 of Public Act 93-0587, is reappropriated from the Build Illinois Bond Fund to the Illinois Finance Authority for deposit into the Fire Truck Revolving Loan Fund for the purpose of making loans to fire departments, fire protection districts, and township fire departments as successor in interest to the Illinois Rural Bond Bank, pursuant to Section 845-75 of Public Act 93-0205.

Section 10. The sum of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 3, Section 2 of

New matter indicated by italics - deletions by strikeout.
Public Act 93-0587, is reappropriated from the Fire Truck Revolving Loan Fund to the Illinois Finance Authority for loans to fire departments, fire protection districts, and township fire departments as successor in interest to the Illinois Rural Bond Bank, pursuant to Section 845-75 of Public Act 93-0205.

Total, Article 103 $20,000,000

ARTICLE 104
MEDICAL DISTRICT COMMISSION

Section 5. The sum of $10,768, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 3 of Public Act 93-69, is reappropriated from the Capital Development Fund to the Illinois Medical District Commission for acquisition of property, demolition and site improvements, and related costs within the Medical Center District, City of Chicago for Phase III and IV of District Development Initiative.

Section 10. The sum of $1,462,072, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from appropriations heretofore made in Article 1, Section 2 of Public Act 93-69, is reappropriated from the Capital Development Fund to the Illinois Medical District Commission for acquisition of property, demolition and site improvements, and related costs within the Medical Center District, City of Chicago for Phase IV of District Development Initiative.

Section 15. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Sections 10 and 15 of this Article until the purposes and amounts have been approved in writing by the Governor.

Total, Article 104 $1,472,840

ARTICLE 105
ILLINOIS EMERGENCY MANAGEMENT AGENCY

Section 5. The amount of $9,335,600, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Public Act 93-68, Article 1, Section 3, as amended, is reappropriated from the Federal Civil Preparedness Fund to the Illinois Emergency Management Agency for costs associated with a new State Emergency Operations Center.

Total, Article 105 $9,335,600

ARTICLE 106

New matter indicated by italics - deletions by strikeout.
SECTION 5. The sum of $185,946, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 9, Section 10 of Public Act 93-90, is reappropriated from the Capital Development Fund to Eastern Illinois University for digitalization infrastructure for WEIU-TV.

SECTION 10. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 9, Section 15 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University for digitalization infrastructure for WEIU-TV, in addition to amounts previously appropriated for such purpose for this fiscal year. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

SECTION 15. The sum of $5,430,384, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made for such purpose in Article 9, Section 25 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University to purchase equipment for the renovation and expansion of the Fine Arts Center. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purpose and amounts have been approved in writing by the Governor.

SECTION 20. The sum of $408,631, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 9, Section 20 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University to purchase equipment for the renovation and expansion of Booth Library. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 106 $6,124,961

ARTICLE 107

NORTHEASTERN ILLINOIS UNIVERSITY

New matter indicated by italics - deletions by strikeout.
Section 5. The sum of $2,071,805, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 10, Section 15 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of Northeastern Illinois University to purchase equipment and remodel buildings A, B and E. This appropriation is in addition to any funds previously appropriated.

Total, Article 107 $2,071,805

ARTICLE 108
NORTHERN ILLINOIS UNIVERSITY

Section 5. The sum of $532,748, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for that purpose in Article 4, Section 40 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University for technology infrastructure improvements at Northern Illinois University. No contract shall be entered into or obligation incurred for any expenditures from the reappropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 10. The sum of $43,366, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for that purpose in Article 4, Section 45 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University for purchasing Engineering Building equipment.

Total, Article 108 $576,114

ARTICLE 109
SOUTHERN ILLINOIS UNIVERSITY

Section 5. The amount of $42,797, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 70 of Public Act 93-587, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WSIU-TV (Carbondale).

Section 10. The amount of $30,801, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 80 of Public Act 93-587, is reappropriated to Southern Illinois University for digitalization infrastructure for WSIU-TV (Carbondale).

New matter indicated by italics - deletions by strikeout.
University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

Section 15. The amount of $24,133, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 75 of Public Act 93-587, is reapportioned to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

Section 20. The sum of $800,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 4, Section 65 of Public Act 93-587, is reappropriated from the Capital Development Fund to the Board of Trustees of Southern Illinois University at Carbondale to purchase equipment for Altgeld Hall and the Old Baptist Foundation Building. This appropriation is in addition to any funds previously appropriated.

Total, Article 109 $897,731

ARTICLE 110
UNIVERSITY OF ILLINOIS

Section 5. The sum of $17,681,800, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 35 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to construct an education and research facility for the College of Medicine in Chicago, including planning, land acquisition, demolition, construction, remodeling, landscaping, site improvements, equipment, extension or modification of campus utility systems, relocation of programs, and such expenses as may be necessary to complete the facility.

Section 10. The sum of $13,761,948, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from an appropriation heretofore made in Article 4, Section 80 of Public Act 93-90, as amended, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois for all costs associated with the space needs of the Department of Natural Resources, Illinois Natural History Survey Division and State Water Survey Division on the campus of the University of Illinois in Champaign, including construction, capital facilities, planning, relocation, renovation

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and rehabilitation, mechanical systems, materials, services and all other
costs required to complete the work.

Section 15. The sum of $13,916,332, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2004, from an appropriation heretofore made in Article 4, Section 70 of
Public Act 93-90, is reappropriated from the Capital Development Fund to
the Board of Trustees of the University of Illinois to plan and construct an
Education and Research facility for the College of Medicine in Chicago,
including planning, land acquisition, demolition, construction, remodeling,
landscaping, site improvements, equipment, extension or modification of
campus utility systems, relocation of programs, and such expenses as may
be necessary to complete the facility. This appropriation is in addition to
any other funds appropriated for this purpose for this fiscal year.

Section 20. The sum of $446,170, or so much thereof as may be
necessary and remains unexpended on June 30, 2004, from a
reappropriation heretofore made for such purpose in Article 4, Section 60
of Public Act 93-90, is reappropriated from the Capital Development Fund
to the University of Illinois for digitalization infrastructure for WILL-TV
(Urbana-Champaign).

Section 25. The sum of $814,444, or so much thereof as may be
necessary and remains unexpended on June 30, 2004, from a
reappropriation heretofore made for such purpose in Article 4, Section 55
of Public Act 93-90, is reappropriated from the Capital Development Fund
to the University of Illinois for digitalization infrastructure for WILL-TV
(Urbana-Champaign).

Section 30. The sum of $814,444, or so much thereof as may be
necessary and remains unexpended on June 30, 2004, from an
appropriation heretofore made for such purpose in Article 4, Section 65 of
Public Act 93-90, is reappropriated from the Capital Development Fund to
the University of Illinois for digitalization infrastructure for WELL-TV
(Urbana-Champaign).

Section 35. The sum of $13,752,813, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2004, from an appropriation heretofore made in Article 4, Section 75 of
Public Act 93-90, is reappropriated from the Capital Development Fund to
the Board of Trustees of the University of Illinois to plan and construct a
Classroom and Office Building at the Springfield Campus and related
utility systems, including planning, land acquisition, demolition,
construction, remodeling, landscaping, site improvements, equipment,

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extension or modification of campus utility systems, and such expenses as may be necessary to complete the facility. This appropriation is in addition to any other funds appropriated for this purpose for this fiscal year.

Section 40. The sum of $52,953, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 4, Section 30 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to plan for all aspects of construction and to acquire and develop land, including demolition, landscaping, site improvements, extension and modification of campus utility systems, relocation of programs, and such other expenses as may be necessary to construct a College of Medicine building in Chicago.

Section 45. The sum of $12,291,197, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from an appropriation heretofore made for such purpose in Article 4, Section 50 of Public Act 93-90, is reappropriated from the Capital Development Fund to the University of Illinois at Springfield for constructing a classroom and office building, in addition to funds previously appropriated.

Section 50. The sum of $44,998, or so much thereof as may be necessary and remains unexpended on June 30, 2004, from an appropriation heretofore made for such purpose in Article 4, Section 45 of Public Act 93-90, is reappropriated from the Capital Development Fund to the University of Illinois for planning, construction, and equipment for a computer science in engineering facility.

Total, Article 110

ARTICLE 111
ILLINOIS COMMUNITY COLLEGE BOARD

Section 5. The sum of $73,396, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation made for such purpose in Article 3, Section 10 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Illinois Community College Board for distribution as grants to community colleges for technology infrastructure improvements. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 10. The sum of $143,525, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2004, from a reappropriation made for such purpose in Article 3, Section 5 of Public Act 93-90, is reappropriated from the Capital Development Fund to the Illinois Community College Board for distribution as grants to community colleges for technology infrastructure improvements. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 15. The sum of $2,178,358, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2004, from a reappropriation heretofore made for such purpose in Article 5, Division FY00, Section 1-2 of Public Act 93-587, as amended, is reappropriated from the Build Illinois Bond Fund for the Illinois Community College Board for remodeling of facilities for compliance with the Americans with Disabilities Act. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Total, Article 111 $2,395,279

ARTICLE 999

Section 999-99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0843

(Home Bill No. 3922)

AN ACT in relation to aging.

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

Section 5. The Senior Pharmaceutical Assistance Act is amended by changing Section 15 as follows:

(320 ILCS 50/15)

Sec. 15. Senior Pharmaceutical Assistance Review Committee.
(a) The Senior Pharmaceutical Assistance Review Committee is created. The Committee shall consist of 17 members as follows:

(1) Twelve members appointed as follows: 2 members of the General Assembly and 1 member of the general public, appointed by the President of the Senate; 2 members of the General

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Assembly and 1 member of the general public, appointed by the Minority Leader of the Senate; 2 members of the General Assembly and 1 member of the general public, appointed by the Speaker of the House of Representatives; and 2 members of the General Assembly and 1 member of the general public, appointed by the Minority Leader of the House of Representatives. These members shall serve at the pleasure of the appointing authority.

(2) The Director of Aging or his or her designee.
(3) The Director of Revenue or his or her designee.
(4) The Director of Public Aid or his or her designee.
(5) The Secretary of Human Services or his or her designee.
(6) The Director of Public Health or his or her designee.

(b) Members appointed from the general public shall represent the following associations, organizations, and interests: statewide membership-based senior advocacy organizations, pharmaceutical manufacturers, pharmacists, dispensing pharmacies, physicians, and providers of services to senior citizens. No single organization may have more than one representative appointed as a member from the general public.

c) The President of the Senate and Speaker of the House of Representatives shall each designate one member of the Committee to serve as co-chairs.

d) Committee members shall serve without compensation or reimbursement for expenses.

e) The Committee shall meet at the call of the co-chairs, but at least quarterly.

f) The Committee may conduct public hearings to gather testimony from interested parties regarding pharmaceutical assistance for Illinois seniors, including changes to existing and proposed programs.

g) The Committee may advise appropriate State agencies regarding the establishment of proposed programs or changes to existing programs. The State agencies shall take into consideration any recommendations made by the Committee.

(h) The Committee shall report to the General Assembly and the Governor annually or as it deems necessary regarding proposed or recommended changes to pharmaceutical assistance programs that benefit Illinois seniors and any associated costs of those changes.

(i) In the event that a prescription drug benefit is added to the federal Medicare program, the Committee shall make recommendations...
for the realignment of State-operated senior prescription drug programs so that Illinois residents qualify for at least substantially the same level of benefits available to them prior to implementation of the Medicare prescription drug benefit, provided that a resident remains eligible for such a State-operated program. The Committee shall report its recommendations to the General Assembly and the Governor by January 1, 2005.

(Source: P.A. 92-594, eff. 6-27-02.)

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


PUBLIC ACT 93-0844
(House Bill No. 4055)

AN ACT in relation to alcoholic liquor.

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

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all applicable local ordinances in any incorporated area of the township. Alcoholic liquor may be delivered to and sold under the authority of a special use permit on any property owned by a conservation district organized under the Conservation District Act, provided that (i) the alcoholic liquor is sold only at an event authorized by the governing board of the conservation district, (ii) the issuance of the special use permit is authorized by the local liquor control commissioner of the territory in

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which the property is located, and (iii) the special use permit authorizes the sale of alcoholic liquor for one day or less. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport,

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golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings

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of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons; and

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons;

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(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Alcoholic liquor may be served or delivered in buildings and facilities under the control of the Department of Natural Resources upon the written approval of the Director of Natural Resources acting as the controlling government authority. The Director of Natural Resources may specify conditions on that approval, including but not limited to requirements for insurance and hours of operation. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane

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County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

New matter indicated by italics - deletions by strikeout.
The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

a. the request is from a not-for-profit organization;

b. such sales would not impede normal operations of the departments involved;

c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;

d. no such sale shall be made during normal working hours of the State of Illinois; and

e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

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Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

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a. Obtains written consent from the controlling government authority;
   b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;
   c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;
   d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Sites and Preservation Division of the Historic Preservation Agency shall be the Director of the Historic Sites and Preservation, and the controlling government authority for the Abraham Lincoln Presidential Library and Museum shall be the Director of the Abraham Lincoln Presidential Library and Museum.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago, subject to the provisions of Section 7.4 of the State Property Control Act, and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease or sublease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

   a. Obtains written consent from the Department of Central Management Services;

New matter indicated by italics - deletions by strikeout.
b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment.
establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivers in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

(Source: P.A. 92-512, eff. 1-1-02; 92-583, eff. 6-26-02; 92-600, eff. 7-1-02; 93-19, eff. 6-20-03; 93-103, eff. 1-1-04; revised 8-1-03.)

(Text of Section after amendment by P.A. 93-627)

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all

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applicable local ordinances in any incorporated area of the township.

Alcoholic liquor may be delivered to and sold under the authority of a special use permit on any property owned by a conservation district organized under the Conservation District Act, provided that (i) the alcoholic liquor is sold only at an event authorized by the governing board of the conservation district, (ii) the issuance of the special use permit is authorized by the local liquor control commissioner of the territory in which the property is located, and (iii) the special use permit authorizes the sale of alcoholic liquor for one day or less. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of

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Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years.

Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations.

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regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons; and

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

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(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons;

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Alcoholic liquor may be served or delivered in buildings and facilities under the control of the Department of Natural Resources upon the written approval of the Director of Natural Resources acting as the controlling government authority. The Director of Natural Resources may specify conditions on that approval, including but not limited to requirements for insurance and hours of operation. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to

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save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX. Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Sites and Preservation Division of the Historic...
Preservation Agency or the Abraham Lincoln Presidential Library and Museum, and
c. the alcoholic liquors are sold by the lodge or restaurant
concessionaire only during the hours from 11 o'clock a.m. until 12
o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not
authorize the establishment and operation of facilities commonly called
taverns, saloons, bars, cocktail lounges, and the like except as a part of
lodge and restaurant facilities in State parks or golf courses owned by
Forest Preserve Districts with a population of less than 3,000,000 or
municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield
Administration Building of the Department of Transportation and the
Illinois State Armory in Springfield; provided, that the controlling
government authority may consent to such sales only if
a. the request is from a not-for-profit organization;
b. such sales would not impede normal operations of the
departments involved;
c. the not-for-profit organization provides dram shop
liability in maximum insurance coverage limits and agrees to
defend, save harmless and indemnify the State of Illinois from all
financial loss, damage or harm;
d. no such sale shall be made during normal working hours
of the State of Illinois; and
e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational
areas of river conservancy districts under the control of, or leased from, the
river conservancy districts. Such sales are subject to reasonable local
regulations as provided in Article IV; however, no such regulations may
prohibit or substantially impair the sale of alcoholic liquors on Sundays or
Holidays.

Alcoholic liquors may be provided in long term care facilities
owned or operated by a county under Division 5-21 or 5-22 of the
Counties Code, when approved by the facility operator and not in conflict
with the regulations of the Illinois Department of Public Health, to
residents of the facility who have had their consumption of the alcoholic
liquors provided approved in writing by a physician licensed to practice
medicine in all its branches.

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Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale or dispensing is by (1) an agency of the State, whether

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legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Sites and Preservation Division of the Historic Preservation Agency shall be the Director of the Historic Sites and Preservation, and the controlling government authority for the Abraham Lincoln Presidential Library and Museum shall be the Director of the Abraham Lincoln Presidential Library and Museum.

Alcoholic liquors may be delivered to and sold at retail or dispensed for consumption at the Michael Bilandic Building at 160 North LaSalle Street, Chicago IL 60601, after the normal business hours of any day care or child care facility located in the building, by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who accepts delivery of, sells, or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify, and save harmless the State of Illinois from all financial loss, damage, or harm arising out of the delivery, sale, or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial, or executive, provided that such agency first obtains written permission to accept delivery of and sell or dispense alcoholic liquors.

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from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. obtains written consent from the Department of Central Management Services;

b. accepts delivery of and sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. accepts delivery of and sells or dispenses alcoholic liquors only in connection with an official activity in the building; and

d. provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless, and indemnify the State of Illinois from all financial loss, damage, or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago, subject to the provisions of Section 7.4 of the State Property Control Act, and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease or sublease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

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b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
   c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
   d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

   a. Obtains written consent from the Department of Central Management Services;
   b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
   c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
   d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering

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establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

Alcoholic liquors may be delivered to and sold at the Louis Joliet Renaissance Center, City Center Campus, located at 214 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts Department facilities, Main Campus, located at 1215 Houbolt Road, Joliet, owned by or under the control of Joliet Junior College, Illinois Community College District No. 525.

(Source: P.A. 92-512, eff. 1-1-02; 92-583, eff. 6-26-02; 92-600, eff. 7-1-02; 93-19, eff. 6-20-03; 93-103, eff. 1-1-04; 93-627, eff. 6-1-04; revised 1-12-04.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or

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no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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


PUBLIC ACT 93-0845
(Senate Bill No. 2349)

AN ACT regarding schools.

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

Section 5. The School Code is amended by changing Sections 2-3.33 and 2-3.84 as follows:

(105 ILCS 5/2-3.33) (from Ch. 122, par. 2-3.33)
Sec. 2-3.33. Recomputation of claims. To recompute within 3 years from the final date for filing of a claim any claim for reimbursement to any school district if the claim has been found to be incorrect and to adjust subsequent claims accordingly, and to recompute and adjust any such claims within 6 years from the final date for filing when there has been an adverse court or administrative agency decision on the merits affecting the tax revenues of the school district. However, no such adjustment shall be made regarding equalized assessed valuation unless the district's equalized assessed valuation is changed by greater than $250,000 or 2%.

Except in the case of an adverse court or administrative agency decision no recomputation of a State aid claim shall be made pursuant to this Section as a result of a reduction in the assessed valuation of a school district from the assessed valuation of the district reported to the State Board of Education by the Department of Revenue under Section 18-8.05 unless the requirements of Section 16-15 of the Property Tax Code and Section 2-3.84 of this Code Act are complied with in all respects.

This paragraph applies to all requests for recomputation of a general State aid claim received after June 30, 2003. In recomputing a general State aid claim that was originally calculated using an extension
limitation equalized assessed valuation under paragraph (3) of subsection (G) of Section 18-8.05 of this Code, a qualifying reduction in equalized assessed valuation shall be deducted from the extension limitation equalized assessed valuation that was used in calculating the original claim.

From the total amount of general State aid to be provided to districts, adjustments as a result of recomputation under this Section together with adjustments under Section 2-3.84 must not exceed $25 million, in the aggregate for all districts under both Sections combined, of the general State aid appropriation in any fiscal year; if necessary, amounts shall be prorated among districts. If it is necessary to prorate claims under this paragraph, then that portion of each prorated claim that is approved but not paid in the current fiscal year may be resubmitted as a valid claim in the following fiscal year.

(105 ILCS 5/2-3.84) (from Ch. 122, par. 2-3.84)

Sec. 2-3.84. In calculating the amount of State aid to be apportioned to the various school districts in this State, the State Board of Education shall incorporate and deduct the total aggregate adjustments to assessments made by the State Property Tax Appeal Board or Cook County Board of Appeals, as reported pursuant to Section 16-15 of the Property Tax Code or Section 129.1 of the Revenue Act of 1939 by the Department of Revenue, from the equalized assessed valuation that is otherwise to be utilized in the initial calculation.

From the total amount of general State aid to be provided to districts, adjustments under this Section together with adjustments as a result of recomputation under Section 2-3.33 must not exceed $25 million, in the aggregate for all districts under both Sections combined, of the general State aid appropriation in any fiscal year; if necessary, amounts shall be prorated among districts. If it is necessary to prorate claims under this paragraph, then that portion of each prorated claim that is approved but not paid in the current fiscal year may be resubmitted as a valid claim in the following fiscal year.

(105 ILCS 5/2-3.84) (from Ch. 122, par. 2-3.84)


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PUBLIC ACT 93-0846
(Senate Bill No. 3184)

AN ACT concerning vehicles.

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 3-623, 3-626, and 3-806.3 as follows:

(625 ILCS 5/3-623) (from Ch. 95 1/2, par. 3-623)

Sec. 3-623. Purple Heart Plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to recipients awarded the Purple Heart by a branch of the armed forces of the United States who reside in Illinois, special registration plates. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division, including motorcycles, or motor vehicles of the 2nd division weighing not more than 8,000 pounds.

The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the appropriate registration fee shall accompany the application. However, for an individual who has been issued Purple Heart plates for a vehicle and who has been approved for benefits claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, the annual fee for the registration of the vehicle shall be as provided in Section 3-806.3 of this Code.

(Source: P.A. 91-25, eff. 6-9-99; 92-82, eff. 1-1-02; 92-699, eff. 1-1-03.)

(625 ILCS 5/3-626)

Sec. 3-626. Korean War Veteran license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as Korean War Veteran license plates to residents of Illinois who participated in the United States Armed Forces during the Korean War. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this

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Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. Of this additional fee, $13 shall be deposited into the Secretary of State Special License Plate Fund and $2 shall be deposited into the Korean War Memorial Construction Fund.

(d) The Korean War Memorial Construction Fund is created as a special fund in the State treasury. All moneys in the Korean War Memorial Construction Fund shall, subject to appropriation, be used by the Department of Veteran Affairs to provide grants for construction of the Korean War Memorial to be located at Oak Ridge Cemetery in Springfield, Illinois. Upon the completion of the Memorial, the Department of Veteran Affairs shall certify to the State Treasurer that the construction of the Memorial has been completed. Upon the certification by the Department of Veteran Affairs, the State Treasurer shall transfer all moneys in the Fund and any future deposits into the Fund into the Secretary of State Special License Plate Fund.

(e) An individual who has been issued Korean War Veteran license plates for a vehicle and who has been approved for benefits claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act shall pay the original issuance and the regular annual fee for the registration of the vehicle as provided in Section 3-806.3 of this Code in addition to the fees specified in subsection (c) of this Section.

(Source: P.A. 92-545, eff. 6-12-02; 93-140, eff. 1-1-04.)

(625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)
Sec. 3-806.3. Senior Citizens.

Commencing with the 2001 registration year and extending through the 2003 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act

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or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, motor vehicles registered at 8,000 pounds or less under Section 3-815(a) and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2004 registration year and extending through the 2005 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2006 registration year, the registration fee paid by any vehicle owner who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

No more than one reduced registration fee under this Section shall be allowed during any 12 month period based on the primary eligibility of

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any individual, whether such reduced registration fee is allowed to the individual or to the spouse, widow or widower of such individual. This Section does not apply to the fee paid in addition to the registration fee for motor vehicles displaying vanity or special license plates.

(Source: P.A. 91-37, eff. 7-1-99; 92-651, eff. 7-11-02; 92-699, eff. 1-1-03.)

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


PUBLIC ACT 93-0847
(House Bill No. 0629)

AN ACT in relation to elections.

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

Section 5. The Election Code is amended by changing Sections 4-8, 5-7, 6-35, 7-8, 7-9, 7-41, 9-1.5, 9-1.7, 9-1.8, 9-1.9, 9-1.14, 9-9.5, 10-14, 12-5, 17-29, 19-2.2, 21-2, 22-1, 22-3, 22-7, 22-8, and 22-17 and by adding Section 1A-19 as follows:

(10 ILCS 5/1A-19 new)

Sec. 1A-19. Effect of extension of canvassing period on terms of public offices and official acts.

(a) Notwithstanding any law to the contrary, if the proclamation of election results for an elected office has not been issued by the date of the commencement of the term of that elected office because of the extension of canvassing periods under this amendatory Act of the 93rd General Assembly, then the term of the elected office shall commence on a date 14 days after the proclamation of election results is issued for that elected office.

(b) If subsection (a) applies to the commencement date of an elected official’s term, and if the elected official is authorized or required by law to perform an official act by a date occurring before the commencement of his or her term of office, including but not limited to holding an organizational meeting of the public body to which the public official is elected, then notwithstanding any law to the contrary the date by

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which the act shall be performed shall be a date 14 days after the date otherwise established by law.

(c) Notwithstanding any other provision of this Section or of this Code to the contrary, the terms of office for Supreme, Appellate, and Circuit Judges commence on the first Monday in December following their election or retention. Judicial election results must be proclaimed before that date.

(10 ILCS 5/4-8) (from Ch. 46, par. 4-8)
Sec. 4-8. The county clerk shall provide a sufficient number of blank forms for the registration of electors, which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant. Where the location cannot be determined by street and number, then the section, congressional township and range number may be used, or such other description as may be necessary, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and precinct. This information shall be furnished by the applicant stating the place or places where he resided and the dates during which he resided in such place or places during the year next preceding the date of the next ensuing election.

Nativity. The state or country in which the applicant was born.

New matter indicated by italics - deletions by strikeout.
Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and duplicate registration record cards.

Signature of deputy registrar or officer of registration.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided on the back or at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name.

Mother's first name.

From what address did the applicant last register?

Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

STATE OF ILLINOIS
COUNTY OF ........

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my residence; that I am fully qualified to vote, and that the above statements are true.

..........................

(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

..........................

Signature of registration officer.
(To be signed in presence of registrant.)

New matter indicated by italics - deletions by strikeout.
Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to precincts, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain

New matter indicated by italics - deletions by strikeout.
compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act and to governmental entities, at their request and at a reasonable cost. Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees at their request and at a reasonable cost. To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited. Copies of the tapes, discs, or other electronic data shall be furnished by the county clerk to local political committees and governmental entities at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

New matter indicated by italics - deletions by strikeout.
The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois. (or)
To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was ...................... Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.
Dated at ...., Illinois, on (insert date).

.................................
(Signature of Voter)

Attest: ............... County Clerk, ...........
County, Illinois.

The cancellation certificate shall be mailed immediately by the County Clerk to the County Clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.
(Source: P.A. 92-465, eff. 1-1-02; 92-816, eff. 8-21-02; 93-574, eff. 8-21-03.)

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

Sec. 5-7. The county clerk shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.
The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct. Which questions may be answered by the applicant stating, in excess of 30 days in the State and in excess of 30 days in the precinct.

Nativity. The State or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on the original and duplicate registration record card.

Signature of Deputy Registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name ....................
Mother's first name ....................

New matter indicated by italics - deletions by strikeout.
From what address did you last register?
Reason for inability to sign name.
Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION
State of Illinois)
)ss
County of )

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days; that I am fully qualified to vote. That I intend that this location shall be my residence and that the above statements are true.

.......................................................... (His or her signature or mark)

Subscribed and sworn to before me on (insert date).

..........................................................
Signature of Registration Officer.
(To be signed in presence of Registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to towns and precincts, wards, cities and villages, as the case may be, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall

New matter indicated by italics - deletions by strikeout.
post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act and to governmental entities, at their request and at a reasonable cost. To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited. Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees and governmental entities at their request and at a reasonable cost. Reasonable cost of the tapes, discs, etcetera for this

New matter indicated by italics - deletions by strikeout.
purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois. To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was ....

Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.

Dated at .... Illinois, on (insert date).

....................

(Signature of Voter)

New matter indicated by italics - deletions by strikeout.
Attest ......., County Clerk, ....... County, Illinois.

The cancellation certificate shall be mailed immediately by the county clerk to the county clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 92-465, eff. 1-1-02; 92-816, eff. 8-21-02; 93-574, eff. 8-21-03.)

(10 ILCS 5/6-35) (from Ch. 46, par. 6-35)

Sec. 6-35. The Boards of Election Commissioners shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate. The duplicate of which may be a carbon copy of the original or a copy of the original made by the use of other method or material used for making simultaneous true copies or duplications.

The registration record card shall contain the following and such other information as the Board of Election Commissioners may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

New matter indicated by italics - deletions by strikeout.
Date of application for registration, i.e., the day, month and year when the applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and the duplicate registration record card.

Signature of deputy registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the registration officer shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name .........................
Mother's first name .........................
From what address did you last register? ....
Reason for inability to sign name ...........

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Illinois )
)ss
County of ....... )

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next election I shall have resided in the State of Illinois and in the election precinct 30 days and that I intend that this location is my residence; that I am fully qualified to vote, and that the above statements are true.

........................................
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

........................................
Signature of registration officer
(to be signed in presence of registrant).

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

New matter indicated by italics - deletions by strikeout.
Each registration record card shall be numbered according to wards or precincts, as the case may be, and may be serially or otherwise marked for identification in such manner as the Board of Election Commissioners may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the Board of Election Commissioners within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the State Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election

New matter indicated by italics - deletions by strikeout.
authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $0.0034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act and to governmental entities, at their request and at a reasonable cost. To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited. Copies of the tapes, discs or other electronic data shall be furnished by the Board of Election Commissioners to local political committees and governmental entities at their request and at a reasonable cost. Reasonable cost of the tapes, discs, etcetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for

New matter indicated by italics - deletions by strikeout.
uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois.
To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was .... Having moved out of your (county), (city), I hereby authorize you to cancel that registration in your office.

Dated at ...., Illinois, on (insert date).

................................
(Signature of Voter
Attest ...., Clerk, Election Commission of the City of ...., Illinois.

The cancellation certificate shall be mailed immediately by the clerk of the Election Commission to the county clerk, (or Election Commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 92-465, eff. 1-1-02; 92-816, eff. 8-21-02; 93-574, eff. 8-21-03.)

(10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

Sec. 7-8. The State central committee shall be composed of one or two members from each congressional district in the State and shall be elected as follows:

State Central Committee

(a) Within 30 days after the effective date of this amendatory Act of 1983 the State central committee of each political party shall certify to the State Board of Elections which of the following alternatives it wishes to apply to the State central committee of that party.

Alternative A. At the primary held on the third Tuesday in March 1970, and at the primary held every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The candidate receiving the highest number of votes shall be declared elected State
central committeeman from the district. A political party may, in lieu of the foregoing, by a majority vote of delegates at any State convention of such party, determine to thereafter elect the State central committeemen in the manner following:

At the county convention held by such political party State central committeemen shall be elected in the same manner as provided in this Article for the election of officers of the county central committee, and such election shall follow the election of officers of the county central committee. Each elected ward, township or precinct committeeman shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party. In the case of a county lying partially within one congressional district and partially within another congressional district, each ward, township or precinct committeeman shall vote only with respect to the congressional district in which his ward, township, part of a township or precinct is located. In the case of a congressional district which encompasses more than one county, each ward, township or precinct committeeman residing within the congressional district shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party for one candidate of his party for member of the State central committee for the congressional district in which he resides and the Chairman of the county central committee shall report the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

The State central committee shall adopt rules to provide for and govern the procedures to be followed in the election of members of the State central committee.

After the effective date of this amendatory Act of the 91st General Assembly, whenever a vacancy occurs in the office of Chairman of a State central committee, or at the end of the term of office of Chairman, the State central committee of each political party that has selected Alternative A shall elect a Chairman who shall not be required to be a member of the State Central Committee. The Chairman shall be a registered voter in this State and of the same political party as the State central committee.

Alternative B. Each congressional committee shall, within 30 days after the adoption of this alternative, appoint a person of the sex opposite that of the incumbent member for that congressional district to serve as an

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additional member of the State central committee until his or her successor is elected at the general primary election in 1986. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section. In each congressional district at the general primary election held in 1986 and every 4 years thereafter, the male candidate receiving the highest number of votes of the party's male candidates for State central committeeman, and the female candidate receiving the highest number of votes of the party's female candidates for State central committeewoman, shall be declared elected State central committeeman and State central committeewoman from the district. At the general primary election held in 1986 and every 4 years thereafter, if all a party's candidates for State central committeemen or State central committeewomen from a congressional district are of the same sex, the candidate receiving the highest number of votes shall be declared elected a State central committeeman or State central committeewoman from the district, and, because of a failure to elect one male and one female to the committee, a vacancy shall be declared to exist in the office of the second member of the State central committee from the district. This vacancy shall be filled by appointment by the congressional committee of the political party, and the person appointed to fill the vacancy shall be a resident of the congressional district and of the sex opposite that of the committeeman or committeewoman elected at the general primary election. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section.

The Chairman of a State central committee composed as provided in this Alternative B must be selected from the committee's members.

Except as provided for in Alternative A with respect to the selection of the Chairman of the State central committee, under both of the foregoing alternatives, the State central committee of each political party shall be composed of members elected or appointed from the several congressional districts of the State, and of no other person or persons whatsoever. The members of the State central committee shall, within 30 days after each quadrennial election of the full committee, meet in the city of Springfield and organize by electing a chairman, and may at such time elect such officers from among their own number (or otherwise), as they may deem necessary or expedient. The outgoing chairman of the State central committee of the party shall, 10 days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting. In the organization and proceedings of the

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State central committee, each State central committeeman and State central committeewoman shall have one vote for each ballot voted in his or her congressional district by the primary electors of his or her party at the primary election immediately preceding the meeting of the State central committee. Whenever a vacancy occurs in the State central committee of any political party, the vacancy shall be filled by appointment of the chairmen of the county central committees of the political party of the counties located within the congressional district in which the vacancy occurs and, if applicable, the ward and township committeemen of the political party in counties of 2,000,000 or more inhabitants located within the congressional district. If the congressional district in which the vacancy occurs lies wholly within a county of 2,000,000 or more inhabitants, the ward and township committeemen of the political party in that congressional district shall vote to fill the vacancy. In voting to fill the vacancy, each chairman of a county central committee and each ward and township committeeman in counties of 2,000,000 or more inhabitants shall have one vote for each ballot voted in each precinct of the congressional district in which the vacancy exists of his or her county, township, or ward cast by the primary electors of his or her party at the primary election immediately preceding the meeting to fill the vacancy in the State central committee. The person appointed to fill the vacancy shall be a resident of the congressional district in which the vacancy occurs, shall be a qualified voter, and, in a committee composed as provided in Alternative B, shall be of the same sex as his or her predecessor. A political party may, by a majority vote of the delegates of any State convention of such party, determine to return to the election of State central committeeman and State central committeewoman by the vote of primary electors. Any action taken by a political party at a State convention in accordance with this Section shall be reported to the State Board of Elections by the chairman and secretary of such convention within 10 days after such action.

Ward, Township and Precinct Committeemen

(b) At the primary held on the third Tuesday in March, 1972, and every 4 years thereafter, each primary elector in cities having a population of 200,000 or over may vote for one candidate of his party in his ward for ward committeeman. Each candidate for ward committeeman must be a resident of and in the ward where he seeks to be elected ward committeeman. The one having the highest number of votes shall be such ward committeeman of such party for such ward. At the primary election.

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held on the third Tuesday in March, 1970, and every 4 years thereafter, each primary elector in counties containing a population of 2,000,000 or more, outside of cities containing a population of 200,000 or more, may vote for one candidate of his party for township committeeman. Each candidate for township committeeman must be a resident of and in the township or part of a township (which lies outside of a city having a population of 200,000 or more, in counties containing a population of 2,000,000 or more), and in which township or part of a township he seeks to be elected township committeeman. The one having the highest number of votes shall be such township committeeman of such party for such township or part of a township. At the primary held on the third Tuesday in March, 1970 and every 2 years thereafter, each primary elector, except in counties having a population of 2,000,000 or over, may vote for one candidate of his party in his precinct for precinct committeeman. Each candidate for precinct committeeman must be a bona fide resident of the precinct where he seeks to be elected precinct committeeman. The one having the highest number of votes shall be such precinct committeeman of such party for such precinct. The official returns of the primary shall show the name of the committeeman of each political party.

Terms of Committeemen. All precinct committeemen elected under the provisions of this Article shall continue as such committeemen until the date of the primary to be held in the second year after their election. Except as otherwise provided in this Section for certain State central committeemen who have 2 year terms, all State central committeemen, township committeemen and ward committeemen shall continue as such committeemen until the date of primary to be held in the fourth year after their election. However, a vacancy exists in the office of precinct committeeman when a precinct committeeman ceases to reside in the precinct in which he was elected and such precinct committeeman shall thereafter neither have nor exercise any rights, powers or duties as committeeman in that precinct, even if a successor has not been elected or appointed.

(c) The Multi-Township Central Committee shall consist of the precinct committeemen of such party, in the multi-township assessing district formed pursuant to Section 2-10 of the Property Tax Code and shall be organized for the purposes set forth in Section 45-25 of the Township Code. In the organization and proceedings of the Multi-Township Central Committee each precinct committeeman shall have one

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vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected.

County Central Committee
(d) The county central committee of each political party in each county shall consist of the various township committeemen, precinct committeemen and ward committeemen, if any, of such party in the county. In the organization and proceedings of the county central committee, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected; each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee; and in the organization and proceedings of the county central committee, each ward committeeman shall have one vote for each ballot voted in his ward by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee.

Cook County Board of Review Election District Committee
(d-1) Each board of review election district committee of each political party in Cook County shall consist of the various township committeemen and ward committeemen, if any, of that party in the portions of the county composing the board of review election district. In the organization and proceedings of each of the 3 election district committees, each township committeeman shall have one vote for each ballot voted in his or her township or part of a township, as the case may be, by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee; and in the organization and proceedings of each of the 3 election district committees, each ward committeeman shall have one vote for each ballot voted in his or her ward or part of that ward, as the case may be, by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee.

Congressional Committee
(e) The congressional committee of each party in each congressional district shall be composed of the chairmen of the county central committees of the counties composing the congressional district,

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except that in congressional districts wholly within the territorial limits of one county, or partly within 2 or more counties, but not coterminous with the county lines of all of such counties, the precinct committee men, township committee men and ward committeemen, if any, of the party representing the precincts within the limits of the congressional district, shall compose the congressional committee. A State central committeeman in each district shall be a member and the chairman or, when a district has 2 State central committeemen, a co-chairman of the congressional committee, but shall not have the right to vote except in case of a tie.

In the organization and proceedings of congressional committees composed of precinct committee men or township committeemen or ward committeemen, or any combination thereof, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected, each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee, and each ward committeeman shall have one vote for each ballot voted in each precinct of his ward located in such congressional district by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee; and in the organization and proceedings of congressional committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee.

Judicial District Committee

(f) The judicial district committee of each political party in each judicial district shall be composed of the chairman of the county central committees of the counties composing the judicial district.

In the organization and proceedings of judicial district committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the judicial district committee.

Circuit Court Committee

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(g) The circuit court committee of each political party in each judicial circuit outside Cook County shall be composed of the chairmen of the county central committees of the counties composing the judicial circuit.

In the organization and proceedings of circuit court committees, each chairman of a county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the circuit court committee.

Judicial Subcircuit Committee

(g-1) The judicial subcircuit committee of each political party in each judicial subcircuit in a judicial circuit divided into subcircuits shall be composed of (i) the ward and township committeemen of the townships and wards composing the judicial subcircuit in Cook County and (ii) the precinct committeemen of the precincts composing the judicial subcircuit in any county other than Cook County.

In the organization and proceedings of each judicial subcircuit committee, each township committeeman shall have one vote for each ballot voted in his township or part of a township, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; each precinct committeeman shall have one vote for each ballot voted in his precinct or part of a precinct, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; and each ward committeeman shall have one vote for each ballot voted in his ward or part of a ward, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee.

Municipal Central Committee

(h) The municipal central committee of each political party shall be composed of the precinct, township or ward committeemen, as the case may be, of such party representing the precincts or wards, embraced in such city, incorporated town or village. The voting strength of each precinct, township or ward committeeman on the municipal central committee shall be the same as his voting strength on the county central committee.

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For political parties, other than a statewide political party, established only within a municipality or township, the municipal or township managing committee shall be composed of the party officers of the local established party. The party officers of a local established party shall be as follows: the chairman and secretary of the caucus for those municipalities and townships authorized by statute to nominate candidates by caucus shall serve as party officers for the purpose of filling vacancies in nomination under Section 7-61; for municipalities and townships authorized by statute or ordinance to nominate candidates by petition and primary election, the party officers shall be the party's candidates who are nominated at the primary. If no party primary was held because of the provisions of Section 7-5, vacancies in nomination shall be filled by the party's remaining candidates who shall serve as the party's officers.

Powers

(i) Each committee and its officers shall have the powers usually exercised by such committees and by the officers thereof, not inconsistent with the provisions of this Article. The several committees herein provided for shall not have power to delegate any of their powers, or functions to any other person, officer or committee, but this shall not be construed to prevent a committee from appointing from its own membership proper and necessary subcommittees.

(j) The State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section shall adopt a plan to give effect to the delegate selection rules of the national political party and file a copy of such plan with the State Board of Elections when approved by a national political party.

(k) For the purpose of the designation of a proxy by a Congressional Committee to vote in place of an absent State central committeeman or committeewoman at meetings of the State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section, the proxy shall be appointed by the vote of the ward and township committeemen, if any, of the wards and townships which lie entirely or partially within the Congressional District from which the absent State central committeeman or committeewoman was elected and the vote of the chairmen of the county central committees of those counties which lie entirely or partially within that Congressional District and in which there are no ward or township committeemen. When voting for such proxy the county chairman, ward committeeman or township committeeman, as the case may be shall have one vote for each

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ballot voted in his county, ward or township, or portion thereof within the Congressional District, by the primary electors of his party at the primary at which he was elected. However, the absent State central committeeeman or committeewoman may designate a proxy when permitted by the rules of a political party which elects its members by Alternative B under paragraph (a) of this Section.

Notwithstanding any law to the contrary, a person is ineligible to hold the position of committeeperson in any committee established pursuant to this Section if he or she is statutorily ineligible to vote in a general election because of conviction of a felony. When a committeeperson is convicted of a felony, the position occupied by that committeeperson shall automatically become vacant.

(Source: P.A. 93-541, eff. 8-18-03; 93-574, eff. 8-21-03; revised 9-22-03.)

(10 ILCS 5/7-9) (from Ch. 46, par. 7-9)

Sec. 7-9. County central committee; county and State conventions.

(a) On the 29th day second Monday next succeeding the primary at which committeeemen are elected, the county central committee of each political party shall meet within at the county seat of the proper county and proceed to organize by electing from its own number a chairman and either from its own number, or otherwise, such other officers as such committee may deem necessary or expedient. Such meeting of the county central committee shall be known as the county convention.

The chairman of each county committee shall within 10 days after the organization, forward to the State Board of Elections, the names and post office addresses of the officers, precinct committee and representative committeeemen elected by his political party.

The county convention of each political party shall choose delegates to the State convention of its party; but in any county having within its limits any city having a population of 200,000, or over the delegates from such city shall be chosen by wards, the ward committeeemen from the respective wards choosing the number of delegates to which such ward is entitled on the basis prescribed in paragraph (e) of this Section such delegates to be members of the delegation to the State convention from such county. In all counties containing a population of 2,000,000 or more outside of cities having a population of 200,000 or more, the delegates from each of the townships or parts of townships as the case may be shall be chosen by townships or parts of townships as the case may be, the township committeeemen from the respective townships or parts of townships as the case may be choosing

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the number of delegates to which such townships or parts of townships as
the case may be are entitled, on the basis prescribed in paragraph (e) of
this Section such delegates to be members of the delegation to the State
convention from such county.

Each member of the State Central Committee of a political party
which elects its members by Alternative B under paragraph (a) of Section
7-8 shall be a delegate to the State Convention, ex officio.

Each member of the State Central Committee of a political party
which elects its members by Alternative B under paragraph (a) of Section
7-8 may appoint 2 delegates to the State Convention who must be
residents of the member's Congressional District.

(b) State conventions shall be held within 180 days after the
general primary in the year 2000 and every 4 years thereafter. In the year
1998, and every 4 years thereafter, the chairman of a State central
committee may issue a call for a State convention within 180 days after the
general primary.

The State convention of each political party has power to make
nominations of candidates of its political party for the electors of President
and Vice President of the United States, and to adopt any platform, and,
to the extent determined by the State central committee as provided in
Section 7-14, to choose and select delegates and alternate delegates at
large to national nominating conventions. The State Central Committee
may adopt rules to provide for and govern the procedures of the State
convention.

(c) The chairman and secretary of each State convention shall,
within 2 days thereafter, transmit to the State Board of Elections of this
State a certificate setting forth the names and addresses of all persons
ominated by such State convention for electors of President and Vice
President of the United States, and of any persons selected by the State
convention for delegates and alternate delegates at large to national
nominating conventions; and the names of such candidates so chosen by
such State convention for electors of President and Vice President of the
United States, shall be caused by the State Board of Elections to be printed
upon the official ballot at the general election, in the manner required by
law, and shall be certified to the various county clerks of the proper
counties in the manner as provided in Section 7-60 of this Article 7 for the
certifying of the names of persons nominated by any party for State
offices. If and as long as this Act prescribes that the names of such electors
be not printed on the ballot, then the names of such electors shall be

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certified in such manner as may be prescribed by the parts of this Act applicable thereto.

(d) Each convention may perform all other functions inherent to such political organization and not inconsistent with this Article.

(e) At least 33 days before the date of a State convention, the chairman of the State central committee of each political party shall file in the principal office of the State Board of Elections a call for the State convention. Such call shall state, among other things, the time and place (designating the building or hall) for holding the State convention. Such call shall be signed by the chairman and attested by the secretary of the committee. In such convention each county shall be entitled to one delegate for each 500 ballots voted by the primary electors of the party in such county at the primary to be held next after the issuance of such call; and if in such county, less than 500 ballots are so voted or if the number of ballots so voted is not exactly a multiple of 500, there shall be one delegate for such group which is less than 500, or for such group representing the number of votes over the multiple of 500, which delegate shall have 1/500 of one vote for each primary vote so represented by him. The call for such convention shall set forth this paragraph (e) of Section 7-9 in full and shall direct that the number of delegates to be chosen be calculated in compliance herewith and that such number of delegates be chosen.

(f) All precinct, township and ward committeemen when elected as provided in this Section shall serve as though elected at large irrespective of any changes that may be made in precinct, township or ward boundaries and the voting strength of each committeeman shall remain as provided in this Section for the entire time for which he is elected.

(g) The officers elected at any convention provided for in this Section shall serve until their successors are elected as provided in this Act.

(h) A special meeting of any central committee may be called by the chairman, or by not less than 25% of the members of such committee, by giving 5 days notice to members of such committee in writing designating the time and place at which such special meeting is to be held and the business which it is proposed to present at such special meeting.

(i) Except as otherwise provided in this Act, whenever a vacancy exists in the office of precinct committeeman because no one was elected to that office or because the precinct committeeman ceases to reside in the precinct or for any other reason, the chairman of the county central

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committee of the appropriate political party may fill the vacancy in such
office by appointment of a qualified resident of the county and the
appointed precinct committeeman shall serve as though elected; however,
no such appointment may be made between the general primary election
and the 30th day after the general primary election.

(j) If the number of Congressional Districts in the State of Illinois
is reduced as a result of reapportionment of Congressional Districts
following a federal decennial census, the State Central Committeemen and
Committeewomen of a political party which elects its State Central
Committee by either Alternative A or by Alternative B under paragraph (a)
of Section 7-8 who were previously elected shall continue to serve as if no
reapportionment had occurred until the expiration of their terms.
(Source: P.A. 89-5, eff. 1-1-96; 90-627, eff. 7-10-98.)

(10 ILCS 5/7-41) (from Ch. 46, par. 7-41)
Sec. 7-41. (a) All officers upon whom is imposed by law the duty
of designating and providing polling places for general elections, shall
provide in each such polling place so designated and provided, a sufficient
number of booths for such primary election, which booths shall be
provided with shelves, such supplies and pencils as will enable the voter to
prepare his ballot for voting and in which voters may prepare their ballots
screened from all observation as to the manner in which they do so. Such
booths shall be within plain view of the election officers and both they and
the ballot boxes shall be within plain view of those within the proximity of
the voting booths. No person other than election officers and the
challengers allowed by law and those admitted for the purpose of voting,
as hereinafter provided, shall be permitted within the proximity of the
voting booths, except by authority of the primary officers to keep order
and enforce the law.

(b) The number of such voting booths shall not be less than one to
every seventy-five voters or fraction thereof, who voted at the last
preceding election in the precinct or election district.

(c) No person shall do any electioneering or soliciting of votes on
primary day within any polling place or within one hundred feet of any
polling place, or, at the option of a church or private school, on any of the
property of that church or private school that is a polling place. Election
officers shall place 2 or more cones, small United States national flags, or
some other marker a distance of 100 horizontal feet from each entrance to
the room used by voters to engage in voting, which shall be known as the
polling room. If the polling room is located within a building that is a

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private business, a public or private school, or a church or other organization founded for the purpose of religious worship and the distance of 100 horizontal feet ends within the interior of the building, then the markers shall be placed outside of the building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection. Notwithstanding any other provision of this Section, a church or private school may choose to apply the campaign free zone to its entire property, and, if so, the markers shall be placed near the boundaries on the grounds adjacent to the thoroughfares or walkways leading to the entrances used by the voters.

The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day.

(d) The regulation of electioneering on polling place property on an election day, including but not limited to the placement of temporary signs, is an exclusive power and function of the State. A home rule unit may not regulate electioneering and any ordinance or local law contrary to subsection (c) is declared void. This is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.
(Source: P.A. 93-574, eff. 8-21-03.)

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Sec. 9-1.5. Expenditure defined.

"Expenditure" means-

1. a payment, distribution, purchase, loan, advance, deposit, or gift of money or anything of value, in connection with the nomination for election, or election, of any person to public office, in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population, or in connection with any question of public policy. "Expenditure" also includes a payment, distribution, purchase, loan, advance, deposit, or gift of money or anything of value that constitutes an electioneering communication regardless of whether the communication is made in concert or cooperation with or at the request, suggestion, or knowledge of a the candidate, a the candidate's authorized local political committee, a State political committee, a political committee in support of or opposition to a question of public policy, or any of their agents. However, expenditure does not include -

   a) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of $150 in a reporting period;

   b) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

2. a transfer of funds between political committees.

(10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

Sec. 9-1.7. "Local political committee" means the candidate himself or any individual, trust, partnership, committee, association, corporation, or other organization or group of persons which:

1. accepts contributions or grants or makes expenditures during any 12-month period in an aggregate amount exceeding $3,000 on behalf of or in opposition to a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interests with the county

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clerk, or on behalf of or in opposition to a candidate or candidates for election to the office of ward or township committeeman in counties of 3,000,000 or more population;

(b) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding $3,000 in support of or in opposition to any question of public policy to be submitted to the electors of an area encompassing no more than one county; or

(c) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding $3,000 and has as its primary purpose the furtherance of governmental, political or social values, is organized on a not-for-profit basis, and which publicly endorses or publicly opposes a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interest with the County Clerk or a candidate or candidates for the office of ward or township committeeman in counties of 3,000,000 or more population; or:

(d) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding $3,000 for electioneering communications relating to any candidate or candidates described in paragraph (a) or any question of public policy described in paragraph (b).

(Source: P.A. 90-737, eff. 1-1-99; 91-357, eff. 7-29-99.)

Sec. 9-1.8. "State political committee" means the candidate himself or any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which--

(a) accepts contributions or grants or makes expenditures during any 12-month period in an aggregate amount exceeding $3,000 on behalf of or in opposition to a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interests with the Secretary of State,

(b) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding $3,000 in support of or in opposition to any question of public policy to be submitted to the electors of an area encompassing more than one county, or

(c) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding $3,000 and has as its primary purpose the furtherance of governmental, political or social values, is organized on a not-for-profit basis, and which publicly endorses or publicly opposes a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interests with the Secretary of State.
values, is organized on a not-for-profit basis, and which publicly endorses or publicly opposes a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interest with the Secretary of State, or:

(d) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding $3,000 for electioneering communications relating to any candidate or candidates described in paragraph (a) or any question of public policy described in paragraph (b).

(Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-1.9) (from Ch. 46, par. 9-1.9)

Sec. 9-1.9. "Political committee" includes State central and county central committees of any political party, and also includes local political committees and state political committees, but does not include any candidate who does not accept contributions or make expenditures during any 12-month period in an aggregate amount exceeding $3,000, nor does it include, with the exception of State central and county central committees of any political party, any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which does not (i) accept contributions or make expenditures during any 12-month period in an aggregate amount exceeding $3,000 on behalf of or in opposition to a candidate or candidates or to any question of public policy or (ii) accept contributions or make expenditures during any 12-month period in an aggregate amount exceeding $3,000 for electioneering communications relating to any candidate or candidates described in paragraph (a) of Section 9-1.7 or 9-1.8 or any question of public policy described in paragraph (b) of Section 9-1.7 or 9-1.8, and such candidates and persons shall not be required to comply with any filing provisions in this Article.

(Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-1.14)

Sec. 9-1.14. Electioneering communication defined.

(a) "Electioneering communication" means, for the purposes of this Article, any form of communication, in whatever medium, including but not limited to a; newspaper, radio, television, or Internet communication and newspaper communications, that (1) refers to a clearly identified candidate or candidates who will appear on the ballot, refers to a clearly identified political party, or refers to a clearly identified question of public policy that will appear on the ballot and (2) is made within (i) 60 days before a general election or consolidated election for the office

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sought by the candidate or (ii) 30 days before a general primary election for the office sought by the candidate.

(b) "Electioneering communication" does not include:

(1) A communication, other than an advertisement appearing in a news story, commentary, or editorial distributed through the facilities of any legitimate news organization, unless the facilities are owned or controlled by any political party, political committee, or candidate.

(2) A communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring the debate or forum.

(3) A communication made as part of a non-partisan activity designed to encourage individuals to vote or to register to vote.

(4) A communication by an organization operating and remaining in good standing under Section 501(c)(3) of the Internal Revenue Code of 1986.

(Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03; revised 1-5-04.)

(10 ILCS 5/9-9.5) Sec. 9-9.5. Disclosures in political communications. Any political committee, organized under the Election Code, that makes an expenditure for a pamphlet, circular, handbill, Internet communication, radio, television, or print advertisement, or other communication directed at voters and mentioning the name of a candidate in the next upcoming election shall ensure that the name of the political committee paying for any part of the communication, including, but not limited to, its preparation and distribution, is identified clearly within the communication as the payor. This Section does not apply to items that are too small to contain the required disclosure. Nothing in this Section shall require disclosure on any telephone communication using random sampling or other scientific survey methods to gauge public opinion for or against any candidate or question of public policy.

(Source: P.A. 93-615, eff. 11-19-03.)

(10 ILCS 5/10-14) (from Ch. 46, par. 10-14) Sec. 10-14. Not less than 67 6½ days before the date of the general election the State Board of Elections shall certify to the county clerk of each county the name of each candidate whose nomination papers, certificate of nomination or resolution to fill a vacancy in nomination has been filed with the State Board of Elections and direct the county clerk to

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place upon the official ballot for the general election the names of such candidates in the same manner and in the same order as shown upon the certification. The name of no candidate for an office to be filled by the electors of the entire state shall be placed upon the official ballot unless his name is duly certified to the county clerk upon a certificate signed by the members of the State Board of Elections. The names of group candidates on petitions shall be certified to the several county clerks in the order in which such names appear on such petitions filed with the State Board of Elections.

Not less than 61 days before the date of the general election, each county clerk shall certify the names of each of the candidates for county offices whose nomination papers, certificates of nomination or resolutions to fill a vacancy in nomination have been filed with such clerk and declare that the names of such candidates for the respective offices shall be placed upon the official ballot for the general election in the same manner and in the same order as shown upon the certification. Each county clerk shall place a copy of the certification on file in his or her office and at the same time issue to the State Board of Elections a copy of such certification. In addition, each county clerk in whose county there is a board of election commissioners shall, not less than 55 days before the election, certify to the board of election commissioners the name of the person or persons nominated for such office as shown by the certificate of the State Board of Elections, together with the names of all other candidates as shown by the certification of county officers on file in the clerk's office, and in the order so certified. The county clerk or board of election commissioners shall print the names of the nominees on the ballot for each office in the order in which they are certified to or filed with the county clerk; provided, that in printing the name of nominees for any office, if any of such nominees have also been nominated by one or more political parties pursuant to this Act, the location of the name of such candidate on the ballot for nominations made under this Article shall be precisely in the same order in which it appears on the certification of the State Board of Elections to the county clerk.

For the general election, the candidates of new political parties shall be placed on the ballot for said election after the established political party candidates and in the order of new political party petition filings.

Each certification shall indicate, where applicable, the following:

(1) The political party affiliation if any, of the candidates for the respective offices;

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(2) If there is to be more than one candidate elected to an office from the State, political subdivision or district;

(3) If the voter has the right to vote for more than one candidate for an office;

(4) The term of office, if a vacancy is to be filled for less than a full term or if the offices to be filled in a political subdivision are for different terms.

The State Board of Elections or the county clerk, as the case may be, shall issue an amended certification whenever it is discovered that the original certification is in error.

(Source: P.A. 86-867.)

(10 ILCS 5/12-5) (from Ch. 46, par. 12-5)

Sec. 12-5. Notice for public questions. For all elections held after July 1, 1999, notice of public questions shall be required only as set forth in this Section or as set forth in Section 17-3 or 19-3 of the School Code. Not more than 30 days nor less than 10 days before the date of a regular election at which a public question is to be submitted to the voters of a political or governmental subdivision, and at least 20 days before an emergency referendum, the election authority shall publish notice of the referendum. The notice shall be published once in a local, community newspaper having general circulation in the political or governmental subdivision. The notice shall also be given at least 10 days before the date of the election by posting a copy of the notice at the principal office of the election authority. The local election official shall also post a copy of the notice at the principal office of the political or governmental subdivision, or if there is no principal office at the building in which the governing body of the political or governmental subdivision held its first meeting of the calendar year in which the referendum is being held. The election authority and the political or governmental subdivision may, but are not required to, post the notice electronically on their World Wide Web pages.

The notice, which shall appear over the name or title of the election authority, shall be substantially in the following form:

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

(insert the public question as it will appear on the ballot)

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

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Dated (date of notice)
(Name or title of the election authority)
The notice shall also include any additional information required by the statute authorizing the public question. The notice may include an explanation, in neutral and plain language, of the question and its purposes supplied by the governing body of the political or governmental subdivision to whose voters the question is to be submitted. The notice shall set forth the precincts and polling places at which the referendum will be conducted only in the case of emergency referenda.
(Source: P.A. 91-57, eff. 6-30-99; 92-6, eff. 6-7-01.)
(10 ILCS 5/17-29) (from Ch. 46, par. 17-29)
Sec. 17-29. (a) No judge of election, pollwatcher, or other person shall, at any primary or election, do any electioneering or soliciting of votes or engage in any political discussion within any polling place, or within 100 feet of any polling place, or, at the option of a church or private school, on any of the property of that church or private school that is a polling place; no person shall interrupt, hinder or oppose any voter while approaching within those areas 100 feet of any polling place for the purpose of voting. Judges of election shall enforce the provisions of this Section.
(b) Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a building that is a private business, a public or private school, or a church or other organization founded for the purpose of religious worship and the distance of 100 horizontal feet ends within the interior of the building, then the markers shall be placed outside of the building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and

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electioneering is prohibited pursuant to this subsection. Notwithstanding any other provision of this Section, a church or private school may choose to apply the campaign free zone to its entire property, and, if so, the markers shall be placed near the boundaries on the grounds adjacent to the thoroughfares or walkways leading to the entrances used by the voters.

The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day.

(c) The regulation of electioneering on polling place property on an election day, including but not limited to the placement of temporary signs, is an exclusive power and function of the State. A home rule unit may not regulate electioneering and any ordinance or local law contrary to subsection (c) is declared void. This is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/19-2.2) (from Ch. 46, par. 19-2.2)

Sec. 19-2.2. (a) During the period beginning on the 40th day preceding an election and continuing through the day preceding such election, no advertising pertaining to any candidate or proposition to be voted upon shall be displayed in or within 100 feet of any room used by voters pursuant to this Article, or, at the option of a church or private school, on any of the property of that church or private school that is a polling place; nor shall any person engage in electioneering in or within 100 feet of any such room, or, at the option of a church or private school, on any of the property of that church or private school that is a polling place. Any person who violates this Section may be punished as for contempt of court.

(b) Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, or,
at the option of a church or private school, on any of the property of that church or private school that is a polling place, which shall be known as the polling room. If the polling room is located within a building that is a private business, a public or private school, or a church or other organization founded for the purpose of religious worship and the distance of 100 horizontal feet ends within the interior of the building, then the markers shall be placed outside of the building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection. Notwithstanding any other provision of this Section, a church or private school may choose to apply the campaign free zone to its entire property, and, if so, the markers shall be placed near the boundaries on the grounds adjacent to the thoroughfares or walkways leading to the entrances used by the voters.

The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day.

(c) The regulation of electioneering on polling place property on an election day, including but not limited to the placement of temporary signs, is an exclusive power and function of the State. A home rule unit may not regulate electioneering and any ordinance or local law contrary to subsection (b) is declared void. This is a denial and limitation of home rule

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powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.
(Source: P.A. 93-574, eff. 8-21-03.)

Sec. 21-2. The county clerks of the several counties shall, within 21 & days next after holding the election named in subsection (1) of Section 2A-1.2 and Section 2A-2 make 2 copies of the abstract of the votes cast for electors by each political party or group, as indicated by the voter, as aforesaid, by a cross in the square to the left of the bracket aforesaid, or as indicated by a cross in the appropriate place preceding the appellation or title of the particular political party or group, and transmit by mail one of the copies to the office of the State Board of Elections and retain the other in his office, to be sent for by the electoral board in case the other should be mislaid. Within 31 ± days after the holding of such election, and sooner if all the returns are received by the State Board of Elections, the State Board of Election, shall proceed to open and canvass said election returns and to declare which set of candidates for President and Vice-President received, as aforesaid, the highest number of votes cast at such election as aforesaid; and the electors of that party whose candidates for President and Vice-President received the highest number of votes so cast shall be taken and deemed to be elected as electors of President and Vice-President, but should 2 or more sets of candidates for President and Vice-President be returned with an equal and the highest vote, the State Board of Elections shall cause a notice of the same to be published, which notice shall name some day and place, not less than 5 days from the time of such publication of such notice, upon which the State Board of Elections will decide by lot which of the sets of candidates for President and Vice-President so equal and highest shall be declared to be highest. And upon the day and at the place so appointed in the notice, the board shall so decide by lot and declare which is deemed highest of the sets of candidates for President and Vice-President so equal and highest, thereby determining only that the electors chosen as aforesaid by such candidates' party or group are thereby elected by general ticket to be such electors.
(Source: P.A. 84-861.)

Sec. 22-1. Abstracts of votes. Within 21 ± days after the close of the election at which candidates for offices hereinafter named in this Section are voted upon, the county clerks of the respective counties, with

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the assistance of the chairmen of the county central committees of the Republican and Democratic parties of the county, shall open the returns and make abstracts of the votes on a separate sheet for each of the following:

A. For Governor and Lieutenant Governor;
B. For State officers;
C. For presidential electors;
D. For United States Senators and Representatives to Congress;
E. For judges of the Supreme Court;
F. For judges of the Appellate Court;
G. For judges of the circuit court;
H. For Senators and Representatives to the General Assembly;
I. For State's Attorneys elected from 2 or more counties;
J. For amendments to the Constitution, and for other propositions submitted to the electors of the entire State;
K. For county officers and for propositions submitted to the electors of the county only;
L. For Regional Superintendent of Schools;
M. For trustees of Sanitary Districts; and
N. For Trustee of a Regional Board of School Trustees.

Multiple originals of each of the sheets shall be prepared and one of each shall be turned over to the chairman of the county central committee of each of the then existing established political parties, as defined in Section 10-2, or his duly authorized representative immediately after the completion of the entries on the sheets and before the totals have been compiled.

The foregoing abstracts shall be preserved by the county clerk in his office.

Whenever any county chairman is also county clerk or whenever any county chairman is unable to serve as a member of such canvassing board the vice-chairman or secretary of his county central committee, in that order, shall serve in his place as member of such canvassing board; provided, that if none of these persons is able to serve, the county chairman may appoint a member of his county central committee to serve as a member of such canvassing board.

The powers and duties of the county canvassing board are limited to those specified in this Section. In no event shall such canvassing board open any package in which the ballots have been wrapped or any envelope containing "defective" or "objected to" ballots, or in any manner undertake

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to examine the ballots used in the election, except as provided in Section 22-9.1 or when directed by a court in an election contest. Nor shall such canvassing board call in the precinct judges of election or any other persons to open or recount the ballots.

(Source: P.A. 89-5, eff. 1-1-96.)

(10 ILCS 5/22-3) (from Ch. 46, par. 22-3)

Sec. 22-3. When two (2) or more persons receive an equal and the highest number of votes for an office to be filled by the county alone, the county clerk shall issue a notice to such persons of such tie vote, and require them to appear at his office, on a day named in the notice, no later than 21 days following an election within ten (10) days from the day of election, and determine by lot which of them is to be declared elected.

(Source: Laws 1943, vol. 2, p. 1.)

(10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

Sec. 22-7. Canvass of votes; declaration and proclamation of result. The State Board of Elections, shall proceed within 31 20 days after the election, and sooner if all the returns are received, to canvass the votes given for United States Senators and Representatives to Congress, State executive officers, judges of the Supreme Court, judges of the Appellate Court, judges of the Circuit Court, Senators, Representatives to the General Assembly, State's Attorneys and Regional Superintendents of Schools elected from 2 or more counties, respectively, and the persons having the highest number of votes for the respective offices shall be declared duly elected, but if it appears that more than the number of persons to be elected have the highest and an equal number of votes for the same office, the electoral board shall decide by lot which of such persons shall be elected; and to each person duly elected, the Governor shall give a certificate of election or commission, as the case may require, and shall cause proclamation to be made of the result of the canvass, and they shall at the same time and in the same manner, canvass the vote cast upon amendments to the Constitution, and upon other propositions submitted to the electors of the entire State; and the Governor shall cause to be made such proclamation of the result of the canvass as the statutes elsewhere provide. The State Board of Elections shall transmit to the State Comptroller a list of the persons elected to the various offices. The State Board of Elections shall also transmit to the Supreme Court the names of persons elected to judgeships in adversary elections and the names of judges who fail to win retention in office.

(Source: P.A. 89-5, eff. 1-1-96.)
Sec. 22-8. In municipalities operating under Article 6 of this Act, within 217 days after the close of such election, a judge of the circuit court, with the assistance of the city attorney and the board of election commissioners, who are hereby declared a canvassing board for such city, shall open all returns left respectively, with the election commissioners, the county clerk, and city comptroller, and shall make abstracts or statements of the votes in the following manner, as the case may require, viz: All votes for Governor and Lieutenant Governor on one sheet; all votes for other State officers on another sheet; all votes for presidential electors on another sheet; all votes for United States Senators and Representatives to Congress on another sheet; all votes for judges of the Supreme Court on another sheet; all votes for judges of the Appellate Court on another sheet; all votes for Judges of the Circuit Court on another sheet; all votes for Senators and Representatives to the General Assembly on another sheet; all votes for State's Attorneys where elected from 2 or more counties on another sheet; all votes for County Officers on another sheet; all votes for City Officers on another sheet; all votes for Town Officers on another sheet; and all votes for any other office on a separate and appropriate sheet; all votes for any proposition, which may be submitted to a vote of the people, on another sheet, and all votes against any proposition, submitted to a vote of the people, on another sheet.

Multiple originals of each of the sheets shall be prepared and one of each shall be turned over to the chairman of the county central committee of each of the then existing established political parties, as defined in Section 10-2, or his duly authorized representative immediately after the completion of the entries on the sheets and before the totals have been compiled.

(Source: P.A. 77-2626.)

Sec. 22-17. (a) Except as provided in subsection (b), the canvass of votes cast at the nonpartisan and consolidated elections shall be conducted by the following canvassing boards within 217 days after the close of such elections:

1. For city offices, by the mayor, the city attorney and the city clerk.

2. For village and incorporated town offices, by the president of the board of trustees, one member of the board of trustees, and the village or incorporated town clerk.

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3. For township offices, by the township supervisor, the eligible town trustee elected in the township who has the longest term of continuous service as town trustee, and the township clerk.

4. For road district offices, by the highway commissioner and the road district clerk.

5. For school district or community college district offices, by the school or community college district board.

6. For special district elected offices, by the board of the special district.

7. For multi-county educational service region offices, by the regional board of school trustees.

8. For township trustee of schools or land commissioner, by the township trustees of schools or land commissioners.

9. For park district offices, by the president of the park board, one member of the board of park commissioners and the secretary of the park district.

10. For multi-township assessment districts, by the chairman, clerk, and assessor of the multi-township assessment district.

(b) The city canvassing board provided in Section 22-8 shall canvass the votes cast at the nonpartisan and consolidated elections for offices of any political subdivision entirely within the jurisdiction of a municipal board of election commissioners.

(c) The canvass of votes cast upon any public questions submitted to the voters of any political subdivision, or any precinct or combination of precincts within a political subdivision, at any regular election or at any emergency referendum election, including votes cast by voters outside of the political subdivision where the question is for annexation thereto, shall be canvassed by the same board provided for in this Section for the canvass of votes of the officers of such political subdivision. However, referenda conducted throughout a county and referenda of sanitary districts whose officers are elected at general elections shall be canvassed by the county canvassing board. The votes cast on a public question for the formation of a political subdivision shall be canvassed by the circuit court that ordered the question submitted, or by such officers of the court as may be appointed for such purpose, except where in the formation or reorganization of a school district or districts the regional superintendent of schools is designated by law as the canvassing official.

New matter indicated by italics - deletions by strikeout.
(d) The canvass of votes for offices of political subdivisions cast at special elections to fill vacancies held on the day of any regular election shall be conducted by the canvassing board which is responsible for canvassing the votes at the regularly scheduled election for such office.
(Source: P.A. 87-738; 87-1052.)

Section 7. The Counties Code is amended by changing Section 2-3007 as follows:

(55 ILCS 5/2-3007) (from Ch. 34, par. 2-3007)
Sec. 2-3007. Chairman of county board; election and term. Any county board when providing for the reapportionment of its county under this Division may provide that the chairman of the county board shall be elected by the voters of the county rather than by the members of the board. In that event, provision shall be made for the election throughout the county of the chairman of the county board, but in counties over 3,000,000 population no person may be elected to serve as such chairman who has not been elected as a county board member to serve during the same period as the term of office as chairman of the county board to which he seeks election. In counties over 450,000 population and under 3,000,000 population, the chairman shall be elected as chairman without having been first elected to the county board. Such chairman shall not vote on any question except to break a tie vote. In all other counties the chairman may either be elected as a county board member or elected as the chairman without having been first elected to the board. Except in counties where the chairman of the county board is elected by the voters of the county and is not required to be a county board member, whether the chairman of the county board is elected by the voters of the county or by the members of the board, he shall be elected to a 2 year term. In counties where the chairman of the county board is elected by the voters of the county and is not required to be a county board member, the chairman shall be elected to a 4 year term. In all cases, the term of the chairman of the county board shall commence on the third first Monday of the month following the month in which members of the county board are elected.
(Source: P.A. 86-926; 86-1429; 86-1475.)

Section 10. The Township Code is amended by changing Sections 50-15 and 50-40 as follows:

(60 ILCS 1/50-15)
Sec. 50-15. Time of entering upon duties.

New matter indicated by italics - deletions by strikeout.
(a) In all counties, the township collectors elected at the township election shall enter upon their duties on January 1 next following their election and qualification.

(b) In all counties, township supervisors and township clerks shall enter upon their duties on the third Monday of May following their election.

(c) Beginning with elections in 1981 in all counties, the township and multi-township assessors shall enter upon their duties on January 1 next following their election.

(60 ILCS 1/50-40)

Sec. 50-40. Township trustees; time of election and terms. Except in townships organized under Article 15, at the regular township election provided in the general election law there shall be elected 4 members to serve on the township board. They shall be known as township trustees and shall hold their office for a term of 4 years beginning the third Monday of May following their election and until their successors are elected and qualified.

(Source: P.A. 90-210, eff. 7-25-97.)

(60 ILCS 1/50-40)

Sec. 50-40. Township trustees; time of election and terms. Except in townships organized under Article 15, at the regular township election provided in the general election law there shall be elected 4 members to serve on the township board. They shall be known as township trustees and shall hold their office for a term of 4 years beginning the third Monday of May following their election and until their successors are elected and qualified.

(Source: P.A. 90-210, eff. 7-25-97.)

Section 15. The Illinois Municipal Code is amended by changing Sections 3.1-10-5, 3.1-10-15, 3.1-20-25, 5-2-2, and 5-5-1 as follows:

(65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

Sec. 3.1-10-5. Qualifications; elective office.

(a) A person is not eligible for an elective municipal office unless that person is a qualified elector of the municipality and has resided in the municipality at least one year next preceding the election.

(b) A person is not eligible for an elective municipal office if that person is in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

(c) A person is not eligible for the office of alderman of a ward or trustee of a district unless that person has resided in the ward that the person seeks to represent, and a person is not eligible for the office of trustee of a district unless that person has resided in the municipality, at least one year next preceding the election or appointment, except as provided in subsection (c) of Section 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2, or Section 5-2-11.

(Source: P.A. 91-667, eff. 6-1-00.)

(65 ILCS 5/3.1-10-15) (from Ch. 24, par. 3.1-10-15)
Sec. 3.1-10-15. Commencement of terms. The terms of elected municipal officers shall commence at the first regular or special meeting of the corporate authorities during the month of May following the proclamation of the results of the regular municipal election at which the officers were elected, except as otherwise provided by ordinance fixing the date for inauguration of newly elected officers of a municipality. The ordinance shall not, however, fix the time for inauguration of newly elected officers later than the first regular or special meeting of the corporate authorities in the month of June following the election.

(Source: P.A. 87-1119.)

(65 ILCS 5/3.1-20-25) (from Ch. 24, par. 3.1-20-25)

Sec. 3.1-20-25. Redistricting a city.

(a) In the formation of wards, the number of inhabitants of the city immediately preceding the division of the city into wards shall be as nearly equal in population, and the wards shall be of as compact and contiguous territory, as practicable. Wards shall be created in a manner so that, as far as practicable, no precinct shall be divided between 2 or more wards.

(b) Whenever an official census shows that a city contains more or fewer wards than it is entitled to, the city council of the city, by ordinance, shall redistrict the city into as many wards as the city is entitled. This redistricting shall be completed not less than 30 days before the first day set by the general election law for the filing of candidate petitions for the next succeeding election for city officers. At this election there shall be elected the number of aldermen to which the city is entitled, except as provided in subsection (c).

(c) If it appears from any official census that a city has the requisite number of inhabitants to authorize it to increase the number of aldermen, the city council shall immediately proceed to redistrict the city and shall hold the next city election in accordance with the new redistricting. At this election the aldermen whose terms of office are not expiring shall be considered aldermen for the new wards respectively in which their residences are situated. At this election a candidate for alderman may be elected from any ward that contains a part of the ward in which he or she resided at least one year next preceding the election that follows the redistricting, and, if elected, that person may be reelected from the new ward he or she represents if he or she resides in that ward for at least one year next preceding reelection. If there are 2 or more aldermen with terms of office not expiring and residing in the same ward under the new redistricting, the alderman who holds over for that ward shall be

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determined by lot in the presence of the city council, in the manner directed by the council, and all other aldermen shall fill their unexpired terms as aldermen-at-large. The aldermen-at-large, if any, shall have the same powers and duties as all other aldermen, but upon the expiration of their terms the offices of aldermen-at-large shall be abolished.

(d) If the redistricting results in one or more wards in which no aldermen reside whose terms of office have not expired, 2 aldermen shall be elected in accordance with Section 3.1-20-35, unless the city elected only one alderman per ward pursuant to a referendum under subsection (a) of Section 3.1-20-20.

(e) A redistricting ordinance that has decreased the number of wards of a city because of a decrease in population of the city shall not be effective if, not less than 60 days before the time fixed for the next succeeding general municipal election, an official census is officially published that shows that the city has regained a population that entitles it to the number of wards that it had just before the passage of the last redistricting ordinance.

(65 ILCS 5/5-2-2) (from Ch. 24, par. 5-2-2)
Sec. 5-2-2. Except as otherwise provided in Section 5-2-3, the number of aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding 3,000 inhabitants, 6 aldermen; exceeding 3,000, but not exceeding 15,000, 8 aldermen; exceeding 15,000 but not exceeding 20,000, 10 aldermen; exceeding 20,000 but not exceeding 30,000, 14 aldermen; and 2 additional aldermen for every 20,000 inhabitants over 30,000. In all cities of less than 500,000, 20 aldermen shall be the maximum number permitted except as otherwise provided in the case of aldermen-at-large. No redistricting shall be required in order to reduce the number of aldermen heretofore provided for. Two aldermen shall be elected to represent each ward.

If it appears from any census specified in Section 5-2-5 and taken not earlier than 1940 that any city has the requisite number of inhabitants to authorize it to increase the number of aldermen, the city council shall immediately proceed to redistrict the city in accordance with the provisions of Section 5-2-5, and it shall hold the next city election in accordance with the new redistricting. At this election the aldermen whose terms of office are not expiring shall be considered aldermen for the new wards respectively in which their residences are situated. At this election a candidate for alderman may be elected from any ward that contains a part
of the ward in which he or she resided at least one year next preceding the election that follows the redistricting, and, if elected, that person may be reelected from the new ward he or she represents if he or she resides in that ward for at least one year next preceding reelection. If there are 2 or more aldermen with terms of office not expiring and residing in the same ward under the new redistricting, the alderman who holds over for that ward shall be determined by lot in the presence of the city council, in whatever manner the council shall direct and all other aldermen shall fill their unexpired terms as aldermen-at-large. The aldermen-at-large, if any, shall have the same power and duties as all other aldermen but upon expiration of their terms the offices of aldermen-at-large shall be abolished.

If the re-districting results in one or more wards in which no aldermen reside whose terms of office have not expired, 2 aldermen shall be elected in accordance with the provisions of Section 5-2-8.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5-5-1) (from Ch. 24, par. 5-5-1)

Sec. 5-5-1. Petition for abandonment of managerial form; referendum; succeeding elections of officers and aldermen or trustees.

(a) A city or village that has operated for 4 years or more under the managerial form of municipal government may abandon that organization as provided in this Section. For the purposes of this Article, the operation of the managerial form of municipal government shall be deemed to begin on the date of the appointment of the first manager in the city or village. When a petition for abandonment signed by electors of the municipality equal in number to at least 10% of the number of votes cast for candidates for mayor at the preceding general quadrennial municipal election is filed with the circuit court for the county in which that city or village is located, the court shall set a date not less than 10 nor more than 30 days thereafter for a hearing on the sufficiency of the petition. Notice of the filing of the petition and of the date of the hearing shall be given in writing to the city or village clerk and to the mayor or village president at least 7 days before the date of the hearing. If the petition is found sufficient, the court shall enter an order directing that the proposition be submitted at an election other than a primary election for the municipality. The clerk of the court shall certify the proposition to the proper election authorities for submission.

The proposition shall be in substantially the following form:

New matter indicated by italics - deletions by strikeout.
Shall (name of city or village) retain the managerial form of municipal government?

(b) If the majority of the votes at the election are "yes", then the proposition to abandon is rejected and the municipality shall continue operating under this Article 5. If the majority of the votes are "no", then the proposition to abandon operation under this Article 5 is approved.

(c) If the proposition for abandonment is approved, the city or village shall become subject to Article 3.1 or Article 4, whichever Article was in force in the city or village immediately before the adoption of the plan authorized by this Article 5, upon the election and qualification of officers to be elected at the next succeeding general municipal election. Those officers shall be those prescribed by Article 3.1 or Article 4, as the case may be, but the change shall not in any manner or degree affect the property rights or liabilities of the city or village. The mayor, clerk, and treasurer and all other elected officers of a city or village in office at the time the proposition for abandonment is approved shall continue in office until the expiration of the term for which they were elected.

(d) If a city or village operating under this Article 5 has aldermen or trustees elected from wards or districts and a proposition to abandon operation under this Article 5 is approved, then the officers to be elected at the next succeeding general municipal election shall be elected from the same wards or districts as exist immediately before the abandonment.

(e) If a city or village operating under this Article 5 has a council or village board elected from the municipality at large and a proposition to abandon operation under this Article 5 is approved, then the first group of aldermen, board of trustees, or commissioners so elected shall be of the same number as was provided for in the municipality at the time of the adoption of a plan under this Article 5, with the same ward or district boundaries in cities or villages that immediately before the adoption of this Article 5 had wards or districts, unless the municipal boundaries have been changed. If there has been such a change, the council or village board shall so alter the former ward or district boundaries so as to conform as nearly as possible to the former division. If the plan authorized by this Article 5 is abandoned, the next general municipal election for officers shall be held at the time specified in Section 3.1-10-75 or 3.1-25-15 for that election. The aldermen or trustees elected at that election shall, if the city or village was operating under Article 3 at the time of adoption of this Article 5 and had at that time staggered 4 year terms of office for the aldermen or trustees, choose by lot which shall serve initial 2 year terms as provided by Section

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3.1-20-35 or 3.1-15-5, whichever may be applicable, in the case of election of those officers at the first election after a municipality is incorporated.

(f) The proposition to abandon the managerial form of municipal government shall not be submitted in any city or village oftener than once in 1246 months.

(Source: P.A. 87-1119.)

Section 20. The Revised Cities and Villages Act of 1941 is amended by changing Sections 21-5, 21-12, 21-14, and 21-22 as follows:

(65 ILCS 20/21-5) (from Ch. 24, par. 21-5)
Sec. 21-5. Mayor; Term of office.
(a) The mayor of the city of Chicago shall be elected in 1943 and quadrennially thereafter in a nonpartisan election. The candidate receiving a majority of the votes cast for mayor at the consolidated primary election shall be declared mayor. If no candidate receives a majority of the votes, a runoff election shall be held at the consolidated election, when only the names of the candidates receiving the highest and second highest number of votes at the consolidated primary election shall appear on the ballot. If more than one candidate received the highest or second highest number of votes at the consolidated primary election, the names of all candidates receiving the highest and second highest number of votes shall appear on the ballot at the consolidated election. The candidate receiving the highest number of votes at the consolidated election shall be declared elected.

(b) The mayor shall hold his or her office for 4 years beginning at noon on the third first Monday in May following his or her election, and until his or her successor is elected and qualified.

(Source: P.A. 91-667, eff. 6-1-00.)

(65 ILCS 20/21-12) (from Ch. 24, par. 21-12)
Sec. 21-12. City clerk and city treasurer; Election; Tenure. At the time of election of the mayor there shall be elected also a city clerk and a city treasurer. The candidates receiving a majority of the votes cast for clerk and treasurer at the consolidated primary election shall be declared the clerk and treasurer. If no candidate receives a majority of the votes for one of the offices, a runoff election shall be held at the consolidated election, when only the names of the candidates receiving the highest and second highest number of votes for that office at the consolidated primary election shall appear on the ballot. If more than one candidate received the highest or second highest number of votes for one of the offices at the consolidated primary election, the names of all candidates receiving the highest and second highest number of votes for that office shall appear on

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the ballot at the consolidated election. The candidate receiving the highest number of votes at the consolidated election shall be declared elected.

The clerk and treasurer each shall hold office for a term of 4 years beginning at noon on the third first Monday in May following the election and until a successor is elected and qualified. No person, however, shall be elected to the office of city treasurer for 2 terms in succession.

(Source: P.A. 91-667, eff. 6-1-00.)

(65 ILCS 20/21-14) (from Ch. 24, par. 21-14)
Sec. 21-14. Member residency before election; member not to hold other office.

(a) No member may be elected or appointed to the city council after the effective date of this amendatory Act of the 93rd 91st General Assembly unless he or she has resided in the ward he or she seeks to represent at least one year next preceding 2 years before the date of the election or appointment. In the election following redistricting, a candidate for alderman may be elected from any ward containing a part of the ward in which he or she resided for at least one year next preceding the 2 years before the election that follows the redistricting, and, if elected, that person may be reelected from the new ward he or she represents if he or she resides in that ward for at least one year next preceding 18 months before the reelection.

(b) No member of the city council shall at the same time hold any other civil service office under the federal, state or city government, except if such member is granted a leave of absence from such civil service office, or except in the National Guard, or as a notary public, and except such honorary offices as go by appointment without compensation.

(Source: P.A. 91-358, eff. 7-29-99.)

(65 ILCS 20/21-22) (from Ch. 24, par. 21-22)
Sec. 21-22. General election for aldermen; vacancies.

(a) A general election for aldermen shall be held in the year 1943 and every 4 years thereafter, at which one alderman shall be elected from each of the 50 wards provided for by this Article. The aldermen elected shall serve for a term of 4 years beginning at noon on the third first Monday in May following the election of city officers, and until their successors are elected and have qualified. All elections for aldermen shall be in accordance with the provisions of law in force and operative in the City of Chicago for such elections at the time the elections are held.

(b) Vacancies occurring in the office of alderman shall be filled in the manner prescribed for filling vacancies in Section 3.1-10-50 of the
Illinois Municipal Code. An appointment to fill a vacancy shall be made within 60 days after the vacancy occurs. The requirement that an appointment be made within 60 days is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to require that an appointment be made within a different period after the vacancy occurs.

(Source: P.A. 91-667, eff. 6-1-00.)

Section 25. The Fire Protection District Act is amended by changing Section 4a as follows:

(70 ILCS 705/4a) (from Ch. 127 1/2, par. 24.1)

Sec. 4a. Any fire protection district organized under this Act may determine, in either manner provided in the following items (1) and (2) of this Section, to have an elected, rather than an appointed, board of trustees.

(1) If the district lies wholly within a single township but does not also lie wholly within a municipality, the township board of trustees may determine, by ordinance, to have an elected board of trustees.

(2) Upon presentation to the board of trustees of a petition, signed by not less than 10% of the electors of the district, requesting that a proposition for the election of trustees be submitted to the electors of the district, the secretary of the board of trustees shall certify the proposition to the appropriate election authorities who shall submit the proposition at a regular election in accordance with the general election law. The general election law shall apply to and govern such election. The proposition shall be in substantially the following form:

----------------------------------------------------------------------------------------
Shall the trustees of...... YES
Fire Protection District be ------------------------------
elected, rather than appointed? NO
----------------------------------------------------------------------------------------

If a majority of the votes cast on such proposition are in the affirmative, the trustees of the district shall thereafter be elected as provided by this Section.

At the next regular election for trustees as provided by the general election law, a district that has approved by ordinance or referendum to have its trustees elected rather than appointed shall elect 3, 5, or 7 trustees, as previously determined by the organization of the district or as increased

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under Section 4.01 or 4.02. The initial elected trustees shall be elected for 2, 4, and 6 year terms. In a district with 3 trustees, one trustee shall be elected for a term of 2 years, one for a term of 4 years, and one for a term of 6 years. In a district with 5 trustees, 2 shall be elected for terms of 2 years, 2 for terms of 4 years, and one for a term of 6 years. In a district with 7 trustees, 3 shall be elected for terms of 2 years, 2 for terms of 4 years, and 2 for terms of 6 years. Except as otherwise provided in Section 2A-54 of the Election Code, the term of each elected trustee shall commence on the third first Monday of the month following the month of his election and until his successor is elected and qualified. The length of the terms of the trustees first elected shall be determined by lot at their first meeting. Except as otherwise provided in Section 2A-54 of the Election Code, thereafter, each trustee shall be elected to serve for a term of 6 years commencing on the third first Monday of the month following the month of his election and until his successor is elected and qualified.

No party designation shall appear on the ballot for election of trustees. The provisions of the general election law shall apply to and govern the nomination and election of trustees.

The provisions of Section 4 relating to eligibility, powers and disabilities of trustees shall apply equally to elected trustees.

Whenever a fire protection district determines to elect trustees as provided in this Section, the trustees appointed pursuant to Section 4 shall continue to constitute the board of trustees until the third first Monday of the month following the month of the first election of trustees. If the term of office of any appointed trustees expires before the first election of trustees, the authority which appointed that trustee under Section 4 of this Act shall appoint a successor to serve until a successor is elected and has qualified. The terms of all appointed trustees in such district shall expire on the third first Monday of the month following the month of the first election of trustees under this Section or when successors have been elected and have qualified, whichever occurs later.

(Source: P.A. 90-358, eff. 1-1-98.)

Section 30. The Downstate Forest Preserve District Act is amended by changing Section 3.5 as follows:

(70 ILCS 805/3.5)
Sec. 3.5. Elected board of commissioners.
(a) In counties with a population more than 30,000 but less than 90,000, in each forest preserve district organized after the effective date of this amendatory Act of 1997 or in which, on the effective date of this

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amendatory Act of 1997, the commissioners of the district are appointed by the presiding officer of the county board under Section 3a, the commissioners shall be elected as provided in this Section, rather than appointed, beginning with the first consolidated election following the effective date of this amendatory Act of 1997. There shall be 5 elected commissioners, elected from the district at large. Each commissioner must be a resident of the district. The terms of all elected commissioners shall commence on the third first Monday of the month following the month of election. No party designation shall appear on the ballot for the election of commissioners. The terms of all commissioners appointed under Section 3a in a district to which this Section applies shall expire on the third first Monday of the month following the month of the first election of commissioners in that district under this Section.

If before August 20, 1993 (the effective date of Public Act 88-443) in a county with a population of 30,000 or less a presiding officer of a county board appointed the commissioners of the forest preserve district and if that presiding officer has, since August 20, 1993, continued to appoint the commissioners of the forest preserve district, then those appointments made after August 20, 1993, if made in compliance with Section 3a, are validated.

(b) The initial elected commissioners shall, no later than 45 days after taking office, divide themselves publicly by lot as equally as possible into 2 groups. Commissioners or their successors from one group shall be elected for terms of 4 years; the initial elected commissioners from the second group shall serve for terms of 2 years, and their successors shall be elected for terms of 4 years.

(c) The commissioners shall elect from among their number a president of the board of commissioners.

(d) Whenever a vacancy occurs in the office of commissioner, whether by death, resignation, refusal to qualify, no longer residing in the district, or for any other reason, the board of commissioners shall declare that a vacancy exists. The vacancy shall be filled within 60 days by appointment of the president of the board of commissioners, with the advice and consent of the other commissioners. The appointee shall be eligible to serve as commissioner. The appointee shall serve the remainder of the unexpired term. If, however, more than 28 months remain in the term, the appointment shall be until the next consolidated election, at which time the vacated office of commissioner shall be filled by election for the remainder of the term.

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If a vacancy occurs in the office of president of the board of commissioners, the remaining commissioners shall elect one of their number to serve as president for the balance of the unexpired term of the president in whose office the vacancy occurred.

(e) Except as otherwise provided in this Section, elected commissioners shall have the same powers and duties, and shall be entitled to the same compensation, as enjoyed by commissioners before the effective date of this amendatory Act of 1993.

(Source: P.A. 90-190, eff. 7-24-97.)

Section 35. The Public Library District Act of 1991 is amended by changing Sections 30-10 and 30-40 as follows:

(75 ILCS 16/30-10)
Sec. 30-10. Election and terms of trustees.
(a) Trustees shall be elected every 2 years at the regular election scheduled for trustees of public library districts under the Election Code for 6-year terms. Seven trustees shall constitute a board.

(b) The trustees' terms shall be staggered. After the first election, the trustees shall determine, by lot, 2 trustees to serve for terms of 2 years, 2 trustees to serve for terms of 4 years, and 3 trustees to serve for terms of 6 years. The terms of all trustees shall begin on the third 1st Monday of the month next following the month of the election.

(c) At each election of trustees after the first election, the trustees elected to succeed those whose terms have expired shall hold office for the full term of 6 years from the third 1st Monday of the month next following the election and until their respective successors are elected and qualified.

(d) A district may provide by resolution of the board that the term of its trustees shall be 4 years. If the board adopts such a resolution, then if 3 trustees are to be elected at the next election or if 2 trustees are to be elected at each of the next 2 elections, one of the trustees elected at the next election (to be determined by lot at the first meeting after that election) shall serve a 2 year term.

(Source: P.A. 87-1277.)

(75 ILCS 16/30-40)
Sec. 30-40. Organization of board; qualification and oath of trustees.
(a) Within 74 60 days after their election or appointment, the incumbent and new trustees shall take their oath of office as prescribed by law and meet to organize the board.

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(b) The first action taken at the meeting shall be the election of a president, a vice-president, a secretary, and a treasurer from among the trustees. The secretary shall then record the membership of the board.

(c) Trustees duly elected or appointed as certified by the appropriate election authority or appointing authority shall be qualified to serve as trustees under this Act. The required oath shall be taken and subscribed before a notary public or the secretary of the board.

(d) Within 60 days after the organization of the board, the secretary shall file, with the county clerk of the county containing all or a larger portion of the district and with the Illinois State Librarian, a statement listing the names and addresses of the trustees and officers and their respective terms in office. The secretary shall report a vacancy on the board to the county clerk and the State Librarian within 60 days after it occurs and shall report the filling of a vacancy within 60 days after it is filled.

(e) The first officers shall serve until the next regular election of trustees. Thereafter, officers shall serve for terms set by ordinance but not to exceed 2 years, ending on the third first Monday of the month following each regular election or until their successors are duly elected by the board. A vacancy in any office shall be filled by the board for the unexpired term. (Source: P.A. 87-1277.)

Section 40. The School Code is amended by changing Sections 5-14, 6-17, 10-5, and 10-16 as follows:

(105 ILCS 5/5-14) (from Ch. 122, par. 5-14)
Sec. 5-14. Term of office of successors - Vacancies. Successors to the trustees whose terms of office expire at the time prescribed in Section 5-13, and their successors, shall hold their offices for 6 years and until their respective successors are elected and qualified. Trustees of schools shall enter upon the duties of their office on the third first Monday of the month following their election.

Whenever a vacancy occurs, the remaining trustees shall fill the vacancy until the next regular school election, at which election a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with less than 28 months remaining in the term, or if the vacancy occurs less than 88 days before the next regularly scheduled election for this office then the person so appointed shall serve the remainder of the unexpired term, and no election to fill the vacancy shall be held. The successor shall have the same residential qualifications as his predecessor. Should they fail so to act, within 30 days after the

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vacancy occurs, the regional superintendent of the region in which the township lies, or if the township is divided by a county line or lines, the regional superintendent of the region in which a majority of the children, who reside in districts subject to the jurisdiction of the trustees of schools of such township, attend school, shall within 15 days after the remaining trustees have failed to fill the vacancy, fill the vacancy as provided for herein. The successor shall have the same type of residential qualifications as his predecessor.

(Source: P.A. 86-1441.)

(105 ILCS 5/6-17) (from Ch. 122, par. 6-17)

Sec. 6-17. Election of president - Terms of members. Except as otherwise provided in Section 2A-54 of the Election Code, on the third first Monday in May, following the first election, or if such day is a holiday then the next day, the regional superintendent of schools who shall be the ex-officio secretary of the board shall convene the newly elected regional board of school trustees for the purpose of organization. Except as provided in Section 2A-54 of the Election Code, at this meeting the members shall elect a president from among their number who shall serve as president for a term of 2 years and shall determine by lot the length of the term of each member so that 2 shall serve for a term of 2 years, 2 for 4 years and 3 for 6 years from the third first Monday of the month following the date of their election. Except as provided in Section 2A-54 of the Election Code, thereafter members shall be elected to serve for a term of 6 years from the third first Monday of the month following the date of their election or until their successors are elected and qualified.

All succeeding meetings for the purpose of organization shall be held on the third first Monday in May following the election; however, in case the third first Monday in May is a holiday the organization meeting shall be held on the next day.

If educational service regions are consolidated under Section 3A-3 or 3A-4 of this Act, however, the expiring terms of members of each regional board of school trustees in those regions being consolidated shall be extended so as to terminate on the first Monday of August of the year that consolidation takes effect, as defined in Section 3A-5 of this Act, and, on such day, the Regional Superintendent of the consolidated region shall convene all the members of each regional board of school trustees in the consolidated region, and shall by lot select from among such trustees an interim regional board of school trustees for the consolidated region in accord with the specifications as to membership and residency in Section

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6-2. The interim board so selected shall serve until their successors are
elected at the succeeding regular election of regional school trustees and
have qualified. A single regional board of school trustees shall be elected
at such succeeding regular election to take office on the third first Monday
of the month following such election. The board elected for the
consolidated region shall be convened on such third first Monday of the
month following such election for organizational purposes, to elect a
president and determine terms for its members by lot as provided in this
Section. The respective regional boards of school trustees of educational
service regions involved in consolidations under Section 3A-3 or 3A-4
shall cease to exist at the time the board elected for the consolidated region
is so organized.
(Source: P.A. 90-358, eff. 1-1-98.)
(105 ILCS 5/10-5) (from Ch. 122, par. 10-5)
Sec. 10-5. Organization of board - Report to treasurer and regional
superintendent of schools. Within 28 7 days after the regular election of
directors, the directors shall meet and organize by appointing one of their
number president and another as clerk, except that when directors are
elected at the consolidated elections in April of 1999 and April of 2001,
the directors shall meet and organize, in the manner provided by this
Section, within 7 days after the first Tuesday after the first Monday of
November in each of those 2 years. The clerk shall at once report to the
treasurer and regional superintendent of schools the names of the president
and clerk so appointed. Upon organizing itself as provided in this Section,
the board of school directors shall enter upon the discharge of its duties.
Terms of members are subject to Section 2A-54 of the Election Code,
except as otherwise limited by subsection (c) of Section 10-4.
(Source: P.A. 90-358, eff. 1-1-98; 90-637, eff. 7-24-98; 90-757, eff. 8-14-
98; 91-357, eff. 7-29-99.)
(105 ILCS 5/10-16) (from Ch. 122, par. 10-16)
Sec. 10-16. Organization of Board. Within 28 7 days after the
consolidated election, other than the consolidated elections in 1999 and
2001, the board shall organize by electing its officers and fixing a time and
place for the regular meetings. However, when school board members are
elected at the consolidated elections held in April of 1999 and April of
2001, the board shall organize within 7 days after the first Tuesday after
the first Monday of November in each such year by electing officers and
setting the time and place of the regular meetings. Upon organizing itself

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as provided in this paragraph, the board shall enter upon the discharge of its duties.

The regional superintendent of schools having supervision and control, as provided in Section 3-14.2, of a new school district that is governed by the School Code and formed on or after the effective date of this amendatory Act of 1998 shall convene the newly elected board within 7 days after the election of the board of education of that district, whereupon the board shall proceed to organize by electing one of their number as president and electing a secretary, who may or may not be a member. At such meeting the length of term of each of the members shall be determined by lot so that 4 shall serve for 4 years, and 3 for 2 years from the commencement of their terms; provided, however, if such members were not elected at the consolidated election in an odd-numbered year, such initial terms shall be extended to the consolidated election for school board members immediately following the expiration of the initial 4 or 2 year terms. The provisions of this paragraph that relate to the determination of terms by lot shall not apply to the initial members of the board of education of a combined school district who are to be elected to unstaggered terms as provided in subsection (a-5) of Section 11B-7.

The terms of the officers of a board of education shall be for 2 years, except that the terms of the officers elected at the organization meeting in November, 2001 shall expire at the organization meeting in April, 2003; provided that the board by resolution may establish a policy for the terms of office to be one year, and provide for the election of officers.

Special meetings of the board of education may be called by the president or by any 3 members of the board by giving notice thereof in writing, stating the time, place and purpose of the meeting. Such notice may be served by mail 48 hours before such meeting or by personal service 24 hours before such meeting. Public notice of meetings must also be given as prescribed in Sections 2.02 and 2.03 of the Open Meetings Act, as now or hereafter amended.

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

The president or district superintendent shall, at each regular board meeting, report any requests made of the district under provisions of The

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Freedom of Information Act and shall report the status of the district's response.
(Source: P.A. 90-459, eff. 8-17-97; 90-637, eff. 7-24-98.)

Section 45. The Public Community College Act is amended by changing Section 3-8 as follows:

(110 ILCS 805/3-8) (from Ch. 122, par. 103-8)

Sec. 3-8. Following each election and canvass, the new board shall hold its organizational meeting on or before the 28th 14th day after the election, except that in 1999, 2001, and 2003 (except District #522) the board shall organize within 14 days after the first Tuesday after the first Monday of November in each of those 3 years. In 2003 in District #522, the new board shall hold its organizational meeting on or before the 14th day after the consolidated election. If the election is the initial election ordered by the regional superintendent, the organizational meeting shall be convened by the regional superintendent, who shall preside over the meeting until the election for chairman, vice chairman and secretary of board is completed. At all other organizational meetings, the chairman of the board, or, in his or her absence, the president of the community college or acting chief executive officer of the college shall convene the new board, and conduct the election for chairman, vice chairman and secretary. The board shall then proceed with its organization under the newly elected board officers, and shall fix a time and place for its regular meetings. It shall than enter upon the discharge of its duties. The terms of board office shall be 2 years, except that the board by resolution may establish a policy for the terms of office to be one year, and provide for the election of officers for the remaining one year period. Terms of members are subject to Section 2A-54 of the Election Code.

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

At each regular and special meeting which is open to the public, members of the public and employees of the community college district shall be afforded time, subject to reasonable constraints, to comment to or ask questions of the board.
(Source: P.A. 92-1, eff. 3-30-01.)

Section 50. The Fox Waterway Agency Act is amended by changing Section 5 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 5. The Agency shall be governed by a Board of Directors, which shall consist of 6 directors and one chairman elected pursuant to this Section.

Three directors shall be elected from within the territory of each member county. Any resident of a member county and the territory of the Agency, at least 18 years of age, may become a candidate for election as a director by filing a nominating petition with the State Board of Elections containing the verified signatures of at least 200 of the registered voters of such county who reside within the territory of the Agency. Such petition shall be filed not more than 78 nor less than 71 days prior to the date of election.

The chairman shall be elected at large from the territory of the Agency. Any person eligible to become a candidate for election as director may become a candidate for election as chairman by filing a nominating petition with the State Board of Elections containing the verified signatures of at least 200 of the registered voters of each member county who reside within the territory of the Agency. Such petition shall be filed not more than 78 nor less than 71 days prior to the date of the election.

Within 7 days after each consolidated election at which the chairman is elected, the county clerk of each member county shall transmit the returns for the election to the office of chairman to the State Board of Elections. The State Board of Elections shall immediately canvass the returns and proclaim the results thereof and shall issue a certificate of election to the person so elected.

Beginning in 1985, the directors and chairman shall be elected at the consolidated election and shall serve from the third first Monday in May following their respective elections until their respective successors are elected and qualified. The term of office of a director shall be for 4 years, except that of the directors elected at the consolidated election of 1985, 3 shall serve until the first Monday in May 1987 and 3 shall serve until the first Monday in May 1989. The term of office of a chairman shall be 4 years.

At least 90 days before the consolidated election of 1985 the State Board of Elections shall meet to determine by lot which 3 director positions shall be elected for terms to expire on the first Monday in May 1987 and which 3 director positions shall be elected for terms to expire on the first Monday in May 1989. At least one director position from each
member county shall be elected for a term to expire on the first Monday in May 1987.

The county clerks of the member counties shall provide notice of each election for chairman and director in the manner prescribed in Article 12 of The Election Code, with the notice of the elections to be held at the consolidated election of 1985 to include a statement as to whether the director is to be elected for a term of 2 years or for a term of 4 years.

A chairman shall be elected at the consolidated election of 1985 and at each consolidated election every 4 years thereafter. Six directors shall be elected at the consolidated election of 1985. At the consolidated election of 1987, and at each consolidated election every 4 years thereafter, directors shall be elected from the constituencies of the directors who were elected at the consolidated election of 1985 and whose terms expired on the first Monday in May 1987. At the consolidated election of 1989, and at each consolidated election every 4 years thereafter, directors shall be elected from the constituencies of the directors who were elected at the consolidated election of 1985 and whose terms expired on the first Monday in May 1989.

Vacancies in the office of director or chairman shall be filled by the remaining members of the Board, who shall appoint to fill the vacated office for the remainder of the term of such office an individual who would be eligible for election to such office. If, however, a vacancy occurs in the office of chairman or director with at least 28 months remaining in the term of such office, the office shall be filled for the remainder of the term at the next consolidated election. Until the office is filled by election, the remaining members of the Board shall appoint a qualified person to the office in the manner provided in this Section.

(Source: P.A. 84-776.)

Section 95. Severability. The provisions of this amendatory Act of the 93rd General Assembly are severable under Section 1.31 of the Statute on Statutes.

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


New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-0848
(House Bill No. 3981)

AN ACT concerning liability.

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

Section 1. Short title. This Act may be cited as the Illinois Commonsense Consumption Act.

Section 5. Definitions. As used in this Act:
"Engaged in the business" means a person who sells a qualified product in the person's regular course of trade or business.
"Person" means an individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.
"Qualified product" means a food (as defined in Section 201(f) of the Federal Food Drug and Cosmetic Act (21 U.S.C. 321(f)).
"Qualified civil liability action" means a civil action brought by any person against a seller of a qualified product, for damages or injunctive relief based on a claim of injury resulting from a person's weight gain, obesity, or any health condition that is related to weight gain or obesity.
"Seller" means, with respect to a qualified product, a person lawfully engaged in the business of selling a qualified product.

Section 10. Limited liability. No person shall bring a qualified civil liability action in State court against any seller of a qualified product.

Section 15. Exceptions. A qualified civil liability action shall not include:
(a) an action in which a seller of a qualified product knowingly and willfully violated a federal or State statute applicable to the marketing, distribution, advertisement, labeling, or sale of the product, and the violation was a proximate cause of the claim of injury resulting from a person's weight gain, obesity, or health condition related to weight gain or obesity;
(b) an action for breach of contract or express warranty in connection with the purchase of a qualified product; or
(c) an action regarding the sale of a qualified product which is adulterated (as described in Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342)).

New matter indicated by italics - deletions by strikeout.
Section 20. Dismissal of pending actions. A qualified civil liability action that is pending on the effective date of this Act shall be dismissed immediately by the court in which the action was brought or is currently pending.

Effective January 1, 2005.

PUBLIC ACT 93-0849
(Senate Bill No. 2453)

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

Section 5. The Illinois Vehicle Code is amended by changing Section 3-806.3 as follows:
(625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)
Sec. 3-806.3. Senior Citizens.
Commencing with the 2001 registration year and extending through the 2003 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, motor vehicles registered at 8,000 pounds or less under Section 3-815(a) and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2004 registration year and extending through the 2005 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, 3-621, 3-
2899

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622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-
650, or 3-651, motor vehicles registered at 8,000 pounds or less under
Section 3-815(a), and recreational vehicles registered at 8,000 pounds or
less under Section 3-815(b). Widows and widowers of claimants shall also
be entitled to this reduced registration fee for the registration year in which
the claimant was eligible.

Commencing with the 2006 registration year, the registration fee
paid by any vehicle owner who has claimed and received a grant under
the Senior Citizens and Disabled Persons Property Tax Relief and
Pharmaceutical Assistance Act or who is the spouse of such a person shall
be $24 instead of the fee otherwise provided in this Code for passenger
cars displaying standard multi-year registration plates issued under
Section 3-414.1, motor vehicles displaying special registration plates
issued under Section 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-
628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, or 3-806.4, motor vehicles
registered at 8,000 pounds or less under Section 3-815(a), and
recreational vehicles registered at 8,000 pounds or less under Section 3-
815(b). Widows and widowers of claimants shall also be entitled to this
reduced registration fee for the registration year in which the claimant
was eligible.

No more than one reduced registration fee under this Section shall
be allowed during any 12 month period based on the primary eligibility
of any individual, whether such reduced registration fee is allowed to the
individual or to the spouse, widow or widower of such individual. This
Section does not apply to the fee paid in addition to the registration fee for
motor vehicles displaying vanity or special license plates.
(Source: P.A. 91-37, eff. 7-1-99; 92-651, eff. 7-11-02; 92-699, eff. 1-1-
03.)

Effective January 1, 2005.

PUBLIC ACT 93-0850
(Senate Bill No. 2620)

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

New matter indicated by italics - deletions by strikeout.
Section 5. The Illinois Insurance Code is amended by changing Section 236 as follows:

(215 ILCS 5/236) (from Ch. 73, par. 848)
Sec. 236. Discrimination prohibited.

(a) No life company doing business in this State shall make or permit any distinction or discrimination in favor of individuals among insured persons of the same class and equal expectation of life in the issuance of its policies, in the amount of payment of premiums or rates charged for policies of insurance, in the amount of any dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes.

(b) No life company shall make or permit any distinction or discrimination against individuals with handicaps or disabilities in the amount of payment of premiums or rates charged for policies of life insurance, in the amount of any dividends or death benefits payable thereon, or in any other terms and conditions of the contract it makes unless the rate differential is based on sound actuarial principles and a reasonable system of classification and is related to actual or reasonably anticipated experience directly associated with the handicap or disability.

(c) No life company shall refuse to insure, or refuse to continue to insure, or limit the amount or extent or kind of coverage available to an individual, or charge an individual a different rate for the same coverage solely because of blindness or partial blindness. With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons. Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses his or her eyesight. However, an insurer may exclude from coverage disabilities consisting solely of blindness or partial blindness when such condition existed at the time the policy was issued.

(d) No life company shall refuse to insure or to continue to insure an individual solely because of the individual's status as a member of the United States Air Force, Army, Coast Guard, Marines, or Navy or solely because of the individual's status as a member of the National Guard or Armed Forces Reserve.

(e) No life company may refuse to insure, refuse to continue to insure, limit the amount or extent or kind of coverage available to an

New matter indicated by italics - deletions by strikeout.
individual, or charge an individual a different rate for the same coverage solely for reasons associated with an applicant's or insured's past lawful travel experiences.
(Source: P.A. 87-118.)

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


PUBLIC ACT 93-0851
(House Bill No. 4275)

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

Section 5. The Criminal Code of 1961 is amended by changing Section 26-4 as follows:

(720 ILCS 5/26-4) (from Ch. 38, par. 26-4)
Sec. 26-4. Unauthorized video recording and live video transmission videotaping.
(a) It is unlawful for any person to knowingly make a video record or transmit live video of videotape, photograph, or film another person without that person's consent in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom.
(a-5) It is unlawful for any person to knowingly make a video record or transmit live video of and secretly videotape, photograph, or film another person in that the other person's residence without that person's consent.
(a-10) It is unlawful for any person, using a concealed camcorder or photographic camera of any type, to knowingly make a video record or transmit live video of and secretly videotape, photograph, or record by electronic means, another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.
(a-15) It is unlawful for any person to place or cause to be placed a device that makes a video record or transmits a live video in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel

New matter indicated by italics - deletions by strikeout.
bedroom with the intent to make a video record or transmit live video of another person without that person's consent.

(a-20) It is unlawful for any person to place or cause to be placed a device that makes a video record or transmits a live video with the intent to make a video record or transmit live video of another person in that other person's residence without that person's consent.

(a-25) It is unlawful for any person to, by any means, knowingly disseminate, or permit to be disseminated, a video record or live video that he or she knows to have been made or transmitted in violation of (a), (a-5), (a-10), (a-15), or (a-20).

(b) Exemptions. The following activities shall be exempt from the provisions of this Section:

(1) The making of a video record or transmission of live video by law enforcement officers pursuant to a criminal investigation, which is otherwise lawful;

(2) The making of a video record or transmission of live video by correctional officials for security reasons or for investigation of alleged misconduct involving a person committed to the Department of Corrections.

(3) The making of a video record or transmission of live video in a locker room by a reporter or news medium, as those terms are defined in Section 8-902 of the Code of Civil Procedure, where the reporter or news medium has been granted access to the locker room by an appropriate authority for the purpose of conducting interviews.

(c) The provisions of this Section do not apply to any sound recording or transmission of an oral conversation made as the result of the making of a video record or transmission of live video, and to which Article 14 of this Code applies.

(d) Sentence.

(1) A violation of subsection (a), (a-5), or (a-10), (a-15), or (a-20) is a Class A misdemeanor.

(2) A violation of subsection (a-5) is a Class 4 felony.

(3) A violation of subsection (a-25) is a Class 3 felony.

(4) A violation of subsection (a), (a-5), (a-10), (a-15) or (a-20) is a Class 3 felony if the victim is a person under 18 years of age or if the violation is committed by an individual who is

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required to register as a sex offender under the Sex Offender Registration Act.

(5) A violation of subsection (a-25) is a Class 2 felony if the victim is a person under 18 years of age or if the violation is committed by an individual who is required to register as a sex offender under the Sex Offender Registration Act.

(2) A person who, by any means, knowingly disseminates or permits the dissemination to another person of a videotape, photograph, or film in violation of subsection (a), (a-5), or (a-10) is guilty of a Class 4 felony.

(e) For purposes of this Section, "video record" means and includes any videotape, photograph, film, or other electronic or digital recording of a still or moving visual image; and "live video" means and includes any real-time or contemporaneous electronic or digital transmission of a still or moving visual image.

(Source: P.A. 91-910, eff. 1-1-01; 92-86, eff. 7-12-01.)

Effective January 1, 2005.

PUBLIC ACT 93-0852
(House Bill No. 2582)

AN ACT in relation to criminal law; which may be referred to as the Robb Family Act.

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

Section 5. The Criminal Code of 1961 is amended by adding Section 12-5.15 as follows:

(720 ILCS 5/12-5.15 new)

Sec. 12-5.15. Aggravated criminal housing management.

(a) A person commits the offense of aggravated criminal housing management when he or she commits the offense of criminal housing management; and:

(1) the condition endangering the health or safety of a person is determined to be a contributing factor in the death of that person; and

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2) The person also conceals or attempts to conceal the condition that endangered the health or safety of the person that is found to be a contributing factor in that death.

(b) Sentence. Aggravated criminal housing management is a Class 4 felony.

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


PUBLIC ACT 93-0853
(Senate Bill No. 2744)

AN ACT concerning insurance coverage.

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

Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)
Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356u, 356w, 356x, 356z.2, and 356z.4, and 356z.6 of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.
(Source: P.A. 92-440, eff. 8-17-01; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04.)

Section 10. The Counties Code is amended by changing Section 5-1069.3 as follows:

(55 ILCS 5/5-1069.3)
Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, and 356x and 356z.6 of the Illinois

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Insurance Code. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.

(Source: P.A. 90-7, eff. 6-10-97; 90-741, eff. 1-1-99.)

Section 15. The Illinois Municipal Code is amended by changing Section 10-4-2.3 as follows:

(65 ILCS 5/10-4-2.3)

Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, and 356x and 356z.6 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.

(Source: P.A. 90-7, eff. 6-10-97; 90-741, eff. 1-1-99.)

Section 20. The School Code is amended by changing Section 10-22.3f as follows:

(105 ILCS 5/10-22.3f)

Sec. 10-22.3f. Required health benefits. Insurance protection and benefits for employees shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, and 356x and 356z.6 of the Illinois Insurance Code.

(Source: P.A. 90-7, eff. 6-10-97; 90-741, eff. 1-1-99.)

Section 25. The Illinois Insurance Code is amended by adding Section 356z.6 as follows:

(215 ILCS 5/356z.6 new)

Sec. 356z.6. Bone mass measurement; osteoporosis. A group or individual policy of accident and health insurance amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 93rd General Assembly must provide coverage for medically necessary bone mass measurement and for the diagnosis and treatment of

New matter indicated by italics - deletions by strikeout.
osteoporosis on the same terms and conditions that are generally applicable to coverage for other medical conditions.

Section 30. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)
Sec. 5-3. Insurance Code provisions.
(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.
(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;
(2) a corporation organized under the laws of this State; or
(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.
(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;
(2) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

New matter indicated by italics - deletions by strikeout.
(3) the Director shall have the power to require the following information:

   (A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;
   (B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;
   (C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and
   (D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

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(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(Source: P.A. 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-261, eff. 1-1-04; 93-477, eff. 8-8-03; 93-529, eff. 8-14-03; revised 9-25-03.)

Section 35. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections

New matter indicated by italics - deletions by strikeout.
(Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01; 92-651, eff. 7-11-02; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-529, eff. 8-14-03; revised 9-25-03.)

Section 40. The Illinois Public Aid Code is amended by changing Section 5-16.8 as follows:
(305 ILCS 5/5-16.8)
Sec. 5-16.8. Required health benefits. The medical assistance program shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, and 356x and 356z.6 of the Illinois Insurance Code.
(Source: P.A. 90-7, eff. 6-10-97; 90-741, eff. 1-1-99.)
Effective January 1, 2005.

PUBLIC ACT 93-0854
(House Bill No. 4374)

AN ACT concerning labor relations.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Labor Relations Act is amended by changing Section 6 as follows:
(5 ILCS 315/6)(from Ch. 48, par. 1606)
Sec. 6. Right to organize and bargain collectively; exclusive representation; and fair share arrangements. (a) Employees of the State and any political subdivision of the State, excluding employees of the General Assembly of the State of Illinois, have, and are protected in the exercise of, the right of self-organization, and may form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment, not excluded by Section 4 of this Act, and to engage in other concerted activities not otherwise prohibited by law for the purposes of collective bargaining or other mutual aid or protection, free from

New matter indicated by italics - deletions by strikeout.
interference, restraint or coercion. Employees also have, and are protected in the exercise of, the right to refrain from participating in any such concerted activities. Employees may be required, pursuant to the terms of a lawful fair share agreement, to pay a fee which shall be their proportionate share of the costs of the collective bargaining process, contract administration and pursuing matters affecting wages, hours and other conditions of employment as defined in Section 3(g).

(b) Nothing in this Act prevents an employee from presenting a grievance to the employer and having the grievance heard and settled without the intervention of an employee organization; provided that the exclusive bargaining representative is afforded the opportunity to be present at such conference and that any settlement made shall not be inconsistent with the terms of any agreement in effect between the employer and the exclusive bargaining representative.

(c) A labor organization designated by the Board as the representative of the majority of public employees in an appropriate unit in accordance with the procedures herein or recognized by a public employer as the representative of the majority of public employees in an appropriate unit is the exclusive representative for the employees of such unit for the purpose of collective bargaining with respect to rates of pay, wages, hours and other conditions of employment not excluded by Section 4 of this Act.

(d) Labor organizations recognized by a public employer as the exclusive representative or so designated in accordance with the provisions of this Act are responsible for representing the interests of all public employees in the unit. Nothing herein shall be construed to limit an exclusive representative's right to exercise its discretion to refuse to process grievances of employees that are unmeritorious.

(e) When a collective bargaining agreement is entered into with an exclusive representative, it may include in the agreement a provision requiring employees covered by the agreement who are not members of the organization to pay their proportionate share of the costs of the collective bargaining process, contract administration and pursuing matters affecting wages, hours and conditions of employment, as defined in Section 3 (g), but not to exceed the amount of dues uniformly required of members. The organization shall certify to the employer the amount constituting each nonmember employee's proportionate share which shall not exceed dues uniformly required of members. In such case, the proportionate share payment in this Section shall be deducted by the

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employer from the earnings of the nonmember employees and paid to the employee organization.

(f) Only the exclusive representative may negotiate provisions in a collective bargaining agreement providing for the payroll deduction of labor organization dues, fair share payment, initiation fees and assessments. Except as provided in subsection (e) of this Section, any such deductions shall only be made upon an employee's written authorization, and continued until revoked in writing in the same manner or until the termination date of an applicable collective bargaining agreement. Such payments shall be paid to the exclusive representative.

Where a collective bargaining agreement is terminated, or continues in effect beyond its scheduled expiration date pending the negotiation of a successor agreement or the resolution of an impasse under Section 14, the employer shall continue to honor and abide by any dues deduction or fair share clause contained therein until a new agreement is reached including dues deduction or a fair share clause. For the benefit of any successor exclusive representative certified under this Act, this provision shall be applicable, provided the successor exclusive representative:

(i) certifies to the employer the amount constituting each non-member's proportionate share under subsection (e); or

(ii) presents the employer with employee written authorizations for the deduction of dues, assessments, and fees under this subsection.

Failure to so honor and abide by dues deduction or fair share clauses for the benefit of any exclusive representative, including a successor, shall be a violation of the duty to bargain and an unfair labor practice.

(g) Agreements containing a fair share agreement must safeguard the right of nonassociation of employees based upon bona fide religious tenets or teachings of a church or religious body of which such employees are members. Such employees may be required to pay an amount equal to their fair share, determined under a lawful fair share agreement, to a nonreligious charitable organization mutually agreed upon by the employees affected and the exclusive bargaining representative to which such employees would otherwise pay such service fee. If the affected employees and the bargaining representative are unable to reach an agreement on the matter, the Board may establish an approved list of charitable organizations to which such payments may be made.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning taxes.

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

Section 5. The Property Tax Code is amended by changing Section 18-157 as follows:

(35 ILCS 200/18-157)

Sec. 18-157. Apportionment; tax objections; court decisions; adjustments of levies and refunds to tax objectors. If a court, in any tax objection based on the apportionment of an overlapping taxing district under Section 18-155, for any year prior to the year of the effective date of this amendatory Act of the 92nd General Assembly, enters a final judgment that there was an over extension or under extension of taxes for an overlapping taxing district based on the apportionment under Section 18-155 for the year for which the objection was filed, the county clerks of each county in which there was an under extension shall proportionately increase the levy of that taxing district by an amount specified in the court order in that county in the subsequent year or in any subsequent year following the final judgment of the court. The increase in the levy, when extended, shall be set forth as a separate item on the tax bills of affected taxpayers. Notwithstanding any other provision of law, the increase in the levy and the extension thereof shall not be subject to any limitations on levies or extensions imposed by the School Code or this Code. The funds collected pursuant to a levy increase authorized by this Section shall be delivered to the county collector of each county in which there was an over extension for distribution to the tax objectors in accordance with the court order.

No person who, under any other provision of this Code, has received any payment in satisfaction of a tax objection based in whole or in part on apportionment under Section 18-155 may receive any payment under this Section in satisfaction of a tax objection based in whole or in part on apportionment under Section 18-155.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning higher education.

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

Section 5. The Higher Education Student Assistance Act is amended by changing Section 45 as follows:

(110 ILCS 947/45)

Sec. 45. Illinois National Guard grant program.

(a) As used in this Section:

"State controlled university or community college" means those institutions under the administration of the Chicago State University Board of Trustees, the Eastern Illinois University Board of Trustees, the Governors State University Board of Trustees, the Illinois State University Board of Trustees, the Northeastern Illinois University Board of Trustees, the Northern Illinois University Board of Trustees, the Western Illinois University Board of Trustees, the Illinois State University Board of Trustees, University of Illinois Board of Trustees, Southern Illinois University Board of Trustees, or the Illinois Community College Board.

"Tuition and fees" shall not include expenses for any sectarian or denominational instruction, the construction or maintenance of sectarian or denominational facilities, or any other sectarian or denominational purposes or activity.

"Fees" means matriculation, graduation, activity, term, or incidental fees. Exemption shall not be granted from any other fees, including book rental, service, laboratory, supply, and union building fees, hospital and medical insurance fees, and any fees established for the operation and maintenance of buildings, the income of which is pledged to the payment of interest and principal on bonds issued by the governing board of any university or community college.
(b) Any enlisted person or any company grade officer, including warrant officers, First and Second Lieutenants, and Captains in the Army and Air National Guard, who has served at least one year in the Illinois National Guard and who possesses all necessary entrance requirements shall, upon application and proper proof, be awarded a grant to the State-controlled university or community college of his or her choice, consisting of exemption from tuition and fees for not more than the equivalent of 4 years of full-time enrollment in relation to his or her course of study at that State controlled university or community college while he or she is a member of the Illinois National Guard. *Except as otherwise provided in this Section, if the recipient of any grant awarded under this Section ceases to be a member of the Illinois National Guard while enrolled in a course of study under that grant, the grant shall be terminated as of the date membership in the Illinois National Guard ended, and the recipient shall be permitted to complete the school term in which he or she is then enrolled only upon payment of tuition and other fees allocable to the part of the term then remaining. If the recipient of a grant awarded under this Section ceases to be a member of the Illinois National Guard while enrolled in a course of study under that grant but (i) has served in the Illinois National Guard for at least 5 years and (ii) has served a cumulative total of at least 6 months of active duty, then that recipient shall continue to be eligible for a grant for one year after membership in the Illinois National Guard ended, provided that the recipient has not already received the exemption from tuition and fees for the equivalent of 4 years of full-time enrollment under this Section. If the recipient of the grant fails to complete his or her military service obligations or requirements for satisfactory participation, the Department of Military Affairs shall require the recipient to repay the amount of the grant received, prorated according to the fraction of the service obligation not completed, and, if applicable, reasonable collection fees. The Department of Military Affairs may adopt rules relating to its collection activities for repayment of the grant under this Section. Unsatisfactory participation shall be defined by rules adopted by the Department of Military Affairs. Repayments shall be deposited in the National Guard Grant Fund. The National Guard Grant Fund is created as a special fund in the State treasury. All money in the National Guard Grant Fund shall be used, subject to appropriation, by the Department of Military Affairs for the purposes of this Section.*
A grant awarded under this Section shall be considered an entitlement which the State-controlled university or community college in which the holder is enrolled shall honor without any condition other than the holder's maintenance of minimum grade levels and a satisfactory student loan repayment record pursuant to subsection (c) of Section 20 of this Act.

(c) Subject to a separate appropriation for such purposes, the Commission may reimburse the State-controlled university or community college for grants authorized by this Section.

(Source: P.A. 92-589, eff. 7-1-02.)

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


PUBLIC ACT 93-0857
(Senate Bill No. 2769)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 2-3.64 as follows

(105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

Sec. 2-3.64. State goals and assessment.

(a) Beginning in the 1998-1999 school year, the State Board of Education shall establish standards and periodically, in collaboration with local school districts, conduct studies of student performance in the learning areas of fine arts and physical development/health.

Beginning with the 1998-1999 school year until the 2005-2006 school year at the latest, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th grades in English language arts (reading, writing, and English grammar) and mathematics; and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences and the social sciences (history, geography, civics, economics, and government). The maximum time allowed for all actual testing required under this paragraph shall not exceed 25 hours, as allocated

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among the required tests by the State Board of Education, across all grades tested.

Beginning no later than the 2005-2006 school year, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in reading and mathematics; (ii) all pupils enrolled in 3rd, 4th, 6th, and 8th grades in writing; (iii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences; and (iv) all pupils enrolled in 5th and 8th grades in the social sciences (history, geography, economics, civics, and government). The State Board of Education shall sample student performance in the learning area of physical development and health in grades 4 and 7 through the science tests and in the learning area of fine arts in grades 5 and 8 through the social sciences tests. After the addition of subjects and grades as delineated in this paragraph and including whatever other tests that may be approved from time to time no later than the 2005-2006 school year, the maximum time allowed for all State testing in grades 3 through 8 shall not exceed 38 hours across those grades.

The State Board of Education shall establish the academic standards that are to be applicable to pupils who are subject to State tests under this Section beginning with the 1998-1999 school year. However, the State Board of Education shall not establish any such standards in final form without first providing opportunities for public participation and local input in the development of the final academic standards. Those opportunities shall include a well-publicized period of public comment, public hearings throughout the State, and opportunities to file written comments. Beginning with the 1998-99 school year and thereafter, the State tests will identify pupils in the 3rd grade or 5th grade who do not meet the State standards.

If, by performance on the State tests or local assessments or by teacher judgment, a student's performance is determined to be 2 or more grades below current placement, the student shall be provided a remediation program developed by the district in consultation with a parent or guardian. Such remediation programs may include, but shall not be limited to, increased or concentrated instructional time, a remedial summer school program of not less than 90 hours, improved instructional approaches, tutorial sessions, retention in grade, and modifications to instructional materials. Each pupil for whom a remediation program is developed under this subsection shall be required to enroll in and attend whatever program the district determines is appropriate for the pupil.

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Districts may combine students in remediation programs where appropriate and may cooperate with other districts in the design and delivery of those programs. The parent or guardian of a student required to attend a remediation program under this Section shall be given written notice of that requirement by the school district a reasonable time prior to commencement of the remediation program that the student is to attend. The State shall be responsible for providing school districts with the new and additional funding, under Section 2-3.51.5 or by other or additional means, that is required to enable the districts to operate remediation programs for the pupils who are required to enroll in and attend those programs under this Section. Every individualized educational program as described in Article 14 shall identify if the State test or components thereof are appropriate for that student. The State Board of Education shall develop rules and regulations governing the administration of alternative tests prescribed within each student's individualized educational program which are appropriate to the disability of each student.

All pupils who are in a State approved transitional bilingual education program or transitional program of instruction shall participate in the State tests. Any student who has been enrolled in a State approved bilingual education program less than 3 cumulative academic years may take an accommodated State test, to be known as the Illinois Measure of Annual Growth in English (IMAGE), if the student's lack of English as determined by an English language proficiency test would keep the student from understanding the regular State test. If the school district determines, on a case-by-case individual basis, that IMAGE would likely yield more accurate and reliable information on what the student knows and can do, the school district may make a determination to assess the student using IMAGE for a period that does not exceed 2 additional consecutive years, provided that the student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what the student knows and can do on the regular State test.

Reasonable accommodations as prescribed by the State Board of Education shall be provided for individual students in the testing procedure. All test procedures prescribed by the State Board of Education shall require: (i) that each test used for State and local student testing under this Section identify by name the pupil taking the test; (ii) that the name of the pupil taking the test be placed on the test at the time the test is taken; (iii) that the results or scores of each test taken under this Section by a pupil of the school district be reported to that district and identify by

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name the pupil who received the reported results or scores; and (iv) that the results or scores of each test taken under this Section be made available to the parents of the pupil. In addition, in each school year the highest scores attained by a student on the Prairie State Achievement Examination administered under subsection (c) of this Section and any Prairie State Achievement Awards received by the student shall become part of the student's permanent record and shall be entered on the student's transcript pursuant to regulations that the State Board of Education shall promulgate for that purpose in accordance with Section 3 and subsection (e) of Section 2 of the Illinois School Student Records Act. Beginning with the 1998-1999 school year and in every school year thereafter, scores received by students on the State assessment tests administered in grades 3 through 8 shall be placed into students' temporary records.

The State Board of Education shall establish a period of time, to be referred to as the State test window, in each school year for which State testing shall occur to meet the objectives of this Section. However, if the schools of a district are closed and classes are not scheduled during any week that is established by the State Board of Education as the State test window, the school district may (at the discretion of the State Board of Education) move its State test window one week earlier or one week later than the established State test window, so long as the school district gives the State Board of Education written notice of its intention to deviate from the established schedule by December 1 of the school year in which falls the State test window established by the State Board of Education for the testing.

(a-5) All tests administered pursuant to this Section shall be academically based. For the purposes of this Section "academically based tests" shall mean tests consisting of questions and answers that are measurable and quantifiable to measure the knowledge, skill, and ability of students in the subject matters covered by tests. The scoring of academically based tests shall be reliable, valid, unbiased and shall meet the guidelines for test development and use prescribed by the American Psychological Association, the National Council of Measurement and Evaluation, and the American Educational Research Association. Academically based tests shall not include assessments or evaluations of attitudes, values, or beliefs, or testing of personality, self-esteem, or self-concept. Nothing in this amendatory Act is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed during the passage of HB 1005/P.A. 90-296.

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Nothing in this Section is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed in the preamble of this amendatory Act of the 93rd General Assembly.

The State Board of Education shall monitor the use of short answer questions in the math and reading assessments or in other assessments in order to demonstrate that the use of short answer questions results in a statistically significant improvement in student achievement as measured on the State assessments for math and reading or on other State assessments and is justifiable in terms of cost and student performance.

(b) It shall be the policy of the State to encourage school districts to continuously test pupil proficiency in the fundamental learning areas in order to: (i) provide timely information on individual students' performance relative to State standards that is adequate to guide instructional strategies; (ii) improve future instruction; and (iii) complement the information provided by the State testing system described in this Section. Each district's school improvement plan must address specific activities the district intends to implement to assist pupils who by teacher judgment and test results as prescribed in subsection (a) of this Section demonstrate that they are not meeting State standards or local objectives. Such activities may include, but shall not be limited to, summer school, extended school day, special homework, tutorial sessions, modified instructional materials, other modifications in the instructional program, reduced class size or retention in grade. To assist school districts in testing pupil proficiency in reading in the primary grades, the State Board shall make optional reading inventories for diagnostic purposes available to each school district that requests such assistance. Districts that administer the reading inventories may develop remediation programs for students who perform in the bottom half of the student population. Those remediation programs may be funded by moneys provided under the School Safety and Educational Improvement Block Grant Program established under Section 2-3.51.5. Nothing in this Section shall prevent school districts from implementing testing and remediation policies for grades not required under this Section.

(c) Beginning with the 2000-2001 school year, each school district that operates a high school program for students in grades 9 through 12 shall annually administer the Prairie State Achievement Examination established under this subsection to its students as set forth below. The Prairie State Achievement Examination shall be developed by the State
Board of Education to measure student performance in the academic areas of reading, writing, mathematics, science, and social sciences. The State Board of Education shall establish the academic standards that are to apply in measuring student performance on the Prairie State Achievement Examination including the minimum examination score in each area that will qualify a student to receive a Prairie State Achievement Award from the State in recognition of the student's excellent performance. Each school district that is subject to the requirements of this subsection (c) shall afford all students 2 opportunities to take the Prairie State Achievement Examination beginning as late as practical during the second semester of grade 11, but in no event before March 1. The State Board of Education shall annually notify districts of the weeks during which these test administrations shall be required to occur. Every individualized educational program as described in Article 14 shall identify if the Prairie State Achievement Examination or components thereof are appropriate for that student. Each student, exclusive of a student whose individualized educational program developed under Article 14 identifies the Prairie State Achievement Examination as inappropriate for the student, shall be required to take the examination in grade 11. For each academic area the State Board of Education shall establish the score that qualifies for the Prairie State Achievement Award on that portion of the examination. Any student who fails to earn a qualifying score for a Prairie State Achievement Award in any one or more of the academic areas on the initial test administration or who wishes to improve his or her score on any portion of the examination shall be permitted to retake such portion or portions of the examination during grade 12. Districts shall inform their students of the timelines and procedures applicable to their participation in every yearly administration of the Prairie State Achievement Examination. Students receiving special education services whose individualized educational programs identify the Prairie State Achievement Examination as inappropriate for them nevertheless shall have the option of taking the examination, which shall be administered to those students in accordance with standards adopted by the State Board of Education to accommodate the respective disabilities of those students. A student who successfully completes all other applicable high school graduation requirements but fails to receive a score on the Prairie State Achievement Examination that qualifies the student for receipt of a Prairie State Achievement Award shall nevertheless qualify for the receipt of a regular high school diploma.

\textit{In no case, however, shall a student receive a regular high school diploma}
without taking the Prairie State Achievement Examination, unless the student is exempted from taking the Prairie State Achievement Examination under this subsection (c) because the student's individualized educational program developed under Article 14 of this Code identifies the Prairie State Achievement Examination as inappropriate for the student, (ii) the student is exempt due to the student's lack of English language proficiency under subsection (a) of this Section, or (iii) the student is enrolled in a program of Adult and Continuing Education as defined in the Adult Education Act.

(d) Beginning with the 2002-2003 school year, all schools in this State that are part of the sample drawn by the National Center for Education Statistics, in collaboration with their school districts and the State Board of Education, shall administer the biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under Section m11(b)(2) of the National Education Statistics Act of 1994 (20 U.S.C. 9010) if the Secretary of Education pays the costs of administering the assessments.

(e) Beginning no later than the 2005-2006 school year, subject to available federal funds to this State for the purpose of student assessment, the State Board of Education shall provide additional tests and assessment resources that may be used by school districts for local diagnostic purposes. These tests and resources shall include without limitation additional high school writing, physical development and health, and fine arts assessments. The State Board of Education shall annually distribute a listing of these additional tests and resources, using funds available from appropriations made for student assessment purposes.

(f) For the assessment and accountability purposes of this Section, "all pupils" includes those pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law, a school operated by a regional office of education under Section 13A-3 of this Code, or a public school administered by a local public agency or the Department of Human Services.

(Source: P.A. 92-604, eff. 7-1-02; 93-426, eff. 8-5-03.)

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


PUBLIC ACT 93-0858
(Senate Bill No. 2918)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Sections 26-1, 26-2, 26-7, 26-8, and 26-14 and by adding Section 26-16 as follows:
(105 ILCS 5/26-1) (from Ch. 122, par. 26-1)
Sec. 26-1. Compulsory school age-Exemptions. Whoever has custody or control of any child between the ages of 7 and 17 years (unless the child has already graduated from high school) shall cause such child to attend some public school in the district wherein the child resides the entire time it is in session during the regular school term, except as provided in Section 10-19.1, and during a required summer school program established under Section 10-22.33B; provided, that the following children shall not be required to attend the public schools:
1. Any child attending a private or a parochial school where children are taught the branches of education taught to children of corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;
2. Any child who is physically or mentally unable to attend school, such disability being certified to the county or district truant officer by a competent physician or a Christian Science practitioner residing in this State and listed in the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends; the exemptions in this paragraph (2) do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the county or district truant officer by a competent physician;
3. Any child necessarily and lawfully employed according to the provisions of the law regulating child labor may be excused from attendance at school by the county superintendent of schools or the superintendent of the public school which the child should be attending,

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on certification of the facts by and the recommendation of the school board of the public school district in which the child resides. In districts having part time continuation schools, children so excused shall attend such schools at least 8 hours each week;

4. Any child over 12 and under 14 years of age while in attendance at confirmation classes;

5. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that he is unable to attend classes or to participate in any examination, study or work requirements on a particular day or days or at a particular time of day, because the tenets of his religion forbid secular activity on a particular day or days or at a particular time of day. Each school board shall prescribe rules and regulations relative to absences for religious holidays including, but not limited to, a list of religious holidays on which it shall be mandatory to excuse a child; but nothing in this paragraph 5 shall be construed to limit the right of any school board, at its discretion, to excuse an absence on any other day by reason of the observance of a religious holiday. A school board may require the parent or guardian of a child who is to be excused from attending school due to the observance of a religious holiday to give notice, not exceeding 5 days, of the child's absence to the school principal or other school personnel. Any child excused from attending school under this paragraph 5 shall not be required to submit a written excuse for such absence after returning to school; and:

6. Any child 16 years of age or older who (i) submits to a school district evidence of necessary and lawful employment pursuant to paragraph 3 of this Section and (ii) is enrolled in a graduation incentives program pursuant to Section 26-16 of this Code or an alternative learning opportunities program established pursuant to Article 13B of this Code.

(Source: P.A. 89-610, eff. 8-6-96.)

(105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

Sec. 26-2. Enrolled pupils below 7 or over 17. Any person having custody or control of a child who is below the age of 7 years or is 17 years of age or above the age of 16 years and who is enrolled in any of grades 1 through 12; in the public school shall cause him to attend the public school in the district wherein he resides when it is in session during the regular school term, unless he is excused under paragraph paragraphs 2, 3, 4, or 5, or 6 of Section 26-1.

A school district shall deny reenrollment in its secondary schools to any child 17 years of age or above the age of 16 years who has dropped

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out of school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. A district may, however, enroll the child in a graduation incentives program under Section 26-16 of this Code or an alternative learning opportunities program established under Article 13B. No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to alternative educational programs, including adult education programs, that lead to graduation or receipt of a GED diploma. No child may be denied reenrollment in violation of the Individuals with Disabilities Education Act or the Americans with Disabilities Act.

(Source: P.A. 92-42, eff. 1-1-02.)

(105 ILCS 5/26-7) (from Ch. 122, par. 26-7)

Sec. 26-7. Notice to custodian-Notice of non-compliance. If any person fails to send any child under his custody or control to some lawful school, the truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee shall, as soon as practicable after he is notified thereof, give notice in person or by mail to such person that such child shall be present at the proper public school on the day following the receipt of such notice. The notice shall state the date that attendance at school must begin and that such attendance must be continuous and consecutive in the district during the remainder of the school year. The truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee shall at the same time that such notice is given notify the teacher or superintendent of the proper public school thereof and the teacher or superintendent shall notify the truant officer or regional superintendent of schools of any non-compliance therewith.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/26-8) (from Ch. 122, par. 26-8)

Sec. 26-8. Determination as to compliance - Complaint in circuit court. A truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee, after giving the notice provided in Section 26-7, shall determine whether the notice has been complied with. If 3 notices have been given and the notices have the notice has not been complied with,
and if the persons having custody or control have knowingly and wilfully permitted the truant behavior to continue, the regional superintendent of schools, or his or her designee, of the school district where the child resides shall conduct a truancy hearing. If the regional superintendent determines as a result of the hearing that the child is truant, the regional superintendent shall require the student to complete 20 to 40 hours of community service over a period of 90 days. If the truancy persists, the regional superintendent shall (i) make complaint against the persons having custody or control of the child to the state’s attorney or in the circuit court in the county where such person resides for failure to comply with the provisions of this Article or (ii) conduct truancy mediation and encourage the student to enroll in a graduation incentives program under Section 26-16 of this Code. If, however, after giving the notice provided in Section 26-7 the truant behavior has continued, and the child is beyond the control of the parents, guardians or custodians, a truancy petition shall be filed under the provisions of Article III of the Juvenile Court Act of 1987.

(Source: P.A. 85-1209.)

(105 ILCS 5/26-14) (from Ch. 122, par. 26-14)

Sec. 26-14. Truancy programs for dropouts. Any dropout, as defined in Section 26-2a, who is 17 whose age is 16 or greater, but less than 18 years of age, may apply to a school district for status as a truant, and the school district shall permit such person to participate in the district's various programs and resources for truants. At the time of the person's application, the district may request documentation of his dropout status for the previous 6 months.

(Source: P.A. 85-629.)

(105 ILCS 5/26-16 new)

Sec. 26-16. Graduation incentives program.

(a) The General Assembly finds that it is critical to provide options for children to succeed in school. The purpose of this Section is to provide incentives for and encourage all Illinois students who have experienced or are experiencing difficulty in the traditional education system to enroll in alternative programs.

(b) Any student who is no more than 18 years of age is eligible to enroll in a graduation incentives program if he or she:

(1) is considered a dropout pursuant to Section 26-2a of this Code;

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(2) has been suspended or expelled pursuant to Section 10-22.6 or 34-19 of this Code;
(3) is pregnant or is a parent;
(4) has been assessed as chemically dependent; or
(5) is enrolled in a bilingual education or LEP program.

(c) The following programs qualify as graduation incentives programs for students meeting the criteria established in this Section:

(1) Any public elementary or secondary education graduation incentives program established by a school district or by a regional office of education.

(2) Any alternative learning opportunities program established pursuant to Article 13B of this Code.

(3) Vocational or job training courses approved by the State Superintendent of Education that are available through the Illinois public community college system. Students may apply for reimbursement of 50% of tuition costs for one course per semester or a maximum of 3 courses per school year. Subject to available funds, students may apply for reimbursement of up to 100% of tuition costs upon a showing of employment within 6 months after completion of a vocational or job training program. The qualifications for reimbursement shall be established by the State Superintendent of Education by rule.

(4) Job and career programs approved by the State Superintendent of Education that are available through Illinois-accredited private business and vocational schools. Subject to available funds, pupils may apply for reimbursement of up to 100% of tuition costs upon a showing of employment within 6 months after completion of a job or career program. The State Superintendent of Education shall establish, by rule, the qualifications for reimbursement, criteria for determining reimbursement amounts, and limits on reimbursement.

(5) Adult education courses that offer preparation for the General Educational Development Test.

(d) Graduation incentives programs established by school districts are entitled to claim general State aid, subject to Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code. Graduation incentives programs operated by regional offices of education are entitled to receive general State aid at the foundation level of support per pupil enrolled. A school district must ensure that its graduation incentives program receives

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supplemental general State aid, transportation reimbursements, and special education resources, if appropriate, for students enrolled in the program.

Effective January 1, 2005.

PUBLIC ACT 93-0859
(Senate Bill No. 3109)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 2-3.13a as follows:

(105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)
Sec. 2-3.13a. School Scholastic records; transferring students.

(a) The State Board of Education shall establish and implement rules requiring all of the public schools and all private or nonpublic elementary and secondary schools located in this State, whenever any such school has a student who is transferring to any other public elementary or secondary school located in this or in any other state, to forward within 10 days of notice of the student's transfer an unofficial record of that student's grades to the school to which such student is transferring. Each public school at the same time also shall forward to the school to which the student is transferring the remainder of the student's school student records as required by the Illinois School Student Records Act. In addition, if a student is transferring from a public school, whether located in this or any other state, from which the student has been suspended or expelled for knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. 8921 et seq.), for knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the school, and if the period of suspension or expulsion has not expired at the time the student attempts to transfer into another public school in the same or any other school district: (i) any school student records required to be transferred shall include the date and duration of the period of suspension or expulsion; and (ii) with the exception of transfers into the Department of Corrections school district, the student shall not be

New matter indicated by italics - deletions by strikeout.
permitted to attend class in the public school into which he or she is transferring until the student has served the entire period of the suspension or expulsion imposed by the school from which the student is transferring, provided that the school board may approve the placement of the student in an alternative school program established under Article 13A of this Code. A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion before being admitted into the school district. This policy may allow placement of the student in an alternative school program established under Article 13A of this Code, if available, for the remainder of the suspension or expulsion. Each public school and each private or nonpublic elementary or secondary school in this State shall within 10 days after the student has paid all of his or her outstanding fines and fees and at its own expense forward an official transcript of the scholastic records of each student transferring from that school in strict accordance with the provisions of this Section and the rules established by the State Board of Education as herein provided.

(b) The State Board of Education shall develop a one-page standard form that Illinois school districts are required to provide to any student who is moving out of the school district and that contains the information about whether or not the student is "in good standing" and whether or not his or her medical records are up-to-date and complete. As used in this Section, "in good standing" means that the student is not being disciplined by a suspension or expulsion, but is entitled to attend classes. No school district is required to admit a new student who is transferring from another Illinois school district unless he or she can produce the standard form from the student's previous school district enrollment. No school district is required to admit a new student who is transferring from an out-of-state public school unless the parent or guardian of the student certifies in writing that the student is not currently serving a suspension or expulsion imposed by the school from which the student is transferring.

(c) The State Board of Education shall, by rule, establish a system to provide for the accurate tracking of transfer students. This system shall, at a minimum, require that a student be counted as a dropout in the calculation of a school's or school district's annual student dropout rate unless the school or school district to which the student transferred (known hereafter in this subsection (c) as the transferee school or school district) sends notification to the school or school district from which the student was transferred.
student transferred (known hereafter in this subsection (c) as the transferor school or school district) documenting that the student has enrolled in the transferee school or school district. This notification must occur within 150 days after the date the student withdraws from the transferor school or school district or the student shall be counted in the calculation of the transferor school’s or school district’s annual student dropout rate. A request by the transferee school or school district to the transferor school or school district seeking the student’s academic transcripts or medical records shall be considered without limitation adequate documentation of enrollment. Each transferor school or school district shall keep documentation of such transfer students for the minimum period provided in the Illinois School Student Records Act. All records indicating the school or school district to which a student transferred are subject to the Illinois School Student Records Act.

(Source: P.A. 91-365, eff. 7-30-99; 92-64, eff. 7-12-01.)

Effective January 1, 2005.

PUBLIC ACT 93-0860
(House Bill No. 4833)

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

Section 5. The Illinois Vehicle Code is amended by changing Section 18b-101 as follows:

(625 ILCS 5/18b-101) (from Ch. 95 1/2, par. 18b-101)

Sec. 18b-101. Definitions. Unless the context otherwise clearly requires, as used in this Chapter:

"Air mile" means a nautical mile, which is equivalent to 6,076 feet or 1,852 meters. Accordingly, 100 air miles are equivalent to 115.08 statute miles or 185.2 kilometers.

"Commercial motor vehicle" means any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 10,001 or more pounds; or the vehicle is used or designed to transport more than 15 passengers, including the

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driver; or the vehicle is designed to carry 15 or fewer passengers and is
operated by a contract carrier transporting employees in the course of their
employment on a highway of this State; or the vehicle is used or designed
to transport between 9 and 15 passengers, including the driver, for direct
compensation, if the vehicle is being operated beyond a radius of 75 air
miles (86.3 statute miles or 138.9 kilometers) from the driver's normal
work reporting location; or the vehicle is used in the transportation of
hazardous materials in a quantity requiring placarding under the Illinois
Hazardous Materials Transportation Act. This definition shall not include
farm machinery, fertilizer spreaders, and other special agricultural
movement equipment described in Section 3-809 nor implements of
husbandry as defined in Section 1-130;

"Direct compensation" means payment made to the motor carrier
by the passengers or a person acting on behalf of the passengers for the
transportation services provided, and not included in a total package
charge or other assessment for highway transportation services;

"Officer" means Illinois State Police Officer;

"Person" means any natural person or individual, governmental
body, firm, association, partnership, copartnership, joint venture,
company, corporation, joint stock company, trust, estate or any other legal
entity or their legal representative, agent or assigns.
(Source: P.A. 91-179, eff. 1-1-00; 92-108, eff. 1-1-02.)

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


PUBLIC ACT 93-0861
House Bill No 5562

AN ACT in relation to education.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The School Code is amended by changing Section 27A-4 as follows:
(105 ILCS 5/27A-4)
Sec. 27A-4. General Provisions.

New matter indicated by italics - deletions by strikeout.
(a) The General Assembly does not intend to alter or amend the provisions of any court-ordered desegregation plan in effect for any school district. A charter school shall be subject to all federal and State laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, or need for special education services.

(b) The total number of charter schools operating under this Article at any one time shall not exceed 60. Not more than 30 charter schools shall operate at any one time in any city having a population exceeding 500,000; not more than 15 charter schools shall operate at any one time in the counties of DuPage, Kane, Lake, McHenry, Will, and that portion of Cook County that is located outside a city having a population exceeding 500,000, with not more than one charter school that has been initiated by a board of education, or by an intergovernmental agreement between or among boards of education, operating at any one time in the school district where the charter school is located; and not more than 15 charter schools shall operate at any one time in the remainder of the State, with not more than one charter school that has been initiated by a board of education, or by an intergovernmental agreement between or among boards of education, operating at any one time in the school district where the charter school is located.

For purposes of implementing this Section, the State Board shall assign a number to each charter submission it receives under Section 27A-6 for its review and certification, based on the chronological order in which the submission is received by it. The State Board shall promptly notify local school boards when the maximum numbers of certified charter schools authorized to operate have been reached.

(c) No charter shall be granted under this Article that would convert any existing private, parochial, or non-public school to a charter school.

(d) Enrollment in a charter school shall be open to any pupil who resides within the geographic boundaries of the area served by the local school board, provided that the board of education in a city having a population exceeding 500,000 may designate attendance boundaries for no more than one-third of the charter schools permitted in the city if the board of education determines that attendance boundaries are needed to relieve overcrowding or to better serve low-income and at-risk students. Students residing within an attendance boundary may be given priority for enrollment, but must not be required to attend the charter school.

New matter indicated by italics - deletions by strikeout.
(e) Nothing in this Article shall prevent 2 or more local school boards from jointly issuing a charter to a single shared charter school, provided that all of the provisions of this Article are met as to those local school boards.

(f) No local school board shall require any employee of the school district to be employed in a charter school.

(g) No local school board shall require any pupil residing within the geographic boundary of its district to enroll in a charter school.

(h) If there are more eligible applicants for enrollment in a charter school than there are spaces available, successful applicants shall be selected by lottery. However, priority shall be given to siblings of pupils enrolled in the charter school and to pupils who were enrolled in the charter school the previous school year, unless expelled for cause, and priority may be given to pupils residing within the charter school's attendance boundary, if a boundary has been designated by the board of education in a city having a population exceeding 500,000. Dual enrollment at both a charter school and a public school or non-public school shall not be allowed. A pupil who is suspended or expelled from a charter school shall be deemed to be suspended or expelled from the public schools of the school district in which the pupil resides.

(i) (Blank).

(j) Notwithstanding any other provision of law to the contrary, a school district in a city having a population exceeding 500,000 shall not have a duty to collectively bargain with an exclusive representative of its employees over decisions to grant or deny a charter school proposal under Section 27A-8 of this Code, decisions to renew or revoke a charter under Section 27A-9 of this Code, and the impact of these decisions, provided that nothing in this Section shall have the effect of negating, abrogating, replacing, reducing, diminishing, or limiting in any way employee rights, guarantees, or privileges granted in Sections 2, 3, 7, 8, 10, 14, and 15 of the Illinois Educational Labor Relations Act.

(Source: P.A. 92-16, eff. 6-28-01; 93-3, eff. 4-16-03.)

Effective January 1, 2005.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning education.

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

Section 5. The Illinois Consortium for Educational Opportunity Act is amended by changing the title of the Act and Sections 1, 2, 3, 4, 6, 7, 8, 9, 10, and 11 and by adding Section 11.5 as follows:

(110 ILCS 930/Act title)


(110 ILCS 930/1) (from Ch. 144, par. 2301)

Sec. 1. Short Title. This Act shall be known and may be cited as the Diversifying Higher Education Faculty in Illinois Illinois Consortium for Educational Opportunity Act.

(Source: P.A. 84-785.)

(110 ILCS 930/2) (from Ch. 144, par. 2302)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Board" means the Board of Higher Education.

(b) "Institution of higher education" means a publicly or privately operated educational institution located within Illinois: (1) which offers instruction leading toward or prerequisite to an academic or professional degree beyond the baccalaureate degree, excluding theological schools; and (2) which requires that in order to obtain such degree the student satisfactorily completes appropriate courses of class, laboratory or research study in residence under a faculty whose members hold appropriate academic degrees; and (3) which meets the standards of approval established by the Board of Higher Education.

(c) "Consortium Board" means the representatives of the institutions of higher education participating in the Consortium established under this Act.

"DFI" (d) "ICEOP" means the Diversifying Higher Education Faculty in Illinois Program Illinois Consortium for Educational Opportunity program of financial assistance to minorities who are traditionally underrepresented as participants in postsecondary education. The program shall assist them in pursuing a graduate or professional degree and shall also assist program graduates to find employment at an

New matter indicated by italics - deletions by strikeout.
Illinois institution of higher education, including a community college, in a faculty or staff position.

"Program Board" means the entity created to administer the grant program authorized by this Act.

"Qualified institution of higher education" means a qualifying publicly or privately operated educational institution located within Illinois (i) that offers instruction leading toward or prerequisite to an academic or professional degree beyond the baccalaureate degree, excluding theological schools, and (ii) that is authorized to operate in the State of Illinois.

(e) "Racial minority" means a person who is a citizen of the United States or a lawful permanent resident alien of the United States and who is:

(1) Black (a person having origins in any of the black racial groups in Africa);
(2) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);
(3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or
(4) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

(Source: P.A. 84-785.)

(110 ILCS 930/3) (from Ch. 144, par. 2303)

Sec. 3. Composition of the Program Consortium Board. The Program Board shall be comprised of 21 members and shall be appointed by the Board of Higher Education. Persons appointed to the Program Board shall include, but need not be limited to, individuals who are in leadership positions in institutions of higher education, including community colleges. Illinois institutions that grant doctoral degrees must have representation on the Program Board. Consortium Board shall include one representative from each of the institutions of higher education participating in the Consortium.

The method of selection shall be determined by each institution of higher education:

The Board shall assure, by additional appointments to the Consortium Board, if necessary, that racial minorities who are traditionally
underrepresented in postsecondary education programs and activities are members of the Program Consortium Board.
(Source: P.A. 84-785.)

Sec. 4. Responsibilities of the Program Consortium Board. The Program Consortium Board shall be responsible for:

(a) Establishing policy for administration of the DFI ICEOP grant program authorized under this Act, including criteria to promote placement of grant recipients.
(b) Reviewing and approving applications for participation in the DFI ICEOP grant program.
(c) Establishing subcommittees or panels as necessary to review applications and promote student placement.
(d) Reporting annually to the Board on program outcomes and results, including lists of new and continuing scholarship award recipients by institution, level, and field of study; lists of recipients retained in the program from the previous year; lists of placements of most recent program graduates; a description of institutional efforts to place program graduates; and a description of policy and administrative actions designed to increase placement of grant recipients.
(Source: P.A. 84-785.)

Sec. 6. DFI ICEOP grants. A program of financial assistance is established to implement the policy of encouraging minority students to enroll and complete academic programs at the postbaccalaureate level and to enhance the diversity of faculty and staff of Illinois institutions of higher education. The Board of Higher Education shall provide administrative assistance for the Program Consortium Board and shall distribute funds appropriated by the General Assembly for this purpose in accordance with decisions made by the Program Consortium Board.
(Source: P.A. 84-785.)

Sec. 7. Eligibility for DFI ICEOP grants. An individual is eligible for an award under the provisions of this Act when the Program Consortium Board finds:

(a) That the individual is a resident of this State and a citizen or lawful permanent resident alien of the United States;

New matter indicated by italics - deletions by strikeout.
(b) That the individual is a member of a racial minority as defined under the terms of this Act;

(c) That the individual has earned any educational diploma at an institution of education located in this State, or is a resident of the State for no less than three years prior to applying for the grant, and the individual must hold a baccalaureate degree from an institution of higher learning;

(d) That the individual's financial resources are such that, in the absence of a DFI ICEOP grant, the individual will be prevented from pursuing a graduate or professional degree at a qualified institution of higher education of his or her choice;

(e) That the individual has above average academic ability to pursue a graduate or professional degree; and

(f) That the individual meets other qualifications which shall be established by the Program Consortium Board.

Grant funds shall be awarded only to those persons pursuing a graduate or professional degree program at a qualified institution of higher education.

The Consortium Board shall by rule promulgate, pursuant to the Illinois Administrative Procedure Act, precise standards to be used by the Program Board to determine whether a program applicant has above average academic ability to pursue a graduate or professional degree.

(Source: P.A. 85-1337.)

(110 ILCS 930/8) (from Ch. 144, par. 2308)

Sec. 8. Application. The Program Consortium Board shall design the application for the DFI ICEOP award and determine the timetable for submission of the application.

(Source: P.A. 84-785.)

(110 ILCS 930/9) (from Ch. 144, par. 2309)

Sec. 9. Terms of award. After a person has been accepted into the DFI ICEOP, the individual shall be eligible for an annual award which may be renewable for up to an additional 3 years provided that he or she makes satisfactory progress toward completing his or her degree. The Program Consortium Board shall determine the award amount annually.

(Source: P.A. 92-45, eff. 7-1-02.)

(110 ILCS 930/10) (from Ch. 144, par. 2310)

Sec. 10. Conditions of award. Conditions for acceptance of a DFI ICEOP award are that the recipient shall agree to: (1) accept a teaching or nonteaching full-time appointment at an Illinois institution of higher

New matter indicated by italics - deletions by strikeout.
education; or (2) accept a position at one of the higher education governing boards for the period equal to the number of years that he or she was a participant in the ICEOP; or (3) accept a position as an employee of this State in an administrative, educational-related education-related position for the period equal to the number of years that he or she was a participant in the DFI ICEOP.

(Source: P.A. 85-727.)

(110 ILCS 930/11) (from Ch. 144, par. 2311)
Sec. 11. Penalty for failure to fulfill the conditions of a DFI an ICEOP award. If the obligation of the award is not met, repayment of the funds awarded may be required according to procedures rules developed by the Program Consortium Board.

(Source: P.A. 84-785.)

(110 ILCS 930/11.5 new)
Sec. 11.5. Continuing participants. Program participants admitted under the provisions of the former Illinois Minority Graduate Incentive Program/Illinois Consortium for Educational Opportunity Program prior to January 1, 2004 shall be governed by the statutory provisions and rules governing the program at the time of their admission.

(110 ILCS 930/5 rep.)
Section 10. The Illinois Consortium for Educational Opportunity Act is amended by repealing Section 5.

Section 99. Effective date. This Act takes effect July 1, 2004.

PUBLIC ACT 93-0863
(House Bill No. 5197)

AN ACT concerning reverse mortgage loans.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Residential Mortgage License Act of 1987 is amended by changing Section 5-5 as follows:

(205 ILCS 635/5-5)
Sec. 5-5. Reverse mortgages mortgage; disclosure; good faith dealings, fraudulent or deceptive practices.

New matter indicated by italics - deletions by strikeout.
(a) At the time a reverse mortgage loan is made or brokered, a licensee must provide to the mortgagor a separate document that informs the mortgagor that by obtaining the reverse mortgage the mortgagor's eligibility to obtain a tax deferral under the Senior Citizens Real Estate Tax Deferral Act may be adversely affected. The mortgagor must sign the disclosure document as part of the reverse mortgage transaction.

(b) A licensee must act in good faith in all relations with a borrower, including but not limited to, transferring, dealing in, offering, or making a reverse mortgage loan. No licensee shall employ fraudulent or deceptive acts or practices in the making of a reverse mortgage loan, including deceptive marketing and sales efforts.

(Source: P.A. 92-577, eff. 6-26-02.)

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


PUBLIC ACT 93-0864
(House Bill No. 6706)

AN ACT in relation to aging.

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

Section 1. Short title. This Act may be cited as the Family Caregiver Act.

Section 5. Legislative findings. The General Assembly recognizes the following:

(1) Family caregivers, serving without compensation, have been the mainstay of the long-term care system in this country. Care provided by these informal caregivers is the most crucial factor in avoiding or postponing institutionalization of the State's residents.

(2) Among non-institutionalized persons needing assistance with personal care needs, two-thirds depend solely on family and friends for assistance. Another 25% supplement family care with services from paid providers. Only a little more than 5% rely exclusively on paid services.

New matter indicated by italics - deletions by strikeout.
(3) Family caregivers are frequently under substantial physical, psychological, and financial stress. Unrelieved by support services available to the caregiver, this stress may lead to premature or unnecessary institutionalization of the care recipient or deterioration in the health condition and family circumstances of the caregiver.

(4) Two out of 3 family caregivers, due to being employed outside the home, experience additional stress. Two-thirds of working caregivers report conflicts between work and caregiving, requiring them to rearrange their work schedules, work fewer than normal hours, or take an unpaid leave of absence. For this population, caregiver support services have the added benefit of allowing family caregivers to remain active members of our State's workforce.

Section 10. Legislative intent. It is the intent of the General Assembly to establish a multi-faceted family caregiver support program to assist unpaid family caregivers and grandparents or other older individuals who are relative caregivers, who are informal providers of in-home and community care to older individuals or children.

Services provided under this program shall do the following:

(1) Provide information, relief, and support to family and other unpaid caregivers of older individuals and children.

(2) Encourage family members to provide care for their family members who are older individuals and children.

(3) Provide temporary substitute support services or living arrangements to allow a period of relief or rest for caregivers.

(4) Be provided in the least restrictive setting available consistent with the individually assessed needs of older individuals and children.

(5) Include services appropriate to the needs of family members caring for older individuals and children, including older individuals with dementia.

(6) Provide family caregivers with services that enable them to make informed decisions about current and future care plans, solve day-to-day caregiving problems, learn essential caregiving skills, and locate services that may strengthen their capacity to provide care.

Section 15. Definitions. In this Act:

New matter indicated by italics - deletions by strikeout.
"Caregiver" or "family caregiver" means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual, or a grandparent or older individual who is a relative caregiver.

"Child" or "children" means an individual or individuals 18 years of age or under.

"Department" means the Department on Aging.

"Eligible participant" means a family caregiver or a grandparent or older individual who is a relative caregiver.

"Family caregiver support services" includes, but is not limited to, the following:

1. Information to caregivers about available services.
2. Assistance to caregivers in gaining access to the services.
3. Individual counseling, organization of support groups, and caregiver training for caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles.
4. Respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities.
5. Supplemental services, on a limited basis, to complement the care provided by the caregivers.
6. Other services as identified by the Department and defined by rule.

"Frail individual" means an older individual who is determined to be functionally impaired because the individual (i) is unable to perform from at least 2 activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision or (ii) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

"Grandparent or older individual who is a relative caregiver" means a grandparent or step-grandparent of a child, or a relative of a child by blood or marriage, who:

1. lives with the child;
2. is the primary caregiver for the child because the child's biological or adoptive parents are unable or unwilling to serve as the primary caregiver for the child; and

New matter indicated by italics - deletions by strikeout.
(3) has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

"Informal provider" means an individual who is not compensated for the care he or she provides.

"Older individual" means an individual who is 60 years of age or older, except for a grandparent or older individual who is a relative caregiver.

"Respite care" means substitute supports or living arrangements provided on an intermittent, occasional basis. The term includes, but is not limited to, in-home respite care, adult day care, child care, and institutional care. The term also includes respite care as defined in Section 2 of the Respite Program Act to the extent that such services are allowable and participants are eligible under the National Family Caregiver Support Program.

Section 16. Family caregiver demonstration grant. The Department shall seek federal funding for the establishment and assessment of a Family Caregiver Training and Support Demonstration Project. The Department is authorized to fund 2 sites, one in a rural community and one in a more urban area. The Department shall adopt rules governing participation and oversight of the program. The Department shall seek technical assistance from the Department of Public Aid and the Department of Human Services. The Department shall advise the Governor and the General Assembly regarding the effectiveness of the program within 6 months after the conclusion of the demonstration period.

Section 20. Powers and duties of the Department. The Department shall administer this Act and shall adopt rules and standards the Department deems necessary for that purpose. At a minimum, those rules and standards shall address the following:

1. Standards and mechanisms designed to ensure the quality of services provided with assistance made available under this Act.

2. Data collection and record maintenance.

The Department shall administer this Act in coordination with Section 4.02 and related provisions of the Illinois Act on the Aging.

Section 25. Provision of services. The Department shall contract with area agencies on aging and other appropriate agencies to conduct family caregiver support services to the extent of available State and federal funding. Services provided under this Act must be provided according to the requirements of federal law and rules, except for the

New matter indicated by italics - deletions by strikeout.
provision of services to grandparents or older individuals who are relative caregivers when State funding is utilized to provide those services.

Section 30. Eligibility for respite and supplemental services. When a family caregiver is providing in-home and community care to an older individual, the older individual must be a frail individual as defined in this Act in order for the family caregiver to be eligible to receive respite and supplemental services.

Section 35. Health care practitioners and facilities not impaired. Nothing in this Act shall impair the practice of any licensed health care practitioner or licensed health care facility.

Section 40. Entitlement not created; funding; waivers.
(a) Nothing in this Act creates or provides any individual with an entitlement to services or benefits. It is the General Assembly's intent that services under this Act shall be made available only to the extent of the availability and level of appropriations made by the General Assembly.
(b) The Director may seek and obtain State and federal funds that may be available to finance services under this Act, and may also seek and obtain other non-State resources for which the State may be eligible.
(c) The Department may seek appropriate waivers of federal requirements from the U.S. Department of Health and Human Services.

Section 90. The Respite Program Act is amended by changing Sections 1.5, 2, 3, 4, 5, 6, 8, 11, and 12 as follows:

(320 ILCS 10/1.5) (from Ch. 23, par. 6201.5)
Sec. 1.5. Purpose. It is hereby found and determined by the General Assembly that respite care provides relief and support to the primary caregiver of a frail older adult or abused or functionally disabled or cognitively impaired older adult and provides by providing a break for the caregiver from the continuous responsibilities of care-giving. Without this support, the primary caregiver's ability to continue in his or her role would be jeopardized; thereby increasing the risk of institutionalization of the frail or abused or functionally disabled or cognitively impaired older adult.

By providing improving and expanding the in-home respite care services currently available through intermittent planned or emergency relief to the caregiver during the regular week-day, evening, and weekend hours, both the special physical and psychological needs of the primary caregiver and the frail or abused or functionally disabled, or cognitively impaired older adult, who is the recipient of continuous care, shall be met reducing or preventing the need for institutionalization.

New matter indicated by italics - deletions by strikeout.
Furthermore, the primary care-giver providing continuous care is frequently under substantial financial stress. Respite care and other supportive services sustain and preserve the primary care-giver and family caregiving unit. It is the intent of the General Assembly that this amendatory Act of 1992 ensure that Illinois primary care-givers of frail or abused or functionally disabled or cognitively impaired older adults have access to affordable, appropriate in-home respite care services.

(Source: P.A. 87-974.)

(320 ILCS 10/2) (from Ch. 23, par. 6202)

Sec. 2. Definitions. As used in this Act:

(1) "Respite care" means the provision of intermittent and temporary substitute care or supervision of frail or abused or functionally disabled or cognitively impaired older adults on behalf of and in the absence of the primary care-giver, for the purpose of providing relief from the stress or responsibilities concomitant with providing constant care, so as to enable the care-giver to continue the provision of care in the home. Respite care should be available to sustain the primary care-giver throughout the period of care-giving, which can vary from several months to a number of years. Respite care can be provided in the home, in a community-based day care setting during the day, overnight, in a substitute residential setting such as a long-term care facility required to be licensed under the Nursing Home Care Act or the Assisted Living and Shared Housing Act, or for more extended periods of time on a temporary basis.

(1.5) "In-home respite care" means care provided by an appropriately trained paid worker providing short-term intermittent care, supervision, or companionship to the frail or disabled adult in the home while relieving the care-giver, by permitting a short-term break from the care-giver's care-giving role. This support may contribute to the delay, reduction, and prevention of institutionalization by enabling the care-giver to continue in his or her care-giving role. In-home respite care should be flexible and available in a manner that is responsive to the needs of the care-giver. This may consist of evening respite care services that are available from 6:00 p.m. to 8:00 a.m. Monday through Friday and weekend respite care services from 6:00 p.m. Friday to 8:00 a.m. Monday.

(2) "Care-giver" shall mean the family member or other natural person who normally provides the daily care or supervision of a frail; abused or disabled elderly adult. Such care-giver may, but need not, reside in the same household as the frail or disabled adult.

New matter indicated by italics - deletions by strikeout.
(3) (Blank). "Provider" shall mean any entity enumerated in paragraph (1) of this Section which is the supplier of services providing respite:

(4) (Blank). "Sponsor" shall mean the provider, public agency or community group approved by the Director which establishes a contractual relationship with the Department for the purposes of providing services to persons under this Act; and which is responsible for the recruitment of providers, the coordination and arrangement of provider services in a manner which meets client needs, the general supervision of the local program, and the submission of such information or reports as may be required by the Director.

(5) (Blank). "Director" shall mean the Director of Aging.

(6) "Department" shall mean the Department on Aging.

(7) (Blank). "Abused" shall have the same meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986.

(8) "Frail or disabled adult" shall mean any person suffering from Alzheimer's disease who is 60 or more years of age or older and any adult 60 years of age or older, who either (i) suffers from Alzheimer's disease or a related disorder or (ii) is unable to attend to his or her daily needs without the assistance or regular supervision of a care-giver due to mental or physical impairment and who is otherwise eligible for services on the basis of his or her level of impairment.

(9) "Emergency respite care" means the immediate placement of a trained, in-home respite care worker in the home during an emergency or unplanned event, or during a temporary placement outside the home, to substitute for the primary care-giver. Emergency respite care may be provided in the home on one or more occasions unless an extension is deemed necessary by the case coordination unit or by another agency designated by the Department and area agencies on aging to conduct needs assessments for respite care services. When there is an urgent need for emergency respite care, procedures to accommodate this need must be determined. An emergency is:

(a) An unplanned event that results in the immediate and unavoidable absence of the primary care-giver from the home in an excess of 4 hours at a time when no other qualified care-giver is available.

(b) An unplanned situation that prevents the primary care-giver from providing the care required by a frail or abused or functionally disabled or cognitively impaired adult living at home.

New matter indicated by italics - deletions by strikeout.
(c) An unplanned event that threatens the health and safety of the frail or disabled adult.

(d) An unplanned event that threatens the health and safety of the primary care-giver thereby placing the frail or abused or functionally disabled or cognitively impaired older adult in danger.

(10) (Blank) “Primary care-giver” means the spouse, relative, or friend, 18 years of age or older, who provides the daily in-home care and supervision of a frail or abused or functionally disabled or cognitively impaired older adult. A primary care-giver may, but does not need to, reside in the same household as the frail or abused or functionally disabled or cognitively impaired adult. A primary care-giver requires intermittent relief from his or her caregiving duties to continue to function as the primary care-giver.

(Source: P.A. 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

(320 ILCS 10/3) (from Ch. 23, par. 6203)

Sec. 3. Respite Program. The Director is hereby authorized to administer a program of establish respite projects for the purposes of providing care and assistance to persons in need and to deter the institutionalization of frail or disabled or functionally disabled or cognitively impaired adults.

(Source: P.A. 87-974.)

(320 ILCS 10/4) (from Ch. 23, par. 6204)

Sec. 4. No Limit to Care. Nothing contained in this Act shall be construed so as to limit, modify or otherwise affect the provisions of long-term in-home services being provided under of Section 4.02 of the Illinois Act on the Aging.

(Source: P.A. 87-974.)

(320 ILCS 10/5) (from Ch. 23, par. 6205)

Sec. 5. Eligibility. The Department may establish eligibility standards for respite services taking into consideration the unique economic and social needs of the population for whom they are to be provided. The population identified for the purposes of this Act includes persons suffering from Alzheimer's disease or a related disorder and persons who are 60 55 years of age or older, or persons age 60 and older with an identified service need. Priority shall be given in all cases to frail, abused or functionally disabled or cognitively impaired adults.

(Source: P.A. 87-974.)

(320 ILCS 10/6) (from Ch. 23, par. 6206)

New matter indicated by italics - deletions by strikeout.
Sec. 6. Responsibilities. The following requirements shall apply for any projects authorized under Section 3 of this Act:

(a) The Department Director shall administer this Act and shall adopt rules and standards the Department deems necessary for that purpose establish target areas needing respite care services.

(b) The Department Director shall make grants to or contract with Area Agencies on Aging and other appropriate community-based organizations to provide respite care under this Act publicize the existence of, and make available, application forms for sponsors seeking to establish a respite program.

(c) (Blank). The application forms shall require the following information and any other information the Director deems necessary:

(1) Identity and qualifications of a sponsor.

(2) Identity and qualifications of a provider and a plan for the coordination of services:

(3) An assessment of the community need, support and participation for respite services. The assessment shall include documentation:

(4) Plans for the coordination and arrangement of provider services in a manner that meets client needs;

(5) A fiscal plan, including specific provisions for the utilization of existing reimbursement and funding sources and the development of local financial support;

(6) Plans for publicizing the purpose of the project and the services to be provided;

(7) Certification of licensure or certification of any individual, agency or family providing a service subject to licensure, or certification under State law.

(d) (Blank). The Director shall review and evaluate each application and present each application for review and evaluation by the Council on Aging established under Section 7 of the Illinois Act on the Aging. The Council and the Department shall approve a number of applications and, within the amounts appropriated, award grants for the operation of respite programs.

(e) (Blank). The application approved by the Director and the Council on Aging shall be the service plan of the provider. The Director shall ensure that each service plan is coordinated with the designated area agency provided for in Sections 3.07 and 3.08 of the Illinois Act on the Aging, the local public health authority, and any other public or private

New matter indicated by italics - deletions by strikeout.
service provider to ensure that every effort will be made to utilize existing funding sources and service providers and to avoid unnecessary duplication of services.

(f) Nothing in this Act shall be construed to limit, modify, or otherwise affect the provision of long-term in-home services under Section 4.02 of the Illinois Act on the Aging.

(Source: P.A. 87-974.)

(320 ILCS 10/8) (from Ch. 23, par. 6208)

Sec. 8. Funding. Services Respite projects authorized under this Act shall be funded only to the extent of available appropriations for such purposes. The Director may seek and obtain State and federal funds that may be available to finance respite care grants awarded under Section 6 of this Act, and may also seek and obtain other non-state resources for which the State may be eligible. Implementation of projects under this Act shall be contingent upon the availability of federal financial participation. To the extent necessary for implementation of this Act, The Department may seek appropriate waivers of federal requirements from the U.S. Department of Health and Human Services.

(Source: P.A. 87-974.)

(320 ILCS 10/11) (from Ch. 23, par. 6211)

Sec. 11. Respite Care Worker Training.

(a) A respite care worker shall be an appropriately trained individual whose duty it is to provide in-home supervision and assistance to a frail or abused or functionally disabled or cognitively impaired older adult in order to allow the primary care-giver a break from his or her continuous care-giving responsibilities.

(b) The Director may prescribe minimum training guidelines for respite care workers to ensure that the special needs of persons receiving services under this Act and their primary caregivers will be met. The Director may designate Alzheimer's disease associations and community agencies to conduct such training. Nothing in this Act should be construed to exempt any individual providing a service subject to licensure or certification under State law from these requirements.

(Source: P.A. 87-974.)

(320 ILCS 10/12) (from Ch. 23, par. 6212)

Sec. 12. Annual Report. The Director shall submit a report each year to the Governor and the General Assembly detailing the progress of the respite care services provided programs established under this Act. The report shall include:

New matter indicated by italics - deletions by strikeout.
(a) a financial report for each program;
(b) a qualitative and quantitative profile of sponsors, providers, care-givers and recipients participating in the program;
(c) a comparative assessment of the costs and effectiveness of each service or combination of services provided;
(d) an assessment of the nature and extent of the demand for services; and
(e) an evaluation of the success of programs receiving grants for services.

(Source: P.A. 87-974.)
(320 ILCS 10/7 rep.)
(320 ILCS 10/9 rep.)
(320 ILCS 10/10 rep.)

Section 91. The Respite Program Act is amended by repealing Sections 7, 9, and 10.

Section 99. Effective date. This Act takes effect on July 1, 2004.

PUBLIC ACT 93-0865
(House Bill No. 6786)

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

Section 5. The Unified Code of Corrections is amended by changing Section 3-3-7 as follows:
(730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)
Sec. 3-3-7. Conditions of Parole or Mandatory Supervised Release.
(a) The conditions of parole or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the subject in leading a law-abiding life. The conditions of every parole and mandatory supervised release are that the subject:
(1) not violate any criminal statute of any jurisdiction during the parole or release term;
(2) refrain from possessing a firearm or other dangerous weapon;
(3) report to an agent of the Department of Corrections;

New matter indicated by italics - deletions by strikeout.
(4) permit the agent to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent to discharge his or her duties;

(5) attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release;

(6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;

(7) report all arrests to an agent of the Department of Corrections as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody;

(7.5) if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;

(8) obtain permission of an agent of the Department of Corrections before leaving the State of Illinois;

(9) obtain permission of an agent of the Department of Corrections before changing his or her residence or employment;

(10) consent to a search of his or her person, property, or residence under his or her control;

(11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections;

(12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;

(13) not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;

(14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole or mandatory supervised release or to his or her conduct while

New matter indicated by italics - deletions by strikeout.
incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections; and

(15) follow any specific instructions provided by the parole agent that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and objectives of his or her parole or mandatory supervised release or to protect the public. These instructions by the parole agent may be modified at any time, as the agent deems appropriate.

(b) The Board may in addition to other conditions require that the subject:

(1) work or pursue a course of study or vocational training;
(2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
(3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;
(4) support his dependents;
(5) (blank);
(6) (blank);
(7) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, enacted by the 84th General Assembly, or an order of protection issued by the court of another state, tribe, or United States territory; and
(8) in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth; or
   (iv) contribute to his own support at home or in a foster home.

(b-1) In addition to the conditions set forth in subsections (a) and (b), persons required to register as sex offenders pursuant to the Sex Offender Registration Act, upon release from the custody of the Illinois Department of Corrections, may be required by the Board to comply with the following specific conditions of release:

(1) reside only at a Department approved location;
(2) comply with all requirements of the Sex Offender Registration Act;

New matter indicated by italics - deletions by strikeout.
(3) notify third parties of the risks that may be occasioned by his or her criminal record;
(4) obtain the approval of an agent of the Department of Corrections prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to any change in employment, study, or training;
(5) not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department of Corrections;
(6) be electronically monitored for a minimum of 12 months from the date of release as determined by the Board;
(7) refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department of Corrections. The terms may include consideration of the purpose of the entry, the time of day, and others accompanying the person;
(8) refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department of Corrections;
(9) refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor children without prior identification and approval of an agent of the Department of Corrections;
(10) neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material describing sexual intercourse or that depicts or alludes to sexual activity, including but not limited to visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;
(11) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize “900” or adult telephone numbers;

New matter indicated by italics - deletions by strikeout.
(12) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of an agent of the Department of Corrections and immediately report any incidental contact with minor children to the Department;

(13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department of Corrections;

(14) may be required to provide a written daily log of activities if directed by an agent of the Department of Corrections;

(15) comply with all other special conditions that the Department may impose that restrict the person from high-risk situations and limit access to potential victims.

(c) The conditions under which the parole or mandatory supervised release is to be served shall be communicated to the person in writing prior to his release, and he shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection where one had been issued by the criminal court, shall be retained by the person and another copy forwarded to the officer in charge of his supervision.

(d) After a hearing under Section 3-3-9, the Prisoner Review Board may modify or enlarge the conditions of parole or mandatory supervised release.

(e) The Department shall inform all offenders committed to the Department of the optional services available to them upon release and shall assist inmates in availing themselves of such optional services upon their release on a voluntary basis.

(Source: P.A. 92-460, eff. 1-1-02; 93-616, eff. 1-1-04.)

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

Section 1. Short title. This Act may be cited as the Safe Bottled Water Act.

Section 5. Definitions. In this Act:
"Bottled water" means any water that is placed in a sealed container at a water-bottling plant to be used for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans. "Bottled water" does not include water packaged with the approval of the Department for use in a public emergency.

"Department" means the Department of Public Health.

"Private water source" means a privately owned source of water in Illinois, other than a public water system or private water system as defined in the Illinois Groundwater Protection Act, that is used for bottled or vended water and meets the requirements of an approved source for bottled water as defined in Section 129.3 of Title 21 of the Code of Federal Regulations.

"Retail water facility" means any commercial establishment where vended water is sold, and placed in customers' containers, or placed in containers sold or given to customers who come to the establishment to obtain water.

"Vended water" means any water that is dispensed by a water-vending machine or retail water facility, or water from a private water source, and that is dispensed by a water-vending machine, retail water facility, water hauler, or any other person or facility for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans. "Vended water" does not include water from a public water system that has not undergone additional treatment. Water sold without further treatment is not "vended water".

"Water-bottling plant" means any facility in which bottled water is produced.

"Water-vending machine" means any self-service device that, upon insertion of a coin, coins, or token, or upon receipt of payment by any other means, dispenses a unit volume of water to be used for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans.

Section 10. Licenses required.
(a) No person may operate a water-bottling plant or a private water source in this State, except pursuant to a license issued by the Department.

New matter indicated by italics - deletions by strikeout.
Bottled water must be processed in conformance with 21 CFR Part 129 and must conform to 21 CFR Part 165. If a person has a valid water-bottling plant license issued by the Department, additional license fees for a private water source operator based and operating at the same address shall not be required.

(b) Any bottled water produced by a private water source or water-bottling plant that is not licensed in compliance with this Act is misbranded and may be embargoed.

(c) It is unlawful for a water bottler, water distributor, water-vending machine owner, retail water facility, or private water source operator to sell or otherwise distribute water that is unsafe for use or that is adulterated or misbranded as provided in the Illinois Food, Drug and Cosmetic Act.

(d) The licensing of activities relating to bottled water as provided in this Section is an exclusive power and function of the State. A home rule unit may not license any activities relating to bottled water that are licensed under this Section. This subsection is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 15. Inspections and related activities.

(a) In order to carry out the purposes of this Act, any duly authorized representative of the Department may, at any reasonable hour of the day, do any of the following:

1. Enter and inspect a licensed facility or any place where bottled water or vended water records are stored, kept, or maintained.

2. Inspect and copy any records, reports, test results, or other information required to implement this Act.

3. Obtain samples of the water supply and finished product.

(b) The Department shall inspect every water-bottling plant and private water source at least once each year. The Department shall provide an opportunity for a representative of the water-bottling plant or private water source operator to accompany the Department's representative during the inspection.

(c) Any person who prevents, interferes with, or attempts to impede in any way any duly authorized representative of the Department from undertaking any activity authorized by this Section is guilty of a Class A misdemeanor.

New matter indicated by italics - deletions by strikeout.
Section 20. Water intended for bottling; storage, transportation, and processing.

(a) Water intended for bottling shall not be stored, transported, processed, or bottled through equipment or lines used for any non-food product.

(b) Water intended for bottling shall not be stored, transported, processed, or bottled through equipment or lines used for any non-beverage food, except that filling equipment may be used for non-beverage foods in accordance with the following requirements:

1. When filling equipment designed for cleaning in place is utilized for non-beverage foods, that equipment must be thoroughly cleaned and sanitized in place in accordance with procedures specified by the manufacturer and in 21 CFR Part 129 prior to being used for bottled water.

2. Fillers not designed for cleaning in place must be completely disassembled for cleaning and sanitizing prior to being used for bottled water.

Section 25. License fee. The fee for any license issued under this Act is $150. The fee must be paid to the Department before a license may be issued. Licenses issued under this Act shall be issued annually. Licenses must be renewed annually on or before January 1 of the year for which they are issued. The Department may impose an additional fee of $50 on a person who submits an application for a license after the deadline. The Department shall use all fees received under this Act for the purpose of recouping the costs of providing the services required to be provided by the Department under this Act.

Section 30. Water-bottling plants located outside Illinois. Every water-bottling plant located outside Illinois that sells or distributes bottled water in Illinois must annually register with the Department. The fee for registration under this Act is $150. The Department may impose an additional fee of $50 on an out-of-state water-bottling plant that registers after the deadline set by the Department.

Section 35. Safe Bottled Water Fund. The Safe Bottled Water Fund is established as a special fund in the State treasury. All moneys received by the Department under this Act shall be deposited into the fund. Moneys in the fund shall be used by the Department, upon appropriation, for the purpose of administering this Act.

Section 40. Denial, revocation, or suspension of license.

New matter indicated by italics - deletions by strikeout.
(a) The Department may deny any license application or revoke or suspend any license issued under this Act for cause. The Department shall inform the applicant or license holder of the denial, revocation, or suspension in writing, stating with particularity the reasons for the denial, revocation, or suspension. The Department shall afford the applicant or license holder an opportunity for a hearing in accordance with the Illinois Administrative Procedure Act.

(b) For purposes of this Section, "cause" means a violation of any provision of this Act or any regulation adopted pursuant to this Act.

Section 45. Potential contamination.
(a) Upon a determination by the Department that a particular water source is subject to potential contamination, the Department shall notify the appropriate bottler, distributor, or vendor of bottled water, owner or operator of a water-vending machine, water hauler, retail water facility operator, or private water source operator of the specific contaminants or class of contaminants that pose a potential health risk.

(b) Within 7 days after notification by the Department, the bottler, distributor, or vendor of bottled water, owner or operator of a water-vending machine, water hauler, retail water facility operator, or private water source operator must conduct an analysis of the water source and submit the results of the analysis to the Department.

(c) If evidence of contamination is found, the Department may, by order, require the bottler of bottled water, owner or operator of a water-vending machine, or private water source operator to conduct an analysis of the finished water product for the contaminants of concern in accordance with conditions specified by the Department. The water analysis must be conducted and reported on an annual basis, unless the Department finds that reasonable action requires either more frequent or less frequent analysis.

Section 50. Testing laboratories. All testing of bottled water, bottled water sources, water distributed by water haulers, water from retail water facilities, and water from vending machines must be done by competent laboratories approved by the Department or another state's regulatory agency.

Section 55. Water packaged for use in public emergencies.
(a) The Department, by its written permission, may allow a person to package water for use in public emergencies without obtaining a water bottling license if the emergency has resulted in the interruption of, or has compromised the quality of, the public drinking water supply. The

New matter indicated by italics - deletions by strikeout.
Department's permission may authorize the suspension of any provision of this Act and related regulations.

(b) The Department may at any time change or impose on the permittee any requirements, such as requirements concerning testing, equipment, and documentation, that the Department deems necessary to protect public health, but in doing so, the Department must consider the effect of those requirements in light of the urgency of the situation. The Department may grant or withdraw this permission at any time.

(c) Packing, distribution, and use of water under a permit shall be allowed only during the emergency period and shall end upon the restoration of adequate public drinking supplies as determined by the Department. Distribution of the packaged water shall be limited to the area affected. Water so packaged shall be prominently labeled "drinking water", "for emergency use only", and "not for sale", or similar wording approved by the Department.

(d) This Section shall not be construed to restrict licensed water-bottling plants from providing water processed in accordance with this Act in emergency situations.

Section 60. Violation; penalty. A person who commits a violation of this Act other than a violation of subsection (c) of Section 15 is guilty of a petty offense and subject to a fine of not more than $1,000.

Section 90. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Safe Bottled Water Fund.
Section 99. Effective date. This Act takes effect January 1, 2005.
Effective January 1, 2005.

PUBLIC ACT 93-0867
(Senate Bill No. 3208)

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

Section 1. Short title. This Act may be cited as the Illinois African-American Family Commission Act.

New matter indicated by italics - deletions by strikeout.
Section 5. Legislative findings. It is the policy of this State to promote family preservation and to preserve and strengthen families. Over 12 million people live in Illinois. African-Americans represent 15% of the population and 26% of the residents living in Cook County. Despite some progress over the last few decades, African-Americans in Illinois continue to lag behind other racial groups relative to indicators of well-being in education, employment, income, and health. According to the 2000 U.S. Census, just 26% of the African-American population over 25 years of age in Illinois completed their high school education; 6% held an associate's degree; less than 10% (9%) held a bachelor's degree; less than 5% (3%) held a master's degree; and less than one percent held either a professional (.8%) or doctoral (.4%) degree.

These levels of education attainment reflect more fundamental problems with retaining African-Americans in school. The Illinois State Board of Education reported that for the 2001-2002 school year, 36,373, or 6%, of students enrolled in public high schools dropped out. Thirty-nine percent of these students were African-Americans; 38% were White; 21% were Hispanic; and 2% were classified as Other.

Although African-Americans make up 18% of the high school population, they are disproportionately represented in the number of students who are suspended and expelled. In the 2001-2002 school year, 29,068 students were suspended from school. Forty-seven percent were White, 37% were African-American, 14% were Hispanic, and 1% were classified as Other. In regards to expulsions Statewide, the total number of high school students expelled was 1,651. Forty-three percent were African-American, 41% were White, 14% were Hispanic, and 2% were classified as Other. Within Chicago public schools, 448 students were expelled. Seventy-seven of these students were African-American; 27% were White; 14% were Hispanic; and 4% were classified as Other. The fact that African-Americans are more likely to be suspended or expelled from school also contributes to the high dropout rate among African-American high school students.

In addition to educational challenges, African-Americans face challenges in the areas of employment and income. In the year 2000, the unemployment rate for African-Americans age 16 years or older was 15% compared to only 6% for the total Illinois population. Moreover, the median household income of African-Americans in Illinois was $31,699 compared to $46,590 for the total Illinois population, and the percentage of African-American families below the poverty level in Illinois was 26%

New matter indicated by italics - deletions by strikeout.
percent in 1999 compared to 10.7% for the total Illinois population in that same year.

Indicators of child welfare and criminal justice reveal still more challenges that African-American families face in Illinois. In 2000, African-American children represented 18% of children 18 years of age and under, but comprised 73% of children in substitute care. African-Americans are also overrepresented in the criminal justice population. Of the total Illinois adult inmate population in the year 2000, 65% were African-American. During this same time period, African-American youth represented 58% of the juvenile inmate population in Illinois.

While the leading causes of death among African-Americans are the same as those for the general population in Illinois, African-Americans have a higher rate of death per 100,000 residents. The rate of overall deaths per 100,000 residents among African-Americans in the year 2000 was 1,181; 847 for Whites; and 411 for those classified as Other. The rate of cancer-related deaths per 100,000 residents by racial or ethnic groups in 2000 was: 278 African-Americans; 206 Whites; and 110 of those classified as Other. The rate of diabetes-related deaths per 100,000 residents among African-Americans in 2000 was 41 compared to 23 for Whites and 13 for those classified as Other. The rate of deaths per 100,000 residents by heart disease among African-Americans in 2000 was 352 compared to 257 for Whites and 120 for those classified as Other. The rate of deaths per 100,000 residents by stroke among African-Americans in 2000 was 75; 60 for Whites; and 35 for those classified as Other.

African-Americans had higher rates of smoking and obesity than other racial groups in Illinois in 2001. African-Americans accounted for more of the new adult/adolescent AIDS cases, cumulative adult/adolescent AIDS cases, and number of people living with AIDS than other racial groups in Illinois in the year 2002. Still, 23% of uninsured persons in Illinois are African-American.

These huge disparities in education, employment, income, child welfare, criminal justice, and health demonstrate the tremendous challenges facing the African-American family in Illinois. These challenges are severe. There is a need for government, child and family advocates, and other key stakeholders to create and implement public policies to address the health and social crises facing African-American families. The development of given solutions clearly transcends any one State agency and requires a coordinated effort. The Illinois African-American Family Commission shall assist State agencies with this task.

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The African-American Family Commission was created in October 1994 by Executive Order to assist the Illinois Department of Children and Family Services in developing and implementing programs and public policies that affect the State's child welfare system. The Commission has a proven track record of bringing State agencies, community providers, and consumers together to address child welfare issues. The ability of the Commission to address the above-mentioned health issues, community factors, and the personal well-being of African-American families and children has been limited due to the Executive Order's focus on child welfare. It is apparent that broader issues of health, mental health, criminal justice, education, and economic development also directly affect the health and well-being of African-American families and children. Accordingly, the role of the African-American Family Commission is hereby expanded to encompass working relationships with every department, agency, and commission within State government if any of its activities impact African-American children and families. The focus of the Commission is hereby restructured and shall exist by legislative mandate to engage State agencies in its efforts to preserve and strengthen African-American families.


Section 15. Purpose and objectives.
(a) The purpose of the Illinois African-American Family Commission is to guide the efforts of and collaborate with the Department on Aging, the Department of Children and Family Services, the Department of Commerce and Economic Opportunity, the Department of Corrections, the Department of Human Services, the Department of Public Aid, the Department of Public Health, the Department of Transportation, and others to improve and expand existing human services and educational and community development programs for African-Americans. This will be achieved by:

(1) Monitoring existing legislation and programs designed to address the needs of African-Americans in Illinois;

(2) Assisting State agencies in developing programs, services, public policies, and research strategies that will expand and enhance the social and economic well-being of African-American children and families; and

New matter indicated by italics - deletions by strikeout.
(3) Facilitating the participation of African-Americans in the development, implementation, and planning of community-based services.

The work of the Illinois African-American Family Commission shall include the use of existing reports, research and planning efforts, procedures, and programs.

Section 20. Appointment; terms. The Illinois African-American Family Commission shall be comprised of 15 members who shall be appointed by the Governor. Each member shall have a working knowledge of human services, community development, and economic public policies in Illinois. The Governor shall appoint the chairperson or chairpersons.

The members shall reflect regional representation to ensure that the needs of African-American families and children throughout the State of Illinois are met. The members shall be selected from a variety of disciplines. They shall be representative of a partnership and collaborative effort between public and private agencies, the business sector, and community-based human services organizations.

Members shall serve 3-year terms, except in the case of initial appointments. One-third of initially appointed members, as determined by lot, shall be appointed to 1-year terms; 1/3 shall be appointed to 2-year terms; and 1/3 shall be appointed to 3-year terms, so that the terms are staggered. Members will serve without compensation, but shall be reimbursed for Commission-related expenses.

The Department on Aging, the Department of Children and Family Services, the Department of Commerce and Economic Opportunity, the Department of Corrections, the Department of Human Services, the Department of Public Aid, the Department of Public Health, and the Department of Transportation shall each appoint a liaison to serve ex-officio on the Commission.

Section 25. Funding. The African-American Family Commission shall receive funding through appropriations available for its purposes made to the Department on Aging, the Department of Children and Family Services, the Department of Commerce and Economic Opportunity, the Department of Corrections, the Department of Human Services, the Department of Public Aid, the Department of Public Health, and the Department of Transportation.

Section 30. Reporting. The Illinois African-American Family Commission shall annually report to the Governor and the General Assembly on the Commission's progress toward its goals and objectives.

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 93-0868
(House Bill No. 4227)

AN ACT concerning economic development.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-680 as follows:
(20 ILCS 605/605-680 new)
Sec. 605-680. Illinois goods and services website.
(a) The Department must establish and maintain an Internet website devoted to the marketing of Illinois goods and services by linking potential purchasers with producers of goods and services who are located in the State.
(b) The Department must advertise the website to encourage inclusion of producers on the website and to encourage the use of the website by potential purchasers.

Section 99. Effective date. This Act takes effect on January 1, 2005.
Approved August 06, 2004.
Effective January 1, 2005.

PUBLIC ACT 93-0869
(House Bill No. 4720)

AN ACT in relation to gambling.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Horse Racing Act of 1975 is amended by changing Section 28.1 as follows:
(230 ILCS 5/28.1)

New matter indicated by italics - deletions by strikeout.
Sec. 28.1. Payments.

(a) Beginning on January 1, 2000, moneys collected by the Department of Revenue and the Racing Board pursuant to Section 26 or Section 27 of this Act shall be deposited into the Horse Racing Fund, which is hereby created as a special fund in the State Treasury.

(b) Appropriations, as approved by the General Assembly, may be made from the Horse Racing Fund to the Board to pay the salaries of the Board members, secretary, stewards, directors of mutuels, veterinarians, representatives, accountants, clerks, stenographers, inspectors and other employees of the Board, and all expenses of the Board incident to the administration of this Act, including, but not limited to, all expenses and salaries incident to the taking of saliva and urine samples in accordance with the rules and regulations of the Board.

(c) Beginning on January 1, 2000, the Board shall transfer the remainder of the funds generated pursuant to Sections 26 and 27 from the Horse Racing Fund into the General Revenue Fund.

(d) Beginning January 1, 2000, payments to all programs in existence on the effective date of this amendatory Act of 1999 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of Section 30, and subsections (a), (b), (c), (d), (e), (f), (g), and (h) of Section 31 shall be made from the General Revenue Fund at the funding levels determined by amounts paid under this Act in calendar year 1998. Beginning on the effective date of this amendatory Act of the 93rd General Assembly, payments to the Peoria Park District shall be made from the General Revenue Fund at the funding level determined by amounts paid to that park district for museum purposes under this Act in calendar year 1994.

(Source: P.A. 91-40, eff. 6-25-99.)

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

Approved August 6, 2004.
Effective August 6, 2004.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Fire Investigation Act is amended by changing Section 13.1 as follows:

(425 ILCS 25/13.1) (from Ch. 127 1/2, par. 17.1)

Sec. 13.1. (a) There shall be a special fund in the State Treasury known as the Fire Prevention Fund.

(b) The following moneys shall be deposited into the Fund:

(1) Moneys received by the Department of Insurance under Section 12 of this Act.

(2) All fees and reimbursements received by the Office of the State Fire Marshal.

(3) All receipts from boiler and pressure vessel certification, as provided in Section 13 of the Boiler and Pressure Vessel Safety Act.

(4) Such other moneys as may be provided by law.

(c) The moneys in the Fire Prevention Fund shall be used, subject to appropriation, for the following purposes:

(1) Of the moneys deposited into the fund under Section 12 of this Act, 12.5% shall be available for the maintenance of the Illinois Fire Service Institute and the expenses, facilities, and structures incident thereto, and for making transfers into the General Obligation Bond Retirement and Interest Fund for debt service requirements on bonds issued by the State of Illinois after January 1, 1986 for the purpose of constructing a training facility for use by the Institute.

(2) Of the moneys deposited into the Fund under Section 12 of this Act, 10% shall be available for the maintenance of the Chicago Fire Department Training Program and the expenses, facilities and structures incident thereto, in addition to any moneys payable from the Fund to the City of Chicago pursuant to the Illinois Fire Protection Training Act.

(3) For making payments to local governmental agencies and individuals pursuant to Section 10 of the Illinois Fire Protection Training Act.

(4) For the maintenance and operation of the Office of the State Fire Marshal, and the expenses incident thereto.

(5) For any other purpose authorized by law.

(d) Any portion of the Fire Prevention Fund remaining unexpended at the end of any fiscal year which is not needed for the maintenance and expenses of the Office of the State Fire Marshal or the maintenance and expenses of the Illinois Fire Service Institute, shall remain in the Fire
Prevention Fund for the exclusive and restricted uses provided in subsection (c) of this Section be paid into the General Revenue Fund in the State Treasury.

(e) The Office of the State Fire Marshal shall keep on file an itemized statement of all expenses incurred which are payable from the Fund, other than expenses incurred by the Illinois Fire Service Institute, and shall approve all vouchers issued therefor before they are submitted to the State Comptroller for payment. Such vouchers shall be allowed and paid in the same manner as other claims against the State.

(Source: P.A. 85-718.)
Approved August 6, 2004.
Effective January 1, 2005.

PUBLIC ACT 93-0871
(House Bill No. 4887)

AN ACT concerning taxes.

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

Section 5. The Illinois Income Tax Act is amended by changing Section 201 as follows:

(35 ILCS 5/201) (from Ch. 120, par. 2-201)
Sec. 201. Tax Imposed.

(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under

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Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) (Blank).

(5) (Blank).

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

(c) Personal Property Tax Replacement Income Tax. Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust

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or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code, equals 1.25% for taxable years ending prior to December 31, 2003, or 1.75% for taxable years ending on or after December 31, 2003, of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

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(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the

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original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(2) The term "qualified property" means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing; and

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(E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the sale of tangible personal property or services rendered in conjunction with the sale of tangible consumer goods or commodities.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

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(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2008, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2008.

(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection equal to its share of the credit earned under this subsection during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there

New matter indicated by italics - deletions by strikeout.
shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:
   (A) is tangible, whether new or used, including buildings and structural components of buildings;
   (B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);
   (C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;
   (D) is used in the Enterprise Zone by the taxpayer; and
   (E) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone by the taxpayer, the amount of such
increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(g) Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone.

(1) A taxpayer conducting a trade or business in an enterprise zone or a High Impact Business designated by the Department of Commerce and Economic Opportunity Community Affairs conducting a trade or business in a federally designated Foreign Trade Zone or Sub-Zone shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section in the amount of $500 per eligible employee hired to work in the zone during the taxable year.

(2) To qualify for the credit:

(A) the taxpayer must hire 5 or more eligible employees to work in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone during the taxable year;

(B) the taxpayer's total employment within the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone must increase by 5 or more full-time employees beyond the total employed in that zone at the end of the previous tax year for which a jobs tax credit

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under this Section was taken, or beyond the total employed by the taxpayer as of December 31, 1985, whichever is later; and

(C) the eligible employees must be employed 180 consecutive days in order to be deemed hired for purposes of this subsection.

(3) An "eligible employee" means an employee who is:

(A) Certified by the Department of Commerce and Economic Opportunity Community Affairs as "eligible for services" pursuant to regulations promulgated in accordance with Title II of the Job Training Partnership Act, Training Services for the Disadvantaged or Title III of the Job Training Partnership Act, Employment and Training Assistance for Dislocated Workers Program.

(B) Hired after the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone was designated or the trade or business was located in that zone, whichever is later.

(C) Employed in the enterprise zone or Foreign Trade Zone or Sub-Zone. An employee is employed in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone if his services are rendered there or it is the base of operations for the services performed.

(D) A full-time employee working 30 or more hours per week.

(4) For tax years ending on or after December 31, 1985 and prior to December 31, 1988, the credit shall be allowed for the tax year in which the eligible employees are hired. For tax years ending on or after December 31, 1988, the credit shall be allowed for the tax year immediately following the tax year in which the eligible employees are hired. If the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

New matter indicated by italics - deletions by strikeout.
(5) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this subsection (g).

(6) The credit shall be available for eligible employees hired on or after January 1, 1986.

(h) Investment credit; High Impact Business.

(1) Subject to subsections (b) and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Economic Opportunity Community Affairs designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available (i) until the minimum investments in qualified property set forth in subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act have been satisfied or (ii) until the time authorized in subsection (b-5) of the Illinois Enterprise Zone Act for entities designated as High Impact Businesses under subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act, and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit applicable to such investments shall be taken in the taxable year in which such investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business authorized under subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit

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from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:
   (A) is tangible, whether new or used, including buildings and structural components of buildings;
   (B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);
   (C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and
   (D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the
amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) Credit for Personal Property Tax Replacement Income Tax. For tax years ending prior to December 31, 2003, a credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year, provided that no credit may be carried forward to any year ending on or after December 31, 2003. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced

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tax imposed by subsections (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986 and prior to December 31, 2003, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first. No carryforward credit may be claimed in any tax year ending on or after December 31, 2003.

(k) Research and development credit.

For tax years ending after July 1, 1990 and prior to December 31, 2003, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and
distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first; provided that no credit may be carried forward to any year ending on or after December 31, 2003.

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

(l) Environmental Remediation Tax Credit.

(i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved...
by the Illinois Environmental Protection Agency ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of $100,000 per site, except that the $100,000 threshold shall not apply to any site contained in an enterprise zone as determined by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity). The total credit allowed shall not exceed $40,000 per year with a maximum total of $150,000 per site. For partners and shareholders of subchapter S corporations, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned

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until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(m) Education expense credit. Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this subsection claimed by a family that is the custodian of qualifying pupils exceed $500. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection:

"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

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"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of $250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.

"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.

"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils.

(Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 92-846, eff. 8-23-02; 93-29, eff. 6-20-03; revised 12-6-03.)

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

Approved August 6, 2004.
Effective August 6, 2004.

PUBLIC ACT 93-0872
(House Bill No. 5050)

AN ACT concerning museums.

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

Section 5. The Department of Natural Resources Act is amended
by changing Section 1-25 as follows:

(20 ILCS 801/1-25)

Sec. 1-25. Powers of the scientific surveys and State Museum. In
addition to its other powers and duties, the Department shall have the
following powers and duties which shall be performed by the scientific
surveys and the State Museum:

(1) To investigate and study the natural resources of the
State and to prepare printed reports and furnish information
fundamental to the conservation and development of natural
resources and for that purpose the officers and employees thereof
may, pursuant to rule adopted by the Department, enter and cross
all lands in this State, doing no damage to private property.

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(2) To cooperate with and advise departments having administrative powers and duties relating to the natural resources of the State, and to cooperate with similar departments in other states and with the United States Government.

(3) To conduct a natural history survey of the State, giving preference to subjects of educational and economical importance.

(4) To publish, from time to time, reports covering the entire field of zoology and botany of the State.

(5) To supply natural history specimens to the State educational institutions and to the public schools.

(6) To investigate the entomology of the State.

(7) To investigate all insects dangerous or injurious to agricultural or horticultural plants and crops, livestock, to nursery trees and plants, to the products of the truck farm and vegetable garden, to shade trees and other ornamental vegetation of cities and villages, to the products of the mills and the contents of warehouses, and all insects injurious or dangerous to the public health.

(8) To conduct experiments with methods for the prevention, arrest, abatement and control of insects injurious to persons or property.

(9) To instruct the people, by lecture, demonstration or bulletin, in the best methods of preserving and protecting their property and health against injuries by insects.

(10) To publish, from time to time, articles on the injurious and beneficial insects of the State.

(11) To study the geological formation of the State with reference to its resources of coal, ores, clays, building stones, cement, materials suitable for use in the construction of roads, gas, mineral and artesian water and other products.

(12) To publish, from time to time, topographical, geological and other maps to illustrate resources of the State.

(13) To publish, from time to time, bulletins giving a general and detailed description of the geological and mineral resources, including water resources, of the State.

(14) To cooperate with United States federal agencies in the preparation and completion of a contour topographic map and the collection, recording and printing of water and atmospheric resource data including stream flow measurements and to collect

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facts and data concerning the volumes and flow of underground, surface and atmospheric waters of the State and to determine the mineral qualities of water from different geological formations and surface and atmospheric waters for the various sections of the State.

(15) To publish, from time to time, the results of its investigations of the mineral qualities, volumes and flow of underground and surface waters of the State to the end that the available water resources of the State may be better known and to make mineral analyses of samples of water from municipal or private sources giving no opinion from those analyses of the hygienic, physiological or medicinal qualities of such waters.

(16) To act as the central data repository and research coordinator for the State in matters related to water and atmospheric resources. The State Water Survey Division of the Department may monitor and evaluate all weather modification operations in Illinois.

(17) To distribute, in its discretion, to the various educational institutions of the State, specimens, samples, and materials collected by it after the same have served the purposes of the Department.

(18) To cooperate with the Illinois State Academy of Science and to publish a suitable number of the results of the investigations and research in the field of natural science to the end that the same may be distributed to the interested public.

(19) To maintain a State Museum, and to collect and preserve objects of scientific and artistic value, representing past and present fauna and flora, the life and work of man, geological history, natural resources, and the manufacturing and fine arts; to interpret for and educate the public concerning the foregoing.

(20) To cooperate with the Illinois State Museum Society for the mutual benefit of the Museum and the Society, with the Museum furnishing necessary space for the Society to carry on its functions and keep its records, and, upon the recommendation of the Museum Director with the approval of the Board of State Museum Advisors and the Director of the Department, to enter into agreements with the Illinois State Museum Society for the operation of a sales counter and other concessions for the mutual benefit of the Museum and the Society.

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(21) To accept grants of property and to hold property to be administered as part of the State Museum for the purpose of preservation, research of interpretation of significant areas within the State for the purpose of preserving, studying and interpreting archaeological and natural phenomena.

(22) To contribute to and support the operations, programs and capital development of public museums in this State. For the purposes of this Section, "public museum" means a facility: (A) that is operating for the purposes of promoting cultural development through special activities or programs or through performing arts that are performed in an indoor setting, and acquiring, conserving, preserving, studying, interpreting, enhancing, and in particular, organizing and continuously exhibiting specimens, artifacts, articles, documents and other things of historical, anthropological, archaeological, industrial, scientific or artistic import, to the public for its instruction and enjoyment, and (B) that either (i) is operated by or located upon land owned by a unit of local government or (ii) is a museum that has an annual indoor attendance of at least 150,000 and offers educational programs to school groups during school hours. A museum is eligible to receive funds for capital development under this subdivision (22) only if it is operated by or located upon land owned by a unit of local government or if it is certified by a unit of local government in which it is located as a public museum meeting the criteria of this Section. Recipients of funds for capital development under this subdivision (22) shall match State funds with local or private funding according to the following:

(a) for a public museum with an attendance of 300,000 or less during the preceding calendar year, no match is required;

(b) for a public museum with an attendance of over 300,000 but less than 600,000 during the preceding calendar year, the match must be at a ratio of $1 from local and private funds for every $1 in State funds; and

(c) for a public museum with an attendance of over 600,000 during the preceding calendar year, the match must be at a ratio of $2 from local and private funds for every $1 in State funds.

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The Department shall formulate rules and regulations relating to the allocation of any funds appropriated by the General Assembly for the purpose of contributing to the support of public museums in this State.

(23) To perform all other duties and assume all obligations of the former Department of Energy and Natural Resources and the former Department of Registration and Education pertaining to the State Water Survey, the State Geological Survey, the State Natural History Survey, and the State Museum.

(24) To maintain all previously existing relationships between the State Water Survey, State Geological Survey, and State Natural History Survey and the public and private colleges and universities in Illinois.

(25) To participate in federal geologic mapping programs.

(Source: P.A. 92-606, eff. 6-28-02.)

Approved August 6, 2004.
Effective January 1, 2005.

PUBLIC ACT 93-0873
(House Bill No. 5075)

AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Section 229.4 and adding Section 229.4a as follows:
(215 ILCS 5/229.4) (from Ch. 73, par. 841.4)
Sec. 229.4. Standard Non-forfeiture Law for Individual Deferred Annuities.

(1) No contract of annuity issued on or after the operative date of this Section except as stated in subsection (11) shall be delivered or issued for delivery in this State unless it contains in substance the following provisions or corresponding provisions which in the opinion of the Director are at least as favorable to the contract holder upon cessation of payment of considerations under the contract:

(a) That upon cessation of payment of considerations under a contract, the company will grant a paid-up annuity benefit on a

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plan stipulated in the contract of such value as is specified in subsections (3), (4), (5), (6) and (8).

(b) If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the company will pay in lieu of any paid-up annuity benefit a cash surrender benefit of such amount as is specified in subsections (3), (4), (6) and (8). The company shall reserve the right to defer the payment of such cash surrender benefit for a period of 6 months after demand therefor with surrender of the contract.

(c) A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity, cash surrender or death benefits that are guaranteed under the contract, together with sufficient information to determine the amount of such benefits.

(d) A statement that any paid-up annuity, cash surrender or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which such benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract or any prior withdrawals from or partial surrenders of the contract.

Notwithstanding the requirements of this subsection, any deferred annuity contract may provide that if no considerations have been received under a contract for a period of 2 full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from considerations paid prior to such period would be less than $20.00 monthly, the company may at its option terminate such contract by payment in cash of the present value of such portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by such payment shall be relieved of any further obligation under such contract.

(2) The minimum values as specified in subsections (3), (4), (5), (6) and (8) of any paid-up annuity, cash surrender or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this subsection.

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(a) With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at a rate of interest of 3% per annum of percentages of the net considerations, as hereinafter defined, paid prior to such time, decreased by the sum of (i) any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of 3% per annum and (ii) the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract.

The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of $30.00 and less a collection charge of $1.25 per consideration credited to the contract during that contract year. The percentages of net considerations shall be 65% of the net consideration for the first contract year and 87 1/2% of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be 65% of the portion of the total net consideration for any renewal contract year which exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was 65%.

(a-5) Notwithstanding the provisions of paragraph (a) of this subsection, the minimum nonforfeiture amount for any contract issued on or after July 1, 2002 and before July 1, 2005 shall be based on a rate of interest of 1.5% per annum.

(b) With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually, with two exceptions:

(i) The portion of the net consideration for the first contract year to be accumulated shall be the sum of 65% of the net consideration for the first contract year plus 22 1/2% of the excess of the net consideration for the first contract

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year over the lesser of the net considerations for the second and third contract years.

(ii) The annual contract charge shall be the lesser of (A) $30.00 or (B) 10% of the gross annual consideration.

(c) With respect to contracts providing for a single consideration, minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall be equal to 90% and the net consideration shall be the gross consideration less a contract charge of $75.00.

(3) Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Such present value shall be computed using the mortality table, if any, and the interest rate specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

(4) For contracts which provide cash surrender benefits, such cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate not more than 1% higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

(5) For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up benefit provided under the contract arising from considerations paid prior to the time of the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to the

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maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, and increased by any existing additional amounts credited by the company to the contract. For contracts which do not provide any death benefits prior to the commencement of any annuity payments, such present values shall be calculated on the basis of such interest rate and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

(6) For the purpose of determining the benefits calculated under subsections (4) and (5), in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

(7) Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

(8) Any paid-up annuity, cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

(9) For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections (3), (4), (5), (6) and (8), additional benefits payable (a) in the event of total and permanent disability, (b) as reversionary annuity or

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deferred reversionary annuity benefits, or (c) as other policy benefits additional to life insurance, endowment, and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

(10) After the effective date of this Section, any company may file with the Director a written notice of its election to comply with the provisions of this Section after a specified date before the second anniversary of the effective date of this Section. After the filing of such notice, then upon such specified date, which shall be the operative date of this section for such company, this Section shall become operative with respect to annuity contracts thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be the second anniversary of the effective date of this Section.

(11) This Section shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which shall be delivered outside this State through an agent or other representative of the company issuing the contract.

(12) This Section is repealed on July 1, 2006.

(Source: P.A. 92-541, eff. 7-1-02.)

Sec. 229.4a. Standard Non-forfeiture Law for Individual Deferred Annuities.

(1) Title. This Section shall be known as the Standard Nonforfeiture Law for Individual Deferred Annuities.

(2) Applicability. This Section shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred

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compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which shall be delivered outside this State through an agent or other representative of the company issuing the contract.

(3) Nonforfeiture Requirements.

(A) In the case of contracts issued on or after the operative date of this Section as defined in subsection (13), no contract of annuity, except as stated in subsection (2), shall be delivered or issued for delivery in this State unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the Director of Insurance are at least as favorable to the contract holder, upon cessation of payment of considerations under the contract:

(i) That upon cessation of payment of considerations under a contract, or upon the written request of the contract owner, the company shall grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in subsections (5), (6), (7), (8) and (10);

(ii) If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the company shall pay in lieu of a paid-up annuity benefit a cash surrender benefit of such amount as is specified in subsections (5), (6), (8) and (10). The company may reserve the right to defer the payment of the cash surrender benefit for a period not to exceed 6 months after demand therefor with surrender of the contract after making written request and receiving written approval of the Director. The request shall address the necessity and equitability to all policyholders of the deferral;

(iii) A statement of the mortality table, if any, and interest rates used calculating any minimum paid-up

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annuity, cash surrender, or death benefits that are guaranteed under the contract, together with sufficient information to determine the amounts of the benefits; and

(iv) A statement that any paid-up annuity, cash surrender or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which the benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract or any prior withdrawals from or partial surrenders of the contract.

(B) Notwithstanding the requirements of this Section, a deferred annuity contract may provide that if no considerations have been received under a contract for a period of 2 full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from prior considerations paid would be less than $20 monthly, the company may at its option terminate the contract by payment in cash of the then present value of the portion of the paid-up annuity benefit, calculated on the basis on the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by this payment shall be relieved of any further obligation under the contract.

(4) Minimum values. The minimum values as specified in subsections (5), (6), (7), (8) and (10) of any paid-up annuity, cash surrender or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this subsection.

(A)(i) The minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at rates of interest as indicated in subdivision (4)(B) of the net considerations (as hereinafter defined) paid prior to such time, decreased by the sum of paragraphs (a) through (d) below:

(a) Any prior withdrawals from or partial surrenders of the contract accumulated at rates of interest as indicated in subdivision (4)(B);

(b) An annual contract charge of $50, accumulated at rates of interest as indicated in subdivision (4)(B);

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(c) Any premium tax paid by the company for the contract, accumulated at rates of interest as indicated in subdivision (4)(B); and

(d) The amount of any indebtedness to the company on the contract, including interest due and accrued.

(ii) The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount equal to 87.5% of the gross considerations, credited to the contract during that contract year.

(B) The interest rate used in determining minimum nonforfeiture amounts shall be an annual rate of interest determined as the lesser of 3% per annum and the following, which shall be specified in the contract if the interest rate will be reset:

(i) The five-year Constant Maturity Treasury Rate reported by the Federal Reserve as of a date, or average over a period, rounded to the nearest 1/20th of one percent, specified in the contract no longer than 15 months prior to the contract issue date or redetermination date under subdivision (4)(B)(iv);

(ii) Reduced by 125 basis points;

(iii) Where the resulting interest rate is not less than 1%; and

(iv) The interest rate shall apply for an initial period and may be redetermined for additional periods. The redetermination date, basis and period, if any, shall be stated in the contract. The basis is the date or average over a specified period that produces the value of the 5-year Constant Maturity Treasury Rate to be used at each redetermination date.

(C) During the period or term that a contract provides substantive participation in an equity indexed benefit, it may increase the reduction described in subdivision (4)(B)(ii) above by up to an additional 100 basis points to reflect the value of the equity index benefit. The present value at the contract issue date, and at each redetermination date thereafter, of the additional reduction shall not exceed market value of the benefit. The Director may require a demonstration that the present value of the additional reduction does not exceed the market value of the benefit. Lacking such a demonstration that is acceptable to the

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Director, the Director may disallow or limit the additional reduction.

(D) The Director may adopt rules to implement the provisions of subdivision (4)(C) and to provide for further adjustments to the calculation of minimum nonforfeiture amounts for contracts that provide substantive participation in an equity index benefit and for other contracts that the Director determines adjustments are justified.

(5) Computation of Present Value. Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Present value shall be computed using the mortality table, if any, and the interest rates specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

(6) Calculation of Cash Surrender Value. For contracts that provide cash surrender benefits, the cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit that would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate not more than 1% higher than the interest rate specified in the contract for accumulating the net considerations to determine maturity value, decreased by the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

(7) Calculation of Paid-up Annuity Benefits. For contracts that do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid prior to the time the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to the maturity

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date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine maturity value, and increased by any additional amounts credited by the company to the contract. For contracts that do not provide any death benefits prior to the commencement of any annuity payments, present values shall be calculated on the basis of such interest rate and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

(8) Maturity Date. For the purpose of determining the benefits calculated under subsections (6) and (7), in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

(9) Disclosure of Limited Death Benefits. A contract that does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

(10) Inclusion of Lapse of Time Considerations. Any paid-up annuity, cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

(11) Proration of Values; Additional Benefits. For a contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections (5), (6), (7), (8) and (10),

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additional benefits payable in the event of total and permanent disability, as reversionary annuity or deferred reversionary annuity benefits, or as other policy benefits additional to life insurance, endowment and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required under this Section. The inclusion of such benefits shall not be required in any paid-up benefits, unless the additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

(12) Rules. The Director may adopt rules to implement the provisions of this Section.

(13) Effective Date. After the effective date of this amendatory Act of the 93rd General Assembly, a company may elect to apply its provisions to annuity contracts on a contract form-by-contract form basis before July 1, 2006. In all other instances, this Section shall become operative with respect to annuity contracts issued by the company on or after July 1, 2006.

(14) This Section is repealed on July 1, 2007.

Section 99. Effective date. This Act takes effect on July 1, 2004.
Approved August 6, 2004.
Effective August 6, 2004.

PUBLIC ACT 93-0874
(Senate Bill No. 1914)

AN ACT in relation to economic development.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. Short title. This Act may be cited as the Western Illinois Economic Development Authority Act.

Section 10. Findings. The General Assembly determines and declares the following:
(1) that labor surplus areas currently exist in western Illinois;
(2) that the economic burdens resulting from involuntary unemployment fall, in part, upon the State in the form of increased need for public assistance and reduced tax revenues and, in the event that the unemployed worker and his or her family migrate elsewhere to find work,

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the burden may also fall upon the municipalities and other taxing districts within the areas of unemployment in the form of reduced tax revenues, thereby endangering their financial ability to support necessary governmental services for their remaining inhabitants;

(3) that the State has a responsibility to help create a favorable climate for new and improved job opportunities for its citizens by encouraging the development of commercial and service businesses and industrial and manufacturing plants within the western region of Illinois;

(4) that a lack of decent housing contributes to urban blight, crime, anti-social behavior, disease, a higher need for public assistance, reduced tax revenues, and the migration of workers and their families away from areas which fail to offer adequate, decent, and affordable housing;

(5) that decent, affordable housing is a necessary ingredient of life affording each citizen basic human dignity, a sense of self-worth, confidence, and a firm foundation upon which to build a family and educate children;

(6) that in order to foster civic and neighborhood pride, citizens require access to educational institutions, recreation, parks and open spaces, entertainment, sports, a reliable transportation network, cultural facilities, and theaters; and

(7) that the main purpose of this Act is to promote industrial, commercial, residential, service, transportation, and recreational activities and facilities, thereby reducing the evils attendant upon unemployment and enhancing the public health, safety, morals, happiness, and general welfare of the State.

Section 15. Definitions. In this Act:

"Authority" means the Western Illinois Economic Development Authority.

"Governmental agency" means any federal, State, or local governmental body and any agency or instrumentality thereof, corporate or otherwise.

"Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

"Revenue bond" means any bond issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

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"Board" means the Board of Directors of the Western Illinois Economic Development Authority.

"Governor" means the Governor of the State of Illinois.

"City" means any city, village, incorporated town, or township within the geographical territory of the Authority.

"Industrial project" means the following:

1. a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, port facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefore whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or

2. any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

"Commercial project" means any project, including, but not limited to, one or more buildings and other structures, improvements, machinery, and equipment, whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship, or agency.

"Project" means an industrial, housing, residential, commercial, or service project, or any combination thereof, provided that all uses fall within one of the categories described above. Any project automatically includes all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery,
treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways, and runways.

"Lease agreement" means an agreement in which a project acquired by the Authority by purchase, gift, or lease is leased to any person or corporation that will use, or cause the project to be used, as a project, upon terms providing for lease rental payments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority, issued with respect to the project, providing for the maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with other terms as may be deemed desirable by the Authority.

"Loan agreement" means any agreement in which the Authority agrees to loan the proceeds of its bonds, notes, or other evidences of indebtedness, issued with respect to a project, to any person or corporation which will use or cause the project to be used as a project, upon terms providing for loan repayment installments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for other terms deemed advisable by the Authority.

"Financial aid" means the expenditure of Authority funds or funds provided by the Authority for the development, construction, acquisition or improvement of a project, through the issuance of revenue bonds, notes, or other evidences of indebtedness.

"Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following:

(1) the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements, and franchises acquired which are deemed necessary for the construction;

(2) financing charges;

(3) interest costs with respect to bonds, notes, and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter;

(4) engineering and legal expenses; and

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(5) the costs of plans, specifications, surveys, and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition, and construction of a specific project and the placing of the same in operation.

Section 20. Creation.

(a) There is created a political subdivision, body politic, and municipal corporation named the Western Illinois Economic Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of the following counties: Warren, Henderson, Hancock, McDonough, Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and Pike and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 21 members as follows:

(1) Ex officio members. The Director of Commerce and Economic Opportunity, or a designee of that Department, and the Director of Central Management Services, or a designee of that Department, shall serve as ex officio members.

(2) Public members. Six members shall be appointed by the Governor with the advice and consent of the Senate. The county board chairmen of the following counties shall each appoint one member: Warren, Henderson, Hancock, McDonough, Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and Pike. All public members shall reside within the territorial jurisdiction of the Authority. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, state or local government, commercial agriculture, small business management, real estate development, community development, venture finance, organized labor, or civic or community organization.

(c) 11 members shall constitute a quorum.

(d) The chairman of the Authority shall be elected annually by the Board and must be a public member that resides within the territorial jurisdiction of the Authority.

(e) The terms of all initial members of the Authority shall begin 30 days after the effective date of this Act. Of the 6 original public members

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appointed by the Governor, 2 shall serve until the third Monday in January, 2005; 1 shall serve until the third Monday in January, 2006; 1 shall serve until the third Monday in January, 2007; 1 shall serve until the third Monday in January, 2008; and 1 shall serve until the third Monday in January, 2009. The initial terms of the original public members appointed by the county board chairmen shall be determined by lot, according to the following schedule: (i) 3 shall serve until the third Monday in January, 2005, (ii) 3 shall serve until the third Monday in January, 2006, (iii) 3 shall serve until the third Monday in January, 2007, (iv) 2 shall serve until the third Monday in January, 2008, and (v) 2 shall serve until the third Monday in January, 2009. All successors to these original public members shall be appointed by the original appointing authority and all appointments made by the Governor shall be made with the advice and consent of the Senate, pursuant to subsection (b), and shall hold office for a term of 6 years commencing the third Monday in January of the year in which their term commences, except in the case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill the office and, upon confirmation by the Senate, he or she shall hold office during the remainder of the term and until a successor is appointed and qualified. Members of the Authority are not entitled to compensation for their services as members but are entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(f) The Governor may remove any public member of the Authority in case of incompetence, neglect of duty, or malfeasance in office. The chairman of a county board may remove any public member appointed by that chairman in the case of incompetence, neglect of duty, or malfeasance in office.

(g) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate, or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, perform such other duties as may be prescribed from time to time by the members, and receive

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compensation fixed by the Authority. The Department of Commerce and Community Affairs shall pay the compensation of the Executive Director from appropriations received for that purpose. The Executive Director shall attend all meetings of the Authority. However, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of the Illinois Finance Authority, attorneys, appraisers, engineers, accountants, credit analysts, and other consultants if the Western Illinois Economic Development Authority deems it advisable.

Section 25. Duty. All official acts of the Authority shall require the approval of at least 11 members. It shall be the duty of the Authority to promote development within the geographic confines of Warren, Henderson, Hancock, McDonough, Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and Pike counties. The Authority shall use the powers conferred upon it to assist in the development, construction, and acquisition of industrial, commercial, housing, or residential projects within those counties.

Section 30. Powers.

(a) The Authority possesses all the powers of a body corporate necessary and convenient to accomplish the purposes of this Act, including, without any intended limitation upon the general powers hereby conferred, the following powers:

(1) to enter into loans, contracts, agreements, and mortgages in any matter connected with any of its corporate purposes and to invest its funds;
(2) to sue and be sued;
(3) to utilize services of the Illinois Finance Authority necessary to carry out its purposes;
(4) to have and use a common seal and to alter the seal at its discretion;
(5) to adopt all needful ordinances, resolutions, bylaws, rules, and regulations for the conduct of its business and affairs and for the management and use of the projects developed, constructed, acquired, and improved in furtherance of its purposes;
(6) to designate the fiscal year for the Authority;
(7) to accept and expend appropriations;
(8) to acquire, own, lease, sell, or otherwise dispose of interests in and to real property and improvements situated on that

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real property and in personal property necessary to fulfill the purposes of the Authority;

(9) to engage in any activity or operation which is incidental to and in furtherance of efficient operation to accomplish the Authority's primary purpose;

(10) to acquire, own, construct, lease, operate, and maintain bridges, terminals, terminal facilities, and port facilities and to fix and collect just, reasonable, and nondiscriminatory charges for the use of such facilities. These charges shall be used to defray the reasonable expenses of the Authority and to pay the principal and interest of any revenue bonds issued by the Authority;

(11) subject to any applicable condition imposed by this Act, to locate, establish and maintain a public airport, public airports and public airport facilities within its corporate limits or within or upon any body of water adjacent thereto and to construct, develop, extend and improve any such airport or airport facility; and

(12) to have and exercise all powers and be subject to all duties usually incident to boards of directors of corporations.

(b) The Authority shall not issue any bonds relating to the financing of a project located within the planning and subdivision control jurisdiction of any municipality or county unless: (i) notice, including a description of the proposed project and the financing for that project, is submitted to the corporate authorities of the municipality or, in the case of a proposed project in an unincorporated area, to the county board and (ii) the corporate authorities of the municipality do not, or the county board does not, adopt a resolution disapproving the project within 45 days after receipt of the notice.

(c) If any of the powers set forth in this Act are exercised within the jurisdictional limits of any municipality, all ordinances of the municipality remain in full force and effect and are controlling.

Section 35. Tax avoidance. Notwithstanding any other provision of law, the Authority shall not enter into any agreement providing for the purchase and lease of tangible personal property which results in the avoidance of taxation under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, or the Service Occupation Tax Act, without the prior written consent of the Governor.

Section 40. Bonds.

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(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount not to exceed $250,000,000 for the following purposes: (i) development, construction, acquisition, or improvement of projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority; (ii) entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority; (iii) acquisition and improvement of any property necessary and useful in connection therewith; and (iv) for the purposes of the Employee Ownership Assistance Act. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time, issue and dispose of its interest-bearing revenue bonds, notes, or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes, or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes, or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes, or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects, or from any other funds available to the Authority for such purposes. The bonds, notes, or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium, as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b) The holder or holders of any bonds, notes, or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of the bonds, notes, or other evidences of indebtedness, to compel such corporation, person, the Authority, and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of the bonds, notes,

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or other evidences of indebtedness by the provision of the resolution
authorizing their issuance and to enjoin the corporation, person, the
Authority, and any of its agents or employees from taking any action in
conflict with any contract or covenant.

(c) If the Authority fails to pay the principal of or interest on any of
the bonds or premium, if any, as the bond becomes due, a civil action to
compel payment may be instituted in the appropriate circuit court by the
holder or holders of the bonds on which the default of payment exists or
by an indenture trustee acting on behalf of the holders. Delivery of a
summons and a copy of the complaint to the chairman of the Board shall
constitute sufficient service to give the circuit court jurisdiction over the
subject matter of the suit and jurisdiction over the Authority and its
officers named as defendants for the purpose of compelling such payment.
Any case, controversy, or cause of action concerning the validity of this
Act relates to the revenue of the State of Illinois.

(d) Notwithstanding the form and tenor of any bond, note, or other
evidence of indebtedness and in the absence of any express recital on its
face that it is non-negotiable, all such bonds, notes, and other evidences of
indebtedness shall be negotiable instruments. Pending the preparation and
execution of any bonds, notes, or other evidences of indebtedness,
temporary bonds, notes, or evidences of indebtedness may be issued as
provided by ordinance.

(e) To secure the payment of any or all of such bonds, notes, or
other evidences of indebtedness, the revenues to be received by the
Authority from a lease agreement or loan agreement shall be pledged, and,
for the purpose of setting forth the covenants and undertakings of the
Authority in connection with the issuance of the bonds, notes, or other
evidences of indebtedness and the issuance of any additional bonds, notes
or other evidences of indebtedness payable from such revenues, income, or
other funds to be derived from projects, the Authority may execute and
deliver a mortgage or trust agreement. A remedy for any breach or default
of the terms of any mortgage or trust agreement by the Authority may be
by mandamus proceeding in the appropriate circuit court to compel
performance and compliance under the terms of the mortgage or trust
agreement, but the trust agreement may prescribe by whom or on whose
behalf the action may be instituted.

(f) Bonds or notes shall be secured as provided in the authorizing
ordinance which may include, notwithstanding any other provision of this
Act, in addition to any other security, a specific pledge, assignment of and

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lien on, or security interest in any or all revenues or money of the Authority, from whatever source, which may, by law, be used for debt service purposes and a specific pledge, or assignment of and lien on, or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of the bonds or notes.

(g) In the event that the Authority determines that moneys of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the chairman, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay the principal of and interest on the bonds. The Governor shall submit the certified amount to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This Section shall not apply to any bonds or notes to which the Authority determines, in the resolution authorizing the issuance of the bonds or notes, that this Section shall not apply. Whenever the Authority makes this determination, it shall be plainly stated on the face of the bonds or notes and the determination shall also be reported to the Governor. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal or interest on those bonds, the chairman of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the certified amount to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year.

(h) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the holders of bonds or notes or in any way impair the rights and remedies of those holders until the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and

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agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(i) Not less than 30 days prior to the commitment to issue bonds, notes, or other evidences of indebtedness for the purpose of developing, constructing, acquiring, or improving housing or residential projects, as defined in this Act, the Authority shall provide notice to the Executive Director of the Illinois Housing Development Authority. Within 30 days after the notice is provided, the Illinois Housing Development Authority shall, in writing, either express interest in financing the project or notify the Authority that it is not interested in providing financing and that the Authority may finance the project or seek alternative financing.

Section 45. Bonds and notes; exemption from taxation. The creation of the Authority is in all respects for the benefit of the people of Illinois and for the improvement of their health, safety, welfare, comfort, and security, and its purposes are public purposes. In consideration thereof, the notes and bonds of the Authority issued pursuant to this Act and the income from these notes and bonds may be free from all taxation by the State or its political subdivisions, exempt for estate, transfer, and inheritance taxes. The exemption from taxation provided by the preceding sentence shall apply to the income on any notes or bonds of the Authority only if the Authority in its sole judgment determines that the exemption enhances the marketability of the bonds or notes or reduces the interest rates that would otherwise be borne by the bonds or notes. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the Authority shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, subject to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.

Section 50. Acquisition.

(a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift, or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic, or any county useful for its purposes, whether improved for the purposes of any prospective

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project or unimproved. The Authority may also accept any donation of funds for its purposes from any of these sources.

(c) The Authority shall have power to develop, construct, and improve, either under its own direction or through collaboration with any approved applicant, or to acquire, through purchase or otherwise, any project, using for this purpose the proceeds derived from its sale of revenue bonds, notes, or other evidences of indebtedness or governmental loans or grants and shall have the power to hold title to those projects in the name of the Authority.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Warren, Henderson, Hancock, McDonough, Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, or Pike, the Illinois Development Finance Authority, the Illinois Housing Development Authority, the Illinois Education Facilities Authority, the Illinois Farm Development Authority, the Rural Bond Bank, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority, or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois, and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the Illinois Municipal Code.

Section 55. Enterprise zones. The Authority may by ordinance designate a portion of the territorial jurisdiction of the Authority for certification as an Enterprise Zone under the Illinois Enterprise Zone Act in addition to any other enterprise zones which may be created under that Act, which area shall have all the privileges and rights of an Enterprise Zone pursuant to the Illinois Enterprise Zone Act, but which shall not be counted in determining the number of Enterprise Zones to be created in any year pursuant to that Act.

Section 60. Designation of depository. The Authority shall biennially designate a national or State bank or banks as depositories of its money. Such depositories shall be designated only within the State and upon condition that bonds approved as to form and surety by the Authority

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and at least equal in amount to the maximum sum expected to be on deposit at any one time shall be first given by such depositories to the Authority, such bonds to be conditioned for the safe keeping and prompt repayment of such deposits. When any of the funds of the Authority shall be deposited by the treasurer in any such depository, the treasurer and the sureties on his official bond shall, to such extent, be exempt from liability for the loss of any such deposited funds by reason of the failure, bankruptcy, or any other act or default of such depository; provided that the Authority may accept assignments of collateral by any depository of its funds to secure such deposits to the same extent and conditioned in the same manner as assignments of collateral are permitted by law to secure deposits of the funds of any city.

Section 65. Taxation prohibited. The Authority shall have no right or authority to levy any tax or special assessment, to pledge the credit of the State or any other subdivision or municipal corporation thereof, or to incur any obligation enforceable upon any property, either within or without the territory of the Authority.

Section 70. Fees. The Authority may collect fees and charges in connection with its loans, commitments, and servicing and may provide technical assistance in the development of the region.

Section 75. Reports. The Authority shall annually submit a report of its finances to the Auditor General. The Authority shall annually submit a report of its activities to the Governor and to the General Assembly.

Section 95. The Tri-City Regional Port District Act is amended by changing Section 4 as follows:

(70 ILCS 1860/4) (from Ch. 19, par. 287)
Sec. 4. The Port District has the following rights and powers:

1. To issue permits: for the construction of all wharves, piers, dolphins, booms, weirs, breakwaters, bulkheads, jetties, bridges or other structures of any kind, over, under, in, or within 40 feet of any navigable waters within the Port District; for the deposit of rock, earth, sand or other material, or any matter of any kind or description in such waters; except that nothing contained in this paragraph 1 shall be construed so that it will be deemed necessary to obtain a permit from the District for the erection, operation or maintenance of any bridge crossing a waterway which serves as a boundary between the State of Illinois and any other State, when such erection, operation or maintenance is performed by any city within the District;

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2. To prevent or remove obstructions in navigable waters, including the removal of wrecks;
3. To locate and establish dock lines and shore or harbor lines;
4. To regulate the anchorage, moorage and speed of water borne vessels and to establish and enforce regulations for the operation of bridges, except nothing contained in this paragraph 4 shall be construed to give the District authority to regulate the operation of any bridge crossing a waterway which serves as a boundary between the State of Illinois and any other State, when such operation is performed or to be performed by any city within the District;
5. To acquire, own, construct, lease for any period not exceeding 99 years, operate and maintain terminals, terminal facilities and port facilities, to fix and collect just, reasonable, and nondiscriminatory charges for the use of such facilities, and, except as provided herein for short term financing, to use the charges so collected to defray the reasonable expenses of the Port District and to pay the principal of and interest on any revenue bonds issued by the District;
6. To acquire, erect, construct, reconstruct, improve, maintain, operate and lease in whole or part for any period not exceeding 99 years, central office or administrative facilities for use by the Port District, any tenant, occupant or user of the District facilities, or anyone engaged in commerce in the District.
7. To sell, assign, pledge or hypothecate in whole or in part any contract, lease, income, charges, tolls, rentals or fees of the District to provide short term interim financing pending the issuance of revenue bonds by the District, provided that when such revenue bonds are issued, such contracts, leases, income, charges, tolls, rentals or fees shall be used to defray the reasonable expenses of the Port District and pay the principal of and income on any revenue bonds issued by the District;
8. To acquire, own, construct, lease for any period not exceeding 99 years, operate, develop and maintain Port District water and sewerage systems including but not limited to pipes, mains, lines, sewers, pumping stations, settling tanks, treatment plants, water purification equipment, wells, storage facilities and all other equipment, material and facilities necessary to such systems, for the use upon payment of a reasonable fee as set by the District, of any tenant, occupant or user of the District facilities, or anyone engaged in commerce in the District, provided that the District shall not acquire, own, construct, lease, operate, develop and maintain such water and sewerage systems if such services can be provided by a

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public utility or municipal corporation upon request of the District, and
provided further that if the District develops its own water and sewerage
systems such systems may be sold or disposed of at anytime to any public
utility or municipal corporation which will continue to service the Port
District.

9. To create, establish, maintain and operate a public incinerator
for waste disposal by incineration by any means or method, for use by
municipalities for the disposal of municipal wastes and by industries for
the disposal of industrial waste; and to lease land and said incineration
facilities for the operation of an incinerator for a term not exceeding 99
years and to fix and collect just, reasonable and non-discriminatory
charges for the use of such incineration facilities, and to use the charges or
lease proceeds to defray the reasonable expenses of the Port District, and
to pay the principal of and interest on any revenue bonds issued by the Port
District.

10. To locate, establish and maintain a public airport, public
airports and public airport facilities within its corporate limits or within or
upon any body of water adjacent thereto, and to construct, develop,
expand, extend and improve any such airport or airport facilities;

11. To operate, maintain, manage, lease or sublease for any period
not exceeding 99 years, and to make and enter into contracts for the use,
operation or management of, and to provide rules and regulations for, the
operation, management or use of, any public airport or public airport
facility;

12. To fix, charge and collect reasonable rentals, tolls, fees, and
charges for the use of any public airport, or any part thereof, or any public
airport facility;

13. To establish, maintain, extend and improve roadway and
approaches by land, water or air to any such airport and to contract or
otherwise provide, by condemnation if necessary, for the removal of any
airport hazard or the removal or relocation of all private structures,
railways, mains, pipes, conduits, wires, poles, and all other facilities and
equipment which may interfere with the location, expansion, development,
or improvement of airports or with the safe approach thereto or take-off
therefrom by aircraft, and to pay the cost of removal or relocation; and,
subject to the "Airport Zoning Act", approved July 17, 1945, as amended,
to adopt, administer and enforce airport zoning regulations for territory
which is within its corporate limits or which extends not more than 2 miles
beyond its corporate limits;

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14. To restrict the height of any object of natural growth or structure or structures within the vicinity of any airport or within the lines of an approach to any airport and, when necessary, for the reduction in the height of any such existing object or structure, to enter into an agreement for such reduction or to accomplish same by condemnation;

15. To agree with the state or federal governments or with any public agency in respect to the removal and relocation of any object of natural growth, airport hazard or any structure or building within the vicinity of any airport or within an approach and which is owned or within the control of such government or agency and to pay all or an agreed portion of the cost of such removal or relocation;

16. For the prevention of accidents, for the furtherance and protection of public health, safety and convenience in respect to aeronautics, for the protection of property and persons within the District from any hazard or nuisance resulting from the flight of aircraft, for the prevention of interference between, or collision of, aircraft while in flight or upon the ground, for the prevention or abatement of nuisances in the air or upon the ground or for the extension or increase in the usefulness or safety of any public airport or public airport facility owned by the District, the District may regulate and restrict the flight of aircraft while within or above the incorporated territory of the District;

17. To police its physical property only and all waterways and to exercise police powers in respect thereto or in respect to the enforcement of any rule or regulation provided by the ordinances of the District and to employ and commission police officers and other qualified persons to enforce the same. The use of any such public airport or public airport facility of the District shall be subject to the reasonable regulation and control of the District and upon such reasonable terms and conditions as shall be established by its Board. A regulatory ordinance of the District adopted under any provision of this Section may provide for a suspension or revocation of any rights or privileges within the control of the District for a violation of any such regulatory ordinance. Nothing in this Section or in other provisions of this Act shall be construed to authorize such Board to establish or enforce any regulation or rule in respect to aviation, or the operation or maintenance of any airport facility within its jurisdiction, which is in conflict with any federal or state law or regulation applicable to the same subject matter;

18. To enter into agreements with the corporate authorities or governing body of any other municipal corporation or any political

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subdivision of this State to pay the reasonable expense of services furnished by such municipal corporation or political subdivision for or on account of income producing properties of the District;

19. To enter into contracts dealing in any manner with the objects and purposes of this Act;

20. To acquire, own, lease, sell or otherwise dispose of interests in and to real property and improvements situate thereon and in personal property necessary to fulfill the purposes of the District;

21. To designate the fiscal year for the District;

22. To engage in any activity or operation which is incidental to and in furtherance of efficient operation to accomplish the District's primary purpose;

23. To apply to proper authorities of the United States of America pursuant to appropriated Federal Law for the right to establish, operate, maintain and lease foreign trade zones and sub-zones within the limits of the Tri-City Regional Port District or within the jurisdiction of the United States Customs Service Office of the St. Louis Port of Entry and to establish, operate, maintain and lease such foreign trade zones and the sub-zones;

24. To operate, maintain, manage, lease, or sublease for any period not exceeding 99 years any former military base owned or leased by the District and within its jurisdictional boundaries, to make and enter into any contract for the use, operation, or management of any former military base owned or leased by the District and located within its jurisdictional boundaries, and to provide rules and regulations for the development, redevelopment, and expansion of any former military base owned or leased by the District and located within its jurisdictional boundaries;

25. To locate, establish, re-establish, expand or renew, construct or reconstruct, operate, and maintain any facility, building, structure, or improvement for a use or a purpose consistent with any use or purpose of any former military base owned or leased by the District and located within its jurisdictional boundaries;

26. To acquire, own, sell, convey, construct, lease for any period not exceeding 99 years, manage, operate, expand, develop, and maintain any telephone system, including, but not limited to, all equipment, materials, and facilities necessary or incidental to that telephone system, for use, at the option of the District and upon payment of a reasonable fee set by the District, of any tenant or occupant situated on any former

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military base owned or leased by the District and located within its jurisdictional boundaries;

27. To cause to be incorporated one or more subsidiary business corporations, wholly owned by the District, to own, operate, maintain, and manage facilities and services related to any telephone system, pursuant to paragraph 26. A subsidiary corporation formed pursuant to this paragraph shall (i) be deemed a telecommunications carrier, as that term is defined in Section 13-202 of the Public Utilities Act, (ii) have the right to apply to the Illinois Commerce Commission for a Certificate of Service Authority or a Certificate of Interexchange Service Authority, and (iii) have the powers necessary to carry out lawful orders of the Illinois Commerce Commission;

28. To improve, develop, or redevelop any former military base situated within the boundaries of the District, in Madison County, Illinois, and acquired by the District from the federal government, acting by and through the United States Maritime Administration, pursuant to any plan for redevelopment, development, or improvement of that military base by the District that is approved by the United States Maritime Administration under the terms and conditions of conveyance of the former military base to the District by the federal government.

(Source: P.A. 83-690.)

Section 999. Effective date. This Act takes effect upon becoming law.

Approved August 6, 2004.
Effective August 6, 2004.

PUBLIC ACT 93-0875
(Senate Bill No. 2362)

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

Section 5. The School Code is amended by changing Section 18-8.05 as follows:

(105 ILCS 5/18-8.05)
Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

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(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

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(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law. School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

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

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

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

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is

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assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

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

(3) For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is $4,560.

(4) For the 2003-2004 school year and each school year thereafter, the Foundation Level of support is $4,810 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

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

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

(D) Available Local Resources.

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

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of Available Local Resources shall exclude any tax amnesty funds received as a result of Public Act 93-26.

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

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

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

(E) Computation of General State Aid.

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

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

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the

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

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

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

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the
month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

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

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

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

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

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

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent,

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and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

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

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

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

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1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

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

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

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

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

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

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

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

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

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

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

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

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

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

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

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

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).
(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

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

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of
Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding
pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

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

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

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

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

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

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

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

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

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

(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant

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for each school year shall be $675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

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

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

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2005-2006 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For
the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

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

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

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

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

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical

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

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

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

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

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

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by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

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

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

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

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

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

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to the difference shall be made for the first 4 years of existence of the new district.

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

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

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

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

(J) Supplementary Grants in Aid.

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

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the

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district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (I).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

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

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

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

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each

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The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

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

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

(2) (Blank).

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

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve

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until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

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

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

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

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.
(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.
(Source: P.A. 92-16, eff. 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff. 8-7-01; 92-604, eff. 7-1-02; 92-636, eff. 7-11-02; 92-651, eff. 7-11-02; 93-21, eff. 7-1-03.)

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

Approved August 6, 2004.
Effective August 6, 2004.

PUBLIC ACT 93-0876
(Senate Bill No. 2560)

AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Section 445 as follows:
(215 ILCS 5/445)(from Ch. 73, par. 1057)
Sec. 445. Surplus line.
(1) Surplus line defined; surplus line insurer requirements.
"Surplus line insurance" means insurance on an Illinois risk of the kinds specified in Classes 2 and 3 of Section 4 of this Code procured from an unauthorized insurer or a domestic surplus line insurer as defined in Section 445a after the insurance producer representing the insured or the surplus line producer is unable, after diligent effort, to procure said insurance from authorized insurers which are authorized to transact business in this State other than domestic surplus line insurers as defined in Section 445a.
"Authorized insurer" means an insurer that holds a certificate of authority issued by the Director but, for the purposes of this Section, does not include a domestic surplus line insurer as defined in Section 445a or any residual market mechanism.
"Residual market mechanism" means an association, organization, or other entity described in Article XXXIII of this Code or Section 7-501 of the Illinois Vehicle Code or any similar association, organization, or other entity.

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"Unauthorized insurer" means an insurer that does not hold a valid certificate of authority issued by the Director but, for the purposes of this Section, shall also include a domestic surplus line insurer as defined in Section 445a.

Insurance producers may procure surplus line insurance only if licensed as a surplus line producer under this Section and may procure that insurance only from an unauthorized insurer or from a domestic surplus line insurer as defined in Section 445a:

(a) that based upon information available to the surplus line producer has a policyholders surplus of not less than $15,000,000 determined in accordance with accounting rules that are applicable to authorized insurers; and

(b) that has standards of solvency and management that are adequate for the protection of policyholders; and

(c) where an unauthorized insurer does not meet the standards set forth in (a) and (b) above, a surplus line producer may, if necessary, procure insurance from that insurer only if prior written warning of such fact or condition is given to the insured by the insurance producer or surplus line producer.

Insurance producers shall not procure from an unauthorized insurer an insurance policy:

(i) that is designed to satisfy the proof of financial responsibility and insurance requirements in any Illinois law where the law requires that the proof of insurance is issued by an authorized insurer or residual market mechanism;

(ii) that covers the risk of accidental injury to employees arising out of and in the course of employment according to the provisions of the Workers' Compensation Act; or

(iii) that insures any Illinois personal lines risk, as defined in subsection (a), (b), or (c) of Section 143.13 of this Code, that is eligible for residual market mechanism coverage, unless the insured or prospective insured requests limits of liability greater than the limits provided by the residual market mechanism. In the course of making a diligent effort to procure insurance from authorized insurers, an insurance producer shall not be required to submit a risk to a residual market mechanism when the risk is not eligible for coverage or exceeds the limits available in the residual market mechanism.

New matter indicated by italics - deletions by strikeout.
Where there is an insurance policy issued by an authorized insurer or residual market mechanism insuring a risk described in item (i), (ii), or (iii) above, nothing in this paragraph shall be construed to prohibit a surplus line producer from procuring from an unauthorized insurer a policy insuring the risk on an excess or umbrella basis where the excess or umbrella policy is written over one or more underlying policies.

(2) Surplus line producer; license. Any licensed producer who is a resident of this State, or any nonresident who qualifies under Section 500-40, may be licensed as a surplus line producer upon:

   (a) completing a prelicensing course of study. The course provided for by this Section shall be conducted under rules and regulations prescribed by the Director. The Director may administer the course or may make arrangements, including contracting with an outside educational service, for administering the course and collecting the non-refundable application fee provided for in this subsection. Any charges assessed by the Director or the educational service for administering the course shall be paid directly by the individual applicants. Each applicant required to take the course shall enclose with the application a non-refundable $20 application fee payable to the Director plus a separate course administration fee. An applicant who fails to appear for the course as scheduled, or appears but fails to complete the course, shall not be entitled to any refund, and shall be required to submit a new request to attend the course together with all the requisite fees before being rescheduled for another course at a later date; and

   (b) payment of an annual license fee of $400; and

   (c) procurement of the surety bond required in subsection (4) of this Section.

A surplus line producer so licensed shall keep a separate account of the business transacted thereunder which shall be open at all times to the inspection of the Director or his representative.

The prelicensing course of study requirement in (a) above shall not apply to insurance producers who were licensed under the Illinois surplus line law on or before January 1, 2002 the effective date of this amendatory Act of the 92nd General Assembly.

(3) Taxes and reports.

   (a) Surplus line tax and penalty for late payment.

New matter indicated by italics - deletions by strikeout.
A surplus line producer shall file with the Director on or before February 1 and August 1 of each year a report in the form prescribed by the Director on all surplus line insurance procured from unauthorized insurers during the preceding 6 month period ending December 31 or June 30 respectively, and on the filing of such report shall pay to the Director for the use and benefit of the State a sum equal to 3.5% of the gross premiums less returned premiums upon all surplus line insurance procured or cancelled during the preceding 6 months.

Any surplus line producer who fails to pay the full amount due under this subsection is liable, in addition to the amount due, for such penalty and interest charges as are provided for under Section 412 of this Code. The Director, through the Attorney General, may institute an action in the name of the People of the State of Illinois, in any court of competent jurisdiction, for the recovery of the amount of such taxes and penalties due, and prosecute the same to final judgment, and take such steps as are necessary to collect the same.

(b) Fire Marshal Tax.

Each surplus line producer shall file with the Director on or before March 31 of each year a report in the form prescribed by the Director on all fire insurance procured from unauthorized insurers subject to tax under Section 12 of the Fire Investigation Act and shall pay to the Director the fire marshal tax required thereunder.

(c) Taxes and fees charged to insured. The taxes imposed under this subsection and the countersigning fees charged by the Surplus Line Association of Illinois may be charged to and collected from surplus line insureds.

(4) Bond. Each surplus line producer, as a condition to receiving a surplus line producer's license, shall execute and deliver to the Director a surety bond to the People of the State in the penal sum of $20,000, with a surety which is authorized to transact business in this State, conditioned that the surplus line producer will pay to the Director the tax, interest and penalties levied under subsection (3) of this Section.

(5) Submission of documents to Surplus Line Association of Illinois. A surplus line producer shall submit every insurance contract issued under his or her license to the Surplus Line Association of Illinois for recording and countersignature. The submission and countersignature may be effected through electronic means. The submission shall set forth:

New matter indicated by italics - deletions by strikeout.
Public Act 93-0876

(a) the name of the insured;
(b) the description and location of the insured property or risk;
(c) the amount insured;
(d) the gross premiums charged or returned;
(e) the name of the unauthorized insurer or domestic surplus line insurer as defined in Section 445a from whom coverage has been procured;
(f) the kind or kinds of insurance procured; and
(g) amount of premium subject to tax required by Section 12 of the Fire Investigation Act.

Proposals, endorsements, and other documents which are incidental to the insurance but which do not affect the premium charged are exempted from filing and countersignature.

The submission of insuring contracts to the Surplus Line Association of Illinois constitutes a certification by the surplus line producer or by the insurance producer who presented the risk to the surplus line producer for placement as a surplus line risk that after diligent effort the required insurance could not be procured from authorized insurers which are authorized to transact business in this State other than domestic surplus line insurers as defined in Section 445a and that such procurement was otherwise in accordance with the surplus line law.

(6) Countersignature required. It shall be unlawful for an insurance producer to deliver any unauthorized insurer contract or domestic surplus line insurer contract unless such insurance contract is countersigned by the Surplus Line Association of Illinois.

(7) Inspection of records. A surplus line producer shall maintain separate records of the business transacted under his or her license, including complete copies of surplus line insurance contracts maintained on paper or by electronic means, which records shall be open at all times for inspection by the Director and by the Surplus Line Association of Illinois.

(8) Violations and penalties. The Director may suspend or revoke or refuse to renew a surplus line producer license for any violation of this Code. In addition to or in lieu of suspension or revocation, the Director may subject a surplus line producer to a civil penalty of up to $2,000 for each cause for suspension or revocation. Such penalty is enforceable under subsection (5) of Section 403A of this Code.

New matter indicated by italics - deletions by strikeout.
(9) Director may declare insurer ineligible. If the Director determines that the further assumption of risks might be hazardous to the policyholders of an unauthorized insurer, the Director may order the Surplus Line Association of Illinois not to countersign insurance contracts evidencing insurance in such insurer and order surplus line producers to cease procuring insurance from such insurer.

(10) Service of process upon Director. Insurance contracts delivered under this Section from unauthorized insurers, other than domestic surplus line insurers as defined in Section 445a, shall contain a provision designating the Director and his successors in office the true and lawful attorney of the insurer upon whom may be served all lawful process in any action, suit or proceeding arising out of such insurance. Service of process made upon the Director to be valid hereunder must state the name of the insured, the name of the unauthorized insurer and identify the contract of insurance. The Director at his option is authorized to forward a copy of the process to the Surplus Line Association of Illinois for delivery to the unauthorized insurer or the Director may deliver the process to the unauthorized insurer by other means which he considers to be reasonably prompt and certain.

(10.5) Insurance contracts delivered under this Section from unauthorized insurers, other than domestic surplus line insurers as defined in Section 445a, shall have stamped or imprinted on the first page thereof in not less than 12-pt. bold face type the following legend: "Notice to Policyholder: This contract is issued, pursuant to Section 445 of the Illinois Insurance Code, by a company not authorized and licensed to transact business in Illinois and as such is not covered by the Illinois Insurance Guaranty Fund." Insurance contracts delivered under this Section from domestic surplus line insurers as defined in Section 445a shall have stamped or imprinted on the first page thereof in not less than 12-pt. bold face type the following legend: "Notice to Policyholder: This contract is issued by a domestic surplus line insurer, as defined in Section 445a of the Illinois Insurance Code, pursuant to Section 445, and as such is not covered by the Illinois Insurance Guaranty Fund."

(11) The Illinois Surplus Line law does not apply to insurance of property and operations of railroads or aircraft engaged in interstate or foreign commerce, insurance of vessels, crafts or hulls, cargoes, marine builder's risks, marine protection and indemnity, or other risks including strikes and war risks insured under ocean or wet marine forms of policies.

New matter indicated by italics - deletions by strikeout.
(12) Surplus line insurance procured under this Section, including insurance procured from a domestic surplus line insurer, is not subject to the provisions of the Illinois Insurance Code other than Sections 123, 123.1, 401, 401.1, 402, 403, 403A, 408, 412, 445, 445.1, 445.2, 445.3, 445.4, and all of the provisions of Article XXXI to the extent that the provisions of Article XXXI are not inconsistent with the terms of this Act.

(Source: P.A. 92-386, eff. 1-1-02; 93-29, eff. 6-20-03; 93-32, eff. 7-1-03.)

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

Approved August 6, 2004.
Effective August 6, 2004.

PUBLIC ACT 93-0877
(Senate Bill No. 2630)

AN ACT in relation to estates.

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

Section 5. The Probate Act of 1975 is amended by changing Section 25-1 as follows:

(755 ILCS 5/25-1) (from Ch. 110 1/2, par. 25-1)
Sec. 25-1. Payment or delivery of small estate of decedent upon affidavit.

(a) When any person or corporation (1) indebted to or holding personal estate of a decedent, (2) controlling the right of access to decedent's safe deposit box or (3) acting as registrar or transfer agent of any evidence of interest, indebtedness, property or right is furnished with a small estate affidavit in substantially the form hereinafter set forth, that person or corporation shall pay the indebtedness, grant access to the safe deposit box, deliver the personal estate or transfer or issue the evidence of interest, indebtedness, property or right to persons and in the manner specified in paragraph 11 of the affidavit or to an agent appointed as hereinafter set forth.

(b) Small Estate Affidavit
I, (name of affiant), on oath state:
1. (a) My post office address is: ;
   (b) My residence address is: ; and

New matter indicated by italics - deletions by strikeout.
(c) I understand that, if I am an out-of-state resident, I submit myself to the jurisdiction of Illinois courts for all matters related to the preparation and use of this affidavit. My agent for service of process in Illinois is:

NAME..........................
ADDRESS........................
CITY..........................
TELEPHONE (IF ANY)..........

I understand that if no person is named above as my agent for service or, if for any reason, service on the named person cannot be effectuated, the clerk of the circuit court of ......(County) (Judicial Circuit) Illinois is recognized by Illinois law as my agent for service of process.

2. The decedent's name is ;
3. The date of the decedent's death was , and I have attached a copy of the death certificate hereto.
4. The decedent's place of residence immediately before his death was ;
5. No letters of office are now outstanding on the decedent's estate and no petition for letters is contemplated or pending in Illinois or in any other jurisdiction, to my knowledge;
6. The gross value of the decedent's entire personal estate, including the value of all property passing to any party either by intestacy or under a will, does not exceed $100,000. (Here, list each asset, e.g., cash, stock, and its fair market value.);
7. (a) All of the decedent's funeral expenses have been paid, or (b) The amount of the decedent's unpaid funeral expenses and the name and post office address of each person entitled thereto are as follows: Name and post office address Amount (Strike either 7(a) or 7(b)).
8. There is no known unpaid claimant or contested claim against the decedent, except as stated in paragraph 7.
9. (a) The names and places of residence of any surviving spouse, minor children and adult dependent* children of the decedent are as follows:

<table>
<thead>
<tr>
<th>Name and Relationship</th>
<th>Place of Residence</th>
<th>Age of minor child</th>
</tr>
</thead>
</table>
*(Note: An adult dependent child is one who is unable to maintain himself and is likely to become a public charge.)

New matter indicated by italics - deletions by strikeout.
(b) The award allowable to the surviving spouse of a decedent who was an Illinois resident is $.......... ($10,000, plus $5,000 multiplied by the number of minor children and adult dependent children who resided with the surviving spouse at the time of the decedent's death. If any such child did not reside with the surviving spouse at the time of the decedent's death, so indicate).

(c) If there is no surviving spouse, the award allowable to the minor children and adult dependent children of a decedent who was an Illinois resident is $.......... ($10,000, plus $5,000 multiplied by the number of minor children and adult dependent children), to be divided among them in equal shares.

10. (a) The decedent left no will. The names, places of residence and relationships of the decedent's heirs, and the portion of the estate to which each heir is entitled under the law where decedent died intestate are as follows:

<table>
<thead>
<tr>
<th>Name, relationship and place of residence</th>
<th>Age of minor</th>
<th>Portion of Estate</th>
</tr>
</thead>
</table>

OR

(b) The decedent left a will, which has been filed with the clerk of an appropriate court. A certified copy of the will on file is attached. To the best of my knowledge and belief the will on file is the decedent's last will and was signed by the decedent and the attesting witnesses as required by law and would be admissible to probate. The names and places of residence of the legatees and the portion of the estate, if any, to which each legatee is entitled are as follows:

<table>
<thead>
<tr>
<th>Name, relationship and place of residence</th>
<th>Age of minor</th>
<th>Portion of Estate</th>
</tr>
</thead>
</table>

(c) Affiant is unaware of any dispute or potential conflict as to the heirship or will of the decedent.

11. The property described in paragraph 6 of this affidavit should be distributed as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Specific sum or property to be distributed</th>
</tr>
</thead>
</table>

The foregoing statement is made under the penalties of perjury*.

..........................  
Signature of Affiant

New matter indicated by italics - deletions by strikeout.
*(Note: A fraudulent statement made under the penalties of perjury is perjury, as defined in Section 32-2 of the Criminal Code of 1961.)*

(c) Appointment of Agent. If safe deposit access is involved or if sale of any personal property is desirable to facilitate distribution pursuant to the small estate affidavit, all persons named in paragraph 11 of the small estate affidavit (excluding minors and unascertained or disabled persons) may in writing appoint one or more persons as their agent for that purpose. The agent shall have power, without court approval, to gain access to, sell, and distribute the property for the benefit of all persons named in paragraph 11 of the affidavit; and the payment, delivery, transfer, access or issuance shall be made or granted to or on the order of the agent.

(d) Release. Upon payment, delivery, transfer, access or issuance pursuant to a properly executed affidavit, the person or corporation is released to the same extent as if the payment, delivery, transfer, access or issuance had been made or granted to the representative of the estate. Such person or corporation is not required to see to the application or disposition of the property; but each person to whom a payment, delivery, transfer, access or issuance is made or given is answerable therefore to any person having a prior right and is accountable to any representative of the estate.

(e) The affiant signing the small estate affidavit prepared pursuant to subsection (b) of this Section shall indemnify and hold harmless all creditors and heirs of the decedent and other persons relying upon the affidavit who incur loss because of such reliance. That indemnification shall only be up to the amount lost because of the act or omission of the affiant. Any person recovering under this subsection (e) shall be entitled to reasonable attorney's fees and the expenses of recovery.

(f) The affiant of a small estate affidavit who is a non-resident of Illinois submits himself or herself to the jurisdiction of Illinois courts for all matters related to the preparation or use of the affidavit. The affidavit shall provide the name, address, and phone number of a person whom the affiant names as his agent for service of process. If no such person is named or if, for any reason, service on the named person cannot be effectuated, the clerk of the circuit court of the county or judicial circuit of which the decedent was a resident at the time of his death shall be the agent for service of process.

(Source: P.A. 87-287.)

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

New matter indicated by italics - deletions by strikeout.
AN ACT concerning the Department on Aging.

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

Section 5. The Illinois Act on the Aging is amended by changing Section 4.04 as follows:

(20 ILCS 105/4.04) (from Ch. 23, par. 6104.04)

Sec. 4.04. Long Term Care Ombudsman Program.

(a) Long Term Care Ombudsman Program. The Department shall establish a Long Term Care Ombudsman Program, through the Office of State Long Term Care Ombudsman ("the Office"), in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.

(b) Definitions. As used in this Section, unless the context requires otherwise:

(1) "Access" has the same meaning as in Section 1-104 of the Nursing Home Care Act, as now or hereafter amended; that is, it means the right to:

(i) Enter any long term care facility or assisted living or shared housing establishment or supportive living facility;

(ii) Communicate privately and without restriction with any resident who consents to the communication;

(iii) Seek consent to communicate privately and without restriction with any resident;

(iv) Inspect the clinical and other records of a resident with the express written consent of the resident;

(v) Observe all areas of the long term care facility or supportive living facilities, assisted living or shared housing establishment except the living area of any resident who protests the observation.

(2) "Long Term Care Facility" means (i) any facility as defined by Section 1-113 of the Nursing Home Care Act, as now or

New matter indicated by italics - deletions by strikeout.
hereafter amended; and (ii) any skilled nursing facility or a nursing facility which meets the requirements of Section 1819(a), (b), (c), and (d) or Section 1919(a), (b), (c), and (d) of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3(a), (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and (d)).

(2.5) "Assisted living establishment" and "shared housing establishment" have the meanings given those terms in Section 10 of the Assisted Living and Shared Housing Act.

(2.7) "Supportive living facility" means a facility established under Section 5-5.01a of the Illinois Public Aid Code.

(3) "State Long Term Care Ombudsman" means any person employed by the Department to fulfill the requirements of the Office of State Long Term Care Ombudsman as required under the Older Americans Act of 1965, as now or hereafter amended, and Departmental policy.

(3.1) "Ombudsman" means any designated representative of a regional long term care ombudsman program; provided that the representative, whether he is paid for or volunteers his ombudsman services, shall be qualified and designated by the Office to perform the duties of an ombudsman as specified by the Department in rules and in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.

(c) Ombudsman; rules. The Office of State Long Term Care Ombudsman shall be composed of at least one full-time ombudsman and shall include a system of designated regional long term care ombudsman programs. Each regional program shall be designated by the State Long Term Care Ombudsman as a subdivision of the Office and any representative of a regional program shall be treated as a representative of the Office.

The Department, in consultation with the Office, shall promulgate administrative rules in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended, to establish the responsibilities of the Department and the Office of State Long Term Care Ombudsman and the designated regional Ombudsman programs. The administrative rules shall include the responsibility of the Office and designated regional programs to investigate and resolve complaints made by or on behalf of residents of long term care facilities, supportive living facilities, and assisted living and shared housing establishments relating to actions, inaction, or decisions of providers, or their representatives, of long

New matter indicated by italics - deletions by strikeout.
term care facilities, of supported living facilities, of assisted living and
shared housing establishments, of public agencies, or of social services
agencies, which may adversely affect the health, safety, welfare, or rights
of such residents. When necessary and appropriate, representatives of the
Office shall refer complaints to the appropriate regulatory State agency.
The Department, in consultation with the Office, shall cooperate with the
Department of Human Services in providing information and training to
designated regional long term care ombudsman programs about the
appropriate assessment and treatment (including information about
appropriate supportive services, treatment options, and assessment of
rehabilitation potential) of persons with mental illness (other than
Alzheimer's disease and related disorders).

The State Long Term Care Ombudsman and all other ombudsmen,
as defined in paragraph (3.1) of subsection (b) must submit to background
checks under the Health Care Worker Background Check Act and receive
training, as prescribed by the Illinois Department on Aging, before
visiting facilities. The training must include information specific to
assisted living establishments, supportive living facilities, and shared
housing establishments and to the rights of residents guaranteed under the
corresponding Acts and administrative rules.

(d) Access and visitation rights.

(1) In accordance with subparagraphs (A) and (E) of
paragraph (3) of subsection (c) of Section 1819 and subparagraphs
(A) and (E) of paragraph (3) of subsection (c) of Section 1919 of
the Social Security Act, as now or hereafter amended (42 U.S.C.
1395i-3 (c)(3)(A) and (E) and 42 U.S.C. 1396r (c)(3)(A) and (E)),
and Section 712 of the Older Americans Act of 1965, as now or
hereafter amended (42 U.S.C. 3058f), a long term care facility,
supportive living facility, assisted living establishment, and shared
housing establishment must:

(i) permit immediate access to any resident by a
designated ombudsman; and

(ii) permit representatives of the Office, with the
permission of the resident's legal representative or legal
guardian, to examine a resident's clinical and other records,
and if a resident is unable to consent to such review, and
has no legal guardian, permit representatives of the Office
appropriate access, as defined by the Department, in

New matter indicated by italics - deletions by strikeout.
consultation with the Office, in administrative rules, to the resident's records.

(2) Each long term care facility, supportive living facility, assisted living establishment, and shared housing establishment shall display, in multiple, conspicuous public places within the facility accessible to both visitors and residents and in an easily readable format, the address and phone number of the Office of the Long Term Care Ombudsman, in a manner prescribed by the Office.

(e) Immunity. An ombudsman or any representative of the Office participating in the good faith performance of his or her official duties shall have immunity from any liability (civil, criminal or otherwise) in any proceedings (civil, criminal or otherwise) brought as a consequence of the performance of his official duties.

(f) Business offenses.

(1) No person shall:
   (i) Intentionally prevent, interfere with, or attempt to impede in any way any representative of the Office in the performance of his official duties under this Act and the Older Americans Act of 1965; or
   (ii) Intentionally retaliate, discriminate against, or effect reprisals against any long term care facility resident or employee for contacting or providing information to any representative of the Office.

(2) A violation of this Section is a business offense, punishable by a fine not to exceed $501.

(3) The Director of Aging, in consultation with the Office, shall notify the State's Attorney of the county in which the long term care facility, supportive living facility, or assisted living or shared housing establishment is located, or the Attorney General, of any violations of this Section.

(g) Confidentiality of records and identities. The Department shall establish procedures for the disclosure by the State Ombudsman or the regional ombudsmen entities of files maintained by the program. The procedures shall provide that the files and records may be disclosed only at the discretion of the State Long Term Care Ombudsman or the person designated by the State Ombudsman to disclose the files and records, and the procedures shall prohibit the disclosure of the identity of any

New matter indicated by italics - deletions by strikeout.
complainant, resident, witness, or employee of a long term care provider unless:

(1) the complainant, resident, witness, or employee of a long term care provider or his or her legal representative consents to the disclosure and the consent is in writing;

(2) the complainant, resident, witness, or employee of a long term care provider gives consent orally; and the consent is documented contemporaneously in writing in accordance with such requirements as the Department shall establish; or

(3) the disclosure is required by court order.

(h) Legal representation. The Attorney General shall provide legal representation to any representative of the Office against whom suit or other legal action is brought in connection with the performance of the representative's official duties, in accordance with the State Employee Indemnification Act.

(i) Treatment by prayer and spiritual means. Nothing in this Act shall be construed to authorize or require the medical supervision, regulation or control of remedial care or treatment of any resident in a long term care facility operated exclusively by and for members or adherents of any church or religious denomination the tenets and practices of which include reliance solely upon spiritual means through prayer for healing.

(Source: P.A. 93-241, eff. 7-22-03.)

Section 10. The Health Care Worker Background Check Act is amended by changing Section 15 as follows:

(225 ILCS 46/15)

Sec. 15. Definitions. For the purposes of this Act, the following definitions apply:

"Applicant" means an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment.

"Conditional offer of employment" means a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25.

"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs. The entity responsible for inspecting and licensing, certifying, or registering the health care employer may, by administrative rule, prescribe

New matter indicated by italics - deletions by strikeout.
guidelines for interpreting this definition with regard to the health care employers that it licenses.

"Health care employer" means:

(1) the owner or licensee of any of the following:
   (i) a community living facility, as defined in the Community Living Facilities Act;
   (ii) a life care facility, as defined in the Life Care Facilities Act;
   (iii) a long-term care facility, as defined in the Nursing Home Care Act;
   (iv) a home health agency, as defined in the Home Health Agency Licensing Act;
   (v) a full hospice, as defined in the Hospice Program Licensing Act;
   (vi) a hospital, as defined in the Hospital Licensing Act;
   (vii) a community residential alternative, as defined in the Community Residential Alternatives Licensing Act;
   (viii) a nurse agency, as defined in the Nurse Agency Licensing Act;
   (ix) a respite care provider, as defined in the Respite Program Act;
   (ix-a) an establishment licensed under the Assisted Living and Shared Housing Act;
   (x) a supportive living program, as defined in the Illinois Public Aid Code;
   (xi) early childhood intervention programs as described in 59 Ill. Adm. Code 121;
   (xii) the University of Illinois Hospital, Chicago;
   (xiii) programs funded by the Department on Aging through the Community Care Program;
   (xiv) programs certified to participate in the Supportive Living Program authorized pursuant to Section 5-5.01a of the Illinois Public Aid Code;
   (xv) programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers;
   (xvi) locations licensed under the Alternative Health Care Delivery Act;

(2) a day training program certified by the Department of Human Services; or

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(3) a community integrated living arrangement operated by a community mental health and developmental service agency, as defined in the Community-Integrated Living Arrangements Licensing and Certification Act; or:

(4) the State Long Term Care Ombudsman Program, including any regional long term care ombudsman programs under Section 4.04 of the Illinois Act on the Aging, only for the purpose of securing background checks.

"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. The educational entity or health care employer or its designee shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.

(Source: P.A. 91-598, eff. 1-1-00; 91-656, eff. 1-1-01; 92-16, eff. 6-28-01.)

Section 99. Effective date. This Act takes effect on January 1, 2005.

Approved August 6, 2004.
Effective January 1, 2005.

PUBLIC ACT 93-0879
(Senate Bill No. 2756)

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

Section 5. The Nursing Education Scholarship Law is amended by changing Sections 2, 3, 5, 6, and 7 as follows:

(110 ILCS 975/2) (from Ch. 144, par. 2752)

Sec. 2. Legislative finding and declaration of policy. The General Assembly finds and hereby declares that the provision of a higher education leading to an associate degree in nursing, an associate degree in applied sciences in nursing, a hospital-based diploma in nursing, a baccalaureate degree in nursing, a graduate degree in nursing, or a certificate in practical nursing for persons of this State who desire such an education is important to the health, welfare and security of this State and Nation, and consequently is an important public purpose. Many qualified and potential nurses are deterred by financial considerations from pursuing

New matter indicated by italics - deletions by strikeout.
their nursing education, with consequent irreparable loss to the State and Nation of talents vital to health, welfare and security. A system of scholarships, repayment of which may be excused if the individual is employed as a registered professional nurse or a licensed practical nurse after obtaining an associate degree in nursing, associate degree in applied sciences in nursing, hospital-based diploma in nursing, baccalaureate degree in nursing, graduate degree in nursing, or certificate in practical nursing, will enable such individuals to attend approved institutions of their choice in the State, public or private.

(Source: P.A. 92-43, eff. 1-1-02.)

(110 ILCS 975/3) (from Ch. 144, par. 2753)

Sec. 3. Definitions.
The following terms, whenever used or referred to, have the following meanings except where the context clearly indicates otherwise:

(1) "Board" means the Board of Higher Education created by the Board of Higher Education Act.

(2) "Department" means the Illinois Department of Public Health.

(3) "Approved institution" means a public community college, private junior college, hospital-based diploma in nursing program, or public or private college or university located in this State that has approval by the Department of Professional Regulation for an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program.

(4) "Baccalaureate degree in nursing program" means a program offered by an approved institution and leading to a bachelor of science degree in nursing.

(5) "Enrollment" means the establishment and maintenance of an individual's status as a student in an approved institution, regardless of the terms used at the institution to describe such status.

(6) "Academic year" means the period of time from September 1 of one year through August 31 of the next year or as otherwise defined by the academic institution.

(7) "Associate degree in nursing program or hospital-based diploma in nursing program" means a program offered by an approved institution and leading to an associate degree in nursing, associate degree in applied sciences in nursing, or hospital-based diploma in nursing.

New matter indicated by italics - deletions by strikeout.
(8) "Graduate degree in nursing program" means a program offered by an approved institution and leading to a master of science degree in nursing or a doctorate of philosophy or doctorate of nursing degree in nursing.

(9) (8) "Director" means the Director of the Illinois Department of Public Health.

(10) (9) "Accepted for admission" means a student has completed the requirements for entry into an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program at an approved institution, as documented by the institution.

(11) (10) "Fees" means those mandatory charges, in addition to tuition, that all enrolled students must pay, including required course or lab fees.

(12) (11) "Full-time student" means a student enrolled for at least 12 hours per term or as otherwise determined by the academic institution.

(13) (12) "Law" means the Nursing Education Scholarship Law.

(14) (13) "Nursing employment obligation" means employment in this State as a registered professional nurse or licensed practical nurse in direct patient care or as a nurse educator in the case of a graduate degree in nursing program recipient for at least one year for each year of scholarship assistance received through the Nursing Education Scholarship Program.

(15) (14) "Part-time student" means a person who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students.

(16) (15) "Practical nursing program" means a program offered by an approved institution leading to a certificate in practical nursing.

(17) (16) "Registered professional nurse" means a person who is currently licensed as a registered professional nurse by the Department of Professional Regulation under the Nursing and Advanced Practice Nursing Act.

(18) (17) "Licensed practical nurse" means a person who is currently licensed as a licensed practical nurse by the Department of Professional Regulation under the Nursing and Advanced Practice Nursing Act.

New matter indicated by italics - deletions by strikeout.
"School term" means an academic term, such as a semester, quarter, trimester, or number of clock hours, as defined by an approved institution.

"Student in good standing" means a student maintaining a cumulative grade point average equivalent to at least the academic grade of a "C".

"Total and permanent disability" means a physical or mental impairment, disease, or loss of a permanent nature that prevents nursing employment with or without reasonable accommodation. Proof of disability shall be a declaration from the social security administration, Illinois Industrial Commission, Department of Defense, or an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor.

"Tuition" means the established charges of an institution of higher learning for instruction at that institution.

"Nurse educator" means a person who is currently licensed as a registered nurse by the Department of Professional Regulation under the Nursing and Advanced Practice Nursing Act, who has a graduate degree in nursing, and who is employed by an approved academic institution to educate registered nursing students, licensed practical nursing students, and registered nurses pursuing graduate degrees.

(Source: P.A. 92-43, eff. 1-1-02.)

(19) "School term" means an academic term, such as a semester, quarter, trimester, or number of clock hours, as defined by an approved institution.

(20) "Student in good standing" means a student maintaining a cumulative grade point average equivalent to at least the academic grade of a "C".

(21) "Total and permanent disability" means a physical or mental impairment, disease, or loss of a permanent nature that prevents nursing employment with or without reasonable accommodation. Proof of disability shall be a declaration from the social security administration, Illinois Industrial Commission, Department of Defense, or an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor.

(22) "Tuition" means the established charges of an institution of higher learning for instruction at that institution.

(23) "Nurse educator" means a person who is currently licensed as a registered nurse by the Department of Professional Regulation under the Nursing and Advanced Practice Nursing Act, who has a graduate degree in nursing, and who is employed by an approved academic institution to educate registered nursing students, licensed practical nursing students, and registered nurses pursuing graduate degrees.

(Source: P.A. 92-43, eff. 1-1-02.)
If in any year the number of qualified applicants exceeds the number of scholarships to be awarded, the Department shall give priority in awarding scholarships:

(A) To students in the greatest financial need, as shown on a standardized financial needs assessment form used by an approved institution who will pursue their education on a full-time or closest to full-time basis and who already have a certificate in practical nursing, a diploma in nursing, or an associate degree in nursing and are pursuing a higher degree.

(B) To registered nurses pursuing a graduate degree in nursing to pursue employment in an approved institution that educates licensed practical nurses and that educates registered nurses in undergraduate and graduate nursing programs.

Unless otherwise indicated, scholarships shall be awarded to recipients at approved institutions for a period of up to 2 years if the recipient is enrolled in an associate degree in nursing program, up to 3 years if the recipient is enrolled in a hospital-based diploma in nursing program, up to 4 years if the recipient is enrolled in a baccalaureate degree in nursing program, up to 5 years if the recipient is enrolled in a graduate degree in nursing program, and up to one year if the recipient is enrolled in a certificate in practical nursing program. At least 40% of the scholarships awarded shall be for recipients who are pursuing baccalaureate degrees in nursing, 30% of the scholarships awarded shall be for recipients who are pursuing associate degrees in nursing or a diploma in nursing, and 10% of the scholarships awarded shall be for recipients who are pursuing a certificate in practical nursing, and 20% of the scholarships awarded shall be for recipients who are pursuing a graduate degree in nursing.

(Source: P.A. 92-43, eff. 1-1-02.)

(110 ILCS 975/6) (from Ch. 144, par. 2756)

Sec. 6. Nursing requirements for scholarship recipients. Within 12 months after graduation from an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program, any recipient who accepted a scholarship under Section 5 shall begin meeting the required nursing employment obligation. In order to defer his or her continuous employment obligation, a recipient

New matter indicated by italics - deletions by strikeout.
must request the deferment in writing from the Department. A recipient shall notify program staff within 30 days if he or she spends up to 4 years in military service before or after graduation. A recipient shall notify program staff within 30 days if he or she is enrolled in an academic program leading to a graduate degree in nursing. If a recipient receives funding through the Nursing Education Scholarship Program for a higher degree, the nursing employment obligation shall be deferred until he or she is no longer enrolled or has graduated. The recipient must begin meeting the required nursing employment obligations no later than 6 months after the end of the deferments.

Any person who fails to fulfill the nursing employment obligation shall pay to the Department an amount equal to the amount of scholarship funds received per year for each unfulfilled year of the nursing employment obligation, together with interest at 7% per year on the unpaid balance. Payment must begin within 6 months following the date of the occurrence initiating the repayment. All repayments must be completed within 6 years from the date of the occurrence initiating the repayment. However, this obligation may be deferred and re-evaluated every 6 months when the failure to fulfill the nursing employment obligation results from involuntarily leaving the profession due to a decrease in the number of nurses employed in the State or when the failure to fulfill the nursing employment obligation results from total and permanent disability. The repayment obligation shall be excused if the failure to fulfill the nursing employment obligation results from the death or adjudication as incompetent of the person holding the scholarship. No claim for repayment may be filed against the estate of such a decedent or incompetent.

Each person applying for such a scholarship shall be provided with a copy of this Section at the time of application for the benefits of such scholarship.

(Source: P.A. 92-43, eff. 1-1-02.)

(110 ILCS 975/7) (from Ch. 144, par. 2757)

Sec. 7. Amount of scholarships. To determine a scholarship amount, the Department shall consider tuition and fee charges at community colleges and universities statewide and projected living expenses. Using information provided annually by the Illinois Student Assistance Commission, 75% of the weighted tuition and fees charged by community colleges in Illinois shall be added to the uniform living allowance reported in the weighted Monetary Award Program (MAP) budget to determine the full-time scholarship amount for students pursuing
an associate degree or diploma in nursing at an Illinois community college. Scholarship amounts for students pursuing associate, baccalaureate, or graduate degrees in nursing at a college or university shall include 75% of the weighted tuition and fees charged by public universities in Illinois plus the uniform living allowance reported in the weighted MAP budget. Scholarship amounts for students in practical nursing programs shall include 75% of the average of tuition charges at all practical nursing programs plus the uniform living allowance reported in the weighted MAP budget. The Department may provide that scholarships shall be on a quarterly or semi-annual basis and shall be contingent upon the student's diligently pursuing nursing studies and being a student in good standing. Scholarship awards may be provided to part-time students; the amount shall be determined by applying the proportion represented by the part-time enrollment to full-time enrollment ratio to the average per-term scholarship amount for a student in the same nursing degree category.

(Source: P.A. 92-43, eff. 1-1-02.)

Approved August 6, 2004.
Effective January 1, 2005.

PUBLIC ACT 93-0880
(Senate Bill No. 2827)

AN ACT concerning the Auditor General.

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

Section 5. The State Finance Act is amended by changing Section 6z-27 as follows:

(30 ILCS 105/6z-27)

Sec. 6z-27. All moneys in the Audit Expense Fund shall be transferred, appropriated and used only for the purposes authorized by, and subject to the limitations and conditions prescribed by, the State Auditing Act.

Within 30 days after the effective date of this amendatory Act of 2003, the State Comptroller shall order transferred and the State Treasurer shall transfer from the following funds moneys in the specified amounts for deposit into the Audit Expense Fund:

*Attorney General Court Ordered and Voluntary Compliance Payment*

New matter indicated by italics - deletions by strikeout.
Projects Fund
The Agricultural Premium Fund
Anna Veterans Home Fund
Asbestos Abatement Fund
Attorney General Whistleblower Reward and Protection Fund
Brownfields Redevelopment Fund
Capital Development Board
  Revolving Fund
Capital Litigation Fund
Care Provider Fund for Persons with Developmental Disability
Career and Technical Education Fund
Child Labor Enforcement Fund
Child Support Administrative Fund
CAA Permit Fund
Common School Fund
The Communications Revolving Fund
Community MH/DD Service Provider Participation Fee Fund
Community Mental Health
  Medicaid Trust Fund
Community Water Supply Laboratory Fund
Conservation 2000 Fund
Conservation 2000 Projects Fund
Continuing Legal Education Trust Fund
Credit Union Fund
DCFS Children's Services Fund
Department of Business Services
  Special Operations Fund
Department of Children and Family Services Training Fund
Department of Corrections Reimbursement and Education Fund
Design Professionals Administration and Investigation Fund
The Downstate Public Transportation Fund
Drivers Education Fund

NEW MATERIAl INDICATED BY ITALICS - deletions by strikeout.
<table>
<thead>
<tr>
<th>Fund</th>
<th>2012</th>
<th>2013</th>
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<tbody>
<tr>
<td><strong>Drug Rebate Fund</strong></td>
<td>13,049</td>
<td>7,744</td>
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<td><strong>Drug Treatment Fund</strong></td>
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<td>884</td>
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<td><strong>Drycleaner Environmental Response Trust Fund</strong></td>
<td>19,399</td>
<td>18,890</td>
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<tr>
<td><strong>The Education Assistance Fund</strong></td>
<td>269,551</td>
<td>323,233</td>
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<td><strong>Environmental Protection Permit and Inspection Fund</strong></td>
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<tr>
<td><strong>Estate Tax Collection Distributive Fund</strong></td>
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<td>2,423</td>
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<tr>
<td><strong>Fair and Exposition Fund</strong></td>
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<tr>
<td><strong>Feed Control Fund</strong></td>
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<td><strong>Fertilizer Control Fund</strong></td>
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<tr>
<td><strong>The Fire Prevention Fund</strong></td>
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<td>952</td>
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<td><strong>Food and Drug Safety Fund</strong></td>
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<td><strong>Fund for Illinois' Future</strong></td>
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<td><strong>General Professions Dedicated Fund</strong></td>
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<td><strong>The General Revenue Fund</strong></td>
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<td><strong>Group Workers Compensation</strong></td>
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<td><strong>Group Workers Compensation Pool Insolvency Fund</strong></td>
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<td><strong>Guardianship and Advocacy Fund</strong></td>
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<td><strong>Hazardous Waste Fund</strong></td>
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<td><strong>Health Facility Plan Review Fund</strong></td>
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<td><strong>ICCB Adult Education Fund</strong></td>
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<td><strong>Illinois Affordable Housing Trust Fund</strong></td>
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<td><strong>Illinois Aquaculture Development Fund</strong></td>
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<td><strong>Illinois Community College Board Contracts and Grants Fund</strong></td>
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<td><strong>Illinois Department of Agriculture</strong></td>
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<td><strong>Laboratory Services Revolving Fund</strong></td>
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<td><strong>Illinois Forestry Development Fund</strong></td>
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<td><strong>Illinois Gaming Law Enforcement Fund</strong></td>
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<td><strong>Illinois Habitat Fund</strong></td>
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<td><strong>Illinois Health Facilities Planning Fund</strong></td>
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<td><strong>Illinois Historic Sites Fund</strong></td>
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New matter indicated by italics - deletions by strikeout.
Illinois School Asbestos Abatement Fund... 712
Illinois Standardbred Breeders Fund...... 3,243
Illinois State Dental Disciplinary Fund... 5,237
Illinois State Fair Fund.................. 10,727
Illinois State Medical
   Disciplinary Fund.................... 28,116
Illinois State
   Pharmacy Disciplinary Fund......... 9,438
Illinois Tax Increment Fund............. 533,707
Illinois Thoroughbred Breeders Fund..... 4,836
Illinois Veterans Rehabilitation Fund.... 1,184
IMSA Income Fund...................... 3,269 4,576
Income Tax Refund Fund.................. 49,297 42,284
Insurance Financial Regulation Fund..... 41,327
Insurance Premium Tax Refund Fund....... 5,292
Insurance Producer Administration Fund... 31,663
Juvenile Accountability Incentive
   Block Grant Fund..................... 15,782
LaSalle Veterans Home Fund.............. 7,615
Lead Poisoning, Screening, Prevention,
   and Abatement Fund.................. 3,036
Live and Learn Fund..................... 3,278 7,240
The Local Government Distributive
   Fund.................................. 27,485 39,478
The Local Initiative Fund............... 2,228 6,370
Long Term Care Provider Fund............ 36,630 20,462
Mandatory Arbitration Fund............... 2,710
Manteno Veterans Home Fund............... 16,491
Medical Research and Development Fund...
   .................................. 671
Mental Health Fund...................... 3,170 7,718
Metabolic Screening and Treatment Fund... 6,017
Metro-East Public Transportation Fund.... 1,225 1,176
Monetary Award Program Reserve Fund..... 995
The Motor Fuel Tax Fund.................. 49,282 48,580
Motor Vehicle License Plate Fund......... 1,715 7,538
Motor Vehicle Theft Prevention
   Trust Fund......................... 9,204
Natural Areas Acquisition Fund.......... 4,675
Nuclear Safety Emergency

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
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<th>Fund</th>
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<tbody>
<tr>
<td>Preparedness Fund</td>
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<tr>
<td>Nursing Dedicated and Professional Fund</td>
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<tr>
<td>Open Space Lands Acquisition and Development Fund</td>
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<td>Optometric Licensing and Disciplinary Committee Fund</td>
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<tr>
<td>Park and Conservation Fund</td>
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<td>Penny Severns Breast and Cervical Cancer Research Fund</td>
<td>622</td>
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<td>The Personal Property Tax Replacement Fund</td>
<td>23,418</td>
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<td>Pesticide Control Fund</td>
<td>4,224</td>
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<tr>
<td>Plumbing Licensure and Program Fund</td>
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<tr>
<td>Post-Tertiary Clinical Services Fund</td>
<td>671</td>
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<tr>
<td>Presidential Library and Museum Operating Fund</td>
<td>5,558</td>
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<tr>
<td>Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund</td>
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<td>Professions Indirect Cost Fund</td>
<td>91,814</td>
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<td>Public Health Services Revolving Fund</td>
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<td>Public Pension Regulation Fund</td>
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<tr>
<td>The Public Transportation Fund</td>
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<td>Public Utility Fund</td>
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<td>Quincy Veterans Home Fund</td>
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<td>Radiation Protection Fund</td>
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<td>Radioactive Waste Facility Development and Operation Fund</td>
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<td>The Road Fund</td>
<td>174,332</td>
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<td>Regional Transportation Authority Occupation and Use Tax Replacement Fund</td>
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<td>School Infrastructure Fund</td>
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<td>Secretary of State Special Services Fund</td>
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<td>Securities Audit and Enforcement Fund</td>
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New matter indicated by italics - deletions by strikeout.
Solid Waste Management Fund............. 1,744
Special Education Medicaid
   Matching Fund....................... 7,123 6,082
State and Local Sales Tax
   Reform Fund......................... 1,080 1,696
State Boating Act Fund............... 9,313
State Construction Account
   Fund................................. 52,399 62,967
The State Gaming Fund............... 3,837 5,745
The State Garage
   Revolving Fund...................... 3,372 4,777
The State Lottery Fund............... 8,662 35,933
State Migratory Waterfowl Stamp Fund..... 646
State Parks Fund...................... 6,355
State's Attorneys Appellate Prosecutor's
   County Fund.......................... 5,893
State Treasurer's Bank Services
   Trust Fund.......................... 755
The Statistical Services
   Revolving Fund...................... 7,870 4,479
Subtitle D Management Fund........... 766
Tobacco Settlement Recovery Fund....... 19,876 65,706
Transportation Regulatory Fund........ 36,606
Trauma Center Fund .................. 4,859
U of I Hospital Services Fund......... 8,923 5,927
Underground Storage Tank Fund........ 42,714
The Vehicle Inspection Fund........... 33,685 887
Violence Prevention Fund............. 6,295
Violent Crime Victims Assistance Fund... 17,104
Weights and Measures Fund........... 4,765
Wildlife and Fish Fund................. 27,070
Wireless Carrier Reimbursement Fund..... 870
Wireless Service Emergency Fund....... 2,796 1,447
The Working Capital Revolving
   Fund.................................. 98,700 62,329

Notwithstanding any provision of the law to the contrary, the
General Assembly hereby authorizes the use of such funds for the
purposes set forth in this Section.

New matter indicated by italics - deletions by strikeout.
These provisions do not apply to funds classified by the Comptroller as federal trust funds or State trust funds. The Audit Expense Fund may receive transfers from those trust funds only as directed herein, except where prohibited by the terms of the trust fund agreement. The Auditor General shall notify the trustees of those funds of the estimated cost of the audit to be incurred under the Illinois State Auditing Act for the fund. The trustees of those funds shall direct the State Comptroller and Treasurer to transfer the estimated amount to the Audit Expense Fund.

The Auditor General may bill entities that are not subject to the above transfer provisions, including private entities, related organizations and entities whose funds are locally-held, for the cost of audits, studies, and investigations incurred on their behalf. Any revenues received under this provision shall be deposited into the Audit Expense Fund.

In the event that moneys on deposit in any fund are unavailable, by reason of deficiency or any other reason preventing their lawful transfer, the State Comptroller shall order transferred and the State Treasurer shall transfer the amount deficient or otherwise unavailable from the General Revenue Fund for deposit into the Audit Expense Fund.

On or before December 1, 1992, and each December 1 thereafter, the Auditor General shall notify the Governor's Office of Management and Budget (formerly Bureau of the Budget) of the amount estimated to be necessary to pay for audits, studies, and investigations in accordance with the Illinois State Auditing Act during the next succeeding fiscal year for each State fund for which a transfer or reimbursement is anticipated.

Beginning with fiscal year 1994 and during each fiscal year thereafter, the Auditor General may direct the State Comptroller and Treasurer to transfer moneys from funds authorized by the General Assembly for that fund. In the event funds, including federal and State trust funds but excluding the General Revenue Fund, are transferred, during fiscal year 1994 and during each fiscal year thereafter, in excess of the amount to pay actual costs attributable to audits, studies, and investigations as permitted or required by the Illinois State Auditing Act or specific action of the General Assembly, the Auditor General shall, on September 30, or as soon thereafter as is practicable, direct the State Comptroller and Treasurer to transfer the excess amount back to the fund from which it was originally transferred.

(Source: P.A. 92-494, eff. 8-23-01; 92-746, eff. 7-25-02; 93-452, eff. 8-7-03; revised 8-23-03.)

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 6, 2004.
Effective August 6, 2004.

PUBLIC ACT 93-0881
(Senate Bill No. 2907)

AN ACT concerning consumer protection.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Utilities Act is amended by adding Section 4-601 as follows:
(220 ILCS 5/4-601 new)
Sec. 4-601. Consumer protection laws.
(a) The General Assembly finds that consumer protection is vital to the health, safety, and welfare of Illinois consumers.
(b) Notwithstanding any other provision of law, the Commission and its staff shall:
(1) work cooperatively with law enforcement authorities, including the Attorney General and State's Attorneys, in their enforcement of consumer protection laws, including the Consumer Fraud and Deceptive Business Practices Act;
(2) provide any materials or documents already in the Commission's possession requested by the Attorney General or a State's Attorney pertaining to the enforcement of consumer protection laws; any materials or documents that are proprietary shall not be made public unless the designation as proprietary has been removed by a court or legal body of competent jurisdiction, or the agreement of the parties; and
(3) upon written request, forward any complaints regarding alleged violations of any consumer protection law to the Attorney General and the State's Attorney of the appropriate county or counties.
(c) Subject to subdivision (1) of Section 10b of the Consumer Fraud and Deceptive Business Practices Act, the Attorney General and the State's Attorney of any county shall have available all remedies and authority granted to them by the Consumer Fraud and Deceptive Business

New matter indicated by italics - deletions by strikeout.
Practices Act. The remedies for violations of this Act and its rules are not intended to replace other remedies that may be imposed for violations of the Consumer Fraud and Deceptive Business Practices Act and are in addition to, and not in substitution for, such other remedies, nor is this Act intended to remove any statutorily defined defenses.

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 10d as follows:

(815 ILCS 505/10d new)
Sec. 10d. Public Utilities Act; Illinois Commerce Commission.
(a) The General Assembly finds that consumer protection is vital to the health, safety, and welfare of Illinois consumers.
(b) Notwithstanding any other provision of law, the Illinois Commerce Commission and its staff shall:
   (1) work cooperatively with law enforcement authorities, including the Attorney General and State's Attorneys, in their enforcement of consumer protection laws, including this Act;
   (2) provide any materials or documents already in the Commission's possession requested by the Attorney General or a State's Attorney pertaining to the enforcement of consumer protection laws; any materials or documents that are proprietary shall not be made public unless the designation as proprietary has been removed by a court or legal body of competent jurisdiction, or the agreement of the parties; and
   (3) upon written request, forward any complaints regarding alleged violations of any consumer protection law to the Attorney General and the State's Attorney of the appropriate county or counties.
(c) Subject to subdivision (1) of Section 10b of this Act, the Attorney General and the State's Attorney of any county shall have available all remedies and authority granted to them by this Act. The remedies for violations of the Public Utilities Act and its rules are not intended to replace other remedies that may be imposed for violations of this Act and are in addition to, and not in substitution for, such other remedies, nor is this Section intended to remove any statutorily defined defenses.

Approved August 6, 2004.
Effective January 1, 2005.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning economic development.

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

Section 5. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Section 5-20 as follows:

(35 ILCS 10/5-20)

Sec. 5-20. Application for a project to create and retain new jobs.

(a) Any Taxpayer proposing a project located or planned to be located in Illinois may request consideration for designation of its project, by formal written letter of request or by formal application to the Department, in which the Applicant states its intent to make at least a specified level of investment and intends to hire or retain a specified number of full-time employees at a designated location in Illinois. As circumstances require, the Department may require a formal application from an Applicant and a formal letter of request for assistance.

(b) In order to qualify for Credits under this Act, an Applicant's project must:

(1) involve an investment of at least $5,000,000 in capital improvements to be placed in service and to employ at least 25 New Employees within the State as a direct result of the project; or

(2) involve an investment of at least an amount (to be expressly specified by the Department and the Committee) in capital improvements to be placed in service and will employ at least an amount (to be expressly specified by the Department and the Committee) of New Employees within the State, provided that the Department and the Committee have determined that the project will provide a substantial economic benefit to the State; or

(3) if the applicant has 100 or fewer employees, involve an investment of at least $1,000,000 in capital improvements to be placed in service and to employ at least 5 New Employees within the State as a direct result of the project.

(c) After receipt of an application, the Department may enter into an Agreement with the Applicant if the application is accepted in accordance with Section 5-25.

(Source: P.A. 91-476, eff. 8-11-99.)


New matter indicated by italics - deletions by strikeout.
AN ACT concerning food animals.

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

Section 1. Short title. This Act may be cited as the David A. Wirsing Food Animal Institute Act.

Section 5. Definitions. As used in this Act:
"Board" means the governing board of the David A. Wirsing Food Animal Institute.
"Institute" means the David A. Wirsing Food Animal Institute.
"Food animal" includes, but is not limited to, beef cattle, swine, sheep, dairy cattle, turkeys, chickens, and aquaculture products.
"Allied agribusiness" means any related agribusiness, such as the feed industry, financial institutions, the food animal or food animal processing industry, farm equipment or implement dealers or manufacturers, crop production, pharmaceuticals, or nutraceuticals.
"Non-agribusiness" means conservation groups, dieticians, food processors, consumers, and animal health and well-being groups.

Section 10. Institute established; purpose. The David A. Wirsing Food Animal Institute is established to review and encourage research through peer review, to publish and disseminate unbiased information about all aspects of the food animal industry, anticipating issues with a vision for the future of Illinois agriculture, and to maintain comprehensive information systems for the improvement and enhancement of all aspects of the food animal industry, all for the benefit of the public, the General Assembly, the Governor's Office, and other State and local government agencies. The Institute must fulfill its purposes with unbiased integrity.

Section 15. Governing board. The Institute is governed by a board of 15 voting members who are appointed by the Governor and who must ensure unbiased information. Five of the Governor's appointees must represent food animal production. Five of the Governor's appointees must represent allied agribusiness aspects of the food animal industry. Five of the Governor's appointees must represent other, non-agribusiness aspects of the food animal industry.
The board must also include, as non-voting members, the dean or department chairperson or his or her designated representative of the following institutions: the University of Illinois College of ACES, the University of Illinois College of Veterinary Medicine, the Southern Illinois University College of Agriculture, the Western Illinois University Agriculture Department, and the Illinois State University Agriculture Department.

Section 20. Appointment; terms. Initial appointees to the board serve the following terms as designated by the Governor: 5 for a term of one year; 5 for a term of 2 years; and 5 for a term of 3 years. Subsequent appointees serve terms of 3 years. A vacancy is filled by appointment for the remainder of the unexpired term. Members may be reappointed to the board. If the Governor fails to appoint a member or to fill a vacancy within 90 days after a member's term expires or a vacancy occurs, the remaining board members must make the appointment by majority vote. A member appointed to fill a vacancy shall serve for the remainder of the unexpired term or until a successor is qualified.

Section 25. Operation of the board.

(a) Upon appointment of the board's initial members, the Director of Agriculture shall convene the first meeting of the board for the purpose of selecting a chairperson and considering other matters of business of the Institute. The board annually thereafter, in January or the first meeting of each year, must select a chairperson from among its number. A chairperson may be re-elected but may not serve more than 3 consecutive years. The board meets at the call of the chair. A quorum is necessary for action by the board; 8 voting members of the board constitute a quorum, unless a vacancy exists among the board's voting members. If a vacancy exists, then a quorum of the board consists of a simple majority of the voting members. Members of the board may receive no compensation but must be reimbursed for expenses incurred in the actual performance of their duties.

(b) The board:

(1) may have and use a common seal and alter the seal at its discretion;
(2) may adopt all necessary resolutions, protocols, and by-laws;
(3) may enter into agreements with State agencies;
(4) may enter into agreements with and accept funds from federal agencies, trade associations, industry organizations,

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universities and their sub-units, foundations, and other not-for-profit and private industries to carry out the purposes of the Institute;

(5) may establish reserve funds and accounts that may be necessary or desirable to accomplish the purposes of the Institute; and

(6) has and may exercise all powers and is subject to all duties commonly incident to boards of directors.

Section 30. Expenses. The board has the authority to pay administrative expenses including salary, wages, and fringe benefits; operation and maintenance expenses, travel, supply, and printing expenses, rental and rental related expenses, and costs of capital purchases and improvements; contract and contractual expenses; and other expenses deemed appropriate by the board. The board is authorized to establish a fee structure and charge fees for publications and duplicating expenses. Revenue from those fees must be deposited into the Food Animal Institute Fund. No charges or fees may be authorized or charged to members of the General Assembly or the Governor's Office.

Section 35. Report. The Institute must report annually on January 1 to the Governor, the Clerk of the House of Representatives, and the Secretary of the Senate upon the Institute's activities in the preceding 12 months. The report is a public record open for inspection at the office of the Institute and, among other matters, must include an assessment of the current state of the food animal industry in Illinois and recommendations for new initiatives and efforts to further enhance and best position the food animal industry in Illinois.

Section 40. Food Animal Institute Fund. The Food Animal Institute Fund is created as a special fund in the State treasury. Grants, fees, and other moneys obtained by the David A. Wirsing Food Animal Institute from governmental entities, private sources, foundations, trade associations, industry organizations, and not-for-profit organizations for use in furthering the purposes of the Institute may be deposited into the Fund. Moneys in the Fund may be used by the Institute for undertaking projects, programs, and other activities and for the operating and other expenses of the Institute as it fulfills its duties and responsibilities.

Section 45. Use of funds. The Institute shall: (i) collect and disseminate research data, results, or conclusions and disseminate it to the public, the General Assembly, State agencies, and others who request it; (ii) provide unbiased analysis of research findings, including economic

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impacts on the State and the food animal industry; (iii) provide, if needed, for peer review of research and research proposals for scientific merit, objectives, methods, and procedures; (iv) coordinate its activities with public research and education programs; and (v) initiate other activities that are reasonable and necessary to fulfill the responsibilities of the Institute under this Act.

Section 95. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Food Animal Institute Fund.

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

Approved August 6, 2004.
Effective August 6, 2004.

PUBLIC ACT 93-0884
(Senate Bill No. 2447)

AN ACT concerning minors.

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

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 2-18 as follows:

(705 ILCS 405/2-18) (from Ch. 37, par. 802-18)
Sec. 2-18. Evidence.

(1) At the adjudicatory hearing, the court shall first consider only the question whether the minor is abused, neglected or dependent. The standard of proof and the rules of evidence in the nature of civil proceedings in this State are applicable to proceedings under this Article. If the petition also seeks the appointment of a guardian of the person with power to consent to adoption of the minor under Section 2-29, the court may also consider legally admissible evidence at the adjudicatory hearing that one or more grounds of unfitness exists under subdivision D of Section 1 of the Adoption Act.

(2) In any hearing under this Act, the following shall constitute prima facie evidence of abuse or neglect, as the case may be:

(a) proof that a minor has a medical diagnosis of battered child syndrome is prima facie evidence of abuse;

New matter indicated by italics - deletions by strikeout.
(b) proof that a minor has a medical diagnosis of failure to thrive syndrome is prima facie evidence of neglect;

(c) proof that a minor has a medical diagnosis of fetal alcohol syndrome is prima facie evidence of neglect;

(d) proof that a minor has a medical diagnosis at birth of withdrawal symptoms from narcotics or barbiturates is prima facie evidence of neglect;

(e) proof of injuries sustained by a minor or of the condition of a minor of such a nature as would ordinarily not be sustained or exist except by reason of the acts or omissions of the parent, custodian or guardian of such minor shall be prima facie evidence of abuse or neglect, as the case may be;

(f) proof that a parent, custodian or guardian of a minor repeatedly used a drug, to the extent that it has or would ordinarily have the effect of producing in the user a substantial state of stupor, unconsciousness, intoxication, hallucination, disorientation or incompetence, or a substantial impairment of judgment, or a substantial manifestation of irrationality, shall be prima facie evidence of neglect;

(g) proof that a parent, custodian, or guardian of a minor repeatedly used a controlled substance, as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, in the presence of the minor or a sibling of the minor is prima facie evidence of neglect. "Repeated use", for the purpose of this subsection, means more than one use of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act;

(h) proof that a newborn infant's blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of those substances, the presence of which is the result of medical treatment administered to the mother or the newborn, is prima facie evidence of neglect;

(i) proof that a minor was present in a structure or vehicle in which the minor's parent, custodian, or guardian was involved in the manufacture of methamphetamine constitutes prima facie evidence of abuse and neglect.

New matter indicated by italics - deletions by strikeout.
(3) In any hearing under this Act, proof of the abuse, neglect or dependency of one minor shall be admissible evidence on the issue of the abuse, neglect or dependency of any other minor for whom the respondent is responsible.

(4) (a) Any writing, record, photograph or x-ray of any hospital or public or private agency, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any condition, act, transaction, occurrence or event relating to a minor in an abuse, neglect or dependency proceeding, shall be admissible in evidence as proof of that condition, act, transaction, occurrence or event, if the court finds that the document was made in the regular course of the business of the hospital or agency and that it was in the regular course of such business to make it, at the time of the act, transaction, occurrence or event, or within a reasonable time thereafter. A certification by the head or responsible employee of the hospital or agency that the writing, record, photograph or x-ray is the full and complete record of the condition, act, transaction, occurrence or event and that it satisfies the conditions of this paragraph shall be prima facie evidence of the facts contained in such certification. A certification by someone other than the head of the hospital or agency shall be accompanied by a photocopy of a delegation of authority signed by both the head of the hospital or agency and by such other employee. All other circumstances of the making of the memorandum, record, photograph or x-ray, including lack of personal knowledge of the maker, may be proved to affect the weight to be accorded such evidence, but shall not affect its admissibility.

(b) Any indicated report filed pursuant to the Abused and Neglected Child Reporting Act shall be admissible in evidence.

(c) Previous statements made by the minor relating to any allegations of abuse or neglect shall be admissible in evidence. However, no such statement, if uncorroborated and not subject to cross-examination, shall be sufficient in itself to support a finding of abuse or neglect.

(d) There shall be a rebuttable presumption that a minor is competent to testify in abuse or neglect proceedings. The court shall determine how much weight to give to the minor's testimony, and may allow the minor to testify in chambers with only the court, the court reporter and attorneys for the parties present.

(e) The privileged character of communication between any professional person and patient or client, except privilege between attorney and client, shall not apply to proceedings subject to this Article.

New matter indicated by italics - deletions by strikeout.
(f) Proof of the impairment of emotional health or impairment of mental or emotional condition as a result of the failure of the respondent to exercise a minimum degree of care toward a minor may include competent opinion or expert testimony, and may include proof that such impairment lessened during a period when the minor was in the care, custody or supervision of a person or agency other than the respondent.

(5) In any hearing under this Act alleging neglect for failure to provide education as required by law under subsection (1) of Section 2-3, proof that a minor under 13 years of age who is subject to compulsory school attendance under the School Code is a chronic truant as defined under the School Code shall be prima facie evidence of neglect by the parent or guardian in any hearing under this Act and proof that a minor who is 13 years of age or older who is subject to compulsory school attendance under the School Code is a chronic truant shall raise a rebuttable presumption of neglect by the parent or guardian. This subsection (5) shall not apply in counties with 2,000,000 or more inhabitants.

(6) In any hearing under this Act, the court may take judicial notice of prior sworn testimony or evidence admitted in prior proceedings involving the same minor if (a) the parties were either represented by counsel at such prior proceedings or the right to counsel was knowingly waived and (b) the taking of judicial notice would not result in admitting hearsay evidence at a hearing where it would otherwise be prohibited.

(Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by P.A. 90-443); 90-608, eff. 6-30-98.)

Approved August 6, 2004.
Effective January 1, 2005.
(a) If a person has been committed under Section 40 of this Act and has not been discharged under Section 65 of this Act, the Department shall submit a written report to the court on conduct an examination of his or her mental condition within 6 months after an initial commitment under Section 40 and then at least once every 12 months thereafter from the completion of the last evaluation for the purpose of determining whether the person has made sufficient progress to be conditionally released or discharged. At the time of a reexamination under this Section, the person who has been committed may retain or, if he or she is indigent and so requests, the court may appoint a qualified expert or a professional person to examine him or her.

(b) Any examiner conducting an examination under this Section shall prepare a written report of the examination no later than 30 days after the date of the examination. The examiner shall place a copy of the report in the person's health care records and shall provide a copy of the report to the court that committed the person under Section 40. The examination shall be conducted in conformance with the standards developed under the Sex Offender Management Board Act and by an evaluator approved by the Board.

(c) Notwithstanding subsection (a) of this Section, the court that committed a person under Section 40 may order a reexamination of the person at any time during the period in which the person is subject to the commitment order. Any examiner conducting an examination under this Section shall prepare a written report of the examination no later than 30 days after the date of the examination.

(d) Petitions for discharge after reexamination must follow the procedure outlined in Section 65 of this Act.

(Source: P.A. 93-616, eff. 1-1-04.)

(725 ILCS 207/60)

Sec. 60. Petition for conditional release.

(a) Any person who is committed for institutional care in a secure facility or other facility under Section 40 of this Act may petition the committing court to modify its order by authorizing conditional release if at least 6 months have elapsed since the initial commitment order was entered, the most recent release petition was denied or the most recent order for conditional release was revoked. The director of the facility at which the person is placed may file a petition under this Section on the person's behalf at any time.

New matter indicated by italics - deletions by strikeout.
(b) If the person files a timely petition without counsel, the court shall serve a copy of the petition on the Attorney General or State's Attorney, whichever is applicable and, subject to paragraph (c)(1) of Section 25 of this Act, appoint counsel. If the person petitions through counsel, his or her attorney shall serve the Attorney General or State's Attorney, whichever is applicable.

(c) Within 20 days after receipt of the petition, the court shall appoint one or more examiners having the specialized knowledge determined by the court to be appropriate, who shall examine the mental condition of the person and furnish a written report of the examination to the court within 30 days after appointment. The examiners shall have reasonable access to the person for purposes of examination and to the person's past and present treatment records and patient health care records. If any such examiner believes that the person is appropriate for conditional release, the examiner shall report on the type of treatment and services that the person may need while in the community on conditional release. The State has the right to have the person evaluated by experts chosen by the State. Any examination or evaluation conducted under this Section shall be in conformance with the standards developed under the Sex Offender Management Board Act and conducted by an evaluator approved by the Board. The court shall set a probable cause hearing as soon as practicable after the examiner's report is filed. If the court determines at the probable cause hearing that cause exists to believe that it is not substantially probable that the person will engage in acts of sexual violence if on release or conditional release, the court shall set a hearing on the issue.

(d) The court, without a jury, shall hear the petition within 30 days after the report of the court-appointed examiner is filed with the court, unless the petitioner waives this time limit. The court shall grant the petition unless the State proves by clear and convincing evidence that the person has not made sufficient progress to be conditionally released. In making a decision under this subsection, the court must consider the nature and circumstances of the behavior that was the basis of the allegation in the petition under paragraph (b)(1) of Section 15 of this Act, the person's mental history and present mental condition, where the person will live, how the person will support himself or herself and what arrangements are available to ensure that the person has access to and will participate in necessary treatment.

(e) Before the court may enter an order directing conditional release to a less restrictive alternative it must find the following: (1) the
person will be treated by a Department approved treatment provider, (2) the treatment provider has presented a specific course of treatment and has agreed to assume responsibility for the treatment and will report progress to the Department on a regular basis, and will report violations immediately to the Department, consistent with treatment and supervision needs of the respondent, (3) housing exists that is sufficiently secure to protect the community, and the person or agency providing housing to the conditionally released person has agreed in writing to accept the person, to provide the level of security required by the court, and immediately to report to the Department if the person leaves the housing to which he or she has been assigned without authorization, (4) the person is willing to or has agreed to comply with the treatment provider, the Department, and the court, and (5) the person has agreed or is willing to agree to comply with the behavioral monitoring requirements imposed by the court and the Department.

(f) If the court finds that the person is appropriate for conditional release, the court shall notify the Department. The Department shall prepare a plan that identifies the treatment and services, if any, that the person will receive in the community. The plan shall address the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. The Department may contract with a county health department, with another public agency or with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan. The plan shall be presented to the court for its approval within 60 days after the court finding that the person is appropriate for conditional release, unless the Department and the person to be released request additional time to develop the plan.

(g) The provisions of paragraphs paragraph (b)(4), (b)(5), and (b)(6) of Section 40 of this Act apply to an order for conditional release issued under this Section.

(Source: P.A. 92-415, eff. 8-17-01; 93-616, eff. 1-1-04.)

(725 ILCS 207/75)
Sec. 75. Notice concerning conditional release, or discharge, escape, death, or court-ordered change in the custody status of a detainee or civilly committed sexually violent person.

(a) As used in this Section, the term:

New matter indicated by italics - deletions by strikeout.
(1) "Act of sexual violence" means an act or attempted act that is a basis for an allegation made in a petition under paragraph (b)(1) of Section 15 of this Act.

(2) "Member of the family" means spouse, child, sibling, parent, or legal guardian.

(3) "Victim" means a person against whom an act of sexual violence has been committed.

(b) If the court places a civilly committed sexually violent person on conditional release under Section 40 or 60 of this Act or discharges a person under Section 60 or 65, or if a detainee or civilly committed sexually violent person escapes, dies, or is subject to any court-ordered change in custody status of the detainee or sexually violent person, the Department shall make a reasonable attempt, if he or she can be found, to notify all of the following who have requested notification under this Act or under the Rights of Crime Victims and Witnesses Act:

(1) Whichever of the following persons is appropriate in accordance with the provisions of subsection (a)(3):

(A) The victim of the act of sexual violence.
(B) An adult member of the victim's family, if the victim died as a result of the act of sexual violence.
(C) The victim's parent or legal guardian, if the victim is younger than 18 years old.

(2) The Department of Corrections.

(c) The notice under subsection (b) of this Section shall inform the Department of Corrections and the person notified under paragraph (b)(1) of this Section of the name of the person committed under this Act and the date the person is placed on conditional release, or discharged, or if a detainee or civilly committed sexually violent person escapes, dies, or is subject to any court-ordered change in custody status of the detainee or sexually violent person. The Department shall send the notice, postmarked at least 7 days before the date the person committed under this Act is placed on conditional release, or discharged, or if a detainee or civilly committed sexually violent person escapes, dies, or is subject to any court-ordered change in custody status of the detainee or sexually violent person, unless unusual circumstances do not permit advance written notification, to the Department of Corrections and the last-known address of the person notified under paragraph (b)(1) of this Section.

(d) The Department shall design and prepare cards for persons specified in paragraph (b)(1) of this Section to send to the Department.

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The cards shall have space for these persons to provide their names and addresses, the name of the person committed under this Act and any other information the Department determines is necessary. The Department shall provide the cards, without charge, to the Attorney General and State's Attorneys. The Attorney General and State's Attorneys shall provide the cards, without charge, to persons specified in paragraph (b)(1) of this Section. These persons may send completed cards to the Department. All records or portions of records of the Department that relate to mailing addresses of these persons are not subject to inspection or copying under Section 3 of the Freedom of Information Act.

(Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98.)

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

Approved August 6, 2004.
Effective August 6, 2004.

PUBLIC ACT 93-0886
(House Bill No. 4302)

AN ACT in relation to tobacco products.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Display of Tobacco Products Act.
Section 5. Definitions. In this Act:
"Line of sight" means visible to a cashier or other employee.
"Age restricted area" means a signed designated area in a retail establishment to which minors under 18 years of age are not permitted access unless accompanied by a parent or legal guardian.
Section 10. Tobacco product displays. All single packs of cigarettes must be sold from behind the counter or in an age restricted area or in a sealed display case. Any other tobacco products must be sold in line of sight.

The restrictions described in this Section do not apply to a retail tobacco store that (i) derives at least 90% of its revenue from tobacco and tobacco related products; (ii) does not permit persons under the age of 18 to enter the premises unless accompanied by a parent or legal guardian; and (iii) posts a sign on the main entrance way stating that persons under
the age of 18 are prohibited from entering unless accompanied by a parent or legal guardian.

Section 15. Vending machines. This Act does not prohibit the sale of tobacco products from vending machines if the location of the vending machines are in compliance with the provisions of Section 1 of the Sale of Tobacco to Minors Act.

Section 20. Sentence. A violation of this Act is a petty offense for which the court shall impose a fine of not less than $100 nor more than $1,000.

Section 105. The Sale of Tobacco to Minors Act is amended by changing Section 1 as follows:

(a) No minor under 18 years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under 18 years of age.

(a-5) No minor under 16 years of age may sell any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms at a retail establishment selling tobacco products. This subsection does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

For the purpose of this Section, "smokeless tobacco" means any tobacco products that are suitable for dipping or chewing.

(b) Tobacco products listed above may be sold through a vending machine only in the following locations:

(1) Factories, businesses, offices, private clubs, and other places not open to the general public.

(2) Places to which minors under 18 years of age are not permitted access.

(3) Places where alcoholic beverages are sold and consumed on the premises.

(4) Places where the vending machine is under the direct supervision of the owner of the establishment or an employee over 18 years of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. As used in this subdivision, "direct supervision" means that

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the owner or employee has an unimpeded line of sight to the vending machine.

(5) Places where the vending machine can only be operated by the owner or an employee over age 18 either directly or through a remote control device if the device is inaccessible to all customers.

c) The sale or distribution at no charge of cigarettes from a lunch wagon engaging in any sales activity within 1,000 feet of any public or private elementary or secondary school grounds is prohibited.

For the purpose of this Section, "lunch wagon" means a mobile vehicle designed and constructed to transport food and from which food is sold to the general public.

(Source: P.A. 93-284, eff. 1-1-04.)

Section 999. Effective date. This Act takes effect January 1, 2005.
Approved August 9, 2004.
Effective January 1, 2005.

PUBLIC ACT 93-0887
(House Bill No 4361)

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

Section 1. Short title. This Act may be cited as the Fire Sprinkler Dormitory Act.

Section 5. Definition. "Post-secondary educational institution" means an Illinois public or private college or university offering degrees and instruction above the high school level. This term does not include any public or private college or university that does not provide on-campus housing for its students in dormitories or equivalent facilities that are owned, operated, or maintained by the public or private college or university. This term does not include (i) any public or private junior or community college or (ii) any institution offering degrees and instruction that uses correspondence as its primary mode of student instruction.

Section 10. Fire sprinkler systems required. Subject to the establishment of a fire sprinkler dormitory revolving loan program under Section 15 of this Act, fire sprinkler systems are required in the

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dormitories of all post-secondary educational institutions by 2013. This includes current structures as well as newly constructed dormitories.

Section 15. Fire Sprinkler Dormitory Revolving Loan Program. The Illinois Finance Authority and the Office of the State Fire Marshal shall jointly administer a fire sprinkler dormitory revolving loan program. The program shall provide low-interest loans for the installation of fire sprinkler systems in college dormitories by post-secondary educational institutions. The loan funds, subject to appropriation, shall be paid out of the Fire Sprinkler Dormitory Revolving Loan Fund, a special fund in the State treasury. The Fund shall consist of any moneys transferred into or appropriated to the Fund as well as all repayments of loans made under this Section. The Fund shall be used for loans to post-secondary educational institutions for costs associated with the installation of fire sprinkler systems in dormitories and for no other purpose. All interest earned on moneys in the Fund shall be deposited into the Fund.

Section 25. Rules. The Illinois Finance Authority and the Office of the State Fire Marshal shall adopt rules to administer the revolving loan program.

Section 30. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Fire Sprinkler Dormitory Revolving Loan Fund.

Section 99. Effective date. This Act takes effect January 1, 2005.


Approved August 9, 2004.

Effective January 1, 2005.

PUBLIC ACT 93-0888
(House Bill No. 4862)

AN ACT concerning organ donations.

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

Section 5. The Organ Donation Request Act is amended by adding Section 3.5 as follows:

(755 ILCS 60/3.5 new)

Sec. 3.5. Notification of patient; family rights and options.

(a) In this Section, "donation after cardiac death" means the donation of organs from a ventilated patient without a certification of

New matter indicated by italics - deletions by strikeout.
brain death and with a do-not-resuscitate order, if a decision has been reached by the physician and the family to withdraw life support and if the donation does not occur until after the declaration of cardiac death.

(b) If (i) a potential organ donor, or an individual given authority under subsection (b) of Section 2 to consent to an organ donation, expresses an interest in organ donation, (ii) there has not been a certification of brain death for the potential donor, and (iii) the potential donor is a patient at a hospital that does not allow donation after cardiac death, then the organ procurement agency shall inform the patient or the individual given authority to consent to organ donation that the hospital does not allow donation after cardiac death.

(c) In addition to providing oral notification, the organ procurement agency shall develop a written form that indicates to the patient or the individual given authority to consent to organ donation, at a minimum, the following information:

(1) That the patient or the individual given authority to consent to organ donation has received literature and has been counseled by (representative's name) of the (organ procurement agency name).

(2) That all organ donation options have been explained to the patient or the individual given authority to consent to organ donation, including the option of donation after cardiac death.

(3) That the patient or the individual given authority to consent to organ donation is aware that the hospital where the potential donor is a patient does not allow donation after cardiac death.

(4) That the patient or the individual given authority to consent to organ donation has been informed of the right to request a patient transfer to a facility allowing donation after cardiac death.

(5) That the patient or the individual given authority to consent to organ donation has been informed of another hospital that will allow donation after cardiac death and will accept a patient transfer for the purpose of donation after cardiac death; and that the cost of transferring the patient to that other hospital will be covered by the organ procurement agency, with no additional cost to the patient or the individual given authority to consent to organ donation.

New matter indicated by italics - deletions by strikeout.
The form required under this subsection must include a place for the signatures of the patient or the individual given authority to consent to organ donation and the representative of the organ procurement agency and space to provide the date that the form was signed.

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

Approved August 9, 2004.
Effective August 9, 2004.

PUBLIC ACT 93-0889
(House Bill No. 7307)

AN ACT concerning executive agencies.

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

Section 5. The Illinois Health Facilities Planning Act is amended by changing Sections 4, 4.2, and 19.6 as follows:

(20 ILCS 3960/4) (from Ch. 111 1/2, par. 1154)
(Section scheduled to be repealed on July 1, 2008)

Sec. 4. Health Facilities Planning Board; membership; appointment; term; compensation; quorum. There is created the Health Facilities Planning Board, which shall perform the functions described in this Act.

The State Board shall consist of 5 voting members. Each member shall have a reasonable knowledge of health planning, health finance, or health care at the time of his or her appointment. No person shall be appointed or continue to serve as a member of the State Board who is, or whose spouse, parent, or child is, a member of the Board of Directors of, has a financial interest in, or has a business relationship with a health care facility.

Notwithstanding any provision of this Section to the contrary, the term of office of each member of the State Board is abolished on the effective date of this amendatory Act of the 93rd General Assembly and those members no longer hold office.

Notwithstanding any provision of this Section to the contrary, the term of office of each member of the State Board is abolished on the effective date of this amendatory Act of the 93rd General Assembly, but all incumbent members shall continue to exercise all of the powers and be

New matter indicated by italics - deletions by strikeout.
subject to all of the duties of members of the State Board until all new members of the 9-member State Board authorized under this amendatory Act of the 93rd General Assembly are appointed and take office. Beginning on the effective date of this amendatory Act of the 93rd General Assembly, the State Board shall consist of 9 voting members.

The State Board shall be appointed by the Governor, with the advice and consent of the Senate. Not more than 3 5 of the appointments shall be of the same political party at the time of the appointment. No person shall be appointed as a State Board member if that person has served, after the effective date of Public Act 93-41 this amendatory Act of the 93rd General Assembly, 2 3-year terms as a State Board member, except for ex officio non-voting members.

The Secretary of Human Services, the Director of Public Aid, and the Director of Public Health, or their designated representatives, shall serve as ex-officio, non-voting members of the State Board.

Of those members initially appointed by the Governor under this amendatory Act of the 93rd General Assembly, 2 shall serve for terms expiring July 1, 2005, 2 shall serve for terms expiring July 1, 2006, and 1 shall serve for a term expiring July 1, 2007. Of those members initially appointed by the Governor under this amendatory Act of the 93rd General Assembly, 3 shall serve for terms expiring July 1, 2004, 3 shall serve for terms expiring July 1, 2005, and 3 shall serve for terms expiring July 1, 2006. Thereafter, each appointed member shall hold office for a term of 3 years, provided that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term and the term of office of each successor shall commence on July 1 of the year in which his predecessor's term expires. Each member appointed after the effective date of this amendatory Act of the 93rd General Assembly shall hold office until his or her successor is appointed and qualified.

State Board members, while serving on business of the State Board, shall receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. A member of the State Board who experiences a significant financial hardship due to the loss of income on days of attendance at meetings or while otherwise engaged in the business of the State Board may be paid a hardship allowance, as determined by and subject to the approval of the Governor's Travel Control Board.

New matter indicated by italics - deletions by strikeout.
The Governor shall designate one of the members to serve as Chairman and shall name as full-time Executive Secretary of the State Board, a person qualified in health care facility planning and in administration. The Agency shall provide administrative and staff support for the State Board. The State Board shall advise the Director of its budgetary and staff needs and consult with the Director on annual budget preparation.

The State Board shall meet at least once each quarter, or as often as the Chairman of the State Board deems necessary, or upon the request of a majority of the members.

Three five members of the State Board shall constitute a quorum. The affirmative vote of 3 5 of the members of the State Board shall be necessary for any action requiring a vote to be taken by the State Board. A vacancy in the membership of the State Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the State Board as provided by this Act.

A State Board member shall disqualify himself or herself from the consideration of any application for a permit or exemption in which the State Board member or the State Board member's spouse, parent, or child: (i) has an economic interest in the matter; or (ii) is employed by, serves as a consultant for, or is a member of the governing board of the applicant or a party opposing the application.

(Source: P.A. 93-41, eff. 6-27-03.)

(20 ILCS 3960/4.2)

Sec. 4.2. Ex parte communications.

(a) Except in the disposition of matters that agencies are authorized by law to entertain or dispose of on an ex parte basis including, but not limited to rule making, the State Board, any State Board member, employee, or a hearing officer shall not engage in ex parte communication; after an application for a permit is received, in connection with the substance of any pending or impending application for a permit with any person or party or the representative of any party. This subsection (a) applies when the Board, member, employee, or hearing officer knows, or should know upon reasonable inquiry, that the application is pending or impending.

(b) A State Board member or employee may communicate with other members or employees and any State Board member or hearing officer may have the aid and advice of one or more personal assistants.

New matter indicated by italics - deletions by strikeout.
(c) An ex parte communication received by the State Board, any State Board member, employee, or a hearing officer shall be made a part of the record of the pending matter, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received.

(d) "Ex parte communication" means a communication between a person who is not a State Board member or employee and a State Board member or employee that reflects on the substance of a pending or impending State Board proceeding and that takes place outside the record of the proceeding. Communications regarding matters of procedure and practice, such as the format of pleading, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications. Technical assistance with respect to an application, not intended to influence any decision on the application, may be provided by employees to the applicant. Any assistance shall be documented in writing by the applicant and employees within 10 business days after the assistance is provided.

(e) For purposes of this Section, "employee" means a person the State Board or the Agency employs on a full-time, part-time, contract, or intern basis.

(f) The State Board, State Board member, or hearing examiner presiding over the proceeding, in the event of a violation of this Section, must take whatever action is necessary to ensure that the violation does not prejudice any party or adversely affect the fairness of the proceedings.

(g) Nothing in this Section shall be construed to prevent the State Board or any member of the State Board from consulting with the attorney for the State Board.

(Source: P.A. 91-782, eff. 6-9-00; revised 1-28-04.)

(20 ILCS 3960/19.6)

Sec. 19.6. Repeal. This Act is repealed on July 1, 2006. 2008.

(Source: P.A. 93-41, eff. 6-27-03.)

Section 10. The Lobbyist Registration Act is amended by changing Section 8 as follows:

(25 ILCS 170/8) (from Ch. 63, par. 178)

Sec. 8. Contingent fees prohibited.
No person shall retain or employ another to lobby with respect to any legislative, executive, or administrative action for compensation contingent in whole or in part upon the outcome of the action, or the approval or veto of any legislation by the Governor, and no person shall accept any such employment or render any such service for compensation contingent upon the outcome of the legislative, executive, or administrative action passage or defeat of any legislation or the approval or veto of any legislation by the Governor.

(Source: P.A. 76-1848.)

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

Approved August 9, 2004.
Effective August 9, 2004.

PUBLIC ACT 93-0890
(Senate Bill No. 2360)

AN ACT concerning schools.

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

Section 5. The School Code is amended by changing Section 2-3.25d as follows:

(105 ILCS 5/2-3.25d) (from Ch. 122, par. 2-3.25d)
Sec. 2-3.25d. Academic early warning and watch status.

(a) Those schools that do not meet adequate yearly progress criteria, as specified by the State Board of Education, for 2 consecutive annual calculations, shall be placed on academic early warning status for the next school year. Schools on academic early warning status that do not meet adequate yearly progress criteria for a third annual calculation shall remain on academic early warning status. Schools on academic early warning status that do not meet adequate yearly progress criteria for a fourth annual calculation shall be placed on initial academic watch status. Schools on academic watch status that do not meet adequate yearly progress criteria for a fifth or subsequent annual calculation shall remain on academic watch status. Schools on academic early warning or academic watch status that meet adequate yearly progress criteria for one annual calculation shall be acknowledged for making improvement and shall

New matter indicated by italics - deletions by strikeout.
maintain their current statuses for the next school year. Schools on academic early warning or academic watch status that meet adequate yearly progress criteria for 2 consecutive annual calculations shall be considered as having met expectations and shall be removed from any status designation.

The school district of a school placed on either academic early warning status or academic watch status may appeal the status to the State Board of Education in accordance with Section 2-3.25m of this Code.

A school district that has one or more schools on academic early warning or academic watch status shall prepare a revised School Improvement Plan or amendments thereto setting forth the district's expectations for removing each school from academic early warning or academic watch status and for improving student performance in the affected school or schools. Districts operating under Article 34 of this Code may prepare the School Improvement Plan required under Section 34-2.4 of this Code.

The revised School Improvement Plan for a school that is initially placed on academic early warning status or that remains on academic early warning status after a third annual calculation must be approved by the school board (and by the school's local school council in a district operating under Article 34 of this Code, unless the school is on probation pursuant to subsection (c) of Section 34-8.3 of this Code).

The revised School Improvement Plan for a school placed on initial academic watch status after a fourth annual calculation must be approved by the school board (and by the school's local school council in a district operating under Article 34 of this Code, unless the school is on probation pursuant to subsection (c) of Section 34-8.3 of this Code) and the State Superintendent of Education.

The revised School Improvement Plan for a school that remains on academic watch status after a fifth annual calculation must be approved by the school board (and by the school's local school council in a district operating under Article 34 of this Code, unless the school is on probation pursuant to subsection (c) of Section 34-8.3 of this Code) and the State Superintendent of Education. In addition, the district must develop a school restructuring plan for the school that must be approved by the school board (and by the school's local school council in a district operating under Article 34 of this Code) and subsequently approved by the State Superintendent of Education.

New matter indicated by italics - deletions by strikeout.
A school on academic watch status that does not meet adequate yearly progress criteria for a sixth annual calculation shall implement its approved school restructuring plan beginning with the next school year, subject to the State interventions specified in Section 2-3.25f of this Code.

(b) Those school districts that do not meet adequate yearly progress criteria, as specified by the State Board of Education, for 2 consecutive annual calculations, shall be placed on academic early warning status for the next school year. Districts on academic early warning status that do not meet adequate yearly progress criteria for a third annual calculation shall remain on academic early warning status. Districts on academic early warning status that do not meet adequate yearly progress criteria for a fourth annual calculation shall be placed on initial academic watch status. Districts on academic watch status that do not meet adequate yearly progress criteria for a fifth or subsequent annual calculation shall remain on academic watch status. Districts on academic early warning or academic watch status that meet adequate yearly progress criteria for one annual calculation shall be acknowledged for making improvement and shall maintain their current statuses for the next school year. Districts on academic early warning or academic watch status that meet adequate yearly progress criteria for 2 consecutive annual calculations shall be considered as having met expectations and shall be removed from any status designation.

A district placed on either academic early warning status or academic watch status may appeal the status to the State Board of Education in accordance with Section 2-3.25m of this Code.

Districts on academic early warning or academic watch status shall prepare a District Improvement Plan or amendments thereto setting forth the district's expectations for removing the district from academic early warning or academic watch status and for improving student performance in the district.

The District Improvement Plan for a district that is initially placed on academic early warning status must be approved by the school board.

The revised District Improvement Plan for a district that remains on academic early warning status after a third annual calculation must be approved by the school board.

The revised District Improvement Plan for a district on initial academic watch status after a fourth annual calculation must be approved by the school board and the State Superintendent of Education.

New matter indicated by italics - deletions by strikeout.
The revised District Improvement Plan for a district that remains on academic watch status after a fifth annual calculation must be approved by the school board and the State Superintendent of Education. In addition, the district must develop a district restructuring plan that must be approved by the school board and the State Superintendent of Education.

A district on academic watch status that does not meet adequate yearly progress criteria for a sixth annual calculation shall implement its approved district restructuring plan beginning with the next school year, subject to the State interventions specified in Section 2-3.25f of this Code.

(c) All revised School and District Improvement Plans shall be developed in collaboration with staff in the affected school or school district. All revised School and District Improvement Plans shall be developed, submitted, and approved pursuant to rules adopted by the State Board of Education. The revised Improvement Plan shall address measurable outcomes for improving student performance so that such performance meets adequate yearly progress criteria as specified by the State Board of Education.

(d) All federal requirements apply to schools and school districts utilizing federal funds under Title I, Part A of the federal Elementary and Secondary Education Act of 1965.

(e) The State Board of Education, from any moneys it may have available for this purpose, must implement and administer a grant program that provides 2-year grants to school districts on the academic watch list and other school districts that have the lowest achieving students, as determined by the State Board of Education, to be used to improve student achievement. In order to receive a grant under this program, a school district must establish an accountability program. The accountability program must involve the use of statewide testing standards and local evaluation measures. A grant shall be automatically renewed when achievement goals are met. The Board may adopt any rules necessary to implement and administer this grant program.

(Source: P.A. 93-470, eff. 8-8-03.)

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

Approved August 9, 2004.
Effective August 9, 2004.
AN ACT in relation to property.

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

Section 1. Short title. This Act may be cited as the Residential Tenants' Right to Repair Act.

Section 5. Repair; deduction from rent. If a repair is required under a residential lease agreement or required under a law, administrative rule, or local ordinance or regulation, and the reasonable cost of the repair does not exceed the lesser of $500 or one-half of the monthly rent, the tenant may notify the landlord in writing by registered or certified mail or other restricted delivery service to the address of the landlord or an agent of the landlord as indicated on the lease agreement; if an address is not listed, the tenant may send notice to the landlord's last known address of the tenant's intention to have the repair made at the landlord's expense. If the landlord fails to make the repair within 14 days after being notified by the tenant as provided above or more promptly as conditions require in the case of an emergency, the tenant may have the repair made in a workmanlike manner and in compliance with the appropriate law, administrative rule, or local ordinance or regulation. Emergencies include conditions that will cause irreparable harm to the apartment or any fixture attached to the apartment if not immediately repaired or any condition that poses an immediate threat to the health or safety of any occupant of the dwelling or any common area. After submitting to the landlord a paid bill from an appropriate tradesman or supplier unrelated to the tenant, the tenant may deduct from his or her rent the amount of the bill, not to exceed the limits specified by this Section and not to exceed the reasonable price then customarily charged for the repair. If not clearly indicated on the bill submitted by the tenant, the tenant shall also provide to the landlord in writing, at the time of the submission of the bill, the name, address, and telephone number for the tradesman or supplier that provided the repair services. A tenant may not repair at the landlord's expense if the condition was caused by the deliberate or negligent act or omission of the tenant, a member of the tenant's family, or another person on the premises with the tenant's consent.

Section 10. Exceptions.
(a) This Act does not apply to public housing as defined in Section 3(b) of the United States Housing Act of 1937, as amended from time to time, and any successor Act.

(b) This Act does not apply to condominiums.

(c) This Act does not apply to not-for-profit corporations organized for the purpose of residential cooperative housing.

(d) This Act does not apply to tenancies other than residential tenancies.

(e) This Act does not apply to owner-occupied rental property containing 6 or fewer dwelling units.

(f) This Act does not apply to any dwelling unit that is subject to the Mobile Home Landlord and Tenant Rights Act.

Section 15. Tenant liabilities and responsibilities. The tenant is responsible for ensuring that:

(1) the repairs are performed in a workmanlike manner in compliance with the appropriate law, administrative rule, or local ordinance or regulation;

(2) the tradesman or supplier that is hired by the tenant to perform the repairs holds the appropriate valid license or certificate required by State or municipal law to make the repair; and

(3) the tradesman or supplier is adequately insured to cover any bodily harm or property damage that is caused by the negligence or substandard performance of the repairs by the tradesman or supplier.

The tenant is responsible for any damages to the premises caused by a tradesman or supplier hired by the tenant. A tenant shall not be entitled to exercise the remedies provided for in this Act if the tenant does not comply with the requirements of this Section.

Section 20. Defense to eviction. A tenant may not assert as a defense to an action for rent or eviction that rent was withheld under this Act unless the tenant meets all the requirements provided for in this Act.

Section 25. Mechanics lien laws. For purposes of mechanics lien laws, repairs performed or materials furnished pursuant to this Act shall not be construed as having been performed or furnished pursuant to authority of or with permission of the landlord.

Section 30. Home rule. A home rule unit may not regulate residential lease agreements in a manner that diminishes the rights of tenants under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent

New matter indicated by italics - deletions by strikeout.
exercise by home rule units of powers and functions exercised by the State.

Approved August 9, 2004.
Effective January 1, 2005.

PUBLIC ACT 93-0892
(House Bill No. 0307)

AN ACT in relation to court fees.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 5-1101 as follows:

(55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)
Sec. 5-1101. Additional fees to finance court system. A county board may enact by ordinance or resolution the following fees:

(a) A $5 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of the Illinois Vehicle Code other than Section 11-501 or violations of similar provisions contained in county or municipal ordinances committed in the county, and up to a $30 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of Section 11-501 of the Illinois Vehicle Code or a violation of a similar provision contained in county or municipal ordinances committed in the county.

(b) In the case of a county having a population of 1,000,000 or less, a $5 fee to be collected in all civil cases by the clerk of the circuit court.

(c) A fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections, as follows:

(1) for a felony, $50;
(2) for a class A misdemeanor, $25;
(3) for a class B or class C misdemeanor, $15;
(4) for a petty offense, $10;
(5) for a business offense, $10.

(d) A $100 fee for the second and subsequent violations of Section 11-501 of the Illinois Vehicle Code or violations of similar provisions contained in county or municipal ordinances committed in the county. The proceeds of this fee shall be placed in the county general fund and used to

New matter indicated by italics - deletions by strikeout.
finance education programs related to driving under the influence of alcohol or drugs.

(e) In each county in which a teen court, peer court, peer jury, youth court, or other youth diversion program has been created, a county may adopt a mandatory fee of up to $5 to be assessed as provided in this subsection. Assessments collected by the clerk of the circuit court pursuant to this subsection must be deposited into an account specifically for the operation and administration of a teen court, peer court, peer jury, youth court, or other youth diversion program. The clerk of the circuit court shall collect the fees established in this subsection and must remit the fees to the teen court, peer court, peer jury, youth court, or other youth diversion program monthly, less 5%, which is to be retained as fee income to the office of the clerk of the circuit court. The fees are to be paid as follows:

(1) a fee of up to $5 paid by the defendant on a judgment of guilty or grant of supervision for violation of the Illinois Vehicle Code or violations of similar provisions contained in county or municipal ordinances committed in the county;

(2) a fee of up to $5 paid by the defendant on a judgment of guilty or grant of supervision under Section 5-9-1 of the Unified Code of Corrections for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; and for a business offense.

(f) The proceeds of all fees enacted under this Section must shall, except as provided in subsections (d) and (e), be placed in the county general fund and used to finance the court system in the county, unless the fee is subject to disbursement by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 87-670; 87-1075; 87-1230; 88-45.)
Effective January 1, 2005.

PUBLIC ACT 93-0893
(House Bill No. 4005)

AN ACT concerning disaster service volunteers.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Disaster Service Volunteer Leave Act is amended by changing Section 3 as follows:

(5 ILCS 335/3) (from Ch. 127, par. 4053)

Sec. 3. Disaster Service Volunteer Leave. An employee of a State agency who is a certified disaster service volunteer of the American Red Cross or assigned to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Agency Act, the Emergency Management Assistance Compact Act, or other applicable administrative rules may be granted leave from his work with pay for not more than 20 working days in any 12-month period to participate in specialized disaster relief services for the American Red Cross or for the Illinois Emergency Management Agency, as the case may be, upon the request of the American Red Cross or the Illinois Emergency Management Agency for the services of that employee and upon the approval of that employee's agency, without loss of seniority, pay, vacation time, compensatory time, personal days, sick time or earned overtime accumulation. The agency shall compensate an employee granted leave under this Section at his regular rate of pay for those regular work hours during which the employee is absent from his work. For purposes of assessing State disaster response needs, requests made pursuant to this Act for services out-of-state shall be coordinated by the American Red Cross and the Illinois Emergency Management Agency through the Illinois State Emergency Operations Center. The Illinois Emergency Management Agency may consult with the Department of Central Management Services on leave issues that could impact the operations of State agencies under the Governor's jurisdiction. Leave under this Act shall not be unreasonably denied for services related to a disaster within the United States or its territories but may be granted only for services related to a disaster occurring within the State of Illinois.

(Source: P.A. 87-638.)

Section 10. The Local Government Disaster Service Volunteer Act is amended by changing Section 15 as follows:

(50 ILCS 122/15)

Sec. 15. Local government disaster service volunteer leave. An employee of a local agency who is a certified disaster service volunteer of the American Red Cross or assigned to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Act, the Emergency Management Assistance Compact Act, or other applicable administrative rules may be granted leave from his or her

New matter indicated by italics - deletions by strikeout.
work with pay for not more than 20 working days in any 12-month period to participate in specialized disaster relief services for the American Red Cross or for the Illinois Emergency Management Agency, as the case may be, upon the request of the American Red Cross or the Illinois Emergency Management Agency for the services of that employee and upon the approval of that employee's agency, without loss of seniority, pay, vacation time, compensatory time, personal days, sick time, or earned overtime accumulation. The agency must compensate an employee granted leave under this Section at his or her regular rate of pay for those regular work hours during which the employee is absent from work. Leave under this Act shall not be unreasonably denied for services related to a disaster occurring within the State of Illinois. Services related to a disaster occurring within the United States or its territories may be granted only for services related to a disaster occurring within the State of Illinois.

(Source: P.A. 92-95, eff. 7-18-01.)

Section 99. Effective date. This Act takes effect July 1, 2004.

PUBLIC ACT 93-0894
(House Bill No. 4057)

AN ACT concerning asbestos abatement.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Commercial and Public Building Asbestos Abatement Act is amended by changing Sections 15 and 35 as follows:
(225 ILCS 207/15)
Sec. 15. Definitions. As used in this Act:
"Asbestos abatement contractor" means any entity that provides removal, enclosure, encapsulation, or disposal of asbestos containing materials.
"Asbestos containing building materials" or "ACBM" means surfacing asbestos containing materials or ACM, thermal system insulation ACM, or miscellaneous ACM that is found in or on interior structural members or other parts of a building.
"Asbestos" means the asbestiform varieties of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, and actinolite.

New matter indicated by italics - deletions by strikeout.
"Asbestos inspector" means an individual who performs inspections of commercial and public buildings for the presence of asbestos containing materials.

"Asbestos materials" means any material or product that contains more than 1% asbestos.

"Asbestos consultant" means a person offering expert or professional advice as an asbestos professional or designated person.

"Asbestos professional" means an individual who is licensed by the Department to perform the duties of an inspector, management planner, project designer, project supervisor, project manager, or air sampling professional, as applicable, except project supervisors under the direct employ of a licensed asbestos abatement contractor.

"Asbestos supervisor" means an asbestos abatement contractor, foreman, or person designated as the asbestos abatement contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of friable or nonfriable asbestos-containing materials in a commercial or public building.

"Asbestos worker" means an individual who cleans, removes, encapsulates, encloses, hauls, or disposes of friable asbestos material.

"Building/facility owner" is the legal entity, including a lessee, that exercises control over management and record keeping functions relating to a building or facility in which activities covered by this standard take place.

"Commercial or public building" means the interior space of any building, except that the term does not include any residential apartment building of fewer than 10 units or detached single family homes. The term includes, but is not limited to: industrial and office buildings, residential apartment buildings and condominiums of 10 or more dwelling units, government-owned buildings, colleges, museums, airports, hospitals, churches, schools, preschools, stores, warehouses, and factories. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space.

"Department" means the Department of Public Health.

"Designated person" means a person designated by the local education agency, as defined by the Asbestos Abatement Act, to ensure that the management plan has been properly implemented.

"Director" means the Director of Public Health.

"Encapsulation" means the treatment of ACBM with a material that surrounds or embeds asbestos fibers in an adhesive matrix that
prevents the release of fibers as the encapsulant creates a membrane over the surfaces (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Enclosure" means the construction of airtight walls and ceilings between the asbestos containing material and the building environment, or around surfaces coated with asbestos containing materials, or any other appropriate scientific procedure as determined by the Department that prevents the release of asbestos.

"Friable", when referring to material in a commercial or public building, means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable materials after such previously nonfriable material becomes damaged to the extent that, when dry, it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Inspection" means an activity undertaken in a public or commercial building to determine the presence or location, or to assess the condition of, friable or nonfriable asbestos containing building material (ACBM) or suspected ACBM, whether by visual or physical examination, or by collecting samples of such material.

"Nonfriable" means material in a commercial or public building which, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, or any other entity.

"Project designer" means an individual who designs response actions for commercial or public buildings.

"Response action" means a method, including removal, encapsulation, enclosure, repair, operations and maintenance, that protects human health and the environment from friable ACBM.

"Response action contractor" means any entity that engages in response action services.

"Response action services" means the service of designing and conducting removal, encapsulation, enclosure, repair, or operations and maintenance of friable asbestos containing building materials, inspection of public or commercial buildings, and inspection of asbestos containing materials. The term does not include the design or conducting of response actions that involve removal or possible disturbance of an amount of asbestos containing building material comprising less than 3 square feet or
less than 3 lineal feet of other friable asbestos containing building material.
(Source: P.A. 89-143, eff. 7-14-95.)

(225 ILCS 207/35)

Sec. 35. Licensing.

(1) No person may act as an asbestos abatement contractor providing response action services unless the person is licensed as an Asbestos Abatement Contractor by the Department in accordance with the Asbestos Abatement Act and rules promulgated under it.

(2) No person may act as an asbestos supervisor providing response action services unless the person is licensed as a Supervisor by the Department in accordance with the Asbestos Abatement Act and rules promulgated under it.

(3) No person may act as a project designer providing response action services unless the person is licensed as a Project Designer by the Department in accordance with the Asbestos Abatement Act and rules promulgated under it.

(4) No person may act as an asbestos worker providing response action services unless the person is licensed as an Asbestos Worker or a Supervisor by the Department in accordance with the Asbestos Abatement Act and rules promulgated under it.

(5) No person may act as an asbestos inspector unless the person is licensed as an Asbestos Inspector by the Department in accordance with the Asbestos Abatement Act and rules promulgated under it.

(6) No person may act as an air sampling professional unless the person is licensed as an air sampling professional by the Department in accordance with the Asbestos Abatement Act and rules promulgated under it.

(7) No person may act as a project manager unless the person is licensed as a project manager by the Department in accordance with the Asbestos Abatement Act and rules promulgated under it.

(8) No person may act as a management planner unless the person is licensed as a management planner by the Department in accordance with the Asbestos Abatement Act and rules promulgated under it.

(9) Beginning January 1, 2005, no person may act as an asbestos consultant unless the person is licensed as a consultant by the Department in accordance with this Act and rules promulgated under it. The following are exempt from the licensure requirement of this subsection:

New matter indicated by italics - deletions by strikeout.
(A) An employee of a local education agency who is that local education agency's designated person.

(B) An employee of a State agency while he or she is engaged in his or her professional duties for that State agency.

(10) Individuals and entities that wish to be licensed shall make application on forms prescribed and furnished by the Department. Licenses shall expire annually according to a schedule determined by the Department. Applications for renewal of licenses shall be filed with the Department at least 30 days before the expiration date. When a licensure examination is required, the license application shall be submitted to the Department at least 30 days prior to the date of the scheduled examination. The Department shall evaluate each application based on its minimum standards for licensure, promulgated as rules, and render a decision. Such standards may include a requirement for the successful completion of a course of training approved by the Department. If the Department denies the application, the applicant may appeal the decision under the provisions of the Administrative Review Law.

(Source: P.A. 89-143, eff. 7-14-95.)

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


PUBLIC ACT 93-0895
(House Bill No. 4269)

AN ACT concerning identification.

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

Section 5. The Illinois Identification Card Act is amended by changing Sections 4, 5, 6, 7, 11, 13, 14, 14A, 14B, and 14C and by adding Section 1A as follows:

(15 ILCS 335/1A new)

Sec. 1A. Definitions. As used in this Act:

"Highly restricted personal information" means an individual's photograph, signature, social security number, and medical or disability information.

New matter indicated by italics - deletions by strikeout.
"Identification card making implement" means any material, hardware, or software that is specifically designed for or primarily used in the manufacture, assembly, issuance, or authentication of an official identification card issued by the Secretary of State.

"Fraudulent identification card" means any identification card that purports to be an official identification card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization. For the purpose of this Act, any identification card that resembles an official identification card in either size, color, photograph location, or design or uses the word "official", "state", "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card unless the words "This is not an official Identification Card", appear prominently upon it in black colored lettering in 12 point type on the photograph side of the card, and no such card shall be smaller in size than 3 inches by 4 inches, and the photograph shall be on the left side of the card only.

"Legal name" means the full given name and surname of an individual as recorded at birth, recorded at marriage, or deemed as the correct legal name for use in reporting income by the Social Security Administration or the name as otherwise established through legal action that appears on the associated official document presented to the Secretary of State.

"Personally identifying information" means information that identifies an individual, including his or her identification card number, name, address (but not the 5-digit zip code), and telephone number.

(15 ILCS 335/4) (from Ch. 124, par. 24)
Sec. 4. Identification Card.
(a) The Secretary of State shall issue a standard Illinois Identification Card to any natural person who is a resident of the State of Illinois who applies for such card, or renewal thereof, or who applies for a standard Illinois Identification Card upon release as a committed person on parole, mandatory supervised release, final discharge, or pardon from the Department of Corrections by submitting an identification card issued by
the Department of Corrections under Section 3-14-1 of the Unified Code of Corrections, together with the prescribed fees. *No identification card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit.* The card shall be prepared and supplied by the Secretary of State and shall include a photograph of the applicant. The applicant, upon receipt of a card and prior to its use for any purpose, shall affix his signature thereon in the space provided therefor. The Illinois Identification Card may be used for identification purposes in any lawful situation only by the person to whom it was issued. As used in this Act, "photograph" means any color photograph or digitally produced and captured image of an applicant for an identification card. As used in this Act, "signature" means the name of a person as written by that person and captured in a manner acceptable to the Secretary of State.

(b) The Secretary of State shall issue a special Illinois Identification Card, which shall be known as an Illinois Disabled Person Identification Card, to any natural person who is a resident of the State of Illinois, who is a disabled person as defined in Section 4A of this Act, who applies for such card, or renewal thereof. *No Disabled Person Identification Card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit.* The Secretary of State shall charge no fee to issue such card. The card shall be prepared and supplied by the Secretary of State, and shall include a photograph of the applicant, a designation indicating that the card is an Illinois Disabled Person Identification Card, and shall include a comprehensible designation of the type and classification of the applicant's disability as set out in Section 4A of this Act. If the applicant so requests, the card shall include a description of the applicant's disability and any information about the applicant's disability or medical history which the Secretary determines would be helpful to the applicant in securing emergency medical care. The applicant, upon receipt of such a card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark. If a mark is used in lieu of a signature, such mark shall be affixed to the card in the presence of two witnesses who attest to the authenticity of the mark. The Illinois Disabled Person Identification Card may be used for identification purposes in any lawful situation by the person to whom it was issued.

New matter indicated by italics - deletions by strikeout.
The Illinois Disabled Person Identification Card may be used as adequate documentation of disability in lieu of a physician's determination of disability, a determination of disability from a physician assistant who has been delegated the authority to make this determination by his or her supervising physician, a determination of disability from an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make this determination, or any other documentation of disability whenever any State law requires that a disabled person provide such documentation of disability, however an Illinois Disabled Person Identification Card shall not qualify the cardholder to participate in any program or to receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other provisions of law, an Illinois Disabled Person Identification Card, or evidence that the Secretary of State has issued an Illinois Disabled Person Identification Card, shall not be used by any person other than the person named on such card to prove that the person named on such card is a disabled person or for any other purpose unless the card is used for the benefit of the person named on such card, and the person named on such card consents to such use at the time the card is so used.

When medical information is contained on an Illinois Disabled Person Identification Card, the Office of the Secretary of State shall not be liable for any actions taken based upon that medical information.

(c) Beginning January 1, 1986, the Secretary of State shall provide that each original or renewal Illinois Identification Card or Illinois Disabled Person Identification Card issued to a person under the age of 21, shall be of a distinct nature from those Illinois Identification Cards or Illinois Disabled Person Identification Cards issued to individuals 21 years of age or older. The color designated for Illinois Identification Cards or Illinois Disabled Person Identification Cards for persons under the age of 21 shall be at the discretion of the Secretary of State.

(c-1) Beginning January 1, 2003, each original or renewal Illinois Identification Card or Illinois Disabled Person Identification Card issued to a person under the age of 21 shall display the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(d) The Secretary of State may issue a Senior Citizen discount card, to any natural person who is a resident of the State of Illinois who is 60 years of age or older and who applies for such a card or renewal card.

New matter indicated by italics - deletions by strikeout.
thereof. The Secretary of State shall charge no fee to issue such card. The
card shall be issued in every county and applications shall be made
available at, but not limited to, nutrition sites, senior citizen centers and
Area Agencies on Aging. The applicant, upon receipt of such card and
prior to its use for any purpose, shall have affixed thereon in the space
provided therefor his signature or mark.
(Source: P.A. 92-240, eff. 1-1-02; 92-689, eff. 1-1-03; 93-182, eff. 7-11-
03.)

(15 ILCS 335/5) (from Ch. 124, par. 25)
Sec. 5. Applications. Any natural person who is a resident of the
State of Illinois, may file an application for an identification card or for the
renewal thereof, in a manner prescribed by the Secretary. Each original
application shall be completed by the applicant in full and shall set forth
the legal name, residence address and zip code, social security number,
birth date, sex and a brief description of the applicant. The applicant shall
be photographed and he shall also submit any other information as the
Secretary may deem necessary or such documentation as the Secretary may
require to determine the identity of the applicant. An applicant for a
disabled persons card must also submit with each original or renewal
application, on forms prescribed by the Secretary, such documentation as
the Secretary may require, establishing that the applicant is a "disabled
person" as defined in Section 4A of this Act, and setting forth the
applicant's type and class of disability as set forth in Section 4A of this
Act.
(Source: P.A. 89-569, eff. 1-1-97.)

(15 ILCS 335/6) (from Ch. 124, par. 26)
Sec. 6. Change of legal name or residence address.
(a) Any person whose legal name has changed from the name on
the card that he or she has been previously issued must apply for a
corrected card within 30 days after the change.
(b) Whenever a person holding a card has a change of his or her
residence address, he or she shall, within 10 days after the change, notify
the Secretary of State of the change in writing, and he or she may then
obtain a corrected card. Whenever a person holding a card moves, or has
a change of name, such person shall within 10 days, notify the Secretary of
State thereof, in writing, and he may then obtain a corrected card.
(Source: P.A. 79-1161.)

(15 ILCS 335/7) (from Ch. 124, par. 27)
Sec. 7. Duplicate and corrected cards.

New matter indicated by italics - deletions by strikeout.
(a) In the event an identification card is lost or destroyed, or if there is a correction change of legal name or residence address, or a change in the type or class of disability of a holder of a disabled person card, the person named on the card may apply for a duplicate or substitute card, or for a corrected card. Any application for a corrected card shall be accompanied by the original card being corrected.

(b) The Secretary of State, having issued an identification card in error, may, upon written notice of at least 5 days to the person, require the person to appear at a Driver Services facility to have the identification card error corrected and a new identification card issued. The failure of the person to appear is grounds for cancellation of the person’s identification card under Section 13 of this Act.
(Source: P.A. 83-1421.)

(15 ILCS 335/11) (from Ch. 124, par. 31)

Sec. 11. The Secretary may make a search of his records and furnish information as to whether a person has a current Standard Illinois Identification Card or an Illinois Disabled Person Identification Card then on file, upon receipt of a written application therefor accompanied with the prescribed fee. However, the Secretary may not disclose medical information concerning an individual to any person, public agency, private agency, corporation or governmental body unless the individual has submitted a written request for the information or unless the individual has given prior written consent for the release of the information to a specific person or entity. This exception shall not apply to: (1) offices and employees of the Secretary who have a need to know the medical information in performance of their official duties, or (2) orders of a court of competent jurisdiction. When medical information is disclosed by the Secretary in accordance with the provisions of this Section, no liability shall rest with the Office of the Secretary of State as the information is released for informational purposes only.

The Secretary may release personally identifying information or highly restricted personal information only to:

(1) officers and employees of the Secretary who have a need to know that information;

(2) other governmental agencies for use in their official governmental functions;

(3) law enforcement agencies that need the information for a criminal or civil investigation; or

New matter indicated by italics - deletions by strikeout.
(4) any entity that the Secretary has authorized, by rule, to receive this information.

The Secretary may not disclose an individual's social security number or any associated information obtained from the Social Security Administration without the written request or consent of the individual except: (i) to officers and employees of the Secretary who have a need to know the social security number in the performance of their official duties; (ii) to law enforcement officials for a lawful civil or criminal law enforcement investigation if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security number is being sought; or (iii) under a lawful court order signed by a judge.

(Source: P.A. 83-1421.)

(15 ILCS 335/13) (from Ch. 124, par. 33)

Sec. 13. Rejection, denial or revocations.
(a) The Secretary of State may reject or deny any application if he:
1. is not satisfied with the genuineness, regularity or legality of any application; or
2. has not been supplied with the required information; or
3. is not satisfied with the truth of any information or documentation supplied by an applicant; or
4. determines that the applicant is not entitled to the card as applied for; or
5. determines that any fraud was committed by the applicant; or
6. determines that a signature is not valid or is a forgery; or
7. determines that the applicant has not paid the prescribed fee; or
8. determines that the applicant has falsely claimed to be a disabled person as defined in Section 4A of this Act; or
9. cannot verify the accuracy of any information or documentation submitted by the applicant.

(b) The Secretary of State may cancel or revoke any identification card issued by him, upon determining that:
1. the holder is not legally entitled to the card; or
2. the applicant for the card made a false statement or knowingly concealed a material fact in any application filed by him under this Act; or
3. any person has displayed or represented as his own a card not issued to him; or
4. any holder has permitted the display or use of his card by any other person; or

New matter indicated by italics - deletions by strikeout.
5. that the signature of the applicant was forgery or that the signature on the card is a forgery; or
6. a card has been used for any unlawful or fraudulent purpose; or
7. a card has been altered or defaced; or
8. any card has been duplicated for any purpose; or
9. any card was utilized to counterfeit such cards; or
10. the holder of an Illinois Disabled Person Identification Card is not a disabled person as defined in Section 4A of this Act; or
11. the holder failed to appear at a Driver Services facility for the reissuance of a card.

(c) The Secretary shall make a demand for return of any card which has been cancelled or revoked, or issued in violation of this Act, and every person to whom such demand is addressed, shall promptly and without delay, return such card to the Secretary pursuant to his instructions, or, he shall surrender any such card to the Secretary or any agent of the Secretary upon demand.

(d) The Secretary of State is authorized to take possession of any Illinois Identification Card or Illinois Disabled Person Identification Card which has been cancelled or revoked, or which is blank, or which has been altered or defaced or duplicated or which is counterfeit or contains a forgery; or otherwise issued in violation of this Act.

(Source: P.A. 83-1421.)

(15 ILCS 335/14) (from Ch. 124, par. 34)
Sec. 14. Unlawful use of identification card.
(a) It is a violation of this Section for any person:
1. To possess, display, or cause to be displayed any cancelled or revoked identification card;
2. To display or represent as the person's own any identification card issued to another;
3. To allow any unlawful use of an identification card issued to the person;
4. To lend an identification card to another or knowingly allow the use thereof by another;
5. To fail or refuse to surrender to the Secretary of State, the Secretary's agent or any peace officer upon lawful demand, any identification card which has been revoked or cancelled;
6. To knowingly possess, use, or allow to be used a stolen identification card making implement.
(a-5) As used in this Section "identification card" means any document made or issued by or under the authority of the United States Government, the State of Illinois or any other State or political subdivision thereof, or any governmental or quasi-governmental organization that, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identifying the individual.

(b) Sentence.
1. Any person convicted of a violation of this Section shall be guilty of a Class A misdemeanor and shall be sentenced to a minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.
2. A person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 felony.

(c) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(Source: P.A. 88-210; 89-283, eff. 1-1-96.)

(15 ILCS 335/14A) (from Ch. 124, par. 34A)
Sec. 14A. Fictitious or unlawfully altered identification card.
(a) As used in this Section:
1. "A fictitious identification card" means any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card;
2. "False information" means any information concerning the legal name, sex, date of birth, social security number or any photograph that falsifies all or in part the actual identity of the individual issued the identification card;
3. "An unlawfully altered identification card" means any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been

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physically altered or changed in such a manner that false information appears upon the identification card;

4. "A document capable of defrauding another" includes, but is not limited to, any document by which any right, obligation or power with reference to any person or property may be created, transferred, altered or terminated;

5. An "identification document" or "identification card" means any document made or issued by or under the authority of the United States Government, the State of Illinois or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization which, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual.

(b) It is a violation of this Section for any person:

1. To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card;

2. To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment;

3. To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction;

4. To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided;

5. To knowingly possess any fictitious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another;

6. To knowingly possess any fictitious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document;

7. To knowingly issue or assist in the issuance of any fictitious identification card;

New matter indicated by italics - deletions by strikeout.
8. To knowingly alter or attempt to alter any identification card;
9. To knowingly manufacture, possess, transfer, or provide any identification document whether real or fictitious for the purpose of obtaining a fictitious identification card;
10. To make application for the purpose of obtaining a fictitious identification card for another person;
11. To obtain the services of another person to make application for the purpose of obtaining a fictitious identification card.

(c) Sentence.

1. Any person convicted of a violation of paragraph 1, 10, or 11 of subsection (b) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony and shall be sentenced to a minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.

2. Any person convicted of a violation of paragraph 1 of subsection (b) of this Section who at the time of arrest had in his possession two or more fictitious or unlawfully altered identification cards shall be guilty of a Class 4 felony.

3. Any person convicted of a violation of paragraph 2 through 9 of subsection (b) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony.

(d) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(15 ILCS 335/14B) (from Ch. 124, par. 34B)
Sec. 14B. Fraudulent identification card.

(a) (Blank).

As used in this Section:

1. "A fraudulent identification card" means any identification card which purports to be an official identification card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization. For the purpose of this

New matter indicated by italics - deletions by strikeout.
paragraph, any identification card which resembles an official identification card in either size, color, photograph location, or design or uses the word "official", "state", "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card unless the words "This is not an official Identification Card", appear prominently upon it in black colored lettering in 12 point type on the photograph side of the card, and no such card shall be smaller in size than 3 inches by 4 inches, and the photograph shall be on the left side of the card only.

2. "A license-making implement" means any implement specially designed or primarily used in the manufacture, assembly or authentication of any identification card issued by the Secretary of State, the United States Government, the State of Illinois or any other state or political subdivision of the state, or any governmental or quasi-governmental organization. Such implements include, but are not limited to, cameras used for creating identification card photographs, camera cards, or identification card laminates.

(b) It is a violation of this Section for any person:

1. To knowingly possess, display, or cause to be displayed any fraudulent identification card;

2. To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment;

3. To knowingly possess any fraudulent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction;

4. To knowingly possess any fraudulent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided;

New matter indicated by italics - deletions by strikeout.
5. To knowingly possess any fraudulent identification card while in unauthorized possession of any document, instrument or device capable of defrauding another;
6. To knowingly possess any fraudulent identification card with the intent to use the identification card to acquire any other identification document;
7. To knowingly possess without authority any identification card making implement;
8. To knowingly possess any stolen identification card making implement;
9. To knowingly duplicate, manufacture, sell or transfer any fraudulent identification card;
10. To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card.
(c) Sentence.
1. Any person convicted of a violation of paragraph 1 of subsection (b) of this Section shall be guilty of a Class 4 felony and shall be sentenced to a minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.
2. Any person convicted of a violation of any of paragraphs 2 through 9 of subsection (b) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony.
3. Any person who violates paragraph 10 of subsection (b) of this Section is guilty of a Class A misdemeanor.
(d) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.
(e) The Secretary of State may request the Attorney General to seek a restraining order in the circuit court against any person who violates paragraph 10 of subsection (b) of this Section by advertising fraudulent identification cards.
(Source: P.A. 91-357, eff. 7-29-99.)
(15 ILCS 335/14C) (from Ch. 124, par. 34C)
Sec. 14C. Making false application or affidavit.
(a) It is a violation of this Section for any person:

New matter indicated by italics - deletions by strikeout.
1. To display or present any document for the purpose of making application for an Illinois Identification Card or Illinois Disabled Person Identification Card knowing that such document contains false information concerning the identity of the applicant;

2. To accept or allow to be accepted any document displayed or presented for the purpose of making application for an Illinois Identification Card or Illinois Disabled Person Identification Card knowing that such document contains false information concerning the identity of the applicant;

3. To knowingly make any false affidavit or swear or affirm falsely to any matter or thing required by the terms of this Act to be sworn to or affirmed.

(b) Sentence.

1. Any person convicted of a violation of this Section shall be guilty of a Class 4 felony.

2. A person convicted of a second or subsequent violation of this Section shall be guilty of a Class 3 felony.

(c) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(d) The Secretary of State may confiscate any suspected fraudulent, fictitious, or altered documents submitted by an applicant in support of an application for an Illinois Identification Card or Illinois Disabled Person Identification Card.

(Source: P.A. 86-503.)

Section 10. The Illinois Vehicle Code is amended by changing Sections 1-117.5, 1-159.2, 2-110, 2-111, 2-123, 6-101, 6-103, 6-106, 6-106.1, 6-110, 6-114, 6-116, 6-301.1, 6-301.2, 6-510, 6-511, 6-513 and adding Sections 1-125.9 and 1-137.5 as follows:

(625 ILCS 5/1-117.5)

Sec. 1-117.5. Driver's license or permit making implement. Any material, hardware, or software that is specially designed for or primarily used in the manufacture, assembly, issuance, or authentication of an official driver's license or permit issued by the Secretary of State or other official driver's license agency in another jurisdiction. These implements include, but are not limited to, cameras used for creating driver's license captured images, camera cards, or driver's license or permit laminates.

New matter indicated by italics - deletions by strikeout.
Sec. 1-125.9. Highly restricted personal information. An individual's photograph or image, signature, social security number, and medical or disability information.

Sec. 1-137.5. Legal name. The full given name and surname of an individual as recorded at birth, recorded at marriage, or deemed as the correct legal name for use in reporting income by the Social Security Administration or the name as otherwise established through legal action that appears on the associated official document presented to the Secretary of State.

Sec. 1-159.2. Personally identifying information. Information that identifies an individual, including his or her photograph, social security number, driver identification number, name, address (but not the 5 digit zip code), and telephone number, and medical or disability information, but "personally identifying information" does not include information on vehicular accidents, driving violations, and driver's status.

Sec. 2-110. Authority to grant or refuse applications. The Secretary of State shall examine and determine the genuineness, regularity and legality of every application for registration of a vehicle, for a certificate of title therefor, and for a driver's license and of any other application lawfully made to the Secretary of State, and may in all cases make investigation and verify the information and the authenticity of the documents submitted as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law.

Sec. 2-111. Seizure or confiscation of documents and plates.

(a) The Secretary of State is authorized to take possession of any certificate of title, registration card, permit, license, registration plate, plates, person with disabilities license plate or parking decal or device, or registration sticker issued by him upon expiration, revocation, cancellation

New matter indicated by italics - deletions by strikeout.
or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued. Police officers who have reasonable grounds to believe that any item or items listed in this section should be seized shall request the Secretary of State to take possession of such item or items.

(b) The Secretary of State is authorized to confiscate any suspected fraudulent, fictitious, or altered documents submitted by an applicant in support of an application for a driver's license or permit.

(Source: P.A. 90-106, eff. 1-1-98.)

(625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

Sec. 2-123. Sale and Distribution of Information.

(a) Except as otherwise provided in this Section, the Secretary may make the driver's license, vehicle and title registration lists, in part or in whole, and any statistical information derived from these lists available to local governments, elected state officials, state educational institutions, and all other governmental units of the State and Federal Government requesting them for governmental purposes. The Secretary shall require any such applicant for services to pay for the costs of furnishing such services and the use of the equipment involved, and in addition is empowered to establish prices and charges for the services so furnished and for the use of the electronic equipment utilized.

(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection (a) of this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of $250 for orders received before October 1, 2003 and $500 for orders received on or after October 1, 2003, in advance, and require in addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of $25 for orders received before October 1, 2003 and $50 for orders received on or after October 1, 2003, per 1,000 units or part thereof identified or the actual cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be limited to entities purchasing a minimum number of records as required by administrative rule. The information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part thereof. The information sold pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in
subsection (f-5) of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a written agreement with the Secretary of State that includes disclosure of the commercial use of the information to be purchased.

(c) Secretary of State may issue registration lists. The Secretary of State shall compile and publish, at least annually, a list of all registered vehicles. Each list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and shall contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof. Such compilation may be in such form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such registrations to the sheriffs of all counties and to the chiefs of police of all cities and villages and towns of 2,000 population and over in this State at no cost. Additional copies may be purchased by the sheriffs or chiefs of police at the fee of $500 each or at the cost of producing the list as determined by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank).

(e-1) (Blank).

(f) The Secretary of State shall make a title or registration search of the records of his office and a written report on the same for any person, upon written application of such person, accompanied by a fee of $5 for each registration or title search. The written application shall set forth the intended use of the requested information. No fee shall be charged for a title or registration search, or for the certification thereof requested by a government agency. The report of the title or registration search shall not contain personally identifying information unless the request for a search was made for one of the purposes identified in subsection (f-5) of this Section. The report of the title or registration search shall not contain highly restricted personal information unless specifically authorized by this Code.

The Secretary of State shall certify a title or registration record upon written request. The fee for certification shall be $5 in addition to the fee required for a title or registration search. Certification shall be made under the signature of the Secretary of State and shall be authenticated by Seal of the Secretary of State.

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The Secretary of State may notify the vehicle owner or registrant of the request for purchase of his title or registration information as the Secretary deems appropriate.

No information shall be released to the requestor until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the vehicle owner or registrant or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of title or vehicle information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

(f-5) The Secretary of State shall not disclose or otherwise make available to any person or entity any personally identifying information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless the information is disclosed for one of the following purposes:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

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(A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and
(B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.
(4) For use in research activities and for use in producing statistical reports, if the personally identifying information is not published, redisclosed, or used to contact individuals.
(5) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State, or local court.
(6) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.
(7) For use in providing notice to the owners of towed or impounded vehicles.
(8) For use by any person licensed as a private detective or firm licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993, private investigative agency or security service licensed in Illinois for any purpose permitted under this subsection.
(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49 of the United States Code.
(10) For use in connection with the operation of private toll transportation facilities.
(11) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.
(12) For use by members of the news media, as defined in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor vehicle or public safety.

(13) For any other use specifically authorized by law, if that use is related to the operation of a motor vehicle or public safety.

(f-6) The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code.

(g) 1. The Secretary of State may, upon receipt of a written request and a fee of $6 before October 1, 2003 and a fee of $12 on and after October 1, 2003, furnish to the person or agency so requesting a driver's record. Such document may include a record of: current driver's license issuance information, except that the information on judicial driving permits shall be available only as otherwise provided by this Code; convictions; orders entered revoking, suspending or cancelling a driver's license or privilege; and notations of accident involvement. All other information, unless otherwise permitted by this Code, shall remain confidential. Information released pursuant to a request for a driver's record shall not contain personally identifying information, unless the request for the driver's record was made for one of the purposes set forth in subsection (f-5) of this Section.

2. The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code. The Secretary of State may certify an abstract of a driver's record upon written request therefor. Such certification shall be made under the signature of the Secretary of State and shall be authenticated by the Seal of his office.

3. All requests for driving record information shall be made in a manner prescribed by the Secretary and shall set forth the intended use of the requested information.

The Secretary of State may notify the affected driver of the request for purchase of his driver's record as the Secretary deems appropriate.
No information shall be released to the requester until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the affected driver or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of driver information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

4. The Secretary of State may furnish without fee, upon the written request of a law enforcement agency, any information from a driver's record on file with the Secretary of State when such information is required in the enforcement of this Code or any other law relating to the operation of motor vehicles, including records of dispositions; documented information involving the use of a motor vehicle; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any public transit system or authority, public defender, law enforcement agency, a state or federal agency, or an Illinois local intergovernmental association, if the request is for the purpose of a background check of applicants for employment with the requesting agency, or for the purpose of an official investigation conducted by the agency, or to determine a current address for the driver so public funds can be recovered or paid to

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the driver, or for any other purpose set forth in subsection (f-5) of this Section.

The Secretary may also furnish the courts a copy of an abstract of a driver's record, without fee, subsequent to an arrest for a violation of Section 11-501 or a similar provision of a local ordinance. Such abstract may include records of dispositions; documented information involving the use of a motor vehicle as contained in the current file; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

6. Any certified abstract issued by the Secretary of State or transmitted electronically by the Secretary of State pursuant to this Section, to a court or on request of a law enforcement agency, for the record of a named person as to the status of the person's driver's license shall be prima facie evidence of the facts therein stated and if the name appearing in such abstract is the same as that of a person named in an information or warrant, such abstract shall be prima facie evidence that the person named in such information or warrant is the same person as the person named in such abstract and shall be admissible for any prosecution under this Code and be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual driving records maintained by the Secretary of State.

7. Subject to any restrictions contained in the Juvenile Court Act of 1987, and upon receipt of a proper request and a fee of $6 before October 1, 2003 and a fee of $12 on or after October 1, 2003, the Secretary of State shall provide a driver's record to the affected driver, or the affected driver's attorney, upon verification. Such record shall contain all the information referred to in paragraph 1 of this subsection (g) plus: any recorded accident involvement as a driver; information recorded pursuant to subsection (e) of Section 6-117 and paragraph (4) of subsection (a) of Section 6-204 of this Code. All other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers or any associated information obtained from the Social Security Administration except pursuant to a written request by, or with the prior written consent of, the individual except: (1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of
their official duties, (2) to law enforcement officials for a lawful, civil or criminal law enforcement investigation, and if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, (3) to the United States Department of Transportation, or any other State, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to the order of a court of competent jurisdiction, or (5) to the Department of Public Aid for utilization in the child support enforcement duties assigned to that Department under provisions of the Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the federal Privacy Act.

(i) (Blank).

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. No confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction.

(k) All fees collected under this Section shall be paid into the Road Fund of the State Treasury, except that (i) for fees collected before October 1, 2003, $3 of the $6 fee for a driver's record shall be paid into the Secretary of State Special Services Fund, (ii) for fees collected on and after October 1, 2003, of the $12 fee for a driver's record, $3 shall be paid into the Secretary of State Special Services Fund and $6 shall be paid into the General Revenue Fund, and (iii) for fees collected on and after October 1, 2003, 50% of the amounts collected pursuant to subsection (b) shall be paid into the General Revenue Fund.

(l) (Blank).

(m) Notations of accident involvement that may be disclosed under this Section shall not include notations relating to damage to a vehicle or other property being transported by a tow truck. This information shall remain confidential, provided that nothing in this subsection (m) shall limit disclosure of any notification of accident involvement to any law enforcement agency or official.

(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose

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for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section.

(o) The redisclosure of personally identifying information obtained pursuant to this Section is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the information was permitted.

(p) The Secretary of State is empowered to adopt rules to effectuate this Section.

(Source: P.A. 92-32, eff. 7-1-01; 92-651, eff. 7-11-02; 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; revised 9-23-03.)

(625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

Sec. 6-101. Drivers must have licenses or permits.

(a) No person, except those expressly exempted by Section 6-102, shall drive any motor vehicle upon a highway in this State unless such person has a valid license or permit, or a restricted driving permit, issued under the provisions of this Act.

(b) No person shall drive a motor vehicle unless he holds a valid license or permit, or a restricted driving permit issued under the provisions of Section 6-205, 6-206, or 6-113 of this Act. Any person to whom a license is issued under the provisions of this Act must surrender to the Secretary of State all valid licenses or permits. No drivers license shall be issued to any person who holds a valid Foreign State license, identification card, or permit unless such person first surrenders to the Secretary of State any such valid Foreign State license, identification card, or permit.

(c) Any person licensed as a driver hereunder shall not be required by any city, village, incorporated town or other municipal corporation to obtain any other license to exercise the privilege thereby granted.

(d) In addition to other penalties imposed under this Section, any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the motor vehicle that was

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impounded and the notarized written consent for the release by the vehicle owner.

(e) In addition to other penalties imposed under this Section, the vehicle of any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements and who, in violating this Section, has caused death or personal injury to another person is subject to forfeiture under Sections 36-1 and 36-2 of the Criminal Code of 1961. For the purposes of this Section, a personal injury shall include any type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(Source: P.A. 93-187, eff. 7-11-03.)

(625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

Sec. 6-103. What persons shall not be licensed as drivers or granted permits. The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code:

1. To any person, as a driver, who is under the age of 18 years except as provided in Section 6-107, and except that an instruction permit may be issued under paragraphs (a) and (b) of Section 6-105 to a child who is not less than 15 years of age if the child is enrolled in an approved driver education course as defined in Section 1-103 of this Code and requires an instruction permit to participate therein, except that an instruction permit may be issued under the provisions of Section 6-107.1 to a child who is 17 years and 9 months of age without the child having enrolled in an approved driver education course and except that an instruction permit may be issued to a child who is at least 15 years and 6 months of age, is enrolled in school, meets the educational requirements of the Driver Education Act, and has passed examinations the Secretary of State in his or her discretion may prescribe;

2. To any person who is under the age of 18 as an operator of a motorcycle other than a motor driven cycle unless the person has, in addition to meeting the provisions of Section 6-107 of this Code, successfully completed a motorcycle training course approved by the Illinois Department of Transportation and
successfully completes the required Secretary of State's motorcycle driver's examination;

3. To any person, as a driver, whose driver's license or permit has been suspended, during the suspension, nor to any person whose driver's license or permit has been revoked, except as provided in Sections 6-205, 6-206, and 6-208;

4. To any person, as a driver, who is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle;

5. To any person, as a driver, who has previously been adjudged to be afflicted with or suffering from any mental or physical disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as a driver, who is required by the Secretary of State to submit an alcohol and drug evaluation or take an examination provided for in this Code unless the person has successfully passed the examination and submitted any required evaluation;

7. To any person who is required under the provisions of the laws of this State to deposit security or proof of financial responsibility and who has not deposited the security or proof;

8. To any person when the Secretary of State has good cause to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways, unless the person shall furnish to the Secretary of State a verified written statement, acceptable to the Secretary of State, from a competent medical specialist to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety;

9. To any person, as a driver, who is 69 years of age or older, unless the person has successfully complied with the provisions of Section 6-109;

10. To any person convicted, within 12 months of application for a license, of any of the sexual offenses enumerated in paragraph 2 of subsection (b) of Section 6-205;

11. To any person who is under the age of 21 years with a classification prohibited in paragraph (b) of Section 6-104 and to
any person who is under the age of 18 years with a classification prohibited in paragraph (c) of Section 6-104;

12. To any person who has been either convicted of or adjudicated under the Juvenile Court Act of 1987 based upon a violation of the Cannabis Control Act or the Illinois Controlled Substances Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. The Secretary of State shall not issue a new license or permit for a period of one year;

13. To any person who is under the age of 18 years and who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101;

14. To any person who is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days' obligation or more and who has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code; or

15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide within 24 months of release from a term of imprisonment; or

16. To any person for whom the Secretary of State cannot verify the accuracy of any information or documentation submitted in application for a driver's license.

The Secretary of State shall retain all conviction information, if the information is required to be held confidential under the Juvenile Court Act of 1987.

(Source: P.A. 92-343, eff. 1-1-02; 93-174, eff. 1-1-04.)

(625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)
Sec. 6-106. Application for license or instruction permit.

New matter indicated by italics - deletions by strikeout.
(a) Every application for any permit or license authorized to be issued under this Act shall be made upon a form furnished by the Secretary of State. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than 3 attempts to pass the examination within a period of 1 year after the date of application.

(b) Every application shall state the legal name, social security number, zip code, date of birth, sex, and residence address of the applicant; briefly describe the applicant; state whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been cancelled, suspended, revoked or refused, and, if so, the date and reason for such cancellation, suspension, revocation or refusal; shall include an affirmation by the applicant that all information set forth is true and correct; and shall bear the applicant's signature. The application form may also require the statement of such additional relevant information as the Secretary of State shall deem necessary to determine the applicant's competency and eligibility. The Secretary of State may in his discretion substitute a federal tax number in lieu of a social security number, or he may instead assign an additional distinctive number in lieu thereof, where an applicant is prohibited by bona fide religious convictions from applying or is exempt from applying for a social security number. The Secretary of State shall, however, determine which religious orders or sects have such bona fide religious convictions. The Secretary of State may, in his discretion, by rule or regulation, provide that an application for a driver's license or permit may include a suitable photograph of the applicant in the form prescribed by the Secretary, and he may further provide that each driver's license shall include a photograph of the driver. The Secretary of State may utilize a photograph process or system most suitable to deter alteration or improper reproduction of a driver's license and to prevent substitution of another photo thereon.

(c) The application form shall include a notice to the applicant of the registration obligations of sex offenders under the Sex Offender Registration Act. The notice shall be provided in a form and manner prescribed by the Secretary of State. For purposes of this subsection (c), "sex offender" has the meaning ascribed to it in Section 2 of the Sex Offender Registration Act.

(d) Any male United States citizen or immigrant who applies for any permit or license authorized to be issued under this Act or for a

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renewal of any permit or license, and who is at least 18 years of age but less than 26 years of age, must be registered in compliance with the requirements of the federal Military Selective Service Act. The Secretary of State must forward in an electronic format the necessary personal information regarding the applicants identified in this subsection (d) to the Selective Service System. The applicant's signature on the application serves as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the Secretary to forward to the Selective Service System the necessary information for registration. The Secretary must notify the applicant at the time of application that his signature constitutes consent to registration with the Selective Service System, if he is not already registered.  
(Source: P.A. 92-117, eff. 1-1-02.)

(625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)
Sec. 6-106.1. School bus driver permit.
(a) The Secretary of State shall issue a school bus driver permit to those applicants who have met all the requirements of the application and screening process under this Section to insure the welfare and safety of children who are transported on school buses throughout the State of Illinois. Applicants shall obtain the proper application required by the Secretary of State from their prospective or current employer and submit the completed application to the prospective or current employer along with the necessary fingerprint submission as required by the Department of State Police to conduct fingerprint based criminal background checks on current and future information available in the state system and current information available through the Federal Bureau of Investigation's system. Applicants who have completed the fingerprinting requirements shall not be subjected to the fingerprinting process when applying for subsequent permits or submitting proof of successful completion of the annual refresher course. Individuals who on the effective date of this Act possess a valid school bus driver permit that has been previously issued by the appropriate Regional School Superintendent are not subject to the fingerprinting provisions of this Section as long as the permit remains valid and does not lapse. The applicant shall be required to pay all related application and fingerprinting fees as established by rule including, but not limited to, the amounts established by the Department of State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. All fees paid for fingerprint processing services under this Section shall be deposited into the State Police Services Fund.
for the cost incurred in processing the fingerprint based criminal background investigations. All other fees paid under this Section shall be deposited into the Road Fund for the purpose of defraying the costs of the Secretary of State in administering this Section. All applicants must:

1. be 21 years of age or older;
2. possess a valid and properly classified driver's license issued by the Secretary of State;
3. possess a valid driver's license, which has not been revoked, suspended, or canceled for 3 years immediately prior to the date of application, or have not had his or her commercial motor vehicle driving privileges disqualified within the 3 years immediately prior to the date of application;
4. successfully pass a written test, administered by the Secretary of State, on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the time the written test is given;
5. demonstrate ability to exercise reasonable care in the operation of school buses in accordance with rules promulgated by the Secretary of State;
6. demonstrate physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use for each applicant not subject to such testing pursuant to federal law, conducted by a licensed physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician which authorizes him or her to perform medical examinations, or a physician assistant who has been delegated the performance of medical examinations by his or her supervising physician within 90 days of the date of application according to standards promulgated by the Secretary of State;
7. affirm under penalties of perjury that he or she has not made a false statement or knowingly concealed a material fact in any application for permit;
8. have completed an initial classroom course, including first aid procedures, in school bus driver safety as promulgated by the Secretary of State; and after satisfactory completion of said initial course an annual refresher course; such courses and the agency or organization conducting such courses shall be approved by the Secretary of State; failure to complete the annual refresher

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course, shall result in cancellation of the permit until such course is completed;

9. not have been convicted of 2 or more serious traffic offenses, as defined by rule, within one year prior to the date of application that may endanger the life or safety of any of the driver's passengers within the duration of the permit period;

10. not have been convicted of reckless driving, driving while intoxicated, or reckless homicide resulting from the operation of a motor vehicle within 3 years of the date of application;

11. not have been convicted of committing or attempting to commit any one or more of the following offenses: (i) those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and subsection (b), clause (1), of Section 12-4 of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (v) the offenses defined in Section 4.1 and 5.1 of the Wrongs to Children Act and (vi) those offenses defined in Section 6-16 of the Liquor Control Act of 1934;

12. not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree which indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

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13. not have, through the unlawful operation of a motor vehicle, caused an accident resulting in the death of any person; and

14. not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease.

(b) A school bus driver permit shall be valid for a period specified by the Secretary of State as set forth by rule. It shall be renewable upon compliance with subsection (a) of this Section.

(c) A school bus driver permit shall contain the holder's driver's license number, legal name, residence address, zip code, social security number and date of birth, a brief description of the holder and a space for signature. The Secretary of State may require a suitable photograph of the holder.

(d) The employer shall be responsible for conducting a pre-employment interview with prospective school bus driver candidates, distributing school bus driver applications and medical forms to be completed by the applicant, and submitting the applicant's fingerprint cards to the Department of State Police that are required for the criminal background investigations. The employer shall certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed including the successful completion of an Illinois specific criminal background investigation through the Department of State Police and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information available through the Federal Bureau of Investigation system. The applicant shall present the certification to the Secretary of State at the time of submitting the school bus driver permit application.

(e) Permits shall initially be provisional upon receiving certification from the employer that all pre-employment conditions have been successfully completed, and upon successful completion of all training and examination requirements for the classification of the vehicle to be operated, the Secretary of State shall provisionally issue a School Bus Driver Permit. The permit shall remain in a provisional status pending the completion of the Federal Bureau of Investigation's criminal background investigation based upon fingerprinting specimens submitted to the Federal Bureau of Investigation by the Department of State Police. The Federal Bureau of Investigation shall report the findings directly to the Secretary of State. The Secretary of State shall remove the bus driver permit.
permit from provisional status upon the applicant's successful completion of the Federal Bureau of Investigation's criminal background investigation.

(f) A school bus driver permit holder shall notify the employer and the Secretary of State if he or she is convicted in another state of an offense that would make him or her ineligible for a permit under subsection (a) of this Section. The written notification shall be made within 5 days of the entry of the conviction. Failure of the permit holder to provide the notification is punishable as a petty offense for a first violation and a Class B misdemeanor for a second or subsequent violation.

(g) Cancellation; suspension; notice and procedure.

(1) The Secretary of State shall cancel a school bus driver permit of an applicant whose criminal background investigation discloses that he or she is not in compliance with the provisions of subsection (a) of this Section.

(2) The Secretary of State shall cancel a school bus driver permit when he or she receives notice that the permit holder fails to comply with any provision of this Section or any rule promulgated for the administration of this Section.

(3) The Secretary of State shall cancel a school bus driver permit if the permit holder's restricted commercial or commercial driving privileges are withdrawn or otherwise invalidated.

(4) The Secretary of State may not issue a school bus driver permit for a period of 3 years to an applicant who fails to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

(5) The Secretary of State shall forthwith suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

The Secretary of State shall notify the State Superintendent of Education and the permit holder's prospective or current employer that the applicant has (1) failed a criminal background investigation or (2) is no longer eligible for a school bus driver permit; and of the related cancellation of the applicant's provisional school bus driver permit. The cancellation shall remain in effect pending the outcome of a hearing pursuant to Section 2-118 of this Code. The scope of the hearing shall be limited to the issuance criteria contained in subsection (a) of this Section. A petition requesting a hearing shall be submitted to the Secretary of State.

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and shall contain the reason the individual feels he or she is entitled to a school bus driver permit. The permit holder's employer shall notify in writing to the Secretary of State that the employer has certified the removal of the offending school bus driver from service prior to the start of that school bus driver's next workshift. An employing school board that fails to remove the offending school bus driver from service is subject to the penalties defined in Section 3-14.23 of the School Code. A school bus contractor who violates a provision of this Section is subject to the penalties defined in Section 6-106.11.

All valid school bus driver permits issued under this Section prior to January 1, 1995, shall remain effective until their expiration date unless otherwise invalidated.

(Source: P.A. 91-500, eff. 8-13-99; 92-703, eff. 7-19-02.)

Sec. 6-110. Licenses issued to drivers.

(a) The Secretary of State shall issue to every qualifying applicant a driver's license as applied for, which license shall bear a distinguishing number assigned to the licensee, the legal name, social security number, zip code, date of birth, residence address, and a brief description of the licensee, and a space where the licensee may write his usual signature.

If the licensee is less than 17 years of age, the license shall, as a matter of law, be invalid for the operation of any motor vehicle during any time the licensee is prohibited from being on any street or highway under the provisions of the Child Curfew Act.

Licenses issued shall also indicate the classification and the restrictions under Section 6-104 of this Code. In lieu of the social security number, the Secretary may in his discretion substitute a federal tax number or other distinctive number.

A driver's license issued may, in the discretion of the Secretary, include a suitable photograph of a type prescribed by the Secretary.

(b) The Secretary of State shall provide a format on the reverse of each driver's license issued which the licensee may use to execute a document of gift conforming to the provisions of the Uniform Anatomical Gift Act. The format shall allow the licensee to indicate the gift intended, whether specific organs, any organ, or the entire body, and shall accommodate the signatures of the donor and 2 witnesses. The Secretary shall also inform each applicant or licensee of this format, describe the procedure for its execution, and may offer the necessary witnesses; provided that in so doing, the Secretary shall advise the applicant or
licensee that he or she is under no compulsion to execute a document of gift. A brochure explaining this method of executing an anatomical gift document shall be given to each applicant or licensee. The brochure shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift, and that he or she may wish to consult with family, friends or clergy before doing so. The Secretary of State may undertake additional efforts, including education and awareness activities, to promote organ and tissue donation.

(c) The Secretary of State shall designate on each driver's license issued a space where the licensee may place a sticker or decal of the uniform size as the Secretary may specify, which sticker or decal may indicate in appropriate language that the owner of the license carries an Emergency Medical Information Card.

The sticker may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing the Emergency Medical Information Card, but shall meet the specifications as the Secretary may by rule or regulation require.

(d) The Secretary of State shall designate on each driver's license issued a space where the licensee may indicate his blood type and RH factor.

(e) The Secretary of State shall provide that each original or renewal driver's license issued to a licensee under 21 years of age shall be of a distinct nature from those driver's licenses issued to individuals 21 years of age and older. The color designated for driver's licenses for licensees under 21 years of age shall be at the discretion of the Secretary of State.

(e-1) The Secretary shall provide that each driver's license issued to a person under the age of 21 displays the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(f) The Secretary of State shall inform all Illinois licensed commercial motor vehicle operators of the requirements of the Uniform Commercial Driver License Act, Article V of this Chapter, and shall make provisions to insure that all drivers, seeking to obtain a commercial driver's license, be afforded an opportunity prior to April 1, 1992, to obtain the license. The Secretary is authorized to extend driver's license expiration dates, and assign specific times, dates and locations where these commercial driver's tests shall be conducted. Any applicant, regardless of the current expiration date of the applicant's driver's license, may be

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subject to any assignment by the Secretary. Failure to comply with the Secretary's assignment may result in the applicant's forfeiture of an opportunity to receive a commercial driver's license prior to April 1, 1992.

(g) The Secretary of State shall designate on a driver's license issued, a space where the licensee may indicate that he or she has drafted a living will in accordance with the Illinois Living Will Act or a durable power of attorney for health care in accordance with the Illinois Power of Attorney Act.

(g-1) The Secretary of State, in his or her discretion, may designate on each driver's license issued a space where the licensee may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, that shall indicate in appropriate language that the owner of the license has renewed his or her driver's license.

(h) A person who acts in good faith in accordance with the terms of this Section is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his or her act.

(Source: P.A. 91-357, eff. 7-29-99; 92-689, eff. 1-1-03.)

(625 ILCS 5/6-114) (from Ch. 95 1/2, par. 6-114)
Sec. 6-114. Duplicate and Corrected Licenses and Permits.

In the event that a drivers license or permit issued under the provisions of this Act is lost or destroyed, the person to whom the same was issued may upon application and payment of the required fee obtain a duplicate or substitute thereof, upon furnishing evidence satisfactory to the Secretary of State that such permit or license has been lost or destroyed and if such applicant is not then ineligible under Section 6-103 of this Act. Any person to whom has been issued a drivers license or permit under the provisions of this Act and who desires to obtain a corrected permit or license to indicate a correction of legal name or residence address or to correct a statement appearing upon the original permit or license may upon application and payment of the required fee obtain a corrected permit or license. The original permit or license must accompany the application for correction or evidence must be furnished satisfactory to the Secretary of State that such permit or license has been lost or destroyed.

(Source: P.A. 76-1586.)

(625 ILCS 5/6-116) (from Ch. 95 1/2, par. 6-116)
Sec. 6-116. Notice of Change of Residence Address or Legal Name.

(a) Whenever any person after applying for or receiving a drivers license or permit moves from the residence address named in such

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application or on the license or permit issued to him or when the name of a licensee or permittee is changed by marriage or otherwise such person shall within 10 days thereafter notify the Drivers Services Department of the Secretary of State's Office in writing of his old and new residence addresses or of such former and new names and of the number of any license or permit then held by him. Such person may obtain a corrected license or permit as provided in Section 6-114.

(b) Any person whose legal name has changed from the name on the license or permit that he or she has been previously issued must apply for a corrected card within 30 days after the change.

(Source: P.A. 79-1141.)

(625 ILCS 5/6-301.1) (from Ch. 95 1/2, par. 6-301.1)

Sec. 6-301.1. Fictitious or unlawfully altered driver's license or permit.

(a) As used in this Section:

1. "A fictitious driver's license or permit" means any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which contains false information concerning the identity of the individual issued the license or permit;

2. "False information" means any information concerning the legal name, sex, date of birth, social security number or any photograph that falsifies all or in part the actual identity of the individual issued the license or permit;

3. "An unlawfully altered driver's license or permit" means any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which has been physically altered or changed in such a manner that false information appears upon the license or permit;

4. "A document capable of defrauding another" includes, but is not limited to, any document by which any right, obligation or power with reference to any person or property may be created, transferred, altered or terminated;

5. "An identification document" means any document made or issued by or under the authority of the United States Government, the State of Illinois or any other state or political subdivision thereof, or any other governmental or quasi-
governmental organization which, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual;

6. "Common carrier" means any public or private provider of transportation, whether by land, air, or water.

(b) It is a violation of this Section for any person:

1. To knowingly possess any fictitious or unlawfully altered driver's license or permit;
2. To knowingly possess, display or cause to be displayed any fictitious or unlawfully altered driver's license or permit for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment;
3. To knowingly possess any fictitious or unlawfully altered driver's license or permit with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction;
4. To knowingly possess any fictitious or unlawfully altered driver's license or permit with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided;
5. To knowingly possess any fictitious or unlawfully altered driver's license or permit while in possession without authority of any document, instrument or device capable of defrauding another;

6. To knowingly possess any fictitious or unlawfully altered driver's license or permit with the intent to use the license or permit to acquire any other identification document;
7. To knowingly issue or assist in the issuance of any fictitious driver's license or permit;
8. To knowingly alter or attempt to alter any driver's license or permit;
9. To knowingly manufacture, possess, transfer or provide any identification document whether real or fictitious for the purpose of obtaining a fictitious driver's license or permit;
10. To knowingly use any fictitious or unlawfully altered driver's license or permit to purchase or attempt to purchase any

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ticket for a common carrier or to board or attempt to board any common carrier;

11. To knowingly possess any fictitious or unlawfully altered driver's license or permit if the person has at the time a different driver's license issued by the Illinois Secretary of State or other official driver's license agency in another jurisdiction that is suspended or revoked.

(c) Sentence.

1. Any person convicted of a violation of paragraph 1 of subsection (b) of this Section shall be guilty of a Class A misdemeanor and shall be sentenced to minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available. A person convicted of a second or subsequent violation shall be guilty of a Class 4 felony.

2. Any person convicted of a violation of paragraph 3 of subsection (b) of this Section who at the time of arrest had in his possession two or more fictitious or unlawfully altered driver's licenses or permits shall be guilty of a Class 4 felony.

3. Any person convicted of a violation of any of paragraphs 2 through 11 of subsection (b) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony.

(d) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(Source: P.A. 92-673, eff. 1-1-03.)

(625 ILCS 5/6-301.2) (from Ch. 95 1/2, par. 6-301.2)
Sec. 6-301.2. Fraudulent driver's license or permit.
(a) (Blank).
(b) It is a violation of this Section for any person:

1. To knowingly possess any fraudulent driver's license or permit;

2. To knowingly possess, display or cause to be displayed any fraudulent driver's license or permit for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment;

3. To knowingly possess any fraudulent driver's license or permit with the intent to commit a theft, deception or credit or

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debit card fraud in violation of any law of this State or any law of any other jurisdiction;

4. To knowingly possess any fraudulent driver's license or permit with the intent to commit any other violation of any laws of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided;

5. To knowingly possess any fraudulent driver's license or permit while in unauthorized possession of any document, instrument or device capable of defrauding another;

6. To knowingly possess any fraudulent driver's license or permit with the intent to use the license or permit to acquire any other identification document;

7. To knowingly possess without authority any driver's license-making or permit-making implement;

8. To knowingly possess any stolen driver's license-making or permit-making implement or to possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the manufacture, assembly, issuance, or authentication of an official driver's license or permit issued by the Secretary of State;

9. To knowingly duplicate, manufacture, sell or transfer any fraudulent driver's license or permit;

10. To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent driver's license or permit;

11. To knowingly use any fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier. As used in this Section, "common carrier" means any public or private provider of transportation, whether by land, air, or water;

12. To knowingly possess any fraudulent driver's license or permit if the person has at the time a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked.

(c) Sentence.

1. Any person convicted of a violation of paragraph 1 of subsection (b) of this Section shall be guilty of a Class 4 felony and shall be sentenced to a minimum fine of $500 or 50 hours of

New matter indicated by italics - deletions by strikeout.
community service, preferably at an alcohol abuse prevention program, if available.

2. Any person convicted of a violation of any of paragraphs 2 through 9 or paragraph 11 or 12 of subsection (b) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony.

3. Any person convicted of a violation of paragraph 10 of subsection (b) of this Section shall be guilty of a Class B misdemeanor.

(d) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(e) The Secretary may request the Attorney General to seek a restraining order in the circuit court against any person who violates this Section by advertising fraudulent driver's licenses or permits.

(Source: P.A. 92-673, eff. 1-1-03.)

(625 ILCS 5/6-510) (from Ch. 95 1/2, par. 6-510)
Sec. 6-510. Application for Commercial Driver's License (CDL).
(a) The application for a CDL or commercial driver instruction permit, must include, but not necessarily be limited to, the following:
   (1) the full legal name and current Illinois domiciliary address (unless the application is for a Non-resident CDL) of the applicant;
   (2) a physical description of the applicant including sex, height, weight, color of eyes and hair color;
   (3) date of birth;
   (4) the applicant's social security number or other identifying number acceptable to the Secretary of State;
   (5) the applicant's signature;
   (6) certifications required by 49 C.F.R. Part 383.71; and
   (7) any other information required by the Secretary of State.

(Source: P.A. 86-845.)

(625 ILCS 5/6-511) (from Ch. 95 1/2, par. 6-511)
Sec. 6-511. Change of legal name or domiciliary address.
(a) All persons to whom a CDL has been issued, shall must notify the Driver Services Department of the Secretary of State's Office within 10 days of any name change or change in domiciliary address. In addition,
such person shall make application for a corrected CDL within 30 days of any such change.

(b) Any person to whom a CDL has been issued whose legal name has changed from the name on the previously-issued CDL shall apply for a corrected card within 30 days after the change.

(Source: P.A. 86-845.)

(625 ILCS 5/6-513) (from Ch. 95 1/2, par. 6-513)

Sec. 6-513. Commercial Driver's License or CDL. The content of the CDL shall include, but not necessarily be limited to the following:

(a) A CDL shall be distinctly marked "Commercial Driver's License" or "CDL". It must include, but not necessarily be limited to, the following information:

1. the legal name and the Illinois domiciliary address (unless it is a Non-resident CDL) of the person to whom the CDL is issued;
2. the person's color photograph;
3. a physical description of the person including sex, height, and may include weight, color of eyes and hair color;
4. date of birth;
5. a CDL or file number assigned by the Secretary of State;
6. it also may include the applicant's Social Security Number pursuant to Section 6-106;
7. the person's signature;
8. the class or type of commercial vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
9. the name of the issuing state; and
10. the issuance and expiration dates of the CDL.

(b) Applicant Record Check.
Prior to the issuance of a CDL, the Secretary of State shall obtain and review the applicant's driving record as required by the CMVSA and the United States Secretary of Transportation.

(c) Notification of Commercial Driver's License (CDL) Issuance.
Within 10 days after issuing a CDL, the Secretary of State must notify the Commercial Driver License Information System of that fact, and provide all information required to ensure identification of the person.

(d) Renewal. Every person applying for a renewal of a CDL must complete the appropriate application form required by this Code and any other test deemed necessary by the Secretary.

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect on January 1, 2005.

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Statutes amended in order of appearance

15 ILCS 335/1A new
15 ILCS 335/4 from Ch. 124, par. 24
15 ILCS 335/5 from Ch. 124, par. 25
15 ILCS 335/6 from Ch. 124, par. 26
15 ILCS 335/7 from Ch. 124, par. 27
15 ILCS 335/11 from Ch. 124, par. 31
15 ILCS 335/13 from Ch. 124, par. 33
15 ILCS 335/14 from Ch. 124, par. 34
15 ILCS 335/14A from Ch. 124, par. 34A
15 ILCS 335/14B from Ch. 124, par. 34B
15 ILCS 335/14C from Ch. 124, par. 34C
625 ILCS 5/1-117.5
625 ILCS 5/1-125.9 new
625 ILCS 5/1-137.5 new
625 ILCS 5/1-159.2
625 ILCS 5/2-110 from Ch. 95 1/2, par. 2-110
625 ILCS 5/2-111 from Ch. 95 1/2, par. 2-111
625 ILCS 5/2-123 from Ch. 95 1/2, par. 2-123
625 ILCS 5/6-101 from Ch. 95 1/2, par. 6-101
625 ILCS 5/6-103 from Ch. 95 1/2, par. 6-103
625 ILCS 5/6-106 from Ch. 95 1/2, par. 6-106
625 ILCS 5/6-106.1 from Ch. 95 1/2, par. 6-106.1
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625 ILCS 5/6-301.2 from Ch. 95 1/2, par. 6-301.2
625 ILCS 5/6-510 from Ch. 95 1/2, par. 6-510
625 ILCS 5/6-511 from Ch. 95 1/2, par. 6-511
625 ILCS 5/6-513 from Ch. 95 1/2, par. 6-513

Effective January 1, 2005.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning professional regulation.

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

Section 5. The Collection Agency Act is amended by changing Section 2.04 as follows:

(225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

Section scheduled to be repealed on January 1, 2006

Sec. 2.04. Child support indebtedness.

(a) Persons, associations, partnerships, or corporations engaged in the business of collecting child support indebtedness owing under a court order as provided under the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Illinois Parentage Act of 1984, or similar laws of other states are not restricted (i) in the frequency of contact with an obligor who is in arrears, whether by phone, mail, or other means, (ii) from contacting the employer of an obligor who is in arrears, (iii) from publishing or threatening to publish a list of obligors in arrears, (iv) from disclosing or threatening to disclose an arrearage that the obligor disputes, but for which a verified notice of delinquency has been served under the Income Withholding for Support Act (or any of its predecessors, Section 10-16.2 of the Illinois Public Aid Code, Section 706.1 of the Illinois Marriage and Dissolution of Marriage Act, Section 4.1 of the Non-Support of Spouse and Children Act, Section 26.1 of the Revised Uniform Reciprocal Enforcement of Support Act, or Section 20 of the Illinois Parentage Act of 1984), or (v) from engaging in conduct that would not cause a reasonable person mental or physical illness. For purposes of this subsection, "obligor" means an individual who owes a duty to make periodic payments, under a court order, for the support of a child. "Arrearage" means the total amount of an obligor's unpaid child support obligations.

(a-5) A collection agency may not impose a fee or charge, including costs, for any child support payments collected through the efforts of a federal, State, or local government agency, including but not limited to child support collected from federal or State tax refunds, unemployment benefits, or Social Security benefits.

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No collection agency that collects child support payments shall (i) impose a charge or fee, including costs, for collection of a current child support payment, (ii) fail to apply collections to current support as specified in the order for support before applying collection to arrears or other amounts, or (iii) designate a current child support payment as arrears or other amount owed. In all circumstances, the collection agency shall turn over to the obligee all support collected in a month up to the amount of current support required to be paid for that month.

As to any fees or charges, including costs, retained by the collection agency, that agency shall provide documentation to the obligee demonstrating that the child support payments resulted from the actions of the agency.

After collection of the total amount or arrearage, including statutory interest, due as of the date of execution of the collection contract, no further fees may be charged.

(a-10) The Department of Professional Regulation shall determine a fee rate of not less than 25% but not greater than 35%, based upon presentation by the licensees as to costs to provide the service and a fair rate of return. This rate shall be established by administrative rule.

Without prejudice to the determination by the Department of the appropriate rate through administrative rule, a collection agency shall impose a fee of not more than 29% of the amount of child support actually collected by the collection agency subject to the provisions of subsection (a-5). This interim rate is based upon the March 2002 General Account Office report "Child Support Enforcement", GAO-02-349. This rate shall apply until a fee rate is established by administrative rule.

(b) The Department shall adopt rules necessary to administer and enforce the provisions of this Section.

(Source: P.A. 90-673, eff. 1-1-99; 91-613, eff. 10-1-99.)

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


PUBLIC ACT 93-0897
(House Bill No. 4469)

AN ACT concerning local government.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Downstate Forest Preserve District Act is amended by changing Section 8 as follows:

(70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

Sec. 8. Powers and duties of corporate authority and officers; contracts; salaries.

(a) The board shall be the corporate authority of such forest preserve district and shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district. The president of such board shall have power to appoint such employees as may be necessary. In counties with population of less than 3,000,000, within 60 days after their selection the commissioners appointed under the provisions of Section 3a of this Act shall organize by selecting from their members a president, secretary, treasurer and such other officers as are deemed necessary who shall hold office for the fiscal year in which elected and until their successors are selected and qualify. In the one district in existence on July 1, 1977, that is managed by an appointed board of commissioners, the incumbent president and the other officers appointed in the manner as originally prescribed in this Act shall hold such offices until the completion of their respective terms or in the case of the officers other than president until their successors are appointed by said president, but in all cases not to extend beyond January 1, 1980 and until their successors are selected and qualify. Thereafter, the officers shall be selected in the manner as prescribed in this Section except that their first term of office shall not expire until June 30, 1981 and until their successors are selected and qualify.

(b) In any county, city, village, incorporated town or sanitary district where the corporate authorities act as the governing body of a forest preserve district, the person exercising the powers of the president of the board shall have power to appoint a secretary and an assistant secretary and treasurer and an assistant treasurer and such other officers and such employees as may be necessary. The assistant secretary and assistant treasurer shall perform the duties of the secretary and treasurer, respectively in case of death of such officers or when such officers are unable to perform the duties of their respective offices. All contracts for supplies, material or work involving an expenditure in excess of $20,000 shall be let to the lowest responsible bidder, after advertising at

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least once in one or more newspapers of general circulation within the district, excepting work requiring personal confidence or necessary supplies under the control of monopolies, where competitive bidding is impossible. Contracts for supplies, material or work involving an expenditure of $20,000 or less may be let without advertising for bids, but whenever practicable, at least 3 competitive bids shall be obtained before letting such contract. All contracts for supplies, material or work shall be signed by the president of the board of commissioners or by any such other officer as the board in its discretion may designate.

(c) The president of any board of commissioners appointed under the provisions of Section 3a of this Act shall receive a salary not to exceed the sum of $2500 per annum and the salary of other members of the board so appointed shall not exceed $1500 per annum. Salaries of the commissioners, officers and employees shall be fixed by ordinance.

(Source: P.A. 85-993.)

Section 10. The Park District Code is amended by changing Section 8-1 as follows:

(70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

Sec. 8-1. General corporate powers. Every park district shall, from the time of its organization, be a body corporate and politic by such name as set forth in the petition for its organization or such name as it may adopt under Section 8-8 hereof and shall have and exercise the following powers:

(a) To adopt a corporate seal and alter the same at pleasure; to sue and be sued; and to contract in furtherance of any of its corporate purposes.

(b) (1) To acquire by gift, legacy, grant or purchase, or by condemnation in the manner provided for the exercise of the power of eminent domain under Article VII of the Code of Civil Procedure, approved August 19, 1981, as amended, any and all real estate, or rights therein necessary for building, laying out, extending, adorning and maintaining any such parks, boulevards and driveways, or for effecting any of the powers or purposes granted under this Code as its board may deem proper, whether such lands be located within or without such district; but no park district, except as provided in paragraph (2) of this subsection, shall have any power of condemnation in the manner provided for the exercise of the power of eminent domain under Article VII of the Code of Civil Procedure, approved August 19, 1981, as amended, or otherwise as to any real estate, lands, riparian rights or estate, or other property situated

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outside of such district, but shall only have power to acquire the same by
gift, legacy, grant or purchase, and such district shall have the same
control of and power over lands so acquired without the district as over
parks, boulevards and driveways within such district.

(2) In addition to the powers granted in paragraph (1) of subsection
(b), a park district located in more than one county, the majority of its
territory located in a county over 450,000 in population and none of its
territory located in a county over 1,000,000 in population, shall have
condemnation power in the manner provided for the exercise of the power
of eminent domain under Article VII of the Code of Civil Procedure,
approved August 19, 1981, as amended, or as otherwise granted by law as
to any and all real estate situated up to one mile outside of such district
which is not within the boundaries of another park district.

(c) To acquire by gift, legacy or purchase any personal property
necessary for its corporate purposes provided that all contracts for
supplies, materials or work involving an expenditure in excess of $20,000
$10,000 shall be let to the lowest responsible bidder, considering
conformity with specifications, terms of delivery, quality, and
serviceability, after due advertisement, excepting contracts which by their
nature are not adapted to award by competitive bidding, such as contracts
for the services of individuals possessing a high degree of professional
skill where the ability or fitness of the individual plays an important part,
contracts for the printing of finance committee reports and departmental
reports, contracts for the printing or engraving of bonds, tax warrants and
other evidences of indebtedness, contracts for utility services such as
water, light, heat, telephone or telegraph, contracts for the use, purchase,
delivery, movement, or installation of data processing equipment,
software, or services and telecommunications and interconnect equipment,
software, or services, contracts for duplicating machines and supplies,
contracts for goods or services procured from another governmental
agency, purchases of equipment previously owned by some entity other
than the district itself, and contracts for the purchase of magazines, books,
periodicals, pamphlets and reports and excepting where funds are
expended in an emergency and such emergency expenditure is approved
by 3/4 of the members of the board.

All competitive bids for contracts involving an expenditure in
excess of $20,000 $10,000 must be sealed by the bidder and must be
opened by a member or employee of the park board at a public bid opening
at which the contents of the bids must be announced. Each bidder must receive at least 3 days notice of the time and place of the bid opening.

For purposes of this subsection, "due advertisement" includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district or, if no newspaper is published in the district, in a newspaper of general circulation in the area of the district.

(d) To pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the board and district and to establish by ordinance all needful rules and regulations for the government and protection of parks, boulevards and driveways and other property under its jurisdiction, and to effect the objects for which such districts are formed.

(e) To prescribe such fines and penalties for the violation of ordinances as it shall deem proper not exceeding $1,000 for any one offense, which fines and penalties may be recovered by an action in the name of such district in the circuit court for the county in which such violation occurred. The park district may also seek in the action, in addition to or instead of fines and penalties, an order that the offender be required to make restitution for damage resulting from violations, and the court shall grant such relief where appropriate. The procedure in such actions shall be the same as that provided by law for like actions for the violation of ordinances in cities organized under the general laws of this State, and offenders may be imprisoned for non-payment of fines and costs in the same manner as in such cities. All fines when collected shall be paid into the treasury of such district.

(f) To manage and control all officers and property of such districts and to provide for joint ownership with one or more cities, villages or incorporated towns of real and personal property used for park purposes by one or more park districts. In case of joint ownership, the terms of the agreement shall be fair, just and equitable to all parties and shall be set forth in a written agreement entered into by the corporate authorities of each participating district, city, village or incorporated town.

(g) To secure grants and loans, or either, from the United States Government, or any agency or agencies thereof, for financing the acquisition or purchase of any and all real estate, or rights therein, or for effecting any of the powers or purposes granted under this Code as its Board may deem proper.

New matter indicated by italics - deletions by strikeout.
(h) To establish fees for the use of facilities and recreational programs of the districts and to derive revenue from non-resident fees from their operations. Fees charged non-residents of such district need not be the same as fees charged to residents of the district. Charging fees or deriving revenue from the facilities and recreational programs shall not affect the right to assert or utilize any defense or immunity, common law or statutory, available to the districts or their employees.

(i) To make contracts for a term exceeding one year, but not to exceed 3 years, notwithstanding any provision of this Code to the contrary, relating to: (1) the employment of a park director, superintendent, administrator, engineer, health officer, land planner, finance director, attorney, police chief, or other officer who requires technical training or knowledge; (2) the employment of outside professional consultants such as engineers, doctors, land planners, auditors, attorneys, or other professional consultants who require technical training or knowledge; and (3) the provision of data processing equipment and services. With respect to any contract made under this subsection (i), the corporate authorities shall include in the annual appropriation ordinance for each fiscal year an appropriation of a sum of money sufficient to pay the amount which, by the terms of the contract, is to become due and payable during that fiscal year.

(j) To enter into licensing or management agreements with not-for-profit corporations organized under the laws of this State to operate park district facilities if the corporation covenants to use the facilities to provide public park or recreational programs for youth.

(Source: P.A. 92-614, eff. 7-8-02.)

Effective January 1, 2005.

PUBLIC ACT 93-0898
(House Bill No. 4652)

AN ACT concerning electronic fund transfer terminals.

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

Section 5. The Electronic Fund Transfer Act is amended by changing Section 50 as follows:

(205 ILCS 616/50)

New matter indicated by italics - deletions by strikeout.
Sec. 50. Terminal requirements.
(a) To assure maximum safety and security against malfunction, fraud, theft, and other accidents or abuses and to assure that all access devices will have the capability of activating all terminals established in this State, no terminal shall accept an access device that does not conform to specifications that are generally accepted. In the case of a dispute concerning the specifications, the Commissioner, in accordance with the provisions of Section 20 of this Act, shall have the authority to determine the specifications.

(b) No terminal that does not accept an access device that conforms with those specifications shall be established or operated.

(c) A terminal shall bear a logotype or other identification symbol designed to advise customers which access devices may activate the terminal.

(d) When used to perform an interchange transaction, a terminal shall not bear any form of proprietary advertising of products and services not offered at the terminal; provided, however, that a terminal screen may bear proprietary advertising of products or services offered by a financial institution when a person uses an access device issued by that financial institution.

(e) No person operating a terminal in this State shall impose any surcharge on a consumer for the usage of that terminal, whether or not the consumer is using an access device issued by that person, unless that surcharge is clearly disclosed to the consumer both (i) by a sign that is clearly visible to the consumer on or at the terminal being used and (ii) electronically on the terminal screen. Following presentation of the electronic disclosure on the terminal screen, the consumer shall be provided an opportunity to cancel that transaction without incurring any surcharge or other obligation. If a surcharge is imposed on a consumer using an access device not issued by the person operating the terminal, that person shall disclose on the sign and on the terminal screen that the surcharge is in addition to any fee that may be assessed by the consumer's own institution. As used in this subsection, "surcharge" means any charge imposed by the person operating the terminal solely for the use of the terminal.

(f) A receipt given at a terminal to a person who initiates an electronic fund transfer shall include a number or code that identifies the consumer initiating the transfer, the consumer's account or accounts, or the access device used to initiate the transfer. If the number or code shown on
the receipt is a number that identifies the access device, the number must be truncated as printed on the receipt so that fewer than all of the digits of the number or code are printed on the receipt. The Commissioner may, however, modify or waive the requirements imposed by this subsection (f) if the Commissioner determines that the modifications or waivers are necessary to alleviate any undue compliance burden.

(g) No terminal shall operate in this State unless, with respect to each interchange transaction initiated at the terminal, the access code entered by the consumer to authorize the transaction is encrypted by the device into which the access code is manually entered by the consumer and is transmitted from the terminal only in encrypted form. Any terminal that cannot meet the foregoing encryption requirements shall immediately cease forwarding information with respect to any interchange transaction or attempted interchange transaction.

(h) No person that directly or indirectly provides data processing support to any terminal in this State shall authorize or forward for authorization any interchange transaction unless the access code intended to authorize the interchange transaction is encrypted when received by that person and is encrypted when forwarded to any other person.

(i) A terminal operated in this State may be designed and programmed so that when a consumer enters his or her personal identification number in reverse order, the terminal automatically sends an alarm to the local law enforcement agency having jurisdiction over the terminal location. The Commissioner shall promulgate rules necessary for the implementation of this subsection (i). The provisions of this subsection (i) shall not be construed to require an owner or operator of a terminal to design and program the terminal to accept a personal identification number in reverse order.

(j) A person operating a terminal in this State may not impose a fee upon a consumer for usage of the terminal if the consumer is using a Link Card or other access device issued by a government agency for use in obtaining financial aid under the Illinois Public Aid Code.

For the purpose of this subsection (j), the term "person operating a terminal" means the person who has control over and is responsible for a terminal. The term "person operating a terminal" does not mean the person who owns or controls the property or building in which a terminal is located, unless he or she also has control over and is responsible for the terminal.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning taxes.

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

Section 5. The Property Tax Code is amended by changing Section 21-135 as follows:

(35 ILCS 200/21-135)
Sec. 21-135. Mailed notice of application for judgment and sale. Not less than 15 days before the date of application for judgment and sale of delinquent properties, the county collector shall mail, by registered or certified mail, a notice of the forthcoming application for judgment and sale to the person shown by the current collector's warrant book to be the party in whose name the taxes were last assessed or to the current owner of record and, if applicable, to the party specified under Section 15-170. The notice shall include the intended dates of application for judgment and sale and commencement of the sale, and a description of the properties. The county collector must present proof of the mailing to the court along with the application for judgement.

In counties with less than 3,000,000 inhabitants, a copy of this notice shall also be mailed by the county collector by registered or certified mail to any lienholder of record who annually requests a copy of the notice. The failure of the county collector to mail a notice or its non-delivery to the lienholder shall not affect the validity of the judgment.

In counties with 3,000,000 or more inhabitants, notice shall not be mailed to any person when, under Section 14-15, a certificate of error has been executed by the county assessor or by both the county assessor and board of appeals (until the first Monday in December 1998 and the board of review beginning the first Monday in December 1998 and thereafter), except as provided by court order under Section 21-120.
The collector shall collect $10 from the proceeds of each sale to cover the costs of registered or certified mailing and the costs of advertisement and publication. If a taxpayer pays the taxes on the property after the notice of the forthcoming application for judgment and sale is mailed but before the sale is made, then the collector shall collect $10 from the taxpayer to cover the costs of registered or certified mailing and the costs of advertisement and publication.

(Source: P.A. 89-126, eff. 7-11-95; 89-671, eff. 8-14-96; 90-334, eff. 8-8-97.)

Section 10. The Mobile Home Local Services Tax Enforcement Act is amended by changing Section 80 as follows:

(35 ILCS 516/80)

Sec. 80. Mailed notice of application for judgment and sale. Not less than 15 days before the date of application for judgment and sale of delinquent mobile homes, the county collector shall mail, by registered or certified mail, a notice of the forthcoming application for judgment and sale to the person shown by the current collector's warrant book to be the party in whose name the taxes were last computed or to the current owner of record. The notice shall include the intended dates of application for judgment and sale and commencement of the sale, and a description of the mobile homes. The county collector must present proof of the mailing to the court along with the application for judgment.

In counties with less than 3,000,000 inhabitants, a copy of this notice shall also be mailed by the county collector by registered or certified mail to any lienholder of record who annually requests a copy of the notice. The failure of the county collector to mail a notice or its non-delivery to the lienholder shall not affect the validity of the judgment.

The collector shall collect $10 from the proceeds of each sale to cover the costs of registered or certified mailing and the costs of advertisement and publication. If a taxpayer pays the taxes on the mobile home after the notice of the forthcoming application for judgment and sale is mailed but before the sale is made, then the collector shall collect $10 from the taxpayer to cover the costs of registered or certified mailing and the costs of advertisement and publication.

(Source: P.A. 92-807, eff. 1-1-03.)

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


New matter indicated by italics - deletions by strikeout.

PUBLIC ACT 93-0900
(House Bill No. 4790)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Unified Code of Corrections is amended by
changing Section 5-8-2 as follows:
(730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)
Sec. 5-8-2. Extended Term.
(a) A judge shall not sentence an offender to a term of
imprisonment in excess of the maximum sentence authorized by Section
5-8-1 for the class of the most serious offense of which the offender was
convicted unless the factors in aggravation set forth in paragraph (b) of
Section 5-5-3.2 or clause (a)(1)(b) of Section 5-8-1 were found to be
present. If the pre-trial and trial proceedings were conducted in compliance
with subsection (c-5) of Section 111-3 of the Code of Criminal Procedure
of 1963, the judge may sentence an offender to the following:
(1) for first degree murder, a term shall be not less than 60
years and not more than 100 years;
(2) for a Class X felony, a term shall be not less than 30
years and not more than 60 years;
(3) for a Class 1 felony, a term shall be not less than 15
years and not more than 30 years;
(4) for a Class 2 felony, a term shall be not less than 7 years
and not more than 14 years;
(5) for a Class 3 felony, a term shall not be less than 5 years
and not more than 10 years;
(6) for a Class 4 felony, a term shall be not less than 3 years
and not more than 6 years.
(b) If the conviction was by plea, it shall appear on the record that
the plea was entered with the defendant's knowledge that a sentence under
this Section was a possibility. If it does not so appear on the record, the
defendant shall not be subject to such a sentence unless he is first given an
opportunity to withdraw his plea without prejudice.
(Source: P.A. 91-953, eff. 2-23-01; 92-591, eff. 6-27-02.)

New matter indicated by italics - deletions by strikeout.
Effective January 1, 2005.

PUBLIC ACT 93-0901
(House Bill No. 4944)

AN ACT relating to schools.

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

Section 5. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Technology Immersion Pilot Project Fund.
This Section is repealed on August 31, 2007.

Section 10. The School Code is amended by adding Section 2-3.135 as follows:

(105 ILCS 5/2-3.135 new)

Sec. 2-3.135. Technology immersion pilot project.

(a) The State Board of Education shall by rule establish a technology immersion pilot project to provide a wireless laptop computer to each student, teacher, and relevant administrator in a participating school and implement the use of software, on-line courses, and other appropriate learning technologies that have been shown to improve academic achievement and the progress measures listed in subsection (f) of this Section.

(b) The pilot project shall be for a period of at least 3 years. The State Board shall establish a procedure and develop criteria for the administration of the pilot project. In administering the pilot project, the State Board shall:

(1) select participating school districts or schools;
(2) define the conditions for the distribution and use of laptop computers and other technologies;
(3) purchase and distribute laptop computers and other technologies;
(4) enter into contracts as necessary to implement the pilot project;
(5) monitor local pilot project implementation; and
(6) conduct a final evaluation of the pilot project.

New matter indicated by italics - deletions by strikeout.
(c) The Technology Immersion Pilot Project Fund is created as a special fund in the State treasury. All money in the Technology Immersion Pilot Project Fund shall be used, subject to appropriation, by the State Board for the pilot project. To implement the pilot project, the State Board may use any funds appropriated by the General Assembly for the purposes of the pilot project as well as any gift, grant, or donation given for the pilot project. The State Board may solicit and accept a gift, grant, or donation of any kind from any source, including from a foundation, private entity, governmental entity, or institution of higher education, for the implementation of the pilot project. Funds for the pilot project may not be used for the construction of a building or other facility.

The State Board shall use pilot project funds for the following:
(1) the purchase of wireless laptop computers so that each student, teacher, and relevant administrator in a participating classroom has a wireless laptop computer for use at school and at home;
(2) the purchase of other equipment, including additional computer hardware and software;
(3) the hiring of technical support staff for school districts or schools participating in the pilot project; and
(4) the purchase of technology-based learning materials and resources.

The State Board may not allocate more than $10 million for the pilot project. The pilot project may be implemented only if sufficient funds are available under this Section for that purpose.

(d) A school district may apply to the State Board for the establishment of a technology immersion pilot project for the entire district or for a particular school or group of schools in the district.

The State Board shall select 7 school districts to participate in the pilot project. One school district shall be located in the City of Chicago, 3 school districts shall be located in the area that makes up the counties of DuPage, Kane, Lake, McHenry, Will, and that portion of Cook County that is located outside of the City of Chicago, and 3 school districts shall be located in the remainder of the State.

The State Board shall select the participating districts and schools for the pilot project based on each district's or school's need for the pilot project. In selecting participants, the State Board shall consider the following criteria:

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(1) whether the district or school has limited access to educational resources that could be improved through the use of wireless laptop computers and other technologies;

(2) whether the district or school has the following problems and whether those problems can be mitigated through the use of wireless laptop computers and other technologies:
   (A) documented teacher shortages in critical areas;
   (B) limited access to advanced placement courses;
   (C) low rates of satisfactory performance on assessment instruments under Section 2-3.64 of this Code; and
   (D) high dropout rates;

(3) the district's or school's readiness to incorporate technology into its classrooms;

(4) the possibility of obtaining a trained technology support staff and high-speed Internet services for the district or school; and

(5) the methods the district or school will use to measure the progress of the pilot project in the district or school in accordance with subsection (f) of this Section.

The State Board shall if possible select at least 9 schools to participate in the pilot project, with at least 3 from the school district located in the City of Chicago and one from each of the other school districts selected.

(e) Each participating school district or school shall establish a technology immersion committee to assist in developing and implementing the technology immersion pilot project.

The school board of a participating district or of a district in which a participating school is located shall appoint individuals to the committee. The committee may be composed of the following:

(1) educators;
(2) district-level administrators;
(3) community leaders;
(4) parents of students who attend a participating school; and

(5) any other individual the school board finds appropriate.

The committee shall develop an academic improvement plan that details how the pilot project should be implemented in the participating district or school. In developing the academic improvement plan, the committee shall consider (i) the educational problems in the district or

New matter indicated by italics - deletions by strikeout.
school that could be mitigated through the implementation of the pilot project and (ii) the technological and nontechnological resources that are necessary to ensure the successful implementation of the pilot project.

The committee shall recommend to the school board how the pilot project funds should be used to implement the academic improvement plan. The committee may recommend annually any necessary changes in the academic improvement plan to the school board. The State Board must approve the academic improvement plan or any changes in the academic improvement plan before disbursing pilot project funds to the school board.

(f) The school board of each school district participating in the pilot project shall send an annual progress report to the State Board no later than August 1 of each year that the district is participating in the pilot project. The report must state in detail the type of plan being used in the district or school and the effect of the pilot project on the district or school, including the following:

(1) the academic progress of students who are participating in the pilot project, as measured by performance on assessment instruments;

(2) if applicable, a comparison of student progress in a school or classroom that is participating in the pilot project as compared with student progress in the schools or classrooms in the district that are not participating in the pilot project;

(3) any elements of the pilot project that contribute to improved student performance on assessment instruments administered under Section 2-3.64 of this Code or any other assessment instrument required by the State Board;

(4) any cost savings and improved efficiency relating to school personnel and the maintenance of facilities;

(5) any effect on student dropout and attendance rates;

(6) any effect on student enrollment in higher education;

(7) any effect on teacher performance and retention;

(8) any improvement in communications among students, teachers, parents, and administrators;

(9) any improvement in parental involvement in the education of the parent's child;

(10) any effect on community involvement and support for the district or school; and

New matter indicated by italics - deletions by strikeout.
(11) any increased student proficiency in technologies that will help prepare the student for becoming a member of the workforce.

(g) Each student participating in the pilot project may retain the wireless laptop computer provided under the pilot project as long as the student is enrolled in a school in a participating school district.

(h) After the expiration of the 3-year pilot project, the State Board shall review the pilot project based on the annual reports the State Board receives from the school board of participating school districts.

(i) This Section is repealed on August 31, 2007.

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


PUBLIC ACT 93-0902
(House Bill No. 5057)

AN ACT concerning seniors.

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

Section 5. The Illinois Act on the Aging is amended by changing Section 4.02 and by adding Section 4.12 as follows:

(20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

Sec. 4.02. The Department shall establish a program of services to prevent unnecessary institutionalization of persons age 60 and older in need of long term care or who are established as persons who suffer from Alzheimer's disease or a related disorder under the Alzheimer's Disease Assistance Act, thereby enabling them to remain in their own homes or in other living arrangements. Such preventive services, which may be coordinated with other programs for the aged and monitored by area agencies on aging in cooperation with the Department, may include, but are not limited to, any or all of the following:

(a) home health services;
(b) home nursing services;
(c) homemaker services;
(d) chore and housekeeping services;
(e) day care services;

New matter indicated by italics - deletions by strikeout.
(f) home-delivered meals;
(g) education in self-care;
(h) personal care services;
(i) adult day health services;
(j) habilitation services;
(k) respite care;
(k-5) community reintegration services;
(l) other nonmedical social services that may enable the
person to become self-supporting; or
(m) clearinghouse for information provided by senior
citizen home owners who want to rent rooms to or share living
space with other senior citizens.

The Department shall establish eligibility standards for such
services taking into consideration the unique economic and social needs of
the target population for whom they are to be provided. Such eligibility
standards shall be based on the recipient's ability to pay for services;
provided, however, that in determining the amount and nature of services
for which a person may qualify, consideration shall not be given to the
value of cash, property or other assets held in the name of the person's
spouse pursuant to a written agreement dividing marital property into
equal but separate shares or pursuant to a transfer of the person's interest in
a home to his spouse, provided that the spouse's share of the marital
property is not made available to the person seeking such services.

Beginning July 1, 2002, the Department shall require as a condition
of eligibility that all financially eligible applicants and recipients apply for
medical assistance under Article V of the Illinois Public Aid Code in
accordance with rules promulgated by the Department.

The Department shall, in conjunction with the Department of
Public Aid, seek appropriate amendments under Sections 1915 and 1924
of the Social Security Act. The purpose of the amendments shall be to
extend eligibility for home and community based services under Sections
1915 and 1924 of the Social Security Act to persons who transfer to or for
the benefit of a spouse those amounts of income and resources allowed
under Section 1924 of the Social Security Act. Subject to the approval of
such amendments, the Department shall extend the provisions of Section
5-4 of the Illinois Public Aid Code to persons who, but for the provision of
home or community-based services, would require the level of care
provided in an institution, as is provided for in federal law. Those persons
no longer found to be eligible for receiving noninstitutional services due to

New matter indicated by italics - deletions by strikeout.
changes in the eligibility criteria shall be given 60 days notice prior to actual termination. Those persons receiving notice of termination may contact the Department and request the determination be appealed at any time during the 60 day notice period. With the exception of the lengthened notice and time frame for the appeal request, the appeal process shall follow the normal procedure. In addition, each person affected regardless of the circumstances for discontinued eligibility shall be given notice and the opportunity to purchase the necessary services through the Community Care Program. If the individual does not elect to purchase services, the Department shall advise the individual of alternative services. The target population identified for the purposes of this Section are persons age 60 and older with an identified service need. Priority shall be given to those who are at imminent risk of institutionalization. The services shall be provided to eligible persons age 60 and older to the extent that the cost of the services together with the other personal maintenance expenses of the persons are reasonably related to the standards established for care in a group facility appropriate to the person's condition. These non-institutional services, pilot projects or experimental facilities may be provided as part of or in addition to those authorized by federal law or those funded and administered by the Department of Human Services. The Departments of Human Services, Public Aid, Public Health, Veterans' Affairs, and Commerce and Economic Opportunity Community Affairs and other appropriate agencies of State, federal and local governments shall cooperate with the Department on Aging in the establishment and development of the non-institutional services. The Department shall require an annual audit from all chore/housekeeping and homemaker vendors contracting with the Department under this Section. The annual audit shall assure that each audited vendor's procedures are in compliance with Department's financial reporting guidelines requiring a 27% administrative cost split and a 73% employee wages and benefits cost split. The audit is a public record under the Freedom of Information Act. The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department of Public Aid, to effect the following: (1) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (2) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped. On and after July 1, 1996,

New matter indicated by italics - deletions by strikeout.
all nursing home prescreenings for individuals 60 years of age or older shall be conducted by the Department.

The Department is authorized to establish a system of recipient copayment for services provided under this Section, such copayment to be based upon the recipient's ability to pay but in no case to exceed the actual cost of the services provided. Additionally, any portion of a person's income which is equal to or less than the federal poverty standard shall not be considered by the Department in determining the copayment. The level of such copayment shall be adjusted whenever necessary to reflect any change in the officially designated federal poverty standard.

The Department, or the Department's authorized representative, shall recover the amount of moneys expended for services provided to or in behalf of a person under this Section by a claim against the person's estate or against the estate of the person's surviving spouse, but no recovery may be had until after the death of the surviving spouse, if any, and then only at such time when there is no surviving child who is under age 21, blind, or permanently and totally disabled. This paragraph, however, shall not bar recovery, at the death of the person, of moneys for services provided to the person or in behalf of the person under this Section to which the person was not entitled; provided that such recovery shall not be enforced against any real estate while it is occupied as a homestead by the surviving spouse or other dependent, if no claims by other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving spouse or relative, as defined by the rules and regulations of the Illinois Department of Public Aid, regardless of the value of the property.

The Department shall develop procedures to enhance availability of services on evenings, weekends, and on an emergency basis to meet the respite needs of caregivers. Procedures shall be developed to permit the utilization of services in successive blocks of 24 hours up to the monthly

New matter indicated by italics - deletions by strikeout.
maximum established by the Department. Workers providing these services shall be appropriately trained.

Beginning on the effective date of this Amendatory Act of 1991, no person may perform chore/housekeeping and homemaker services under a program authorized by this Section unless that person has been issued a certificate of pre-service to do so by his or her employing agency. Information gathered to effect such certification shall include (i) the person's name, (ii) the date the person was hired by his or her current employer, and (iii) the training, including dates and levels. Persons engaged in the program authorized by this Section before the effective date of this amendatory Act of 1991 shall be issued a certificate of all pre- and in-service training from his or her employer upon submitting the necessary information. The employing agency shall be required to retain records of all staff pre- and in-service training, and shall provide such records to the Department upon request and upon termination of the employer's contract with the Department. In addition, the employing agency is responsible for the issuance of certifications of in-service training completed to their employees.

The Department is required to develop a system to ensure that persons working as homemakers and chore housekeepers receive increases in their wages when the federal minimum wage is increased by requiring vendors to certify that they are meeting the federal minimum wage statute for homemakers and chore housekeepers. An employer that cannot ensure that the minimum wage increase is being given to homemakers and chore housekeepers shall be denied any increase in reimbursement costs.

The Department on Aging and the Department of Human Services shall cooperate in the development and submission of an annual report on programs and services provided under this Section. Such joint report shall be filed with the Governor and the General Assembly on or before September 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

New matter indicated by italics - deletions by strikeout.
Those persons previously found eligible for receiving non-institutional services whose services were discontinued under the Emergency Budget Act of Fiscal Year 1992, and who do not meet the eligibility standards in effect on or after July 1, 1992, shall remain ineligible on and after July 1, 1992. Those persons previously not required to cost-share and who were required to cost-share effective March 1, 1992, shall continue to meet cost-share requirements on and after July 1, 1992. Beginning July 1, 1992, all clients will be required to meet eligibility, cost-share, and other requirements and will have services discontinued or altered when they fail to meet these requirements.

(Source: P.A. 92-597, eff. 6-28-02; 93-85, eff. 1-1-04; revised 12-6-03.)

(20 ILCS 105/4.12 new)

Sec. 4.12. Assistance to nursing home residents.

(a) The Department on Aging shall assist eligible nursing home residents and their families to select long-term care options that meet their needs and reflect their preferences. At any time during the process, the resident or his or her representative may decline further assistance.

(b) To provide assistance, the Department shall develop a program of transition services with follow-up in selected areas of the State, to be expanded statewide as funding becomes available. The program shall be developed in consultation with nursing homes, case managers, Area Agencies on Aging, and others interested in the well-being of frail elderly Illinois residents. The Department shall establish administrative rules pursuant to the Illinois Administrative Procedure Act with respect to resident eligibility, assessment of the resident's health, cognitive, social, and financial needs, development of comprehensive service transition plans, and the level of services that must be available prior to transition of a resident into the community.

Section 10. The Illinois Public Aid Code is amended by adding Section 5-5d as follows:

(305 ILCS 5/5-5d new)

Sec. 5-5d. Transition services. The Department of Public Aid shall apply for any necessary waivers pursuant to Section 1915(c) of the Social Security Act to facilitate transition services. Nothing in this Section shall be construed as limiting current similar programs by the Department of Human Services or the Department on Aging.

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


New matter indicated by italics - deletions by strikeout.
AN ACT concerning financial regulation.

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

Section 5. The Debt Management Service Act is amended by changing Section 2 as follows:

(205 ILCS 665/2) (from Ch. 17, par. 5302)

Sec. 2. Definitions. As used in this Act:
"Debt management service" means the planning and management of the financial affairs of a debtor for a fee and the receiving of money from the debtor for the purpose of distributing it, directly or indirectly, to the debtor's creditors in payment or partial payment of the debtor's obligations or soliciting financial contributions from creditors. The business of debt management is conducted in this State if the debt management business, its employees, or its agents are located in this State or if the debt management business solicits or contracts with debtors located in this State.

This term shall not include the following when engaged in the regular course of their respective businesses and professions:

(a) Attorneys at law.
(b) Banks, fiduciaries, credit unions, savings and loan associations, and savings banks as duly authorized and admitted to transact business in the State of Illinois and performing credit and financial adjusting service in the regular course of their principal business.
(c) Title insurers and abstract companies, while doing an escrow business.
(d) Judicial officers or others acting pursuant to court order.
(e) Employers for their employees.
(f) Bill payment services, as defined in the Transmitters of Money Act.

"Director" means Director of Financial Institutions.
"Debtor" means the person or persons for whom the debt management service is performed.

New matter indicated by italics - deletions by strikeout.
"Person" means an individual, firm, partnership, association, limited liability company, corporation, or not-for-profit corporation. "Licensee" means a person licensed under this Act. "Director" means the Director of the Department of Financial Institutions.
(Source: P.A. 92-400, eff. 1-1-02.)

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


PUBLIC ACT 93-0904
(Senate Bill No. 2732)

AN ACT relating to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.625 as follows:
(30 ILCS 105/5.625 new)
Sec. 5.625. The Technology Immersion Pilot Project Fund. This Section is repealed on August 31, 2007.

Section 10. The School Code is amended by adding Section 2-3.135 as follows:
(105 ILCS 5/2-3.135 new)
Sec. 2-3.135. Technology immersion pilot project.
(a) The State Board of Education shall by rule establish a technology immersion pilot project to provide a wireless laptop computer to each student, teacher, and relevant administrator in a participating school and implement the use of software, on-line courses, and other appropriate learning technologies that have been shown to improve academic achievement and the progress measures listed in subsection (f) of this Section.
(b) The pilot project shall be for a period of at least 3 years. The State Board shall establish a procedure and develop criteria for the administration of the pilot project. In administering the pilot project, the State Board shall:
(1) select participating school districts or schools;

New matter indicated by italics - deletions by strikeout.
(2) define the conditions for the distribution and use of laptop computers and other technologies;
(3) purchase and distribute laptop computers and other technologies;
(4) enter into contracts as necessary to implement the pilot project;
(5) monitor local pilot project implementation; and
(6) conduct a final evaluation of the pilot project.

(c) The Technology Immersion Pilot Project Fund is created as a special fund in the State treasury. All money in the Technology Immersion Pilot Project Fund shall be used, subject to appropriation, by the State Board for the pilot project. To implement the pilot project, the State Board may use any funds appropriated by the General Assembly for the purposes of the pilot project as well as any gift, grant, or donation given for the pilot project. The State Board may solicit and accept a gift, grant, or donation of any kind from any source, including from a foundation, private entity, governmental entity, or institution of higher education, for the implementation of the pilot project. Funds for the pilot project may not be used for the construction of a building or other facility.

The State Board shall use pilot project funds for the following:

(1) the purchase of wireless laptop computers so that each student, teacher, and relevant administrator in a participating classroom has a wireless laptop computer for use at school and at home;

(2) the purchase of other equipment, including additional computer hardware and software;

(3) the hiring of technical support staff for school districts or schools participating in the pilot project; and

(4) the purchase of technology-based learning materials and resources.

The State Board may not allocate more than $10 million for the pilot project. The pilot project may be implemented only if sufficient funds are available under this Section for that purpose.

(d) A school district may apply to the State Board for the establishment of a technology immersion pilot project for the entire district or for a particular school or group of schools in the district.

The State Board shall select 7 school districts to participate in the pilot project. One school district shall be located in the City of Chicago, 3 school districts shall be located in the area that makes up the counties of
DuPage, Kane, Lake, McHenry, Will, and that portion of Cook County that is located outside of the City of Chicago, and 3 school districts shall be located in the remainder of the State.

The State Board shall select the participating districts and schools for the pilot project based on each district’s or school’s need for the pilot project. In selecting participants, the State Board shall consider the following criteria:

(1) whether the district or school has limited access to educational resources that could be improved through the use of wireless laptop computers and other technologies;

(2) whether the district or school has the following problems and whether those problems can be mitigated through the use of wireless laptop computers and other technologies:
   (A) documented teacher shortages in critical areas;
   (B) limited access to advanced placement courses;
   (C) low rates of satisfactory performance on assessment instruments under Section 2-3.64 of this Code;
   and
   (D) high dropout rates;

(3) the district’s or school’s readiness to incorporate technology into its classrooms;

(4) the possibility of obtaining a trained technology support staff and high-speed Internet services for the district or school; and

(5) the methods the district or school will use to measure the progress of the pilot project in the district or school in accordance with subsection (f) of this Section.

The State Board shall if possible select at least 9 schools to participate in the pilot project, with at least 3 from the school district located in the City of Chicago and one from each of the other school districts selected.

(e) Each participating school district or school shall establish a technology immersion committee to assist in developing and implementing the technology immersion pilot project.

The school board of a participating district or of a district in which a participating school is located shall appoint individuals to the committee. The committee may be composed of the following:

(1) educators;

(2) district-level administrators;

New matter indicated by italics - deletions by strikeout.
(3) community leaders;
(4) parents of students who attend a participating school; and
(5) any other individual the school board finds appropriate.

The committee shall develop an academic improvement plan that details how the pilot project should be implemented in the participating district or school. In developing the academic improvement plan, the committee shall consider (i) the educational problems in the district or school that could be mitigated through the implementation of the pilot project and (ii) the technological and nontechnological resources that are necessary to ensure the successful implementation of the pilot project.

The committee shall recommend to the school board how the pilot project funds should be used to implement the academic improvement plan. The committee may recommend annually any necessary changes in the academic improvement plan to the school board. The State Board must approve the academic improvement plan or any changes in the academic improvement plan before disbursing pilot project funds to the school board.

(f) The school board of each school district participating in the pilot project shall send an annual progress report to the State Board no later than August 1 of each year that the district is participating in the pilot project. The report must state in detail the type of plan being used in the district or school and the effect of the pilot project on the district or school, including the following:

(1) the academic progress of students who are participating in the pilot project, as measured by performance on assessment instruments;
(2) if applicable, a comparison of student progress in a school or classroom that is participating in the pilot project as compared with student progress in the schools or classrooms in the district that are not participating in the pilot project;
(3) any elements of the pilot project that contribute to improved student performance on assessment instruments administered under Section 2-3.64 of this Code or any other assessment instrument required by the State Board;
(4) any cost savings and improved efficiency relating to school personnel and the maintenance of facilities;
(5) any effect on student dropout and attendance rates;
(6) any effect on student enrollment in higher education;

New matter indicated by italics - deletions by strikeout.
(7) any effect on teacher performance and retention;
(8) any improvement in communications among students, teachers, parents, and administrators;
(9) any improvement in parental involvement in the education of the parent's child;
(10) any effect on community involvement and support for the district or school; and
(11) any increased student proficiency in technologies that will help prepare the student for becoming a member of the workforce.
(g) Each student participating in the pilot project may retain the wireless laptop computer provided under the pilot project as long as the student is enrolled in a school in a participating school district.
(h) After the expiration of the 3-year pilot project, the State Board shall review the pilot project based on the annual reports the State Board receives from the school board of participating school districts.
(i) This Section is repealed on August 31, 2007.
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0905
(House Bill No. 4135)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by adding Section 11-24 as follows:
(720 ILCS 5/11-24 new)
Sec. 11-24. Child photography by sex offender.
(a) In this Section:
"Child" means a person under 18 years of age.
"Child sex offender" has the meaning ascribed to it in Section 11-9.3 of this Code.
(b) It is unlawful for a child sex offender to knowingly:

New matter indicated by italics - deletions by strikeout.
(1) conduct or operate any type of business in which he or she photographs, videotapes, or takes a digital image of a child; or
(2) conduct or operate any type of business in which he or she instructs or directs another person to photograph, videotape, or take a digital image of a child.

(c) Sentence. A violation of this Section is a Class 2 felony.

Effective January 1, 2005.

PUBLIC ACT 93-0906
(House Bill 4949)

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

Section 5. The Criminal Code of 1961 is amended by changing Sections 24-1.1, 24-1.6, 24-3, 24-3.5, 24-3A, 24-5, and 33F-2 as follows:

(a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the Department of State Police under Section 10 of the Firearm Owners Identification Card Act.

(b) It is unlawful for any person confined in a penal institution, which is a facility of the Illinois Department of Corrections, to possess any weapon prohibited under Section 24-1 of this Code or any firearm or firearm ammunition, regardless of the intent with which he possesses it.

(c) It shall be an affirmative defense to a violation of subsection (b), that such possession was specifically authorized by rule, regulation, or directive of the Illinois Department of Corrections or order issued pursuant thereto.

(d) The defense of necessity is not available to a person who is charged with a violation of subsection (b) of this Section.

New matter indicated by italics - deletions by strikeout.
(e) Sentence. Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to no less than 2 years and no more than 10 years. Violation of this Section by a person not confined in a penal institution who has been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act, stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act or the Cannabis Control Act is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person who is on parole or mandatory supervised release is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person not confined in a penal institution is a Class X felony when the firearm possessed is a machine gun. Any person who violates this Section while confined in a penal institution, which is a facility of the Illinois Department of Corrections, is guilty of a Class 1 felony, if he possesses any weapon prohibited under Section 24-1 of this Code regardless of the intent with which he possesses it, a Class X felony if he possesses any firearm, firearm ammunition or explosive, and a Class X felony for which the offender shall be sentenced to not less than 12 years and not more than 50 years when the firearm possessed is a machine gun. A violation of this Section while wearing or in possession of body armor as defined in Section 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years.

(Source: P.A. 91-544, eff. 1-1-00.)

(720 ILCS 5/24-1.6)
Sec. 24-1.6. Aggravated unlawful use of a weapon.
(a) A person commits the offense of aggravated unlawful use of a weapon when he or she knowingly:

(1) Carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm; or

(2) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an

New matter indicated by italics - deletions by strikeout.
invitee thereon or therein, for the purpose of the display of such
weapon or the lawful commerce in weapons, or except when on his
or her own land or in his or her own abode or fixed place of
business, any pistol, revolver, stun gun or taser or other firearm;
and

(3) One of the following factors is present:

(A) the firearm possessed was uncased, loaded and
immediately accessible at the time of the offense; or

(B) the firearm possessed was uncased, unloaded
and the ammunition for the weapon was immediately
accessible at the time of the offense; or

(C) the person possessing the firearm has not been
issued a currently valid Firearm Owner's Identification
Card; or

(D) the person possessing the weapon was
previously adjudicated a delinquent minor under the
Juvenile Court Act of 1987 for an act that if committed by
an adult would be a felony; or

(E) the person possessing the weapon was engaged
in a misdemeanor violation of the Cannabis Control Act or
in a misdemeanor violation of the Illinois Controlled
Substances Act; or

(F) the person possessing the weapon is a member
of a street gang or is engaged in street gang related activity,
as defined in Section 10 of the Illinois Streetgang Terrorism
Omnibus Prevention Act; or

(G) the person possessing the weapon had a order of
protection issued against him or her within the previous 2
years; or

(H) the person possessing the weapon was engaged
in the commission or attempted commission of a
misdemeanor involving the use or threat of violence against
the person or property of another; or

(I) the person possessing the weapon was under 21
years of age and in possession of a handgun as defined in
Section 24-3, unless the person under 21 is engaged in
lawful activities under the Wildlife Code or described in
subsection 24-2(b)(1), (b)(3), or 24-2(f).

New matter indicated by italics - deletions by strikeout.
(b) "Stun gun or taser" as used in this Section has the same definition given to it in Section 24-1 of this Code.

(c) This Section does not apply to or affect the transportation or possession of weapons that:
   (i) are broken down in a non-functioning state; or
   (ii) are not immediately accessible; or
   (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(d) Sentence. Aggravated unlawful use of a weapon is a Class 4 felony; a second or subsequent offense is a Class 2 felony. Aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction is a Class 2 felony. Aggravated unlawful use of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearms Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Card Act is a Class X felony.

(Source: P.A. 91-690, eff. 4-13-00.)

(720 ILCS 5/24-3) (from Ch. 38, par. 24-3)
Sec. 24-3. Unlawful Sale of Firearms.

(A) A person commits the offense of unlawful sale of firearms when he or she knowingly does any of the following:
   (a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age.
   (b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent.
   (c) Sells or gives any firearm to any narcotic addict.
   (d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction.
   (e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years.
   (f) Sells or gives any firearms to any person who is mentally retarded.
   (g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery

New matter indicated by italics - deletions by strikeout.
of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of State Police; or (4) the sale of a firearm to a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

(h) While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968, manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in the Firearm Owners Identification Card Act; and (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be assembled.

(i) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(j) Sells or gives a firearm while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

In this paragraph (j):

A person "engaged in the business" means a person who devotes time, attention, and labor to engaging in the activity as a regular course of trade or business with the principal objective of livelihood and profit, but does not include a person who makes

New matter indicated by italics - deletions by strikeout.
occasional repairs of firearms or who occasionally fits special
barrels, stocks, or trigger mechanisms to firearms.

"With the principal objective of livelihood and profit"
means that the intent underlying the sale or disposition of firearms
is predominantly one of obtaining livelihood and pecuniary gain, as
opposed to other intents, such as improving or liquidating a
personal firearms collection; however, proof of profit shall not be
required as to a person who engages in the regular and repetitive
purchase and disposition of firearms for criminal purposes or
terrorism.

(k) Sells or transfers ownership of a firearm to a person
who does not display to the seller or transferor of the firearm a
currently valid Firearm Owner's Identification Card that has
previously been issued in the transferee's name by the Department
of State Police under the provisions of the Firearm Owners
Identification Card Act. This paragraph (k) does not apply to the
transfer of a firearm to a person who is exempt from the
requirement of possessing a Firearm Owner's Identification Card
under Section 2 of the Firearm Owners Identification Card Act.
For the purposes of this Section, a currently valid Firearm
Owner's Identification Card means (i) a Firearm Owner's
Identification Card that has not expired or (ii) if the transferor is
licensed as a federal firearms dealer under Section 923 of the
federal Gun Control Act of 1968 (18 U.S.C. 923), an approval
number issued in accordance with Section 3.1 of the Firearm
Owners Identification Card Act shall be proof that the Firearm
Owner's Identification Card was valid.

(B) Paragraph (h) of subsection (A) does not include firearms sold
within 6 months after enactment of Public Act 78-355 (approved August
21, 1973, effective October 1, 1973), nor is any firearm legally owned or
possessed by any citizen or purchased by any citizen within 6 months after
the enactment of Public Act 78-355 subject to confiscation or seizure
under the provisions of that Public Act. Nothing in Public Act 78-355
shall be construed to prohibit the gift or trade of any firearm if that firearm
was legally held or acquired within 6 months after the enactment of that
Public Act.

(C) Sentence.

New matter indicated by italics - deletions by strikeout.
(1) Any person convicted of unlawful sale of firearms in violation of any of paragraphs (c) through (h) of subsection (A) commits a Class 4 felony.

(2) Any person convicted of unlawful sale of firearms in violation of paragraph (b) or (i) of subsection (A) commits a Class 3 felony.

(3) Any person convicted of unlawful sale of firearms in violation of paragraph (a) of subsection (A) commits a Class 2 felony.

(4) Any person convicted of unlawful sale of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony for which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years.

(5) Any person convicted of unlawful sale of firearms in violation of paragraph (a) or (i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential

New matter indicated by italics - deletions by strikeout.
property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

(6) Any person convicted of unlawful sale of firearms in violation of paragraph (j) of subsection (A) commits a Class A misdemeanor. A second or subsequent conviction is a Class 4 felony.

(7) Any person convicted of unlawful sale of firearms in violation of paragraph (k) of subsection (A) commits a Class 4 felony. A third or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony.

(D) For purposes of this Section:

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(E) A prosecution for a violation of paragraph (k) of subsection (A) of this Section may be commenced within 6 years after the commission of the offense. A prosecution for a violation of this Section other than paragraph (g) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense defined in the particular paragraph.

(Source: P.A. 93-162, eff. 7-10-03.)

(720 ILCS 5/24-3.5)

Sec. 24-3.5. Unlawful purchase of a firearm.

(a) For purposes of this Section, "firearms transaction record form" means a form:

(1) executed by a transferee of a firearm stating: (i) the transferee's name and address (including county or similar political subdivision); (ii) whether the transferee is a citizen of the United States; (iii) the transferee's State of residence; and (iv) the date and place of birth, height, weight, and race of the transferee; and

(2) on which the transferee certifies that he or she is not prohibited by federal law from transporting or shipping a firearm in interstate or foreign commerce or receiving a firearm that has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce.

(b) A person commits the offense of unlawful purchase of a firearm who knowingly purchases or attempts to purchase a firearm with

New matter indicated by italics - deletions by strikeout.
the intent to deliver that firearm to another person who is prohibited by federal or State law from possessing a firearm.

(c) A person commits the offense of unlawful purchase of a firearm when he or she, in purchasing or attempting to purchase a firearm, intentionally provides false or misleading information on a United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms firearms transaction record form.

(d) Exemption. It is not a violation of subsection (b) of this Section for a person to make a gift or loan of a firearm to a person who is not prohibited by federal or State law from possessing a firearm if the transfer of the firearm is made in accordance with Section 3 of the Firearm Owners Identification Card Act.

(e) Sentence.

(1) A person who commits the offense of unlawful purchase of a firearm:

(A) is guilty of a Class 4 felony for purchasing or attempting to purchase one firearm;

(B) is guilty of a Class 3 felony for purchasing or attempting to purchase not less than 2 firearms and not more than 5 firearms at the same time or within a one year period;

(C) is guilty of a Class 2 felony for purchasing or attempting to purchase not less than 6 firearms and not more than 10 firearms at the same time or within a 2 year period;

(D) is guilty of a Class 1 felony for purchasing or attempting to purchase not less than 11 firearms and not more than 20 firearms at the same time or within a 3 year period;

(E) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years for purchasing or attempting to purchase not less than 21 firearms and not more than 30 firearms at the same time or within a 4 year period;

(F) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years for purchasing or attempting to purchase not less than 31 firearms and not

New matter indicated by italics - deletions by strikeout.
more than 40 firearms at the same time or within a 5 year period;

(G) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years for purchasing or attempting to purchase more than 40 firearms at the same time or within a 6 year period.

(2) In addition to any other penalty that may be imposed for a violation of this Section, the court may sentence a person convicted of a violation of subsection (c) of this Section to a fine not to exceed $250,000 for each violation.

(f) A prosecution for unlawful purchase of a firearm may be commenced within 6 years after the commission of the offense.

(Source: P.A. 93-451, eff. 8-7-03.)

(720 ILCS 5/24-3A)
Sec. 24-3A. Gunrunning.

(a) A person commits gunrunning when he or she transfers 3 or more firearms in violation of any of the paragraphs of Section 24-3 of this Code.

(b) Sentence. A person who commits gunrunning:

(1) is guilty of a Class 1 felony;

(2) is guilty of a Class X felony for which the sentence shall be a term of imprisonment of not less than 8 years and not more than 40 years if the transfer is of not less than 11 firearms and not more than 20 firearms;

(3) is guilty of a Class X felony for which the sentence shall be a term of imprisonment of not less than 10 years and not more than 50 years if the transfer is of more than 20 firearms.

A person who commits gunrunning by transferring firearms to a person who, at the time of the commission of the offense, is under 18 years of age is guilty of a Class X felony.

(Source: P.A. 91-13, eff. 1-1-00; 91-696, eff. 4-13-00.)

(720 ILCS 5/24-5) (from Ch. 38, par. 24-5)
Sec. 24-5. Defacing identification marks of firearms.

(a) Any person who shall knowingly or intentionally change, alter, remove or obliterate the name of the importer's or manufacturer's serial number, maker, model, manufacturer's number or other mark of identification of any firearm commits a Class 2 felony.
(b) A person who possesses possession of any firearm upon which any such importer's or manufacturer's serial number has mark shall have been changed, altered, removed or obliterated commits a Class 3 felony shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

(c) Nothing in this Section shall prevent a person from making repairs, replacement of parts, or other changes to a firearm if those repairs, replacement of parts, or changes cause the removal of the name of the maker, model, or other marks of identification other than the serial number on the firearm's frame or receiver.

(d) A prosecution for a violation of this Section may be commenced within 6 years after the commission of the offense.

(720 ILCS 5/33F-2) (from Ch. 38, par. 33F-2)

Sec. 33F-2. Unlawful use of body armor. A person commits the offense of unlawful use of body armor when he knowingly wears body armor and is in possession of a dangerous weapon, other than a firearm, in the commission or attempted commission of any offense.

(720 ILCS 335/1) (from Ch. 121 1/2, par. 157.13)

Sec. 1. Any person who removes, alters, defaces, covers or destroys the manufacturer's serial number or any other manufacturers' number or distinguishing identification mark upon any machine or other article of merchandise, other than a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code or a firearm as defined in the Firearm Owners Identification Card Act, for the purpose of concealing or destroying the identity of such machine or other article of merchandise shall be guilty of a Class B misdemeanor.

(720 ILCS 5/335/1) (from Ch. 121 1/2, par. 157.13)

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

AN ACT concerning public health.

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

Section 1. Short title. This Act may be cited as the Suicide Prevention, Education, and Treatment Act.

Section 5. Legislative findings. The General Assembly makes the following findings:

(1) The Surgeon General of the United States has described suicide prevention as a serious public health priority and has called upon each state to develop a statewide comprehensive suicide prevention strategy using a public health approach. Suicide now ranks 10th among causes of death, nationally.

(2) In 1998, 1,064 Illinoisans lost their lives to suicide, an average of 3 Illinois residents per day. It is estimated that there are between 21,000 and 35,000 suicide attempts in Illinois every year. Three and one-half percent of all suicides in the nation take place in Illinois.

(3) Among older adults, suicide rates are increasing, making suicide the leading fatal injury among the elderly population in Illinois. As the proportion of Illinois' population age 75 and older increases, the number of suicides among persons in this age group will also increase, unless an effective suicide prevention strategy is implemented.

(4) Adolescents are far more likely to attempt suicide than other age groups in Illinois. The data indicates that there are 100 attempts for every adolescent suicide completed. In 1998, 156 Illinois youths died by suicide, between the ages of 15 through 24. Using this estimate, there were likely more than 15,500 suicide attempts made by Illinois adolescents or approximately 50% of all estimated suicide attempts that occurred in Illinois were made by adolescents.

(5) Homicide and suicide rank as the second and third leading causes of death in Illinois for youth, respectively. Both are preventable. While the death rates for unintentional injuries decreased by more than 35% between 1979 and 1996, the death rates for homicide and suicide increased for youth. Evidence is
growing in terms of the links between suicide and other forms of violence. This provides compelling reasons for broadening the State's scope in identifying risk factors for self-harmful behavior. The number of estimated youth suicide attempts and the growing concerns of youth violence can best be addressed through the implementation of successful gatekeeper-training programs to identify and refer youth at risk for self-harmful behavior.

(6) The American Association of Suicidology conservatively estimates that the lives of at least 6 persons related to or connected to individuals who attempt or complete suicide are impacted. Using these estimates, in 1998, more than 6,000 Illinoisans struggled to cope with the impact of suicide.

(7) Decreases in alcohol and other drug abuse, as well as decreases in access to lethal means, significantly reduce the number of suicides.

(8) Suicide attempts are expected to be higher than reported because attempts not requiring medical attention are not required to be reported. The underreporting of suicide completion is also likely because suicide classification involves conclusions regarding the intent of the deceased. The stigma associated with suicide is also likely to contribute to underreporting. Without interagency collaboration and support for proven, community-based, culturally-competent suicide prevention and intervention programs, suicides are likely to rise.

(9) Emerging data on rates of suicide based on gender, ethnicity, age, and geographic areas demand a new strategy that responds to the needs of a diverse population.

(10) According to Children's Safety Network Economics Insurance, the cost of youth suicide acts by persons in Illinois who are under 21 years of age totals $539,000,000, including medical costs, future earnings lost, and a measure of quality of life.

(11) Suicide is the second leading cause of death in Illinois for persons between the ages of 15 and 24.

(12) In 1998, there were 1,116 homicides in Illinois, which outnumbered suicides by only 52. Yet, so far, only homicide has received funding, programs, and media attention.

(13) According to the 1999 national report on statistics for suicide of the American Association of Suicidology, categories of unintentional injury, motor vehicle deaths, and all other deaths

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include many reported and unsubstantiated suicides that are not identified correctly because of poor investigatory techniques, unsophisticated inquest jurors, and stigmas that cause families to cover up evidence.

(14) Programs for HIV infectious diseases are very well funded even though, in Illinois, HIV deaths number 30% less than suicide deaths.

Section 10. Definitions. For the purpose of this Act, unless the context otherwise requires:

"Committee" means the Illinois Suicide Prevention Strategic Planning Committee.

"Department" means the Department of Public Health.

"Plan" means the Illinois Suicide Prevention Strategic Plan set forth in Section 15.

Section 13. Duration; report. All projects set forth in this Act must be at least 3 years in duration, and the Department and related contracts as well as the Suicide Prevention Strategic Planning Committee must report annually to the Governor and General Assembly on the effectiveness of these activities and programs.

Section 15. Suicide Prevention Strategic Planning Committee.

(a) The Committee is created as the official grassroots creator, planner, monitor, and advocate for the Illinois Suicide Prevention Strategic Plan. No later than one year after the effective date of this Act, the Committee shall review, finalize, and submit to the Governor and the General Assembly the Illinois Suicide Prevention Strategic Plan and appropriate processes and outcome objectives for 10 overriding recommendations and a timeline for reaching these objectives.

(b) The Committee shall use the United States Surgeon General's National Suicide Prevention Strategy as a model for the Plan. The Committee shall review the statutorily prescribed missions of major State mental health, health, aging, and school mental health programs and recommend, as necessary and appropriate, statutory changes to include suicide prevention in the missions and procedures of those programs. The Committee shall prepare a report of that review, including its recommendations, and shall submit the report to the Governor and the General Assembly by December 31, 2004.

(c) The Director of Public Health shall appoint the members of the Committee. The membership of the Committee shall include, without limitation, representatives of statewide organizations and other agencies

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that focus on the prevention of suicide and the improvement of mental health treatment or that provide suicide prevention or survivor support services. Other disciplines that shall be considered for membership on the committee include law enforcement, first responders, faith-based community leaders, universities, and survivors of suicide (families and friends who have lost persons to suicide) as well as consumers of services of these agencies and organizations.

(d) The committee shall meet at least 4 times a year, and more as deemed necessary, in various sites statewide in order to foster as much participation as possible. The Committee, a steering committee, and core members of the full committee shall monitor and guide the definition and direction of the goals of the full Committee, shall review and approve productions of the plan, and shall meet before the full Committee meetings.

Section 20. General awareness and screening program.

(a) The Department shall provide technical assistance for the work of the Committee and the production of the Plan and shall distribute general information and screening tools for suicide prevention to the general public through local public health departments throughout the State. These materials shall be distributed to agencies, schools, hospitals, churches, places of employment, and all related professional caregivers to educate all citizens about warning signs and interventions that all persons can do to stop the suicidal cycle.

(b) This program shall include, without limitation, all of the following:

(1) Educational programs about warning signs and how to help suicidal individuals.

(2) Educational presentations about suicide risk and how to help at-risk people in special populations and with bilingual support to special cultures.

(3) The designation of an annual suicide awareness week or month to include a public awareness campaign on suicide.


(5) An Illinois Suicide Prevention Speaker's Bureau.

(6) A program to educate the media regarding the guidelines developed by the American Association for Suicidology for coverage of suicides and to encourage media cooperation in adopting these guidelines in reporting suicides.

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(7) Increased training opportunities for volunteers, professionals, and other caregivers to develop specific skills for assessing suicide risk and intervening to prevent suicide.

Section 25. Additional duties of the Committee. The Committee shall:

(1) Act as an advisor and lead consultant on the design, implementation, and evaluation of all programs outlined in this Act.

(2) Establish interagency policy and procedures among appropriate agencies for the collaboration and coordination needed to implement the programs outlined in this Act.

(3) Design, review, select, and monitor proposals for the implementation of these activities in agencies throughout the State.

Section 30. Suicide prevention pilot programs.

(a) The Department shall establish, when funds are appropriated, up to 5 pilot programs that provide training and direct service programs relating to youth, elderly, special populations, high-risk populations, and professional caregivers. The purpose of these pilot programs is to demonstrate and evaluate the effectiveness of the projects set forth in this Act in the communities in which they are offered. The pilot programs shall be operational for at least 2 years of the 3-year requirement set forth in Section 13.

(b) The Director of Public Health is encouraged to ensure that the pilot programs include the following prevention strategies:

(1) school gatekeeper and faculty training;
(2) community gatekeeper training;
(3) general community suicide prevention education;
(4) health providers and physician training and consultation about high-risk cases;
(5) depression, anxiety, and suicide screening programs;
(6) peer support youth and older adult programs;
(7) the enhancement of 24-hour crisis centers, hotlines, and person-to-person calling trees;
(8) means restriction advocacy and collaboration; and
(9) intervening and supporting after a suicide.

(c) The funds appropriated for purposes of this Section shall be allocated by the Department on a competitive, grant-submission basis, which shall include consideration of different rates of risk of suicide based on age, ethnicity, gender, prevalence of mental health disorders, different

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rates of suicide based on geographic areas in Illinois, and the services and curriculum offered to fit these needs by the applying agency.

(d) The Department and Committee shall prepare a report as to the effectiveness of the demonstration projects established pursuant to this Section and submit that report no later than 6 months after the projects are completed to the Governor and General Assembly.

Section 99. Effective date. This Act takes effect July 1, 2004.

PUBLIC ACT 93-0908
(House Bill No. 5891)

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

Section 5. The Massage Licensing Act is amended by changing Sections 15 and 20 as follows:

(225 ILCS 57/15)
(Section scheduled to be repealed on January 1, 2012)
Sec. 15. Licensure requirements.
(a) Beginning January 1, 2005, persons engaged in massage for compensation must be licensed by the Department. The Department shall issue a license to an individual who meets all of the following requirements:

(1) The applicant has applied in writing on the prescribed forms and has paid the required fees.

(2) The applicant is at least 18 years of age and of good moral character. In determining good moral character, the Department may take into consideration conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor or any crime that is directly related to the practice of the profession. Such a conviction shall not operate automatically as a complete bar to a license, except in the case of any conviction for prostitution, rape, or sexual misconduct, or where the applicant is a registered sex offender.

(3) The applicant has met one of the following requirements:

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(A) has successfully completed the curriculum or curriculums of one or more massage therapy schools approved by the Department that require a minimum of 500 hours and has passed a competency examination approved by the Department;

(B) holds a current license from another jurisdiction having licensure requirements that meet or exceed those defined within this Act; or

(C) has moved to Illinois from a jurisdiction with no licensure requirement and has provided documentation that he or she has successfully passed the National Certification Board of Therapeutic Massage and Bodywork's examination or another massage therapist certifying examination approved by the Department and maintains current certification.

(b) Each applicant for licensure as a massage therapist shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this Section.

(Source: P.A. 92-860, eff. 6-1-03; 93-524, eff. 8-12-03.)

(225 ILCS 57/20)

(Section scheduled to be repealed on January 1, 2012)
Sec. 20. Grandfathering provision.

(a) For a period of one year after the effective date of the rules adopted under this Act, the Department may issue a license to an

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individual who, in addition to meeting the requirements set forth in paragraphs (1) and (2) of subsection (a) and subsection (b) of Section 15, produces proof that he or she has met at least one of the following requirements before the effective date of this Act:

(1) has been an active member, for a period of at least one year prior to the application for licensure, of a national professional massage therapy organization established prior to the year 2000, which offers professional liability insurance and a code of ethics;

(2) has passed the National Certification Exam of Therapeutic Massage and Bodywork and has kept his or her certification current;

(3) has practiced massage therapy an average of at least 10 hours per week for at least 10 years; or

(4) has practiced massage therapy an average of at least 10 hours per week for at least one year prior to the effective date of this Act and has completed at least 100 hours of formal training in massage therapy.

(b) An applicant who can show proof of having engaged in the practice of massage therapy for at least 10 hours per week for a minimum of one year prior to the effective date of this Act and has less than 100 hours of formal training or has been practicing for less than one year with 100 hours of formal training must complete at least 100 additional hours of formal training consisting of at least 25 hours in anatomy and physiology by January 1, 2005.

(c) An applicant who has training from another state or country may qualify for a license under subsection (a) by showing proof of meeting the requirements of that state or country and demonstrating that those requirements are substantially the same as the requirements in this Section.

(d) For purposes of this Section, "formal training" means a massage therapy curriculum approved by the Illinois State Board of Education or the Illinois Board of Higher Education or course work provided by continuing education sponsors approved by the Department.

(Source: P.A. 92-860, eff. 6-1-03; 93-524, eff. 8-12-03.)

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


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AN ACT concerning schools.

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

Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-325 as follows:

(20 ILCS 2605/2605-325) (was 20 ILCS 2605/55a in part)

Sec. 2605-325. Conviction information for school board or regional superintendent. On request of a school board or regional superintendent of schools, to conduct a fingerprint-based criminal history records check an inquiry pursuant to Section 10-21.9 or 34-18.5 of the School Code to ascertain whether an applicant for employment in a school district has been convicted of any criminal or drug offenses enumerated in Section 10-21.9 or 34-18.5 of the School Code. The Department shall furnish the conviction information to the president of the school board of the school district that has requested the information or, if the information was requested by the regional superintendent, to that regional superintendent.

(Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

Section 10. The School Code is amended by changing Sections 2-3.51.5, 10-21.9, 27A-5, and 34-18.5 as follows:

(105 ILCS 5/2-3.51.5)

Sec. 2-3.51.5. School Safety and Educational Improvement Block Grant Program. To improve the level of education and safety of students from kindergarten through grade 12 in school districts. The State Board of Education is authorized to fund a School Safety and Educational Improvement Block Grant Program.

(1) The program shall provide funding for school safety, textbooks and software, teacher training and curriculum development, school improvements, remediation programs under subsection (a) of Section 2-3.64, school report cards under Section 10-17a, and criminal history records checks background investigations under Sections 10-21.9 and 34-18.5. A school district or laboratory school as defined in Section 18-8 or 18-8.05 is not required to file an application in order to receive the

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categorical funding to which it is entitled under this Section. Funds for the School Safety and Educational Improvement Block Grant Program shall be distributed to school districts and laboratory schools based on the prior year's best 3 months average daily attendance. The State Board of Education shall promulgate rules and regulations necessary for the implementation of this program.

(2) Distribution of moneys to school districts shall be made in 2 semi-annual installments, one payment on or before October 30, and one payment prior to April 30, of each fiscal year.

(3) Grants under the School Safety and Educational Improvement Block Grant Program shall be awarded provided there is an appropriation for the program, and funding levels for each district shall be prorated according to the amount of the appropriation.

(Source: P.A. 90-548, eff. 1-1-98; 91-711, eff. 7-1-00.)

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal history records checks background investigations.

(a) Certified After August 1, 1985, certified and noncertified applicants for employment with a school district, except school bus driver applicants, are required as a condition of employment to authorize a fingerprint-based criminal history records check an investigation to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check investigation shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational

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support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, and social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check investigation of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department of State Police shall conduct a search of the Illinois criminal history records database to ascertain if the applicant being considered for employment has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the school district, any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check investigation by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse school districts and regional superintendents for fees paid to obtain criminal history records checks under this Section. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(b) If the search of the Illinois criminal history records database indicates that the applicant has been convicted of committing or attempting to commit a crime, the Department shall notify the school district or the appropriate regional superintendent of the conviction.

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attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years before the application for employment with the school district, any other felony under the laws of this State, the Department and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based background check, records of convictions, until expunged, to the president of the school board for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the check investigation was requested by the school district, the presidents of the appropriate school boards if the check investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. If a check an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under

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the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute teacher in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No school board shall knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the "Criminal Code of 1961"; (ii) those defined in the "Cannabis Control Act" except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the "Illinois Controlled Substances Act"; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) No school board shall knowingly employ a person for whom a criminal history records check background investigation has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the appropriate regional superintendent of schools or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact

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with the pupils of any school in such district. For purposes of criminal history records checks background investigations on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a check investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(Source: P.A. 93-418, eff. 1-1-04.)

(105 ILCS 5/27A-5)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status.

Beginning on the effective date of this amendatory Act of the 93rd General Assembly, in all new applications submitted to the State Board or a local school board to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by this amendatory Act of the 93rd General Assembly do not apply to charter schools existing or approved on or before the effective date of this amendatory Act.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act.

(d) A charter school shall comply with all applicable health and safety requirements applicable to public schools under the laws of the State of Illinois.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge
reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school.

(g) A charter school shall comply with all provisions of this Article and its charter. A charter school is exempt from all other State laws and regulations in the School Code governing public schools and local school board policies, except the following:

(1) Sections 10-21.9 and 34-18.5 of the School Code regarding criminal history records checks background investigations of applicants for employment;

(2) Sections 24-24 and 34-84A of the School Code regarding discipline of students;

(3) The Local Governmental and Governmental Employees Tort Immunity Act;

(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;

(5) The Abused and Neglected Child Reporting Act;

(6) The Illinois School Student Records Act; and

(7) Section 10-17a of the School Code regarding school report cards.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after the effective date of this amendatory Act of the 93rd General Assembly and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on the effective date of this amendatory Act of the 93rd General Assembly and concludes at the end of the 2004-2005 school year.

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Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(Source: P.A. 93-3, eff. 4-16-03.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

Sec. 34-18.5. Criminal history records checks background investigations.

(a) Certified After August 1, 1985, certified and noncertified applicants for employment with the school district are required as a condition of employment to authorize a fingerprint-based criminal history records check an investigation to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check investigation shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check investigation to

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the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, and social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check investigation of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. shall conduct a search of the Illinois Criminal history record information database to ascertain if the applicant being considered for employment has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the school district, any other felony under the laws of this State. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check investigation by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse the school district and regional superintendent for fees paid to obtain criminal history records checks under this Section. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(b) If the search of the Illinois criminal history records database indicates that the applicant has been convicted of committing or

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attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the school district, any other felony under the laws of this State, the Department and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based background check, records of convictions, until expunged, to the president of the board of education for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate regional superintendent if the check investigation was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the check investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. If a check an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed

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or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own criminal history records check investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The board of education shall not knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the board of education shall not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) The board of education shall not knowingly employ a person for whom a criminal history records check background investigation has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the board of education or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus

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drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks, background investigations on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a check investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.
(Source: P.A. 93-418, eff. 1-1-04.)

Section 15. The Juvenile Court Act of 1987 is amended by changing Section 2-21 as follows:

(705 ILCS 405/2-21) (from Ch. 37, par. 802-21)
Sec. 2-21. Findings and adjudication.
(1) The court shall state for the record the manner in which the parties received service of process and shall note whether the return or returns of service, postal return receipt or receipts for notice by certified mail, or certificate or certificates of publication have been filed in the court record. The court shall enter any appropriate orders of default against any parent who has been properly served in any manner and fails to appear.

No further service of process as defined in Sections 2-15 and 2-16 is required in any subsequent proceeding for a parent who was properly served in any manner, except as required by Supreme Court Rule 11.

The caseworker shall testify about the diligent search conducted for the parent.

After hearing the evidence the court shall determine whether or not the minor is abused, neglected, or dependent. If it finds that the minor is not such a person, the court shall order the petition dismissed and the minor discharged. The court's determination of whether the minor is abused, neglected, or dependent shall be stated in writing with the factual basis supporting that determination.

If the court finds that the minor is abused, neglected, or dependent, the court shall then determine and put in writing the factual basis supporting that determination, and specify, to the extent possible, the acts or omissions or both of each parent, guardian, or legal custodian that form

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the basis of the court's findings. That finding shall appear in the order of the court.

If the court finds that the child has been abused, neglected or dependent, the court shall admonish the parents that they must cooperate with the Department of Children and Family Services, comply with the terms of the service plan, and correct the conditions that require the child to be in care, or risk termination of parental rights.

If the court determines that a person has inflicted physical or sexual abuse upon a minor, the court shall report that determination to the Department of State Police, which shall include that information in its report to the President of the school board for a school district that requests a criminal history records check of that person, or the regional superintendent of schools who requests a check of that person, as required under Section 10-21.9 or 34-18.5 of the School Code.

(2) If, pursuant to subsection (1) of this Section, the court determines and puts in writing the factual basis supporting the determination that the minor is either abused or neglected or dependent, the court shall then set a time not later than 30 days after the entry of the finding for a dispositional hearing (unless an earlier date is required pursuant to Section 2-13.1) to be conducted under Section 2-22 at which hearing the court shall determine whether it is consistent with the health, safety and best interests of the minor and the public that he be made a ward of the court. To assist the court in making this and other determinations at the dispositional hearing, the court may order that an investigation be conducted and a dispositional report be prepared concerning the minor's physical and mental history and condition, family situation and background, economic status, education, occupation, history of delinquency or criminality, personal habits, and any other information that may be helpful to the court. The dispositional hearing may be continued once for a period not to exceed 30 days if the court finds that such continuance is necessary to complete the dispositional report.

(3) The time limits of this Section may be waived only by consent of all parties and approval by the court, as determined to be consistent with the health, safety and best interests of the minor.

(4) For all cases adjudicated prior to July 1, 1991, for which no dispositional hearing has been held prior to that date, a dispositional hearing under Section 2-22 shall be held within 90 days of July 1, 1991.

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(5) The court may terminate the parental rights of a parent at the initial dispositional hearing if all of the following conditions are met:

(i) the original or amended petition contains a request for termination of parental rights and appointment of a guardian with power to consent to adoption; and

(ii) the court has found by a preponderance of evidence, introduced or stipulated to at an adjudicatory hearing, that the child comes under the jurisdiction of the court as an abused, neglected, or dependent minor under Section 2-18; and

(iii) the court finds, on the basis of clear and convincing evidence admitted at the adjudicatory hearing that the parent is an unfit person under subdivision D of Section 1 of the Adoption Act; and

(iv) the court determines in accordance with the rules of evidence for dispositional proceedings, that:

(A) it is in the best interest of the minor and public that the child be made a ward of the court;

(A-5) reasonable efforts under subsection (l-1) of Section 5 of the Children and Family Services Act are inappropriate or such efforts were made and were unsuccessful; and

(B) termination of parental rights and appointment of a guardian with power to consent to adoption is in the best interest of the child pursuant to Section 2-29.

(Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by P.A. 90-443); 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-443, eff. 8-16-97; 90-566, eff. 1-2-98; 90-608, eff. 6-30-98.)

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


PUBLIC ACT 93-0910
(House Bill No. 4232)

AN ACT in relation to health, which may be known as the Colleen O'Sullivan Law.

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

Section 1. Short title. This Act may be cited as the Physical Fitness Facility Medical Emergency Preparedness Act.

Section 5. Definitions. In this Act, words and phrases have the meanings set forth in the following Sections.

Section 5.5. Automated external defibrillator. "Automated external defibrillator" or "AED" means an automated external defibrillator as defined in the Automated External Defibrillator Act.

Section 5.10. Department. "Department" means the Department of Public Health.

Section 5.15. Director. "Director" means the Director of Public Health.

Section 5.20. Medical emergency. "Medical emergency" means the occurrence of a sudden, serious, and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person requires urgent or unscheduled medical care.

Section 5.25. Physical fitness facility.

(a) "Physical fitness facility" means the following:

(1) Any of the following indoor facilities that is (i) owned or operated by a park district, municipality, or other unit of local government, including a home rule unit, or by a public or private elementary or secondary school, college, university, or technical or trade school and (ii) supervised by one or more persons, other than maintenance or security personnel, employed by the unit of local government, school, college, or university for the purpose of directly supervising the physical fitness activities taking place at any of these indoor facilities: a swimming pool; stadium; athletic field; track and field facility; tennis court; basketball court; or volleyball court; or such facilities located adjacent thereto.

(2) Except as provided in subsection (b), any other indoor establishment, whether public or private, that provides services or facilities focusing primarily on cardiovascular exertion as defined by Department rule.

(b) "Physical fitness facility" does not include a facility serving less than a total of 100 individuals, as further defined by Department rule. In addition, the term does not include a facility located in a hospital or in a hotel or motel, or any outdoor facility. The term also does not include any

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facility that does not employ any persons to provide instruction, training, or assistance for persons using the facility.

Section 10. Medical emergency plan required.
(a) Before July 1, 2005, each person or entity, including a home rule unit, that operates a physical fitness facility must adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public. The plan must comply with this Act and rules adopted by the Department to implement this Act. The facility must file a copy of the plan with the Department.
(b) Whenever there is a change in the structure occupied by the facility or in the services provided or offered by the facility that would materially affect the facility's ability to respond to a medical emergency, the person or entity, including a home rule unit, must promptly update its plan developed under subsection (a) and must file a copy of the updated plan with the Department.

Section 15. Automated external defibrillator required.
(a) By the dates specified in Section 50, every physical fitness facility must have at least one AED on the facility premises. The Department shall adopt rules to ensure coordination with local emergency medical services systems regarding the placement and use of AEDs in physical fitness facilities. The Department may adopt rules requiring a facility to have more than one AED on the premises, based on factors that include the following:

(1) The size of the area or the number of buildings or floors occupied by the facility.
(2) The number of persons using the facility, excluding spectators.
(b) A physical fitness facility must ensure that there is a trained AED user on staff.
(c) Every physical fitness facility must ensure that every AED on the facility's premises is properly tested and maintained in accordance with rules adopted by the Department.

Section 20. Training. The Department shall adopt rules to establish programs to train physical fitness facility staff on the role of cardiopulmonary resuscitation and the use of automated external defibrillators. The rules must be consistent with those adopted by the Department for training AED users under the Automated External Defibrillator Act.

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Section 30. Inspections. The Department shall inspect a physical fitness facility in response to a complaint filed with the Department alleging a violation of this Act. For the purpose of ensuring compliance with this Act, the Department may inspect a physical fitness facility at other times in accordance with rules adopted by the Department.

Section 35. Penalties for violations.
(a) If a physical fitness facility violates this Act by (i) failing to adopt or implement a plan for responding to medical emergencies under Section 10 or (ii) failing to have on the premises an AED or trained AED user as required under subsection (a) or (b) of Section 15, the Director may issue to the facility a written administrative warning without monetary penalty for the initial violation. The facility may reply to the Department with written comments concerning the facility's remedial response to the warning. For subsequent violations, the Director may impose a civil monetary penalty against the facility as follows:
   (1) At least $1,500 but less than $2,000 for a second violation.
   (2) At least $2,000 for a third or subsequent violation.
(b) The Director may impose a civil monetary penalty under this Section only after it provides the following to the facility:
   (1) Written notice of the alleged violation.
   (2) Written notice of the facility's right to request an administrative hearing on the question of the alleged violation.
   (3) An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Director.
   (4) A written decision from the Director, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the facility violated this Act and imposing the civil penalty.
(c) The Attorney General may bring an action in the circuit court to enforce the collection of a monetary penalty imposed under this Section.
(d) The fines shall be deposited into the Physical Fitness Facility Medical Emergency Preparedness Fund to be appropriated to the Department, together with any other amounts, for the costs of administering this Act.

Section 40. Rules. The Department shall adopt rules to implement this Act.
Section 45. Liability. Nothing in this Act shall be construed to either limit or expand the exemptions from civil liability in connection with the purchase or use of an automated external defibrillator that are provided under the Automated External Defibrillator Act or under any other provision of law. A right of action does not exist in connection with the use or non-use of an automated external defibrillator at a facility governed by this Act, except for willful or wanton misconduct, provided that the person, unit of state or local government, or school district operating the facility has adopted a medical emergency plan as required under Section 10 of this Act, has an automated external defibrillator at the facility as required under Section 15 of this Act, and has maintained the automated external defibrillator in accordance with the rules adopted by the Department.

Section 50. Compliance dates; private and public indoor physical fitness facilities.
(a) Privately owned indoor physical fitness facilities. Every privately owned or operated indoor physical fitness facility must be in compliance with this Act on or before July 1, 2006.
(b) Publicly owned indoor physical fitness facilities. A public entity owning or operating 4 or fewer indoor physical fitness facilities must have at least one such facility in compliance with this Act on or before July 1, 2006; its second facility in compliance by July 1, 2007; its third facility in compliance by July 1, 2008; and its fourth facility in compliance by July 1, 2009.
A public entity owning or operating more than 4 indoor physical fitness facilities must have 25% of those facilities in compliance by July 1, 2006; 50% of those facilities in compliance by July 1, 2007; 75% of those facilities in compliance by July 1, 2008; and 100% of those facilities in compliance by July 1, 2009.

Section 55. Home rule. A home rule unit must comply with the requirements of this Act. A home rule unit may not regulate physical fitness facilities in a manner inconsistent with this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 90. The State Finance Act is amended by adding Section 5.625 as follows:
(30 ILCS 105/5.625 new)

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Sec. 5.625. The Physical Fitness Facility Medical Emergency Preparedness Fund.

Section 95. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

Section 100. The Automated External Defibrillator Act is amended by changing Section 30 as follows:

(410 ILCS 4/30)

Sec. 30. Exemption from civil liability.

(a) A physician licensed in Illinois to practice medicine in all its branches who authorizes the purchase of an automated external defibrillator is not liable for civil damages as a result of any act or omission arising out of authorizing the purchase of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(b) An individual or entity providing training in the use of automated external defibrillators is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(c) A person, unit of State or local government, or school district owning, occupying, or managing the premises where an automated external defibrillator is located is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(d) An AED user is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator in an emergency situation, except for willful or wanton misconduct, if the requirements of this Act are met.

(e) This Section does not apply to a public hospital.

(Source: P.A. 91-524, eff. 1-1-00.)

Effective January 1, 2005.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning visitation.

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

Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 607 as follows:

(750 ILCS 5/607) (from Ch. 40, par. 607)

Sec. 607. Visitation.

(a) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger seriously the child's physical, mental, moral or emotional health. If the custodian's street address is not identified, pursuant to Section 708, the court shall require the parties to identify reasonable alternative arrangements for visitation by a non-custodial parent, including but not limited to visitation of the minor child at the residence of another person or at a local public or private facility.

(a-3) Nothing in subsection (a-5) of this Section shall apply to a child in whose interests a petition under Section 2-13 of the Juvenile Court Act of 1987 is pending.

(a-5)(1) Except as otherwise provided in this subsection (a-5), any grandparent, great-grandparent, or sibling may file a petition for visitation rights to a minor child if there is an unreasonable denial of visitation by a parent and at least one of the following conditions exists:

(A) one parent of the child is incompetent as a matter of law or deceased or has been sentenced to a period of imprisonment for more than 1 year;

(B) the child's mother and father are divorced or have been legally separated from each other during the 3 month period prior to the filing of the petition and at least one parent does not object to the grandparent, great-grandparent, or sibling having visitation with the child. The visitation of the grandparent, great-grandparent, or sibling must not diminish the visitation of the parent who is not related to the grandparent, great-grandparent, or sibling seeking visitation;

(C) the court, other than a Juvenile Court, has terminated a parent-child relationship and the grandparent, great-grandparent, or sibling is the parent of the person whose parental rights have

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been terminated, except in cases of adoption. The visitation must not be used to allow the parent who lost parental rights to unlawfully visit with the child;

(D) the child is illegitimate, the parents are not living together, and the petitioner is a maternal grandparent, great-grandparent, or sibling of the illegitimate child; or

(E) the child is illegitimate, the parents are not living together, the petitioner is a paternal grandparent, great-grandparent, or sibling, and the paternity has been established by a court of competent jurisdiction.

(2) The grandparent, great-grandparent, or sibling of a parent whose parental rights have been terminated through an adoption proceeding may not petition for visitation rights.

(3) In making a determination under this subsection (a-5), there is a rebuttable presumption that a fit parent’s actions and decisions regarding grandparent, great-grandparent, or sibling visitation are not harmful to the child’s mental, physical, or emotional health. The burden is on the party filing a petition under this Section to prove that the parent’s actions and decisions regarding visitation times are harmful to the child’s mental, physical, or emotional health.

(4) In determining whether to grant visitation, the court shall consider the following:

(A) the preference of the child if the child is determined to be of sufficient maturity to express a preference;

(B) the mental and physical health of the child;

(C) the mental and physical health of the grandparent, great-grandparent, or sibling;

(D) the length and quality of the prior relationship between the child and the grandparent, great-grandparent, or sibling;

(E) the good faith of the party in filing the petition;

(F) the good faith of the person denying visitation;

(G) the quantity of the visitation time requested and the potential adverse impact that visitation would have on the child’s customary activities;

(H) whether the child resided with the petitioner for at least 6 consecutive months with or without the current custodian present;

(I) whether the petitioner had frequent or regular contact with the child for at least 12 consecutive months; and

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(J) any other fact that establishes that the loss of the relationship between the petitioner and the child is likely to harm the child's mental, physical, or emotional health.

(5) The court may order visitation rights for the grandparent, great-grandparent, or sibling that include reasonable access without requiring overnight or possessory visitation.

(a-7)(1) Unless by stipulation of the parties, no motion to modify a grandparent, great-grandparent, or sibling visitation order may be made earlier than 2 years after the date the order was filed, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child's present environment may endanger seriously the child's mental, physical, or emotional health.

(2) The court shall not modify a prior grandparent, great-grandparent, or sibling visitation order unless it finds by clear and convincing evidence, upon the basis of facts that have arisen since the prior visitation order or that were unknown to the court at the time of entry of the prior visitation, that a change has occurred in the circumstances of the child or his or her custodian, and that the modification is necessary to protect the mental, physical, or emotional health of the child. The court shall state in its decision specific findings of fact in support of its modification or termination of the grandparent, great-grandparent, or sibling visitation.

(3) Attorney fees and costs shall be assessed against a party seeking modification of the visitation order if the court finds that the modification action is vexatious and constitutes harassment.

(4) Notice under this subsection (a-7) shall be given as provided in subsections (c) and (d) of Section 601.

(b) (1) (Blank.) The court may grant reasonable visitation privileges to a grandparent, great-grandparent, or sibling of any minor child upon petition to the court by the grandparents or great-grandparents or on behalf of the sibling, with notice to the parties required to be notified under Section 601 of this Act, if the court determines that it is in the best interests and welfare of the child, and may issue any necessary orders to enforce such visitation privileges. Except as provided in paragraph (2) of this subsection (b), a petition for visitation privileges may be filed under this paragraph (1) whether or not a petition pursuant to this Act has been previously filed or is currently pending if one or more of the following circumstances exist:

New matter indicated by italics - deletions by strikeout.
(A) the parents are not currently cohabiting on a permanent or an indefinite basis;
(B) one of the parents has been absent from the marital abode for more than one month without the spouse knowing his or her whereabouts;
(C) one of the parents is deceased;
(D) one of the parents joins in the petition with the grandparents, great-grandparents, or sibling; or
(E) a sibling is in State custody.

(1.5) The Court may grant reasonable visitation privileges to a stepparent upon petition to the court by the stepparent, with notice to the parties required to be notified under Section 601 of this Act, if the court determines that it is in the best interests and welfare of the child, and may issue any necessary orders to enforce those visitation privileges. A petition for visitation privileges may be filed under this paragraph (1.5) whether or not a petition pursuant to this Act has been previously filed or is currently pending if the following circumstances are met:
(A) the child is at least 12 years old;
(B) the child resided continuously with the parent and stepparent for at least 5 years;
(C) the parent is deceased or is disabled and is unable to care for the child;
(D) the child wishes to have reasonable visitation with the stepparent; and
(E) the stepparent was providing for the care, control, and welfare to the child prior to the initiation of the petition for visitation.

(2)(A) A petition for visitation privileges shall not be filed pursuant to this subsection (b) by the parents or grandparents of a putative father if the paternity of the putative father has not been legally established.

(B) A petition for visitation privileges may not be filed under this subsection (b) if the child who is the subject of the grandparents' or great-grandparents' petition has been voluntarily surrendered by the parent or parents, except for a surrender to the Illinois Department of Children and Family Services or a foster care facility, or has been previously adopted by an individual or individuals who are not related to the biological parents of the child or is the subject of a pending adoption petition by an individual or individuals who are not related to the biological parents of the child.

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(3) (Blank). When one parent is deceased, the surviving parent shall not interfere with the visitation rights of the grandparents.

(c) The court may modify an order granting or denying visitation rights of a parent whenever modification would serve the best interest of the child; but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger seriously the child's physical, mental, moral or emotional health. The court may modify an order granting, denying, or limiting visitation rights of a grandparent, great-grandparent, or sibling of any minor child whenever a change of circumstances has occurred based on facts occurring subsequent to the judgment and the court finds by clear and convincing evidence that the modification is in the best interest of the minor child.

(d) If any court has entered an order prohibiting a non-custodial parent of a child from any contact with a child or restricting the non-custodial parent's contact with the child, the following provisions shall apply:

(1) If an order has been entered granting visitation privileges with the child to a grandparent or great-grandparent who is related to the child through the non-custodial parent, the visitation privileges of the grandparent or great-grandparent may be revoked if:

(i) a court has entered an order prohibiting the non-custodial parent from any contact with the child, and the grandparent or great-grandparent is found to have used his or her visitation privileges to facilitate contact between the child and the non-custodial parent; or

(ii) a court has entered an order restricting the non-custodial parent's contact with the child, and the grandparent or great-grandparent is found to have used his or her visitation privileges to facilitate contact between the child and the non-custodial parent in a manner that violates the terms of the order restricting the non-custodial parent's contact with the child.

Nothing in this subdivision (1) limits the authority of the court to enforce its orders in any manner permitted by law.

(2) Any order granting visitation privileges with the child to a grandparent or great-grandparent who is related to the child through the non-custodial parent shall contain the following provision:

New matter indicated by italics - deletions by strikeout.
"If the (grandparent or great-grandparent, whichever is applicable) who has been granted visitation privileges under this order uses the visitation privileges to facilitate contact between the child and the child's non-custodial parent, the visitation privileges granted under this order shall be permanently revoked."

(e) No parent, not granted custody of the child, or grandparent, or great-grandparent, or stepparent, or sibling of any minor child, convicted of any offense involving an illegal sex act perpetrated upon a victim less than 18 years of age including but not limited to offenses for violations of Article 12 of the Criminal Code of 1961, is entitled to visitation rights while incarcerated or while on parole, probation, conditional discharge, periodic imprisonment, or mandatory supervised release for that offense, and upon discharge from incarceration for a misdemeanor offense or upon discharge from parole, probation, conditional discharge, periodic imprisonment, or mandatory supervised release for a felony offense, visitation shall be denied until the person successfully completes a treatment program approved by the court.

(f) Unless the court determines, after considering all relevant factors, including but not limited to those set forth in Section 602(a), that it would be in the best interests of the child to allow visitation, the court shall not enter an order providing visitation rights and pursuant to a motion to modify visitation shall revoke visitation rights previously granted to any person who would otherwise be entitled to petition for visitation rights under this Section who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child who is the subject of the order. Until an order is entered pursuant to this subsection, no person shall visit, with the child present, a person who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child without the consent of the child's parent, other than a parent convicted of first degree murder as set forth herein, or legal guardian.

(g) If an order has been entered limiting, for cause, a minor child's contact or visitation with a grandparent, great-grandparent, or sibling on the grounds that it was in the best interest of the child to do so, that order may be modified only upon a showing of a substantial change in circumstances occurring subsequent to the entry of the order with proof by clear and convincing evidence that modification is in the best interest of the minor child.
AN ACT concerning minors.

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

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-915 as follows:

(705 ILCS 405/5-915)
Sec. 5-915. Expungement of juvenile law enforcement and juvenile court records.

(1) Whenever any person has attained the age of 17 or whenever all juvenile court proceedings relating to that person have been terminated, whichever is later, the person may petition the court to expunge law enforcement records relating to incidents occurring before his or her 17th birthday or his or her juvenile court records, or both, but only in the following circumstances:

(a) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court; or
(b) the minor was charged with an offense and was found not delinquent of that offense; or
(c) the minor was placed under supervision pursuant to Section 5-615, and the order of supervision has since been successfully terminated; or
(d) the minor was adjudicated for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult.

(2) Any person may petition the court to expunge all law enforcement records relating to any incidents occurring before his or her 17th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications except those based upon first degree murder and sex offenses which would be felonies if
committed by an adult, if the person for whom expungement is sought has had no convictions for any crime since his or her 17th birthday and:

(a) has attained the age of 21 years; or

(b) 5 years have elapsed since all juvenile court proceedings relating to him or her have been terminated or his or her commitment to the Department of Corrections, Juvenile Division pursuant to this Act has been terminated; whichever is later of (a) or (b).

(2.5) If a minor is arrested and no petition for delinquency is filed with the clerk of the circuit court as provided in paragraph (a) of subsection (1) at the time the minor is released from custody, the youth officer, if applicable, or other designated person from the arresting agency, shall notify verbally and in writing to the minor or the minor's parents or guardians that if the State's Attorney does not file a petition for delinquency, the minor has a right to petition to have his or her arrest record expunged when the minor attains the age of 17 or when all juvenile court proceedings relating to that minor have been terminated and that unless a petition to expunge is filed, the minor shall have an arrest record and shall provide the minor and the minor's parents or guardians with an expungement information packet, including a petition to expunge juvenile records obtained from the clerk of the circuit court.

(2.6) If a minor is charged with an offense and is found not delinquent of that offense; or if a minor is placed under supervision under Section 5-615, and the order of supervision is successfully terminated; or if a minor is adjudicated for an offense that would be a Class B misdemeanor, a Class C misdemeanor, or a business or petty offense if committed by an adult; or if a minor has incidents occurring before his or her 17th birthday that have not resulted in proceedings in criminal court, or resulted in proceedings in juvenile court, and the adjudications were not based upon first degree murder or sex offenses that would be felonies if committed by an adult; then at the time of sentencing or dismissal of the case, the judge shall inform the delinquent minor of his or her right to petition for expungement as provided by law, and the clerk of the circuit court shall provide an expungement information packet to the delinquent minor, written in plain language, including a petition for expungement, a sample of a completed petition, expungement instructions that shall include information informing the minor that (i) once the case is expunged, it shall be treated as if it never occurred, (ii) he or she may apply to have petition fees waived, (iii) once he or she obtains an

New matter indicated by italics - deletions by strikeout.
expungement, he or she may not be required to disclose that he or she had a juvenile record, and (iv) he or she may file the petition on his or her own or with the assistance of an attorney. The failure of the judge to inform the delinquent minor of his or her right to petition for expungement as provided by law does not create a substantive right, nor is that failure grounds for: (i) a reversal of an adjudication of delinquency, (ii) a new trial; or (iii) an appeal.

(2.7) For counties with a population over 3,000,000, the clerk of the circuit court shall send a "Notification of a Possible Right to Expungement" postcard to the minor at the address last received by the clerk of the circuit court on the date that the minor attains the age of 17 based on the birthdate provided to the court by the minor or his or her guardian in cases under paragraphs (b), (c), and (d) of subsection (1); and when the minor attains the age of 21 based on the birthdate provided to the court by the minor or his or her guardian in cases under subsection (2).

(2.8) The petition for expungement for subsection (1) shall be substantially in the following form:

IN THE CIRCUIT COURT OF ......, ILLINOIS

IN THE INTEREST OF )
NO.
)
)
)
)
)
)
)
)
)
)
)
)
)
)
)(Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS

(705 ILCS 405/5-915 (SUBSECTION 1))

(Please prepare a separate petition for each offense)

Now comes ............, petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner has attained the age of 17, his/her birth date being ......, or all Juvenile Court proceedings terminated as of ......, whichever occurred later. Petitioner was arrested on ..... by the ...... Police Department for the offense of ......, and:

(Check One:)

( ) a. no petition was filed with the Clerk of the Circuit Court.

( ) b. was charged with ...... and was found not delinquent of the offense.

New matter indicated by italics - deletions by strikeout.
( ) c. a petition was filed and the petition was dismissed without a finding of delinquency on ......
( ) d. on ....... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on ......
( ) e. was adjudicated for the offense, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult. Petitioner .... has .... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list the charges below:
Charge(s): ......
Arresting Agency or Agencies: ..........
Disposition/Result: (choose from a. through e., above): ......
WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident.

........................
Petitioner (Signature)
........................
Petitioner's Street Address
........................
City, State, Zip Code
........................
Petitioner's Telephone Number

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

........................
Petitioner (Signature)

The Petition for Expungement for subsection (2) shall be substantially in the following form:

IN THE CIRCUIT COURT OF ......., ILLINOIS
.......... JUDICIAL CIRCUIT

IN THE INTEREST OF )
NO.
)

New matter indicated by italics - deletions by strikeout.
PETITION TO EXPUNGE JUVENILE RECORDS
(705 ILCS 405/5-915 (SUBSECTION 2))

(Please prepare a separate petition for each offense)

Now comes .........., petitioner, and respectfully requests that this Honorable Court enter an order expunging all Juvenile Law Enforcement and Court records of petitioner and in support thereof states that:

The incident for which the Petitioner seeks expungement occurred before the Petitioner's 17th birthday and did not result in proceedings in criminal court and the Petitioner has not had any convictions for any crime since his/her 17th birthday; and

The incident for which the Petitioner seeks expungement occurred before the Petitioner's 17th birthday and the adjudication was not based upon first-degree murder or sex offenses which would be felonies if committed by an adult, and the Petitioner has not had any convictions for any crime since his/her 17th birthday.

Petitioner was arrested on ...... by the ....... Police Department for the offense of ........, and:

(Check whichever one occurred the latest:)

( ) a. The Petitioner has attained the age of 21 years, his/her birthday being ......; or

( ) b. 5 years have elapsed since all juvenile court proceedings relating to the Petitioner have been terminated; or the Petitioner's commitment to the Department of Corrections, Juvenile Division, pursuant to the expungement of juvenile law enforcement and court records provisions of the Juvenile Court Act of 1987 has been terminated. Petitioner ...has ...has not been arrested on charges in this or any other county other than the charge listed above. If petitioner has been arrested on additional charges, please list the charges below:

Charge(s): .......... 

Arresting Agency or Agencies: ......

Disposition/Result: (choose from a or b, above): ..........

WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner related to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident.

..........................
Petitioner (Signature)  

Petitioner's Street Address  

City, State, Zip Code  

Petitioner's Telephone Number  

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.  

Petitioner (Signature)  

(3) The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of this Section, order the law enforcement records or official court file, or both, to be expunged from the official records of the arresting authority, the clerk of the circuit court and the Department of State Police. The person whose records are to be expunged shall petition the court using the appropriate form containing his or her current address and shall promptly notify the clerk of the circuit court of any change of address. Notice of the petition shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, and the arresting agency or agencies by the clerk of the circuit court. If an objection is filed within 90 days of the notice of the petition, the clerk of the circuit court shall set a date for hearing after the 90 day objection period. At the hearing the court shall hear evidence on whether the expungement should or should not be granted. Unless the State's Attorney or prosecutor, the Department of State Police, or an arresting agency objects to the expungement within 90 days of the notice, the court may enter an order granting expungement. The person whose records are to be expunged shall pay the clerk of the circuit court a fee equivalent to the cost associated with expungement of records by the clerk and the Department of State Police. The clerk shall forward a certified copy of the order to the Department of State Police, the appropriate portion of the fee to the Department of State Police for processing, and deliver a certified
copy of the order to the arresting agency. and upon the arresting authority which is the subject of the petition for expungement.

(3.1) The Notice of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ......, ILLINOIS
.... JUDICIAL CIRCUIT

IN THE INTEREST OF )
NO.
)
)
)
)
)
)
)
)

(Name of Petitioner)

NOTICE

TO: State's Attorney
TO: Arresting Agency

TO: Illinois State Police

ATTENTION: Expungement
You are hereby notified that on ......, at ......, in courtroom ..., located at ..., before the Honorable ..., Judge, or any judge sitting in his/her stead, I shall then and there present a Petition to Expunge Juvenile records in the above-entitled matter, at which time and place you may appear.

Petitioner's Signature
Petitioner's Street Address
City, State, Zip Code

PROOF OF SERVICE
On the ...... day of ......, 20..., I on oath state that I served this notice and true and correct copies of the above-checked documents by:
(Check One:)

New matter indicated by italics - deletions by strikeout.
delivering copies personally to each entity to whom they are directed;
or
by mailing copies to each entity to whom they are directed by depositing
the same in the U.S. Mail, proper postage fully prepaid, before the hour of
5:00 p.m., at the United States Postal Depository located at ............... ...........

Signature

Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner: ....
Address: ........................................
Telephone Number: .............................

(3.2) The Order of Expungement shall be in substantially the
following form:

IN THE CIRCUIT COURT OF ......, ILLINOIS
 .... JUDICIAL CIRCUIT

IN THE INTEREST OF )
NO.
)
)
)
 ...............)
(Name of Petitioner)
DOB .............

Arresting Agency/Agencies ......

ORDER OF EXPUNGEMENT
(705 ILCS 405/5-915 (SUBSECTION 3))
This matter having been heard on the petitioners motion and the court
being fully advised in the premises does find that the petitioner is indigent
or has presented reasonable cause to waive all costs in this matter, IT IS
HEREBY ORDERED that:

( ) 1. Clerk of Court and Department of State Police costs are
hereby waived in this matter.
( ) 2. The Illinois State Police Bureau of Identification and the
following law enforcement agencies expunge all records of petitioner
relating to an arrest dated ...... for the offense of ......

Law Enforcement Agencies:
 .........................
 .........................

New matter indicated by italics - deletions by strikeout.
3. IT IS FURTHER ORDERED that the Clerk of the Circuit Court expunge all records regarding the above-captioned case.

ENTER: ....................

JUDGE
DATED: .......
Name: 
Attorney for: 
Address: City/State/Zip: 
Attorney Number: 

(3.3) The Notice of Objection shall be in substantially the following form:

IN THE CIRCUIT COURT OF ......, ILLINOIS

IN THE INTEREST OF )
NO. )
NO. )
NO. )

(Name of Petitioner)

NOTICE OF OBJECTION
TO:(Attorney, Public Defender, Minor)

TO:(Illinois State Police)

TO:(Clerk of the Court)

TO:(Judge)

TO:(Arresting Agency/Agencies)

ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records:
( ) State's Attorney's Office;

New matter indicated by italics - deletions by strikeout.
( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
( ) Department of Illinois State Police; or
( ) Arresting Agency or Agencies.
The agency checked above respectfully requests that this case be continued and set for hearing on whether the expungement should or should not be granted.

DATED: ........
Name:
Attorney For:
Address:
City/State/Zip:
Telephone:
Attorney No.:

FOR USE BY CLERK OF THE COURT PERSONNEL ONLY
This matter has been set for hearing on the foregoing objection, on ...... in room ...., located at ......, before the Honorable ......, Judge, or any judge sitting in his/her stead. (Only one hearing shall be set, regardless of the number of Notices of Objection received on the same case).
A copy of this completed Notice of Objection containing the court date, time, and location, has been sent via regular U.S. Mail to the following entities. (If more than one Notice of Objection is received on the same case, each one must be completed with the court date, time and location and mailed to the following entities):
( ) Attorney, Public Defender or Minor;
( ) State's Attorney's Office;
( ) Prosecutor (other than State’s Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
( ) Department of Illinois State Police; and
( ) Arresting agency or agencies.
Date: ........
Initials of Clerk completing this section: ........

(4) Upon entry of an order expunging records or files, the offense, which the records or files concern shall be treated as if it never occurred. Law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the person.

(5) Records which have not been expunged are sealed, and may be obtained only under the provisions of Sections 5-901, 5-905 and 5-915.

New matter indicated by italics - deletions by strikeout.
(6) Nothing in this Section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the offender. This information may only be used for statistical and bona fide research purposes.

(7)(a) The State Appellate Defender shall establish, maintain, and carry out, by December 31, 2004, a juvenile expungement program to provide information and assistance to minors eligible to have their juvenile records expunged.

(b) The State Appellate Defender shall develop brochures, pamphlets, and other materials in printed form and through the agency's World Wide Web site. The pamphlets and other materials shall include at a minimum the following information:

(i) An explanation of the State's juvenile expungement process;
(ii) The circumstances under which juvenile expungement may occur;
(iii) The juvenile offenses that may be expunged;
(iv) The steps necessary to initiate and complete the juvenile expungement process; and
(v) Directions on how to contact the State Appellate Defender.

(c) The State Appellate Defender shall establish and maintain a statewide toll-free telephone number that a person may use to receive information or assistance concerning the expungement of juvenile records. The State Appellate Defender shall advertise the toll-free telephone number statewide. The State Appellate Defender shall develop an expungement information packet that may be sent to eligible persons seeking expungement of their juvenile records, which may include, but is not limited to, a pre-printed expungement petition with instructions on how to complete the petition and a pamphlet containing information that would assist individuals through the juvenile expungement process.

(d) The State Appellate Defender shall compile a statewide list of volunteer attorneys willing to assist eligible individuals through the juvenile expungement process.

(e) This Section shall be implemented from funds appropriated by the General Assembly to the State Appellate Defender for this purpose.
The State Appellate Defender shall employ the necessary staff and adopt the necessary rules for implementation of this Section.

(8)(a) Except with respect to law enforcement agencies, the Department of Corrections, State's Attorneys, or other prosecutors, an expunged juvenile record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of conviction or arrest. Employers may not ask if an applicant has had a juvenile record expunged. Effective January 1, 2005, the Department of Labor shall develop a link on the Department's website to inform employers that employers may not ask if an applicant had a juvenile record expunged and that application for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of arrest or conviction.

(b) A person whose juvenile records have been expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of expungement. This amendatory Act of the 93rd General Assembly does not affect the right of the victim of a crime to prosecute or defend a civil action for damages.

(Source: P.A. 90-590, eff. 1-1-99.)

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


PUBLIC ACT 93-0913
(House Bill No. 5129)

AN ACT concerning environmental safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Alternate Fuels Act is amended by adding Section 22 as follows:
(415 ILCS 120/22 new)
Sec. 22. Flexible fuel vehicle database. The Secretary of State shall, to the extent that the necessary information is obtainable from

New matter indicated by italics - deletions by strikeout.
automobile manufacturers, compile a database of the flexible fuel vehicles
in the State by zip code area. The database shall be created based upon
the make, model, and vehicle identification number of registered vehicles.
The database shall include only the number of vehicles by zip code and
shall be completed and made available to the public in both print and
electronic format by January 1, 2005. For the purposes of this Section,
"flexible fuel vehicle" means a vehicle that is capable of running on E85
blend fuel.

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


PUBLIC ACT 93-0914
(Senate Bill No. 0948)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Unified Code of Corrections is amended by
changing Section 5-5-5 as follows:

(730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)
Sec. 5-5-5. Loss and Restoration of Rights.
(a) Conviction and disposition shall not entail the loss by the
defendant of any civil rights, except under this Section and Sections 29-6
and 29-10 of The Election Code, as now or hereafter amended.
(b) A person convicted of a felony shall be ineligible to hold an
office created by the Constitution of this State until the completion of his
sentence.
(c) A person sentenced to imprisonment shall lose his right to vote
until released from imprisonment.
(d) On completion of sentence of imprisonment or upon discharge
from probation, conditional discharge or periodic imprisonment, or at any
time thereafter, all license rights and privileges granted under the authority
of this State which have been revoked or suspended because of conviction
of an offense shall be restored unless the authority having jurisdiction of
such license rights finds after investigation and hearing that restoration is
not in the public interest. This paragraph (d) shall not apply to the

New matter indicated by italics - deletions by strikeout.
suspension or revocation of a license to operate a motor vehicle under the Illinois Vehicle Code.

(e) Upon a person's discharge from incarceration or parole, or upon a person's discharge from probation or at any time thereafter, the committing court may enter an order certifying that the sentence has been satisfactorily completed when the court believes it would assist in the rehabilitation of the person and be consistent with the public welfare. Such order may be entered upon the motion of the defendant or the State or upon the court's own motion.

(f) Upon entry of the order, the court shall issue to the person in whose favor the order has been entered a certificate stating that his behavior after conviction has warranted the issuance of the order.

(g) This Section shall not affect the right of a defendant to collaterally attack his conviction or to rely on it in bar of subsequent proceedings for the same offense.

(h) No application for any license specified in subsection (i) of this Section granted under the authority of this State shall be denied by reason of an eligible offender who has obtained a certificate of relief from disabilities, as defined in Article 5.5 of this Chapter, having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when the finding is based upon the fact that the applicant has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or

(2) the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. In making such a determination, the licensing agency shall consider the following factors:

(1) the public policy of this State, as expressed in Article 5.5 of this Chapter, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;

(2) the specific duties and responsibilities necessarily related to the license being sought;

(3) the bearing, if any, the criminal offenses or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

New matter indicated by italics - deletions by strikeout.
(4) the time which has elapsed since the occurrence of the criminal offense or offenses;
(5) the age of the person at the time of occurrence of the criminal offense or offenses;
(6) the seriousness of the offense or offenses;
(7) any information produced by the person or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified in the certificate; and
(8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of specific individuals or the general public.

(i) A certificate of relief from disabilities shall be issued only for a license or certification issued under the following Acts:
(1) the Animal Welfare Act; except that a certificate of relief from disabilities may not be granted to provide for the issuance or restoration of a license under the Animal Welfare Act for any person convicted of violating Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane Care for Animals Act or Section 26-5 of the Criminal Code of 1961;
(2) the Illinois Athletic Trainers Practice Act;
(3) the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985;
(4) the Boiler and Pressure Vessel Repairer Regulation Act;
(5) the Professional Boxing Act;
(6) the Illinois Certified Shorthand Reporters Act of 1984;
(7) the Illinois Farm Labor Contractor Certification Act;
(8) the Interior Design Title Act;
(9) the Illinois Professional Land Surveyor Act of 1989;
(10) the Illinois Landscape Architecture Act of 1989;
(11) the Marriage and Family Therapy Licensing Act;
(12) the Private Employment Agency Act;
(13) the Professional Counselor and Clinical Professional Counselor Licensing Act;
(14) the Real Estate License Act of 2000; and
(15) the Illinois Roofing Industry Licensing Act; and
(16) the Professional Engineering Practice Act of 1989;

New matter indicated by italics - deletions by strikeout.
(17) the Water Well and Pump Installation Contractor's License Act; and
(18) the Electrologist Licensing Act.
(Source: P.A. 93-207, eff. 1-1-04.)
Effective January 1, 2005.

PUBLIC ACT 93-0915
(Senate Bill No. 2665)

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

Section 1. Short title. This Act may be cited as the Illinois Worker
Adjustment and Retraining Notification Act.

Section 5. Definitions. As used in this Act:
(a) "Affected employees" means employees who may reasonably
be expected to experience an employment loss as a consequence of a
proposed plant closing or mass layoff by their employer.
(b) "Employment loss" means:
(1) an employment termination, other than a discharge for
cause, voluntary departure, or retirement;
(2) a layoff exceeding 6 months; or
(3) a reduction in hours of work of more than 50% during
each month of any 6-month period.
"Employment loss" does not include instances when the plant
closing or layoff is the result of the relocation or consolidation of part or
all of the employer's business and, before the closing or layoff, the
employer offers to transfer the employee to a different site of employment
within a reasonable commuting distance with no more than a 6-month
break in employment, or the employer offers to transfer the employee to
any other site of employment, regardless of distance, with no more than a
6-month break in employment, and the employee accepts within 30 days of
the offer or of the closing or layoff, whichever is later.
(c) "Employer" means any business enterprise that employs: (1) 75
or more employees, excluding part-time employees; or
(2) 75 or more employees who in the aggregate work at
least 4,000 hours per week (exclusive of hours of overtime).

New matter indicated by italics - deletions by strikeout.
(d) "Mass layoff" means a reduction in force which:
   (1) is not the result of a plant closing; and
   (2) results in an employment loss at the single site of employment during any 30-day period for:
      (A) at least 33% of the employees (excluding any part-time employees) and at least 25 employees (excluding any part-time employees); or
      (B) at least 250 employees (excluding any part-time employees).

(e) "Part-time employee" means an employee who is employed for an average of fewer than 20 hours per week or who has been employed for fewer than 6 of the 12 months preceding the date on which notice is required.

(f) "Plant closing" means the permanent or temporary shutdown of a single site of employment, or one or more facilities or operating units within a single site of employment, if the shutdown results in an employment loss at the single site of employment during any 30-day period for 50 or more employees excluding any part-time employees.

(g) "Representative" means an exclusive representative of employees within the meaning of Section 9(a) or 8(f) of the National Labor Relations Act (29 U.S.C. 159(a), 158(f)) or Section 2 of the Railway Labor Act (45 U.S.C. 152).

Section 10. Notice.

(a) An employer may not order a mass layoff, relocation, or employment loss unless, 60 days before the order takes effect, the employer gives written notice of the order to the following:
   (1) affected employees and representatives of affected employees; and
   (2) the Department of Commerce and Economic Opportunity and the chief elected official of each municipal and county government within which the employment loss, relocation, or mass layoff occurs.

(b) An employer required to give notice of any mass layoff, relocation, or employment loss under this Act shall include in its notice the elements required by the federal Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(c) Notwithstanding the requirements of subsection (a), an employer is not required to provide notice if a mass layoff, relocation, or
employment loss is necessitated by a physical calamity or an act of terrorism or war.

(d) The mailing of notice to an employee's last known address or inclusion of notice in the employee's paycheck shall be considered acceptable methods for fulfillment of the employer's obligation to give notice to each affected employee under this Act.

(e) In the case of a sale of part or all of an employer's business, the seller shall be responsible for providing notice for any plant closing or mass layoff in accordance with this Section, up to and including the effective date of the sale. After the effective date of the sale of part or all of an employer's business, the purchaser shall be responsible for providing notice for any plant closing or mass layoff in accordance with this Section. Notwithstanding any other provision of this Act, any person who is an employee of the seller (other than a part-time employee) as of the effective date of the sale shall be considered an employee of the purchaser immediately after the effective date of the sale.

(f) An employer which is receiving State or local economic development incentives for doing or continuing to do business in this State may be required to provide additional notice pursuant to Section 15 of the Business Economic Support Act.

(g) The rights and remedies provided to employees by this Act are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of the employees, and are not intended to alter or affect such rights and remedies, except that the period of notification required by this Act shall run concurrently with any period of notification required by contract or by any other law.

(h) It is the sense of the General Assembly that an employer who is not required to comply with the notice requirements of this Section should, to the extent possible, provide notice to its employees about a proposal to close a plant or permanently reduce its workforce.

Section 15. Exceptions.

(a) In the case of a plant closing, an employer is not required to comply with the notice requirement in subsection (a) of Section 10 if:

(1) the Department of Labor determines:

(A) at the time that notice would have been required, the employer was actively seeking capital or business; and

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(B) the capital or business sought, if obtained, would have enabled the employer to avoid or postpone the relocation or termination; and

(C) the employer reasonably and in good faith believed that giving the notice required by subsection (a) of Section 10 would have precluded the employer from obtaining the needed capital or business; or

(2) the Department of Labor determines that the need for a notice was not reasonably foreseeable at the time the notice would have been required.

(b) To determine whether the employer was actively seeking capital or business, or that the need for notice was not reasonably foreseeable under subsection (a), the employer shall provide to the Department of Labor:

(1) a written record consisting of those documents relevant to the determination of whether the employer was actively seeking capital or business, or that the need for notice was not reasonably foreseeable; and

(2) an affidavit verifying the contents of the documents contained in the record.

(c) An employer is not required to comply with the notice requirement in subsection (a) of Section 10 if:

(1) the plant closing is of a temporary facility or the plant closing or layoff is the result of the completion of a particular project or undertaking, and the affected employees were hired with the understanding that their employment was limited to the duration of the facility or the project or undertaking; or

(2) the closing or layoff constitutes a strike or constitutes a lockout not intended to evade the requirements of this Act. Nothing in this Act shall require an employer to serve written notice when permanently replacing a person who is deemed to be an economic striker under the National Labor Relations Act (29 U.S.C. 151 et seq.). Nothing in this Act shall be deemed to validate or invalidate any judicial or administrative ruling relating to the hiring of permanent replacements for economic strikers under the National Labor Relations Act.

(d) An employer relying on this Section shall provide as much notice as is practicable and at that time shall provide a brief statement of the basis for reducing the notification period.

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Section 20. Extension of layoff period. A layoff of more than 6 months which, at its outset, was announced to be a layoff of 6 months or less shall be treated as an employment loss under this Act unless:

(1) the extension beyond 6 months is caused by business circumstances (including unforeseeable changes in price or cost) not reasonably foreseeable at the time of the initial layoff; and

(2) notice is given at the time it becomes reasonably foreseeable that the extension beyond 6 months will be required.

Section 25. Determinations with respect to employment loss. In determining whether a plant closing or mass layoff has occurred or will occur, employment losses for 2 or more groups at a single site of employment, each of which is less than the minimum number of employees specified in subsection (d) or (f) of Section 5 of this Act but which in the aggregate exceed that minimum number, and which occur within any 90-day period shall be considered to be a plant closing or mass layoff unless the employer demonstrates that the employment losses are the result of separate and distinct actions and causes and are not an attempt by the employer to evade the requirements of this Act.

Section 30. Powers of Director of Labor.

(a) Pursuant to the Illinois Administrative Procedure Act, the Director of Labor shall prescribe such rules as may be necessary to carry out this Act. The rules shall, at a minimum, include provisions that allow the parties access to administrative hearings for any actions of the Department under this Act. The provisions of the Administrative Review Law, and the rules adopted pursuant thereto, apply to and govern all proceedings for the judicial review of decisions under this Act.

(b) In any investigation or proceeding under this Act, the Director of Labor has, in addition to all other powers granted by law, the authority to examine the books and records of an employer, but only to the extent to determine whether a violation of this Act has occurred.

(c) Except as provided in this Section, information obtained from any employer subject to this Act regarding the books, records, or wages paid to workers during the administration of this Act shall:

(1) be confidential;

(2) not be published or open to public inspection;

(3) not be used in any court in any pending action or proceeding; and

(4) not be admissible in evidence in any action or proceeding other than one arising out of this Act.

New matter indicated by italics - deletions by strikeout.
(d) No finding, determination, decision, ruling, or order (including any finding of fact, statement, or conclusion made therein) issued pursuant to this Act shall be admissible or used in evidence in any action other than one arising out of this Act, nor shall it be binding or conclusive except as provided in the Act, nor shall it constitute res judicata, regardless of whether the actions were between the same or related parties or involved the same facts.

(e) Any officer or employer of this State, any officer or employee of any entity authorized to obtain information pursuant to this Section, and any agent of this State or of such entity who, except with authority of the Director under this Section, discloses information is guilty of a Class B misdemeanor and is disqualified from holding any appointment or employment by the State.

(f) The Director of Labor has the authority to determine any liabilities or civil penalties under Section 35 and Section 40 of this Act.

Section 35. Violation; liability.

(a) An employer who fails to give notice as required by paragraph (1) of subsection (a) of Section 10 before ordering a mass layoff, relocation, or employment loss is liable to each employee entitled to notice who lost his or her employment for:

(1) Back pay at the average regular rate of compensation received by the employee during the last three years of his or her employment, or the employee's final rate of compensation, whichever is higher.

(2) The value of the cost of any benefits to which the employee would have been entitled had his or her employment not been lost, including the cost of any medical expenses incurred by the employee that would have been covered under an employee benefit plan.

(b) Liability under this Section is calculated for the period of the employer's violation, up to a maximum of 60 days, or one-half the number of days that the employee was employed by the employer, whichever period is smaller.

(c) The amount of an employer's liability under subsection (a) is reduced by the following:

(1) Any wages, except vacation moneys accrued before the period of the employer's violation, paid by the employer to the employee during the period of the employer's violation.
(2) Any voluntary and unconditional payments made by the employer to the employee that were not required to satisfy any legal obligation.

(3) Any payments by the employer to a third party or trustee, such as premiums for health benefits or payments to a defined contribution pension plan, on behalf of and attributable to the employee for the period of the violation.

(4) Any liability paid by the employer under federal law.

(d) Any liability incurred by an employer under subsection (a) of this Section with respect to a defined benefit pension plan may be reduced by crediting the employee with service for all purposes under such a plan for the period of the violation.

(e) If an employer proves to the satisfaction of the Director that the act or omission that violated this Act was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of this Act, the Director may in his or her discretion reduce the amount of liability provided for in this Section.

Section 40. Civil penalty.

(a) An employer who fails to give notice as required by paragraph (2) of subsection (a) of Section 10 is subject to a civil penalty of not more than $500 for each day of the employer's violation. The employer is not subject to a civil penalty under this Section if the employer pays to all applicable employees the amounts for which the employer is liable under Section 35 within 3 weeks from the date the employer orders the mass layoff, relocation, or employment loss.

(b) The total amount of penalties for which an employer may be liable under this Section shall not exceed the maximum amount of penalties for which the employer may be liable under federal law for the same violation.

(c) Any penalty amount paid by the employer under federal law shall be considered a payment made under this Act.

(d) If an employer proves to the satisfaction of the Director that the act or omission that violated this Act was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of this Act, the Director may in his or her discretion reduce the amount of the penalty provided for in this Section.

Section 45. Advisory notice from Department of Commerce and Economic Opportunity. Before September 30 of each year, the Department of Commerce and Economic Opportunity, with the cooperation of the

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Department of Employment Security, must issue a written notice to each employer that reported to the Department of Employment Security that the employer paid wages to 75 or more individuals with respect to any quarter in the immediately preceding calendar year. The notice must indicate that the employer may be subject to this Act and must generally advise the employer about the requirements of this Act and the remedies provided for violations of this Act.

Section 50. Applicability. This Act applies to plant closings or relocations occurring on or after January 1, 2005.

Section 55. Interpretation. Whenever possible, this Act shall be interpreted in a manner consistent with the federal Worker Adjustment and Retraining Notification Act and the federal regulations and court decisions interpreting that Act to the extent that the provisions of federal and State law are the same.

(20 ILCS 1005/1005-60 rep.)

Section 85. The Department of Employment Security Law of the Civil Administrative Code of Illinois is amended by repealing Section 1005-60.

Section 90. The Unemployment Insurance Act is amended by adding Section 500.1 as follows:

(820 ILCS 405/500.1 new)

Sec. 500.1. Illinois Worker Adjustment and Retraining Notification Act; federal Worker Adjustment and Retraining Notification Act. Benefits payable under this Act may not be denied or reduced because of the receipt of payments related to an employer's violation of the Illinois Worker Adjustment and Retraining Notification Act or the federal Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect January 1, 2005.


Effective January 1, 2005.

PUBLIC ACT 93-0916
(Senate Bill No. 3021)

AN ACT concerning financial regulation.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Credit Union Act is amended by changing Sections 23, 26, and 30 and by adding Section 16.1 as follows:

(205 ILCS 305/16.1 new)

Sec. 16.1. Service to the economically disadvantaged.

(a) Persons who reside in investment areas as defined in the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702) and identified by the U.S. Department of the Treasury may be admitted to membership in a credit union that serves the area by maintaining a facility in the area. For purposes of this Section, a "facility" means a credit union owned branch, a shared branch, an office operated on a regularly scheduled weekly basis, or a credit union owned electronic facility that meets, at a minimum, the requirements of accepting shares for members' accounts, accepting loan applications and disbursing loans, but does not include an ATM.

(b) Credit unions desiring to serve the economically disadvantaged in accordance with this Section shall do so pursuant to a written business plan that shall document the fact that the area meets the criteria of this Section, identify the credit and depository needs of the area, identify the services to be delivered, and describe the manner in which the services will be delivered. The credit union shall regularly review the business plan to determine whether the area is being adequately served and shall provide to the Director periodic service status reports that describe how the needs of the area are being met.

(205 ILCS 305/23) (from Ch. 17, par. 4424)

Sec. 23. Compensation of officials.

(1) No director or committee member may receive compensation for his service as such. "Compensation" as used in this subsection (1) refers to remuneration expense to the credit union for services provided by a director or committee member in his or her capacity as director or committee member. "Compensation" as used in this subsection (1) does not include the expense of providing reasonable life, health, accident, and similar insurance protection benefits for a director or committee member.

(2) Directors, committee members and employees, while on official business of the credit union, may be reimbursed for reasonable and necessary expenses. Alternatively, the credit union may make direct payment to a third party for such business expenses. Reasonable and necessary expenses may include the payment of travel costs for the

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foregoing officials and one guest per official. All payment of costs shall be made in accordance with written policies and procedures established by the Board of Directors.

(3) The Board of Directors may establish compensation for officers of the credit union.

(Source: P.A. 92-608, eff. 7-1-02.)

(205 ILCS 305/26) (from Ch. 17, par. 4427)

Sec. 26. Executive Officers. (1) At their first meeting, the Board of Directors shall elect from among their own number a Chairman of the Board and one or more Vice Chairmen, a Secretary and a Treasurer. The Directors shall appoint a chief management official who shall have such title as the Directors shall determine. The Directors may also appoint one or more Vice Presidents. The President shall be the chief operating officer of the credit union. The chief management official President and Vice President may, but need not, be Directors. Any two or more offices may be held by the same person, except the Chairman of the Board President may not also hold the office of Vice Chairman President or Secretary.

(2) The officers shall serve for a term of one year, or until their successors are chosen and have been duly qualified.

(3) The duties of the officers shall be prescribed in the bylaws. Compensation of officers shall be such as may be established by the Directors from time to time.

(Source: P.A. 81-329.)

(205 ILCS 305/30) (from Ch. 17, par. 4431)

Sec. 30. Duties of directors. It shall be the duty of the directors to:

(1) Review actions on applications for membership. A record of the Membership Committee's approval or denial of membership or management's approval or denial of membership if no Membership Committee has been appointed shall be available to the Board of Directors for inspection. A person denied membership by the Membership Committee or credit union management may appeal the denial to the Board;

(2) Provide adequate fidelity bond coverage for officers, employees, directors and committee members, and for losses caused by persons outside of the credit union, subject to rules and regulations promulgated by the Director;

(3) Determine from time to time the interest rates, not in excess of that allowed under this Act, which shall be charged on
loans to members and to authorize interest refunds, if any, to members from income earned and received in proportion to the interest paid by them on such classes of loans and under such conditions as the Board prescribes. The Directors may establish different interest rates to be charged on different classes of loans;

(4) Within any limitations set forth in the credit union's bylaws, fix the maximum amount which may be loaned with and without security to a member;

(5) Declare dividends on various classes of shares in the manner and form as provided in the bylaws;

(6) Limit the number of shares which may be owned by a member; such limitations to apply alike to all members;

(7) Have charge of the investment of funds, except that the Board of Directors may designate an Investment Committee or any qualified individual or entity to have charge of making investments under policies established by the Board of Directors;

(8) Authorize the employment of or contracting with such persons or organizations as may be necessary to carry on the operations of the credit union, provided that prior approval is received from the Department before delegating substantially all managerial duties and responsibilities to a credit union organization, and fix the compensation, if any, of the officers and provide for compensation for other employees within policies established by the Board of Directors;

(9) Authorize the conveyance of property;

(10) Borrow or lend money consistent with the provisions of this Act;

(11) Designate a depository or depositories for the funds of the credit union and supervise the investment of funds;

(12) Suspend or remove, or both, for cause, any or all officers or any or all members of the Membership, Credit, Supervisory or other committees whenever, in the judgment of the Board of Directors, the best interests of the credit union will be served thereby; provided that members of the Supervisory Committee may not be suspended or removed except for failure to perform their duties; and provided that removal of any officer shall be without prejudice to the contract rights, if any, of the person so removed for failure to perform their duties;

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(13) Appoint any special committees deemed necessary; and;
(14) Perform such other duties as the members may direct, and perform or authorize any action not inconsistent with this Act and not specifically reserved by the bylaws to the members.
(Source: P.A. 92-608, eff. 7-1-02; revised 1-20-03.)

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


PUBLIC ACT 93-0917
(House Bill No. 0378)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by changing Sections 6-142 and 6-210.1 as follows:
(40 ILCS 5/6-142) (from Ch. 108 1/2, par. 6-142)
Sec. 6-142. Wives and widows not entitled to annuities.
(A) Except as provided in subsection (B), the following wives or widows have no right to annuity from the fund:
(a) A wife or widow married subsequent to the effective date of a fireman who dies in service if she was not married to him before he attained age 63;
(b) A wife or widow of a fireman who withdraws, whether or not he enters upon annuity, and dies while out of service, if the marriage occurred after the effective date and she was not his wife while he was in service and before he attained age 63;
(c) A wife or widow of a fireman who (1) has served 10 or more years, (2) dies out of service after he has withdrawn from service, and (3) has withdrawn or applied for refund of the sums to his credit for annuity to which he had a right to refund;
(d) A wife or widow of a fireman who dies out of service after he has withdrawn before age 63, and who has not served at least 10 years;

New matter indicated by italics - deletions by strikeout.
(e) A wife whose marriage was dissolved or widow of a fireman whose judgment of dissolution of marriage from her fireman husband is annulled, vacated or set aside by proceedings in court subsequent to the death of the fireman, unless (1) such proceedings are filed within 5 years after the date of the dissolution of marriage and within one year after the death of the fireman and (2) the board is made a party to the proceedings;

(f) A wife or widow who married the fireman while he was in receipt of disability benefit or disability pension from this fund, unless he returned to the service subsequent to the marriage and remained therein for a period or periods aggregating one year, or died while in service.

(B) Beginning on January 16, 2004 the effective date of this amendatory Act of the 93rd General Assembly, the limitation on marriage after withdrawal under subdivision (A)(b) and the limitation on marriage during disability under subdivision (A)(f) no longer apply to a widow who was married to the deceased fireman before the fireman begins to receive a retirement annuity and for at least one year immediately preceding the date of death, regardless of whether the deceased fireman is in service on or after the effective date of Public Act 93-654 or this amendatory Act of the 93rd General Assembly; except that this subsection (B) does not apply to the widow of a fireman who received a refund of contributions for widow's annuity under Section 6-160, unless the refund is repaid to the Fund, with interest at the rate of 4% per year, compounded annually, from the date of the refund to the date of repayment.

If the widow of a fireman who died before January 16, 2004 the effective date of this amendatory Act becomes eligible for a widow's annuity because of Public Act 93-654 this amendatory Act, the annuity shall begin to accrue on the date of application for the annuity, but in no event sooner than January 16, 2004 the effective date of this amendatory Act.

The changes to this Section made by this amendatory Act of the 93rd General Assembly apply without regard to whether the deceased fireman was in service on or after its effective date. If the widow of a fireman who died before the effective date of this amendatory Act of the 93rd General Assembly becomes eligible for a widow's annuity because of this amendatory Act, the annuity shall begin to accrue on the date of application for the annuity, but in no event sooner than January 16, 2004.

(Source: P.A. 93-654, eff. 1-16-04.)

New matter indicated by italics - deletions by strikeout.
Sec. 6-210.1. Credit for former employment with the fire department.

(a) Any fireman who (1) accumulated service credit in the Article 8 fund for service as an employee of the Chicago Fire Department and (2) has terminated that Article 8 service credit and received a refund of contributions therefor, may establish service credit in this Fund for all or any part of that period of service under the Article 8 fund by making written application to the Board by January 1, 2005 and paying to this Fund (i) employee contributions based upon the actual salary received and the rates in effect for members of this Fund at the time of such service, plus (ii) interest thereon calculated as follows:

(1) For applications received by the Board before July 14, 1995, interest shall be calculated on the amount of employee contributions determined under item (i) above, at the rate of 4% per annum, compounded annually, from the date of termination of such service to the date of payment.

(2) For applications received by the Board on or after July 14, 1995, interest shall be calculated on the amount of employee contributions determined under item (i) above, at the rate of 4% per annum, compounded annually, from the first date of the period for which credit is being established under this subsection (a) to the date of payment.

A fireman who (1) retired on or after January 16, 2004 and on or before the effective date of this amendatory Act of the 93rd General Assembly and (2) files an application to establish service credit under this subsection (a) before January 1, 2005, shall have his or her pension recalculated prospectively to include the service credit established under this subsection (a).

(b) A fireman who, at any time during the period 1970 through 1983, was an employee of the Chicago Fire Department but did not participate in any pension fund subject to this Code with respect to that employment may establish service credit in this Fund for all or any part of that employment by making written application to the Board by January 1, 2005 and paying to this Fund (i) employee contributions based upon the actual salary received and the rates in effect for members of this Fund at the time of that employment, plus (ii) interest thereon calculated at the rate of 4% per annum, compounded annually, from the first date of the
employment for which credit is being established under this subsection (b) to the date of payment.

(c) A fireman may pay the contributions required for service credit under this Section established on or after July 14, 1995 in the form of payroll deductions, in accordance with such procedures and limitations as may be established by Board rule and any applicable rules or ordinances of the employer.

(d) Employer contributions shall be transferred as provided in Sections 6-210.2 and 8-172.1. The employer shall not be responsible for making any additional employer contributions for any credit established under this Section.

(Source: P.A. 93-654, eff. 1-16-04.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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


PUBLIC ACT 93-0918
(House Bill No. 0393)

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

Section 5. The Illinois Income Tax Act is amended by changing Section 205 as follows:

(35 ILCS 5/205) (from Ch. 120, par. 2-205)

Sec. 205. Exempt organizations.

(a) Charitable, etc. organizations. The base income of an organization which is exempt from the federal income tax by reason of Section 501(a) of the Internal Revenue Code shall not be determined under section 203 of this Act, but shall be its unrelated business taxable income

New matter indicated by italics - deletions by strikeout.
as determined under section 512 of the Internal Revenue Code, without any deduction for the tax imposed by this Act. The standard exemption provided by section 204 of this Act shall not be allowed in determining the net income of an organization to which this subsection applies.

(b) Partnerships. A partnership as such shall not be subject to the tax imposed by subsection 201 (a) and (b) of this Act, but shall be subject to the replacement tax imposed by subsection 201 (c) and (d) of this Act and shall compute its base income as described in subsection (d) of Section 203 of this Act. A partnership shall file such returns and other information at such time and in such manner as may be required under Article 5 of this Act. The partners in a partnership shall be liable for the replacement tax imposed by subsection 201 (c) and (d) of this Act on such partnership, to the extent such tax is not paid by the partnership, as provided under the laws of Illinois governing the liability of partners for the obligations of a partnership. Persons carrying on business as partners shall be liable for the tax imposed by subsection 201 (a) and (b) of this Act only in their separate or individual capacities.

(c) Subchapter S corporations. A Subchapter S corporation shall not be subject to the tax imposed by subsection 201 (a) and (b) of this Act but shall be subject to the replacement tax imposed by subsection 201 (c) and (d) of this Act and shall file such returns and other information at such time and in such manner as may be required under Article 5 of this Act.

(d) Combat zone death. An individual relieved from the federal income tax for any taxable year by reason of section 692 of the Internal Revenue Code shall not be subject to the tax imposed by this Act for such taxable year.

(e) Certain trusts. A common trust fund described in Section 584 of the Internal Revenue Code, and any other trust to the extent that the grantor is treated as the owner thereof under sections 671 through 678 of the Internal Revenue Code shall not be subject to the tax imposed by this Act.

(f) Certain business activities. A person not otherwise subject to the tax imposed by this Act shall not become subject to the tax imposed by this Act by reason of:

(1) that person's ownership of tangible personal property located at the premises of a printer in this State with which the person has contracted for printing, or

(2) activities of the person's employees or agents located solely at the premises of a printer and related to quality control,

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distribution, or printing services performed by a printer in the State
with which the person has contracted for printing.

(g) A nonprofit risk organization that holds a certificate of
authority under Article VIID of the Illinois Insurance Code is exempt from
the tax imposed under this Act with respect to its activities or operations
in furtherance of the powers conferred upon it under that Article VIID of
the Illinois Insurance Code.

(Source: P.A. 88-361.)

Section 10. The Illinois Insurance Code is amended by adding
Article VIID as follows:

(215 ILCS 5/Art. VIID heading new)
ARTICLE VIID. NONPROFIT RISK ORGANIZATIONS
(215 ILCS 5/123D-1 new)
Sec. 123D-1. Purpose; construction. The purpose of this Article is
to provide for the organization of and issuance of a certificate of authority
to nonprofit risk organizations that insure nonprofit organizations and
that will qualify, and continue to qualify, as a qualified charitable risk
pool, as defined in subsection (n) of Section 501 of the Internal Revenue
Code.

(215 ILCS 5/123D-5 new)
Sec. 123D-5. Definitions. As used in this Article:
"Member" means a nonprofit organization that participates as an
insured in a nonprofit risk organization.
"Nonmember charitable organization" has the meaning set forth in
subsection (n) of Section 501 of the Internal Revenue Code.
"Nonprofit organizations" means organizations described in
paragraph (3) of subsection (c), and exempt from taxation under
subsection (a), of Section 501 of the Internal Revenue Code.
"Nonprofit risk organization" means a nonprofit company
organized to do business solely with nonprofit organizations as a qualified
charitable risk pool under subsection (n) of Section 501 of the Internal
Revenue Code that is organized in accordance with this Article.
"Startup capital" has the meaning set forth in subsection (n) of
Section 501 of the Internal Revenue Code.

(215 ILCS 5/123D-10 new)
Sec. 123D-10. Organization of nonprofit risk organizations.
(a) A company organized pursuant to Articles III or IV, including
such companies organized as a risk retention group in this State pursuant

New matter indicated by italics - deletions by strikeout.
to Article VIIIB of this Code, that satisfies the requirements of this Article may be organized as a nonprofit risk organization.

(b) Notwithstanding any contrary provision in subsection A of Section 123B-3 of this Code, a nonprofit risk organization may be organized as a reciprocal insurance company and qualify for organization under Article VIIIB as a risk retention group.

(c) No nonprofit risk organization issued a certificate of authority pursuant to this Article shall be converted into a corporation or other entity organized for pecuniary profit or into a for-profit organization of any kind.

(215 ILCS 5/123D-15 new)

Sec. 123D-15. Conduct of insurance business by nonprofit risk organizations.

(a) The Director may, pursuant to this Article, issue a certificate of authority to write the kinds of insurance enumerated in Classes 2 and 3 of Section 4 to a nonprofit risk organization that is a company organized pursuant to Articles III or IV, including such companies organized as a risk retention group in this State pursuant to Article VIIIB, if such organization:

(1) complies with the applicable requirements of Articles III or IV and VIIIB, if organized as a risk retention group; and
(2) has an initial paid-up capital and surplus at least equal to the amount of applicable paid-up capital and surplus required by Articles III or IV for a newly organized company doing the same kind or kinds of insurance business.

Thereafter, every such nonprofit risk organization shall maintain capital and surplus at least equal to the amount of applicable capital and surplus required to be maintained by companies under Articles III or IV doing the same kind or kinds of insurance business.

(b) Every certificate of authority to engage in an insurance business issued by the Director to any nonprofit risk organization pursuant to the provisions of this Article shall specify the company's name, the location of its principal office, the name and principal address of its attorney-in-fact, if any, and the kind or kinds of insurance business that it is authorized to engage in this State.

(215 ILCS 5/123D-20 new)

Sec. 123D-20. Relevant criteria.

(a) A nonprofit risk organization must meet all of the following criteria:

New matter indicated by italics - deletions by strikeout.
(1) Be organized and operated solely to insure risks of its members.

(2) Directly provide information to its members with respect to loss control and risk management.

(3) Be comprised solely of members.

(4) Be organized under this Article.

(5) Be exempt from Illinois income taxes with respect to its activities or operations in furtherance of the powers conferred upon it by this Article.

(6) Obtain at least $1,000,000 in startup capital from nonmember charitable organizations. The startup capital may take the form of advancements or borrowings in the form permitted by Section 56 or 76 of this Code, as applicable. Startup capital may be used to satisfy the financial requirements contained in this Article applicable to a nonprofit risk organization only to the extent the Director determines that it complies with those requirements.

(7) Be controlled by a board of directors elected by its members.

(8) Require in its organizational documents that:

(A) each member of the nonprofit risk organization shall at all times be an organization described in paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code and exempt from tax under subsection (a) of Section 501 of the Internal Revenue Code;

(B) any member that receives a final determination that it no longer qualifies as an organization described in paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code shall immediately notify the nonprofit risk organization of the determination and the effective date of the determination; and

(C) each policy of insurance issued by the nonprofit risk organization shall provide that the policy does not cover the insured with respect to events occurring after the date the final determination was issued to the insured.

(b) An organization shall not cease to qualify as a nonprofit risk organization solely by reason of the failure of any of its members to continue to be an organization described in paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code if,
within a reasonable period of time after the nonprofit risk organization is notified as required under subparagraph (8)(B) of subsection (a) of this Section, the nonprofit risk organization takes such action as may be reasonably necessary to remove the member from the nonprofit risk organization.

(215 ILCS 5/123D-25 new)

Sec. 123D-25. Applicability of other provisions of this Code. Except as otherwise provided in this Article, where inconsistent with this Article, or where the context otherwise requires, all of the provisions of this Code and the rules of the Director relating to all insurers and those relating to a company organized pursuant to Articles III or IV or a risk retention group organized in this State pursuant to Article VIIB transacting the same kind or kinds of insurance shall be applicable to a nonprofit risk organization organized and issued a certificate of authority pursuant to this Article. Where any of such provisions of law refer to a corporation, company, or insurer, those references, when read in connection with and applicable to this Article, shall mean such a nonprofit risk organization.

(215 ILCS 5/123D-30 new)

Sec. 123D-30. Residual market participation exemption; security funds. A nonprofit risk organization shall not be permitted or required to join or contribute financially to any plan, pool, association, or guaranty or insolvency fund in this State, nor shall any nonprofit risk organization, nor its insureds nor any claimants against the insureds, nor its parent nor any affiliated company, nor any member organization of its association, receive any benefit from any such plan, pool association, or guaranty or insolvency fund for claims arising out of the operations of the nonprofit risk organization. Each nonprofit risk organization must inform each insured, in both the application for insurance and in the policy issued to the insured, that (i) the nonprofit risk organization is not subject to all of the insurance laws and rules of this State, and (ii) State insurance insolvency guaranty funds are not available to the insured for claims arising out of the operations of the nonprofit risk organization.

(215 ILCS 5/123D-35 new)

Sec. 123D-35. Rules. The Director shall adopt such rules as may be necessary for the implementation of this Article.

Passed in the General Assembly May 18 2004.
Effective January 1, 2005.

New matter indicated by italics - deletions by strikeout.
AN ACT relating to schools.

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

Section 5. The Private Business and Vocational Schools Act is amended by changing Section 1.1 as follows:

(105 ILCS 425/1.1) (from Ch. 144, par. 136.1)

Sec. 1.1. Exemptions and annual filing.

(a) For purposes of this Act, the following shall not be considered to be a private business and vocational school:

(1) Any eleemosynary institution.

(2) Any religious institution.

(3) Any public educational institution exempt from property taxation under the laws of this State.

(4) Any in-service course of instruction and subject offered by an employer provided no tuition is charged and such instruction is offered only to employees of such employer.

(5) Any educational institution (A) which (i) on the effective date of this amendatory Act of 1984 or which on January 2, 2001 enrolls a majority of its students in degree programs and (ii) has maintained an accredited status with the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools or (ii) on or after the effective date of this amendatory Act of the 93rd General Assembly enrolls students in one or more bachelor-level programs, enrolls a majority of its students in degree programs, and is accredited by a national accrediting agency that is recognized by the U.S. Department of Education; and (B) which is regulated by the Illinois Board of Higher Education under the Private College Act or the Academic Degree Act, or which is exempt from such regulation under either of the foregoing Acts solely for the reason that such educational institution was in operation on the effective date of either such Act.

(6) Any institution and the franchisees of such institution which offer exclusively a course of instruction in income tax theory or return preparation at a total contract price of no more than $400, provided that the total annual enrollment of such institution for all such courses of instruction exceeds 500 students,

New matter indicated by italics - deletions by strikeout.
and further provided that the total contract price for all instruction offered to a student in any one calendar year does not exceed $400. For each calendar year after 1990, the total contract price shall be adjusted, rounded off to the nearest dollar, by the same percentage as the increase or decrease in the general price level as measured by the consumer price index for all urban consumers for the United States, or its successor index, as defined and officially reported by the United States Department of Labor, or its successor agency. The change in the index shall be that as first published by the Department of Labor for the calendar year immediately preceding the year in which the total contract price is calculated.

(b) An institution exempted under subsection (a) of this Section must file with the Superintendent an annual financial report to demonstrate continued compliance by the institution with the requirements on which the exemption is based.

(Source: P.A. 92-62, eff. 1-1-02.)

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


**PUBLIC ACT 93-0920**

(House Bill No. 4705)

AN ACT concerning local government.

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

Section 5. The Counties Code is amended by adding Section 5-1014.3 as follows:

(55 ILCS 5/5-1014.3 new)

Sec. 5-1014.3. Agreements to share or rebate occupation taxes.

(a) On and after June 1, 2004, a county board shall not enter into any agreement to share or rebate any portion of retailers’ occupation taxes generated by retail sales of tangible personal property if: (1) the tax on those retail sales, absent the agreement, would have been paid to another unit of local government; and (2) the retailer maintains, within that other unit of local government, a retail location from which the tangible personal property is delivered to purchasers, or a warehouse

New matter indicated by italics - deletions by strikeout.
from which the tangible personal property is delivered to purchasers. Any unit of local government denied retailers' occupation tax revenue because of an agreement that violates this Section may file an action in circuit court against only the county. Any agreement entered into prior to June 1, 2004 is not affected by this amendatory Act of the 93rd General Assembly. Any unit of local government that prevails in the circuit court action is entitled to damages in the amount of the tax revenue it was denied as a result of the agreement, statutory interest, costs, reasonable attorney's fees, and an amount equal to 50% of the tax.

(b) On and after the effective date of this amendatory Act of the 93rd General Assembly, a home rule unit shall not enter into any agreement prohibited by this Section. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

Section 10. The Illinois Municipal Code is amended by adding Section 8-11-21 as follows:

(65 ILCS 5/8-11-21 new)

Sec. 8-11-21. Agreements to share or rebate occupation taxes.

(a) On and after June 1, 2004, the corporate authorities of a municipality shall not enter into any agreement to share or rebate any portion of retailers' occupation taxes generated by retail sales of tangible personal property if: (1) the tax on those retail sales, absent the agreement, would have been paid to another unit of local government; and (2) the retailer maintains, within that other unit of local government, a retail location from which the tangible personal property is delivered to purchasers, or a warehouse from which the tangible personal property is delivered to purchasers. Any unit of local government denied retailers' occupation tax revenue because of an agreement that violates this Section may file an action in circuit court against only the municipality. Any agreement entered into prior to June 1, 2004 is not affected by this amendatory Act of the 93rd General Assembly. Any unit of local government that prevails in the circuit court action is entitled to damages in the amount of the tax revenue it was denied as a result of the agreement, statutory interest, costs, reasonable attorney's fees, and an amount equal to 50% of the tax.

(b) On and after the effective date of this amendatory Act of the 93rd General Assembly, a home rule unit shall not enter into any agreement prohibited by this Section. This Section is a denial and
limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

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


PUBLIC ACT 93-0921
(House Bill No. 4962)

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

Section 1. Short title. This Act may be cited as the Gestational Surrogacy Act.

Section 5. Purpose. The purpose of this Act is to establish consistent standards and procedural safeguards for the protection of all parties involved in a gestational surrogacy contract in this State and to confirm the legal status of children born as a result of these contracts. These standards and safeguards are meant to facilitate the use of this type of reproductive contract in accord with the public policy of this State.

Section 10. Definitions. As used in this Act:
"Compensation" means payment of any valuable consideration for services in excess of reasonable medical and ancillary costs.
"Donor" means an individual who contributes a gamete or gametes for the purpose of in vitro fertilization or implantation in another.
"Gamete" means either a sperm or an egg.
"Gestational surrogacy" means the process by which a woman attempts to carry and give birth to a child created through in vitro fertilization using the gamete or gametes of at least one of the intended parents and to which the gestational surrogate has made no genetic contribution.
"Gestational surrogate" means a woman who agrees to engage in a gestational surrogacy.
"Gestational surrogacy contract" means a written agreement regarding gestational surrogacy.

New matter indicated by italics - deletions by strikeout.
"Health care provider" means a person who is duly licensed to provide health care, including all medical, psychological, or counseling professionals.

"Intended parent" means a person or persons who enters into a gestational surrogacy contract with a gestational surrogate pursuant to which he or she will be the legal parent of the resulting child. In the case of a married couple, any reference to an intended parent shall include both husband and wife for all purposes of this Act. This term shall include the intended mother, intended father, or both.

"In vitro fertilization" means all medical and laboratory procedures that are necessary to effectuate the extracorporeal fertilization of egg and sperm.

"Medical evaluation" means an evaluation and consultation of a physician meeting the requirements of Section 60.

"Mental health evaluation" means an evaluation and consultation of a mental health professional meeting the requirements of Section 60.

"Physician" means a person licensed to practice medicine in all its branches in Illinois.

"Pre-embryo" means a fertilized egg prior to 14 days of development.

"Pre-embryo transfer" means all medical and laboratory procedures that are necessary to effectuate the transfer of a pre-embryo into the uterine cavity.

Section 15. Rights of Parentage.

(a) Except as provided in this Act, the woman who gives birth to a child is presumed to be the mother of that child for purposes of State law.

(b) In the case of a gestational surrogacy satisfying the requirements set forth in subsection (d) of this Section:

(1) the intended mother shall be the mother of the child for purposes of State law immediately upon the birth of the child;

(2) the intended father shall be the father of the child for purposes of State law immediately upon the birth of the child;

(3) the child shall be considered the legitimate child of the intended parent or parents for purposes of State law immediately upon the birth of the child;

(4) parental rights shall vest in the intended parent or parents immediately upon the birth of the child;

(5) sole custody of the child shall rest with the intended parent or parents immediately upon the birth of the child; and

New matter indicated by italics - deletions by strikeout.
(6) neither the gestational surrogate nor her husband, if any, shall be the parents of the child for purposes of State law immediately upon the birth of the child.

(c) In the case of a gestational surrogacy meeting the requirements set forth in subsection (d) of this Section, in the event of a laboratory error in which the resulting child is not genetically related to either of the intended parents, the intended parents will be the parents of the child for purposes of State law unless otherwise determined by a court of competent jurisdiction.

(d) The parties to a gestational surrogacy shall assume the rights and obligations of subsections (b) and (c) of this Section if:

(1) the gestational surrogate satisfies the eligibility requirements set forth in subsection (a) of Section 20;
(2) the intended parent or parents satisfy the eligibility requirements set forth in subsection (b) of Section 20; and
(3) the gestational surrogacy occurs pursuant to a gestational surrogacy contract meeting the requirements set forth in Section 25.

Section 20. Eligibility.

(a) A gestational surrogate shall be deemed to have satisfied the requirements of this Act if she has met the following requirements at the time the gestational surrogacy contract is executed:

(1) she is at least 21 years of age;
(2) she has given birth to at least one child;
(3) she has completed a medical evaluation;
(4) she has completed a mental health evaluation;
(5) she has undergone legal consultation with independent legal counsel regarding the terms of the gestational surrogacy contract and the potential legal consequences of the gestational surrogacy; and
(6) she has obtained a health insurance policy that covers major medical treatments and hospitalization and the health insurance policy has a term that extends throughout the duration of the expected pregnancy and for 8 weeks after the birth of the child; provided, however, that the policy may be procured by the intended parents on behalf of the gestational surrogate pursuant to the gestational surrogacy contract.

(b) The intended parent or parents shall be deemed to have satisfied the requirements of this Act if he, she, or they have met the
following requirements at the time the gestational surrogate contract is executed:

(1) he, she, or they contribute at least one of the gametes resulting in a pre-embryo that the gestational surrogate will attempt to carry to term;

(2) he, she, or they have a medical need for the gestational surrogacy as evidenced by a qualified physician's affidavit attached to the gestational surrogacy contract and as required by the Illinois Parentage Act of 1984;

(3) he, she, or they have completed a mental health evaluation; and

(4) he, she, or they have undergone legal consultation with independent legal counsel regarding the terms of the gestational surrogacy contract and the potential legal consequences of the gestational surrogacy.

Section 25. Requirements for a gestational surrogacy contract.
(a) A gestational surrogacy contract shall be presumed enforceable for purposes of State law only if:

(1) it meets the contractual requirements set forth in subsection (b) of this Section; and

(2) it contains at a minimum each of the terms set forth in subsection (c) of this Section.

(b) A gestational surrogacy contract shall meet the following requirements:

(1) it shall be in writing;

(2) it shall be executed prior to the commencement of any medical procedures (other than medical or mental health evaluations necessary to determine eligibility of the parties pursuant to Section 20 of this Act) in furtherance of the gestational surrogacy:

   (i) by a gestational surrogate meeting the eligibility requirements of subsection (a) of Section 20 of this Act and, if married, the gestational surrogate's husband; and

   (ii) by the intended parent or parents meeting the eligibility requirements of subsection (b) of Section 20 of this Act. In the event an intended parent is married, both husband and wife must execute the gestational surrogacy contract;

New matter indicated by italics - deletions by strikeout.
(3) each of the gestational surrogate and the intended parent or parents shall have been represented by separate counsel in all matters concerning the gestational surrogacy and the gestational surrogacy contract;

(3.5) each of the gestational surrogate and the intended parent or parents shall have signed a written acknowledgement that he or she received information about the legal, financial, and contractual rights, expectations, penalties, and obligations of the surrogacy agreement;

(4) if the gestational surrogacy contract provides for the payment of compensation to the gestational surrogate, the compensation shall have been placed in escrow with an independent escrow agent prior to the gestational surrogate's commencement of any medical procedure (other than medical or mental health evaluations necessary to determine the gestational surrogate's eligibility pursuant to subsection (a) of Section 20 of this Act); and

(5) it shall be witnessed by 2 competent adults.

(c) A gestational surrogacy contract shall provide for:

(1) the express written agreement of the gestational surrogate to:

(i) undergo pre-embryo transfer and attempt to carry and give birth to the child; and

(ii) surrender custody of the child to the intended parent or parents immediately upon the birth of the child;

(2) if the gestational surrogate is married, the express agreement of her husband to:

(i) undertake the obligations imposed on the gestational surrogate pursuant to the terms of the gestational surrogacy contract;

(ii) surrender custody of the child to the intended parent or parents immediately upon the birth of the child;

(3) the right of the gestational surrogate to utilize the services of a physician of her choosing, after consultation with the intended parents, to provide her care during the pregnancy; and

(4) the express written agreement of the intended parent or parents to:

(i) accept custody of the child immediately upon his or her birth; and

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(ii) assume sole responsibility for the support of the child immediately upon his or her birth.

(d) A gestational surrogacy contract shall be presumed enforceable for purposes of State law even though it contains one or more of the following provisions:

(1) the gestational surrogate's agreement to undergo all medical exams, treatments, and fetal monitoring procedures that the physician recommended for the success of the pregnancy;

(2) the gestational surrogate's agreement to abstain from any activities that the intended parent or parents or the physician reasonably believes to be harmful to the pregnancy and future health of the child, including, without limitation, smoking, drinking alcohol, using nonprescribed drugs, using prescription drugs not authorized by a physician aware of the gestational surrogate's pregnancy, exposure to radiation, or any other activities proscribed by a health care provider;

(3) the agreement of the intended parent or parents to pay the gestational surrogate reasonable compensation; and

(4) the agreement of the intended parent or parents to pay for or reimburse the gestational surrogate for reasonable expenses (including, without limitation, medical, legal, or other professional expenses) related to the gestational surrogacy and the gestational surrogacy contract.

(e) In the event that any of the requirements of this Section are not met, a court of competent jurisdiction shall determine parentage based on evidence of the parties' intent.

Section 30. Duty to support.

(a) Any person who is considered to be the parent of a child pursuant to Section 15 of this Act shall be obligated to support the child.

(b) The breach of the gestational surrogacy contract by the intended parent or parents shall not relieve such intended parent or parents of the support obligations imposed by this Act.

(c) A gamete donor may be liable for child support only if he or she fails to enter into a legal agreement with the intended parent or parents in which the intended parent or parents agree to assume all rights and responsibilities for any resulting child, and the gamete donor relinquishes his or her rights to any gametes, resulting embryos, or children.

Section 35. Establishment of the parent-child relationship.
(a) For purposes of the Illinois Parentage Act of 1984, a parent-child relationship shall be established prior to the birth of a child born through gestational surrogacy if, in addition to satisfying the requirements of Sections 5 and 6 of the Illinois Parentage Act of 1984, the attorneys representing both the gestational surrogate and the intended parent or parents certify that the parties entered into a gestational surrogacy contract intended to satisfy the requirements of Section 25 of this Act with respect to the child.

(b) The attorneys' certifications required by subsection (a) of this Section shall be filed on forms prescribed by the Illinois Department of Public Health and in a manner consistent with the requirement of the Illinois Parentage Act of 1984.

Section 40. Immunities. Except as provided in this Act, no person shall be civilly or criminally liable for non-negligent actions taken pursuant to the requirements of this Act.

Section 45. Noncompliance. Noncompliance by the gestational surrogate or the intended parent or parents occurs when that party breaches a provision of the gestational surrogacy contract.

Section 50. Effect of Noncompliance.

(a) Except as otherwise provided in this Act, in the event of noncompliance with the requirements of subsection (d) of Section 15 of this Act, a court of competent jurisdiction shall determine the respective rights and obligations of the parties.

(b) There shall be no specific performance remedy available for a breach by the gestational surrogate of a gestational surrogacy contract term that requires her to be impregnated.

Section 55. Damages.

(a) Except as expressly provided in the gestational surrogacy contract, the intended parent or parents shall be entitled to all remedies available at law or equity.

(b) Except as expressly provided in the gestational surrogacy contract, the gestational surrogate shall be entitled to all remedies available at law or equity.

Section 60. Rulemaking. The Department of Public Health may adopt rules pertaining to the required medical and mental health evaluations for a gestational surrogacy contract. Until the Department of Public Health adopts such rules, medical and mental health evaluations and procedures shall be conducted in accordance with the recommended guidelines published by the American Society for Reproductive Medicine.

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and the American College of Obstetricians and Gynecologists. The rules may adopt these guidelines or others by reference.

Section 65. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

Section 70. Irrevocability. No action to invalidate a gestational surrogacy meeting the requirements of subsection (d) of Section 15 of this Act or to challenge the rights of parentage established pursuant to Section 15 of this Act and the Illinois Parentage Act of 1984 shall be commenced after 12 months from the date of birth of the child.

Section 75. Application. The provisions of this Act shall apply only to gestational surrogacy contracts entered into after the effective date of this Act.

Section 800. The Illinois Parentage Act of 1984 is amended by changing Section 6 and by adding Section 2.5 as follows:

(750 ILCS 45/2.5 new)

Sec. 2.5. Definitions. As used in this Act, the terms "gestational surrogacy", "gestational surrogate", and "intended parent" have the same meanings as the terms are defined in Section 10 of the Gestational Surrogacy Act.

(750 ILCS 45/6) (from Ch. 40, par. 2506)

Sec. 6. Establishment of Parent and Child Relationship by Consent of the Parties.

(a) A parent and child relationship may be established voluntarily by the signing and witnessing of a voluntary acknowledgment of parentage in accordance with Section 12 of the Vital Records Act, or Section 10-17.7 of the Illinois Public Aid Code, or the provisions of the Gestational Surrogacy Act. The voluntary acknowledgment of parentage shall contain the social security numbers of the persons signing the voluntary acknowledgment of parentage; however, failure to include the social security numbers of the persons signing a voluntary acknowledgment of parentage does not invalidate the voluntary acknowledgment of parentage.

1. A parent-child relationship may be established in the event of gestational surrogacy if all of the following conditions are met prior to the birth of the child:

(A) The gestational surrogate mother certifies that she is not the biological mother of the child, and that she is

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carrying the child for of the intended parents biological father (sperm donor) and of the biological mother (egg donor).

(B) The husband, if any, of the gestational surrogate mother certifies that he is not the biological father of the child and that the child is that of the biological father (sperm donor) and of the biological mother (egg donor).

(C) The intended biological mother certifies that she provided or an egg donor donated the egg from which the child being carried by the gestational surrogate mother was conceived.

(D) The intended biological father certifies that he provided or a sperm donor donated the sperm from which the child being carried by the gestational surrogate mother was conceived.

(E) A physician licensed to practice medicine in all its branches in the State of Illinois certifies that the child being carried by the gestational surrogate mother is the biological child of the intended biological mother (egg donor) and intended biological father (sperm donor), and that neither the gestational surrogate mother nor the gestational surrogate's mother's husband, if any, is a biological parent of the child being carried by the gestational surrogate mother.

(E-5) The attorneys for the intended parents and the gestational surrogate each certifies that the parties entered into a gestational surrogacy contract intended to satisfy the requirements of Section 25 of the Gestational Surrogacy Act with respect to the child.

(F) All certifications shall be in writing and witnessed by 2 competent adults who are not the gestational surrogate mother, gestational surrogate's surrogate mother's husband, if any, intended biological mother, or intended biological father. Certifications shall be on forms prescribed by the Illinois Department of Public Health, shall be executed prior to the birth of the child, and shall be placed in the medical records of the gestational surrogate mother prior to the birth of the child. Copies of

New matter indicated by italics - deletions by strikeout.
all certifications shall be delivered to the Illinois Department of Public Health prior to the birth of the child.

(2) Unless otherwise determined by order of the Circuit Court, the child shall be presumed to be the child of the gestational surrogate mother and of the gestational surrogate's surrogate mother's husband, if any, if all requirements of subdivision (a)(1) are not met prior to the birth of the child. This presumption may be rebutted by clear and convincing evidence. The circuit court may order the gestational surrogate mother, gestational surrogate's surrogate mother's husband, intended biological mother, intended biological father, and child to submit to such medical examinations and testing as the court deems appropriate.

(b) Notwithstanding any other provisions of this Act, paternity established in accordance with subsection (a) has the full force and effect of a judgment entered under this Act and serves as a basis for seeking a child support order without any further proceedings to establish paternity.

(c) A judicial or administrative proceeding to ratify paternity established in accordance with subsection (a) is neither required nor permitted.

(d) A signed acknowledgment of paternity entered under this Act may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. Pending outcome of the challenge to the acknowledgment of paternity, the legal responsibilities of the signatories shall remain in full force and effect, except upon order of the court upon a showing of good cause.

(e) Once a parent and child relationship is established in accordance with subsection (a), an order for support may be established pursuant to a petition to establish an order for support by consent filed with the clerk of the circuit court. A copy of the properly completed acknowledgment of parentage form shall be attached to the petition. The petition shall ask that the circuit court enter an order for support. The petition may ask that an order for visitation, custody, or guardianship be entered. The filing and appearance fees provided under the Clerks of Courts Act shall be waived for all cases in which an acknowledgment of parentage form has been properly completed by the parties and in which a petition to establish an order for support by consent has been filed with the clerk of the circuit court. This subsection shall not be construed to prohibit filing any petition for child support, visitation, or custody under this Act, the Illinois Marriage and Dissolution of Marriage Act, or the Non-Support

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Punishment Act. This subsection shall also not be construed to prevent the establishment of an administrative support order in cases involving persons receiving child support enforcement services under Article X of the Illinois Public Aid Code.

(Source: P.A. 91-308, eff. 7-29-99; 91-613, eff. 10-1-99; 92-16, eff. 6-28-01)

Effective January 1, 2005.

PUBLIC ACT 93-0922
(House Bill No. 4989)

AN ACT concerning pest control.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Structural Pest Control Act is amended by changing Section 6 as follows:
(225 ILCS 235/6) (from Ch. 111 1/2, par. 2206)
(Section scheduled to be repealed on January 1, 2007)
Sec. 6. Certificate renewal). A certified technician's certificate shall be valid for a period of 3 years and must be renewed by January 1 of each third year. A certificate may be renewed by application upon a form prescribed by the Department, provided that the certified technician furnishes evidence that he has attended; during the 3 year period, a minimum of 9 classroom hours, in increments of 3 hours or more, of training at Department approved pest control training seminars at least one training seminar and any additional approved seminar on structural pest control required by any rule promulgated under this Act and pays the fee required by this Act. Renewal applications shall be filed with the Department prior to December 1 preceding the date of expiration.

Certified technician's certificates are not transferable from one person to another person, and no licensee or registrant shall use the certificate of a certified technician to secure or hold a license or registration unless the holder of such certificate is actively engaged in the direction of pest control operations of the licensee or registrant.

A certified technician who has not renewed his certificate for a period of not more than one year after its expiration may secure a renewal upon payment of the renewal fee, late filing charge and the furnishing of

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evidence of training as may be required by the Department. If a technician has not renewed his certificate for a period of more than one year after its expiration, he shall file an application for examination, pay all required fees, and successfully pass the examination before his certificate is renewed.

(Source: P.A. 83-825.)

Effective January 1, 2005.

PUBLIC ACT 93-0923
(House Bill No. 5011)

AN ACT in relation to alcoholic liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 5-1 as follows:

(235 ILCS 5/5-1) (from Ch. 43, par. 115)
Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:

(b) Distributor's license,
(c) Importing Distributor's license,
(d) Retailer's license,
(e) Special Event Retailer's license (not-for-profit),
(f) Railroad license,
(g) Boat license,
(h) Non-Beverage User's license,
(i) Wine-maker's premises license,
(j) Airplane license,
(k) Foreign importer's license,
(l) Broker's license,
(m) Non-resident dealer's license,
(n) Brew Pub license,
(o) Auction liquor license,

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(p) Caterer retailer license,
(q) Special use permit license.

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

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

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

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

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

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

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

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

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

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

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission. Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration.

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

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the

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

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

After January 1, 1995 there shall be 2 classes of licenses issued under a retailers license:

(1) A "retailers on premise consumption license" shall allow the licensee to sell and offer for sale at retail, only on the premises specified in the license, alcoholic liquor for use or consumption on the premises or on and off the premises, but not for resale in any form:

(2) An "off premise sale license" shall allow the licensee to sell, or offer for sale at retail, alcoholic liquor intended only for off premise consumption and not for resale in any form.

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

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than $500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and

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

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

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common

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carrier on navigable waters in this State or on any riverboat operated under the Riverboat Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

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

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the

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importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

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

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

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

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

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

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

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

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

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

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

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves

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prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

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

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

(Source: P.A. 91-357, eff. 7-29-99; 92-105, eff. 1-1-02; 92-378, eff. 8-16-01; 92-651, eff. 7-11-02; 92-672, eff. 7-16-02.)

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


PUBLIC ACT 93-0924
(House Bill No. 5734)

AN ACT in relation to tax increment financing.

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

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

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Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

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(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting
excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary

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development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.
(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused railyards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to

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flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

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(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of
insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage

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tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, or facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

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(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal

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Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any

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distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public

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Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

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(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

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(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

1. The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

2. The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

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(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

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(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
   (I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
   (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
   (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
   (L) if the ordinance was adopted in September 1988 by Sauk Village, or
   (M) if the ordinance was adopted in October 1993 by Sauk Village, or
   (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
   (O) if the ordinance was adopted in March 1991 by the City of Centreville, or
   (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
   (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
   (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
   (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
   (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
   (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
   (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
   (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
   (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
   (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or

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(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on December 15, 1981 by the City of Champaign.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

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Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family

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units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall

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make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred,

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and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing

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ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

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(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in new students enrolled in that school district within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

   (i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less

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than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have
received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph.

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(7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

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(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that

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includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from

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time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act,
the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts,
Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly

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approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment

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project area, tax incremental revenue received from the State and tax
incremental revenue received from the municipality, but not to exceed as
to each such source the total incremental revenue received from that
source. The County Collector shall thereafter make distribution to the
respective taxing districts in the same manner and proportion as the most
recent distribution by the county collector to the affected districts of real
property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality
may in addition to obligations secured by the special tax allocation fund
pledge for a period not greater than the term of the obligations towards
payment of such obligations any part or any combination of the following:
(a) net revenues of all or part of any redevelopment project; (b) taxes
levied and collected on any or all property in the municipality; (c) the full
faith and credit of the municipality; (d) a mortgage on part or all of the
redevelopment project; or (e) any other taxes or anticipated receipts that
the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing
interest at such rate or rates as the corporate authorities of the municipality
shall determine by ordinance. Such obligations shall bear such date or
dates, mature at such time or times not exceeding 20 years from their
respective dates, be in such denomination, carry such registration
privileges, be executed in such manner, be payable in such medium of
payment at such place or places, contain such covenants, terms and
conditions, and be subject to redemption as such ordinance shall provide.
Obligations issued pursuant to this Act may be sold at public or private
sale at such price as shall be determined by the corporate authorities of the
municipalities. No referendum approval of the electors shall be required as
a condition to the issuance of obligations pursuant to this Division except
as provided in this Section.

In the event the municipality authorizes issuance of obligations
pursuant to the authority of this Division secured by the full faith and
credit of the municipality, which obligations are other than obligations
which may be issued under home rule powers provided by Article VII,
Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or
(c) of the second paragraph of this section, the ordinance authorizing the
issuance of such obligations or pledging such taxes shall be published
within 10 days after such ordinance has been passed in one or more
newspapers, with general circulation within such municipality. The
publication of the ordinance shall be accompanied by a notice of (1) the

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specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

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A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance

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was adopted in September 1988 by Sauk Village, or (M) if the ordinance
was adopted in October 1993 by Sauk Village, or (N) if the ordinance was
adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance
was adopted in March 1991 by the City of Centreville, or (P) if the
ordinance was adopted on January 23, 1991 by the City of East St.
Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the
City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by
the City of Clinton, or (S) if the ordinance was adopted on September 6,
1994 by the City of Freeport, or (T) if the ordinance was adopted on
December 22, 1986 by the City of Tuscola, or (U) if the ordinance was
adopted on December 23, 1986 by the City of Sparta, or (V) if the
ordinance was adopted on December 22, 1986 by the City of Beardstown,
or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985,
or December 30, 1986 by the City of Belleville, or (X) if the ordinance
was adopted on December 29, 1986 by the City of Collinsville, or (Y) if
the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of
Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by
the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991
or June 3, 1992 by the City of Markham, or (CC) if the ordinance was
adopted on December 15, 1981 by the City of Champaign and, for
redevelopment project areas for which bonds were issued before July 29,
1991, in connection with a redevelopment project in the area within the
State Sales Tax Boundary and which were extended by municipal
ordinance under subsection (n) of Section 11-74.4-3, the last maturity of
the refunding obligations shall not be expressed to mature later than the
date on which the redevelopment project area is terminated or December
31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule
powers or other legislative authority the proceeds of which are pledged to
pay for redevelopment project costs, the municipality may, if it has
followed the procedures in conformance with this division, retire said
obligations from funds in the special tax allocation fund in amounts and in
such manner as if such obligations had been issued pursuant to the
provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act
shall not be regarded as indebtedness of the municipality issuing such
obligations or any other taxing district for the purpose of any limitation
imposed by law.

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AN ACT concerning property.

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

Section 5. The Code of Civil Procedure is amended by changing Sections 17-101, 17-105, 17-106, and 17-112 as follows:

(735 ILCS 5/17-101) (from Ch. 110, par. 17-101)

Sec. 17-101. Compelling partition. When lands, tenements, or hereditaments are held in joint tenancy or tenancy in common or other form of co-ownership and regardless of whether such right or title is derived by purchase, legacy or descent, or whether any or all of the claimants are minors or adults, any one or more of the persons interested therein may compel a partition thereof by a verified complaint in the circuit court of the county where the premises or part of the premises are situated. If lands, tenements or hereditaments held in joint tenancy or tenancy in common are situated in 2 or more counties, the venue may be in any one of such counties, and the circuit court of any such county first acquiring jurisdiction shall retain sole and exclusive jurisdiction. Ownership of an interest in the surface of lands, tenements, or hereditaments by a co-owner of an interest in minerals underlying the surface does not prevent partition of the mineral estate. This amendatory Act of the 92nd General Assembly is a declaration of existing law and is intended to remove any possible conflicts or ambiguities, thereby confirming existing law pertinent to the partition of interests in minerals and applies to all actions for the partition of minerals now pending or filed on or after the effective date of this amendatory Act of the 92nd General Assembly. Nothing in this amendatory Act of the 92nd General Assembly shall be construed as allowing an owner of a mineral interest in coal to mine and remove the coal by the surface method of mining without first

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obtaining the consent of all of the owners of the surface to the mining and removal of coal by the surface method of mining. *Ownership of an interest in minerals by a co-owner of an interest in the surface does not prevent partition of the surface. The ownership of an interest in some, but not all, of the mineral estate by a co-owner of an interest in other minerals does not prevent the partition of the co-owned mineral estate.*

(Source: P.A. 92-379, eff. 8-16-01.)

(735 ILCS 5/17-105) (from Ch. 110, par. 17-105)

Sec. 17-105. Judgment. The court shall ascertain and declare the rights, titles and interest of all the parties in such action, the plaintiffs as well as the defendants, and shall enter judgment according to the rights of the parties. *After entry of judgment adjudicating the rights, titles, and interests of the parties, the court upon further hearing shall determine whether or not the premises or any part thereof can be divided among the parties without manifest prejudice to the parties in interest. If the court finds that a division can be made, then the court shall enter further judgment fairly and impartially dividing the premises among the parties with or without awelty. If the court finds that the whole or any part of the premises sought to be partitioned cannot be divided without manifest prejudice to the owners thereof, then the court shall order the premises not susceptible of division to be sold at public sale in such manner and upon such terms and notice of sale as the court directs. If the court orders the sale of the premises or any part thereof, the court shall fix the value of the premises to be sold. No sale may be approved for less than two-thirds of the total amount of the valuation of the premises to be sold. If it appears to the court that any of the premises will not sell for two-thirds of the amount of the valuation thereof, the court upon further hearing may either revalue the premise and approve the sale or order a new sale.*

(Source: P.A. 82-280.)

(735 ILCS 5/17-106) (from Ch. 110, par. 17-106)

Sec. 17-106. Appointment of commissioner and surveyor. The court in its discretion, sua sponte, or on the motion of any interested party, may appoint a disinterested commissioner who, subject to direction by the court, shall report to the court in writing under oath as to whether or not the premises are subject to division without manifest prejudice to the rights of the parties and, if so, report how the division may be made. The court may authorize the employment of a surveyor to carry out or assist in the division of the premises. *The fees and expenses of the commissioner and of the surveyor*
and the person making the sale shall be taxed as costs in the proceedings. When the court orders a partition of any premises to be made, it shall appoint 3 commissioners, not connected with any of the parties, either by consanguinity or affinity, and entirely disinterested, to make partition of the premises, and such commissioners shall be allowed a reasonable sum for their services and expenses, to be fixed by the court, and taxed in the bill of costs.

The Court may in its discretion appoint one commissioner who shall have all the rights and powers and be under the same obligations as set forth in Article XVII of this Act whenever 3 commissioners are appointed.

(Source: P.A. 82-280.)

Sec. 17-112. Homestead. If any party to the action is entitled to an estate of homestead in the premises, or any part thereof, and the homestead has not been set off, the homestead may be set off by the court commissioners; and if the court so directs, the premises so allotted or set off may be partitioned among the claimants, subject thereto.

(Source: P.A. 82-280.)

(735 ILCS 5/17-112) (from Ch. 110, par. 17-112)
Sec. 17-112. Homestead. If any party to the action is entitled to an estate of homestead in the premises, or any part thereof, and the homestead has not been set off, the homestead may be set off by the court commissioners; and if the court so directs, the premises so allotted or set off may be partitioned among the claimants, subject thereto.

(735 ILCS 5/17-107 rep.)
(735 ILCS 5/17-108 rep.)
(735 ILCS 5/17-109 rep.) (from Ch. 110, par. 17-109)
(735 ILCS 5/17-110 rep.) (from Ch. 110, par. 17-110)
(735 ILCS 5/17-111 rep.) (from Ch. 110, par. 17-111)
(735 ILCS 5/17-116 rep.) (from Ch. 110, par. 17-116)
(735 ILCS 5/17-117 rep.) (from Ch. 110, par. 17-117)

(765 ILCS 535/Act rep.)
Section 15. The Oil and Gas Lease Release Act is repealed.
Section 99. Effective date. This Act takes effect upon becoming law.


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AN ACT in relation to alcohol.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Retailers' Occupation Tax Act is amended by
changing Section 3 as follows:
(35 ILCS 120/3)(from Ch. 120, par. 442)
Sec. 3. Except as provided in this Section, on or before the
twentieth day of each calendar month, every person engaged in the
business of selling tangible personal property at retail in this State during
the preceding calendar month shall file a return with the Department,
stating:

1. The name of the seller;
2. His residence address and the address of his principal
place of business and the address of the principal place of business
(if that is a different address) from which he engages in the
business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the
preceding calendar month or quarter, as the case may be, from
sales of tangible personal property, and from services furnished, by
him during such preceding calendar month or quarter;
4. Total amount received by him during the preceding
calendar month or quarter on charge and time sales of tangible
personal property, and from services furnished, by him prior to the
month or quarter for which the return is filed;
5. Deductions allowed by law;
6. Gross receipts which were received by him during the
preceding calendar month or quarter and upon the basis of which
the tax is imposed;
7. The amount of credit provided in Section 2d of this Act;
8. The amount of tax due;
9. The signature of the taxpayer; and
10. Such other reasonable information as the Department
may require.
If a taxpayer fails to sign a return within 30 days after the proper
notice and demand for signature by the Department, the return shall be

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considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

Prior to October 1, 2003, a retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer prior to October 1, 2003 as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 shall be disallowed. No Manufacturer's Purchase Credit may be used after September 30, 2003 to satisfy any tax liability imposed under this Act, including any audit liability.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due; and
6. Such other reasonable information as the Department may require.

Beginning on October 1, 2003, any person who is not a licensed distributor, importing distributor, or manufacturer, as defined in the Liquor Control Act of 1934, but is engaged in the business of selling, at retail,

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alcoholic liquor shall file a statement with the Department of Revenue, in a format and at a time prescribed by the Department, showing the total amount paid for alcoholic liquor purchased during the preceding month and such other information as is reasonably required by the Department. The Department may adopt rules to require that this statement be filed in an electronic or telephonic format. Such rules may provide for exceptions from the filing requirements of this paragraph. For the purposes of this paragraph, the term "alcoholic liquor" shall have the meaning prescribed in the Liquor Control Act of 1934.

Beginning on October 1, 2003, every distributor, importing distributor, and manufacturer of alcoholic liquor as defined in the Liquor Control Act of 1934, shall file a statement with the Department of Revenue, no later than the 10th day of the month for the preceding month during which transactions occurred, by electronic means, showing the total amount of gross receipts from the sale of alcoholic liquor sold or distributed during the preceding month to purchasers; identifying the purchaser to whom it was sold or distributed; the purchaser's tax registration number; and such other information reasonably required by the Department. A distributor, importing distributor, or manufacturer of alcoholic liquor must personally deliver, mail, or provide by electronic means to each retailer listed on the monthly statement a report containing a cumulative total of that distributor's, importing distributor's, or manufacturer's total sales of alcoholic liquor to that retailer no later than the 10th day of the month for the preceding month during which the transaction occurred. The distributor, importing distributor, or manufacturer shall notify the retailer as to the method by which the distributor, importing distributor, or manufacturer will provide the sales information. If the retailer is unable to receive the sales information by electronic means, the distributor, importing distributor, or manufacturer shall furnish the sales information by personal delivery or by mail. For purposes of this paragraph, the term "electronic means" includes, but is not limited to, the use of a secure Internet website, e-mail, or facsimile. A copy of the monthly statement shall be sent to the retailer no later than the 10th day of the month for the preceding month during which transactions occurred.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

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Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in
any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a
retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in

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property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the

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Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability

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for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the

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taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the

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minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of $20,000 per month during the
preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarterly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarterly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than $20,000. If any such quarterly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

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If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys

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being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

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<tr>
<th>Fiscal Year</th>
<th>Annual Specified Amount</th>
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</thead>
<tbody>
<tr>
<td>1986</td>
<td>$54,800,000</td>
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<td>1987</td>
<td>$76,650,000</td>
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<td>$182,730,000</td>
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<tr>
<td>1993</td>
<td>$206,520,000</td>
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and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and

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on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
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<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
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<tr>
<td>1993</td>
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<table>
<thead>
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Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the

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McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Community Affairs Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by

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such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.
For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

New matter indicated by italics - deletions by strikeout.
(Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24, eff. 6-20-03; revised 10-15-03.)

Section 10. The Liquor Control Act of 1934 is amended by changing Sections 7-5 and 7-6 as follows:

(235 ILCS 5/7-5)(from Ch. 43, par. 149)

Sec. 7-5. The local liquor control commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of this Act or of any valid ordinance or resolution enacted by the particular city council, president, or board of trustees or county board (as the case may be) or any applicable rule or regulations established by the local liquor control commissioner or the State commission which is not inconsistent with law. Upon notification by the Illinois Department of Revenue, the State Commission, in accordance with Section 3-12, may fine a licensee or suspend or shall revoke any license issued by the State Commission if the licensee has violated the provisions of Section 3 of the Retailers' Occupation Tax Act. In addition to the suspension, the local liquor control commissioner in any county or municipality may levy a fine on the licensee for such violations. The fine imposed shall not exceed $1000 for a first violation within a 12-month period, $1,500 for a second violation within a 12-month period, and $2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than $15,000 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the county or municipal treasury, as the case may be.

However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the local liquor control commissioner with a 3 day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the local liquor control commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than 7 days, giving the licensee an opportunity to be heard during that

New matter indicated by italics - deletions by strikeout.
period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

The local liquor control commissioner shall within 5 days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the 5 days upon the licensee.

If the premises for which the license was issued are located outside of a city, village or incorporated town having a population of 500,000 or more inhabitants, the licensee after the receipt of such order of suspension or revocation shall have the privilege within a period of 20 days after the receipt of such order of suspension or revocation of appealing the order to the State commission for a decision sustaining, reversing or modifying the order of the local liquor control commissioner. If the State commission affirms the local commissioner's order to suspend or revoke the license at the first hearing, the appellant shall cease to engage in the business for which the license was issued, until the local commissioner's order is terminated by its own provisions or reversed upon rehearing or by the courts.

If the premises for which the license was issued are located within a city, village or incorporated town having a population of 500,000 or more inhabitants, the licensee shall have the privilege, within a period of 20 days after the receipt of such order of fine, suspension or revocation, of appealing the order to the local license appeal commission and upon the filing of such an appeal by the licensee the license appeal commission shall determine the appeal upon certified record of proceedings of the local liquor commissioner in accordance with the provisions of Section 7-9. Within 30 days after such appeal was heard the license appeal commission shall render a decision sustaining or reversing the order of the local liquor control commissioner.

(Source: P.A. 93-22, eff. 6-20-03.)

(235 ILCS 5/7-6)(from Ch. 43, par. 150)

Sec. 7-6. All proceedings for the revocation or suspension of licenses of manufacturers, distributors, importing distributors, non-resident dealers, foreign importers, non-beverage users, railroads, airplanes and boats shall be before the State Commission. All such proceedings and all proceedings for the revocation or suspension of a retailer's license before
the State commission shall be in accordance with rules and regulations established by it not inconsistent with law. However, no such license shall be so revoked or suspended except after a hearing by the State commission with reasonable notice to the licensee served by registered or certified mail with return receipt requested at least 10 days prior to the hearings at the last known place of business of the licensee and after an opportunity to appear and defend. Such notice shall specify the time and place of the hearing, the nature of the charges, the specific provisions of the Act and rules violated, and the specific facts supporting the charges or violation. The findings of the Commission shall be predicated upon competent evidence. The revocation of a local license shall automatically result in the revocation of a State license. Upon notification by the Illinois Department of Revenue, the State Commission, in accordance with Section 3-12, may fine a licensee or suspend or shall revoke any license issued by the State Commission if the licensee has violated the provisions of Section 3 of the Retailers' Occupation Tax Act. All procedures for the suspension or revocation of a license, as enumerated above, are applicable to the levying of fines for violations of this Act or any rule or regulation issued pursuant thereto.

(Source: P.A. 93-22, eff. 6-20-03.)

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


PUBLIC ACT 93-0927
(Senate Bill No. 2559)

AN ACT concerning business transactions.

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

Section 5. The Illinois Securities Law of 1953 is amended by changing Section 2.1 as follows:

(815 ILCS 5/2.1) (from Ch. 121 1/2, par. 137.2-1)
Sec. 2.1. Security. "Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment

New matter indicated by italics - deletions by strikeout.
contract, investment fund share, face-amount certificate, voting-trust 
certificate, certificate of deposit, certificate of deposit for a security, 
 fractional undivided interest in oil, gas or other mineral lease, right or 
 royalty, any put, call, straddle, option, or privilege on any security, 
certificate of deposit, or group or index of securities (including any interest 
therein or based on the value thereof), or any put, call, straddle, option, or 
 privilege entered into, relating to foreign currency, or, in general, any 
 interest or instrument commonly known as a "security", or any certificate 
of interest or participation in, temporary or interim certificate for, receipt 
 for, guarantee of, or warrant or right to subscribe to or purchase, any of the 
 foregoing. "Security" does not mean a mineral investment contract or a 
 mineral deferred delivery contract; provided, however, the Department 
 shall have the authority to regulate these contracts as hereinafter provided. 
(Source: P.A. 92-308, eff. 1-1-02.)

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

PUBLIC ACT 93-0928 
(Senate Bill No. 2653)

AN ACT concerning corrections.
Be it enacted by the People of the State of Illinois, represented in 
the General Assembly:
Section 5. The Unified Code of Corrections is amended by 
changing Section 3-6-2 as follows: 
(730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)
Sec. 3-6-2. Institutions and Facility Administration.
(a) Each institution and facility of the Department shall be 
administered by a chief administrative officer appointed by the Director. A 
chief administrative officer shall be responsible for all persons assigned to 
the institution or facility. The chief administrative officer shall administer 
the programs of the Department for the custody and treatment of such 
persons.
(b) The chief administrative officer shall have such assistants as the 
Department may assign.

New matter indicated by italics - deletions by strikeout.
(c) The Director or Assistant Director shall have the emergency powers to temporarily transfer individuals without formal procedures to any State, county, municipal or regional correctional or detention institution or facility in the State, subject to the acceptance of such receiving institution or facility, or to designate any reasonably secure place in the State as such an institution or facility and to make transfers thereto. However, transfers made under emergency powers shall be reviewed as soon as practicable under Article 8, and shall be subject to Section 5-905 of the Juvenile Court Act of 1987. This Section shall not apply to transfers to the Department of Human Services which are provided for under Section 3-8-5 or Section 3-10-5.

(d) The Department shall provide educational programs for all committed persons so that all persons have an opportunity to attain the achievement level equivalent to the completion of the twelfth grade in the public school system in this State. Other higher levels of attainment shall be encouraged and professional instruction shall be maintained wherever possible. The Department may establish programs of mandatory education and may establish rules and regulations for the administration of such programs. A person committed to the Department who, during the period of his or her incarceration, participates in an educational program provided by or through the Department and through that program is awarded or earns the number of hours of credit required for the award of an associate, baccalaureate, or higher degree from a community college, college, or university located in Illinois shall reimburse the State, through the Department, for the costs incurred by the State in providing that person during his or her incarceration with the education that qualifies him or her for the award of that degree. The costs for which reimbursement is required under this subsection shall be determined and computed by the Department under rules and regulations that it shall establish for that purpose. However, interest at the rate of 6% per annum shall be charged on the balance of those costs from time to time remaining unpaid, from the date of the person's parole, mandatory supervised release, or release constituting a final termination of his or her commitment to the Department until paid.

(e) A person committed to the Department who becomes in need of medical or surgical treatment but is incapable of giving consent thereto shall receive such medical or surgical treatment by the chief administrative officer consenting on the person's behalf. Before the chief administrative officer consents, he or she shall obtain the advice of one or more

New matter indicated by italics - deletions by strikeout.
physicians licensed to practice medicine in all its branches in this State. If such physician or physicians advise:

(1) that immediate medical or surgical treatment is required relative to a condition threatening to cause death, damage or impairment to bodily functions, or disfigurement; and

(2) that the person is not capable of giving consent to such treatment; the chief administrative officer may give consent for such medical or surgical treatment, and such consent shall be deemed to be the consent of the person for all purposes, including, but not limited to, the authority of a physician to give such treatment.

(e-5) If a physician providing medical care to a committed person on behalf of the Department advises the chief administrative officer that the committed person's mental or physical health has deteriorated as a result of the cessation of ingestion of food or liquid to the point where medical or surgical treatment is required to prevent death, damage, or impairment to bodily functions, the chief administrative officer may authorize such medical or surgical treatment.

(f) In the event that the person requires medical care and treatment at a place other than the institution or facility, the person may be removed therefrom under conditions prescribed by the Department. The Department shall require the committed person receiving medical or dental services on a non-emergency basis to pay a $2 co-payment to the Department for each visit for medical or dental services. The amount of each co-payment shall be deducted from the committed person's individual account. A committed person who has a chronic illness, as defined by Department rules and regulations, shall be exempt from the $2 co-payment for treatment of the chronic illness. A committed person shall not be subject to a $2 co-payment for follow-up visits ordered by a physician, who is employed by, or contracts with, the Department. A committed person who is indigent is exempt from the $2 co-payment and is entitled to receive medical or dental services on the same basis as a committed person who is financially able to afford the co-payment. Notwithstanding any other provision in this subsection (f) to the contrary, any person committed to any facility operated by the Juvenile Division, as set forth in subsection (b) of Section 3-2-5 of this Code, is exempt from the co-payment requirement for the duration of confinement in those facilities.

(g) Any person having sole custody of a child at the time of commitment or any woman giving birth to a child after her commitment,

New matter indicated by italics - deletions by strikeout.
may arrange through the Department of Children and Family Services for suitable placement of the child outside of the Department of Corrections. The Director of the Department of Corrections may determine that there are special reasons why the child should continue in the custody of the mother until the child is 6 years old.

(h) The Department may provide Family Responsibility Services which may consist of, but not be limited to the following:

(1) family advocacy counseling;
(2) parent self-help group;
(3) parenting skills training;
(4) parent and child overnight program;
(5) parent and child reunification counseling, either separately or together, preceding the inmate's release; and
(6) a prerelease reunification staffing involving the family advocate, the inmate and the child's counselor, or both and the inmate.

(i) Prior to the release of any inmate who has a documented history of intravenous drug use, and upon the receipt of that inmate's written informed consent, the Department shall provide for the testing of such inmate for infection with human immunodeficiency virus (HIV) and any other identified causative agent of acquired immunodeficiency syndrome (AIDS). The testing provided under this subsection shall consist of an enzyme-linked immunosorbent assay (ELISA) test or such other test as may be approved by the Illinois Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered. All inmates tested in accordance with the provisions of this subsection shall be provided with pre-test and post-test counseling. Notwithstanding any provision of this subsection to the contrary, the Department shall not be required to conduct the testing and counseling required by this subsection unless sufficient funds to cover all costs of such testing and counseling are appropriated for that purpose by the General Assembly.

(j) Any person convicted of a sex offense as defined in the Sex Offender Management Board Act shall be required to receive a sex offender evaluation prior to release into the community from the Department of Corrections. The sex offender evaluation shall be conducted in conformance with the standards and guidelines developed under the Sex Offender Management Board Act and by an evaluator approved by the Board.

New matter indicated by italics - deletions by strikeout.
(k) Any minor committed to the Department of Corrections-Juvenile Division for a sex offense as defined by the Sex Offender Management Board Act shall be required to undergo sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the Sex Offender Management Board Act.

(Source: P.A. 92-292, eff. 8-9-01; 93-616, eff. 1-1-04.)

Effective January 1, 2005.

PUBLIC ACT 93-0929
(Senate Bill No. 2845)

AN ACT concerning public health.

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

Section 1. Short title. This Act may be cited as the Excellence in Alzheimer's Disease Center Treatment Act.

Section 5. Purpose. This Act is intended to maintain and enhance excellence in Alzheimer's disease treatment in Illinois in order to develop strategies to treat and prevent Alzheimer's disease in Illinois and across the United States, ensure that all Illinois citizens obtain the highest quality clinical care for Alzheimer's disease and other dementias, reduce the enormous societal cost of this disease, ensure that Illinois is a national center for Alzheimer's disease research, and maintain and enhance Illinois' ability to attract additional federal and private funding for these purposes.

Section 15. Definitions. As used in this Act:

"Academic medical center hospital" means a hospital located in Illinois that is either (i) under common ownership with the college of medicine of a college or university or (ii) a free-standing hospital in which the majority of the clinical chiefs of service are department chairmen in an affiliated medical school.

"Qualified Academic Medical Center Hospital - Pre 1996 Designation" means any academic medical center hospital that was designated by the National Institutes of Health and National Institutes on Aging as an Alzheimer's Disease Core (or Research) Center prior to calendar year 1996.

"Qualified Academic Medical Center Hospital - Post 1996 Designation" means any academic medical center hospital that was
designated by the National Institutes of Health and National Institutes on Aging as an Alzheimer's Disease Core (or Research) Center in or after calendar year 1996 through calendar year 2003.

"Medicaid inpatient day of care" means each day contained in the Illinois Department of Public Aid's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring during State fiscal year 1998 and adjudicated through June 30, 1999.

Section 20. Funds created.

(a) The Alzheimer's Disease Center Clinical Fund is created as a special fund in the State treasury, to which the General Assembly shall from time to time appropriate funds and from which the Comptroller shall pay amounts as authorized by law. This Fund is exempt from the provisions of Section 8h of the State Finance Act.

(b) The Alzheimer's Disease Center Expanded Clinical Fund is created as a special fund in the State treasury, to which the General Assembly shall from time to time appropriate funds and from which the Comptroller shall pay amounts as authorized by law. This Fund is exempt from the provisions of Section 8h of the State Finance Act.

(c) The Alzheimer's Disease Center Independent Clinical Fund is created as a special fund in the State treasury, to which the General Assembly shall from time to time appropriate funds and from which the Comptroller shall pay amounts as authorized by law. This Fund is exempt from the provisions of Section 8h of the State Finance Act.

Section 25. The Alzheimer's Disease Center Clinical Fund.

(a) Each institution defined as a Qualified Academic Medical Center Hospital - Pre 1996 Designation shall be eligible for payments from the Alzheimer's Disease Center Clinical Fund.

(b) Appropriations allocated to this Fund shall be divided among the qualifying hospitals. The Department of Public Aid shall calculate payment rates for each hospital qualifying under this Section as follows:

1. Hospitals that qualify under the Qualified Academic Medical Center Hospital - Pre 1996 Designation shall be paid a rate of $55.50 for each Medicaid inpatient day of care.

2. No qualifying hospital shall receive payments under this Section that exceed $1,200,000.

(c) Payments under this Section shall be made at least quarterly.

Section 30. The Alzheimer's Disease Center Expanded Clinical Fund.

New matter indicated by italics - deletions by strikeout.
(a) Each institution defined as a Qualified Academic Medical Center Hospital - Pre 1996 Designation or as a Qualified Academic Medical Center Hospital - Post 1996 Designation shall be eligible for payments from the Alzheimer's Disease Center Expanded Clinical Fund.

(b) Appropriations allocated to this Fund shall be divided among the qualifying hospitals. The Department of Public Aid shall calculate payment rates for each hospital qualifying under this Section as follows:

1. Hospitals that are defined as a Qualifying Academic Medical Center Hospital - Pre 1996 Designation shall be paid $13.90 for each Medicaid inpatient day of care.

2. Hospitals that are defined as a Qualifying Academic Medical Center Hospital - Post 1996 Designation and do not meet the Pre 1996 Designation criterion, shall be paid $10.75 for each Medicaid inpatient day of care.

3. Hospitals that qualify under the Pre and Post 1996 Designation shall qualify for payments under this Section according to the payment guidelines for Pre 1996 Designated hospitals.

4. No qualifying hospital shall receive payments under this Section that exceed $300,000.

(c) Payments under this Section shall be made at least quarterly.

Section 35. The Alzheimer's Disease Center Independent Clinical Fund.

(a) Each institution defined as a Qualified Academic Medical Center Hospital - Pre 1996 Designation or as a Qualified Academic Medical Center Hospital - Post 1996 Designation may be eligible for payments from the Alzheimer's Disease Center Independent Clinical Fund.

(b) Appropriations allocated to this Fund shall be allocated to specific Qualified Academic Medical Center Hospitals (either Pre 1996 or Post 1996 Designation) for specific and unique clinical/research projects as determined by the General Assembly.

(c) Payments under this Section shall be made at least quarterly.

Section 40. Use of funds. Reimbursement for medical services under this Act eligible for federal financial participation under Title XIX of the Social Security Act shall be used for the following 6 general purposes:

1. Clinical Care. Funds disbursed to each Qualified Academic Medical Center Hospital (either Pre 1996 or Post 1996 Designation) must be used to support clinical care for affected
persons and their families. In addition to providing clinical care, the Qualified Academic Medical Center Hospitals (either Pre 1996 or Post 1996 Designation) shall serve as models of multi-disciplinary diagnostic and treatment facilities for Alzheimer's disease and other dementias.

(2) Underserved Community Outreach. Funds disbursed to each Qualified Academic Medical Center Hospital (either Pre 1996 or Post 1996 Designation) must be used to support some type of outreach program in underserved communities.

(3) Research. Funds disbursed to each Qualified Academic Medical Center Hospital (either Pre 1996 or Post 1996 Designation) must be used to support research on aging and dementia.

(4) Education. Funds disbursed to each Qualified Academic Medical Center Hospital (either Pre 1996 or Post 1996 Designation) must be used to support education regarding aging and dementia.

(5) Brain Bank. Funds should be used by each Qualified Academic Medical Center Hospital (either Pre 1996 or Post 1996 Designation) to support a brain banking program.

(6) Administration. Funds, as needed, may be used to cover administrative costs, facility costs, and other costs commonly incurred by clinical, research, and educational programs according to the rules governing each Qualified Academic Medical Center Hospital (either Pre 1996 or Post 1996 Designation).

Section 45. Payment of funds. The Comptroller shall disburse all funds appropriated to the Alzheimer's Disease Center Clinical Fund, the Alzheimer's Disease Center Expanded Clinical Fund, and the Alzheimer's Disease Center Independent Clinical Fund to the appropriate Qualified Academic Medical Center Hospitals (either Pre 1996 or Post 1996 Designation) as the funds are appropriated by the General Assembly and come due under this Act. The payment of these funds shall be made through the Department of Public Aid.

Section 50. Reporting requirements. Qualified Academic Medical Center Hospitals (either Pre 1996 or Post 1996 Designation) receiving payments from the Alzheimer's Disease Center Clinical Fund, the Alzheimer's Disease Center Expanded Clinical Fund, or the Alzheimer's Disease Center Independent Clinical Fund shall submit annual reports to the Department of Public Health and the ADA Advisory Committee.

New matter indicated by italics - deletions by strikeout.
Section 55. Payment methodology. The Department of Public Aid shall promulgate rules necessary to make payments to the Qualifying Academic Medical Center Hospitals (either Pre 1996 or Post 1996 Designation) utilizing a reimbursement methodology consistent with this Act for distribution of all moneys from the funds in a manner that would help ensure these funds could be matchable to the maximum extent possible under Title XIX of the Social Security Act.

Section 60. Reimbursements of payments by the State. Nothing in this Act may be used to reduce reimbursements or payments by the State to a Qualifying Academic Medical Center Hospital (either Pre 1996 or Post 1996 Designation) under any other Act.

Section 65. Contravention of law. Funds received under this Act shall not be used in contravention of any law of this State.

Section 900. The Department of Public Health Powers and Duties
Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-215 as follows:

(20 ILCS 2310/2310-215) (was 20 ILCS 2310/55.62)
Sec. 2310-215. Center for Minority Health Services.
(a) The Department shall establish a Center for Minority Health Services to advise the Department on matters pertaining to the health needs of minority populations within the State.
(b) The Center shall have the following duties:
   (1) To assist in the assessment of the health needs of minority populations in the State.
   (2) To recommend treatment methods and programs that are sensitive and relevant to the unique linguistic, cultural, and ethnic characteristics of minority populations.
   (3) To provide consultation, technical assistance, training programs, and reference materials to service providers, organizations, and other agencies.
   (4) To promote awareness of minority health concerns, and encourage, promote, and aid in the establishment of minority services.
   (5) To disseminate information on available minority services.
   (6) To provide adequate and effective opportunities for minority populations to express their views on Departmental policy development and program implementation.

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(7) To coordinate with the Department on Aging and the Department of Public Aid to coordinate services designed to meet the needs of minority senior citizens.

(8) To promote awareness of the incidence of Alzheimer's disease and related dementias among minority populations and to encourage, promote, and aid in the establishment of prevention and treatment programs and services relating to this health problem.

(c) For the purpose of this Section, "minority" shall mean and include any person or group of persons who are:

(1) African-American (a person having origins in any of the black racial groups in Africa);
(2) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);
(3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or
(4) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

(Source: P.A. 91-239, eff. 1-1-00.)

Section 905. The State Finance Act is amended by adding Sections 5.625, 5.626, and 5.627 as follows:

(30 ILCS 105/5.625 new)
Sec. 5.625. The Alzheimer's Disease Center Clinical Fund.

(30 ILCS 105/5.626 new)
Sec. 5.626. The Alzheimer's Disease Center Expanded Clinical Fund.

(30 ILCS 105/5.627 new)
Sec. 5.627. The Alzheimer's Disease Center Independent Clinical Fund.

Section 910. The Alzheimer's Disease Assistance Act is amended by changing Sections 2, 6, and 7 as follows:

(410 ILCS 405/2) (from Ch. 111 1/2, par. 6952)
Sec. 2. Policy declaration. The General Assembly finds that Alzheimer's disease and related disorders are devastating health conditions which destroy certain vital cells of the brain and which affect an estimated 4,500,000 to 500,000 Americans. This means that approximately 200,000 to 111,000 Illinois citizens are victims. The General Assembly also finds that

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50% of all nursing home admissions in the State may be attributable to the Alzheimer's disease and related disorders and that these conditions are the fourth leading cause of death among the elderly. It is the opinion of the General Assembly that Alzheimer's disease and related disorders cause serious financial, social and emotional hardships on the victims and their families of such a major consequence that it is essential for the State to develop and implement policies, plans, programs and services to alleviate such hardships.

The General Assembly recognizes that there is no known cause or cure of Alzheimer's disease at this time, and that it can progress over an extended period of time and to such a degree that the victim's deteriorated condition makes him or her susceptible to other medical disorders that generally prove fatal. It is the intent of the General Assembly, through implementation of this Act, to establish a program for the conduct of research regarding the cause, cure and treatment of Alzheimer's disease and related disorders; and, through the establishment of Regional Alzheimer's Disease Assistance Centers and a comprehensive, Statewide system of regional and community-based services, to provide for the identification, evaluation, diagnosis, referral and treatment of victims of such health problems.

(Source: P.A. 85-1209.)

(410 ILCS 405/6) (from Ch. 111 1/2, par. 6956)

Sec. 6. ADA Advisory Committee. There is created the Alzheimer's Disease Advisory Committee consisting of 21 voting members appointed by the Director of the Department, as well as 5 nonvoting members as hereinafter provided in this Section. The Director or his designee shall serve as one of the 21 voting members and as the Chairman of the Committee. Those appointed as voting members shall include persons who are experienced in research and the delivery of services to victims and their families. Such members shall include 4 physicians licensed to practice medicine in all of its branches, one representative of a postsecondary educational institution which administers or is affiliated with a medical center in the State, one representative of a licensed hospital, one registered nurse, one representative of a long term care facility under the Nursing Home Care Act, one representative of an area agency on aging as defined by Section 3.07 of the Illinois Act on the Aging, one social worker, one representative of an organization established under the Illinois Insurance Code for the purpose of providing health insurance, 5 family members or

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representatives of victims of Alzheimer's disease and related disorders, and
4 members of the general public. Among the physician appointments shall
be persons with specialties in the fields of neurology, family medicine,
psychiatry and pharmacology. Among the general public members, at least
2 appointments shall include persons 65 years of age or older.

In addition to the 21 voting members, the Secretary of Human
Services (or his or her designee) and one additional representative of the
Department of Human Services designated by the Secretary plus the
Directors of the following State agencies or their designees shall serve as
nonvoting members: Department on Aging, Department of Public Aid, and
Guardianship and Advocacy Commission.

Each voting member appointed by the Director of Public Health
shall serve for a term of 2 years, and until his successor is appointed and
qualified. Members of the Committee shall not be compensated but shall
be reimbursed for expenses actually incurred in the performance of their
duties. No more than 11 voting members may be of the same political
party. Vacancies shall be filled in the same manner as original
appointments.

The Committee shall review all State programs and services
provided by State agencies that are directed toward persons with
Alzheimer's disease and related dementias, and recommend changes to
improve the State's response to this serious health problem.
(Source: P.A. 89-507, eff. 7-1-97.)

(410 ILCS 405/7) (from Ch. 111 1/2, par. 6957)

Sec. 7. Regional ADA center funding. Pursuant to appropriations
enacted by the General Assembly, the Department shall provide funds to
hospitals affiliated with each Regional ADA Center for necessary research
and for the development and maintenance of services for victims of
Alzheimer's disease and related disorders and their families. For the fiscal
year beginning July 1, 2003, and each year thereafter, the Department shall
effect payments under this Section to hospitals affiliated with each
Regional ADA Center through the Illinois Department of Public Aid under
the Excellence in Alzheimer's Disease Center Treatment Act. The
Department of Public Aid shall annually report to the Advisory Committee
established under this Act regarding the funding of centers under this Act.
The Department shall include the annual expenditures for this purpose in
the plan required by Section 5 of this Act.
(Source: P.A. 93-20, eff. 6-20-03.)

New matter indicated by italics - deletions by strikeout.
Section 999. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0930
(Senate Bill No. 3083)

AN ACT concerning finance.

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

Section 5. The Tobacco Products Manufacturers’ Escrow Enforcement Act of 2003 is amended by changing Sections 15 and 30 as follows:

(30 ILCS 167/15)
Sec. 15. Certifications; directory; tax stamps.
(a) Every tobacco product manufacturer whose cigarettes are sold in this State whether directly or through a distributor, retailer, or similar intermediary or intermediaries shall execute and deliver on a form prescribed by the Attorney General a certification to the Attorney General, no later than the thirtieth day of April each year, certifying under penalty of perjury that, as of the date of the certification, the tobacco product manufacturer either: (i) is a participating manufacturer and has generally performed its financial obligations under the Master Settlement Agreement; or (ii) is in full compliance with the Escrow Act, including all quarterly installment payments.

(1) A participating manufacturer shall include in its certification a list of its brand families. The participating manufacturer shall update the list 30 days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the Attorney General.

(2) A non-participating manufacturer shall include in its certification a complete list of all of its brand families: (i) separately listing brand families of cigarettes and the number of units sold for each brand family that were sold in the State during the preceding calendar year; (ii) listing all of its brand families that have been sold in the State at any time during the current calendar year; (iii) indicating by an asterisk, any brand family sold in the
State during the preceding calendar year that is no longer being sold in the State as of the date of the certification; and (iv) identifying by name and address any other manufacturer of the brand families in the preceding calendar year. The non-participating manufacturer shall update the list 30 days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the Attorney General.

(3) In the case of a non-participating manufacturer, the certification shall further certify:

(A) that the non-participating manufacturer is registered to do business in this State or has appointed a resident agent for service of process and provided notice thereof as required by item 4 of subsection (a) of this Section;

(B) that the non-participating manufacturer has (i) established and continues to maintain a qualified escrow fund as that term is defined in Section 10 of the Escrow Act, and (ii) executed a qualified escrow agreement that has been reviewed and approved by the Attorney General and that governs the qualified escrow fund;

(C) that the non-participating manufacturer is in full compliance with the Escrow Act and this Act, and any regulations promulgated pursuant thereto;

(D) the name, address and telephone number of the financial institution where the non-participating manufacturer has established the qualified escrow fund required pursuant to Section 15 of the Escrow Act and all regulations promulgated thereto;

(E) the account number of the qualified escrow fund and sub-account number for this State;

(F) the amount the non-participating manufacturer placed in the fund for cigarettes sold in the State during the preceding calendar year, including the dates and amount of each deposit, and such evidence or verification as may be deemed necessary by the Attorney General to confirm the foregoing; and

(G) the amounts of and dates of any withdrawal or transfer of funds the non-participating manufacturer made at any time from the fund or from any other qualified

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escrow fund into which it ever made escrow payments pursuant to Section 15 of the Escrow Act and all regulations promulgated thereto.

(4) A tobacco product manufacturer may not include a brand family in its certification unless: (i) in the case of a participating manufacturer, the participating manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of calculating its payments under the master settlement agreement for the relevant year, in the volume and shares determined pursuant to the master settlement agreement; and (ii) in the case of a non-participating manufacturer, the non-participating manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of Section 15 of the Escrow Act.

Nothing in this Section shall be construed as limiting or otherwise affecting the State's right to maintain that a brand family constitutes cigarettes of a different tobacco product manufacturer for purposes of calculating payments under the master settlement agreement or for purposes of Section 15 of the Escrow Act.

(5) The tobacco product manufacturers shall maintain all invoices and documentation of sales and other information relied upon for certification for a period of 5 years, unless otherwise required by law to maintain them for a greater period of time.

(b) Not later than 6 months after the effective date of this Act, the Attorney General shall develop and make available for public inspection, through publishing on its website, a directory listing all tobacco product manufacturers that have provided current and accurate certifications conforming to the requirements of subsection (a) of Section 15 and all brand families that are listed in the certifications, except for the following:

(1) The Attorney General shall not include or retain in the directory the name or brand families of any non-participating manufacturer that fails to provide the required certification or whose certification the Attorney General determines is not in compliance with subsections (a)(2) or (a)(3) of Section 15, unless the Attorney General has determined that the violation has been cured to the satisfaction of the Attorney General.

(2) Neither a tobacco product manufacturer nor brand family shall be included or retained in the directory if the Attorney General concludes that: (i) in the case of a non-participating manufacturer all escrow payments required pursuant to Section 15
of the Escrow Act for any period for any brand family, whether or not listed by the non-participating manufacturer, have not been fully paid into a qualified escrow fund governed by a qualified escrow agreement that has been approved by the Attorney General; or (ii) all outstanding final judgments, including interest thereon, for violations of Section 15 of the Escrow Act have not been fully satisfied for that brand family and manufacturer.

(c) The Attorney General shall update the directory as necessary in order to correct mistakes and to add or remove a tobacco product manufacturer or brand families to keep the directory in conformity with the requirements of this Act.

(d) Every distributor shall provide and update as necessary an electronic mail address to the Attorney General for the purpose of receiving any notifications as may be required by this Act.

(e) It shall be unlawful for any person: (i) to affix a stamp to a package or other container of cigarettes of a tobacco product manufacturer or brand family not included in the directory; or (ii) to sell, offer for sale, or possess for sale in this State, or import for personal consumption in this State, cigarettes of a tobacco product manufacturer or brand family not included in the directory.

(Source: P.A. 93-446, eff. 1-1-04.)

(30 ILCS 167/30)

Sec. 30. Penalties and other remedies.

(a) In addition to or in lieu of any other civil or criminal remedy provided by law, upon a determination that a distributor has violated subsection (e) (c) of Section 15 or any regulation adopted pursuant thereto, the Director may revoke or suspend the license of any stamping agent in the manner provided by Section 6 of the Cigarette Tax Act, Section 6 of the Cigarette Use Tax Act, or Section 10-25 of the Tobacco Products Tax Act of 1995, as appropriate. Each stamp affixed and each offer to sell cigarettes in violation of subsection (e) (c) of Section 15 shall constitute a separate violation. For each violation, the Director may also impose a civil penalty in an amount not to exceed the greater of 500% of the retail value of the cigarettes sold or $5,000 upon a determination of violation of subsection (e) (c) of Section 15 or any regulations adopted pursuant thereto.

(b) Any cigarettes that have been sold, offered for sale, or possessed for sale in this State, or imported for personal consumption in this State in violation of subsection (e) (c) of Section 15 shall be subject to

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Public Act 93-0930

Seizure and forfeiture as provided in Sections 18, 18a, and 20 of the Cigarette Tax Act and Sections 24, 25, 25a and 26 of the Cigarette Use Tax Act, and all cigarettes so seized and forfeited shall be destroyed and not resold.

(c) The Attorney General may seek an injunction to restrain a threatened or actual violation of subsection (e) (e) of Section 15, subsection (a) of Section 25, or subsection (d) of Section 25 by a stamping agent and to compel the stamping agent to comply with such subsections. In any action brought pursuant to this Section, the State shall be entitled to recover the costs of investigation, costs of the action, and reasonable attorney fees.

(d) It shall be unlawful for a person to: (i) sell or distribute cigarettes; or (ii) acquire, hold, own, possess, transport, import, or cause to be imported cigarettes that the person knows or should know are intended for distribution or sale in the State in violation of subsection (e) (e) of Section 15. A violation of this Section shall be a Class 2 felony.

(e) A person who violates subsection (e) (e) of Section 15 engages in an unfair and deceptive trade practice in violation of the Uniform Deceptive Trade Practices Act.

(Source: P.A. 93-446, eff. 1-1-04.)

Effective January 1, 2005.

Public Act 93-0931
(Senate Bill No. 3189)

AN ACT concerning license plates.

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

Section 5. The Illinois Vehicle Code is amended by renumbering and changing Section 3-653, added by Public Act 92-704, as follows:

(625 ILCS 5/3-660)
Sec. 3-660 3-653. September 11th license plates.
(a) Beginning on September 11, 2002, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as September 11th license plates.

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The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds.

Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the September 11th Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the September 11th Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The September 11th Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, the Director of the Illinois Emergency Management Agency Commerce and Community Affairs shall pay all moneys in the September 11th Fund as grants to aid victims of terrorism and as grants to local governments to cover the costs of training, equipment, and other items related to public safety initiatives intended to prevent further acts of terrorism or to respond to further acts of terrorism or other disasters or emergency situations in Illinois.

(Source: P.A. 92-704, eff. 7-19-02; revised 10-15-03.)

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

PUBLIC ACT 93-0932

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

Section 5. The Asbestos Abatement Authority Act is amended by changing Sections 4 and 5 as follows:

(20 ILCS 3120/4) (from Ch. 127, par. 3504)

Sec. 4. Environmental Enforcement-Asbestos Litigation Division. There is created within the office of the Attorney General an Environmental Enforcement-Asbestos Litigation Division. The Division, under the supervision and the direction of the Attorney General, shall enforce laws, rules, and regulations that protect the State's environment and shall investigate and initiate legal proceedings necessary to ensure maximum recovery of asbestos abatement costs for all State entities of this State. All asbestos abatement costs amounts recovered by the Division, including any award of damages, penalties, those awarded for asbestos abatement and attorney's fees, shall be deposited in the Asbestos Abatement Fund in the State Treasury.

(Source: P.A. 85-585.)

(20 ILCS 3120/5) (from Ch. 127, par. 3505)

Sec. 5. Asbestos Abatement Fund. There is created in the State Treasury the Asbestos Abatement Fund into which shall be deposited all grants, gifts, attorney's fees and recoveries received for the purpose of asbestos abatement in the State governmental buildings. Such funds shall be expended pursuant to appropriations made by the General Assembly to the Capital Development Board for asbestos surveys and abatement purposes and to the Attorney General for the operations of the Environmental Enforcement-Asbestos Litigation Division.

(Source: P.A. 87-14; 87-633.)

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

Section 5. The Illinois Pension Code is amended by changing Sections 7-137 and 7-139 as follows:

(40 ILCS 5/7-137) (from Ch. 108 1/2, par. 7-137)
Sec. 7-137. Participating and covered employees.

(a) The persons described in this paragraph (a) shall be included within and be subject to this Article and eligible to benefits from this fund, beginning upon the dates hereinafter specified:

1. Except as to the employees specifically excluded under the provisions of this Article, all persons who are employees of any municipality (or instrumentality thereof) or participating instrumentality on the effective date of participation of the municipality or participating instrumentality beginning upon such effective date.

2. Except as to the employees specifically excluded under the provisions of this Article, all persons, who became employees of any participating municipality (or instrumentality thereof) or participating instrumentality after the effective date of participation of such municipality or participating instrumentality, beginning upon the date such person becomes an employee.

3. All persons who file notice with the board as provided in paragraph (b) 2 and 3 of this Section, beginning upon the date of filing such notice.

(b) The following described persons shall not be considered participating employees eligible for benefits from this fund, but shall be included within and be subject to this Article (each of the descriptions is not exclusive but is cumulative):

1. Any person who occupies an office or is employed in a position normally requiring performance of duty during less than 600 hours a year for a municipality (including all instrumentalities thereof) or a participating instrumentality. If a school treasurer performs services for more than one school district, the total number of hours of service normally required for the several school districts shall be considered to determine whether he qualifies under this paragraph;

2. Any person who holds elective office unless he has elected while in that office in a written notice on file with the board to become a participating employee;

3. Any person working for a city hospital unless any such person, while in active employment, has elected in a written notice

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on file with the board to become a participating employee and notification thereof is received by the board;

4. Any person who becomes an employee after June 30, 1979 as a public service employment program participant under the federal Comprehensive Employment and Training Act and whose wages or fringe benefits are paid in whole or in part by funds provided under such Act;

5. Any person who is actively employed by a municipality on its effective date of participation in the Fund if that municipality (i) has at least 35 employees on its effective date of participation; (ii) is located in a county with at least 2,000,000 inhabitants; and (iii) maintains an independent defined benefit pension plan for the benefit of its eligible employees, unless the person files with the board within 90 days after the municipality's effective date of participation an irrevocable election to participate.

(c) Any person electing to be a participating employee, pursuant to paragraph (b) of this Section may not change such election, except as provided in Section 7-137.1.

(d) Any employee who occupied the position of school nurse in any participating municipality on August 8, 1961 and continuously thereafter until the effective date of the exercise of the option authorized by this subparagraph, who on August 7, 1961 was a member of the Teachers' Retirement System of Illinois, by virtue of certification by the Department of Registration and Education as a public health nurse, may elect to terminate participation in this Fund in order to re-establish membership in such System. The election may be exercised by filing written notice thereof with the Board or with the Board of Trustees of said Teachers' Retirement System, not later than September 30, 1963, and shall be effective on the first day of the calendar month next following the month in which the notice was filed. If the written notice is filed with such Teachers' Retirement System, that System shall immediately notify this Fund, but neither failure nor delay in notification shall affect the validity of the employee's election. If the option is exercised, the Fund shall notify such Teachers' Retirement System of such fact and transfer to that system the amounts contributed by the employee to this Fund, including interest at 3% per annum, but excluding contributions applicable to social security coverage during the period beginning August 8, 1961 to the effective date of the employee's election. Participation in this Fund as to any credits on

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or after August 8, 1961 and up to the effective date of the employee's election shall terminate on such effective date.

(e) Any participating municipality or participating instrumentality, other than a school district or special education joint agreement created under Section 10-22.31 of the School Code, may, by a resolution or ordinance duly adopted by its governing body, elect to exclude from participation and eligibility for benefits all persons who are employed after the effective date of such resolution or ordinance and who occupy an office or are employed in a position normally requiring performance of duty for less than 1000 hours per year for the participating municipality (including all instrumentalities thereof) or participating instrumentality except for persons employed in a position normally requiring performance of duty for 600 hours or more per year (i) by such participating municipality or participating instrumentality prior to the effective date of the resolution or ordinance, (ii) by any participating municipality or participating instrumentality prior to January 1, 1982 and (iii) by a participating municipality or participating instrumentality, which had not adopted such a resolution when the person was employed, and the function served by the employee's position is assumed by another participating municipality or participating instrumentality. A participating municipality or participating instrumentality included in and subject to this Article after January 1, 1982 may adopt such resolution or ordinance only prior to the date it becomes included in and subject to this Article. Notwithstanding the foregoing, a participating municipality or participating instrumentality which is formed solely to succeed to the functions of a participating municipality or participating instrumentality shall be considered to have adopted any such resolution or ordinance which may have been applicable to the employees performing such functions. The election made by the resolution or ordinance shall take effect at the time specified in the resolution or ordinance, and once effective shall be irrevocable.

(Source: P.A. 86-272; 87-740; 87-850.)

(40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)
Sec. 7-139. Credits and creditable service to employees.

(a) Each participating employee shall be granted credits and creditable service, for purposes of determining the amount of any annuity or benefit to which he or a beneficiary is entitled, as follows:

1. For prior service: Each participating employee who is an employee of a participating municipality or participating instrumentality on the effective date shall be granted creditable

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service, but no credits under paragraph 2 of this subsection (a), for periods of prior service for which credit has not been received under any other pension fund or retirement system established under this Code, as follows:

If the effective date of participation for the participating municipality or participating instrumentality is on or before January 1, 1998, creditable service shall be granted for the entire period of prior service with that employer without any employee contribution.

If the effective date of participation for the participating municipality or participating instrumentality is after January 1, 1998, creditable service shall be granted for the last 20% of the period of prior service with that employer, but no more than 5 years, without any employee contribution. A participating employee may establish creditable service for the remainder of the period of prior service with that employer by making an application in writing, accompanied by payment of an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service may be made at any time while the employee is still in service.

A municipality that (i) has at least 35 employees; (ii) is located in a county with at least 2,000,000 inhabitants; and (iii) maintains an independent defined benefit pension plan for the benefit of its eligible employees may restrict creditable service in whole or in part for periods of prior service with the employer if the governing body of the municipality adopts an irrevocable resolution to restrict that creditable service and files the resolution with the board before the municipality's effective date of participation.

Any person who has withdrawn from the service of a participating municipality or participating instrumentality prior to the effective date, who reenters the service of the same municipality or participating instrumentality after the effective date and becomes a participating employee is entitled to creditable service for prior service as otherwise provided in this subdivision

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(a)(1) only if he or she renders 2 years of service as a participating employee after the effective date. Application for such service must be made while in a participating status. The salary rate to be used in the calculation of the required employee contribution, if any, shall be the employee's salary rate at the time of first reentering service with the employer after the employer's effective date of participation.

2. For current service, each participating employee shall be credited with:

   a. Additional credits of amounts equal to each payment of additional contributions received from him under Section 7-173, as of the date the corresponding payment of earnings is payable to him.

   b. Normal credits of amounts equal to each payment of normal contributions received from him, as of the date the corresponding payment of earnings is payable to him, and normal contributions made for the purpose of establishing out-of-state service credits as permitted under the conditions set forth in paragraph 6 of this subsection (a).

   c. Municipality credits in an amount equal to 1.4 times the normal credits, except those established by out-of-state service credits, as of the date of computation of any benefit if these credits would increase the benefit.

   d. Survivor credits equal to each payment of survivor contributions received from the participating employee as of the date the corresponding payment of earnings is payable, and survivor contributions made for the purpose of establishing out-of-state service credits.

3. For periods of temporary and total and permanent disability benefits, each employee receiving disability benefits shall be granted creditable service for the period during which disability benefits are payable. Normal and survivor credits, based upon the rate of earnings applied for disability benefits, shall also be granted if such credits would result in a higher benefit to any such employee or his beneficiary.

4. For authorized leave of absence without pay: A participating employee shall be granted credits and creditable

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service for periods of authorized leave of absence without pay under the following conditions:

a. An application for credits and creditable service is submitted to the board while the employee is in a status of active employment, and within 2 years after termination of the leave of absence period for which credits and creditable service are sought.

b. Not more than 12 complete months of creditable service for authorized leave of absence without pay shall be counted for purposes of determining any benefits payable under this Article.

c. Credits and creditable service shall be granted for leave of absence only if such leave is approved by the governing body of the municipality, including approval of the estimated cost thereof to the municipality as determined by the fund, and employee contributions, plus interest at the effective rate applicable for each year from the end of the period of leave to date of payment, have been paid to the fund in accordance with Section 7-173. The contributions shall be computed upon the assumption earnings continued during the period of leave at the rate in effect when the leave began.

d. Benefits under the provisions of Sections 7-141, 7-146, 7-150 and 7-163 shall become payable to employees on authorized leave of absence, or their designated beneficiary, only if such leave of absence is creditable hereunder, and if the employee has at least one year of creditable service other than the service granted for leave of absence. Any employee contributions due may be deducted from any benefits payable.

e. No credits or creditable service shall be allowed for leave of absence without pay during any period of prior service.

5. For military service: The governing body of a municipality or participating instrumentality may elect to allow creditable service to participating employees who leave their employment to serve in the armed forces of the United States for all periods of such service, provided that the person returns to active employment within 90 days after completion of full time

New matter indicated by italics - deletions by strikeout.
active duty, but no creditable service shall be allowed such person for any period that can be used in the computation of a pension or any other pay or benefit, other than pay for active duty, for service in any branch of the armed forces of the United States. If necessary to the computation of any benefit, the board shall establish municipality credits for participating employees under this paragraph on the assumption that the employee received earnings at the rate received at the time he left the employment to enter the armed forces. A participating employee in the armed forces shall not be considered an employee during such period of service and no additional death and no disability benefits are payable for death or disability during such period.

Any participating employee who left his employment with a municipality or participating instrumentality to serve in the armed forces of the United States and who again became a participating employee within 90 days after completion of full time active duty by entering the service of a different municipality or participating instrumentality, which has elected to allow creditable service for periods of military service under the preceding paragraph, shall also be allowed creditable service for his period of military service on the same terms that would apply if he had been employed, before entering military service, by the municipality or instrumentality which employed him after he left the military service and the employer costs arising in relation to such grant of creditable service shall be charged to and paid by that municipality or instrumentality.

Notwithstanding the foregoing, any participating employee shall be entitled to creditable service as required by any federal law relating to re-employment rights of persons who served in the United States Armed Services. Such creditable service shall be granted upon payment by the member of an amount equal to the employee contributions which would have been required had the employee continued in service at the same rate of earnings during the military leave period, plus interest at the effective rate.

5.1. In addition to any creditable service established under paragraph 5 of this subsection (a), creditable service may be granted for up to 24 months of service in the armed forces of the United States.

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In order to receive creditable service for military service under this paragraph 5.1, a participating employee must (1) apply to the Fund in writing and provide evidence of the military service that is satisfactory to the Board; (2) obtain the written approval of the current employer; and (3) make contributions to the Fund equal to (i) the employee contributions that would have been required had the service been rendered as a member, plus (ii) an amount determined by the board to be equal to the employer's normal cost of the benefits accrued for that military service, plus (iii) interest on items (i) and (ii) from the date of first membership in the Fund to the date of payment. If payment is made during the 6-month period that begins 3 months after the effective date of this amendatory Act of 1997, the required interest shall be at the rate of 2.5% per year, compounded annually; otherwise, the required interest shall be calculated at the regular interest rate.

6. For out-of-state service: Creditable service shall be granted for service rendered to an out-of-state local governmental body under the following conditions: The employee had participated and has irrevocably forfeited all rights to benefits in the out-of-state public employees pension system; the governing body of his participating municipality or instrumentality authorizes the employee to establish such service; the employee has 2 years current service with this municipality or participating instrumentality; the employee makes a payment of contributions, which shall be computed at 8% (normal) plus 2% (survivor) times length of service purchased times the average rate of earnings for the first 2 years of service with the municipality or participating instrumentality whose governing body authorizes the service established plus interest at the effective rate on the date such credits are established, payable from the date the employee completes the required 2 years of current service to date of payment. In no case shall more than 120 months of creditable service be granted under this provision.

7. For retroactive service: Any employee who could have but did not elect to become a participating employee, or who should have been a participant in the Municipal Public Utilities Annuity and Benefit Fund before that fund was superseded, may receive creditable service for the period of service not to exceed 50 months; however, a current or former elected or appointed official

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of a participating municipality may establish credit under this paragraph 7 for more than 50 months of service as an official of that municipality, if the excess over 50 months is approved by resolution of the governing body of the affected municipality filed with the Fund before January 1, 2002.

Any employee who is a participating employee on or after September 24, 1981 and who was excluded from participation by the age restrictions removed by Public Act 82-596 may receive creditable service for the period, on or after January 1, 1979, excluded by the age restriction and, in addition, if the governing body of the participating municipality or participating instrumentality elects to allow creditable service for all employees excluded by the age restriction prior to January 1, 1979, for service during the period prior to that date excluded by the age restriction.

Any employee who was excluded from participation by the age restriction removed by Public Act 82-596 and who is not a participating employee on or after September 24, 1981 may receive creditable service for service after January 1, 1979. Creditable service under this paragraph shall be granted upon payment of the employee contributions which would have been required had he participated, with interest at the effective rate for each year from the end of the period of service established to date of payment.

8. For accumulated unused sick leave: A participating employee who is applying for a retirement annuity shall be entitled to creditable service for that portion of the employee's accumulated unused sick leave for which payment is not received, as follows:

   a. Sick leave days shall be limited to those accumulated under a sick leave plan established by a participating municipality or participating instrumentality which is available to all employees or a class of employees.

   b. Only sick leave days accumulated with a participating municipality or participating instrumentality with which the employee was in service within 60 days of the effective date of his retirement annuity shall be credited; If the employee was in service with more than one employer during this period only the sick leave days with the employer with which the employee has the greatest number of unpaid sick leave days shall be considered.
c. The creditable service granted shall be considered solely for the purpose of computing the amount of the retirement annuity and shall not be used to establish any minimum service period required by any provision of the Illinois Pension Code, the effective date of the retirement annuity, or the final rate of earnings.

d. The creditable service shall be at the rate of 1/20 of a month for each full sick day, provided that no more than 12 months may be credited under this subdivision 8.

e. Employee contributions shall not be required for creditable service under this subdivision 8.

f. Each participating municipality and participating instrumentality with which an employee has service within 60 days of the effective date of his retirement annuity shall certify to the board the number of accumulated unpaid sick leave days credited to the employee at the time of termination of service.

9. For service transferred from another system: Credits and creditable service shall be granted for service under Article 3, 4, 5, 14 or 16 of this Act, to any active member of this Fund, and to any inactive member who has been a county sheriff, upon transfer of such credits pursuant to Section 3-110.3, 4-108.3, 5-235, 14-105.6 or 16-131.4, and payment by the member of the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund as a sheriff's law enforcement employee during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount actually transferred to the Fund. Such transferred service shall be deemed to be service as a sheriff's law enforcement employee for the purposes of Section 7-142.1.

(b) Creditable service - amount:

1. One month of creditable service shall be allowed for each month for which a participating employee made contributions as required under Section 7-173, or for which creditable service is otherwise granted hereunder. Not more than 1 month of service shall be credited and counted for 1 calendar month, and not more than 1 year of service shall be credited and counted for any

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calendar year. A calendar month means a nominal month beginning on the first day thereof, and a calendar year means a year beginning January 1 and ending December 31.

2. A seasonal employee shall be given 12 months of creditable service if he renders the number of months of service normally required by the position in a 12-month period and he remains in service for the entire 12-month period. Otherwise a fractional year of service in the number of months of service rendered shall be credited.

3. An intermittent employee shall be given creditable service for only those months in which a contribution is made under Section 7-173.

(c) No application for correction of credits or creditable service shall be considered unless the board receives an application for correction while (1) the applicant is a participating employee and in active employment with a participating municipality or instrumentality, or (2) while the applicant is actively participating in a pension fund or retirement system which is a participating system under the Retirement Systems Reciprocal Act. A participating employee or other applicant shall not be entitled to credits or creditable service unless the required employee contributions are made in a lump sum or in installments made in accordance with board rule.

(d) Upon the granting of a retirement, surviving spouse or child annuity, a death benefit or a separation benefit, on account of any employee, all individual accumulated credits shall thereupon terminate. Upon the withdrawal of additional contributions, the credits applicable thereto shall thereupon terminate. Terminated credits shall not be applied to increase the benefits any remaining employee would otherwise receive under this Article.

(Source: P.A. 91-887, eff. 7-6-00; 92-424, eff. 8-17-01.)

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


New matter indicated by italics - deletions by strikeout.
AN ACT concerning schools.

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

Section 5. The School Code is amended by changing Section 11D-6 as follows:

(105 ILCS 5/11D-6) (from Ch. 122, par. 11D-6)

Sec. 11D-6. Passage requirements. If a majority of the electors voting at such election in each affected school district vote in favor of the proposition, the proposition shall be deemed to have passed. Unless the board of education of a new high school or elementary school district is elected at the same election at which the proposition establishing that district is deemed to have passed, the regional superintendent of schools shall order an election to be held on the next regularly scheduled election date for the purpose of electing a board of education for that district. In either event, the board of education elected for each of the new high school and elementary school districts created under this Article shall consist of 7 members, which shall have the terms and the powers and duties of school boards as defined in Article 10. Election of board members for the new high school district may be (i) on an at-large basis, (ii) with board members representing each of the forming elementary school districts, or (iii) a combination of both. The format for the election of the new high school board must be defined in the petition submitted to the voters. When 4 or more unit school districts are involved and a combination of board members representing each of the forming elementary school districts and at-large formats are used, one member must be elected from each of the forming elementary school districts. The remaining members may be elected on an at-large basis, provided that none of the underlying elementary school districts have a majority on the resulting high school board. When 3 unit school districts are involved and a combination of board members representing each of the forming elementary school districts and at-large formats are used, 2 members must be elected from each of the forming elementary school districts. The remaining member must be elected at large. Nomination papers filed under this Section are not valid unless the candidate named therein files with the regional superintendent a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required.

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by the Illinois Governmental Ethics Act. Such receipt shall be so filed either previously during the calendar year in which his nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law. The regional superintendent shall perform the election duties assigned by law to the secretary of a school board for such election, and shall certify the officers and candidates therefor pursuant to the general election law.

(Source: P.A. 86-1334; 87-10.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0935
(House Bill No. 1086)

AN ACT concerning health facilities.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 3 and by adding Section 8.5 as follows:

(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)
(Section scheduled to be repealed on July 1, 2008)

Sec. 3. Definitions. As used in this Act:
"Health care facilities" means and includes the following facilities and organizations:

1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;
2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;
3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;
4. Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease treatment centers maintained by the State or any department or agency thereof;
5. Kidney disease treatment centers, including a free-standing hemodialysis unit; and

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6. An institution, place, building, or room used for the performance of outpatient surgical procedures that is leased, owned, or operated by or on behalf of an out-of-state facility. No federally owned facility shall be subject to the provisions of this Act, nor facilities used solely for healing by prayer or spiritual means. No facility licensed under the Supportive Residences Licensing Act or the Assisted Living and Shared Housing Act shall be subject to the provisions of this Act.

A facility designated as a supportive living facility that is in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

This Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act. However, if a demonstration project under that Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.

This Act shall not apply to the closure of an entity or a portion of an entity licensed under the Nursing Home Care Act that elects to convert, in whole or in part, to an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act.

With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion which is subject to facility licensing requirements, irrespective of the party responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.

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"Consumer" means any person other than a person (a) whose major occupation currently involves or whose official capacity within the last 12 months has involved the providing, administering or financing of any type of health care facility, (b) who is engaged in health research or the teaching of health, (c) who has a material financial interest in any activity which involves the providing, administering or financing of any type of health care facility, or (d) who is or ever has been a member of the immediate family of the person defined by (a), (b), or (c).

"State Board" means the Health Facilities Planning Board.

"Construction or modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership, of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any capital expenditure made by or on behalf of a health care facility for the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act shall be excluded from any obligations under this Act.

"Establish" means the construction of a health care facility or the replacement of an existing facility on another site.

"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part...
thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditures minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the equipment or facilities at fair market value would be subject to review.

"Capital expenditure minimum" means $6,000,000, which shall be annually adjusted to reflect the increase in construction costs due to inflation, for major medical equipment and for all other capital expenditures; provided, however, that when a capital expenditure is for the construction or modification of a health and fitness center, "capital expenditure minimum" means the capital expenditure minimum for all other capital expenditures in effect on March 1, 2000, which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"Non-clinical service area" means an area (i) for the benefit of the patients, visitors, staff, or employees of a health care facility and (ii) not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; news stands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for

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health service and having within it one or more local areas for health planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be part of such major area. The term "subregion" may be used synonymously with the term "local".

"Areawide health planning organization" or "Comprehensive health planning organization" means the health systems agency designated by the Secretary, Department of Health and Human Services or any successor agency.

"Local health planning organization" means those local health planning organizations that are designated as such by the areawide health planning organization of the appropriate area.

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.

"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

"Director" means the Director of the Illinois Department of Public Health.

"Agency" means the Illinois Department of Public Health.

"Comprehensive health planning" means health planning concerned with the total population and all health and associated problems that affect the well-being of people and that encompasses health services, health manpower, and health facilities; and the coordination among these and with those social, economic, and environmental factors that affect health.

"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.

"Out-of-state facility" means a person that is both (i) licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and (ii) not licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed

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health care facility, its parent, or Illinois physicians licensed to practice medicine in all its branches shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act.

"Change of ownership of a health care facility" means a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change in ownership is indicated by the following transactions: sale, transfer, acquisition, lease, change of sponsorship, or other means of transferring control.

"Related person" means any person that: (i) is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or (ii) owns, directly or indirectly, at least 50% of the health care facility.

"Charity care" means care provided by a health care facility for which the provider does not expect to receive payment from the patient or a third-party payer.

(Source: P.A. 93-41, eff. 6-27-03.)

(20 ILCS 3960/8.5 new)

Sec. 8.5. Certificate of exemption for change of ownership of a health care facility; public notice and public hearing.

(a) Upon a finding by the Department of Public Health that an application for a change of ownership is complete, the Department of Public Health shall publish a legal notice on 3 consecutive days in a newspaper of general circulation in the area or community to be affected and afford the public an opportunity to request a hearing. If the application is for a facility located in a Metropolitan Statistical Area, an additional legal notice shall be published in a newspaper of limited circulation, if one exists, in the area in which the facility is located. If the newspaper of limited circulation is published on a daily basis, the additional legal notice shall be published on 3 consecutive days. The legal notice shall also be posted on the Illinois Health Facilities Planning Board's web site and sent to the State Representative and State Senator of the district in which the health care facility is located. The Department of Public Health shall not find that an application for change of ownership of a hospital is complete without a signed certification that for a period of 2 years after the change of ownership transaction is effective, the hospital

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will not adopt a charity care policy that is more restrictive than the policy in effect during the year prior to the transaction.

For the purposes of this subsection, "newspaper of limited circulation" means a newspaper intended to serve a particular or defined population of a specific geographic area within a Metropolitan Statistical Area such as a municipality, town, village, township, or community area, but does not include publications of professional and trade associations.

(b) If a public hearing is requested, it shall be held at least 15 days but no more than 30 days after the date of publication of the legal notice in the community in which the facility is located. The hearing shall be held in a place of reasonable size and accessibility and a full and complete written transcript of the proceedings shall be made. The applicant shall provide a summary of the proposed change of ownership for distribution at the public hearing.

Effective January 5, 2005.

PUBLIC ACT 93-0936
(House Bill No. 4099)

AN ACT in relation to energy conservation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Energy Efficient Commercial Building Act.

Section 5. Findings.
(a) The legislature finds that an effective energy efficient commercial building code is essential to:
(1) reduce the air pollutant emissions from energy consumption that are affecting the health of residents of this State;
(2) moderate future peak electric power demand;
(3) assure the reliability of the electrical grid and an adequate supply of heating oil and natural gas; and
(4) control energy costs for residents and businesses in this State.
(b) The legislature further finds that this State has a number of different climate types, all of which require energy for both cooling and heating, and that there are many cost-effective measures that can reduce

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peak energy use and reduce cooling, heating, lighting, and other energy costs in commercial buildings.

Section 10. Definitions.
"Board" means the Capital Development Board.
"Code" means the 2000 International Energy Conservation Code, the ASHRAE 90.1-1999 Standard, which is included within that Code, the 2001 supplement to that Code, and the adaptations to the Code that are made by the Board.
"Commercial building" means any building except a building that is a residential building, as defined in this Section.
"Department" means the Department of Commerce and Economic Opportunity.
"Municipality" means any city, village, or incorporated town.
"Residential building" means (i) a detached one-family or 2-family dwelling or (ii) any building that is 3 stories or less in height above grade that contains multiple dwelling units, in which the occupants reside on a primarily permanent basis, such as a townhouse, a row house, an apartment house, a convent, a monastery, a rectory, a fraternity or sorority house, a dormitory, and a rooming house.

Section 15. Energy Efficient Building Code. The Board, in consultation with the Department, shall adopt the Code as minimum requirements applying to the construction of, renovations to, and additions to all commercial buildings in the State. The Board may appropriately adapt the International Energy Conservation Code to apply to the particular economy, population distribution, geography, and climate of the State and construction therein, consistent with the public policy objectives of this Act.

Section 20. Applicability.
(a) The Code shall take effect one year after it is adopted by the Board and shall apply to any commercial building or structure in this State for which a building permit application is received by a municipality or county, except as otherwise provided by this Act. In the case of any addition, alteration, renovation, or repair to an existing commercial structure, the Code adopted under this Act applies only to the portions of that structure that are being added, altered, renovated, or repaired.

(b) The following buildings shall be exempt from the Code:
(1) Buildings otherwise exempt from the provisions of a locally adopted building code and buildings that do not contain a conditioned space.

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(2) Buildings that do not use either electricity or fossil fuel for comfort conditioning. For purposes of determining whether this exemption applies, a building will be presumed to be heated by electricity, even in the absence of equipment used for electric comfort heating, whenever the building is provided with electrical service in excess of 100 amps, unless the code enforcement official determines that this electrical service is necessary for purposes other than providing electric comfort heating.

(3) Historic buildings. This exemption shall apply to those buildings that are listed on the National Register of Historic Places or the Illinois Register of Historic Places, and to those buildings that have been designated as historically significant by a local governing body that is authorized to make such designations.

(4) Residential buildings.

(5) Other buildings specified as exempt by the International Energy Conservation Code.

Section 25. Technical assistance.

(a) The Department shall make available to builders, designers, engineers, and architects implementation materials that explain the requirements of the Code and describe methods of compliance acceptable to Code Enforcement Officials.

(b) The materials shall include software tools, simplified prescriptive options, and other materials as appropriate. The simplified materials shall be designed for projects in which a design professional may not be involved.

(c) The Department shall provide local jurisdictions with technical assistance concerning implementation and enforcement of the Code.

Section 30. Enforcement. The Board, in consultation with the Department, shall determine procedures for compliance with the Code. These procedures may include but need not be limited to certification by a national, State, or local accredited energy conservation program or inspections from private Code-certified inspectors using the Code.

Section 35. Rules. The Board may adopt any rules that are necessary for the furtherance of this Act.

Section 40. Input from interested parties. When developing Code adaptations, rules, and procedures for compliance with the Code, the Capital Development Board, or the Illinois Building Commission as directed by the Board, shall seek input from representatives from the

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building trades, design professionals, construction professionals, code administrators, and other interested entities affected.

Section 45. Home rule. No unit of local government, including any home rule unit, may regulate energy efficient building standards in a manner that is less stringent than the provisions contained in this Act. This Section is a denial and limitation of home rule powers and functions under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State. Nothing in this Section, however, prevents a unit of local government from adopting an energy efficiency code or standards that are more stringent than the Code under this Act.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 13, 2004

PUBLIC ACT 93-0937
(House Bill No. 4489)

AN ACT concerning vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 3-628, 3-642, and 3-806.3 as follows:

(625 ILCS 5/3-628)

Sec. 3-628. Bronze Star plates.

(a) Beginning January 1, 1996, in addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates to residents of Illinois who have been awarded the Bronze Star by the United States Armed Forces. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or
her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank). An applicant shall be charged a $15 fee for original issuance in addition to the appropriate registration fee:

This additional fee shall be deposited into the Secretary of State Special License Plate Fund.
(Source: P.A. 92-545, eff. 6-12-02; 93-140, eff. 1-1-04.)

(625 ILCS 5/3-642)
Sec. 3-642. Silver Star plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates to residents of Illinois who have been awarded the Silver Star by the United States Armed Forces. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank). An applicant shall be charged a $15 fee for original issuance in addition to the appropriate registration fee:

This additional fee shall be deposited into the Secretary of State Special License Plate Fund.
(Source: P.A. 92-545, eff. 6-12-02; 93-140, eff. 1-1-04.)

(625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)
Sec. 3-806.3. Senior Citizens.
Commencing with the 2001 registration year and extending through the 2003 registration year, the registration fee paid by any vehicle

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owner who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, motor vehicles registered at 8,000 pounds or less under Section 3-815(a) and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2004 registration year and extending through the 2005 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2006 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-607, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

New matter indicated by italics - deletions by strikeout.
No more than one reduced registration fee under this Section shall be allowed during any 12 month period based on the primary eligibility of any individual, whether such reduced registration fee is allowed to the individual or to the spouse, widow or widower of such individual. This Section does not apply to the fee paid in addition to the registration fee for motor vehicles displaying vanity or special license plates.

(Source: P.A. 91-37, eff. 7-1-99; 92-651, eff. 7-11-02; 92-699, eff. 1-1-03.)

Effective January 1, 2005.

PUBLIC ACT 93-0938
(House Bill No 4788)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by adding Section 12-6.4 as follows:
(720 ILCS 5/12-6.4 new)
Sec. 12-6.4. Criminal street gang recruitment on school grounds or public property adjacent to school grounds.
(a) A person commits the offense of criminal street gang recruitment on school grounds or public property adjacent to school grounds when on school grounds or public property adjacent to school grounds, he or she threatens the use of physical force to coerce, solicit, recruit, or induce another person to join or remain a member of a criminal street gang, or conspires to do so.
(b) Sentence. Criminal street gang recruitment on school grounds or public property adjacent to school grounds is a Class 1 felony.
(c) In this Section, "criminal street gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act and "school grounds" means the building or buildings or real property comprising a public or private elementary or secondary school, community college, college, or university and includes a school yard, school playing field, or school playground.

New matter indicated by italics - deletions by strikeout.
Effective January 1, 2005.

PUBLIC ACT 93-0939
(House Bill No. 4976)

AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Retailers' Occupation Tax Act is amended by changing Section 11 as follows:
(35 ILCS 120/11) (from Ch. 120, par. 450)
Sec. 11. All information received by the Department from returns filed under this Act, or from any investigation conducted under this Act, shall be confidential, except for official purposes, and any person who divulges any such information in any manner, except in accordance with a proper judicial order or as otherwise provided by law, shall be guilty of a Class B misdemeanor.

Nothing in this Act prevents the Director of Revenue from publishing or making available to the public the names and addresses of persons filing returns under this Act, or reasonable statistics concerning the operation of the tax by grouping the contents of returns so the information in any individual return is not disclosed.

Nothing in this Act prevents the Director of Revenue from divulging to the United States Government or the government of any other state, or any village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, or any officer or agency thereof, for exclusively official purposes, information received by the Department in administering this Act, provided that such other governmental agency agrees to divulge requested tax information to the Department.

The Department's furnishing of information derived from a taxpayer's return or from an investigation conducted under this Act to the surety on a taxpayer's bond that has been furnished to the Department under this Act, either to provide notice to such surety of its potential liability under the bond or, in order to support the Department's demand for payment from such surety under the bond, is an official purpose within the meaning of this Section.

New matter indicated by italics - deletions by strikeout.
The furnishing upon request of information obtained by the Department from returns filed under this Act or investigations conducted under this Act to the Illinois Liquor Control Commission for official use is deemed to be an official purpose within the meaning of this Section.

Notice to a surety of potential liability shall not be given unless the taxpayer has first been notified, not less than 10 days prior thereto, of the Department's intent to so notify the surety.

The furnishing upon request of the Auditor General, or his authorized agents, for official use, of returns filed and information related thereto under this Act is deemed to be an official purpose within the meaning of this Section.

Where an appeal or a protest has been filed on behalf of a taxpayer, the furnishing upon request of the attorney for the taxpayer of returns filed by the taxpayer and information related thereto under this Act is deemed to be an official purpose within the meaning of this Section.

The furnishing of financial information to a home rule unit or non-home rule unit that has imposed a tax similar to that imposed by this Act pursuant to its home rule powers or the successful passage of a public referendum by a majority of the registered voters of the community, or to any village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, upon request of the Chief Executive thereof, is an official purpose within the meaning of this Section, provided the home rule unit, non-home rule unit with referendum approval, or village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act agrees in writing to the requirements of this Section.

For a village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, Service Use Tax Act, Service Occupation Tax Act, and Retailers' Occupation Tax Act, the officers eligible to receive information from the Department of Revenue under this Section are the village manager and the chief financial officer of the village.

Information so provided shall be subject to all confidentiality provisions of this Section. The written agreement shall provide for

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reciprocity, limitations on access, disclosure, and procedures for requesting information.

The Department may make available to the Board of Trustees of any Metro East Mass Transit District information contained on transaction reporting returns required to be filed under Section 3 of this Act that report sales made within the boundary of the taxing authority of that Metro East Mass Transit District, as provided in Section 5.01 of the Local Mass Transit District Act. The disclosure shall be made pursuant to a written agreement between the Department and the Board of Trustees of a Metro East Mass Transit District, which is an official purpose within the meaning of this Section. The written agreement between the Department and the Board of Trustees of a Metro East Mass Transit District shall provide for reciprocity, limitations on access, disclosure, and procedures for requesting information. Information so provided shall be subject to all confidentiality provisions of this Section.

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may make available to any State agency, including the Illinois Supreme Court, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to collect and remit Illinois Use tax on sales into Illinois, or any tax under this Act or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. The Director may make available to units of local government and school districts that require bidder and contractor certifications, as set forth in Sections 50-11 and 50-12 of the Illinois Procurement Code, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to collect and remit Illinois Use tax on sales into Illinois, file returns under this Act, or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For

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purposes of this Section, an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this Section, the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

The Director may make available to any State agency, including the Illinois Supreme Court, units of local government, and school districts, information regarding whether a bidder or contractor is an affiliate of a person who is not collecting and remitting Illinois Use taxes for the limited purpose of enforcing bidder and contractor certifications.

The Director may also make available to the Secretary of State information that a limited liability company, which has filed articles of organization with the Secretary of State, or corporation which has been issued a certificate of incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted.

The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance

New matter indicated by italics - deletions by strikeout.
of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer or by an authorized representative of the taxpayer.

(Source: P.A. 93-25, eff. 6-20-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0940
(House Bill No. 4980)

AN ACT concerning health facilities.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Health Facilities Planning Act is amended by adding Section 12.4 as follows:

(20 ILCS 3960/12.4 new)

Sec. 12.4. Hospital reduction in health care services; notice. If a hospital reduces any of the Categories of Service as outlined in Title 77, Chapter II, Part 1110 in the Illinois Administrative Code, or any other service as defined by rule by the State Board, by 50% or more according to rules adopted by the State Board, then within 30 days after reducing the service, the hospital must give written notice of the reduction in service to the State Board, the Department of Public Health, and the State Senator and 2 State Representatives serving the legislative district in which the hospital is located. The State Board shall adopt rules to implement this Section, including rules that specify (i) how each health care service is defined, if not already defined in the State Board's rules, and (ii) what constitutes a reduction in service of 50% or more.

 Effective January 1, 2005.
PUBLIC ACT 93-0941
(House Bill No. 4371)

AN ACT in relation to human rights.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Human Rights Act is amended by changing
Section 1-103 as follows:
(775 ILCS 5/1-103) (from Ch. 68, par. 1-103)
Sec. 1-103. General Definitions. When used in this Act, unless the
context requires otherwise, the term:
(A) Age. "Age" means the chronological age of a person who is at
least 40 years old, except with regard to any practice described in Section
2-102, insofar as that practice concerns training or apprenticeship
programs. In the case of training or apprenticeship programs, for the
purposes of Section 2-102, "age" means the chronological age of a person
who is 18 but not yet 40 years old.
(B) Aggrieved Party. "Aggrieved party" means a person who is
alleged or proved to have been injured by a civil rights violation or
believes he or she will be injured by a civil rights violation under Article 3
that is about to occur.
(C) Charge. "Charge" means an allegation filed with the
Department by an aggrieved party or initiated by the Department under its
authority.
(D) Civil Rights Violation. "Civil rights violation" includes and
shall be limited to only those specific acts set forth in Sections 2-102, 2-
103, 2-105, 3-102, 3-103, 3-104, 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-
102 and 6-101 of this Act.
(E) Commission. "Commission" means the Human Rights
Commission created by this Act.
(F) Complaint. "Complaint" means the formal pleading filed by the
Department with the Commission following an investigation and finding
of substantial evidence of a civil rights violation.
(G) Complainant. "Complainant" means a person including the
Department who files a charge of civil rights violation with the
Department or the Commission.
(H) Department. "Department" means the Department of Human
Rights created by this Act.

New matter indicated by italics - deletions by strikeout.
(I) Handicap. "Handicap" means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic:

(1) For purposes of Article 2 is unrelated to the person's ability to perform the duties of a particular job or position and, pursuant to Section 2-104 of this Act, a person's illegal use of drugs or alcohol is not a handicap;

(2) For purposes of Article 3, is unrelated to the person's ability to acquire, rent or maintain a housing accommodation;

(3) For purposes of Article 4, is unrelated to a person's ability to repay;

(4) For purposes of Article 5, is unrelated to a person's ability to utilize and benefit from a place of public accommodation.

(J) Marital Status. "Marital status" means the legal status of being married, single, separated, divorced or widowed.

(J-1) Military Status. "Military status" means a person's status on active duty in the armed forces of the United States, status as a current member of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast Guard Reserve, or status as a current member of the Illinois Army National Guard or Illinois Air National Guard.

(K) National Origin. "National origin" means the place in which a person or one of his or her ancestors was born.

(L) Person. "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees, or union labor associations, corporations, the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

(M) Public Contract. "Public contract" includes every contract to which the State, any of its political subdivisions or any municipal corporation is a party.

New matter indicated by italics - deletions by strikeout.
(N) Religion. "Religion" includes all aspects of religious observance and practice, as well as belief, except that with respect to employers, for the purposes of Article 2, "religion" has the meaning ascribed to it in paragraph (F) of Section 2-101.

(O) Sex. "Sex" means the status of being male or female.

(P) Unfavorable Military Discharge. "Unfavorable military discharge" includes discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".

(Q) Unlawful Discrimination. "Unlawful discrimination" means discrimination against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, handicap, military status, or unfavorable discharge from military service as those terms are defined in this Section.

(Source: P.A. 88-178; 88-180; 88-670, eff. 12-2-94.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0942
(Senate Bill No. 3211)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Right to Breastfeed Act.

Section 5. Purpose. The General Assembly finds that breast milk offers better nutrition, immunity, and digestion, and may raise a baby's IQ, and that breastfeeding offers other benefits such as improved mother-baby bonding, and its encouragement has been established as a major goal of this decade by the World Health Organization and the United Nations Children's Fund. The General Assembly finds and declares that the Surgeon General of the United States recommends that babies be fed breastmilk, unless medically contraindicated, in order to attain an optimal healthy start.

New matter indicated by italics - deletions by strikeout.
Section 10. Breastfeeding Location. A mother may breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breastfeeding; however, a mother considering whether to breastfeed her baby in a place of worship shall comport her behavior with the norms appropriate in that place of worship.

Section 15. Private right of action. A woman who has been denied the right to breastfeed by the owner or manager of a public or private location, other than a private residence or place of worship, may bring an action to enjoin future denials of the right to breastfeed. If the woman prevails in her suit, she shall be awarded reasonable attorney's fees and reasonable expenses of litigation.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0943
(House Bill No. 4894)

AN ACT concerning public health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-610 as follows:

(20 ILCS 2310/2310-610 new)
Sec. 2310-610. Influenza vaccinations.
(a) As used in this Section, "eligible individual" means a resident of Illinois who: (1) is not entitled to receive an influenza vaccination at no cost as a benefit under a plan of health insurance, a managed care plan, or a plan provided by a health maintenance organization, a health services plan corporation, or a similar entity; and (2) meets the requirements established by the Department of Public Health by rule.

(b) Subject to appropriation, the Department of Public Health shall establish and administer a program under which any eligible individual shall, upon the eligible individual's request, receive an influenza vaccination once each year at no cost to the eligible individual.

New matter indicated by italics - deletions by strikeout.
(c) The Department of Public Health shall adopt rules for the administration and operation of the program, including but not limited to: determination of the influenza vaccine formulation to be administered and the method of administration; eligibility requirements and eligibility determinations; and standards and criteria for acquisition and distribution of influenza vaccine and related supplies. The Department may enter into contracts or agreements with public or private entities for the performance of such duties under the program as the Department may deem appropriate to carry out this Section and its rules adopted under this Section.

Effective January 1, 2005.

PUBLIC ACT 93-0944
(Senate Bill No. 2495)

AN ACT concerning orders of protection.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 112A-21 as follows:
(725 ILCS 5/112A-21) (from Ch. 38, par. 112A-21)
(a) Any order of protection shall describe, in reasonable detail and not by reference to any other document, the following:
(1) Each remedy granted by the court, in reasonable detail and not by reference to any other document, so that respondent may clearly understand what he or she must do or refrain from doing. Pre-printed form orders of protection shall include the definitions of the types of abuse, as provided in Section 112A-3. Remedies set forth in pre-printed form orders shall be numbered consistently with and corresponding to the numerical sequence of remedies listed in Section 112A-14 (at least as of the date the form orders are printed).
(2) The reason for denial of petitioner's request for any remedy listed in Section 112A-14.
(b) An order of protection shall further state the following:

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(1) The name of each petitioner that the court finds was abused by respondent, and that respondent is a member of the family or household of each such petitioner, and the name of each other person protected by the order and that such person is protected by this Act.

(2) For any remedy requested by petitioner on which the court has declined to rule, that that remedy is reserved.

(3) The date and time the order of protection was issued, whether it is an emergency, interim or plenary order and the duration of the order.

(4) The date, time and place for any scheduled hearing for extension of that order of protection or for another order of greater duration or scope.

(5) For each remedy in an emergency order of protection, the reason for entering that remedy without prior notice to respondent or greater notice than was actually given.

(6) For emergency and interim orders of protection, that respondent may petition the court, in accordance with Section 112A-24, to re-open that order if he or she did not receive actual prior notice of the hearing, in accordance with Section 112A-11, and alleges that he or she had a meritorious defense to the order or that the order or any of its remedies was not authorized by this Article.

(c) Any order of protection shall include the following notice, printed in conspicuous type: "Any knowing violation of an order of protection forbidding physical abuse, harassment, intimidation, interference with personal liberty, willful deprivation, or entering or remaining present at specified places when the protected person is present, or granting exclusive possession of the residence or household, or granting a stay away order is a Class A misdemeanor. Grant of exclusive possession of the residence or household shall constitute notice forbidding trespass to land. Any knowing violation of an order awarding legal custody or physical care of a child or prohibiting removal or concealment of a child may be a Class 4 felony. Any willful violation of any order is contempt of court. Any violation may result in fine or imprisonment."

(d) An emergency order of protection shall state, "This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of

New matter indicated by italics - deletions by strikeout.
Protection may subject the respondent to federal charges and punishment (18 U.S.C. 2261-2262)."

(e) An interim or plenary order of protection shall state, "This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of Protection may subject the respondent to federal charges and punishment (18 U.S.C. 2261-2262). The respondent may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition under the Gun Control Act (18 U.S.C. 922(g)(8) and (9))."

(Source: P.A. 86-1300; 87-1186.)

Section 10. The Illinois Domestic Violence Act of 1986 is amended by changing Section 221 as follows:

(750 ILCS 60/221) (from Ch. 40, par. 2312-21)
Sec. 221. Contents of orders.
(a) Any order of protection shall describe the following:
   (1) Each remedy granted by the court, in reasonable detail and not by reference to any other document, so that respondent may clearly understand what he or she must do or refrain from doing. Pre-printed form orders of protection shall include the definitions of the types of abuse, neglect, and exploitation, as provided in Section 103. Remedies set forth in pre-printed form orders shall be numbered consistently with and corresponding to the numerical sequence of remedies listed in Section 214 (at least as of the date the form orders are printed).
   (2) The reason for denial of petitioner's request for any remedy listed in Section 214.
(b) An order of protection shall further state the following:
   (1) The name of each petitioner that the court finds was abused, neglected, or exploited by respondent, and that respondent is a member of the family or household of each such petitioner, and the name of each other person protected by the order and that such person is protected by this Act.
   (2) For any remedy requested by petitioner on which the court has declined to rule, that that remedy is reserved.
   (3) The date and time the order of protection was issued, whether it is an emergency, interim or plenary order and the duration of the order.

New matter indicated by italics - deletions by strikeout.
(4) The date, time and place for any scheduled hearing for extension of that order of protection or for another order of greater duration or scope.

(5) For each remedy in an emergency order of protection, the reason for entering that remedy without prior notice to respondent or greater notice than was actually given.

(6) For emergency and interim orders of protection, that respondent may petition the court, in accordance with Section 224, to re-open that order if he or she did not receive actual prior notice of the hearing, in accordance with Section 211, and alleges that he or she had a meritorious defense to the order or that the order or any of its remedies was not authorized by this Act.

(c) Any order of protection shall include the following notice, printed in conspicuous type: "Any knowing violation of an order of protection forbidding physical abuse, neglect, exploitation, harassment, intimidation, interference with personal liberty, willful deprivation, or entering or remaining present at specified places when the protected person is present, or granting exclusive possession of the residence or household, or granting a stay away order is a Class A misdemeanor. Grant of exclusive possession of the residence or household shall constitute notice forbidding trespass to land. Any knowing violation of an order awarding legal custody or physical care of a child or prohibiting removal or concealment of a child may be a Class 4 felony. Any willful violation of any order is contempt of court. Any violation may result in fine or imprisonment."

(d) An emergency order of protection shall state, "This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of Protection may subject the respondent to federal charges and punishment (18 U.S.C. 2261-2262)."

(e) An interim or plenary order of protection shall state, "This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of Protection may subject the respondent to federal charges and punishment (18 U.S.C. 2261-2262). The respondent may be subject to federal criminal penalties for possessing, transporting, shipping, or
receiving any firearm or ammunition under the Gun Control Act (18 U.S.C. 922(g)(8) and (9))."
(Source: P.A. 86-542; 86-1300; 87-1186.)
Effective January 1, 2005.

PUBLIC ACT 93-0945
(Senate Bill No. 2901)

AN ACT concerning business transactions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Uniform Disposition of Unclaimed Property Act is amended by changing Section 10.6 as follows:
(765 ILCS 1025/10.6)
Sec. 10.6. Gift certificates and gift cards.
(a) This Act applies to a gift certificate or gift card only if:
   (i) the gift certificate or gift card contains or has language indicating there is an expiration date, or expiration period or language indicating that there is any type of post-sale charge or fee including but not limited to service charges, dormancy fees, account maintenance fees, cash-out fees, replacement card fees, and activation or reactivation charges; and
   (ii) none of the exceptions in this Section apply.
(b) This Act does not apply to a gift certificate or gift card that contains or has language indicating that there is an expiration date or expiration period, or any type of post-sale charge or fee including but not limited to service charges, dormancy fees, account maintenance fees, cash-out fees, replacement card fees, and activation or reactivation charges if:
   (i) the gift certificate or gift card was issued before the effective date of this amendatory Act of the 93rd 92nd General Assembly; and
   (ii) it is the policy and practice of the issuer of the gift certificate or gift card to honor the gift certificate or gift card after its expiration date or the end of its expiration period and it is the policy and practice of the issuer of the gift certificate or gift card to eliminate all post-sale charges and fees, and the issuer posts

New matter indicated by italics - deletions by strikeout.
written notice of the policy and practice at locations at which the issuer sells gift certificates or gift cards. The written notice shall be an original or a copy of a notice that the State Treasurer shall produce and provide to issuers free of charge.

(c) Nothing in this Section applies to a gift certificate or gift card if the value of the gift certificate or gift card was reported and remitted under this Act before the effective date of this amendatory Act of the 93rd 92nd General Assembly.

(Source: P.A. 92-487, eff. 8-23-01.)

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2QQ as follows:

(815 ILCS 505/2QQ new)

Sec. 2QQ. Gift certificates.

(a) "Gift certificate" means a record evidencing a promise, made for consideration, by the seller or issuer of the record that goods or services will be provided to the holder of the record for the value shown in the record and includes, but is not limited to, a record that contains a microprocessor chip, magnetic stripe or other means for the storage of information that is prefunded and for which the value is decremented upon each use, a gift card, an electronic gift card, stored-value card or certificate, a store card or a similar record or card. For purposes of this Act, the term "gift certificate" does not include any of the following:

(i) prepaid telecommunications and technology cards including, but not limited to, prepaid telephone calling cards, prepaid technical support cards, and prepaid Internet disks that are distributed to or purchased by a consumer;

(ii) prepaid telecommunications and technology cards including, but not limited to, prepaid telephone calling cards, prepaid technical support cards, and prepaid Internet disks that are provided to a consumer pursuant to any award, loyalty, or promotion program without any money or other thing of value being given in exchange for the card; or

(iii) any gift certificate usable with multiple sellers of goods or services.

(b) Any gift certificate subject to a fee must contain a statement clearly and conspicuously printed on the gift certificate stating whether there is a fee, the amount of the fee, how often the fee will occur, that the fee is triggered by inactivity of the gift certificate, and at what point the fee will be charged. The statement may appear on the front or back of the

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gift certificate in a location where it is visible to any purchaser prior to the purchase.

(c) Any gift certificate subject to an expiration date must contain a statement clearly and conspicuously printed on the gift certificate stating the expiration date. The statement may appear on the front or back of the gift certificate in a location where it is visible to any purchaser prior to the purchase.

(d) Subsection (c) does not apply to any gift certificate that contains a toll free phone number and a statement clearly and conspicuously printed on the gift certificate stating that holders can call the toll free number to find out the balance on the gift certificate, if applicable, and the expiration date. The toll free number and statement may appear on the front or back of the gift certificate in a location where it is visible to any purchaser prior to the purchase.

(e) This Section does not apply to any of the following gift certificates:

(i) Gift certificates that are distributed by the issuer to a consumer pursuant to an awards, loyalty, or promotional program without any money or thing of value being given in exchange for the gift certificate by the consumer.

(ii) Gift certificates that are sold below face value at a volume discount to employers or to nonprofit and charitable organizations for fundraising purposes if the expiration date on those gift certificates is not more than 30 days after the date of sale.

(iii) Gift certificates that are issued for a food product.

Effective January 1, 2005.

PUBLIC ACT 93-0946
(House Bill No. 0752)

AN ACT relating to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 27-8.1 as follows:

(105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

New matter indicated by italics - deletions by strikeout.
Sec. 27-8.1. Health examinations and immunizations.

(1) In compliance with rules and regulations which the Department of Public Health shall promulgate, and except as hereinafter provided, all children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the fifth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and regulations promulgated hereunder.

A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. Additional health examinations of pupils, including dental and vision examinations, may be required when deemed necessary by school authorities. Parents are encouraged to have their children undergo dental and vision examinations at the same points in time required for health examinations.

(1.5) In compliance with rules adopted by the Department of Public Health and except as otherwise provided in this Section, all children in kindergarten and the second and sixth grades of any public, private, or parochial school shall have a dental examination. Each of these children shall present proof of having been examined by a dentist in accordance with this Section and rules adopted under this Section before May 15th of the school year. If a child in the second or sixth grade fails to present proof by May 15th, the school may hold the child’s report card until one of the following occurs: (i) the child presents proof of a completed dental examination or (ii) the child presents proof that a dental examination will take place within 60 days after May 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a dentist. Each public, private, and parochial school must give notice of this dental examination requirement to the parents and guardians of students at least 60 days before May 15th of each school year.

(2) The Department of Public Health shall promulgate rules and regulations specifying the examinations and procedures that constitute a health examination and a dental examination and may recommend by rule
that certain additional examinations be performed. The rules and regulations of the Department of Public Health shall specify that a tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. The Department of Public Health shall specify that a diabetes screening as defined by rule shall be included as a required part of each health examination. Diabetes testing is not required.

Physicians licensed to practice medicine in all of its branches, advanced practice nurses who have a written collaborative agreement with a collaborating physician which authorizes them to perform health examinations, or physician assistants who have been delegated the performance of health examinations by their supervising physician shall be responsible for the performance of the health examinations, other than dental examinations and vision and hearing screening, and shall sign all report forms required by subsection (4) of this Section that pertain to those portions of the health examination for which the physician, advanced practice nurse, or physician assistant is responsible. If a registered nurse performs any part of a health examination, then a physician licensed to practice medicine in all of its branches must review and sign all required report forms. Licensed dentists shall perform all dental examinations and shall sign all report forms required by subsection (4) of this Section that pertain to the dental examinations. Physicians licensed to practice medicine in all its branches, or licensed optometrists, shall perform all vision exams required by school authorities and shall sign all report forms required by subsection (4) of this Section that pertain to the vision exam. Vision and hearing screening tests, which shall not be considered examinations as that term is used in this Section, shall be conducted in accordance with rules and regulations of the Department of Public Health, and by individuals whom the Department of Public Health has certified. In these rules and regulations, the Department of Public Health shall require that individuals conducting vision screening tests give a child's parent or guardian written notification, before the vision screening is conducted, that states, "Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months."

New matter indicated by italics - deletions by strikeout.
(3) Every child shall, at or about the same time as he or she receives a health examination required by subsection (1) of this Section, present to the local school proof of having received such immunizations against preventable communicable diseases as the Department of Public Health shall require by rules and regulations promulgated pursuant to this Section and the Communicable Disease Prevention Act.

(4) The individuals conducting the health examination or dental examination shall record the fact of having conducted the examination, and such additional information as required, on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services. The individuals confirming the administration of required immunizations shall record as indicated on the form that the immunizations were administered.

(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child presents proof of having had the health examination as required and presents proof of having received those required immunizations which are medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal

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guardian shall be considered in violation of Section 26-1 and subject to any penalty imposed by Section 26-10. *This subsection (5) does not apply to dental examinations.*

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination (*other than a dental examination*) as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). *Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required dental examination, indicating, of those who have not received the required dental examination, the number of children who are exempt from the dental examination on religious grounds as provided in subsection (8) of this Section and the number of children who have received a waiver under subsection (1.5) of this Section.* This reported information shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8.05 to the school district for such year shall be withheld by the regional superintendent until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Parents or legal guardians who object to health or dental examinations or any part thereof, or to immunizations, on religious grounds shall not be required to submit their children or wards to the examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed statement of objection, detailing the grounds for the objection. If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form. Exempting a child from the health or dental examination does not exempt the child from participation in the program.
of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning.

(Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04; 93-530, eff. 1-1-04; revised 9-11-03.)

Section 99. Effective date. This Act takes effect July 1, 2005.
Effective July 1, 2005.

PUBLIC ACT 93-0947
(House Bill No. 4012)

AN ACT in relation to transportation.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 1. Short title. This Act may be cited as the Automated
Traffic Control Systems in Highway Construction or Maintenance Zones
Act.

Section 5. Purpose. The purpose of this Act is to increase safety in
highway construction or maintenance zones.

Section 10. Establishment of automated control systems. The
Department of State Police may establish an automated traffic control
system in any construction or maintenance zone established by the
Department of Transportation or the Illinois State Toll Highway Authority.
An automated traffic control system may operate only during those periods
when workers are present in the construction or maintenance zone.

Section 15. Definitions. As used in this Act:
(a) "Automated traffic control system" means a photographic
device, radar device, laser device, or other electrical or mechanical device
or devices designed to record the speed of a vehicle and obtain a clear
photograph or other recorded image of the vehicle, the vehicle operator,
and the vehicle's registration plate while the driver is violating Section 11-605.1
of the Illinois Vehicle Code. The photograph or other recorded image
must also display the time, date, and location of the violation. A law
enforcement officer is not required to be present or to witness the
violation.

New matter indicated by italics - deletions by strikeout.
(b) "Construction or maintenance zone" means an area in which the Department of Transportation or the Illinois State Toll Highway Authority has determined that the preexisting established speed limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance zone and has posted a lower speed limit with a highway construction or maintenance zone special speed limit sign in accordance with Section 11-605.1 of the Illinois Vehicle Code.

(c) "Owner" means the person or entity to whom the vehicle is registered.

Section 20. Penalties. The penalties for and consequences of a traffic violation recorded by an automated traffic control system are the same as for any similar violation of the Illinois Vehicle Code.

Section 25. Limitations on the use of automated traffic enforcement systems.

(a) The Department of State Police must conduct a public information campaign to inform drivers about the use of automated traffic control systems in highway construction or maintenance zones before establishing any of those systems. The Department of State Police shall adopt rules for implementing this subsection (a).

(b) Signs indicating that speeds are enforced by automated traffic control systems must be clearly posted in the areas where the systems are in use.

(c) Operation of automated traffic control systems is limited to areas where road construction or maintenance is occurring.

(d) Photographs obtained in this manner may only be used as evidence in relation to a violation of Section 11-605.1 of the Illinois Vehicle Code for which the photograph is taken. The photographs are available only to the owner of the vehicle, the offender and the offender's attorney, the judiciary, the local State's Attorney, and law enforcement officials.

(e) If the driver of the vehicle cannot be identified through the photograph, the owner is not liable for the fine, and the citation may not be counted against the driving record of the owner. If the driver can be identified, the driver is liable for the fine, and the violation is counted against his or her driving record.

Section 30. Requirements for issuance of a citation.

New matter indicated by italics - deletions by strikeout.
(a) The vehicle, vehicle operator, vehicle registration plate, speed, date, time, and location must be clearly visible on the photograph or other recorded image of the alleged violation.

(b) A Uniform Traffic Citation must be mailed or otherwise delivered to the registered owner of the vehicle. If mailed, the citation must be sent via certified mail within 6 business days of the alleged violation, return receipt requested.

(c) The Uniform Traffic Citation must include:
   (1) the name and address of the vehicle owner;
   (2) the registration number of the vehicle;
   (3) the offense charged;
   (4) the time, date, and location of the violation;
   (5) the first available court date; and
   (6) notice that the basis of the citation is the photograph or recorded image from the automated traffic control system.

(d) The Uniform Traffic Citation issued to the violator must be accompanied by a written document that lists the violator's rights and obligations and explains how the violator can elect to proceed by either paying the fine or challenging the issuance of the Uniform Traffic Citation.

Section 35. Response to issuance of a citation.

(a) A person issued a citation under this Act may respond to the citation in person or by any method allowed by law.

(b) If the driver of the vehicle cannot be identified through the photograph or other recorded image, the owner is not liable for the fine.

Section 40. Admissibility of recorded images. Except as provided in Section 45, any photograph or other recorded image evidencing a violation of Section 11-605.1 of the Illinois Vehicle Code is admissible in any proceeding resulting from the issuance of the Uniform Traffic Citation. Photographs or recorded images made by an automatic traffic control system are confidential and shall be made available only to the defendant and to governmental or law enforcement agencies within the jurisdiction for the purposes of adjudicating a driving violation.

Section 45. Vehicle rental or leasing company's identification of a renter or lessee.

(a) A Uniform Traffic Citation issued under this Act to a motor vehicle rental or leasing company shall be dismissed with respect to the rental or leasing company if:

   (1) the company responds to the Uniform Traffic Citation by submitting, within 30 days of the mailing of the citation, an
affidavit of non-liability stating that, at the time of the alleged speeding or other traffic violation, the vehicle was in the custody and control of a renter or lessee under the terms of a rental agreement or lease; and

(2) the company provides the driver's license number, name, and address of the renter or lessee.

(b) A Uniform Traffic Citation dismissed with respect to a motor vehicle rental or leasing company in accordance with subsection (a) may then be issued and delivered by mail or other means to the renter or lessee identified in the affidavit of non-liability.

Section 90. The Illinois Vehicle Code is amended by changing Section 11-605.2 as follows:

(625 ILCS 5/11-605.2 new)
Sec. 11-605.2. Delegation of authority to set a special speed limit while traveling through highway construction or maintenance zones.

(a) A local agency may delegate to its superintendent of highways the authority to set and post a reduced speed limit for a construction or maintenance zone, as defined in Section 11-605, under subsection (b) of that Section.

(b) If a superintendent of highways sets a reduced speed limit for a construction or maintenance zone in accordance with this Section, the local agency must maintain a record that indicates:

(1) the location of the construction or maintenance zone;
(2) the reduced speed limit set and posted for the construction or maintenance zone; and
(3) the dates during which the reduced speed limit was in effect.

Section 999. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0948
(House Bill No. 4108)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 1. Short title. This Act may be cited as the Addison Creek Restoration Commission Act.

Section 5. Legislative declaration. The General Assembly declares that the welfare, health, prosperity, and moral and general well being of the people of the State are, in large measure, dependent upon the sound and orderly development of municipal areas. The Village of Bellwood, the City of Northlake, the Village of Melrose Park, the Village of Stone Park, the Village of Broadview, the Village of Westchester, and the Village of North Riverside are, by reason of the location of Addison Creek, adversely affected by a floodplain designated by the Federal Emergency Management Agency (FEMA). Certain development opportunities may exist in the project area that would stabilize and enhance the tax base of existing communities, maintain and revitalize existing commerce and industry, and promote comprehensive planning within and between communities. The relocation of the retention pond, restoration of creek banks, and enhanced fencing for security and safety around areas of Addison Creek is important for the orderly expansion of industry and commerce and for progress of the region. The ultimate goal is to get FEMA to reconsider the size of the floodplain. Once this is accomplished, it will greatly reduce the cost of insurance to homeowners and increase the value of property within the current designated floodplain.

Section 10. Creation; duration. There is created a body politic and corporate, a unit of local government, named the Addison Creek Restoration Commission. The territory of the Commission boundaries consists of the corporate borders of the Village of Bellwood, the City of Northlake, the Village of Melrose Park, the Village of Stone Park, the Village of Broadview, the Village of Westchester, and the Village of North Riverside. The Commission shall continue in existence until the accomplishment of its objective, the relocation of Addison Creek retention pond within the Village of Bellwood, the restoration of creek beds, and enhanced fencing for security and safety around areas of Addison Creek, or until the Commission officially resolves that it is impossible or economically unfeasible to fulfill the objectives.

Section 15. Acceptance of grants and appropriations. The Commission may apply for and accept grants and appropriations from the federal government and from the State of Illinois or any agency or instrumentality thereof to be used for the purposes of the Commission and may enter into any agreement in relation to these grants and appropriations. The Commission may also accept from the State, any State

New matter indicated by italics - deletions by strikeout.
agency, department, or commission, any unit of local government, any railroad, school authority, or jointly therefrom, grants of funds or services for any of the purposes of this Act.

Section 20. Taxing powers. The Commission shall not have the power to levy real property taxes for any purpose whatsoever.

Section 25. Board; composition; qualification; compensation and expenses. The Commission shall be governed by a board consisting of 7 members. The members of the Commission shall serve without compensation, but may be reimbursed from the affected municipalities for actual expenses incurred by them in the performance of duties prescribed by the Commission.

Section 30. Appointments; tenure; oaths; vacancies. One member shall be appointed by the village president of the Village of Bellwood, one member shall be appointed by the village president of the Village of Westchester, one member shall be appointed by the mayor of the City of Northlake, one member shall be appointed by the village president of the Village of Melrose Park, one member shall be appointed by the village president of the Village of Broadview, one member shall be appointed by the village president of the Village of Stone Park, and one member shall be appointed by the village president of the Village of North Riverside. The office of the chair shall rotate annually. Each representative member of the Commission shall take and subscribe to the constitutional oath of office and file it with the Secretary of State. If a vacancy occurs by death, resignation, or otherwise, the vacancy shall be filled by the appropriate selecting party. Each member of the Commission shall hold office for a term of 3 years from the third Monday in January of the year in which his predecessor's term expires. Each member may continue to serve an additional 3-year term unless that member is replaced by appointment within 60 days after the end of his or her term. Of the members initially appointed under this Section, 2 members shall be appointed for terms of office that expire on the third Monday of January, 2006, 2 members shall be appointed for terms of office that expire on the third Monday of January, 2007, 2 members shall be appointed for a term of office that expire on the third Monday of January, 2008, and one member shall be appointed for a term of office that expires on the third Monday of January, 2009. Each respective successor shall be appointed for a term of 3 years from the third Monday of January of the year in which his or her predecessor's term expires.

New matter indicated by italics - deletions by strikeout.
Section 35. Removal of members. Any member of the Commission may be immediately removed from office by the appropriate selecting party or by a majority vote of the Commission in case of incompetency, neglect of duty, or malfeasance of office or otherwise upon 15 days written notice to the other members. Absence from any 3 consecutive regular meetings of the Commission is deemed to be neglect of duty.

Section 40. Organization; chair and temporary secretary. As soon as possible after the appointment of the initial members, the Commission shall organize for the transaction of business, select a chair and a temporary secretary from its own number, and adopt bylaws to govern its proceedings. The initial chair and successors shall be elected by the Commission from time to time from among members. The Commission may act through its members by entering into an agreement that a member act on the Commission's behalf, in which instance the act or performance directed shall be deemed to be exclusively of, for, and by the Commission and not the individual act of the member or its represented person.

Section 45. Meetings; quorum; resolutions. Regular meetings of the Commission shall be held at least quarterly, the time and place of those meetings to be fixed by the Commission. Special meetings may be called by the chair or by any 4 members of the Commission by giving notice in writing, stating the time, place, and purpose of the special meeting. The notice shall be served by certified letter deposited in the U.S. mail at least 48 hours before the meeting. If there is no vacancy on the Commission, 5 members of the Commission shall constitute a quorum to transact business; otherwise, a majority of the Commission shall constitute a quorum to transact business, and no vacancy shall impair the right of the remaining commissioners to exercise all of the powers of the Commission. Every finding, order, or decision approved by a majority of the members of the Commission shall be deemed to be the finding, order, or decision of the Commission. All action of the Commission shall be by resolution and, except as otherwise provided in this Act, the affirmative vote of at least a majority of the total available votes is necessary for the adoption of any resolution. The weight of each member's vote shall be based on the assessed value of the property in the municipality from which the member was recommended in the flood plain designated by FEMA. The chair may vote on any and all matters coming before the Commission.

Section 50. Secretary and treasurer; oaths; bond of treasurer. The Commission may appoint a secretary and a treasurer, who need not be members of the Commission, to hold office at the pleasure of the

New matter indicated by italics - deletions by strikeout.
Commission and may fix their duties and compensation, which shall be paid by the affected municipalities. Before entering upon the duties of their respective offices, the secretary and treasurer must take and subscribe to the constitutional oath of office, and the treasurer must execute a bond with corporate sureties to be approved by the Commission. The bond shall be payable to the Commission in whatever penal sum may be directed by the Commission conditioned upon the faithful performance of the duties of the office and the payment of all money received by the treasurer according to law and the orders of the Commission. The Commission may, at any time, require a new bond for the treasurer in any penal sum determined by the Commission.

Section 55. Deposit and withdrawal of funds; signatures. All funds deposited by the treasurer in any bank or savings and loan association shall be placed in the name of the Commission and may be withdrawn or paid out only by check or draft upon the bank or savings and loan association that is signed by the treasurer and countersigned by the chair of the Commission. Subject to prior approval of the designations by a majority of the Commission, the chair may designate any other member or any officer of the Commission to affix the signature of the treasurer to any Commission check or draft for payment of salaries or wages and for payment of any other obligation of not more than $2,500. No bank or savings and loan association may receive public funds as permitted by this Section unless it has complied with the requirements established under Section 6 of the Public Funds Investment Act.

Section 60. Delivery of check after executing officer ceases to hold office. If any officer whose signature appears upon any check or draft issued under this Act ceases to hold office before the delivery of the check or draft to the payee, the officer's signature nevertheless shall be valid and sufficient for all purposes with the same effect as if the officer had remained in office until delivery of the check or draft.

Section 65. Rules. The Commission may adopt any rules that are proper or necessary and to carry into effect the powers granted to it.

Section 70. Fiscal year. The Commission shall designate its fiscal year.

Section 75. Reports and financial statements. Within 60 days after the end of its fiscal year, the Commission must cause to be prepared by a certified public accountant a complete and detailed report and financial statement of the operations and assets and liabilities as it relates to the Addison Creek Restoration project. A reasonably sufficient number of

New matter indicated by italics - deletions by strikeout.
copies of the report shall be prepared for distribution to persons interested, upon request, and a copy of the report shall be filed with the Department of Natural Resources and with the county clerk of Cook County.

Section 80. Construction. Nothing in this Act shall be construed to confer upon the Commission the right, power, or duty to order or enforce the abandonment of any present property or the use in substitution.

Section 85. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 90. Repeal. This Act is repealed on January 1, 2010.

Section 999. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0949
(House Bill No. 4426)

AN ACT in relation to arson.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Arsonist Registration Act.

Section 5. Definitions. In this Act:
(a) "Arsonist" means any person who is:
   (1) charged under Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with an arson offense, set forth in subsection (b) of this Section or the attempt to commit an included arson offense, and:
      (i) is convicted of such offense or an attempt to commit such offense; or
      (ii) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or
      (iii) is found not guilty by reason of insanity under subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

New matter indicated by italics - deletions by strikeout.
(iv) is the subject of a finding not resulting in an acquittal at a hearing conducted under subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(v) is found not guilty by reason of insanity following a hearing conducted under a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(vi) is the subject of a finding not resulting in an acquittal at a hearing conducted under a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense;

(2) is a minor who has been tried and convicted in an adult criminal prosecution as the result of committing or attempting to commit an offense specified in subsection (b) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Act as one conviction. Any conviction set aside under law is not a conviction for purposes of this Act.

(b) "Arson offense" means:

(1) A violation of any of the following Sections of the Criminal Code of 1961:
   (i) 20-1 (arson),
   (ii) 20-1.1 (aggravated arson),
   (iii) 20-1.2 (residential arson),
   (iv) 20-1.3 (place of worship arson),
   (v) 20-2 (possession of explosives or explosive or incendiary devices), or
   (vi) An attempt to commit any of the offenses listed in clauses (i) through (v).

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (b) of this Section.

New matter indicated by italics - deletions by strikeout.
(c) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsection (b) of this Section shall constitute a conviction for the purpose of this Act.

(d) "Law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the arsonist expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(e) "Out-of-state student" means any arsonist, as defined in this Section, who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

(f) "Out-of-state employee" means any arsonist, as defined in this Section, who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more days or for an aggregate period of time of 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(g) "I-CLEAR" means the Illinois Citizens and Law Enforcement Analysis and Reporting System.

Section 10. Duty to register.

(a) An arsonist shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include current address, current place of employment, and school attended. The arsonist shall register:

(1) with the chief of police in each of the municipalities in which he or she attends school, is employed, resides or is temporarily domiciled for a period of time of 10 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

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(2) with the sheriff in each of the counties in which he or she attends school, is employed, resides or is temporarily domiciled in an unincorporated area or, if incorporated, no police chief exists. For purposes of this Act, the place of residence or temporary domicile is defined as any and all places where the arsonist resides for an aggregate period of time of 10 or more days during any calendar year. The arsonist shall provide accurate information as required by the Department of State Police. That information shall include the arsonist's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 10 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information must include current place of employment, school attended, and address in state of residence:

(1) with the chief of police in each of the municipalities in which he or she attends school or is employed for a period of time of 10 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in each of the counties in which he or she attends school or is employed for a period of time of 10 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists. The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(b) An arsonist as defined in Section 5 of this Act, regardless of any initial, prior, or other registration, shall, within 10 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Act shall be as follows:

(1) Except as provided in paragraph (3) of this subsection (c), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice
entity of his or her responsibility to register. Upon notification the person must then register within 10 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.

(2) Except as provided in paragraph (3) of this subsection (c), any person convicted on or after the effective date of this Act shall register in person within 10 days after the entry of the sentencing order based upon his or her conviction.

(3) Any person unable to comply with the registration requirements of this Act because he or she is confined, institutionalized, or imprisoned in Illinois on or after the effective date of this Act shall register in person within 10 days of discharge, parole or release.

(4) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

(5) The person shall pay a $10 initial registration fee and a $5 annual renewal fee. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee.

(d) Within 10 days after obtaining or changing employment, a person required to register under this Section must report, in person or in writing to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

Section 15. Discharge of arsonist from penal institution. Any arsonist who is discharged, paroled or released from a Department of Corrections facility, a facility where such person was placed by the Department of Corrections or another penal institution, and whose liability for registration has not terminated under Section 45 shall, within 10 days prior to discharge, parole, or release from the facility or institution, be informed of his or her duty to register in person under this Act by the

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facility or institution in which he or she was confined. The facility or institution shall also inform any person who must register that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state within 10 days after establishing the residence, beginning employment, or beginning school. The facility shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The facility shall further advise the person in writing that the failure to register or other violation of this Act shall result in revocation of parole, mandatory supervised release or conditional release. The facility shall obtain information about where the person expects to reside, work, and attend school upon his or her discharge, parole or release and shall report the information to the Department of State Police. The facility shall give one copy of the form to the person and shall send one copy to each of the law enforcement agencies having jurisdiction where the person expects to reside, work, and attend school upon his or her discharge, parole or release and retain one copy for the files. Electronic data files that include all notification form information and photographs of arsonists being released from an Illinois Department of Corrections facility shall be shared on a regular basis as determined between the Department of State Police and the Department of Corrections.

Section 20. Release of arsonist on probation. An arsonist who is released on probation shall, prior to such release, be informed of his or her duty to register under this Act by the court in which he or she was convicted. The court shall also inform any person who must register that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state within 10 days after establishing the residence, beginning employment, or beginning school. The court shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The court shall further advise the person in writing that the failure to register or other violation of this Act shall result in probation revocation. The court shall obtain information about where the person

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expects to reside, work, and attend school upon his or her release, and shall report the information to the Department of State Police. The court shall give one copy of the form to the person and retain the original in the court records. The Department of State Police shall notify the law enforcement agencies having jurisdiction where the person expects to reside, work and attend school upon his or her release.

Section 25. Discharge of arsonist from hospital or other treatment facility. Any arsonist who is discharged or released from a hospital or other treatment facility where he or she was confined shall be informed by the hospital or treatment facility in which he or she was confined, prior to discharge or release from the hospital or treatment facility, of his or her duty to register under this Act. The facility shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The facility shall give one copy of the form to the person, retain one copy for its records, and forward the original to the Department of State Police. The facility shall obtain information about where the person expects to reside, work, and attend school upon his or her discharge, parole, or release and shall report the information to the Department of State Police within 3 days. The facility or institution shall also inform any person who must register that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state within 10 days after establishing the residence, beginning school, or beginning employment. The Department of State Police shall notify the law enforcement agencies having jurisdiction where the person expects to reside, work, and attend school upon his or her release.

Section 30. Nonforwardable verification letter. The Department of State Police shall mail an annual nonforwardable verification letter to a person registered under this Act beginning one year from the date of his or her last registration. A person required to register under this Act who is mailed a verification letter shall complete, sign, and return the enclosed verification form to the Department of State Police postmarked within 10 days after the mailing date of the letter. A person's failure to return the verification form to the Department of State Police within 10 days after the mailing date of the letter shall be considered a violation of this Act; however it is an affirmative defense to a prosecution for failure of a person

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who is required to return a verification form to the Department of State Police if the post office fails to deliver the verification form to the Department of State Police or if it can be proven that the form has been lost by the Department.

Section 35. Duty to report change of address, school, or employment. Any person who is required to register under this Act shall report in person to the appropriate law enforcement agency with whom he or she last registered within one year from the date of last registration and every year thereafter. If any person required to register under this Act changes his or her residence address, place of employment, or school, he or she shall, in writing, within 10 days inform the law enforcement agency with whom he or she last registered of his or her new address, change in employment, or school and register with the appropriate law enforcement agency within the time period specified in Section 10. The law enforcement agency shall, within 3 days of receipt, notify the Department of State Police and the law enforcement agency having jurisdiction of the new place of residence, change in employment, or school. If any person required to register under this Act establishes a residence or employment outside of the State of Illinois, within 10 days after establishing that residence or employment, he or she shall, in writing, inform the law enforcement agency with which he or she last registered of his or her out-of-state residence or employment. The law enforcement agency with which such person last registered shall, within 3 days notice of an address or employment change, notify the Department of State Police. The Department of State Police shall forward such information to the out-of-state law enforcement agency having jurisdiction in the form and manner prescribed by the Department of State Police.

Section 40. Out-of-State employee or student. Every out-of-state student or out-of-state employee must notify the agency having jurisdiction of any change of employment or change of educational status, in writing, within 10 days of the change. The law enforcement agency shall, within 3 days after receiving the notice, enter the appropriate changes into I-CLEAR.

Section 45. Duration of registration. Any person, other than a minor who is tried and convicted in an adult criminal prosecution for an offense for which the person is required to register under this Act, who is required to register under this Act shall be required to register for a period of 10 years after conviction if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 10 years

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after parole, discharge or release from any such facility. A minor who has been tried and convicted in an adult criminal prosecution for an offense for which the person is required to register under this Act shall be required to register for a period of 10 years after his or her conviction for an offense for which the person is required to register under this Act. An arsonist who is allowed to leave a county, State, or federal facility for the purposes of work release, education, or overnight visitations shall be required to register within 10 days of beginning such a program. Liability for registration terminates at the expiration of 10 years from the date of conviction if not confined to a penal institution, hospital or any other institution or facility and if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of this Act. In the case of a minor who is tried and convicted in an adult criminal prosecution, liability for registration terminates 10 years after conviction. The Director of State Police, consistent with administrative rules, shall extend for 10 years the registration period of any arsonist who fails to comply with the provisions of this Act.

Section 50. Registration requirements. Registration as required by this Act shall consist of a statement in writing signed by the person giving the information that is required by the Department of State Police, which may include the fingerprints and must include a photograph of the person. The registration information must include whether the person is an arsonist. Within 3 days, the registering law enforcement agency shall forward any required information to the Department of State Police. The registering law enforcement agency shall enter the information into I-CLEAR as provided in Section 2605-378 of the Department of State Police Law of the Civil Administrative Code of Illinois.

Section 55. Address verification requirements. The agency having jurisdiction shall verify the address of arsonists required to register with their agency at least once per calendar year. The verification must be documented in I-CLEAR in the form and manner required by the Department of State Police.

Section 60. Public inspection of registration data.
(a) Except as otherwise provided in subsection (b), the statements or any other information required by this Act shall not be open to inspection by the public, or by any person other than by a law enforcement officer or other individual as may be authorized by law and shall include

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law enforcement agencies of this State, any other state, or of the federal
government. Similar information may be requested from any law
enforcement agency of another state or of the federal government for
purposes of this Act. It is a Class B misdemeanor to permit the
unauthorized release of any information required by this Act.

(b) The Department of State Police shall furnish to the Office of
the State Fire Marshal the registration information concerning persons
who are required to register under this Act. The Office of the State Fire
Marshal shall establish and maintain a Statewide Arsonist Database for the
purpose of making that information available to the public on the Internet
by means of a hyperlink labeled "Arsonist Information" on the Office of
the State Fire Marshal's website.

Section 65. Penalty. Any person who is required to register under
this Act who violates any of the provisions of this Act and any person who
is required to register under this Act who seeks to change his or her name
under Article 21 of the Code of Civil Procedure is guilty of a Class 4
felony. Any person who is required to register under this Act who
knowingly or wilfully gives material information required by this Act that
is false is guilty of a Class 3 felony. Any person convicted of a violation of
any provision of this Act shall, in addition to any other penalty required by
law, be required to serve a minimum period of 7 days confinement in the
local county jail. The court shall impose a mandatory minimum fine of
$500 for failure to comply with any provision of this Act. These fines shall
be deposited in the Arsonist Registration Fund. An arsonist who violates
any provision of this Act may be tried in any Illinois county where the
arsonist can be located.

Section 70. Arsonist Registration Fund. There is created in the
State treasury the Arsonist Registration Fund. Moneys in the Fund shall be
used to cover costs incurred by the criminal justice system to administer
this Act. The Department of State Police shall establish and promulgate
rules and procedures regarding the administration of this Fund. At least
50% of the moneys in the Fund shall be allocated by the Department for
sheriffs' offices and police departments.

Section 75. Access to State of Illinois databases. The Department
of State Police shall have access to State of Illinois databases containing
information that may help in the identification or location of persons
required to register under this Act. Interagency agreements shall be
implemented, consistent with security and procedures established by the
State agency and consistent with the laws governing the confidentiality of

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the information in the databases. Information shall be used only for administration of this Act.

Section 80. Applicability. Until the Department of State Police establishes I-CLEAR throughout this State, this Act applies only to arsonists who reside, are employed, or attend school within the City of Chicago. Once I-CLEAR is established throughout this State, this Act applies throughout the State to arsonists who reside, are employed, or attend school anywhere in this State. Any duties imposed upon the Department of State Police by this Act are subject to appropriation and shall not commence until I-CLEAR is implemented throughout this State and until such time, those duties shall be imposed upon the City of Chicago.

Section 85. Prospective application of Act. This Act applies only to persons who commit arson on or after the effective date of this Act and shall not apply to any person who committed arson before the effective date of this Act.

Section 105. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-378 as follows:

(20 ILCS 2605/2605-378 new)

Sec. 2605-378. I-CLEAR. The Department of State Police shall provide for the entry into the Illinois Citizens and Law Enforcement Analysis and Reporting System (I-CLEAR) of the names and addresses of arsonists as defined in the Arsonist Registration Act who are required to register under that Act. The information shall be immediately accessible to law enforcement agencies and peace officers of this State or any other state or of the federal government. Similar information may be requested from any other state or of the federal government for the purposes of that Act.

Section 110. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Arsonist Registration Fund.

Section 999. Effective date. This Act takes effect January 1, 2005.
Effective January 1, 2005.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning business transactions.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, or paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, or the Automatic Contract Renewal Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04.)

Section 10. The Automatic Contract Renewal Act is amended by changing Sections 10, 15, and 20 as follows:

(815 ILCS 601/10)

Sec. 10. Automatic renewal; requirements.

(a) Any person, firm, partnership, association, or corporation that sells or offers to sell any products or services to a consumer pursuant to a contract, where such contract automatically renews unless the consumer cancels the contract, shall disclose the automatic renewal clause clearly and conspicuously in the contract, including the cancellation procedure. If a contract is subject to automatic renewal, the clause providing for automatic renewal must appear in the contract in a clear and conspicuous manner:

(b) Any person, firm, partnership, association, or corporation that sells or offers to sell any products or services to a consumer pursuant to a

New matter indicated by italics - deletions by strikeout.
contract, where such contract term is a specified term of 12 months or more, and where such contract automatically renews for a specified term of more than one month unless the consumer cancels the contract, shall notify the consumer in writing of the automatic renewal. Written notice shall be provided to the consumer no less than 30 days and no more than 60 days before the cancellation deadline pursuant to the automatic renewal clause. Such written notice shall disclose clearly and conspicuously:

(i) that unless the consumer cancels the contract it will automatically renew; and
(ii) where the consumer can obtain details of the automatic renewal provision and cancellation procedure (for example, by contacting the business at a specified telephone number or address or by referring to the contract).

(c) A person, firm, partnership, association, or corporation will not be liable for a violation of this Act or the Consumer Fraud and Deceptive Business Practices Act if such person, firm, partnership, association, or corporation demonstrates that, as part of its routine business practice:

(i) it has established and implemented written procedures to comply with this Act and enforces compliance with the procedures;
(ii) any failure to comply with this Act is the result of error; and
(iii) where an error has caused a failure to comply with this Act, it provides a full refund or credit for all amounts billed to or paid by the consumer from the date of the renewal until the date of the termination of the account, or the date of the subsequent notice of renewal, whichever occurs first.

(Source: P.A. 91-674, eff. 6-1-00.)

(815 ILCS 601/15)

Sec. 15. Violation. A violation of this Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act if a contract does not comply with this Act, the automatic renewal provisions are not enforceable by a party who prepared the contract or directed its preparation.

(Source: P.A. 91-674, eff. 6-1-00.)

(815 ILCS 601/20)

Sec. 20. Applicability.

New matter indicated by italics - deletions by strikeout.
(a) This Act does not apply to a contract entered into before the effective date of this Act.

(b) This amendatory Act of the 93rd General Assembly does not apply to a contract entered into before the effective date of this amendatory Act of the 93rd General Assembly.

(c) This Act does not apply to business-to-business contracts.

(d) This Act does not apply to banks, trust companies, savings and loan associations, savings banks, or credit unions licensed or organized under the laws of any state or the United States, or any foreign bank maintaining a branch or agency licensed or organized under the laws of any state of the United States, or any subsidiary or affiliate thereof.

(e) This Act does not apply to a contract that is extended beyond the original term of the contract as the result of the consumer's initiation of a change in the original contract terms.

(Source: P.A. 91-674, eff. 6-1-00.)

Effective January 1, 2005.

PUBLIC ACT 93-0951
(House Bill No 4977)

AN ACT concerning taxpayers.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Taxpayers' Bill of Rights Act is amended by changing Section 4 as follows:

(20 ILCS 2520/4) (from Ch. 120, par. 2304)

Sec. 4. Department responsibilities. The Department of Revenue shall have the following powers and duties to protect the rights of taxpayers:

(a) To furnish each taxpayer with a written statement of rights whenever such taxpayer receives a protestable notice, a bill, a claim denial or reduction regarding any tax. Such statement shall explain the rights of such person and the obligations of the Department during the audit, appeals, refund and collections processes.

(b) To include on all tax notices an explanation of tax liabilities and penalties.

New matter indicated by italics - deletions by strikeout.
(c) To abate taxes and penalties assessed based upon erroneous written information or advice given by the Department.

(d) To not cancel any installment contracts unless the taxpayer fails to provide accurate financial information, fails to pay any tax or does not respond to any Department request for additional financial information.

(e) To place non-perishable property seized for taxes in escrow for safekeeping for a period of 20 days to permit the taxpayer to correct any Department error. If seized property is of a perishable nature and in danger of immediate waste or decay, such property need not be placed in escrow prior to sale.

(f) To place seized taxpayer bank accounts in escrow with the bank for 20 days to permit the taxpayer to correct any Department error.

(g) To adopt regulations setting standards for setting times and places for taxpayer interviews and to permit any taxpayer to record such interviews.

(h) To pay interest to taxpayers who have made overpayments at the same rate as interest charged on underpayments.

(i) To grant automatic extensions to taxpayers in filing income tax returns when such taxpayer has been granted an extension in filing a federal tax return.

(j) To annually perform a systematic identification of areas of recurrent taxpayer non-compliances with rules or guidelines and to report its findings and recommendations concerning such non-compliance to the General Assembly in an annual report.

(k) In the case of an audit, if no violations are found, the Department shall provide the taxpayer a closing letter acknowledging this and thanking the taxpayer for his, her, or its cooperation. If there are changes, the auditor is required to provide in writing to the taxpayer (i) the audit findings and (ii), unless the taxpayer declines, the audit methods and procedures (but not information concerning audit selection methods). The auditor must, at the request of the taxpayer, provide written information as to what records constitute the minimum requirements for record-keeping. If the auditor recommends changes in the record-keeping process, these recommendations must be provided in writing to the taxpayer.

(Source: P.A. 86-176; 86-189; 87-860.)

Effective January 1, 2005.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning fire protection districts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-330 as follows:

(20 ILCS 2605/2605-330) (was 20 ILCS 2605/55a in part)
Sec. 2605-330. Firefighter applicant criminal history records checks background investigations. Upon the request of the chief of a volunteer fire department or the board of trustees of a fire protection district, the Department shall conduct fingerprint-based criminal history records checks of both State and Federal Bureau of Investigation criminal history record databases concerning criminal background investigations of prospective firefighters and report to the requesting chief or the board of trustees of a fire protection district any conviction information any record of convictions maintained in the Department's files about those persons. The Department may charge the requesting chief or board of trustees a fee for conducting the criminal history records check. The fee shall be deposited into the State Police Services Fund and shall not exceed the cost of the inquiry a fee, based on actual costs, for the dissemination of conviction information under this Section. The Department may prescribe the form and manner for requesting and furnishing conviction information under this Section.
(Source: P.A. 91-371, eff. 1-1-00; 92-16, eff. 6-28-01.)

Section 5. The Fire Protection District Act is amended by changing Section 4a and by adding Section 16.08b as follows:

(70 ILCS 705/4a) (from Ch. 127 1/2, par. 24.1)
Sec. 4a. Change to elected board of trustees; petition; election; ballot; nomination and election of trustees. Any fire protection district organized under this Act may determine, in either manner provided in the following items (1) and (2) of this Section, to have an elected, rather than an appointed, board of trustees.

(1) If the district lies wholly within a single township but does not also lie wholly within a municipality, the township board of trustees may determine, by ordinance, to have an elected board of trustees.

New matter indicated by italics - deletions by strikeout.
(2) Upon presentation to the board of trustees of a petition, signed by not less than 10% of the electors of the district, requesting that a proposition for the election of trustees be submitted to the electors of the district, the secretary of the board of trustees shall certify the proposition to the appropriate election authorities who shall submit the proposition at a regular election in accordance with the general election law. The general election law shall apply to and govern such election. The proposition shall be in substantially the following form:

Shall the trustees of............. YES
Fire Protection District be --------------------------
elected, rather than appointed? NO

If a majority of the votes cast on such proposition are in the affirmative, the trustees of the district shall thereafter be elected as provided by this Section.

At the next regular election for trustees as provided by the general election law, a district that has approved by ordinance or referendum to have its trustees elected rather than appointed shall elect 3, 5, or 7 trustees, as previously determined by the organization of the district or as increased under Section 4.01 or 4.02. The initial elected trustees shall be elected for 2, 4, and 6 year terms. In a district with 3 trustees, one trustee shall be elected for a term of 2 years, one for a term of 4 years, and one for a term of 6 years. In a district with 5 trustees, 2 shall be elected for terms of 2 years, 2 for terms of 4 years, and one for a term of 6 years. In a district with 7 trustees, 3 shall be elected for terms of 2 years, 2 for terms of 4 years, and 2 for terms of 6 years. Except as otherwise provided in Section 2A-54 of the Election Code, the term of each elected trustee shall commence on the first Monday of the month following the month of his election and until his successor is elected and qualified. The length of the terms of the trustees first elected shall be determined by lot at their first meeting. Except as otherwise provided in Section 2A-54 of the Election Code, thereafter, each trustee shall be elected to serve for a term of 6 years commencing on the first Monday of the month following the month of his election and until his successor is elected and qualified.

No party designation shall appear on the ballot for election of trustees. The provisions of the general election law shall apply to and govern the nomination and election of trustees.

New matter indicated by italics - deletions by strikeout.
Nominations for members of the board of trustees shall be made by a petition signed by at least 25 voters or 5% of the voters, whichever is less, residing within the district and shall be filed with the secretary of the board. In addition to the requirements of general election law, the form of the petition shall be as follows:

**NOMINATING PETITIONS**

To the Secretary of the Board of Trustees of (name of fire protection district):

We, the undersigned, being (number of signatories or 5% or more) of the voters residing within the district, hereby petition that (name of candidate) who resides at (address of candidate) in this district shall be a candidate for the office of (office) of the Board of Trustees (full-term or vacancy) to be voted for at the election to be held (date of election).

The secretary of the board shall notify each candidate for whom a petition for nomination has been filed of their obligations under the Campaign Financing Act, as required by the general election law. The notice shall be given on a form prescribed by the State Board of Elections and in accordance with the requirements of the general election law.

The secretary shall, within 7 days of filing or on the last day for filing, whichever is earlier, acknowledge to the petitioner in writing his acceptance of the petition.

The provisions of Section 4 relating to eligibility, powers and disabilities of trustees shall apply equally to elected trustees.

Whenever a fire protection district determines to elect trustees as provided in this Section, the trustees appointed pursuant to Section 4 shall continue to constitute the board of trustees until the first Monday of the month following the month of the first election of trustees. If the term of office of any appointed trustees expires before the first election of trustees, the authority which appointed that trustee under Section 4 of this Act shall appoint a successor to serve until a successor is elected and has qualified. The terms of all appointed trustees in such district shall expire on the first Monday of the month following the month of the first election of trustees under this Section or when successors have been elected and have qualified, whichever occurs later.

(Source: P.A. 90-358, eff. 1-1-98.)

(70 ILCS 705/16.08b new)

Sec. 16.08b. Emergency medical technician licensure. The board of trustees of a fire protection district may require that all firefighters hired on or after the effective date of this amendatory Act of the 93rd

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General Assembly by any fire department within the district must be licensed as an EMT-B, EMT-I, or EMT-P under the Emergency Medical Services (EMS) Systems Act.

Effective January 1, 2005.

PUBLIC ACT 93-0953
(House Bill 5215)

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 29-6.4 as follows:
(105 ILCS 5/29-6.4)
Sec. 29-6.4. Non-contract transportation; bids; reimbursement. A school board of a school district that provides transportation of its pupils to and from school on buses that are owned by the district that are operated by drivers who are employed by the district shall, if it receives a timely request from an interested private school bus contractor that the district provide that transportation under contract, solicit sealed bids for that purpose. A district or special education cooperative is not required to respond to such a request more than once every 2 years. For purposes of this Section, a request shall not be considered timely if unless it is made in writing by certified mail, return receipt requested, addressed to the school board of the district at the administrative offices or any school of the district, postmarked not more than 24 months or nor less than 3 months before the expiration of the collective bargaining or other agreement that is in effect at the time the request is made and that governs the terms and conditions of employment of the school bus drivers employed by the district. All requests shall be made in writing by certified mail, return receipt requested, addressed to the school board of the district at the administrative offices or any school of the district. At the conclusion of the bidding process, the school board shall publicly announce the district's fully allocated costs of providing transportation of its pupils to and from school under its present system and thereupon may (i) elect to enter into a contract as provided in Section 29-6.1 with the lowest responsible bidder for transportation of the district's pupils to and
from school or (ii) elect to continue providing transportation of its pupils to and from school under its present system. In the event the school board elects to continue providing transportation of the district's pupils to and from school under its present system even though the district's fully allocated costs of doing so exceed the amount of the lowest responsible bid received by the school board for transportation of the district's pupils to and from school, the school board shall publicly announce at a regularly scheduled meeting of the board held within 30 days after making its election to continue providing pupil transportation under its present system (i) the fully allocated costs of providing transportation of the district's pupils to and from school under its present system, and (ii) the amount of each of the sealed bids submitted to the school board, identifying which of the sealed bid amounts was the lowest responsible bid.

As used in this Section the term "fully allocated costs" includes both the fixed and variable direct costs of the labor, capital, and material resources that are used by the school district exclusively for purposes of providing transportation of the district's pupils to and from school plus that portion of the district's shared costs as is fairly allocable to the products, services, and facilities necessary to provide transportation of the district's pupils to and from school. Direct costs of labor, capital, and material resources used exclusively to provide pupil transportation include the wages, payroll costs, and associated fringe benefits of school bus drivers, mechanics, and any supervisory or administrative personnel whose services relate exclusively to pupil transportation personnel or services, fuel, lubricants, tires, tubes, related material costs incurred in providing pupil transportation, depreciation costs associated with school buses and other vehicles, including spare vehicles, used to provide pupil transportation, and costs of facilities and equipment maintained exclusively to service, garage, or park vehicles used for pupil transportation purposes. "Shared costs" means the aggregate cost of the labor, capital, and material resources that are used in common by the district for a multiplicity of purposes, including the purpose of providing transportation of the district's pupils to and from school. The costs of the management, administration, and underlying infrastructure that support a multiplicity of services provided by the school district (including pupil transportation services) constitute shared costs within the meaning of this Section, and to the extent they are fairly allocable to pupil transportation services they are included within the term fully allocated costs as used in this Section. The State Board of Education shall promulgate rules setting

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forth the manner in which a district's fully allocated costs of providing transportation of its pupils to and from school under a non-contractual system shall be determined and computed for purposes of this Section. However, those rules shall be consistent with the provisions of this paragraph and shall follow recognized principles of fully allocated costing analysis in the transit industry, including generally accepted methods of identifying and estimating the principal cost elements of maintaining and operating a pupil transportation system.

(Source: P.A. 89-151, eff. 1-1-96; 89-626, eff. 8-9-96.)

Effective January 1, 2005.

PUBLIC ACT 93-0954
(House Bill No 6983)

AN ACT concerning procurement.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Procurement of Domestic Products Act.

Section 5. Definitions. As used in this Act:
"Manufactured in the United States" means, in the case of assembled articles, materials, or supplies, that final assembly occurs in the United States.
"Purchasing agency" means a State agency.
"State agency" means each agency, department authority, board, commission of the executive branch of State government, including each university, whether created by statute or by executive order of the Governor.
"United States" means the United States and any place subject to the jurisdiction of the United States.

Section 10. United States products. Each purchasing agency making purchases of manufactured articles, materials, and supplies shall promote the purchase of and give preference to manufactured articles, materials, and supplies that have been manufactured in the United States. Manufactured articles, materials, and supplies manufactured in the United States shall be specified and purchased unless the purchasing agency determines that any of the following applies:

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(1) The manufactured articles, materials, and supplies are not manufactured in the United States in reasonably available quantities.

(2) The price of the manufactured articles, materials, and supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable manufactured articles, materials, and supplies manufactured outside the United States.

(3) The quality of the manufactured articles, materials, and supplies manufactured in the United States is substantially less than the quality of the comparably priced, available, and comparable manufactured articles, materials, and supplies manufactured outside the United States.

(4) The purchase of the manufactured articles, materials, and supplies manufactured in the United States is not in the public interest.

(5) The purchase of the manufactured articles, materials, or supplies is made in conjunction with contracts or offerings of telecommunications services or Internet or information services.

(6) The purchase is of pharmaceutical products, drugs, biologics, vaccines, medical devices used to treat disease or used in medical or research diagnostic tests, and medical nutritionals regulated by the Food and Drug Administration under the federal Food, Drug and Cosmetic Act. 

In determining the price of manufactured articles, materials, and supplies for purposes of this Section, consideration shall be given to the life-cycle cost of those manufactured articles, materials, and supplies.

Section 15. Contracts; prequalification.

(a) Each contract awarded by a purchasing agency on or after the effective date of this Act through the use of the preference required under Section 10 shall contain the contractor's certification that manufactured articles, materials, and supplies provided pursuant to the contract or a subcontract shall be manufactured in the United States.

(b) Chief procurement officers, as provided in Section 20-45 of the Illinois Procurement Code, and the Capital Development Board, as provided in Section 30-20 of the Illinois Procurement Code, must promulgate rules for prequalification of suppliers and contractors under this Section.

Section 20. Federal and State law.

New matter indicated by italics - deletions by strikeout.
(a) Nothing in this Act is intended to contravene any existing treaty, law, agreement, or regulation of the United States. Contracts entered into in accordance with any treaty, law, agreement, or regulation of the United States shall not be in violation of this Act to the extent of that accordance. No preference shall be granted under this Act if that preference would contravene any treaty, law, agreement, or regulation of the United States.

(b) The preference required by this Act is in addition to any other preference afforded by State law.

Section 25. Penalties. If a contractor is awarded a contract through the use of a preference under this Act and knowingly supplies manufactured articles, materials, or supplies under that contract that are not manufactured in the United States, then (i) the contractor is barred from obtaining any State contract for a period of 5 years after the violation is discovered by the purchasing agency, (ii) the purchasing agency may void the contract, and (iii) the purchasing agency may recover damages in a civil action in an amount 3 times the value of the preference.

Section 30. Capital Development Board; exemption. The Capital Development Board (CDB) is exempt from the requirements of this Act with respect to a specific project if (i) CDB determines that the project is too complex for the 5 major construction building trades to identify the numerous individual articles, materials, and supplies required for the project or (ii) CDB determines that the articles, materials, and supplies required for the project are too numerous or complex to be able to efficiently assess the sites where manufactured.

Section 90. The Illinois Procurement Code is amended by changing Section 45-65 as follows:

(30 ILCS 500/45-65)
Sec. 45-65. Additional preferences. This Code is subject to applicable provisions of:

(1) the Public Purchases in Other States Act;
(2) the Illinois Mined Coal Act;
(3) the Steel Products Procurement Act;
(4) the Veterans Preference Act; and
(5) the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; and

(6) the Procurement of Domestic Products Act.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

New matter indicated by italics - deletions by strikeout.
Effective January 1, 2005.

PUBLIC ACT 93-0955
(House Bill No. 7015)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing
Sections 6-206 and 11-605 and by adding Section 11-605.1 as follows:

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)
Sec. 6-206. Discretionary authority to suspend or revoke license or
permit; Right to a hearing.
(a) The Secretary of State is authorized to suspend or revoke the
driving privileges of any person without preliminary hearing upon a
showing of the person's records or other sufficient evidence that the
person:

1. Has committed an offense for which mandatory
revocation of a driver's license or permit is required upon
conviction;
2. Has been convicted of not less than 3 offenses against
traffic regulations governing the movement of vehicles committed
within any 12 month period. No revocation or suspension shall be
entered more than 6 months after the date of last conviction;
3. Has been repeatedly involved as a driver in motor vehicle
collisions or has been repeatedly convicted of offenses against laws
and ordinances regulating the movement of traffic, to a degree that
indicates lack of ability to exercise ordinary and reasonable care in
the safe operation of a motor vehicle or disrespect for the traffic
laws and the safety of other persons upon the highway;
4. Has by the unlawful operation of a motor vehicle caused
or contributed to an accident resulting in death or injury requiring
immediate professional treatment in a medical facility or doctor's
office to any person, except that any suspension or revocation
imposed by the Secretary of State under the provisions of this
subsection shall start no later than 6 months after being convicted
of violating a law or ordinance regulating the movement of traffic,
which violation is related to the accident, or shall start not more

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than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

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16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the

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provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

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33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code;

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance; or

39. Has committed a second or subsequent violation of Section 11-1201 of this Code; or

40. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of
State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514. Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend
the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all

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permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff. 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04.)

(625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

New matter indicated by italics - deletions by strikeout.
Sec. 11-605. Special speed limit while passing schools or while traveling through highway construction or maintenance zones.

(a) For the purpose of this Section, "school" means the following entities:

(1) A public or private primary or secondary school.

(2) A primary or secondary school operated by a religious institution.

(3) A public, private, or religious nursery school.

On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling on a roadway on public school property or upon any public thoroughfare where children pass going to and from school.

For the purpose of this Section a school day shall begin at seven ante meridian and shall conclude at four post meridian.

This Section shall not be applicable unless appropriate signs are posted upon streets and highways under their respective jurisdiction and maintained by the Department, township, county, park district, city, village or incorporated town wherein the school zone is located. With regard to the special speed limit while passing schools, such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.

(b) (Blank). No person shall operate a motor vehicle in a construction or maintenance zone at a speed in excess of the posted speed limit when workers are present and so close to the moving traffic that a potential hazard exists because of the motorized traffic.

(c) Nothing in this Chapter shall prohibit the use of electronic speed-detecting devices within 500 feet of signs within a special school speed zone or a construction or maintenance zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone or a construction or maintenance zone.

(d) (Blank). For the purpose of this Section, a construction or maintenance zone is an area in which the Department, Toll Highway Authority, or local agency has determined that the preexisting established speed limit through a highway construction or maintenance project is
greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance zone and has posted a lower speed limit with a highway construction or maintenance zone special speed limit sign. Highway construction or maintenance zone special speed limit signs shall be of a design approved by the Department. The signs shall give proper due warning that a construction or maintenance zone is being approached and shall indicate the maximum speed limit in effect. The signs shall also state the amount of the minimum fine for a violation when workers are present:

(e) A first violation of this Section is a petty offense with a minimum fine of $150. A second or subsequent violation of this Section is a petty offense with a minimum fine of $300.

(f) When a fine for a violation of subsection (a) is $150 or greater, the person who violates subsection (a) shall be charged an additional $50 to be paid to the unit school district where the violation occurred for school safety purposes. If the violation occurred in a dual school district, $25 of the surcharge shall be paid to the elementary school district for school safety purposes and $25 of the surcharge shall be paid to the high school district for school safety purposes. Notwithstanding any other provision of law, the entire $50 surcharge shall be paid to the appropriate school district or districts.

For purposes of this subsection (f), "school safety purposes" includes the costs associated with school zone safety education and the purchase, installation, and maintenance of caution lights which are mounted on school speed zone signs.

(g) (Blank). When a fine for a violation of subsection (b) is $150 or greater, the person who violates subsection (b) shall be charged an additional $50. The $50 surcharge shall be deposited into the Transportation Safety Highway Hire-back Fund.

(h) (Blank). The Transportation Safety Highway Hire-back Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, the Secretary of Transportation shall use all moneys in the Transportation Safety Highway Hire-back Fund to hire off-duty Department of State Police officers to monitor construction or maintenance zones.

(Source: P.A. 91-531, eff. 1-1-00; 92-242, eff. 1-1-02; 92-619, eff. 1-1-03; 92-780, eff. 8-6-02; revised 8-22-02.)

(625 ILCS 5/11-605.1 new)

New matter indicated by italics - deletions by strikeout.
Sec. 11-605.1. Special limit while traveling through a highway construction or maintenance speed zone.

(a) A person may not operate a motor vehicle in a construction or maintenance speed zone at a speed in excess of the posted speed limit.

(b) Nothing in this Chapter prohibits the use of electronic speed-detecting devices within 500 feet of signs within a construction or maintenance speed zone indicating the zone, as defined in this Section, nor shall evidence obtained by use of those devices be inadmissible in any prosecution for speeding, provided the use of the device shall apply only to the enforcement of the speed limit in the construction or maintenance speed zone.

(c) As used in this Section, a "construction or maintenance speed zone" is an area in which the Department, Toll Highway Authority, or local agency has determined that the preexisting established speed limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance speed zone and has posted a lower speed limit with a highway construction or maintenance speed zone special speed limit sign.

Highway construction or maintenance speed zone special speed limit signs shall be of a design approved by the Department. The signs must give proper due warning that a construction or maintenance speed zone is being approached and must indicate the maximum speed limit in effect. The signs also must state the amount of the minimum fine for a violation.

(d) A first violation of this Section is a petty offense with a minimum fine of $250. A second or subsequent violation of this Section is a petty offense with a minimum fine of $750.

(e) If a fine for a violation of this Section is $250 or greater, the person who violated this Section shall be charged an additional $125, which shall be deposited into the Transportation Safety Highway Hire-back Fund. In the case of a second or subsequent violation of this Section, if the fine is $750 or greater, the person who violated this Section shall be charged an additional $250, which shall be deposited into the Transportation Safety Highway Hire-back Fund.

(f) The Transportation Safety Highway Hire-back Fund, which was created by Public Act 92-619, shall continue to be a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, the Secretary of Transportation shall use all

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moneys in the Transportation Safety Highway Hire-back Fund to hire off-
duty Department of State Police officers to monitor construction or
maintenance zones.

(g) For a second or subsequent violation of this Section within 2
years of the date of the previous violation, the Secretary of State shall
suspend the driver’s license of the violator for a period of 90 days.

Section 99. Effective date. This Act takes effect upon becoming
law.


PUBLIC ACT 93-0956
(Senate Bill No. 2424)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Department of Public Health Powers and Duties
Law of the Civil Administrative Code of Illinois is amended by adding
Section 2310-353 as follows:

(20 ILCS 2310/2310-353 new)
Sec. 2310-353. Cervical Cancer Elimination Task Force.
(a) A standing Task Force on Cervical Cancer Elimination ("Task
Force") is established within the Illinois Department of Public Health.
(b) The Task Force shall have 12 members appointed by the
Director of Public Health as follows:

(1) A representative of an organization relating to women
and cancer.
(2) A representative of an organization providing health
care to women.
(3) A health educator.
(4) A representative of a national organization relating to
cancer treatment who is an oncologist.
(5) A representative of the health insurance industry.
(6) A representative of a national organization of
obstetricians and gynecologists.
(7) A representative of a national organization of family
physicians.

New matter indicated by italics - deletions by strikeout.
(8) The State Epidemiologist.
(9) A member at-large with an interest in women’s health.
(10) A social marketing expert on health issues.
(11) A licensed registered nurse.

The directors of Public Health and Public Aid, and the Secretary of Human Services, or their designees, and the Chair and Vice-Chair of the Conference of Women Legislators in Illinois, or their designees, shall be ex officio members of the Task Force. The Director of Public Health shall also consult with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate in the designation of members of the Illinois General Assembly as ex-officio members.

Appointments to the Task Force should reflect the composition of the Illinois population with regard to ethnic, racial, age, and religious composition.

(c) The Director of Public Health shall appoint a Chair from among the members of the Task Force. The Task Force shall elect a Vice-Chair from its members. Initial appointments to the Task Force shall be made not later than 30 days after the effective date of this amendatory Act of the 93rd General Assembly. A majority of the Task Force shall constitute a quorum for the transaction of its business. The Task Force shall meet at least quarterly. The Task Force Chair may establish sub-committees for the purpose of making special studies; such sub-committees may include non-Task-Force members as resource persons.

(d) Members of the Task Force shall be reimbursed for their necessary expenses incurred in performing their duties. The Department of Public Health shall provide staff and technical assistance to the Task Force to the extent possible within annual appropriations for its ordinary and contingent expenses.

(e) The Task Force shall have the following duties:

(1) To obtain from the Department of Public Health, if available, data and analyses regarding the prevalence and burden of cervical cancer. The Task Force may conduct or arrange for independent studies and analyses.

(2) To coordinate the efforts of the Task Force with existing State committees and programs providing cervical cancer screening, education, and case management.
(3) To raise public awareness on the causes and nature of cervical cancer, personal risk factors, the value of prevention, early detection, options for testing, treatment costs, new technology, medical care reimbursement, and physician education.

(4) To identify priority strategies, new technologies, and newly introduced vaccines that are effective in preventing and controlling the risk of cervical cancer.

(5) To identify and examine the limitations of existing laws, regulations, programs, and services with regard to coverage and awareness issues for cervical cancer, including requiring insurance or other coverage for PAP smears and mammograms in accordance with the most recently published American Cancer Society guidelines.

(6) To develop a statewide comprehensive Cervical Cancer Prevention Plan and strategies for implementing the Plan and for promoting the Plan to the general public, State and local elected officials, and various public and private organizations, associations, businesses, industries, and agencies.

(7) To receive and to consider reports and testimony from individuals, local health departments, community-based organizations, voluntary health organizations, and other public and private organizations statewide to learn more about their contributions to cervical cancer diagnosis, prevention, and treatment and more about their ideas for improving cervical cancer prevention, diagnosis, and treatment in Illinois.

(f) The Task Force shall submit a report to the Governor and the General Assembly by April 1, 2005 and by April 1 of each year thereafter. The report shall include (i) information regarding the progress being made in fulfilling the duties of the Task Force and in developing the Cervical Cancer Prevention Plan and (ii) recommended strategies or actions to reduce the occurrence of cervical cancer and the burdens from cervical cancer suffered by citizens of this State.

(g) The Task Force shall expire on April 1, 2009, or upon submission of the Task Force’s final report to the Governor and the General Assembly, whichever occurs earlier.

Section 99. Effective date. This Act takes effect upon becoming law.


New matter indicated by italics - deletions by strikeout.

PUBLIC ACT 93-0957
(Senate Bill No. 2887)

AN ACT concerning professional regulation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Real Estate License Act of 2000 is amended by
changing Sections 1-10, 5-30, 5-50, 5-70, and 20-20 and by adding Section
15-75 as follows:

(225 ILCS 454/1-10)
(Section scheduled to be repealed on January 1, 2010)
Sec. 1-10. Definitions. In this Act, unless the context otherwise
requires:
"Advisory Council" means the Real Estate Education Advisory
Council created under Section 30-10 of this Act.
"Agency" means a relationship in which a real estate broker or
licensee, whether directly or through an affiliated licensee, represents a
consumer by the consumer's consent, whether express or implied, in a real
property transaction.
"Applicant" means any person, as defined in this Section, who
applies to OBRE for a valid license as a real estate broker, real estate
salesperson, or leasing agent.
"Blind advertisement" means any real estate advertisement that
does not include the sponsoring broker's business name and that is used by
any licensee regarding the sale or lease of real estate, including his or her
own, licensed activities, or the hiring of any licensee under this Act. The
broker's business name in the case of a franchise shall include the
franchise affiliation as well as the name of the individual firm.
"Board" means the Real Estate Administration and Disciplinary
Board of OBRE.
"Branch office" means a sponsoring broker's office other than the
sponsoring broker's principal office.
"Broker" means an individual, partnership, limited liability
comp any, corporation, or registered limited liability partnership other than
a real estate salesperson or leasing agent who for another and for

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compensation, or with the intention or expectation of receiving compensation, either directly or indirectly:

(1) Sells, exchanges, purchases, rents, or leases real estate.
(2) Offers to sell, exchange, purchase, rent, or lease real estate.
(3) Negotiates, offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of real estate.
(4) Lists, offers, attempts, or agrees to list real estate for sale, lease, or exchange.
(5) Buys, sells, offers to buy or sell, or otherwise deals in options on real estate or improvements thereon.
(6) Supervises the collection, offer, attempt, or agreement to collect rent for the use of real estate.
(7) Advertises or represents himself or herself as being engaged in the business of buying, selling, exchanging, renting, or leasing real estate.
(8) Assists or directs in procuring or referring of prospects, intended to result in the sale, exchange, lease, or rental of real estate.
(9) Assists or directs in the negotiation of any transaction intended to result in the sale, exchange, lease, or rental of real estate.
(10) Opens real estate to the public for marketing purposes.
(11) Sells, leases, or offers for sale or lease real estate at auction.

"Brokerage agreement" means a written or oral agreement between a sponsoring broker and a consumer for licensed activities to be provided to a consumer in return for compensation or the right to receive compensation from another. Brokerage agreements may constitute either a bilateral or a unilateral agreement between the broker and the broker's client depending upon the content of the brokerage agreement. All exclusive brokerage agreements shall be in writing.

"Client" means a person who is being represented by a licensee.

"Commissioner" means the Commissioner of Banks and Real Estate or a person authorized by the Commissioner, the Office of Banks and Real Estate Act, or this Act to act in the Commissioner's stead.

"Compensation" means the valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the

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transfer of valuable consideration, including without limitation the following:

(1) commissions;
(2) referral fees;
(3) bonuses;
(4) prizes;
(5) merchandise;
(6) finder fees;
(7) performance of services;
(8) coupons or gift certificates;
(9) discounts;
(10) rebates;
(11) a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;
(12) retainer fee; or
(13) salary.

"Confidential information" means information obtained by a licensee from a client during the term of a brokerage agreement that (i) was made confidential by the written request or written instruction of the client, (ii) deals with the negotiating position of the client, or (iii) is information the disclosure of which could materially harm the negotiating position of the client, unless at any time:

(1) the client permits the disclosure of information given by that client by word or conduct;
(2) the disclosure is required by law; or
(3) the information becomes public from a source other than the licensee.

"Confidential information" shall not be considered to include material information about the physical condition of the property.

"Consumer" means a person or entity seeking or receiving licensed activities.

"Continuing education school" means any person licensed by OBRE as a school for continuing education in accordance with Section 30-15 of this Act.

"Credit hour" means 50 minutes of classroom instruction in course work that meets the requirements set forth in rules adopted by OBRE.

"Customer" means a consumer who is not being represented by the licensee but for whom the licensee is performing ministerial acts.

New matter indicated by italics - deletions by strikeout.
"Designated agency" means a contractual relationship between a sponsoring broker and a client under Section 15-50 of this Act in which one or more licensees associated with or employed by the broker are designated as agent of the client.

"Designated agent" means a sponsored licensee named by a sponsoring broker as the legal agent of a client, as provided for in Section 15-50 of this Act.

"Director" means the Director of the Real Estate Division, OBRE.

"Dual agency" means an agency relationship in which a licensee is representing both buyer and seller or both landlord and tenant in the same transaction. When the agency relationship is a designated agency, the question of whether there is a dual agency shall be determined by the agency relationships of the designated agent of the parties and not of the sponsoring broker.

"Employee" or other derivative of the word "employee", when used to refer to, describe, or delineate the relationship between a real estate broker and a real estate salesperson, another real estate broker, or a leasing agent, shall be construed to include an independent contractor relationship, provided that a written agreement exists that clearly establishes and states the relationship. All responsibilities of a broker shall remain.

"Escrow moneys" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A transaction exists once an agreement has been reached and an accepted real estate contract signed or lease agreed to by the parties. Escrow moneys includes without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased and for which the security deposit is being held.

"Exclusive brokerage agreement" means a written brokerage agreement that provides that the sponsoring broker has the sole right, through one or more sponsored licensees, to act as the exclusive designated agent or representative of the client and that meets the requirements of Section 15-75 of this Act.

"Inoperative" means a status of licensure where the licensee holds a current license under this Act, but the licensee is prohibited from engaging in licensed activities because the licensee is unsponsored or the license of the sponsoring broker with whom the licensee is associated or by whom he

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or she is employed is currently expired, revoked, suspended, or otherwise rendered invalid under this Act.

"Leasing Agent" means a person who is employed by a real estate broker to engage in licensed activities limited to leasing residential real estate who has obtained a license as provided for in Section 5-5 of this Act.

"License" means the document issued by OBRE certifying that the person named thereon has fulfilled all requirements prerequisite to licensure under this Act.

"Licensed activities" means those activities listed in the definition of "broker" under this Section.

"Licensee" means any person, as defined in this Section, who holds a valid unexpired license as a real estate broker, real estate salesperson, or leasing agent.

"Listing presentation" means a communication between a real estate broker or salesperson and a consumer in which the licensee is attempting to secure a brokerage agreement with the consumer to market the consumer's real estate for sale or lease.

"Managing broker" means a broker who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker.

"Medium of advertising" means any method of communication intended to influence the general public to use or purchase a particular good or service or real estate.

"Ministerial acts" means those acts that a licensee may perform for a consumer that are informative or clerical in nature and do not rise to the level of active representation on behalf of a consumer. Examples of these acts include without limitation (i) responding to phone inquiries by consumers as to the availability and pricing of brokerage services, (ii) responding to phone inquiries from a consumer concerning the price or location of property, (iii) attending an open house and responding to questions about the property from a consumer, (iv) setting an appointment to view property, (v) responding to questions of consumers walking into a licensee's office concerning brokerage services offered or particular properties, (vi) accompanying an appraiser, inspector, contractor, or similar third party on a visit to a property, (vii) describing a property or the property's condition in response to a consumer's inquiry, (viii) completing business or factual information for a consumer on an offer or contract to

New matter indicated by italics - deletions by strikeout.
purchase on behalf of a client, (ix) showing a client through a property being sold by an owner on his or her own behalf, or (x) referral to another broker or service provider.

"OBRE" means the Office of Banks and Real Estate.

"Office" means a real estate broker's place of business where the general public is invited to transact business and where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business.

"Person" means and includes individuals, entities, corporations, limited liability companies, registered limited liability partnerships, and partnerships, foreign or domestic, except that when the context otherwise requires, the term may refer to a single individual or other described entity.

"Personal assistant" means a licensed or unlicensed person who has been hired for the purpose of aiding or assisting a sponsored licensee in the performance of the sponsored licensee's job.

"Pocket card" means the card issued by OBRE to signify that the person named on the card is currently licensed under this Act.

"Pre-license school" means a school licensed by OBRE offering courses in subjects related to real estate transactions, including the subjects upon which an applicant is examined in determining fitness to receive a license.

"Pre-renewal period" means the period between the date of issue of a currently valid license and the license's expiration date.

"Real estate" means and includes leaseholds as well as any other interest or estate in land, whether corporeal, incorporeal, freehold, or non-freehold, including timeshare interests, and whether the real estate is situated in this State or elsewhere.

"Real Estate Administration and Disciplinary Board" or "Board" means the Real Estate Administration and Disciplinary Board created by Section 25-10 of this Act.

"Salesperson" means any individual, other than a real estate broker or leasing agent, who is employed by a real estate broker or is associated by written agreement with a real estate broker as an independent contractor and participates in any activity described in the definition of "broker" under this Section.

"Sponsoring broker" means the broker who has issued a sponsor card to a licensed salesperson, another licensed broker, or a leasing agent.

"Sponsor card" means the temporary permit issued by the sponsoring real estate broker certifying that the real estate broker, real

New matter indicated by italics - deletions by strikeout.
estate salesperson, or leasing agent named thereon is employed by or associated by written agreement with the sponsoring real estate broker, as provided for in Section 5-40 of this Act.
(Source: P.A. 91-245, eff. 12-31-99; 91-585, eff. 1-1-00; 91-603, eff. 1-1-00; 91-702, eff. 5-12-00; 92-217, eff. 8-2-01.)
(225 ILCS 454/5-30)
(Section scheduled to be repealed on January 1, 2010)
Sec. 5-30. Education requirements to obtain an original broker or salesperson license.
(a) All applicants for a broker's license, except applicants who meet the criteria set forth in subsection (c) of this Section shall (i) give satisfactory evidence of having completed at least 120 classroom hours, 45 of which shall be those hours required to obtain a salesperson's license plus 15 hours in brokerage administration courses, in real estate courses approved by the Advisory Council or (ii) for applicants who currently hold a valid real estate salesperson's license, give satisfactory evidence of having completed at least 75 hours in real estate courses, not including the courses that are required to obtain a salesperson's license, approved by the Advisory Council.
(b) All applicants for a salesperson's license, except applicants who meet the criteria set forth in subsection (c) of this Section shall give satisfactory evidence that they have completed at least 45 hours of instruction in real estate courses approved by the Advisory Council.
(c) The requirements specified in subsections (a) and (b) of this Section do not apply to applicants who: (1) are currently admitted to practice law by the Supreme Court of Illinois and are currently in active standing; or (2) show evidence of receiving a baccalaureate degree including courses involving real estate or related material from a college or university approved by the Advisory Council.
(d) A minimum of 15 of the required hours of pre-license education shall be in the areas of Article 15 of this Act, disclosure and environmental issues, or any other currently topical areas that are determined by the Advisory Council.
(Source: P.A. 91-245, eff. 12-31-99.)
(225 ILCS 454/5-50)
(Section scheduled to be repealed on January 1, 2010)
Sec. 5-50. Expiration date and renewal period of broker, salesperson, or leasing agent license; sponsoring broker; register of licensees; pocket card.

New matter indicated by italics - deletions by strikeout.
(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. Except as otherwise provided in Section 5-55 of this Act, the holder of a license may renew the license within 90 days preceding the expiration date thereof by paying the fees specified by rule. Upon written request from the sponsoring broker, OBRE shall prepare and mail to the sponsoring broker a listing of licensees under this Act who, according to the records of OBRE, are sponsored by that broker. Every licensee associated with or employed by a broker whose license is revoked, suspended, terminated, or expired shall be considered as inoperative until such time as the sponsoring broker's license is reinstated or renewed, or the licensee changes employment as set forth in subsection (c) of Section 5-40 of this Act.

(b) OBRE shall establish and maintain a register of all persons currently licensed by the State and shall issue and prescribe a form of pocket card. Upon payment by a licensee of the appropriate fee as prescribed by rule for engagement in the activity for which the licensee is qualified and holds a license for the current period, OBRE shall issue a pocket card to the licensee. The pocket card shall be verification that the required fee for the current period has been paid and shall indicate that the person named thereon is licensed for the current renewal period as a broker, salesperson, or leasing agent as the case may be. The pocket card shall further indicate that the person named thereon is authorized by OBRE to engage in the licensed activity appropriate for his or her status (broker, salesperson, or leasing agent). Each licensee shall carry on his or her person his or her pocket card or, if such pocket card has not yet been issued, a properly issued sponsor card when engaging in any licensed activity and shall display the same on demand.

(c) Any person licensed as a broker shall be entitled at any renewal date to change his or her license status from broker to salesperson.

(225 ILCS 454/5-70)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5-70. Continuing education requirement; broker or salesperson.

(a) The requirements of this Section apply to all licensees who have had a license for less than 15 years as of January 1, 1992.

(b) Except as otherwise provided in this Section, each person who applies for renewal of his or her license as a real estate broker or real estate salesperson must successfully complete real estate continuing education

New matter indicated by italics - deletions by strikeout.
courses approved by the Advisory Council at the rate of 6 hours per year or its equivalent. In addition, beginning with the pre-renewal period for broker licensees that begins after the effective date of this amendatory Act of the 93rd General Assembly, to renew a real estate broker's license, the licensee must successfully complete a 6-hour broker management continuing education course approved by OBRE. Successful completion of the course shall include achieving a passing score as provided by rule on a test developed and administered in accordance with rules adopted by the OBRE. Beginning on the first day of the pre-renewal period for broker licensees that begins after the effective date of this amendatory Act of the 93rd General Assembly, the 6-hour broker management continuing education course must be completed by all persons receiving their initial broker's license within 180 days after the date of initial licensure as a broker. No license may be renewed except upon the successful completion of the required courses or their equivalent or upon a waiver of those requirements for good cause shown as determined by the Commissioner with the recommendation of the Advisory Council. The requirements of this Article are applicable to all brokers and salespersons except those brokers and salespersons who, during the pre-renewal period:

(1) serve in the armed services of the United States;
(2) serve as an elected State or federal official;
(3) serve as a full-time employee of OBRE; or
(4) are admitted to practice law pursuant to Illinois Supreme Court rule.

(c) A person who is issued an initial license as a real estate salesperson less than one year prior to the expiration date of that license shall not be required to complete continuing education as a condition of license renewal. A person who is issued an initial license as a real estate broker less than one year prior to the expiration date of that license and who has not been licensed as a real estate salesperson during the pre-renewal period shall not be required to complete continuing education as a condition of license renewal. A person receiving an initial license as a real estate broker during the 90 days before the broker renewal date shall not be required to complete the broker management continuing education course provided for in subsection (b) of this Section as a condition of initial license renewal.

(d) The continuing education requirement for salespersons and brokers shall consist of a core curriculum and an elective curriculum, to be established by the Advisory Council. In meeting the continuing education
requirements of this Act, at least 3 hours per year or their equivalent shall be required to be completed in the core curriculum. In establishing the core curriculum, the Advisory Council shall consider subjects that will educate licensees on recent changes in applicable laws and new laws and refresh the licensee on areas of the license law and OBRE policy that the Advisory Council deems appropriate, and any other areas that the Advisory Council deems timely and applicable in order to prevent violations of this Act and to protect the public. In establishing the elective curriculum, the Advisory Council shall consider subjects that cover the various aspects of the practice of real estate that are covered under the scope of this Act. However, the elective curriculum shall not include any offerings referred to in Section 5-85 of this Act.

(e) The subject areas of continuing education courses approved by the Advisory Council may include without limitation the following:

(1) license law and escrow;
(2) antitrust;
(3) fair housing;
(4) agency;
(5) appraisal;
(6) property management;
(7) residential brokerage;
(8) farm property management;
(9) rights and duties of sellers, buyers, and brokers;
(10) commercial brokerage and leasing; and
(11) real estate financing.

(f) In lieu of credit for those courses listed in subsection (e) of this Section, credit may be earned for serving as a licensed instructor in an approved course of continuing education. The amount of credit earned for teaching a course shall be the amount of continuing education credit for which the course is approved for licensees taking the course.

(g) Credit hours may be earned for self-study programs approved by the Advisory Council.

(h) A broker or salesperson may earn credit for a specific continuing education course only once during the prereenewal period.

(i) No more than 6 hours of continuing education credit may be earned in one calendar day.

(j) To promote the offering of a uniform and consistent course content, the OBRE may provide for the development of a single broker management course to be offered by all continuing education providers.

New matter indicated by italics - deletions by strikeout.
who choose to offer the broker management continuing education course. The OBRE may contract for the development of the 6-hour broker management continuing education course with an outside vendor and, if the course is developed in this manner, the OBRE shall license the use of that course to all approved continuing education providers who wish to provide the course.

(Source: P.A. 91-245, eff. 12-31-99.)

(225 ILCS 454/15-75 new)

(Section scheduled to be repealed on January 1, 2010)

Sec. 15-75. Exclusive brokerage agreements. All exclusive brokerage agreements must specify that the sponsoring broker, through one or more sponsored licensees, must provide, at a minimum, the following services:

(1) accept delivery of and present to the client offers and counteroffers to buy, sell, or lease the client's property or the property the client seeks to purchase or lease;

(2) assist the client in developing, communicating, negotiating, and presenting offers, counteroffers, and notices that relate to the offers and counteroffers until a lease or purchase agreement is signed and all contingencies are satisfied or waived; and

(3) answer the client's questions relating to the offers, counteroffers, notices, and contingencies.

(225 ILCS 454/20-20)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-20. Disciplinary actions; causes. OBRE may refuse to issue or renew a license, may place on probation, suspend, or revoke any license, or may censure, reprimand, or otherwise discipline or impose a civil fine not to exceed $25,000 upon any licensee hereunder for any one or any combination of the following causes:

(a) When the applicant or licensee has, by false or fraudulent representation, obtained or sought to obtain a license.

(b) When the applicant or licensee has been convicted of any crime, an essential element of which is dishonesty or fraud or larceny, embezzlement, or obtaining money, property, or credit by false pretenses or by means of a confidence game, has been convicted in this or another state of a crime that is a felony under the laws of this State, or has been convicted of a felony in a federal court.

New matter indicated by italics - deletions by strikeout.
(c) When the applicant or licensee has been adjudged to be a person under legal disability or subject to involuntary admission or to meet the standard for judicial admission as provided in the Mental Health and Developmental Disabilities Code.

(d) When the licensee performs or attempts to perform any act as a broker or salesperson in a retail sales establishment from an office, desk, or space that is not separated from the main retail business by a separate and distinct area within the establishment.

(e) Discipline of a licensee by another state, the District of Columbia, a territory, a foreign nation, a governmental agency, or any other entity authorized to impose discipline if at least one of the grounds for that discipline is the same as or the equivalent of one of the grounds for discipline set forth in this Act, in which case the only issue will be whether one of the grounds for that discipline is the same or equivalent to one of the grounds for discipline under this Act.

(f) When the applicant or licensee has engaged in real estate activity without a license or after the licensee's license was expired or while the license was inoperative.

(g) When the applicant or licensee attempts to subvert or cheat on the Real Estate License Exam or continuing education exam or aids and abets an applicant to subvert or cheat on the Real Estate License Exam or continuing education exam administered pursuant to this Act.

(h) When the licensee in performing, attempting to perform, or pretending to perform any act as a broker, salesperson, or leasing agent or when the licensee in handling his or her own property, whether held by deed, option, or otherwise, is found guilty of:

1. Making any substantial misrepresentation or untruthful advertising.
2. Making any false promises of a character likely to influence, persuade, or induce.
3. Pursuing a continued and flagrant course of misrepresentation or the making of false promises through licensees, employees, agents, advertising, or otherwise.
4. Any misleading or untruthful advertising, or using any trade name or insignia of membership in any real estate organization of which the licensee is not a member.
5. Acting for more than one party in a transaction without providing written notice to all parties for whom the licensee acts.

New matter indicated by italics - deletions by strikeout.
(6) Representing or attempting to represent a broker other than the sponsoring broker.

(7) Failure to account for or to remit any moneys or documents coming into his or her possession that belong to others.

(8) Failure to maintain and deposit in a special account, separate and apart from personal and other business accounts, all escrow moneys belonging to others entrusted to a licensee while acting as a real estate broker, escrow agent, or temporary custodian of the funds of others or failure to maintain all escrow moneys on deposit in the account until the transactions are consummated or terminated, except to the extent that the moneys, or any part thereof, shall be disbursed prior to the consummation or termination in accordance with (i) the written direction of the principals to the transaction or their duly authorized agents, (ii) directions providing for the release, payment, or distribution of escrow moneys contained in any written contract signed by the principals to the transaction or their duly authorized agents, or (iii) pursuant to an order of a court of competent jurisdiction. The account shall be noninterest bearing, unless the character of the deposit is such that payment of interest thereon is otherwise required by law or unless the principals to the transaction specifically require, in writing, that the deposit be placed in an interest bearing account.

(9) Failure to make available to the real estate enforcement personnel of OBRE during normal business hours all escrow records and related documents maintained in connection with the practice of real estate within 24 hours of a request for those documents by OBRE personnel.

(10) Failing to furnish copies upon request of all documents relating to a real estate transaction to all parties executing them.

(11) Failure of a sponsoring broker to timely provide information, sponsor cards, or termination of licenses to OBRE.

(12) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(13) Commingling the money or property of others with his or her own.

New matter indicated by italics - deletions by strikeout.
(14) Employing any person on a purely temporary or single deal basis as a means of evading the law regarding payment of commission to nonlicensees on some contemplated transactions.

(15) Permitting the use of his or her license as a broker to enable a salesperson or unlicensed person to operate a real estate business without actual participation therein and control thereof by the broker.

(16) Any other conduct, whether of the same or a different character from that specified in this Section, that constitutes dishonest dealing.

(17) Displaying a "for rent" or "for sale" sign on any property without the written consent of an owner or his or her duly authorized agent or advertising by any means that any property is for sale or for rent without the written consent of the owner or his or her authorized agent.

(18) Failing to provide information requested by OBRE, within 30 days of the request, either as the result of a formal or informal complaint to OBRE or as a result of a random audit conducted by OBRE, which would indicate a violation of this Act.

(19) Advertising by means of a blind advertisement, except as otherwise permitted in Section 10-30 of this Act.

(20) Offering guaranteed sales plans, as defined in clause (A) of this subdivision (20), except to the extent hereinafter set forth:

(A) A "guaranteed sales plan" is any real estate purchase or sales plan whereby a licensee enters into a conditional or unconditional written contract with a seller by the terms of which a licensee agrees to purchase a property of the seller within a specified period of time at a specific price in the event the property is not sold in accordance with the terms of a listing contract between the sponsoring broker and the seller or on other terms acceptable to the seller.

(B) A licensee offering a guaranteed sales plan shall provide the details and conditions of the plan in writing to the party to whom the plan is offered.

(C) A licensee offering a guaranteed sales plan shall provide to the party to whom the plan is offered evidence of

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sufficient financial resources to satisfy the commitment to purchase undertaken by the broker in the plan.

(D) Any licensee offering a guaranteed sales plan shall undertake to market the property of the seller subject to the plan in the same manner in which the broker would market any other property, unless the agreement with the seller provides otherwise.

(E) Any licensee who fails to perform on a guaranteed sales plan in strict accordance with its terms shall be subject to all the penalties provided in this Act for violations thereof and, in addition, shall be subject to a civil fine payable to the party injured by the default in an amount of up to $25,000.

(21) Influencing or attempting to influence, by any words or acts, a prospective seller, purchaser, occupant, landlord, or tenant of real estate, in connection with viewing, buying, or leasing real estate, so as to promote or tend to promote the continuance or maintenance of racially and religiously segregated housing or so as to retard, obstruct, or discourage racially integrated housing on or in any street, block, neighborhood, or community.

(22) Engaging in any act that constitutes a violation of any provision of Article 3 of the Illinois Human Rights Act, whether or not a complaint has been filed with or adjudicated by the Human Rights Commission.

(23) Inducing any party to a contract of sale or lease or brokerage agreement to break the contract of sale or lease or brokerage agreement for the purpose of substituting, in lieu thereof, a new contract for sale or lease or brokerage agreement with a third party.

(24) Negotiating a sale, exchange, or lease of real estate directly with any person if the licensee knows that the person has a written exclusive brokerage agreement with another broker, unless specifically authorized by that broker.

(25) When a licensee is also an attorney, acting as the attorney for either the buyer or the seller in the same transaction in which the licensee is acting or has acted as a broker or salesperson.

(26) Advertising or offering merchandise or services as free if any conditions or obligations necessary for receiving the merchandise or services are not disclosed in the same

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advertisement or offer. These conditions or obligations include without limitation the requirement that the recipient attend a promotional activity or visit a real estate site. As used in this subdivision (26), "free" includes terms such as "award", "prize", "no charge", "free of charge", "without charge", and similar words or phrases that reasonably lead a person to believe that he or she may receive or has been selected to receive something of value, without any conditions or obligations on the part of the recipient.

(27) Disregarding or violating any provision of the Land Sales Registration Act of 1989, the Illinois Real Estate Time-Share Act, or the published rules promulgated by OBRE to enforce those Acts.

(28) Violating the terms of a disciplinary order issued by OBRE.

(29) Paying compensation in violation of Article 10 of this Act.

(30) Requiring a party to a transaction who is not a client of the licensee to allow the licensee to retain a portion of the escrow moneys for payment of the licensee's commission or expenses as a condition for release of the escrow moneys to that party.

(31) Disregarding or violating any provision of this Act or the published rules promulgated by OBRE to enforce this Act or aiding or abetting any individual, partnership, registered limited liability partnership, limited liability company, or corporation in disregarding any provision of this Act or the published rules promulgated by OBRE to enforce this Act.

(32) Failing to provide the minimum services required by Section 15-75 of this Act when acting under an exclusive brokerage agreement.

(Source: P.A. 91-245, eff. 12-31-99.)

Section 99. Effective date. This Act takes effect upon becoming law.

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 12-18 as follows:

(720 ILCS 5/12-18) (from Ch. 38, par. 12-18)
  (a) No person accused of violating Sections 12-13, 12-14, 12-15 or 12-16 of this Code shall be presumed to be incapable of committing an offense prohibited by Sections 12-13, 12-14, 12-14.1, 12-15 or 12-16 of this Code because of age, physical condition or relationship to the victim, except as otherwise provided in subsection (c) of this Section. Nothing in this Section shall be construed to modify or abrogate the affirmative defense of infancy under Section 6-1 of this Code or the provisions of Section 5-805 of the Juvenile Court Act of 1987.
  (b) Any medical examination or procedure which is conducted by a physician, nurse, medical or hospital personnel, parent, or caretaker for purposes and in a manner consistent with reasonable medical standards is not an offense under Sections 12-13, 12-14, 12-14.1, 12-15 and 12-16 of this Code.
  (c) (Blank). Prosecution of a spouse of a victim under this subsection for any violation by the victim's spouse of Section 12-13, 12-14, 12-15 or 12-16 of this Code is barred unless the victim reported such offense to a law enforcement agency or the State's Attorney's office within 30 days after the offense was committed, except when the court finds good cause for the delay.
  (d) In addition to the sentences provided for in Sections 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961 the Court may order any person who is convicted of violating any of those Sections to meet all or any portion of the financial obligations of treatment, including but not limited to medical, psychiatric, rehabilitative or psychological treatment, prescribed for the victim or victims of the offense.
  (e) After a finding at a preliminary hearing that there is probable cause to believe that an accused has committed a violation of Section 12-13, 12-14, or 12-14.1 of this Code, or after an indictment is returned charging an accused with a violation of Section 12-13, 12-14, or 12-14.1

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of this Code, or after a finding that a defendant charged with a violation of Section 12-13, 12-14, or 12-14.1 of this Code is unfit to stand trial pursuant to Section 104-16 of the Code of Criminal Procedure of 1963 where the finding is made prior to preliminary hearing, at the request of the person who was the victim of the violation of Section 12-13, 12-14, or 12-14.1, the prosecuting State's attorney shall seek an order from the court to compel the accused to be tested for any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV). The medical tests shall be performed only by appropriately licensed medical practitioners. The test for infection with human immunodeficiency virus (HIV) shall consist of an enzyme-linked immunosorbent assay (ELISA) test, or such other test as may be approved by the Illinois Department of Public Health; in the event of a positive result, the Western Blot Assay or a more reliable confirmatory test shall be administered. The results of the tests shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the victim and to the judge who entered the order, for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the result of the testing may be revealed; however, in no case shall the identity of the victim be disclosed. The court shall order that the cost of the tests shall be paid by the county, and may be taxed as costs against the accused if convicted.

(f) Whenever any law enforcement officer has reasonable cause to believe that a person has been delivered a controlled substance without his or her consent, the law enforcement officer shall advise the victim about seeking medical treatment and preserving evidence.

(g) Every hospital providing emergency hospital services to an alleged sexual assault survivor, when there is reasonable cause to believe that a person has been delivered a controlled substance without his or her consent, shall designate personnel to provide:

1. An explanation to the victim about the nature and effects of commonly used controlled substances and how such controlled substances are administered.
2. An offer to the victim of testing for the presence of such controlled substances.
3. A disclosure to the victim that all controlled substances or alcohol ingested by the victim will be disclosed by the test.
4. A statement that the test is completely voluntary.

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(5) A form for written authorization for sample analysis of all controlled substances and alcohol ingested by the victim. A physician licensed to practice medicine in all its branches may agree to be a designated person under this subsection.

No sample analysis may be performed unless the victim returns a signed written authorization within 30 days after the sample was collected.

Any medical treatment or care under this subsection shall be only in accordance with the order of a physician licensed to practice medicine in all of its branches. Any testing under this subsection shall be only in accordance with the order of a licensed individual authorized to order the testing.

(Source: P.A. 91-271, eff. 1-1-00; 91-357, eff. 7-29-99; 92-81, eff. 7-12-01.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0959
(House Bill No. 6583)

AN ACT concerning counties.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The County Economic Development Project Area Property Tax Allocation Act is amended by changing Sections 4 and 5 as follows:

(55 ILCS 85/4) (from Ch. 34, par. 7004)

Sec. 4. Establishment of economic development project area; ordinance; joint review board; notice; hearing; changes in economic development plan; annual reporting requirements. Economic development project areas shall be established as follows:

(a) The corporate authorities of Whiteside County may by ordinance propose the establishment of an economic development project area and fix a time and place for a public hearing, and shall submit a certified copy of the ordinance as adopted to the Department.

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(a-5) After the effective date of this amendatory Act of the 93rd General Assembly, the corporate authorities of Stephenson County may by ordinance propose the establishment of an economic development project area and fix a time and place for a public hearing, and shall submit a certified copy of the ordinance as adopted to the Department.

(b) Any county which adopts an ordinance which fixes a date, time and place for a public hearing shall convene a joint review board as hereinafter provided. Not less than 45 days prior to the date fixed for the public hearing, the county shall give notice by mailing to the chief executive officer of each affected taxing district having taxable property included in the proposed economic development project area and, if the ordinance is adopted by Stephenson County, the chief executive officer of any municipality within Stephenson County having a population of more than 20,000 that such chief executive officer or his designee is invited to participate in a joint review board. The designee shall serve at the discretion of the chief executive officer of the taxing district for a term not to exceed 2 years. Such notice shall advise each chief executive officer of the date, time and place of the first meeting of such joint review board, which shall occur not less than 30 days prior to the date of the public hearing. Such notice by mail shall be given by depositing such notice in the United States Postal Service by certified mail.

At or prior to the first meeting of such joint review board the county shall furnish to any member of such joint review board copies of the proposed economic development plan and any related documents which such member shall reasonably request. A majority of the members of such joint review board present at any meeting shall constitute a quorum. Additional meetings may be called by any member of a joint review board upon the giving of notice not less than 72 hours prior to the date of any additional meeting to all members of the joint review board. The joint review board shall review such information and material as its members reasonably deem relevant to the county’s proposals to approve economic development plans and economic development projects and to designate economic development project areas. The county shall provide such information and material promptly upon the request of the joint review board and may also provide administrative support and facilities as the joint review board may reasonably require.

Within 30 days of its first meeting, a joint review board shall provide the county with a written report of its review of any proposal to approve an economic development plan and economic development

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project and to designate an economic development project area. Such written report shall include such information and advisory, nonbinding recommendations as a majority of the members of the joint review board shall deem relevant. Written reports of joint review boards may include information and advisory, nonbinding recommendations provided by a minority of the members thereof. Any joint review board which does not provide such written report within such 30-day period shall be deemed to have recommended that the county proceed with a proposal to approve an economic development plan and economic development project and to designate an economic development project area.

(c) Notice of the public hearing shall be given by publication and mailing.

(1) Notice by publication shall be given by publication at least twice, the first publication to be not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the taxing districts having property in the proposed economic development project area. Notice by mailing shall be given by depositing such notice together with a copy of the proposed economic development plan in the United States Postal Service by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed economic development project area. The notice shall be mailed not less than 10 days prior to the dates set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding 3 years as the owners of the property.

(2) The notices issued pursuant to this Section shall include the following:

(A) The time and place of public hearing;

(B) The boundaries of the proposed economic development project area by legal description and by street location where possible;

(C) A notification that all interested persons will be given an opportunity to be heard at the public hearing;

(D) An invitation for any person to submit alternative proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land within the proposed economic development project area;

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(E) A description of the economic development plan or economic development project if a plan or project is a subject matter of the hearing; and

(F) Such other matters as the county may deem appropriate.

(3) Not less than 45 days prior to the date set for hearing, the county shall give notice by mail as provided in this subsection (c) to all taxing districts of which taxable property is included in the economic development project area, and to the Department. In addition to the other requirements under this subsection (c), the notice shall include an invitation to the Department and each taxing district to submit comments to the county concerning the subject matter of the hearing prior to the date of the hearing.

(d) At the public hearing any interested person, the Department or any affected taxing district may file written objections with the county clerk and may be heard orally with respect to any issues embodied in the notice. The county shall hear and determine all alternate proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land and all protests and objections at the hearing, and the hearing may be adjourned to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the adjourned hearing. Public hearings with regard to an economic development plan, economic development project area, or economic development project may be held simultaneously.

(e) At the public hearing, or at any time prior to the adoption by the county of an ordinance approving an economic development plan, the county may make changes in the economic development plan. Changes which (1) alter the exterior boundaries of the proposed economic development project area, (2) substantially affect the general land uses established in the proposed economic development plan, (3) substantially change the nature of the proposed economic development plan, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area shall be made only after review by joint review board, notice and hearing pursuant to the procedures set forth in this Section. Changes which do not (1) alter the exterior boundaries of a proposed economic development project area, (2)
substantially affect the general land uses established in the proposed plan, (3) substantially change the nature of the proposed economic development plan, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made without further notice or hearing, provided that the county shall give notice of its changes by mail to the Department and to each affected taxing district and by publication in a newspaper or newspapers of general circulation with the affected taxing districts. Such notice by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such changes.

(f) At any time within 90 days of the final adjournment of the public hearing, a county may, by ordinance, approve the economic development plan, establish the economic development project area, and authorize property tax allocation financing for such economic development project area.

Any ordinance adopted by Whiteside County which approves the economic development plan shall contain findings that the economic development project is reasonably expected to create or retain not less than 500 full-time equivalent jobs, that private investment in an amount not less than $25,000,000 is reasonably expected to occur in the economic development project area, that the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income, and that the economic development project will increase or maintain the property, sales and income tax bases of the county and of the State.

Any ordinance adopted by Stephenson County that approves an economic development plan shall contain findings that (i) the economic development project is reasonably expected to create or retain not less than 500 full-time equivalent jobs; (ii) private investment in an amount not less than $10,000,000 is reasonably expected to occur in the economic development area; (iii) the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income; and (iv) the economic development project will increase or maintain the property, sales, and income tax bases of the county and of the State.

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the State. Before the economic development project area is established by Stephenson County, the following additional conditions must be included in an intergovernmental agreement approved by both the Stephenson County Board and the corporate authorities of the City of Freeport: (i) the corporate authorities of the City of Freeport must concur by resolution with the findings of Stephenson County; (ii) both the corporate authorities of the City of Freeport and the Stephenson County Board shall approve any and all economic or redevelopment agreements and incentives for any economic development project within the economic development area; (iii) any economic development project that receives funds under this Act, except for any economic development project specifically excluded from annexation in the provisions of the intergovernmental agreement, shall agree to and must enter into an annexation agreement with the City of Freeport to annex property included in the economic development project area to the City of Freeport at the first point in time that the property becomes contiguous to the City of Freeport; (iv) the local share of all State occupation and use taxes allocable to the City of Freeport and Stephenson County and derived from commercial projects within the economic development project area shall be equally shared by and between the City of Freeport and Stephenson County for the duration of the economic development project; and (v) any development in the economic development project area shall be built in accordance with the building and related codes of both the City of Freeport and Stephenson County and the City of Freeport shall approve all provisions for water and sewer service.

The ordinance shall also state that the economic development project area shall not include parcels to be used for purposes of residential development. Any ordinance adopted which establishes an economic development project area shall contain the boundaries of such area by legal description and, where possible, by street location. Any ordinance adopted which authorizes property tax allocation financing shall provide that the ad valorem taxes, if any, arising from the levies upon taxable real property in such economic development project area by taxing districts and tax rates determined in the manner provided in subsection (b) of Section 6 of this Act each year after the effective date of the ordinance until economic development project costs and all county obligations financing economic development project costs incurred under this Act have been paid shall be divided as follows:

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(1) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the economic development project area shall be allocated to, and when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of property tax allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized assessed value of each property in the economic development project area shall be allocated to and when collected shall be paid to the county treasurer who shall deposit those taxes into a special fund called the special tax allocation fund of the county for the purpose of paying economic development project costs and obligations incurred in the payment thereof.

(g) After a county has by ordinance approved an economic development plan and established an economic development project area, the plan may be amended and the boundaries of the area may be altered only as herein provided. Amendments which (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established pursuant to the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved shall be made only after review by a joint review board, notice and hearing pursuant to the procedures set forth in this Section. Amendments which do not (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established in the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved shall be made only after review by a joint review board, notice and hearing pursuant to the procedures set forth in this Section.

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type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made without further hearing or notice, provided that the county shall give notice of any amendment by mail to the Department and to each taxing district and by publication in a newspaper or newspapers of general circulation within the affected taxing districts. Such notices by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such amendments.

(h) After the adoption of an ordinance adopting property tax allocation financing for an economic development project area, the county shall annually report to each taxing district having taxable property within such economic development project area (i) any increase or decrease in the equalized assessed value of the real property located within such economic development project area above or below the initial equalized assessed value of such real property, (ii) that portion, if any, of the ad valorem taxes arising from the levies upon taxable real property in such economic development project area by the taxing districts which is attributable to the increase in the current equalized assessed valuation of each lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized value of each property and which has been allocated to the county in the current year, and (iii) such other information as the county may deem relevant.

(i) The county shall give notice by mail as provided in this Section and shall reconvene the joint review board not less than annually for each of the 2 years following its adoption of an ordinance adopting property tax allocation financing for an economic development project area and not less than once in each 3-year period thereafter. The county shall provide such information, and may provide administrative support and facilities as the joint review board may reasonably require for each of such meetings.

(Source: P.A. 92-791, eff. 8-6-02.)

(55 ILCS 85/5) (from Ch. 34, par. 7005)

Sec. 5. Submission to Department; certification by Department.

(a) The county shall submit certified copies of any ordinances adopted approving a proposed economic development plan, establishing an economic development project area, and authorizing tax increment allocation financing to the Department, together with (1) a map of the economic development project area, (2) a copy of the economic development plan as approved, (3) an analysis, and any supporting documents and statistics, demonstrating (i) that the economic development

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project is reasonably expected to create or retain not less than 500 full-
time equivalent jobs and (ii) that private investment in the amount of not
less than $25,000,000 for all ordinances adopted by Whiteside County and
in the amount of not less than $10,000,000 for any ordinance adopted by
Stephenson County is reasonably expected to occur in the economic
development project area, (4) an estimate of the economic impact of the
economic development plan and the use of property tax allocation
financing upon the revenues of the county and the affected taxing districts,
(5) a record of all public hearings held in connection with the
establishment of the economic development project area, and (6) such
other information as the Department by regulation may require.

(b) Upon receipt of an application from a county the Department
shall review the application to determine whether the economic
development project area qualifies as an economic development project
area under this Act. At its discretion, the Department may accept or reject
the application or may request such additional information as it deems
necessary or advisable to aid its review. If any such area is found to be
qualified to be an economic development project area, the Department
shall approve and certify such economic development project area and
shall provide written notice of its approval and certification to the county
and to the county clerk. In determining whether an economic development
project area shall be approved and certified, the Department shall consider
(1) whether, without public intervention, the State would suffer substantial
economic dislocation, such as relocation of a commercial business or
industrial or manufacturing facility to another state, territory or country, or
would not otherwise benefit from private investment offering substantial
employment opportunities and economic growth, and (2) the impact on the
revenues of the county and the affected taxing districts of the use of tax
increment allocation financing in connection with the economic
development project.

(c) On or before July 1, 2007 2006, the Department shall submit to
the General Assembly a report detailing the number of economic
development project areas it has approved and certified, the number and
type of jobs created or retained therein, the aggregate amount of private
investment therein, the impact in the revenues of counties and affected
taxing districts of the use of property tax allocation financing therein, and
such additional information as the Department may determine to be
relevant. On July 1, 2008 the authority granted hereunder to counties to
establish economic development project areas and to adopt property tax

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allocation financing in connection therewith and to the Department to approve and certify economic development project areas shall expire unless the General Assembly shall have authorized counties and the Department to continue to exercise the powers granted to them under this Act.

(Source: P.A. 92-791, eff. 8-6-02.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0960
(Senate Bill No. 2148)

AN ACT concerning tobacco.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Prevention of Cigarette Sales to Minors Act.

Section 5. Unlawful shipment or transportation of cigarettes.

(a) It is unlawful for any person engaged in the business of selling cigarettes to ship or cause to be shipped any cigarettes unless the person shipping the cigarettes:

(1) is licensed as a distributor under either the Cigarette Tax Act, or the Cigarette Use Tax Act; or delivers the cigarettes to a distributor licensed under either the Cigarette Tax Act or the Cigarette Use Tax Act; or

(2) ships them to an export warehouse proprietor pursuant to Chapter 52 of the Internal Revenue Code, or an operator of a customs bonded warehouse pursuant to Section 1311 or 1555 of Title 19 of the United States Code.

For purposes of this subsection (a), a person is a licensed distributor if the person's name appears on a list of licensed distributors published by the Illinois Department of Revenue. The term cigarette has the same meaning as defined in Section 1 of the Cigarette Tax Act and Section 1 of the Cigarette Use Tax Act. Nothing in this Act prohibits a person licensed as a distributor under the Cigarette Tax Act or the Cigarette Use Tax Act from shipping or causing to be shipped any

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cigarettes to a registered retailer under the Retailers' Occupation Tax Act provided the cigarette tax or cigarette use tax has been paid.

(b) A common or contract carrier may transport cigarettes to any individual person in this State only if the carrier reasonably believes such cigarettes have been received from a person described in paragraph (a)(1). Common or contract carriers may make deliveries of cigarettes to licensed distributors described in paragraph (a)(1) of this Section. Nothing in this subsection (b) shall be construed to prohibit a person other than a common or contract carrier from transporting not more than 1,000 cigarettes at any one time to any person in this State.

(c) A common or contract carrier may not complete the delivery of any cigarettes to persons other than those described in paragraph (a)(1) of this Section without first obtaining from the purchaser an official written identification from any state or federal agency that displays the person's date of birth or a birth certificate that includes a reliable confirmation that the purchaser is at least 18 years of age; that the cigarettes purchased are not intended for consumption by an individual who is younger than 18 years of age; and a written statement signed by the purchaser that certifies the purchaser's address and that the purchaser is at least 18 years of age. The statement shall also confirm: (1) that the purchaser understands that signing another person's name to the certification is illegal; (2) that the sale of cigarettes to individuals under 18 years of age is illegal; and (3) that the purchase of cigarettes by individuals under 18 years of age is illegal under the laws of Illinois.

(d) When a person engaged in the business of selling cigarettes ships or causes to be shipped any cigarettes to any person in this State, other than in the cigarette manufacturer's or tobacco products manufacturer's original container or wrapping, the container or wrapping must be plainly and visibly marked with the word "cigarettes".

(e) When a peace officer of this State or any duly authorized officer or employee of the Illinois Department of Public Health or Department of Revenue discovers any cigarettes which have been or which are being shipped or transported in violation of this Section, he or she shall seize and take possession of the cigarettes, and the cigarettes shall be subject to a forfeiture action pursuant to the procedures provided under the Cigarette Tax Act or Cigarette Use Tax Act.

Section 10. Violation.

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(a) A person who violates subsection (a), (b), or (c) of Section 5 is guilty of a Class A misdemeanor. A second or subsequent violation of subsection (a), (b), or (c) of Section 5 is a Class 4 felony.

(b) The Department of Revenue shall impose a civil penalty not to exceed $5,000 on any person who violates subsection (a), (b), or (c) of Section 5. The Department of Revenue shall impose a civil penalty not to exceed $5,000 on any person engaged in the business of selling cigarettes who ships or causes to be shipped any such cigarettes to any person in this State in violation of subsection (d) of Section 5.

(c) Any person aggrieved by any decision of the Department of Revenue may, within 60 days after notice of that decision, protest in writing and request a hearing. The Department of Revenue shall give notice to the person of the time and place for the hearing and shall hold a hearing before it issues a final administrative decision. Absent a written protest within 60 days, the Department's decision shall become final without any further determination made or notice given.

Section 99. Effective date. This Act takes effect July 1, 2004.

PUBLIC ACT 93-0961
(Senate Bill No. 2158)
AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-4 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

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On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local

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laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions:
insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which
information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the

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development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

   (A) The area consists of one or more unused quarries, mines, or strip mine ponds.

   (B) The area consists of unused railyards, railroad tracks, or railroad rights-of-way.

   (C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

   (D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

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(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

1. Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

2. Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

3. Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration,

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including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of

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buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is

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increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

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(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Acts.

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Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax

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Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

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(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment

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allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
(H) a commitment to fair employment practices and an affirmative action plan;

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(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is

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adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or

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(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax

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Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

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(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units

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are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided

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that the municipality shall give notice of any such changes by mail
to each affected taxing district and registrant on the interested party
registry, to authorize the municipality to expend tax increment
revenues for redevelopment project costs defined by paragraphs (5)
and (7.5), subparagraphs (E) and (F) of paragraph (11), and
paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as
the changes do not increase the total estimated redevelopment
project costs set out in the redevelopment plan by more than 5%
after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private
development project in furtherance of the objectives of a redevelopment
plan. On and after November 1, 1999 (the effective date of Public Act 91-
478), no redevelopment plan may be approved or amended that includes
the development of vacant land (i) with a golf course and related
clubhouse and other facilities or (ii) designated by federal, State, county,
or municipal government as public land for outdoor recreational activities
or for nature preserves and used for that purpose within 5 years prior to the
adoption of the redevelopment plan. For the purpose of this subsection,
"recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the
municipality, which is not less in the aggregate than 1 1/2 acres and in
respect to which the municipality has made a finding that there exist
conditions which cause the area to be classified as an industrial park
conservation area or a blighted area or a conservation area, or a
combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total
of all reasonable or necessary costs incurred or estimated to be incurred,
and any such costs incidental to a redevelopment plan and a
redevelopment project. Such costs include, without limitation, the
following:

   (1) Costs of studies, surveys, development of plans, and
specifications, implementation and administration of the
redevelopment plan including but not limited to staff and
professional service costs for architectural, engineering, legal,
financial, planning or other services, provided however that no
charges for professional services may be based on a percentage of
the tax increment collected; except that on and after November 1,
1999 (the effective date of Public Act 91-478), no contracts for
professional services, excluding architectural and engineering

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services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999,
redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs

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the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

   (i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

   (ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

   (iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total

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amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following

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restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after the effective date of this amendatory Act of the 93rd General Assembly, a public library district’s increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites

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necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its

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claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

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(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;
(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;
(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;
(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and
(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).
(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the

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construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses

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located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

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(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or

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the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelveths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or

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relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

(65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

Sec. 11-74.4-4. Municipal powers and duties; redevelopment project areas. A municipality may:

(a) The changes made by this amendatory Act of the 91st General Assembly do not apply to a municipality that, (i) before the effective date of this amendatory Act of the 91st General Assembly, has adopted an ordinance or resolution fixing a time and place for a public hearing under Section 11-74.4-5 or (ii) before July 1, 1999, has adopted an ordinance or resolution providing for a feasibility study under Section 11-74.4-4.1, but has not yet adopted an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section, until after that municipality adopts an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section; thereafter the changes made by this amendatory Act of the 91st General Assembly apply to the same extent that they apply to redevelopment plans and redevelopment projects that were approved and redevelopment projects that were designated before the effective date of this amendatory Act of the 91st General Assembly.

By ordinance introduced in the governing body of the municipality within 14 to 90 days from the completion of the hearing specified in Section 11-74.4-5 approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to notice and hearing required by this Act. No redevelopment project area shall be

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designated unless a plan and project are approved prior to the designation of such area and such area shall include only those contiguous parcels of real property and improvements thereon substantially benefited by the proposed redevelopment project improvements. Upon adoption of the ordinances, the municipality shall forthwith transmit to the county clerk of the county or counties within which the redevelopment project area is located a certified copy of the ordinances, a legal description of the redevelopment project area, a map of the redevelopment project area, identification of the year that the county clerk shall use for determining the total initial equalized assessed value of the redevelopment project area consistent with subsection (a) of Section 11-74.4-9, and a list of the parcel or tax identification number of each parcel of property included in the redevelopment project area.

(b) Make and enter into all contracts with property owners, developers, tenants, overlapping taxing bodies, and others necessary or incidental to the implementation and furtherance of its redevelopment plan and project. Contract provisions concerning loan repayment obligations in contracts Contracts entered into on or after the effective date of this amendatory Act of the 93rd General Assembly shall terminate no later than the last to occur of the estimated dates of completion of the redevelopment project and retirement of the obligations issued to finance redevelopment project costs as required by item (3) of subsection (n) of Section 11-74.4-3. Payments received under contracts entered into by the municipality prior to the effective date of this amendatory Act of the 93rd General Assembly that are received after the redevelopment project area has been terminated by municipal ordinance shall be deposited into a special fund of the municipality to be used for other community redevelopment needs within the redevelopment project area.

(c) Within a redevelopment project area, acquire by purchase, donation, lease or eminent domain; own, convey, lease, mortgage or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality determines is reasonably necessary to achieve the objectives of the redevelopment plan and project. No conveyance, lease, mortgage, disposition of land or other property owned by a municipality, or agreement relating to the development of such municipal property shall be made except upon the adoption of an ordinance by the corporate authorities of the municipality. Furthermore, no conveyance, lease, mortgage, or other disposition of land

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owned by a municipality or agreement relating to the development of such
municipal property shall be made without making public disclosure of the
terms of the disposition and all bids and proposals made in response to the
municipality's request. The procedures for obtaining such bids and
proposals shall provide reasonable opportunity for any person to submit
alternative proposals or bids.

(d) Within a redevelopment project area, clear any area by
demolition or removal of any existing buildings and structures.

(e) Within a redevelopment project area, renovate or rehabilitate or
construct any structure or building, as permitted under this Act.

(f) Install, repair, construct, reconstruct or relocate streets, utilities
and site improvements essential to the preparation of the redevelopment
area for use in accordance with a redevelopment plan.

(g) Within a redevelopment project area, fix, charge and collect
fees, rents and charges for the use of any building or property owned or
leased by it or any part thereof, or facility therein.

(h) Accept grants, guarantees and donations of property, labor, or
other things of value from a public or private source for use within a
project redevelopment area.

(i) Acquire and construct public facilities within a redevelopment
project area, as permitted under this Act.

(j) Incur project redevelopment costs and reimburse developers
who incur redevelopment project costs authorized by a redevelopment
agreement; provided, however, that on and after the effective date of this
amendatory Act of the 91st General Assembly, no municipality shall incur
redevelopment project costs (except for planning costs and any other
eligible costs authorized by municipal ordinance or resolution that are
subsequently included in the redevelopment plan for the area and are
incurred by the municipality after the ordinance or resolution is adopted)
that are not consistent with the program for accomplishing the objectives
of the redevelopment plan as included in that plan and approved by the
municipality until the municipality has amended the redevelopment plan as
provided elsewhere in this Act.

(k) Create a commission of not less than 5 or more than 15 persons
to be appointed by the mayor or president of the municipality with the
consent of the majority of the governing board of the municipality.
Members of a commission appointed after the effective date of this
amendatory Act of 1987 shall be appointed for initial terms of 1, 2, 3, 4
and 5 years, respectively, in such numbers as to provide that the terms of

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not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The commission, subject to approval of the corporate authorities may exercise the powers enumerated in this Section. The commission shall also have the power to hold the public hearings required by this division and make recommendations to the corporate authorities concerning the adoption of redevelopment plans, redevelopment projects and designation of redevelopment project areas.

(l) Make payment in lieu of taxes or a portion thereof to taxing districts. If payments in lieu of taxes or a portion thereof are made to taxing districts, those payments shall be made to all districts within a project redevelopment area on a basis which is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment project area.

(m) Exercise any and all other powers necessary to effectuate the purposes of this Act.

(n) If any member of the corporate authority, a member of a commission established pursuant to Section 11-74.4-4(k) of this Act, or an employee or consultant of the municipality involved in the planning and preparation of a redevelopment plan, or project for a redevelopment project area or proposed redevelopment project area, as defined in Sections 11-74.4-3(i) through (k) of this Act, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates and terms and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the corporate authorities and entered upon the minute books of the corporate authorities. If an individual holds such an interest then that individual shall refrain from any further official involvement in regard to such redevelopment plan, project or area, from voting on any matter pertaining to such redevelopment plan, project or area, or communicating with other members concerning corporate authorities, commission or employees concerning any matter pertaining to said redevelopment plan, project or area. Furthermore, no such member or employee shall acquire of any interest direct, or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan, project or area or (b) first public notice of such plan, project or area pursuant to Section 11-74.4-6 of this Division, whichever occurs first. For the purposes of this subsection, a

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property interest acquired in a single parcel of property by a member of the corporate authority, which property is used exclusively as the member's primary residence, shall not be deemed to constitute an interest in any property included in a redevelopment area or proposed redevelopment area that was established before December 31, 1989, but the member must disclose the acquisition to the municipal clerk under the provisions of this subsection. For the purposes of this subsection, a month-to-month leasehold interest in a single parcel of property by a member of the corporate authority shall not be deemed to constitute an interest in any property included in any redevelopment area or proposed redevelopment area, but the member must disclose the interest to the municipal clerk under the provisions of this subsection.

(o) Create a Tax Increment Economic Development Advisory Committee to be appointed by the Mayor or President of the municipality with the consent of the majority of the governing board of the municipality, the members of which Committee shall be appointed for initial terms of 1, 2, 3, 4 and 5 years respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The Committee shall have none of the powers enumerated in this Section. The Committee shall serve in an advisory capacity only. The Committee may advise the governing Board of the municipality and other municipal officials regarding development issues and opportunities within the redevelopment project area or the area within the State Sales Tax Boundary. The Committee may also promote and publicize development opportunities in the redevelopment project area or the area within the State Sales Tax Boundary.

(p) Municipalities may jointly undertake and perform redevelopment plans and projects and utilize the provisions of the Act wherever they have contiguous redevelopment project areas or they determine to adopt tax increment financing with respect to a redevelopment project area which includes contiguous real property within the boundaries of the municipalities, and in doing so, they may, by agreement between municipalities, issue obligations, separately or jointly, and expend revenues received under the Act for eligible expenses anywhere within contiguous redevelopment project areas or as otherwise permitted in the Act.

(q) Utilize revenues, other than State sales tax increment revenues, received under this Act from one redevelopment project area for eligible

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costs in another redevelopment project area that is either contiguous to, or is separated only by a public right of way from, the redevelopment project area from which the revenues are received. Utilize tax increment revenues for eligible costs that are received from a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or is separated only by a public right of way from, the redevelopment project area created under this Act which initially receives these revenues. Utilize revenues, other than State sales tax increment revenues, by transferring or loaning such revenues to a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or separated only by a public right of way from the redevelopment project area that initially produced and received those revenues; and, if the redevelopment project area (i) was established before the effective date of this amendatory Act of the 91st General Assembly and (ii) is located within a municipality with a population of more than 100,000, utilize revenues or proceeds of obligations authorized by Section 11-74.4-7 of this Act, other than use or occupation tax revenues, to pay for any redevelopment project costs as defined by subsection (q) of Section 11-74.4-3 to the extent that the redevelopment project costs involve public property that is either contiguous to, or separated only by a public right of way from, a redevelopment project area whether or not redevelopment project costs or the source of payment for the costs are specifically set forth in the redevelopment plan for the redevelopment project area.

   (r) If no redevelopment project has been initiated in a redevelopment project area within 7 years after the area was designated by ordinance under subsection (a), the municipality shall adopt an ordinance repealing the area's designation as a redevelopment project area; provided, however, that if an area received its designation more than 3 years before the effective date of this amendatory Act of 1994 and no redevelopment project has been initiated within 4 years after the effective date of this amendatory Act of 1994, the municipality shall adopt an ordinance repealing its designation as a redevelopment project area. Initiation of a redevelopment project shall be evidenced by either a signed redevelopment agreement or expenditures on eligible redevelopment project costs associated with a redevelopment project.

(Source: P.A. 92-16, eff. 6-28-01; 93-298, eff. 7-23-03.)
Effective January 1, 2005.

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AN ACT concerning health care.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Occupational Therapy Practice Act is amended by changing Sections 3.1 and 19 as follows:

(225 ILCS 75/3.1)

(Section scheduled to be repealed on January 1, 2014)

Sec. 3.1. Referrals. A licensed occupational therapist or licensed occupational therapy assistant may consult with, educate, evaluate, and monitor services for clients concerning non-medical occupational therapy needs. Implementation of direct occupational therapy to individuals for their specific health care conditions shall be based upon a referral from a licensed physician, dentist, podiatrist, advanced practice nurse who has a written collaborative agreement with a collaborating physician to provide or accept referrals from licensed occupational therapists, physician assistant who has been delegated authority to provide or accept referrals from or to licensed occupational therapists, or optometrist.

An occupational therapist shall refer to a licensed physician, dentist, optometrist, advanced practice nurse, physician assistant, or podiatrist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the occupational therapist.

(Source: P.A. 92-297, eff. 1-1-02; 93-461, eff. 8-8-03.)

(225 ILCS 75/19) (from Ch. 111, par. 3719)

(Section scheduled to be repealed on January 1, 2014)

Sec. 19. (a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed $2,500 for each violation, with regard to any license for any one or combination of the following:

(1) Material misstatement in furnishing information to the Department;

(2) Wilfully violating this Act, or of the rules promulgated thereunder;

(3) Conviction of any crime under the laws of the United States or any state or territory thereof which is a felony or which is

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a misdemeanor, an essential element of which is dishonesty, or of any crime which is directly related to the practice of occupational therapy;

(4) Making any misrepresentation for the purpose of obtaining certification, or violating any provision of this Act or the rules promulgated thereunder pertaining to advertising;

(5) Having demonstrated unworthiness, or incompetency to act as an occupational therapist or occupational therapy assistant in such manner as to safeguard the interest of the public;

(6) Wilfully aiding or assisting another person, firm, partnership or corporation in violating any provision of this Act or rules;

(7) Failing, within 60 days, to provide information in response to a written request made by the Department;

(8) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(9) Habitual intoxication or addiction to the use of drugs;

(10) Discipline by another state, the District of Columbia, a territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein;

(11) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for professional services not actually or personally rendered;

(12) A finding by the Department that the license holder, after having his license disciplined, has violated the terms of the discipline;

(13) Wilfully making or filing false records or reports in the practice of occupational therapy, including but not limited to false records filed with the State agencies or departments;

(14) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgment, skill or safety;

(15) Solicitation of professional services other than by permitted advertising;

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(16) Wilfully exceeding the scope of practice customarily undertaken by persons licensed under this Act, which conduct results in, or may result in, harm to the public;

(17) Holding one's self out to practice occupational therapy under any name other than his own or impersonation of any other occupational therapy licensee;

(18) Gross negligence;

(19) Malpractice;

(20) Obtaining a fee in money or gift in kind of any other items of value or in the form of financial profit or benefit as personal compensation, or as compensation, or charge, profit or gain for an employer or for any other person or persons, on the fraudulent misrepresentation that a manifestly incurable condition of sickness, disease or injury to any person can be cured;

(21) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;

(22) Failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied;

(23) Violating the Health Care Worker Self-Referral Act; and

(24) Having treated patients other than by the practice of occupational therapy as defined in this Act, or having treated patients as a licensed occupational therapist independent of a referral from a physician, advanced practice nurse or physician assistant in accordance with Section 3.1, dentist, podiatrist, or optometrist, or having failed to notify the physician, advanced practice nurse, physician assistant, dentist, podiatrist, or optometrist who established a diagnosis that the patient is receiving occupational therapy pursuant to that diagnosis.

(b) The determination by a circuit court that a license holder is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as now or hereafter amended, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, an order by the court so

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finding and discharging the patient, and the recommendation of the Board to the Director that the license holder be allowed to resume his practice.

(c) The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Department of Revenue.

(d) In enforcing this Section, the Board, upon a showing of a possible violation, may compel a licensee or applicant to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order (i) the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant or (ii) the examining clinical psychologist to present testimony concerning the mental examination of a licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician or clinical psychologist. An individual to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the person submits to the examination or the Board finds, after notice and hearing, that the refusal to submit to the examination was with reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board must require the individual to submit to care, counseling, or treatment by a physician or clinical psychologist approved by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. In lieu of care, counseling, or treatment, the Board may recommend that the Department file a complaint to immediately suspend or revoke the license of the individual or otherwise discipline the licensee.

Any individual whose license was granted, continued, reinstated, or renewed subject to conditions, terms, or restrictions, as provided for in this Section, or any individual who was disciplined or placed on supervision

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pursuant to this Section must be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.
(Source: P.A. 93-461, eff. 8-8-03.)

Section 15. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Sections 2.2, 5, and 6.4 as follows:

(410 ILCS 70/2.2)
Sec. 2.2. Emergency contraception.
(a) The General Assembly finds:
(1) Crimes of sexual violence cause significant physical, emotional, and psychological trauma to the victims. This trauma is compounded by a victim's fear of becoming pregnant and bearing a child as a result of the sexual assault.
(2) Each year over 32,000 women become pregnant in the United States as the result of rape and approximately 50% of these pregnancies end in abortion.
(3) As approved for use by the Federal Food and Drug Administration (FDA), emergency contraception can significantly reduce the risk of pregnancy if taken within 72 hours after the sexual assault.
(4) By providing emergency contraception to rape victims in a timely manner, the trauma of rape can be significantly reduced.
(b) Within 120 days after the effective date of this amendatory Act of the 92nd General Assembly, every hospital providing services to alleged sexual assault survivors in accordance with a plan approved under Section 2 must develop a protocol that ensures that each survivor of sexual assault will receive medically and factually accurate and written and oral information about emergency contraception; the indications and counterindications and risks associated with the use of emergency contraception; and a description of how and when victims may be provided emergency contraception upon the written order of a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes prescription of emergency contraception, or a physician assistant who has been delegated authority to prescribe emergency contraception. The Department shall approve the protocol if it finds that the implementation of the protocol would provide sufficient protection for survivors of an alleged sexual assault.

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The hospital shall implement the protocol upon approval by the Department. The Department shall adopt rules and regulations establishing one or more safe harbor protocols and setting minimum acceptable protocol standards that hospitals may develop and implement. The Department shall approve any protocol that meets those standards. The Department may provide a sample acceptable protocol upon request.
(Source: P.A. 92-156, eff. 1-1-02.)

(410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)
Sec. 5. Minimum requirements for hospitals providing emergency service to sexual assault survivors.
(a) Every hospital providing emergency hospital services to an alleged sexual assault survivor under this Act shall, as minimum requirements for such services, provide, with the consent of the alleged sexual assault survivor, and as ordered by the attending physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes provision of emergency services, or a physician assistant who has been delegated authority to provide emergency services, the following:

(1) appropriate medical examinations and laboratory tests required to ensure the health, safety, and welfare of an alleged sexual assault survivor or which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, or both; and records of the results of such examinations and tests shall be maintained by the hospital and made available to law enforcement officials upon the request of the alleged sexual assault survivor;

(2) appropriate oral and written information concerning the possibility of infection, sexually transmitted disease and pregnancy resulting from sexual assault;

(3) appropriate oral and written information concerning accepted medical procedures, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from sexual assault;

(4) such medication as deemed appropriate by the attending physician, an advanced practice nurse, or a physician assistant;

(5) a blood test to determine the presence or absence of sexually transmitted disease;

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(6) written and oral instructions indicating the need for a second blood test 6 weeks after the sexual assault to determine the presence or absence of sexually transmitted disease; and

(7) appropriate counseling as determined by the hospital, by trained personnel designated by the hospital.

(b) Any minor who is an alleged survivor of sexual assault who seeks emergency services under this Act shall be provided such services without the consent of the parent, guardian or custodian of the minor.

(Source: P.A. 91-888, eff. 7-6-00.)

(410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

Sec. 6.4. Sexual assault evidence collection program.

(a) There is created a statewide sexual assault evidence collection program to facilitate the prosecution of persons accused of sexual assault. This program shall be administered by the Illinois State Police. The program shall consist of the following: (1) distribution of sexual assault evidence collection kits which have been approved by the Illinois State Police to hospitals that request them, or arranging for such distribution by the manufacturer of the kits, (2) collection of the kits from hospitals after the kits have been used to collect evidence, (3) analysis of the collected evidence and conducting of laboratory tests, and (4) maintaining the chain of custody and safekeeping of the evidence for use in a legal proceeding. The standardized evidence collection kit for the State of Illinois shall be the State Police Evidence Collection Kit, also known as "S.P.E.C.K.". A sexual assault evidence collection kit may not be released by a hospital without the written consent of the sexual assault survivor. In the case of a survivor who is a minor 13 years of age or older, evidence and information concerning the alleged sexual assault may be released at the written request of the minor. If the survivor is a minor who is under 13 years of age, evidence and information concerning the alleged sexual assault may be released at the written request of the parent, guardian, investigating law enforcement officer, or Department of Children and Family Services. Any health care professional, including any physician, advanced practice nurse, physician assistant, or nurse, sexual assault nurse examiner, and any health care institution, including any hospital, who provides evidence or information to a law enforcement officer pursuant to a written request as specified in this Section is immune from any civil or professional liability that might arise from those actions, with the exception of willful or wanton misconduct. The immunity provision applies only if all of the requirements of this Section are met.

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(b) The Illinois State Police shall administer a program to train hospitals and hospital personnel participating in the sexual assault evidence collection program, in the correct use and application of the sexual assault evidence collection kits. A sexual assault nurse examiner may conduct examinations using the sexual assault evidence collection kits, without the presence or participation of a physician. The Department of Public Health shall cooperate with the Illinois State Police in this program as it pertains to medical aspects of the evidence collection.

(c) In this Section, "sexual assault nurse examiner" means a registered nurse who has completed a sexual assault nurse examiner (SANE) training program that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

(Source: P.A. 91-888, eff. 7-6-00; 92-514, eff. 1-1-02.)

Section 20. The Prenatal and Newborn Care Act is amended by changing Sections 2 and 6 as follows:

(410 ILCS 225/2) (from Ch. 111 1/2, par. 7022)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

"Advanced practice nurse" or "APN" means an advanced practice nurse licensed under the Nursing and Advanced Practice Nursing Act who has a written collaborative agreement with a collaborating physician that authorizes the provision of prenatal and newborn care.

(4) "Department" means the Illinois Department of Human Services.

(6) "Early and Periodic Screening, Diagnosis and Treatment (EPSDT)" means the provision of preventative health care under 42 C.F.R. 441.50 et seq., including medical and dental services, needed to assess growth and development and detect and treat health problems.

(6) "Hospital" means a hospital as defined under the Hospital Licensing Act.

(6) "Local health authority" means the full-time official health department or board of health, as recognized by the Illinois Department of Public Health, having jurisdiction over a particular area.

(6) "Nurse" means a nurse licensed under the Nursing and Advanced Practice Nursing Act.

(6) "Physician" means a physician licensed to practice medicine in all of its branches.

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"Physician assistant" means a physician assistant licensed under the Physician Assistant Practice Act of 1987 who has been delegated authority to provide prenatal and newborn care.

(5) "Postnatal visit" means a visit occurring after birth, with reference to the newborn.

(6) "Prenatal visit" means a visit occurring before birth.

(7) "Program" means the Prenatal and Newborn Care Program established pursuant to this Act.

(Source: P.A. 89-507, eff. 7-1-97; 90-742, eff. 8-13-98.)

Sec. 6. Covered services.

(a) Covered services under the program may include, but are not necessarily limited to, the following:

1. Laboratory services related to a recipient's pregnancy, performed or ordered by a physician, advanced practice nurse, or physician assistant.

2. Screening and treatment for sexually transmitted disease.

3. Prenatal visits to a physician in the physician's office, an advanced practice nurse in the advanced practice nurse's office, a physician assistant in the physician assistant's office, or to a hospital outpatient prenatal clinic, local health department maternity clinic, or community health center.

4. Radiology services which are directly related to the pregnancy, are determined to be medically necessary and are ordered by a physician, an advanced practice nurse, or a physician assistant.

5. Pharmacy services related to the pregnancy.

6. Other medical consultations related to the pregnancy.

7. Physician, advanced practice nurse, physician assistant, or nurse services associated with delivery.

8. One postnatal office visit within 60 days after delivery.

9. Two EPSDT-equivalent screenings for the infant within 90 days after birth.

10. Social and support services.

11. Nutrition services.

12. Case management services.

(b) The following services shall not be covered under the program:

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(1) Services determined by the Department not to be medically necessary.
(2) Services not directly related to the pregnancy, except for the 2 covered EPSDT-equivalent screenings.
(3) Hospital inpatient services.
(4) Anesthesiologist and radiologist services during a period of hospital inpatient care.
(5) Physician, advanced practice nurse, and physician assistant hospital visits.
(6) Services considered investigational or experimental.

(Source: P.A. 89-187, eff. 7-19-95.)

Section 30. The Illinois Sexually Transmissible Disease Control Act is amended by changing Sections 4 and 5.5 as follows:

(410 ILCS 325/4) (from Ch. 111 1/2, par. 7404)
Sec. 4. Reporting required.
(a) A physician licensed under the provisions of the Medical Practice Act of 1987, an advanced practice nurse licensed under the provisions of the Nursing and Advanced Practice Nursing Act who has a written collaborative agreement with a collaborating physician that authorizes the provision of services for a sexually transmissible disease, or a physician assistant licensed under the provisions of the Physician Assistant Practice Act of 1987 who has been delegated authority to provide services for a sexually transmissible disease who makes a diagnosis of or treats a person with a sexually transmissible disease and each laboratory that performs a test for a sexually transmissible disease which concludes with a positive result shall report such facts as may be required by the Department by rule, within such time period as the Department may require by rule, but in no case to exceed 2 weeks.
(b) The Department shall adopt rules specifying the information required in reporting a sexually transmissible disease, the method of reporting and specifying a minimum time period for reporting. In adopting such rules, the Department shall consider the need for information, protections for the privacy and confidentiality of the patient, and the practical abilities of persons and laboratories to report in a reasonable fashion.
(c) Any person who knowingly or maliciously disseminates any false information or report concerning the existence of any sexually transmissible disease under this Section is guilty of a Class A misdemeanor.

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(d) Any person who violates the provisions of this Section or the rules adopted hereunder may be fined by the Department up to $500 for each violation. The Department shall report each violation of this Section to the regulatory agency responsible for licensing a health care professional or a laboratory to which these provisions apply.

(Source: P.A. 90-14, eff. 7-1-97.)

(410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

Sec. 5.5. Risk assessment.

(a) Whenever the Department receives a report of HIV infection or AIDS pursuant to this Act and the Department determines that the subject of the report may present or may have presented a possible risk of HIV transmission, the Department shall, when medically appropriate, investigate the subject of the report and that person's contacts as defined in subsection (c), to assess the potential risks of transmission. Any investigation and action shall be conducted in a timely fashion. All contacts other than those defined in subsection (c) shall be investigated in accordance with Section 5 of this Act.

(b) If the Department determines that there is or may have been potential risks of HIV transmission from the subject of the report to other persons, the Department shall afford the subject the opportunity to submit any information and comment on proposed actions the Department intends to take with respect to the subject's contacts who are at potential risk of transmission of HIV prior to notification of the subject's contacts. The Department shall also afford the subject of the report the opportunity to notify the subject's contacts in a timely fashion who are at potential risk of transmission of HIV prior to the Department taking any steps to notify such contacts. If the subject declines to notify such contacts or if the Department determines the notices to be inadequate or incomplete, the Department shall endeavor to notify such other persons of the potential risk, and offer testing and counseling services to these individuals. When the contacts are notified, they shall be informed of the disclosure provisions of the AIDS Confidentiality Act and the penalties therein and this Section.

(c) Contacts investigated under this Section shall in the case of HIV infection include (i) individuals who have undergone invasive procedures performed by an HIV infected health care provider and (ii) health care providers who have performed invasive procedures for persons infected with HIV, provided the Department has determined that there is or may have been potential risk of HIV transmission from the health care

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provider to those individuals or from infected persons to health care providers. The Department shall have access to the subject's records to review for the identity of contacts. The subject's records shall not be copied or seized by the Department.

For purposes of this subsection, the term "invasive procedures" means those procedures termed invasive by the Centers for Disease Control in current guidelines or recommendations for the prevention of HIV transmission in health care settings, and the term "health care provider" means any physician, dentist, podiatrist, advanced practice nurse, physician assistant, nurse, or other person providing health care services of any kind.

(d) All information and records held by the Department and local health authorities pertaining to activities conducted pursuant to this Section shall be strictly confidential and exempt from copying and inspection under the Freedom of Information Act. Such information and records shall not be released or made public by the Department or local health authorities, and shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person and shall be treated in the same manner as the information and those records subject to the provisions of Part 21 of the Code of Civil Procedure except under the following circumstances:

1. When made with the written consent of all persons to whom this information pertains;
2. When authorized under Section 8 to be released under court order or subpoena pursuant to Section 12-16.2 of the Criminal Code of 1961; or
3. When made by the Department for the purpose of seeking a warrant authorized by Sections 6 and 7 of this Act. Such disclosure shall conform to the requirements of subsection (a) of Section 8 of this Act.

(e) Any person who knowingly or maliciously disseminates any information or report concerning the existence of any disease under this Section is guilty of a Class A misdemeanor.

(Source: P.A. 87-763.)

Section 35. The Consent by Minors to Medical Procedures Act is amended by changing Sections 1, 2, 3, and 5 as follows:

(410 ILCS 210/1) (from Ch. 111, par. 4501)

Sec. 1. Consent by minor. The consent to the performance of a medical or surgical procedure by a physician licensed to practice medicine

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and surgery, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes provision of services for minors, or a physician assistant who has been delegated authority to provide services for minors executed by a married person who is a minor, by a parent who is a minor, by a pregnant woman who is a minor, or by any person 18 years of age or older, is not voidable because of such minority, and, for such purpose, a married person who is a minor, a parent who is a minor, a pregnant woman who is a minor, or any person 18 years of age or older, is deemed to have the same legal capacity to act and has the same powers and obligations as has a person of legal age.  
(Source: P.A. 89-187, eff. 7-19-95.)

(410 ILCS 210/2) (from Ch. 111, par. 4502)

Sec. 2. Any parent, including a parent who is a minor, may consent to the performance upon his or her child of a medical or surgical procedure by a physician licensed to practice medicine and surgery, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes provision of services for minors, or a physician assistant who has been delegated authority to provide services for minors or a dental procedure by a licensed dentist. The consent of a parent who is a minor shall not be voidable because of such minority, but, for such purpose, a parent who is a minor shall be deemed to have the same legal capacity to act and shall have the same powers and obligations as has a person of legal age.  
(Source: P.A. 77-1661.)

(410 ILCS 210/3) (from Ch. 111, par. 4503)

Sec. 3. (a) Where a hospital, or a physician, licensed to practice medicine or surgery, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes provision of services for minors, or a physician assistant who has been delegated authority to provide services for minors renders emergency treatment or first aid or a licensed dentist renders emergency dental treatment to a minor, consent of the minor's parent or legal guardian need not be obtained if, in the sole opinion of the physician, advanced practice nurse, physician assistant, dentist, or hospital, the obtaining of consent is not reasonably feasible under the circumstances without adversely affecting the condition of such minor's health.

(b) Where a minor is the victim of a predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse or criminal sexual abuse, as

New matter indicated by italics - deletions by strikeout.
provided in Sections 12-13 through 12-16 of the Criminal Code of 1961, as now or hereafter amended, the consent of the minor's parent or legal guardian need not be obtained to authorize a hospital, physician, advanced practice nurse, physician assistant, or other medical personnel to furnish medical care or counseling related to the diagnosis or treatment of any disease or injury arising from such offense. The minor may consent to such counseling, diagnosis or treatment as if the minor had reached his or her age of majority. Such consent shall not be voidable, nor subject to later disaffirmance, because of minority.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

(410 ILCS 210/5) (from Ch. 111, par. 4505)

Sec. 5. Counseling; informing parent or guardian. Any physician, advanced practice nurse, or physician assistant, who provides diagnosis or treatment or any licensed clinical psychologist or professionally trained social worker with a master's degree or any qualified person employed (i) by an organization licensed or funded by the Department of Human Services, (ii) by units of local government, or (iii) by agencies or organizations operating drug abuse programs funded or licensed by the Federal Government or the State of Illinois or any qualified person employed by or associated with any public or private alcoholism or drug abuse program licensed by the State of Illinois who provides counseling to a minor patient who has come into contact with any sexually transmitted disease referred to in Section 4 of this Act may, but shall not be obligated to, inform the parent, parents, or guardian of the minor as to the treatment given or needed. Any person described in this Section who provides counseling to a minor who abuses drugs or alcohol or has a family member who abuses drugs or alcohol shall not inform the parent, parents, guardian, or other responsible adult of the minor's condition or treatment without the minor's consent unless that action is, in the person's judgment, necessary to protect the safety of the minor, a family member, or another individual.

Any such person shall, upon the minor's consent, make reasonable efforts to involve the family of the minor in his or her treatment, if the person furnishing the treatment believes that the involvement of the family will not be detrimental to the progress and care of the minor. Reasonable effort shall be extended to assist the minor in accepting the involvement of his or her family in the care and treatment being given.

(Source: P.A. 89-187, eff. 7-19-95; 89-507, eff. 7-1-97.)

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning printing fees.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 21-117 as follows:

(35 ILCS 200/21-117)

Sec. 21-117. Costs of publishing delinquent list. A county shall pay for the printer for advertising delinquent lists the following fees:

(1) in all counties, for tracts of land, $0.40 per column line; and

(2) for town lots, (i) in counties of the first and second class, $0.40 per column line and (ii) in counties of the third class, $0.50 per column line, to be taxed and collected as costs.

The printer shall receive for printing the preamble, the descriptive headings, the affidavit, and any other matter accompanying the delinquent list, the sum of $0.40 per column line, to be paid by the county.

No costs except printer's fee shall be charged on any lands or lots forfeited to the State.

(Source: P.A. 89-233, eff. 1-1-96.)

Section 99. Effective date. This Act takes effect upon becoming law.

Section 5. The Environmental Protection Act is amended by adding Sections 3.283, 3.284, and 22.23b as follows:

(415 ILCS 5/3.283 new)
Sec. 3.283. Mercury relay. "Mercury relay" means a product or device, containing mercury added during its manufacture, that opens or closes electrical contacts to effect the operation of other devices in the same or another electrical circuit. "Mercury relay" includes, but is not limited to, mercury displacement relays, mercury wetted reed relays, and mercury contact relays.

(415 ILCS 5/3.284 new)
Sec. 3.284. Mercury switch. "Mercury switch" means a product or device, containing mercury added during its manufacture, that opens or closes an electrical circuit or gas valve, including, but not limited to, mercury float switches actuated by rising or falling liquid levels, mercury tilt switches actuated by a change in the switch position, mercury pressure switches actuated by a change in pressure, mercury temperature switches actuated by a change in temperature, and mercury flame sensors.

(415 ILCS 5/22.23b new)
Sec. 22.23b. Mercury and mercury-added products.
(a) Beginning July 1, 2005, no person shall purchase or accept, for use in a primary or secondary school classroom, bulk elemental mercury, chemicals containing mercury compounds, or instructional equipment or materials containing mercury added during their manufacture. This subsection (a) does not apply to: (i) other products containing mercury added during their manufacture that are used in schools and (ii) measuring devices used as teaching aids, including, but not limited to, barometers, manometers, and thermometers, if no adequate mercury-free substitute exists.

(b) Beginning July 1, 2007, no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or mercury relay individually or as a product component. For a product that contains one or more mercury switches or mercury relays as a component, this subsection (b) is applicable to each component part or parts and not the entire product. This subsection (b) does not apply to the following:

(1) Mercury switches and mercury relays used in medical diagnostic equipment regulated under the federal Food, Drug, and Cosmetic Act.

(2) Mercury switches and mercury relays used at electric generating facilities.

New matter indicated by italics - deletions by strikeout.
(3) Mercury switches in thermostats used to sense and control room temperature.

(4) Mercury switches and mercury relays required to be used under federal law or federal contract specifications.

(5) A mercury switch or mercury relay used to replace a mercury switch or mercury relay that is a component in a larger product in use prior to July 1, 2007, and one of the following applies:

(A) The larger product is used in manufacturing; or
(B) The mercury switch or mercury relay is integrated and not physically separate from other components of the larger product.

(c) No later than July 1, 2006, the manufacturer of a mercury switch or mercury relay, or a scientific instrument or piece of instructional equipment containing mercury added during its manufacture, may apply to the Agency for an exemption from the provisions of this Section for one or more specific uses of the switch, relay, instrument, or piece of equipment by filing a written petition with the Agency. The Agency may grant an exemption, with or without conditions, if the manufacturer demonstrates the following:

(1) A convenient and widely available system exists for the proper collection, transportation, and processing of the switch, relay, instrument, or piece of equipment at the end of its useful life; and

(2) The specific use or uses of the switch, relay, instrument, or piece of equipment provides a net benefit to the environment, public health, or public safety when compared to available nonmercury alternatives.

Before approving any exemption under this subsection (c) the Agency must consult with other states to promote consistency in the regulation of products containing mercury added during their manufacture. Exemptions shall be granted for a period of 5 years. The manufacturer may request renewals of the exemption for additional 5-year periods by filing additional written petitions with the Agency. The Agency may renew an exemption if the manufacturer demonstrates that the criteria set forth in paragraphs (1) and (2) of this subsection (c) continue to be satisfied. All petitions for an exemption or exemption renewal shall be submitted on forms prescribed by the Agency.

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The Agency must adopt rules for processing petitions submitted pursuant to this subsection (c). The rules shall include, but shall not be limited to, provisions allowing for the submission of written public comments on the petitions.

(d) No later than January 1, 2005, the Agency must submit to the Governor and the General Assembly a report that includes the following:

   (1) An evaluation of programs to reduce and recycle mercury from mercury thermostats and mercury vehicle components; and

   (2) Recommendations for altering the programs to make them more effective.

In preparing the report the Agency may seek information from and consult with, businesses, trade associations, environmental organizations, and other government agencies.

(e) Mercury switches and mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture, are hereby designated as categories of universal waste subject to the streamlined hazardous waste rules set forth in Title 35 of the Illinois Administrative Code, Subtitle G, Chapter I, Subchapter c, Part 733 ("Part 733"). Within 60 days of the effective date of this amendatory Act of the 93rd General Assembly, the Agency shall propose, and within 180 days of receipt of the Agency's proposal the Board shall adopt, rules that reflect this designation and that prescribe procedures and standards for the management of such items as universal waste.

If the United States Environmental Protection Agency adopts streamlined hazardous waste regulations pertaining to the management of mercury switches or mercury relays, or scientific instruments or instructional equipment containing mercury added during their manufacture, or otherwise exempts such items from regulation as hazardous waste, the Board shall adopt equivalent rules in accordance with Section 7.2 of this Act within 180 days of adoption of the federal regulations. The equivalent Board rules may serve as an alternative to the rules adopted under subsection (1) of this subsection (e).

Section 99. Effective date. This Act takes effect upon becoming law.

AN ACT concerning financial regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Banking Act is amended by changing Section 21.2 and by adding Section 21.4 as follows:

(205 ILCS 5/21.2)
Sec. 21.2. Interstate mergers; minimum age requirement.
(a) No out of state bank and no national bank whose main banking premises is located in a state other than Illinois shall merge with or into, or shall acquire all or substantially all of the assets of an Illinois bank that has existed and continuously operated as a bank for 5 years or less.
(b) For purposes of subsection (a) of this Section, an Illinois bank that is the resulting bank following a merger involving an Illinois interim bank shall be considered to have been in existence and continuously operated during the existence and continuous operation of the Illinois merged bank. As used in this subsection (b), the words "interim bank" shall mean a bank which shall not accept deposits, make loans, pay checks, or engage in the general business of banking or any part thereof, and is chartered solely for the purpose of merging with or acquiring control of, or acquiring all or substantially all of the assets of an existing Illinois bank.
(c) The provisions of subsection (a) of the Section shall not apply to the merger or acquisition of all or substantially all of the assets of an Illinois bank:
(1) if the merger or acquisition is part of a purchase or acquisition with respect to which the Federal Deposit Insurance Corporation provides assistance under Section 13(c) of the Federal Deposit Insurance Act; or
(2) if the Illinois bank is in default or in danger of default;
or
(3) if the out of state bank or national bank has its main banking premises in a state that is deemed to be reciprocal with Illinois and would be eligible to establish a branch pursuant to Section 21.4 of this Act.
(Source: P.A. 90-226, eff. 7-25-97.)
(205 ILCS 5/21.4 new)
Sec. 21.4. Out-of-state banks establishing branches.

New matter indicated by italics - deletions by strikeout.
(a) No out-of-state bank and no national bank whose main banking premises is located in a state other than Illinois shall establish a branch in this State, other than a branch authorized pursuant to Section 21.1 of this Act, unless:

1. the laws of the state in which such out-of-state bank or national bank has its main banking premises permit such out-of-state bank or national bank to establish a branch in this State;

2. such out-of-state bank or national bank has its main banking premises in a state that permits a State bank to establish a branch in that state pursuant to terms and conditions that are deemed to be reciprocal with the provisions of this Act; and

3. such out-of-state bank obtains a certificate of authority from, or provides notice to, the Commissioner as provided in subsection (b) of this Section.

(b) Before such out-of-state bank may establish a branch in this State, the out-of-state bank must obtain a certificate of authority from the Commissioner. The out-of-state bank must file an application for a certificate of authority on a form prescribed by the Commissioner. The application for a certificate of authority shall not be required if the state in which the out-of-state bank is chartered permits a state bank to establish a branch in that state without filing an application. An out-of-state bank chartered in such a state may establish a branch in this State pursuant to this Section after providing the Commissioner with written notice. The Commissioner may prescribe the form of such notice and may accept a copy of a notice or application provided by the out-of-state bank to its chartering authority or to its appropriate federal banking agency.

(c) The determination of whether the laws of the state in which such out-of-state bank or national bank has its main banking premises are reciprocal with the provisions of this Act shall be made in writing by the Commissioner. The Commissioner shall not make a finding of reciprocity unless the Commissioner determines that the laws of the other state permit a State bank to establish a branch in such other state under terms and conditions that are substantially similar to the provisions of this Section. The Commissioner shall consider, at a minimum, whether the laws of such other state discriminate in any way against a State bank and whether the laws of such other state impose administrative or regulatory burdens that are substantially more restrictive than those imposed by this Act on an out-of-state bank or national bank seeking to establish a branch in this State.

New matter indicated by italics - deletions by strikeout.
(d) After such out-of-state bank or national bank lawfully establishes a branch in this State pursuant to the provisions of this Section, such out-of-state bank or national bank may establish and maintain additional branches in this State to the same extent as a State bank. An out-of-state bank shall provide written notice to the Commissioner of its intent to establish an additional branch or branches in this State within 30 days after receiving approval from the appropriate federal banking agency to establish the branch or branches. The form of the notice shall be specified by the Commissioner.

(e) A branch of an out-of-state bank may not conduct any activity that is not authorized for a State bank.

Section 10. The Illinois Bank Holding Company Act of 1957 is amended by changing Section 3.071 as follows:

(205 ILCS 10/3.071) (from Ch. 17, par. 2510.01)

Sec. 3.071. Out of state bank holding companies.

(a) An out of state bank holding company may acquire ownership of more than 5% of the voting shares of or control of one or more Illinois banks or Illinois bank holding companies pursuant to a transaction, occurrence or event that is described in paragraphs (1) through (5) of subsection (a) of Section 3.02, provided the acquisition is made in accordance with Sections 3.02 and 3.07 of this Act in accordance with subsection (i) of this Section and provided the following conditions are met:

(1) (Blank).

(2) An out of state bank holding company seeking to acquire an Illinois bank or Illinois bank holding company pursuant to subsection (a) of Section 3.071 shall, if change in control of the bank is governed by Section 18 of the Illinois Banking Act, file with the Commissioner the application required by that Section containing information satisfactory to the Commissioner.

(b) (Blank).

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) (Blank).

(i) (1) An out of state bank holding company which directly or indirectly controls or has control over an Illinois bank that has

New matter indicated by italics - deletions by strikeout.
 existed and continuously operated as a bank for 5 years or less, may not cause the Illinois bank to merge with or into, or to have all or substantially all of the assets acquired by a bank that is an out of state bank.

(2) For purposes of subsection (i)(1) of this Section, an Illinois bank that is the resulting bank following a merger involving an Illinois interim bank shall be considered to have been in existence and continuously operated during the existence and continuous operation of the Illinois merged bank. As used in this subsection (i)(2), the words "resulting bank" and "merged bank" shall have the meanings ascribed to those words in Section 2 of the Illinois Banking Act. As used in this subsection (i)(2), the words "interim bank" shall mean a bank which shall not accept deposits, make loans, pay checks, or engage in the general business of banking or any part thereof; and is chartered solely for the purpose of merging with or acquiring control of, or acquiring all or substantially all of the assets of an existing Illinois bank.

(3) The provisions of subsection (i)(1) of this Section shall not apply to the merger or acquisition of all or substantially all of the assets of an Illinois bank:

(i) if the merger or acquisition is part of a purchase or acquisition with respect to which the Federal Deposit Insurance Corporation provides assistance under Section 13(c) of the Federal Deposit Insurance Act; or

(ii) if the Illinois bank is in default or in danger of default. As used in this subsection (i)(3)(ii), the words "in default" and "in danger of default" shall have the meaning ascribed to those words in Section 2 of the Illinois Banking Act; or

(iii) if the bank with which the Illinois bank is being merged or that is acquiring all or substantially all of the assets of the Illinois bank has its main banking premises in a state that is deemed to be reciprocal with Illinois and would be eligible to establish a branch pursuant to Section 21.4 of the Illinois Banking Act.

(Source: P.A. 89-208, eff. 9-29-95; 89-567, eff. 7-26-96; 90-226, eff. 7-25-97; 90-655, eff. 7-30-98.)

Section 15. The Savings Bank Act is amended by changing Section 1006 and by adding Sections 1006.05 and 1007.130 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 1006. Parity.

(a) Subject to the regulation of the Commissioner and in addition to the powers granted by this Act, each savings bank operating under this Act shall possess those powers granted by regulation promulgated under the Federal Deposit Insurance Act for state savings banks.

(b) A savings bank may establish branches or offices at which savings or investments are regularly received or loans approved as follows:

(1) to the extent branch powers and offices are granted to State banks under the Illinois Banking Act;

(2) within the geographic area defined in Article 2 of this Act and subject to the provisions of Article 2 of this Act;

(3) within the same geographic areas or states as those states from which a holding company is permitted to acquire an Illinois savings bank or an Illinois savings bank holding company;

(4) to the same extent that holding companies and savings and loan associations headquartered outside the State of Illinois are allowed to operate in Illinois by virtue of Articles 1A and 2B of the Illinois Savings and Loan Act of 1985;

(5) as the result of mergers, consolidations, or bulk sales of facilities in the case of relocations; and

(6) to the extent an out-of-state savings bank has its main banking premises in a state that is reciprocal with Illinois and would be eligible to establish a branch pursuant to Section 1006.05 of this Act.

(c) The Commissioner may adopt regulations that provide for the establishment of branches as defined by the Commissioner.

(d) Notwithstanding any other provision of this Act, a savings bank that purchases or assumes all or any part of the assets or liabilities of a bank, savings bank, or savings and loan association or merges or consolidates with a bank, savings bank, or savings and loan association may retain and maintain the main premises or branches of the former bank, savings bank, or savings and loan association as branches of the purchasing, merging, or consolidating savings bank, provided it assumes the deposit liabilities of the bank, savings bank, or savings and loan association maintained at the main premises or branches.

(e) A savings bank has any power reasonably incident, convenient, or useful to the accomplishment of the powers conferred upon the savings bank by this Act.

New matter indicated by italics - deletions by strikeout.
Sec. 1006.05. Out-of-state savings banks establishing branches.

(a) No out-of-state savings bank whose main banking premises is located in a state other than Illinois shall establish a branch in this State, other than a branch authorized pursuant to any other provision of this Act, unless:

   (1) the laws of the state in which such out-of-state savings bank has its main banking premises permit the out-of-state savings bank to establish a branch in this State;

   (2) the out-of-state savings bank has its main banking premises in a state that permits an Illinois State savings bank to establish a branch in that state pursuant to terms and conditions that are deemed to be reciprocal with the provisions of this Act; and

   (3) the out-of-state savings bank obtains a certificate of authority from, or provides notice to, the Commissioner as provided in subsection (b) of this Section.

(b) Before the out-of-state savings bank may establish a branch in this State, the out-of-state savings bank must obtain a certificate of authority from the Commissioner. The out-of-state savings bank must file an application for a certificate of authority on a form prescribed by the Commissioner.

The application for a certificate of authority shall not be required if the state in which the out-of-state savings bank is chartered permits an Illinois State savings bank to establish a branch in that state without filing an application. An out-of-state savings bank chartered in such a state may establish a branch in this State pursuant to this Section after providing the Commissioner with written notice. The Commissioner may prescribe the form of such notice and may accept a copy of a notice or application provided by the out-of-state savings bank to its chartering authority.

(c) The determination of whether the laws of the state in which the out-of-state savings bank has its main banking premises are reciprocal with the provisions of this Act shall be made in writing by the Commissioner. The Commissioner shall not make a finding of reciprocity unless the Commissioner determines that the laws of the other state permit an Illinois State savings bank to establish a branch in the other state under terms and conditions that are substantially similar to the provisions
of this Section. The Commissioner shall consider, at a minimum, whether the laws of the other state discriminate in any way against an Illinois State savings bank and whether the laws of the other state impose administrative or regulatory burdens that are substantially more restrictive than those imposed by this Act on an out-of-state savings bank seeking to establish a branch in this State.

(d) After the out-of-state savings bank lawfully establishes a branch in this State pursuant to the provisions of this Section, the out-of-state savings bank may establish and maintain additional branches in this State to the same extent as an Illinois State savings bank. An out-of-state savings bank shall provide written notice to the Commissioner of its intent to establish an additional branch or additional branches in this State within 30 days after receiving approval from its chartering authority or other appropriate regulatory agency to establish the branch or branches. The form of the notice shall be specified by the Commissioner.

(e) A branch of an out-of-state savings bank may not conduct any activity that is not authorized for an Illinois State savings bank.

(205 ILCS 205/1007.130 new)


Section 99. Effective date. This Act takes effect upon becoming law.

children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the fifth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and regulations promulgated hereunder.

A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. Additional health examinations of pupils, including dental and vision examinations, may be required when deemed necessary by school authorities. Parents are encouraged to have their children undergo dental and vision examinations at the same points in time required for health examinations.

(2) The Department of Public Health shall promulgate rules and regulations specifying the examinations and procedures that constitute a health examination, which shall include the collection of data relating to obesity, including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam, and may recommend by rule that certain additional examinations be performed. The rules and regulations of the Department of Public Health shall specify that a tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. The Department of Public Health shall specify that a diabetes screening as defined by rule shall be included as a required part of each health examination. Diabetes testing is not required.

Physicians licensed to practice medicine in all of its branches, advanced practice nurses who have a written collaborative agreement with a collaborating physician which authorizes them to perform health examinations, or physician assistants who have been delegated the performance of health examinations by their supervising physician shall be responsible for the performance of the health examinations, other than dental examinations and vision and hearing screening, and shall sign all report forms required by subsection (4) of this Section that pertain to those portions of the health examination for which the physician, advanced

New matter indicated by italics - deletions by strikeout.
practice nurse, or physician assistant is responsible. If a registered nurse performs any part of a health examination, then a physician licensed to practice medicine in all of its branches must review and sign all required report forms. Licensed dentists shall perform all dental examinations and shall sign all report forms required by subsection (4) of this Section that pertain to the dental examinations. Physicians licensed to practice medicine in all its branches, or licensed optometrists, shall perform all vision exams required by school authorities and shall sign all report forms required by subsection (4) of this Section that pertain to the vision exam. Vision and hearing screening tests, which shall not be considered examinations as that term is used in this Section, shall be conducted in accordance with rules and regulations of the Department of Public Health, and by individuals whom the Department of Public Health has certified. In these rules and regulations, the Department of Public Health shall require that individuals conducting vision screening tests give a child's parent or guardian written notification, before the vision screening is conducted, that states, "Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months."

(3) Every child shall, at or about the same time as he or she receives a health examination required by subsection (1) of this Section, present to the local school proof of having received such immunizations against preventable communicable diseases as the Department of Public Health shall require by rules and regulations promulgated pursuant to this Section and the Communicable Disease Prevention Act.

(4) The individuals conducting the health examination shall record the fact of having conducted the examination, and such additional information as required, including data relating to obesity, including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam, on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services, including factors relating to obesity. The individuals confirming the administration of required immunizations shall record as indicated on the form that the immunizations were administered.
(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child presents proof of having had the health examination as required and presents proof of having received those required immunizations which are medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal guardian shall be considered in violation of Section 26-1 and subject to any penalty imposed by Section 26-10.

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). This reported information shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8 to the school district for such year
shall be withheld by the regional superintendent until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Parents or legal guardians who object to health examinations or any part thereof, or to immunizations, on religious grounds shall not be required to submit their children or wards to the examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed statement of objection, detailing the grounds for the objection. If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form. Exempting a child from the health examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning.

(Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04; 93-530, eff. 1-1-04; revised 9-11-03.)

Section 10. The Illinois Health Statistics Act is amended by changing Section 4 as follows:

Sec. 4. (a) In carrying out the purposes of this Act, the Department may:

(1) Collect and maintain health data on:
  (i) The extent, nature, and impact of illness, including factors relating to obesity and disability on the population of the State;
  (ii) The determinants of health and health hazards including obesity;
  (iii) Health resources, including the extent of available manpower and resources;
  (iv) Utilization of health care;
  (v) Health care costs and financing; and
  (vi) Other health or health-related matters.

(2) Undertake and support research, demonstrations, and evaluations respecting new or improved methods for obtaining current data on the matters referred to in subparagraph (1).

New matter indicated by italics - deletions by strikeout.
(b) The Department may collect health data under authority granted by any unit of local government and on behalf of other governmental or not-for-profit organizations, including data collected by local schools and the State Board of Education relating to obesity on the health examination form required pursuant to Section 27-8.1 of the School Code. The data shall be de-identified and aggregated pursuant to rules promulgated by the Department to prevent disclosure of personal identifying information.

(c) The Department shall collect data only on a voluntary basis from individuals and organizations, except when there is specific legal authority to compel the mandatory reporting of the health data so requested. In making any collection of health data from an individual or organization the Department must give to such individual or organization a written statement which states:

(1) Whether the individual or organization is required to respond, and any sanctions for noncompliance;
(2) The purposes for which the health data are being collected; and
(3) In the case of any disclosure of identifiable health data for other than research and statistical purposes, the items to be disclosed, to whom the data are to be disclosed and the purposes for which the data are to be disclosed.

(d) Except as provided in Section 5, no health data obtained in the course of activities undertaken or supported under this Act may be used for any purpose other than the purpose for which they were supplied or for which the individual or organization described in the data has otherwise consented.

(e) The Department shall take such actions as may be necessary to assure that statistics developed under this Act are of high quality, timely, comprehensive, as well as specific, standardized and adequately analyzed and indexed.

(f) The Department shall take such action as is appropriate to effect the coordination of health data activities, including health data specifically relating to obesity collected pursuant to Section 27-8.1 of the School Code, within the State to eliminate unnecessary duplication of data collection and maximize the usefulness of data collected.

(g) The Department shall (1) participate with state, local and federal agencies in the design and implementation of a cooperative system for producing comparable and uniform health information and statistics at the federal, state, and local levels; and (2) undertake and support research,
development, demonstrations, and evaluations respecting such cooperative system.
(Source: P.A. 82-215.)

Effective January 1, 2005.

PUBLIC ACT 93-0967
(Senate Bill No. 2982)

AN ACT concerning limited partnerships.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

ARTICLE 1
GENERAL PROVISIONS
Section 0.01. Short title. This Act may be cited as the Uniform Limited Partnership Act (2001).
Section 101. Short title. (See Section 0.01 for short title.)
Section 102. Definitions. In this Act:

(1) "Anniversary" means that day every year exactly one or more years after: (i) the date the certificate of limited partnership was filed by the Office of the Secretary of State, in the case of a limited partnership; or (ii) the date the certificate of authority to transact business was filed by the Office of the Secretary of State, in the case of a foreign limited partnership.

(2) "Anniversary month" means the month in which the anniversary of the limited partnership or foreign limited partnership occurs.

(3) "Certificate of limited partnership" means the certificate required by Section 201. The term includes the certificate as amended or restated.

(4) "Contribution", except in the phrase "right of contribution", means any benefit provided by a person to a limited partnership in order to become a partner or in the person's capacity as a partner.

(5) "Debtor in bankruptcy" means a person that is the subject of:

New matter indicated by italics - deletions by strikeout.
(A) an order for relief under Title 11 of the United States Code or a comparable order under a successor statute of general application; or

(B) a comparable order under federal, state, or foreign law governing insolvency.

(6) "Designated office" means:

(A) with respect to a limited partnership, the office that the limited partnership is required to designate and maintain under Section 114; and

(B) with respect to a foreign limited partnership, its principal office.

(7) "Distribution" means a transfer of money or other property from a limited partnership to a partner in the partner's capacity as a partner or to a transferee on account of a transferable interest owned by the transferee.

(8) "Foreign limited liability limited partnership" means a foreign limited partnership whose general partners have limited liability for the obligations of the foreign limited partnership under a provision similar to Section 404(c).

(9) "Foreign limited partnership" means a partnership formed under the laws of a jurisdiction other than this State and required by those laws to have one or more general partners and one or more limited partners. The term includes a foreign limited liability limited partnership.

(10) "General partner" means:

(A) with respect to a limited partnership, a person that:

(i) becomes a general partner under Section 401; or

(ii) was a general partner in a limited partnership when the limited partnership became subject to this Act under Section 1206(a) or (b); and

(B) with respect to a foreign limited partnership, a person that has rights, powers, and obligations similar to those of a general partner in a limited partnership.

(11) "Limited liability limited partnership", except in the phrase "foreign limited liability limited partnership", means a limited partnership whose certificate of limited partnership states that the limited partnership is a limited liability limited partnership.

New matter indicated by italics - deletions by strikeout.
"Limited partner" means:
(A) with respect to a limited partnership, a person that:
   (i) becomes a limited partner under Section 301; or
   (ii) was a limited partner in a limited partnership when the limited partnership became subject to this Act under Section 1206(a) or (b); and
(B) with respect to a foreign limited partnership, a person that has rights, powers, and obligations similar to those of a limited partner in a limited partnership.

"Limited partnership", except in the phrases "foreign limited partnership" and "foreign limited liability limited partnership", means an entity, having one or more general partners and one or more limited partners, which is formed under this Act by two or more persons or becomes subject to this Act under Article 11 or Section 1206(a) or (b). The term includes a limited liability limited partnership.

"Partner" means a limited partner or general partner.

"Partnership agreement" means the partners' agreement, whether oral, implied, in a record, or in any combination, concerning the limited partnership. The term includes the agreement as amended.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity.

"Person dissociated as a general partner" means a person dissociated as a general partner of a limited partnership.

"Principal office" means the office where the principal executive office of a limited partnership or foreign limited partnership is located, whether or not the office is located in this State.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Required information" means the information that a limited partnership is required to maintain under Section 111.
(21) "Sign" means:
   (A) to execute or adopt a tangible symbol with the present intent to authenticate a record; or
   (B) to attach or logically associate an electronic symbol, sound, or process to or with a record with the present intent to authenticate the record.
(22) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
(23) "Transfer" includes an assignment, conveyance, deed, bill of sale, lease, mortgage, security interest, encumbrance, gift, and transfer by operation of law.
(24) "Transferable interest" means a partner's right to receive distributions.
(25) "Transferee" means a person to which all or part of a transferable interest has been transferred, whether or not the transferor is a partner.

Section 103. Knowledge and notice.
(a) A person knows a fact if the person has actual knowledge of it.
(b) A person has notice of a fact if the person:
   (1) knows of it;
   (2) has received a notification of it;
   (3) has reason to know it exists from all of the facts known to the person at the time in question; or
   (4) has notice of it under subsection (c) or (d).
(c) A certificate of limited partnership on file in the Office of the Secretary of State is notice that the partnership is a limited partnership and the persons designated in the certificate as general partners are general partners. Except as otherwise provided in subsection (d), the certificate is not notice of any other fact.
(d) A person has notice of:
   (1) another person's dissociation as a general partner, 90 days after the effective date of an amendment to the certificate of limited partnership which states that the other person has dissociated or 90 days after the effective date of a statement of dissociation pertaining to the other person, whichever occurs first;
(2) a limited partnership's dissolution, 90 days after the effective date of an amendment to the certificate of limited partnership stating that the limited partnership is dissolved;  
(3) a limited partnership's termination, 90 days after the effective date of a statement of termination;  
(4) a limited partnership's conversion under Article 11, 90 days after the effective date of the articles of conversion; or  
(5) a merger under Article 11, 90 days after the effective date of the articles of merger.  
(e) A person notifies or gives a notification to another person by taking steps reasonably required to inform the other person in ordinary course, whether or not the other person learns of it.  
(f) A person receives a notification when the notification:  
(1) comes to the person's attention; or  
(2) is delivered at the person's place of business or at any other place held out by the person as a place for receiving communications.  
(g) Except as otherwise provided in subsection (h), a person other than an individual knows, has notice, or receives a notification of a fact for purposes of a particular transaction when the individual conducting the transaction for the person knows, has notice, or receives a notification of the fact, or in any event when the fact would have been brought to the individual's attention if the person had exercised reasonable diligence. A person other than an individual exercises reasonable diligence if it maintains reasonable routines for communicating significant information to the individual conducting the transaction for the person and there is reasonable compliance with the routines. Reasonable diligence does not require an individual acting for the person to communicate information unless the communication is part of the individual's regular duties or the individual has reason to know of the transaction and that the transaction would be materially affected by the information.  
(h) A general partner's knowledge, notice, or receipt of a notification of a fact relating to the limited partnership is effective immediately as knowledge of, notice to, or receipt of a notification by the limited partnership, except in the case of a fraud on the limited partnership committed by or with the consent of the general partner. A limited partner's knowledge, notice, or receipt of a notification of a fact relating to the limited partnership is not effective as knowledge of, notice to, or receipt of a notification by the limited partnership.

New matter indicated by italics - deletions by strikeout.
Section 104. Nature, purpose, and duration of entity.
(a) A limited partnership is an entity distinct from its partners. A limited partnership is the same entity regardless of whether its certificate states that the limited partnership is a limited liability limited partnership.
(b) A limited partnership may be organized under this Act for any lawful purpose and may carry on any business that a partnership without limited partners may carry on except banking, the operation of railroads, and insurance unless carried on as a business of a limited syndicate authorized and regulated by the Director of Insurance under Article V 1/2 of the Illinois Insurance Code or for the purpose of carrying on business as a member of a group including incorporated and individual unincorporated underwriters when the Director of Insurance finds that the group meets the requirements of subsection (3) of Section 86 of the Illinois Insurance Code and the limited partnership, if insolvent, is subject to liquidation by the Director of Insurance under Article XIII of the Illinois Insurance Code.
(c) A limited partnership has a perpetual duration.

Section 105. Powers. A limited partnership has the powers to do all things necessary or convenient to carry on its activities, including the power to sue, be sued, and defend in its own name and to maintain an action against a partner for harm caused to the limited partnership by a breach of the partnership agreement or violation of a duty to the partnership.

Section 106. Governing law. The law of this State governs relations among the partners of a limited partnership and between the partners and the limited partnership and the liability of partners as partners for an obligation of the limited partnership.

Section 107. Supplemental principles of law; rate of interest.
(a) Unless displaced by particular provisions of this Act, the principles of law and equity supplement this Act.
(b) If an obligation to pay interest arises under this Act and the rate is not specified, the rate is that specified in Section 4 of the Interest Act.

Section 108. Name.
(a) The name of a limited partnership may contain the name of any partner.
(b) The name of a limited partnership that is not a limited liability limited partnership must contain the phrase "limited partnership" or the abbreviation "L.P." or "LP" and may not contain the phrase "limited liability limited partnership" or the abbreviation "LLLP" or "L.L.L.P.”.
(c) The name of a limited liability limited partnership must contain the phrase "limited liability limited partnership" or the abbreviation "LLLP" or "L.L.L.P." and must not contain the abbreviation "L.P." or "LP".

(d) Unless authorized by subsection (e), the name of a limited partnership must be distinguishable in the records of the Secretary of State from:

(1) the name of each person other than an individual incorporated, organized, or authorized to transact business in this State; and

(2) each name reserved under Section 109, assumed name under Section 108.5 or other Illinois law allowing the reservation or registration of business names, including fictitious or assumed name provisions, except for the Assumed Business Name Act, 805 ILCS 405/.

(e) A limited partnership may apply to the Secretary of State for authorization to use a name that does not comply with subsection (d). The Secretary of State shall authorize use of the name applied for if, as to each conflicting name:

(1) the present user, registrant, or owner of the conflicting name consents in a signed record to the use and submits an undertaking in a form satisfactory to the Secretary of State to change the conflicting name to a name that complies with subsection (d) and is distinguishable in the records of the Secretary of State from the name applied for;

(2) the applicant delivers to the Secretary of State a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use in this State the name applied for; or

(3) the applicant delivers to the Secretary of State proof satisfactory to the Secretary of State that the present user, registrant, or owner of the conflicting name:

(A) has merged into the applicant;

(B) has been converted into the applicant; or

(C) has transferred substantially all of its assets, including the conflicting name, to the applicant.

(f) Subject to Section 905, this Section applies to any foreign limited partnership transacting business in this State, having a certificate
of authority to transact business in this State, or applying for a certificate of authority.

(g) Nothing in this Section shall:

(1) require any limited partnership existing under the "Uniform Limited Partnership Act", filed June 28, 1917, as amended, to modify or otherwise change its name; or

(2) abrogate or limit the common law or statutory law of unfair competition or unfair trade practices, nor derogate from the common law or principles of equity or the statutes of this State or of the United States with respect to the right to acquire and protect copyrights, trade names, trademarks, service marks, service names, or any other right to the exclusive use of names or symbols.

Section 108.5. Assumed name.

(a) A limited partnership or a foreign limited partnership admitted to transact business in this State may elect to adopt an assumed name that complies with the requirements of Section 108 of this Act except the requirement that the name contain the words "limited partnership", "limited liability limited partnership", or the abbreviation "L.P.", "LP", "LLLP" or "L.L.L.P."

(b) As used in this Act, "assumed name" means any name other than the true name of a limited partnership or the name under which a foreign limited partnership is admitted to transact business in this State, except that the following do not constitute the use of an assumed name under this Act:

(1) The identification by a limited partnership or foreign limited partnership of its business with a trademark or service mark of which it is the owner or licensed user.

(2) The use of a name of a division, not constituting a separate limited partnership and not containing the words "limited partnership" or an abbreviation of those words, provided that the limited partnership also clearly discloses its true name.

(c) Before transacting any business in this State under an assumed name or names, the limited partnership or foreign limited partnership shall, for each assumed name, execute and file in accordance with Section 108 or 204 of this Act, as applicable, an application setting forth:

(1) the true name of the limited partnership or the name under which the foreign limited partnership is admitted to transact business in this State;
(2) the State or other jurisdiction under the laws of which it is formed;
(3) that it intends to transact business under an assumed name; and
(4) the assumed name which it proposes to use.

(d) The right to use an assumed name shall be effective from the date of filing by the Secretary of State until the first day of the anniversary month of the limited partnership or foreign limited partnership that falls within the next calendar year evenly divisible by 5, however, if an application is filed within the 3 months immediately preceding the anniversary month of a limited partnership or foreign limited partnership that falls within a calendar year evenly divisible by 5, the right to use the assumed name shall be effective until the first day of the anniversary month of the limited partnership or foreign limited partnership that falls within the next succeeding year evenly divisible by 5.

(e) A limited partnership or foreign limited partnership may renew the right to use its assumed name or names, if any, within the 60 days preceding the expiration of such right, for a period of 5 years, by making an election to do so on a form prescribed by the Secretary of State and by paying the renewal fee as prescribed by this Act.

(f) Any limited partnership or foreign limited partnership may change or cancel any or all of its assumed names by executing and filing, in duplicate, an application setting forth:
   (1) the true name of the limited partnership or the name under which the foreign limited partnership is admitted to transact business in this State;
   (2) the state or country under the laws of which it is organized;
   (3) a statement that it intends to cease transacting business under an assumed name by changing or cancelling it;
   (4) the assumed name to be changed or cancelled;
   (5) the assumed name which the limited partnership or foreign limited partnership proposes to use, if it is to be changed.

(g) Upon the filing of an application to change an assumed name, the limited partnership or foreign limited partnership shall have the right to use such assumed name for the period authorized by subsection (d) of this Section.

(h) The right to use an assumed name shall be cancelled by the Secretary of State:

New matter indicated by italics - deletions by strikeout.
(1) if the limited partnership or foreign limited partnership fails to renew an assumed name;

(2) if the limited partnership or foreign limited partnership has filed an application to change or cancel an assumed name;

(3) if a limited partnership's certificate of limited partnership or certificate to be governed by this Act has been cancelled;

(4) if a foreign limited partnership's application for admission to transact business has been cancelled.

(i) Any limited partnership or foreign limited partnership carrying on, conducting or transacting business under an assumed name which shall fail to comply with the provisions of this Section shall be subject to the penalty provisions in Section 5 of "An Act in relation to the use of an assumed name in the conduct or transaction of business in this State", approved July 17, 1941, as amended.

(j) A foreign limited partnership that applies for and receives a certificate of authority under Section 905, is deemed to have complied with this Section in full.

Section 109. Reservation of name.

(a) The exclusive right to the use of a name that complies with Section 108 may be reserved by:

(1) a person intending to organize a limited partnership under this Act and to adopt the name;

(2) a limited partnership or a foreign limited partnership authorized to transact business in this State intending to adopt the name;

(3) a foreign limited partnership intending to obtain a certificate of authority to transact business in this State and adopt the name;

(4) a person intending to organize a foreign limited partnership and intending to have it obtain a certificate of authority to transact business in this State and adopt the name;

(5) a foreign limited partnership formed under the name; or

(6) a foreign limited partnership formed under a name that does not comply with Section 108(b) or (c), but the name reserved under this paragraph may differ from the foreign limited partnership's name only to the extent necessary to comply with Section 108(b) and (c).

New matter indicated by italics - deletions by strikeout.
(b) A person may apply to reserve a name under subsection (a) by delivering to the Secretary of State for filing an application that states the name to be reserved and the paragraph of subsection (a) which applies. If the Secretary of State finds that the name is available for use by the applicant, the Secretary of State shall file a statement of name reservation and thereby reserve the name for the exclusive use of the applicant for 120 days.

(c) An applicant that has reserved a name pursuant to subsection (b) may reserve the same name for additional 120-day periods. A person having a current reservation for a name may not apply for another 120-day period for the same name until 90 days have elapsed in the current reservation.

(d) A person that has reserved a name under this Section may deliver to the Secretary of State for filing a notice of transfer that states the reserved name, the name and street and mailing address of some other person to which the reservation is to be transferred, and the paragraph of subsection (a) which applies to the other person. Subject to Section 206(c), the transfer is effective when the Secretary of State files the notice of transfer.

Section 110. Effect of partnership agreement; nonwaivable provisions.

(a) Except as otherwise provided in subsection (b), the partnership agreement governs relations among the partners and between the partners and the partnership. To the extent the partnership agreement does not otherwise provide, this Act governs relations among the partners and between the partners and the partnership.

(b) A partnership agreement may not:
    (1) vary a limited partnership's power under Section 105 to sue, be sued, and defend in its own name;
    (2) vary the law applicable to a limited partnership under Section 106;
    (3) vary the requirements of Section 204;
    (4) vary the information required under Section 111 or unreasonably restrict the right to information under Sections 304 or 407, but the partnership agreement may impose reasonable restrictions on the availability and use of information obtained under those Sections and may define appropriate remedies, including liquidated damages, for a breach of any reasonable restriction on use;

New matter indicated by italics - deletions by strikeout.
(5) eliminate or reduce fiduciary duties, but the partnership agreement may:
   (A) identify specific types or categories of activities that do not violate the duties, if not manifestly unreasonable; and
   (B) specify the number or percentage of partners which may authorize or ratify, after full disclosure to all partners of all material facts, a specific act or transaction that otherwise would violate these duties;
(6) eliminate the obligation of good faith and fair dealing under Sections 305(b) and 408(d), but the partnership agreement may prescribe the standards by which the performance of the obligation is to be measured, if the standards are not manifestly unreasonable;
(7) vary the power of a person to dissociate as a general partner under Section 604(a) except to require that the notice under Section 603(1) be in a record;
(8) vary the power of a court to decree dissolution in the circumstances specified in Section 802;
(9) vary the requirement to wind up the partnership's business as specified in Section 803;
(10) unreasonably restrict the right to maintain an action under Article 10;
(11) restrict the right of a partner under Section 1110(a) to approve a conversion or merger or the right of a general partner under Section 1110(b) to consent to an amendment to the certificate of limited partnership which deletes a statement that the limited partnership is a limited liability limited partnership; or
(12) restrict rights under this Act of a person other than a partner or a transferee.
Section 111. Required information. A limited partnership shall maintain at its designated office the following information:
   (1) a current list showing the full name and last known street and mailing address of each partner, separately identifying the general partners, in alphabetical order, and the limited partners, in alphabetical order;
   (2) a copy of the initial certificate of limited partnership and all amendments to and restatements of the certificate, together with

New matter indicated by italics - deletions by strikeout.
signed copies of any powers of attorney under which any certificate, amendment, or restatement has been signed;
   (3) a copy of any filed articles of conversion or merger;
   (4) a copy of the limited partnership's federal, state, and local income tax returns and reports, if any, for the three most recent years;
   (5) a copy of any partnership agreement made in a record and any amendment made in a record to any partnership agreement;
   (6) a copy of any financial statement of the limited partnership for the three most recent years;
   (7) a copy of the three most recent annual reports delivered by the limited partnership to the Secretary of State pursuant to Section 210;
   (8) a copy of any record made by the limited partnership during the past three years of any consent given by or vote taken of any partner pursuant to this Act or the partnership agreement; and
   (9) unless contained in a partnership agreement made in a record, a record stating:
       (A) the amount of cash, and a description and statement of the agreed value of the other benefits, contributed and agreed to be contributed by each partner;
       (B) the times at which, or events on the happening of which, any additional contributions agreed to be made by each partner are to be made;
       (C) for any person that is both a general partner and a limited partner, a specification of what transferable interest the person owns in each capacity; and
       (D) any events upon the happening of which the limited partnership is to be dissolved and its activities wound up.

Section 112. Business transactions of partner with partnership. A partner may lend money to and transact other business with the limited partnership and has the same rights and obligations with respect to the loan or other transaction as a person that is not a partner.

Section 113. Dual capacity. A person may be both a general partner and a limited partner. A person that is both a general and limited partner has the rights, powers, duties, and obligations provided by this Act and the partnership agreement in each of those capacities. When the person acts as

New matter indicated by italics - deletions by strikeout.
a general partner, the person is subject to the obligations, duties and restrictions under this Act and the partnership agreement for general partners. When the person acts as a limited partner, the person is subject to the obligations, duties and restrictions under this Act and the partnership agreement for limited partners.

Section 114. Office and agent for service of process.
(a) A limited partnership shall designate and continuously maintain in this State:
   (1) an office, which need not be a place of its activity in this State; and
   (2) an agent for service of process.
(b) A foreign limited partnership shall designate and continuously maintain in this State an agent for service of process.
(c) An agent for service of process of a limited partnership or foreign limited partnership must be an individual who is a resident of this State or other person authorized to do business in this State.

Section 115. Change of designated office or agent for service of process.
(a) In order to change its designated office, agent for service of process, or the address of its agent for service of process, a limited partnership or a foreign limited partnership may deliver to the Secretary of State for filing a statement of change containing:
   (1) the name of the limited partnership or foreign limited partnership;
   (2) the street and mailing address of its current designated office;
   (3) if the current designated office is to be changed, the street and mailing address of the new designated office;
   (4) the name and street and mailing address of its current agent for service of process; and
   (5) if the current agent for service of process or an address of the agent is to be changed, the new information.
(b) Subject to Section 206(c), a statement of change is effective when filed by the Secretary of State.

Section 116. Resignation of agent for service of process.
(a) In order to resign as an agent for service of process of a limited partnership or foreign limited partnership, the agent must deliver to the Secretary of State for filing a statement of resignation containing the name of the limited partnership or foreign limited partnership.

New matter indicated by italics - deletions by strikeout.
(b) After receiving a statement of resignation, the Secretary of State shall file it and mail a copy to the designated office of the limited partnership or foreign limited partnership and another copy to the principal office if the address of the office appears in the records of the Secretary of State and is different from the address of the designated office.

(c) An agency for service of process is terminated on the 31st day after the Secretary of State files the statement of resignation.

Section 117. Service of process.

(a) An agent for service of process appointed by a limited partnership or foreign limited partnership is an agent of the limited partnership or foreign limited partnership for service of any process, notice, or demand required or permitted by law to be served upon the limited partnership or foreign limited partnership.

(b) If a limited partnership or foreign limited partnership does not appoint or maintain an agent for service of process in this State or the agent for service of process cannot with reasonable diligence be found at the agent's address, the Secretary of State is an agent of the limited partnership or foreign limited partnership upon whom process, notice, or demand may be served.

(c) Service of any process, notice, or demand on the Secretary of State may be made by delivering to and leaving with the Secretary of State duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the Secretary of State, the Secretary of State shall forward one of the copies by registered or certified mail, return receipt requested, to the limited partnership or foreign limited partnership at its designated office.

(d) Service is effected under subsection (c) at the earliest of:

(1) the date the limited partnership or foreign limited partnership receives the process, notice, or demand;

(2) the date shown on the return receipt, if signed on behalf of the limited partnership or foreign limited partnership; or

(3) five days after the process, notice, or demand is deposited in the mail, if mailed postpaid and correctly addressed.

(e) The Secretary of State shall keep a record of each process, notice, and demand served pursuant to this Section and record the time of, and the action taken regarding, the service.

(f) This Section does not affect the right to serve process, notice, or demand in any other manner provided by law.

New matter indicated by italics - deletions by strikeout.
Section 118. Consent and proxies of parties. Action requiring the consent of partners under this Act may be taken without a meeting, and a partner may appoint a proxy to consent or otherwise act for the partner by signing an appointment record, either personally or by the partner's attorney in fact.

Section 119. Locale misrepresentation.
(a) A person shall not advertise or cause to be listed in a telephone directory an assumed or fictitious business name that intentionally misrepresents where the business is actually located or operating or falsely states that the business is located or operating in the area covered by the telephone directory. This subsection (a) does not apply to a telephone service provider or to the publisher or distributor of a telephone service directory, unless the conduct prescribed in this subsection (a) is on behalf of that telephone service provider or that publisher or distributor.
(b) This Section does not apply to any foreign limited partnership that has gross annual revenues in excess of $100,000,000.
(c) A foreign limited partnership that violates this Section is guilty of a petty offense and must be fined not less than $501 and not more than $1,000. A foreign limited partnership is guilty of an additional offense for each additional day in violation of this Section.

ARTICLE 2
FORMATION; CERTIFICATE OF LIMITED PARTNERSHIP AND OTHER FILINGS

Section 201. Formation of limited partnership; certificate of limited partnership.
(a) In order for a limited partnership to be formed, a certificate of limited partnership must be delivered to the Secretary of State for filing. The certificate must state:
(1) the name of the limited partnership, which must comply with Section 108;
(2) the street and mailing address of the initial designated office and the name and street and mailing address of the initial agent for service of process;
(3) the name and the street and mailing address of each general partner;
(4) whether the limited partnership is a limited liability limited partnership; and
(5) any additional information required by Article 11.
(b) A certificate of limited partnership may also contain any other matters but may not vary or otherwise affect the provisions specified in Section 110(b) in a manner inconsistent with that Section.

(c) If there has been substantial compliance with subsection (a), subject to Section 206(c) a limited partnership is formed when the Secretary of State files the certificate of limited partnership.

(d) Subject to subsection (b), if any provision of a partnership agreement is inconsistent with the filed certificate of limited partnership or with a filed statement of dissociation, termination, or change or filed articles of conversion or merger:

(1) the partnership agreement prevails as to partners and transferees; and

(2) the filed certificate of limited partnership, statement of dissociation, termination, or change or articles of conversion or merger prevail as to persons, other than partners and transferees, that reasonably rely on the filed record to their detriment.

Section 202. Amendment or restatement of certification.

(a) In order to amend its certificate of limited partnership, a limited partnership must deliver to the Secretary of State for filing an amendment or, pursuant to Article 11, articles of merger stating:

(1) the name of the limited partnership;
(2) the date of filing of its initial certificate; and
(3) the changes the amendment makes to the certificate as most recently amended or restated.

(b) A limited partnership shall promptly deliver to the Secretary of State for filing an amendment to a certificate of limited partnership to reflect:

(1) the admission of a new general partner;
(2) the dissociation of a person as a general partner; or
(3) the appointment of a person to wind up the limited partnership's activities under Section 803(c) or (d).

(c) A general partner that knows that any information in a filed certificate of limited partnership was false when the certificate was filed or has become false due to changed circumstances shall promptly:

(1) cause the certificate to be amended; or
(2) if appropriate, deliver to the Secretary of State for filing a statement of change pursuant to Section 115 or a statement of correction pursuant to Section 207.

New matter indicated by italics - deletions by strikeout.
(d) A certificate of limited partnership may be amended at any time for any other proper purpose as determined by the limited partnership.

(e) A restated certificate of limited partnership may be delivered to the Secretary of State for filing in the same manner as an amendment.

(f) Subject to Section 206(c), an amendment or restated certificate is effective when filed by the Secretary of State.

Section 203. Statement of termination. A dissolved limited partnership that has completed winding up may deliver to the Secretary of State for filing a statement of termination that states:

(1) the name of the limited partnership;

(2) the date of filing of its initial certificate of limited partnership; and

(3) any other information as determined by the general partners filing the statement or by a person appointed pursuant to Section 803(c) or (d).

Section 204. Signing of records.

(a) Each record delivered to the Secretary of State for filing pursuant to this Act must be signed in the following manner:

(1) An initial certificate of limited partnership must be signed by all general partners listed in the certificate.

(2) An amendment adding or deleting a statement that the limited partnership is a limited liability limited partnership must be signed by all general partners listed in the certificate.

(3) An amendment designating as general partner a person admitted under Section 801(3)(B) following the dissociation of a limited partnership's last general partner must be signed by that person.

(4) An amendment required by Section 803(c) following the appointment of a person to wind up the dissolved limited partnership's activities must be signed by that person.

(5) Any other amendment must be signed by:

   (A) at least one general partner listed in the certificate;

   (B) each other person designated in the amendment as a new general partner; and

   (C) each person that the amendment indicates has dissociated as a general partner, unless:

New matter indicated by italics - deletions by strikeout.
(i) the person is deceased or a guardian or general conservator has been appointed for the person and the amendment so states; or

(ii) the person has previously delivered to the Secretary of State for filing a statement of dissociation.

(6) A restated certificate of limited partnership must be signed by at least one general partner listed in the certificate, and, to the extent the restated certificate effects a change under any other paragraph of this subsection, the certificate must be signed in a manner that satisfies that paragraph.

(7) A statement of termination must be signed by all general partners listed in the certificate or, if the certificate of a dissolved limited partnership lists no general partners, by the person appointed pursuant to Section 803(c) or (d) to wind up the dissolved limited partnership's activities.

(8) Articles of conversion must be signed by each general partner listed in the certificate of limited partnership.

(9) Articles of merger must be signed as provided in Section 1108(a).

(10) Any other record delivered on behalf of a limited partnership to the Secretary of State for filing must be signed by at least one general partner listed in the certificate.

(11) A statement by a person pursuant to Section 605(a)(4) stating that the person has dissociated as a general partner must be signed by that person.

(12) A statement of withdrawal by a person pursuant to Section 306 must be signed by that person.

(13) A record delivered on behalf of a foreign limited partnership to the Secretary of State for filing must be signed by at least one general partner of the foreign limited partnership.

(14) Any other record delivered on behalf of any person to the Secretary of State for filing must be signed by that person.

(b) Any person may sign by an attorney in fact any record to be filed pursuant to this Act.

Section 205. Signing and filing pursuant to judicial order.

(a) If a person required by this Act to sign a record or deliver a record to the Secretary of State for filing does not do so, any other person that is aggrieved may petition the circuit court to order:

New matter indicated by italics - deletions by strikeout.
(1) the person to sign the record;
(2) deliver the record to the Secretary of State for filing; or
(3) the Secretary of State to file the record unsigned.

(b) If the person aggrieved under subsection (a) is not the limited partnership or foreign limited partnership to which the record pertains, the aggrieved person shall make the limited partnership or foreign limited partnership a party to the action. A person aggrieved under subsection (a) may seek the remedies provided in subsection (a) in the same action in combination or in the alternative.

(c) A record filed unsigned pursuant to this Section is effective without being signed.

Section 206. Delivery to and filing of records by Secretary of State; effective time and date.

(a) A record authorized or required to be delivered to the Secretary of State for filing under this Act must be captioned to describe the record's purpose, be in a medium permitted by the Secretary of State, and be delivered to the Secretary of State. Unless the Secretary of State determines that a record does not comply with the filing requirements of this Act, and if all filing fees have been paid, the Secretary of State shall file the record and:

(1) for a statement of dissociation, send:
   (A) a copy of the filed statement and a receipt for the fees to the person which the statement indicates has dissociated as a general partner; and
   (B) a copy of the filed statement and receipt to the limited partnership;
(2) for a statement of withdrawal, send:
   (A) a copy of the filed statement and a receipt for the fees to the person on whose behalf the record was filed; and
   (B) if the statement refers to an existing limited partnership, a copy of the filed statement and receipt to the limited partnership; and
(3) for all other records, send a copy of the filed record and a receipt for the fees to the person on whose behalf the record was filed.

(b) Upon request and payment of a fee, the Secretary of State shall send to the requester a certified copy of the requested record.

New matter indicated by italics - deletions by strikeout.
(c) Except as otherwise provided in Sections 116 and 207, a record delivered to the Secretary of State for filing under this Act may specify an effective time and a delayed effective date. Except as otherwise provided in this Act, a record filed by the Secretary of State is effective:

1. if the record does not specify an effective time and does not specify a delayed effective date, on the date and at the time the record is filed as evidenced by the Secretary of State's endorsement of the date and time on the record;
2. if the record specifies an effective time but not a delayed effective date, on the date the record is filed at the time specified in the record;
3. if the record specifies a delayed effective date but not an effective time, at 12:01 a.m. on the earlier of:
   (A) the specified date; or
   (B) the 90th day after the record is filed; or
4. if the record specifies an effective time and a delayed effective date, at the specified time on the earlier of:
   (A) the specified date; or
   (B) the 90th day after the record is filed.

Section 207. Correcting filed record.
(a) A limited partnership or foreign limited partnership may deliver to the Secretary of State for filing a statement of correction to correct a record previously delivered by the limited partnership or foreign limited partnership to the Secretary of State and filed by the Secretary of State, if at the time of filing the record contained false or erroneous information or was defectively signed.

(b) A statement of correction may not state a delayed effective date and must:

1. describe the record to be corrected, including its filing date, or attach a copy of the record as filed;
2. specify the incorrect information and the reason it is incorrect or the manner in which the signing was defective; and
3. correct the incorrect information or defective signature.

(c) When filed by the Secretary of State, a statement of correction is effective retroactively as of the effective date of the record the statement corrects, but the statement is effective when filed:

1. for the purposes of Section 103(c) and (d); and
2. as to persons relying on the uncorrected record and adversely affected by the correction.

New matter indicated by italics - deletions by strikeout.
Section 208. Liability for false information in filed record.
(a) If a record delivered to the Secretary of State for filing under this Act and filed by the Secretary of State contains false information, a person that suffers loss by reliance on the information may recover damages for the loss from:

(1) a person that signed the record, or caused another to sign it on the person's behalf, and knew the information to be false at the time the record was signed; and

(2) a general partner that has notice that the information was false when the record was filed or has become false because of changed circumstances, if the general partner has notice for a reasonably sufficient time before the information is relied upon to enable the general partner to effect an amendment under Section 202, file a petition pursuant to Section 205, or deliver to the Secretary of State for filing a statement of change pursuant to Section 115 or a statement of correction pursuant to Section 207.

(b) Signing a record authorized or required to be filed under this Act constitutes an affirmation under the penalties of perjury that the facts stated in the record are true.

Section 209. Certificate of existence or authorization.
(a) The Secretary of State, upon request and payment of the requisite fee, shall furnish a certificate of existence for a limited partnership if the records filed in the Office of the Secretary of State show that the Secretary of State has filed a certificate of limited partnership and has not filed a statement of termination. A certificate of existence must state:

(1) the limited partnership's name;
(2) that it was duly formed under the laws of this State and the date of formation;
(3) whether all fees, taxes, and penalties due to the Secretary of State under this Act or other law have been paid;
(4) whether the limited partnership's most recent annual report required by Section 210 has been filed by the Secretary of State;
(5) whether the Secretary of State has administratively dissolved the limited partnership;
(6) whether the limited partnership's certificate of limited partnership has been amended to state that the limited partnership is dissolved;

New matter indicated by italics - deletions by strikeout.
(7) that a statement of termination has not been filed by the Secretary of State; and
(8) other facts of record in the Office of the Secretary of State which may be requested by the applicant.

(b) The Secretary of State, upon request and payment of the requisite fee, shall furnish a certificate of authorization for a foreign limited partnership if the records filed in the Office of the Secretary of State show that the Secretary of State has filed a certificate of authority, has not revoked the certificate of authority, and has not filed a notice of cancellation. A certificate of authorization must state:

(1) the foreign limited partnership's name and any alternate name adopted under Section 905(a) for use in this State;
(2) that it is authorized to transact business in this State;
(3) whether all fees, taxes, and penalties due to the Secretary of State under this Act or other law have been paid;
(4) whether the foreign limited partnership's most recent annual report required by Section 210 has been filed by the Secretary of State;
(5) that the Secretary of State has not revoked its certificate of authority and has not filed a notice of cancellation; and
(6) other facts of record in the Office of the Secretary of State which may be requested by the applicant.

(c) Subject to any qualification stated in the certificate, a certificate of existence or authorization issued by the Secretary of State may be relied upon as conclusive evidence that the limited partnership or foreign limited partnership is in existence or is authorized to transact business in this State.

Section 210. Annual report for Secretary of State.
(a) A limited partnership or a foreign limited partnership authorized to transact business in this State shall deliver to the Secretary of State for filing an annual report that states:

(1) the name of the limited partnership or foreign limited partnership;
(2) the street and mailing address of its designated office and the name and street and mailing address of its agent for service of process in this State;
(3) in the case of a limited partnership, the street and mailing address of its principal office;

New matter indicated by italics - deletions by strikeout.
(4) in the case of a foreign limited partnership, the State or other jurisdiction under whose law the foreign limited partnership is formed and any alternate name adopted under Section 905(a);

(5) Additional information that may be necessary or appropriate in order to enable the Secretary of State to administer this Act and to verify the proper amount of fees payable by the limited partnership; and

(6) The annual report shall be made on forms prescribed and furnished by the Secretary of State, and the information therein, required by paragraphs (1) through (4) of subsection (a), both inclusive, shall be given as of the date of signing of the annual report. The annual report shall be signed by a general partner.

(b) Information in an annual report must be current as of the date the annual report is delivered to the Secretary of State for filing.

(c) The annual report, together with all fees and charges prescribed by this Act, shall be delivered to the Secretary of State within 60 days immediately preceding the first day of the anniversary month. Proof to the satisfaction of the Secretary of State that, before the first day of the anniversary month of the limited partnership or the foreign limited partnership, the report, together with all fees and charges as prescribed by this Act, was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed compliance with this requirement.

(d) If an annual report does not contain the information required in subsection (a), the Secretary of State shall promptly notify the reporting limited partnership or foreign limited partnership and return the report to it for correction. If the report is corrected to contain the information required in subsection (a) and delivered to the Secretary of State within 30 days after the effective date of the notice, it is timely delivered.

(e) If a filed annual report contains an address of a designated office or the name or address of an agent for service of process which differs from the information shown in the records of the Secretary of State immediately before the filing, the differing information in the annual report is considered a statement of change under Section 115.

ARTICLE 3
LIMITED PARTNERS

Section 301. Becoming limited partner. A person becomes a limited partner:

(1) as provided in the partnership agreement;

New matter indicated by italics - deletions by strikeout.
(2) as the result of a conversion or merger under Article 11;

or

(3) with the consent of all the partners.

Section 302. No right or power as limited partner to bind limited partnership. A limited partner does not have the right or the power as a limited partner to act for or bind the limited partnership.

Section 303. No liability as limited partner for limited partnership obligation. An obligation of a limited partnership, whether arising in contract, tort, or otherwise, is not the obligation of a limited partner. A limited partner is not personally liable, directly or indirectly, by way of contribution or otherwise, for an obligation of the limited partnership solely by reason of being a limited partner, even if the limited partner participates in the management and control of the limited partnership.

Section 304. Right of limited partner and former limited partner to information.

(a) On 10 days' demand, made in a record received by the limited partnership, a limited partner may inspect and copy required information during regular business hours in the limited partnership's designated office. The limited partner need not have any particular purpose for seeking the information.

(b) During regular business hours and at a reasonable location specified by the limited partnership, a limited partner may obtain from the limited partnership and inspect and copy true and full information regarding the state of the activities and financial condition of the limited partnership and other information regarding the activities of the limited partnership as is just and reasonable if:

(1) the limited partner seeks the information for a purpose reasonably related to the partner's interest as a limited partner;

(2) the limited partner makes a demand in a record received by the limited partnership, describing with reasonable particularity the information sought and the purpose for seeking the information; and

(3) the information sought is directly connected to the limited partner's purpose.

(c) Within 10 days after receiving a demand pursuant to subsection (b), the limited partnership in a record shall inform the limited partner that made the demand:

(1) what information the limited partnership will provide in response to the demand;

New matter indicated by italics - deletions by strikeout.
(2) when and where the limited partnership will provide the information; and
(3) if the limited partnership declines to provide any demanded information, the limited partnership's reasons for declining.

(d) Subject to subsection (f), a person dissociated as a limited partner may inspect and copy required information during regular business hours in the limited partnership's designated office if:

(1) the information pertains to the period during which the person was a limited partner;
(2) the person seeks the information in good faith; and
(3) the person meets the requirements of subsection (b).

(e) The limited partnership shall respond to a demand made pursuant to subsection (d) in the same manner as provided in subsection (c).

(f) If a limited partner dies, Section 704 applies.

(g) The limited partnership may impose reasonable restrictions on the use of information obtained under this Section. In a dispute concerning the reasonableness of a restriction under this subsection, the limited partnership has the burden of proving reasonableness.

(h) A limited partnership may charge a person that makes a demand under this Section reasonable costs of copying, limited to the costs of labor and material.

(i) Whenever this Act or a partnership agreement provides for a limited partner to give or withhold consent to a matter, before the consent is given or withheld, the limited partnership shall, without demand, provide the limited partner with all information material to the limited partner's decision that the limited partnership knows.

(j) A limited partner or person dissociated as a limited partner may exercise the rights under this Section through an attorney or other agent. Any restriction imposed under subsection (g) or by the partnership agreement applies both to the attorney or other agent and to the limited partner or person dissociated as a limited partner.

(k) The rights stated in this Section do not extend to a person as transferee, but may be exercised by the legal representative of an individual under legal disability who is a limited partner or person dissociated as a limited partner.

Section 305. Limited duties of limited partners.
(a) A limited partner does not have any fiduciary duty to the limited partnership or to any other partner solely by reason of being a limited partner.

(b) A limited partner shall discharge the duties to the partnership and the other partners under this Act or under the partnership agreement and exercise any rights consistently with the obligation of good faith and fair dealing.

(c) A limited partner does not violate a duty or obligation under this Act or under the partnership agreement merely because the limited partner's conduct furthers the limited partner's own interest.

Section 306. Person erroneously believing self to be limited partner.

(a) Except as otherwise provided in subsection (b), a person that makes an investment in a business enterprise and erroneously but in good faith believes that the person has become a limited partner in the enterprise is not liable for the enterprise's obligations by reason of making the investment, receiving distributions from the enterprise, or exercising any rights of or appropriate to a limited partner, if, on ascertaining the mistake, the person:

(1) causes an appropriate certificate of limited partnership, amendment, or statement of correction to be signed and delivered to the Secretary of State for filing; or

(2) withdraws from future participation as an owner in the enterprise by signing and delivering to the Secretary of State for filing a statement of withdrawal under this Section.

(b) A person that makes an investment described in subsection (a) is liable to the same extent as a general partner to any third party that enters into a transaction with the enterprise, believing in good faith that the person is a general partner, before the Secretary of State files a statement of withdrawal, certificate of limited partnership, amendment, or statement of correction to show that the person is not a general partner.

(c) If a person makes a diligent effort in good faith to comply with subsection (a)(1) and is unable to cause the appropriate certificate of limited partnership, amendment, or statement of correction to be signed and delivered to the Secretary of State for filing, the person has the right to withdraw from the enterprise pursuant to subsection (a)(2) even if the withdrawal would otherwise breach an agreement with others that are or have agreed to become co-owners of the enterprise.

ARTICLE 4

New matter indicated by italics - deletions by strikeout.
GENERAL PARTNERS

Section 401. Becoming general partner. A person becomes a general partner:

(1) as provided in the partnership agreement;

(2) under Section 801(3)(B) following the dissociation of a limited partnership's last general partner;

(3) as the result of a conversion or merger under Article 11;

or

(4) with the consent of all the partners.

Section 402. General partner agent of limited partnership.

(a) Each general partner is an agent of the limited partnership for the purposes of its activities. An act of a general partner, including the signing of a record in the partnership's name, for apparently carrying on in the ordinary course the limited partnership's activities or activities of the kind carried on by the limited partnership binds the limited partnership, unless the general partner did not have authority to act for the limited partnership in the particular matter and the person with which the general partner was dealing knew, had received a notification, or had notice under Section 103(d) that the general partner lacked authority.

(b) An act of a general partner which is not apparently for carrying on in the ordinary course the limited partnership's activities or activities of the kind carried on by the limited partnership binds the limited partnership only if the act was actually authorized by all the other partners.

Section 403. Limited partnership liable for general partner's actionable conduct.

(a) A limited partnership is liable for loss or injury caused to a person, or for a penalty incurred, as a result of a wrongful act or omission, or other actionable conduct, of a general partner acting in the ordinary course of activities of the limited partnership or with authority of the limited partnership.

(b) If, in the course of the limited partnership's activities or while acting with authority of the limited partnership, a general partner receives or causes the limited partnership to receive money or property of a person not a partner, and the money or property is misapplied by a general partner, the limited partnership is liable for the loss.

Section 404. General partner's liability.

(a) Except as otherwise provided in subsections (b) and (c), all general partners are liable jointly and severally for all obligations of the
limited partnership unless otherwise agreed by the claimant or provided by law.

(b) A person that becomes a general partner of an existing limited partnership is not personally liable for an obligation of a limited partnership incurred before the person became a general partner.

(c) An obligation of a limited partnership incurred while the limited partnership is a limited liability limited partnership, whether arising in contract, tort, or otherwise, is solely the obligation of the limited partnership. A general partner is not personally liable, directly or indirectly, by way of contribution or otherwise, for such an obligation solely by reason of being or acting as a general partner. This subsection applies despite anything inconsistent in the partnership agreement that existed immediately before the consent required to become a limited liability limited partnership under Section 406(b)(2).

Section 405. Actions by and against partnership and partners.

(a) To the extent not inconsistent with Section 404, a general partner may be joined in an action against the limited partnership or named in a separate action.

(b) A judgment against a limited partnership is not by itself a judgment against a general partner. A judgment against a limited partnership may not be satisfied from a general partner's assets unless there is also a judgment against the general partner.

(c) A judgment creditor of a general partner may not levy execution against the assets of the general partner to satisfy a judgment based on a claim against the limited partnership, unless the partner is personally liable for the claim under Section 404 and:

1. a judgment based on the same claim has been obtained against the limited partnership and a writ of execution on the judgment has been returned unsatisfied in whole or in part;
2. the limited partnership is a debtor in bankruptcy;
3. the general partner has agreed that the creditor need not exhaust limited partnership assets;
4. a court grants permission to the judgment creditor to levy execution against the assets of a general partner based on a finding that limited partnership assets subject to execution are clearly insufficient to satisfy the judgment, that exhaustion of limited partnership assets is excessively burdensome, or that the grant of permission is an appropriate exercise of the court's equitable powers; or

New matter indicated by italics - deletions by strikeout.
(5) liability is imposed on the general partner by law or contract independent of the existence of the limited partnership.

Section 406. Management rights of general partner.

(a) Each general partner has equal rights in the management and conduct of the limited partnership's activities. Except as expressly provided in this Act, any matter relating to the activities of the limited partnership may be exclusively decided by the general partner or, if there is more than one general partner, by a majority of the general partners.

(b) The consent of each partner is necessary to:

(1) amend the partnership agreement;

(2) amend the certificate of limited partnership to add or, subject to Section 1110, delete a statement that the limited partnership is a limited liability limited partnership; and

(3) sell, lease, exchange, or otherwise dispose of all, or substantially all, of the limited partnership's property, with or without the good will, other than in the usual and regular course of the limited partnership's activities.

(c) A limited partnership shall reimburse a general partner for payments made and indemnify a general partner for liabilities incurred by the general partner in the ordinary course of the activities of the partnership or for the preservation of its activities or property.

(d) A limited partnership shall reimburse a general partner for an advance to the limited partnership beyond the amount of capital the general partner agreed to contribute.

(e) A payment or advance made by a general partner which gives rise to an obligation of the limited partnership under subsection (c) or (d) constitutes a loan to the limited partnership which accrues interest from the date of the payment or advance.

(f) A general partner is not entitled to remuneration for services performed for the partnership.

Section 407. Right of general partner and former general partner to information.

(a) A general partner, without having any particular purpose for seeking the information, may inspect and copy during regular business hours:

(1) in the limited partnership's designated office, required information; and

(2) at a reasonable location specified by the limited partnership, any other records maintained by the limited

New matter indicated by italics - deletions by strikeout.
partnership regarding the limited partnership's activities and financial condition.

(b) Each general partner and the limited partnership shall furnish to a general partner:

(1) without demand, any information concerning the limited partnership's activities and activities reasonably required for the proper exercise of the general partner's rights and duties under the partnership agreement or this Act; and

(2) on demand, any other information concerning the limited partnership's activities, except to the extent the demand or the information demanded is unreasonable or otherwise improper under the circumstances.

(c) Subject to subsection (e), on 10 days' demand made in a record received by the limited partnership, a person dissociated as a general partner may have access to the information and records described in subsection (a) at the location specified in subsection (a) if:

(1) the information or record pertains to the period during which the person was a general partner;

(2) the person seeks the information or record in good faith; and

(3) the person satisfies the requirements imposed on a limited partner by Section 304(b).

(d) The limited partnership shall respond to a demand made pursuant to subsection (c) in the same manner as provided in Section 304(c).

(e) If a general partner dies, Section 704 applies.

(f) The limited partnership may impose reasonable restrictions on the use of information under this Section. In any dispute concerning the reasonableness of a restriction under this subsection, the limited partnership has the burden of proving reasonableness.

(g) A limited partnership may charge a person dissociated as a general partner that makes a demand under this Section reasonable costs of copying, limited to the costs of labor and material.

(h) A general partner or person dissociated as a general partner may exercise the rights under this Section through an attorney or other agent. Any restriction imposed under subsection (f) or by the partnership agreement applies both to the attorney or other agent and to the general partner or person dissociated as a general partner.

New matter indicated by italics - deletions by strikeout.
(i) The rights under this Section do not extend to a person as transferee, but the rights under subsection (c) of a person dissociated as a general may be exercised by the legal representative of an individual who dissociated as a general partner under Section 603(7)(B) or (C).

Section 408. General standards of general partner's conduct.
(a) The fiduciary duties that a general partner has to the limited partnership and the other partners include the duties of loyalty and care under subsections (b) and (c).
(b) A general partner's duty of loyalty to the limited partnership and the other partners includes the following:
   (1) to account to the limited partnership and hold as trustee for it any property, profit, or benefit derived by the general partner in the conduct and winding up of the limited partnership's activities or derived from a use by the general partner of limited partnership property, including the appropriation of a limited partnership opportunity;
   (2) to act fairly when dealing with the limited partnership in the conduct or winding up of the limited partnership's activities as or on behalf of a party having an interest adverse to the limited partnership; and
   (3) to refrain from competing with the limited partnership in the conduct or winding up of the limited partnership's activities.
(c) A general partner's duty of care to the limited partnership and the other partners in the conduct and winding up of the limited partnership's activities is limited to refraining from engaging in grossly negligent or reckless conduct, intentional misconduct, or a knowing violation of law.
(d) A general partner shall discharge the duties to the partnership and the other partners under this Act or under the partnership agreement and exercise any rights consistently with the obligation of good faith and fair dealing.
(e) A general partner does not violate a duty or obligation under this Act or under the partnership agreement merely because the general partner's conduct furthers the general partner's own interest.

ARTICLE 5
CONTRIBUTIONS AND DISTRIBUTIONS
Section 501. Form of contribution. A contribution of a partner may consist of tangible or intangible property or other benefit to the limited partnership, including money, services performed, promissory notes, other

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agreements to contribute cash or property, and contracts for services to be performed.

Section 502. Liability for contribution.

(a) A partner's obligation to contribute money or other property or other benefit to, or to perform services for, a limited partnership is not excused by the partner's death, disability, or other inability to perform personally.

(b) If a partner does not make a promised non-monetary contribution, the partner is obligated at the option of the limited partnership to contribute money equal to that portion of the value, as stated in the required information, of the stated contribution which has not been made.

(c) The obligation of a partner to make a contribution or return money or other property paid or distributed in violation of this Act may be compromised only by consent of all partners. A creditor of a limited partnership which extends credit or otherwise acts in reliance on an obligation described in subsection (a), without notice of any compromise under this subsection, may enforce the original obligation.

Section 503. Sharing of distributions. A distribution by a limited partnership must be shared among the partners on the basis of the value, as stated in the required records when the limited partnership decides to make the distribution, of the contributions the limited partnership has received from each partner.

Section 504. Interim distributions. A partner does not have a right to any distribution before the dissolution and winding up of the limited partnership unless the limited partnership decides to make an interim distribution.

Section 505. No distribution on account of dissociation. A person does not have a right to receive a distribution on account of dissociation.

Section 506. Distribution in kind. A partner does not have a right to demand or receive any distribution from a limited partnership in any form other than cash. Subject to Section 812(b), a limited partnership may distribute an asset in kind to the extent each partner receives a percentage of the asset equal to the partner's share of distributions.

Section 507. Right to distribution. When a partner or transferee becomes entitled to receive a distribution, the partner or transferee has the status of, and is entitled to all remedies available to, a creditor of the limited partnership with respect to the distribution. However, the limited partnership's obligation to make a distribution is subject to offset for any

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amount owed to the limited partnership by the partner or dissociated partner on whose account the distribution is made.

Section 508. Limitations on distribution.
(a) A limited partnership may not make a distribution in violation of the partnership agreement.
(b) A limited partnership may not make a distribution if after the distribution:
(1) the limited partnership would not be able to pay its debts as they become due in the ordinary course of the limited partnership's activities; or
(2) the limited partnership's total assets would be less than the sum of its total liabilities plus the amount that would be needed, if the limited partnership were to be dissolved, wound up, and terminated at the time of the distribution, to satisfy the preferential rights upon dissolution, winding up, and termination of partners whose preferential rights are superior to those of persons receiving the distribution.
(c) A limited partnership may base a determination that a distribution is not prohibited under subsection (b) on financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or on a fair valuation or other method that is reasonable in the circumstances.
(d) Except as otherwise provided in subsection (g), the effect of a distribution under subsection (b) is measured:
(1) in the case of distribution by purchase, redemption, or other acquisition of a transferable interest in the limited partnership, as of the date money or other property is transferred or debt incurred by the limited partnership; and
(2) in all other cases, as of the date:
(A) the distribution is authorized, if the payment occurs within 120 days after that date; or
(B) the payment is made, if payment occurs more than 120 days after the distribution is authorized.
(e) A limited partnership's indebtedness to a partner incurred by reason of a distribution made in accordance with this Section is at parity with the limited partnership's indebtedness to its general, unsecured creditors.
(f) A limited partnership's indebtedness, including indebtedness issued in connection with or as part of a distribution, is not considered a

New matter indicated by italics - deletions by strikeout.
liability for purposes of subsection (b) if the terms of the indebtedness provide that payment of principal and interest are made only to the extent that a distribution could then be made to partners under this Section.

(g) If indebtedness is issued as a distribution, each payment of principal or interest on the indebtedness is treated as a distribution, the effect of which is measured on the date the payment is made.

Section 509. Liability for improper distributions.

(a) A general partner that consents to a distribution made in violation of Section 508 is personally liable to the limited partnership for the amount of the distribution which exceeds the amount that could have been distributed without the violation if it is established that in consenting to the distribution the general partner failed to comply with Section 408.

(b) A partner or transferee that received a distribution knowing that the distribution to that partner or transferee was made in violation of Section 508 is personally liable to the limited partnership but only to the extent that the distribution received by the partner or transferee exceeded the amount that could have been properly paid under Section 508.

(c) A general partner against which an action is commenced under subsection (a) may:

(1) implead in the action any other person that is liable under subsection (a) and compel contribution from the person; and

(2) implead in the action any person that received a distribution in violation of subsection (b) and compel contribution from the person in the amount the person received in violation of subsection (b).

(d) An action under this Section is barred if it is not commenced within two years after the distribution.

ARTICLE 6
DISSOCIATION

Section 601. Dissociation as limited partner.

(a) A person does not have a right to dissociate as a limited partner before the termination of the limited partnership.

(b) A person is dissociated from a limited partnership as a limited partner upon the occurrence of any of the following events:

(1) the limited partnership's having notice of the person's express will to withdraw as a limited partner or on a later date specified by the person;

(2) an event agreed to in the partnership agreement as causing the person's dissociation as a limited partner;

New matter indicated by italics - deletions by strikeout.
(3) the person's expulsion as a limited partner pursuant to the partnership agreement;

(4) the person's expulsion as a limited partner by the unanimous consent of the other partners if:

   (A) it is unlawful to carry on the limited partnership's activities with the person as a limited partner;

   (B) there has been a transfer of all of the person's transferable interest in the limited partnership, other than a transfer for security purposes, or a court order charging the person's interest, which has not been foreclosed;

   (C) the person is a corporation and, within 90 days after the limited partnership notifies the person that it will be expelled as a limited partner because it has filed a certificate of dissolution or the equivalent, its charter has been revoked, or its right to conduct business has been suspended by the jurisdiction of its incorporation, there is no revocation of the certificate of dissolution or no reinstatement of its charter or its right to conduct business; or

   (D) the person is a limited liability company or partnership that has been dissolved and whose business is being wound up;

(5) on application by the limited partnership, the person's expulsion as a limited partner by judicial order because:

   (A) the person engaged in wrongful conduct that adversely and materially affected the limited partnership's activities;

   (B) the person willfully or persistently committed a material breach of the partnership agreement or of the obligation of good faith and fair dealing under Section 305(b); or

   (C) the person engaged in conduct relating to the limited partnership's activities which makes it not reasonably practicable to carry on the activities with the person as limited partner;

(6) in the case of a person who is an individual, the person's death;

(7) in the case of a person that is a trust or is acting as a limited partner by virtue of being a trustee of a trust, distribution of

New matter indicated by italics - deletions by strikeout.
the trust's entire transferable interest in the limited partnership, but not merely by reason of the substitution of a successor trustee;

(8) in the case of a person that is an estate or is acting as a limited partner by virtue of being a personal representative of an estate, distribution of the estate's entire transferable interest in the limited partnership, but not merely by reason of the substitution of a successor personal representative;

(9) termination of a limited partner that is not an individual, partnership, limited liability company, corporation, trust, or estate;

(10) the limited partnership's participation in a conversion or merger under Article 11, if the limited partnership:

(A) is not the converted or surviving entity; or

(B) is the converted or surviving entity but, as a result of the conversion or merger, the person ceases to be a limited partner.

Section 602. Effect of dissociation as limited partner.
(a) Upon a person's dissociation as a limited partner:

(1) subject to Section 704, the person does not have further rights as a limited partner;

(2) the person's obligation of good faith and fair dealing as a limited partner under Section 305(b) continues only as to matters arising and events occurring before the dissociation; and

(3) subject to Section 704 and Article 11, any transferable interest owned by the person in the person's capacity as a limited partner immediately before dissociation is owned by the person as a mere transferee.

(b) A person's dissociation as a limited partner does not of itself discharge the person from any obligation to the limited partnership or the other partners which the person incurred while a limited partner.

Section 603. Dissociation as general partner. A person is dissociated from a limited partnership as a general partner upon the occurrence of any of the following events:

(1) the limited partnership's having notice of the person's express will to withdraw as a general partner or on a later date specified by the person;

(2) an event agreed to in the partnership agreement as causing the person's dissociation as a general partner;

(3) the person's expulsion as a general partner pursuant to the partnership agreement;

New matter indicated by italics - deletions by strikeout.
(4) the person's expulsion as a general partner by the unanimous consent of the other partners if:

(A) it is unlawful to carry on the limited partnership's activities with the person as a general partner;

(B) there has been a transfer of all or substantially all of the person's transferable interest in the limited partnership, other than a transfer for security purposes, or a court order charging the person's interest, which has not been foreclosed;

(C) the person is a corporation and, within 90 days after the limited partnership notifies the person that it will be expelled as a general partner because it has filed a certificate of dissolution or the equivalent, its charter has been revoked, or its right to conduct business has been suspended by the jurisdiction of its incorporation, there is no revocation of the certificate of dissolution or no reinstatement of its charter or its right to conduct business; or

(D) the person is a limited liability company or partnership that has been dissolved and whose business is being wound up;

(5) on application by the limited partnership, the person's expulsion as a general partner by judicial determination because:

(A) the person engaged in wrongful conduct that adversely and materially affected the limited partnership activities;

(B) the person willfully or persistently committed a material breach of the partnership agreement or of a duty owed to the partnership or the other partners under Section 408; or

(C) the person engaged in conduct relating to the limited partnership's activities which makes it not reasonably practicable to carry on the activities of the limited partnership with the person as a general partner;

(6) the person's:

(A) becoming a debtor in bankruptcy;

(B) execution of an assignment for the benefit of creditors;

New matter indicated by italics - deletions by strikeout.
(C) seeking, consenting to, or acquiescing in the appointment of a trustee, receiver, or liquidator of the person or of all or substantially all of the person's property; or

(D) failure, within 90 days after the appointment, to have vacated or stayed the appointment of a trustee, receiver, or liquidator of the general partner or of all or substantially all of the person's property obtained without the person's consent or acquiescence, or failing within 90 days after the expiration of a stay to have the appointment vacated;

(7) in the case of a person who is an individual:
   (A) the person's death;
   (B) the appointment of a guardian or general conservator for the person; or
   (C) a judicial determination that the person has otherwise become incapable of performing the person's duties as a general partner under the partnership agreement;

(8) in the case of a person that is a trust or is acting as a general partner by virtue of being a trustee of a trust, distribution of the trust's entire transferable interest in the limited partnership, but not merely by reason of the substitution of a successor trustee;

(9) in the case of a person that is an estate or is acting as a general partner by virtue of being a personal representative of an estate, distribution of the estate's entire transferable interest in the limited partnership, but not merely by reason of the substitution of a successor personal representative;

(10) termination of a general partner that is not an individual, partnership, limited liability company, corporation, trust, or estate; or

(11) the limited partnership's participation in a conversion or merger under Article 11, if the limited partnership:
   (A) is not the converted or surviving entity; or
   (B) is the converted or surviving entity but, as a result of the conversion or merger, the person ceases to be a general partner.

Section 604. Persons to dissociate as general partner; wrongful dissociation.

New matter indicated by italics - deletions by strikeout.
(a) A person has the power to dissociate as a general partner at any
time, rightfully or wrongfully, by express will pursuant to Section 603(1).
(b) A person's dissociation as a general partner is wrongful only if:
   (1) it is in breach of an express provision of the partnership
       agreement; or
   (2) it occurs before the termination of the limited
       partnership, and:
       (A) the person withdraws as a general partner by
           express will;
       (B) the person is expelled as a general partner by
           judicial determination under Section 603(5);
       (C) the person is dissociated as a general partner by
           becoming a debtor in bankruptcy; or
       (D) in the case of a person that is not an individual,
           trust other than a business trust, or estate, the person is
           expelled or otherwise dissociated as a general partner
           because it willfully dissolved or terminated.
(c) A person that wrongfully dissociates as a general partner is
    liable to the limited partnership and, subject to Section 1001, to the other
    partners for damages caused by the dissociation. The liability is in addition
    to any other obligation of the general partner to the limited partnership or
    to the other partners.

Section 605. Effect of dissociation as general partner.
(a) Upon a person's dissociation as a general partner:
   (1) the person's right to participate as a general partner in
       the management and conduct of the partnership's activities
       terminates;
   (2) except as provided in clause (3), the person's fiduciary
       duties as a general partner terminate;
   (3) the person's duty of loyalty as a general partner under
       Section 408(b)(1) and (2) and duty of care under Section 408(c)
       continue only with regard to matters arising and events occurring
       before the person's dissociation as a general partner;
   (4) the person may sign and deliver to the Secretary of State
       for filing a statement of dissociation pertaining to the person and,
       at the request of the limited partnership, shall sign an amendment
       to the certificate of limited partnership which states that the person
       has dissociated; and

New matter indicated by italics - deletions by strikeout.
(5) subject to Section 704 and Article 11, any transferable interest owned by the person immediately before dissociation in the person's capacity as a general partner is owned by the person as a mere transferee.

(b) A person's dissociation as a general partner does not of itself discharge the person from any obligation to the limited partnership or to the other partners which the person incurred while a general partner.

Section 606. Power to bind and liability to limited partnership before dissolution of partnership of person dissociated as general partner.

(a) After a person is dissociated as a general partner and before the limited partnership is dissolved, converted under Article 11, or merged out of existence under Article 11, the limited partnership is bound by an act of the person only if:

(1) the act would have bound the limited partnership under Section 402 before the dissociation; and

(2) at the time the other party enters into the transaction:

(A) less than two years has passed since the dissociation; and

(B) the other party does not have notice of the dissociation and reasonably believes that the person is a general partner.

(b) If a limited partnership is bound under subsection (a), the person dissociated as a general partner which caused the limited partnership to be bound is liable:

(1) to the limited partnership for any damage caused to the limited partnership arising from the obligation incurred under subsection (a); and

(2) if a general partner or another person dissociated as a general partner is liable for the obligation, to the general partner or other person for any damage caused to the general partner or other person arising from the liability.

Section 607. Liability to other persons of person dissociated as general partner.

(a) A person's dissociation as a general partner does not of itself discharge the person's liability as a general partner for an obligation of the limited partnership incurred before dissociation. Except as otherwise provided in subsections (b) and (c), the person is not liable for a limited partnership's obligation incurred after dissociation.

New matter indicated by italics - deletions by strikeout.
(b) A person whose dissociation as a general partner resulted in a dissolution and winding up of the limited partnership's activities is liable to the same extent as a general partner under Section 404 on an obligation incurred by the limited partnership under Section 804.

(c) A person that has dissociated as a general partner but whose dissociation did not result in a dissolution and winding up of the limited partnership's activities is liable on a transaction entered into by the limited partnership after the dissociation only if:
   (1) a general partner would be liable on the transaction; and
   (2) at the time the other party enters into the transaction:
       (A) less than two years has passed since the dissociation; and
       (B) the other party does not have notice of the dissociation and reasonably believes that the person is a general partner.

(d) By agreement with a creditor of a limited partnership and the limited partnership, a person dissociated as a general partner may be released from liability for an obligation of the limited partnership.

(e) A person dissociated as a general partner is released from liability for an obligation of the limited partnership if the limited partnership's creditor, with notice of the person's dissociation as a general partner but without the person's consent, agrees to a material alteration in the nature or time of payment of the obligation.

ARTICLE 7
TRANSFERABLE INTERESTS AND RIGHTS OF TRANSFEREES AND CREDITORS

Section 701. Partner's transferable interest. The only interest of a partner which is transferable is the partner's transferable interest. A transferable interest is personal property.

Section 702. Transfer of partner's transferable interest.
(a) A transfer, in whole or in part, of a partner's transferable interest:
   (1) is permissible;
   (2) does not by itself cause the partner's dissociation or a dissolution and winding up of the limited partnership's activities; and
   (3) does not, as against the other partners or the limited partnership, entitle the transferee to participate in the management or conduct of the limited partnership's activities, to require access
to information concerning the limited partnership's transactions except as otherwise provided in subsection (c), or to inspect or copy the required information or the limited partnership's other records.

(b) A transferee has a right to receive, in accordance with the transfer:

   (1) distributions to which the transferor would otherwise be entitled; and
   (2) upon the dissolution and winding up of the limited partnership's activities the net amount otherwise distributable to the transferor.

(c) In a dissolution and winding up, a transferee is entitled to an account of the limited partnership's transactions only from the date of dissolution.

(d) Upon transfer, the transferor retains the rights of a partner other than the interest in distributions transferred and retains all duties and obligations of a partner.

(e) A limited partnership need not give effect to a transferee's rights under this Section until the limited partnership has notice of the transfer.

(f) A transfer of a partner's transferable interest in the limited partnership in violation of a restriction on transfer contained in the partnership agreement is ineffective as to a person having notice of the restriction at the time of transfer.

(g) A transferee that becomes a partner with respect to a transferable interest is liable for the transferor's obligations under Sections 502 and 509. However, the transferee is not obligated for liabilities unknown to the transferee at the time the transferee became a partner.

Section 703. Rights of creditor of partner or transferee.

(a) On application to a court of competent jurisdiction by any judgment creditor of a partner or transferee, the court may charge the transferable interest of the judgment debtor with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of a transferee. The court may appoint a receiver of the share of the distributions due or to become due to the judgment debtor in respect of the partnership and make all other orders, directions, accounts, and inquiries the judgment debtor might have made or which the circumstances of the case may require to give effect to the charging order.

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(b) A charging order constitutes a lien on the judgment debtor's transferable interest. The court may order a foreclosure upon the interest subject to the charging order at any time. The purchaser at the foreclosure sale has the rights of a transferee.

(c) At any time before foreclosure, an interest charged may be redeemed:

(1) by the judgment debtor;
(2) with property other than limited partnership property, by one or more of the other partners; or
(3) with limited partnership property, by the limited partnership with the consent of all partners whose interests are not so charged.

(d) This Act does not deprive any partner or transferee of the benefit of any exemption laws applicable to the partner's or transferee's transferable interest.

(e) This Section provides the exclusive remedy by which a judgment creditor of a partner or transferee may satisfy a judgment out of the judgment debtor's transferable interest.

Section 704. Power of estate of deceased partner. If a partner dies, the deceased partner's personal representative or other legal representative may exercise the rights of a transferee as provided in Section 702 and, for the purposes of settling the estate, may exercise the rights of a current limited partner under Section 304.

ARTICLE 8
DISSOLUTION

Section 801. Nonjudicial dissolution. Except as otherwise provided in Section 802, a limited partnership is dissolved, and its activities must be wound up, only upon the occurrence of any of the following:

(1) the happening of an event specified in the partnership agreement;
(2) the consent of all general partners and of limited partners owning a majority of the rights to receive distributions as limited partners at the time the consent is to be effective;
(3) after the dissociation of a person as a general partner:
   (A) if the limited partnership has at least one remaining general partner, the consent to dissolve the limited partnership given within 90 days after the dissociation by partners owning a majority of the rights to

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receive distributions as partners at the time the consent is to be effective; or

(B) if the limited partnership does not have a remaining general partner, the passage of 90 days after the dissociation, unless before the end of the period:

   (i) consent to continue the activities of the limited partnership and admit at least one general partner is given by limited partners owning a majority of the rights to receive distributions as limited partners at the time the consent is to be effective; and

   (ii) at least one person is admitted as a general partner in accordance with the consent;

(4) the passage of 90 days after the dissociation of the limited partnership's last limited partner, unless before the end of the period the limited partnership admits at least one limited partner; or

(5) the signing and filing of a declaration of dissolution by the Secretary of State under Section 809(c).

Section 802. Judicial dissolution. On application by a partner the circuit court may order dissolution of a limited partnership if it is not reasonably practicable to carry on the activities of the limited partnership in conformity with the partnership agreement.

Section 803. Winding up.

(a) A limited partnership continues after dissolution only for the purpose of winding up its activities.

(b) In winding up its activities, the limited partnership:

   (1) may amend its certificate of limited partnership to state that the limited partnership is dissolved, preserve the limited partnership business or property as a going concern for a reasonable time, prosecute and defend actions and proceedings, whether civil, criminal, or administrative, transfer the limited partnership's property, settle disputes by mediation or arbitration, file a statement of termination as provided in Section 203, and perform other necessary acts; and

   (2) shall discharge the limited partnership's liabilities, settle and close the limited partnership's activities, and marshal and distribute the assets of the partnership.

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(c) If a dissolved limited partnership does not have a general partner, a person to wind up the dissolved limited partnership's activities may be appointed by the consent of limited partners owning a majority of the rights to receive distributions as limited partners at the time the consent is to be effective. A person appointed under this subsection:

(1) has the powers of a general partner under Section 804; and

(2) shall promptly amend the certificate of limited partnership to state:

(A) that the limited partnership does not have a general partner;
(B) the name of the person that has been appointed to wind up the limited partnership; and
(C) the street and mailing address of the person.

(d) On the application of any partner, the circuit court may order judicial supervision of the winding up, including the appointment of a person to wind up the dissolved limited partnership's activities, if:

(1) a limited partnership does not have a general partner and within a reasonable time following the dissolution no person has been appointed pursuant to subsection (c); or
(2) the applicant establishes other good cause.

Section 804. Power of general partner and person dissociated as general partner to bind partnership after dissolution.

(a) A limited partnership is bound by a general partner's act after dissolution which:

(1) is appropriate for winding up the limited partnership's activities; or
(2) would have bound the limited partnership under Section 402 before dissolution, if, at the time the other party enters into the transaction, the other party does not have notice of the dissolution.

(b) A person dissociated as a general partner binds a limited partnership through an act occurring after dissolution if:

(1) at the time the other party enters into the transaction:
   (A) less than two years has passed since the dissociation; and
   (B) the other party does not have notice of the dissociation and reasonably believes that the person is a general partner; and
(2) the act:

New matter indicated by italics - deletions by strikeout.
(A) is appropriate for winding up the limited partnership's activities; or
(B) would have bound the limited partnership under Section 402 before dissolution and at the time the other party enters into the transaction the other party does not have notice of the dissolution.

Section 805. Liability after dissolution of general partner and person dissociated as general partner to limited partnership, other general partners, and persons dissociated as general partner.
(a) If a general partner having knowledge of the dissolution causes a limited partnership to incur an obligation under Section 804(a) by an act that is not appropriate for winding up the partnership's activities, the general partner is liable:
   (1) to the limited partnership for any damage caused to the limited partnership arising from the obligation; and
   (2) if another general partner or a person dissociated as a general partner is liable for the obligation, to that other general partner or person for any damage caused to that other general partner or person arising from the liability.
(b) If a person dissociated as a general partner causes a limited partnership to incur an obligation under Section 804(b), the person is liable:
   (1) to the limited partnership for any damage caused to the limited partnership arising from the obligation; and
   (2) if a general partner or another person dissociated as a general partner is liable for the obligation, to the general partner or other person for any damage caused to the general partner or other person arising from the liability.

Section 806. Known claims against dissolved limited partnership.
(a) A dissolved limited partnership may dispose of the known claims against it by following the procedure described in subsection (b).
(b) A dissolved limited partnership may notify its known claimants of the dissolution in a record. The notice must:
   (1) specify the information required to be included in a claim;
   (2) provide a mailing address to which the claim is to be sent;

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(3) state the deadline for receipt of the claim, which may not be less than 120 days after the date the notice is received by the claimant;

(4) state that the claim will be barred if not received by the deadline; and

(5) unless the limited partnership has been throughout its existence a limited liability limited partnership, state that the barring of a claim against the limited partnership will also bar any corresponding claim against any general partner or person dissociated as a general partner which is based on Section 404.

(c) A claim against a dissolved limited partnership is barred if the requirements of subsection (b) are met and:

(1) the claim is not received by the specified deadline; or

(2) in the case of a claim that is timely received but rejected by the dissolved limited partnership, the claimant does not commence an action to enforce the claim against the limited partnership within 90 days after the receipt of the notice of the rejection.

(d) This Section does not apply to a claim based on an event occurring after the effective date of dissolution or a liability that is contingent on that date.

Section 807. Other claims against dissolved limited partnership.

(a) A dissolved limited partnership may publish notice of its dissolution and request persons having claims against the limited partnership to present them in accordance with the notice.

(b) The notice must:

(1) be published at least once in a newspaper of general circulation in the county in which the dissolved limited partnership's principal office is located or, if it has none in this State, in the county in which the limited partnership's designated office is or was last located;

(2) describe the information required to be contained in a claim and provide a mailing address to which the claim is to be sent;

(3) state that a claim against the limited partnership is barred unless an action to enforce the claim is commenced within five years after publication of the notice; and

(4) unless the limited partnership has been throughout its existence a limited liability limited partnership, state that the

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barring of a claim against the limited partnership will also bar any corresponding claim against any general partner or person dissociated as a general partner which is based on Section 404.

(c) If a dissolved limited partnership publishes a notice in accordance with subsection (b), the claim of each of the following claimants is barred unless the claimant commences an action to enforce the claim against the dissolved limited partnership within five years after the publication date of the notice:

(1) a claimant that did not receive notice in a record under Section 806;
(2) a claimant whose claim was timely sent to the dissolved limited partnership but not acted on; and
(3) a claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

(d) A claim not barred under this Section may be enforced:

(1) against the dissolved limited partnership, to the extent of its undistributed assets;
(2) if the assets have been distributed in liquidation, against a partner or transferee to the extent of that person's proportionate share of the claim or the limited partnership's assets distributed to the partner or transferee in liquidation, whichever is less, but a person's total liability for all claims under this paragraph does not exceed the total amount of assets distributed to the person as part of the winding up of the dissolved limited partnership; or
(3) against any person liable on the claim under Section 404.

Section 808. Liability of general partner and person dissociated as general partner when claim against limited partnership barred. If a claim against a dissolved limited partnership is barred under Section 806 or 807, any corresponding claim under Section 404 is also barred.

Section 809. Administrative dissolution.

(a) The Secretary of State may dissolve a limited partnership administratively if the limited partnership does not, within 60 days after the due date:

(1) pay any fee, tax, or penalty due to the Secretary of State under this Act or other law; or
(2) deliver its annual report to the Secretary of State.

(b) If the Secretary of State determines that a ground exists for administratively dissolving a limited partnership, the Secretary of State

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shall file a record of the determination and serve the limited partnership with a copy of the filed record.

(c) If within 60 days after service of the copy the limited partnership does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the Secretary of State that each ground determined by the Secretary of State does not exist, the Secretary of State shall administratively dissolve the limited partnership by preparing, signing and filing a declaration of dissolution that states the grounds for dissolution. The Secretary of State shall serve the limited partnership with a copy of the filed declaration.

(d) A limited partnership administratively dissolved continues its existence but may carry on only activities necessary to wind up its activities and liquidate its assets under Sections 803 and 812 and to notify claimants under Sections 806 and 807.

(e) The administrative dissolution of a limited partnership does not terminate the authority of its agent for service of process.

Section 810. Reinstatement following administrative dissolution.

(a) A limited partnership that has been administratively dissolved may apply to the Secretary of State for reinstatement after the effective date of dissolution. The application must be delivered to the Secretary of State for filing and state:

(1) the name of the limited partnership and the effective date of its administrative dissolution;

(2) that the grounds for dissolution either did not exist or have been eliminated; and

(3) that the limited partnership's name satisfies the requirements of Section 108.

(b) If the Secretary of State determines that an application contains the information required by subsection (a) and that the information is correct, the Secretary of State shall prepare a declaration of reinstatement that states this determination, sign, and file the original of the declaration of reinstatement, and serve the limited partnership with a copy.

(c) When reinstatement becomes effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the limited partnership may resume its activities as if the administrative dissolution had never occurred.

Section 811. Appeal from denial of reinstatement.

(a) If the Secretary of State denies a limited partnership's application for reinstatement following administrative dissolution, the

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Secretary of State shall prepare, sign and file a notice that explains the reason or reasons for denial and serve the limited partnership with a copy of the notice.

(b) Within 30 days after service of the notice of denial, the limited partnership may appeal from the denial of reinstatement by petitioning the Circuit Court of Sangamon County to set aside the dissolution. The petition must be served on the Secretary of State and contain a copy of the Secretary of State's declaration of dissolution, the limited partnership's application for reinstatement, and the Secretary of State's notice of denial.

(c) The court may summarily order the Secretary of State to reinstate the dissolved limited partnership or may take other action the court considers appropriate.

Section 812. Disposition of assets; when contributions required.

(a) In winding up a limited partnership's activities, the assets of the limited partnership, including the contributions required by this Section, must be applied to satisfy the limited partnership's obligations to creditors, including, to the extent permitted by law, partners that are creditors.

(b) Any surplus remaining after the limited partnership complies with subsection (a) must be paid in cash as a distribution.

(c) If a limited partnership's assets are insufficient to satisfy all of its obligations under subsection (a), with respect to each unsatisfied obligation incurred when the limited partnership was not a limited liability limited partnership, the following rules apply:

(1) Each person that was a general partner when the obligation was incurred and that has not been released from the obligation under Section 607 shall contribute to the limited partnership for the purpose of enabling the limited partnership to satisfy the obligation. The contribution due from each of those persons is in proportion to the right to receive distributions in the capacity of general partner in effect for each of those persons when the obligation was incurred.

(2) If a person does not contribute the full amount required under paragraph (1) with respect to an unsatisfied obligation of the limited partnership, the other persons required to contribute by paragraph (1) on account of the obligation shall contribute the additional amount necessary to discharge the obligation. The additional contribution due from each of those other persons is in proportion to the right to receive distributions in the capacity of

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general partner in effect for each of those other persons when the obligation was incurred.

(3) If a person does not make the additional contribution required by paragraph (2), further additional contributions are determined and due in the same manner as provided in that paragraph.

(d) A person that makes an additional contribution under subsection (c)(2) or (3) may recover from any person whose failure to contribute under subsection (c)(1) or (2) necessitated the additional contribution. A person may not recover under this subsection more than the amount additionally contributed. A person's liability under this subsection may not exceed the amount the person failed to contribute.

(e) The estate of a deceased individual is liable for the person's obligations under this Section.

(f) An assignee for the benefit of creditors of a limited partnership or a partner, or a person appointed by a court to represent creditors of a limited partnership or a partner, may enforce a person's obligation to contribute under subsection (c).

ARTICLE 9
FOREIGN LIMITED PARTNERSHIPS

Section 901. Governing law.

(a) The laws of the state or other jurisdiction under which a foreign limited partnership is organized govern relations among the partners of the foreign limited partnership and between the partners and the foreign limited partnership and the liability of partners as partners for an obligation of the foreign limited partnership.

(b) A foreign limited partnership may not be denied a certificate of authority by reason of any difference between the laws of the jurisdiction under which the foreign limited partnership is organized and the laws of this State.

(c) A certificate of authority does not authorize a foreign limited partnership to engage in any business or exercise any power that a limited partnership may not engage in or exercise in this State.

Section 902. Application for certificate of authority.

(a) A foreign limited partnership may apply for a certificate of authority to transact business in this State by delivering an application to the Secretary of State for filing. The application must state:

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(1) the name of the foreign limited partnership and, if the name does not comply with Section 108, an alternate name adopted pursuant to Section 905(a);
(2) the name of the state or other jurisdiction under whose law the foreign limited partnership is organized;
(3) the street and mailing address of the foreign limited partnership's principal office and, if the laws of the jurisdiction under which the foreign limited partnership is organized require the foreign limited partnership to maintain an office in that jurisdiction, the street and mailing address of the required office;
(4) the name and street and mailing address of the foreign limited partnership's initial agent for service of process in this State;
(5) the name and street and mailing address of each of the foreign limited partnership's general partners; and
(6) whether the foreign limited partnership is a foreign limited liability limited partnership.

(b) A foreign limited partnership shall deliver with the completed application a certificate of existence or a record of similar import signed by the Secretary of State or other official having custody of the foreign limited partnership's publicly filed records in the state or other jurisdiction under whose law the foreign limited partnership is organized.

Section 903. Activities not constituting transacting business.

(a) Activities of a foreign limited partnership which do not constitute transacting business in this State within the meaning of this Article include:
(1) maintaining, defending, and settling an action or proceeding;
(2) holding meetings of its partners or carrying on any other activity concerning its internal affairs;
(3) maintaining accounts in financial institutions;
(4) maintaining offices or agencies for the transfer, exchange, and registration of the foreign limited partnership's own securities or maintaining trustees or depositories with respect to those securities;
(5) selling through independent contractors;
(6) soliciting or obtaining orders, whether by mail or electronic means or through employees or agents or otherwise, if

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the orders require acceptance outside this State before they become contracts;

(7) creating or acquiring indebtedness, mortgages, or security interests in real or personal property;

(8) securing or collecting debts or enforcing mortgages or other security interests in property securing the debts, and holding, protecting, and maintaining property so acquired;

(9) conducting an isolated transaction that is completed within 30 days and is not one in the course of similar transactions of a like manner; and

(10) transacting business in interstate commerce.

(b) For purposes of this Article, the ownership in this State of income-producing real property or tangible personal property, other than property excluded under subsection (a), constitutes transacting business in this State.

(c) This Section does not apply in determining the contacts or activities that may subject a foreign limited partnership to service of process, taxation, or regulation under any other law of this State.

Section 904. Filing of certificate of authority. Unless the Secretary of State determines that an application for a certificate of authority does not comply with the filing requirements of this Act, the Secretary of State, upon payment of all filing fees, shall file the application, prepare, sign and file a certificate of authority to transact business in this State, and send a copy of the filed certificate, together with a receipt for the fees, to the foreign limited partnership or its representative.

Section 905. Noncomplying name of foreign limited partnership.

(a) A foreign limited partnership whose name does not comply with Section 108 may not obtain a certificate of authority until it adopts, for the purpose of transacting business in this State, an alternate name that complies with Section 108. A foreign limited partnership that adopts an alternate name under this subsection and then obtains a certificate of authority with the name need not comply with the Assumed Business Name Act and is deemed to be in compliance with Section 108.5. After obtaining a certificate of authority with an alternate name, a foreign limited partnership shall transact business in this State under the name unless the foreign limited partnership is authorized under the Assumed Business Name Act to transact business in this State under another name.

(b) If a foreign limited partnership authorized to transact business in this State changes its name to one that does not comply with Section
108, it may not thereafter transact business in this State until it complies
with subsection (a) and obtains an amended certificate of authority.

Section 906. Revocation of certificate of authority.

(a) A certificate of authority of a foreign limited partnership to
transact business in this State may be revoked by the Secretary of State in
the manner provided in subsections (b) and (c) if the foreign limited
partnership does not:

(1) pay, within 60 days after the due date, any fee, tax or
penalty due to the Secretary of State under this Act or other law;
(2) deliver, within 60 days after the due date, its annual
report required under Section 210;
(3) appoint and maintain an agent for service of process as
required by Section 114(b); or
(4) deliver for filing a statement of a change under
Section 115 within 30 days after a change has occurred in the name or
address of the agent.

(b) In order to revoke a certificate of authority, the Secretary of
State must prepare, sign, and file a notice of revocation and send a copy to
the foreign limited partnership's agent for service of process in this State,
or if the foreign limited partnership does not appoint and maintain a proper
agent in this State, to the foreign limited partnership's designated office.
The notice must state:

(1) the revocation's effective date, which must be at least 60
days after the date the Secretary of State sends the copy; and
(2) the foreign limited partnership's failures to comply with
subsection (a) which are the reason for the revocation.

(c) The authority of the foreign limited partnership to transact
business in this State ceases on the effective date of the notice of
revocation unless before that date the foreign limited partnership cures
each failure to comply with subsection (a) stated in the notice. If the
foreign limited partnership cures the failures, the Secretary of State shall
so indicate on the filed notice.

Section 907. Cancellation of certificate of authority; effect of
failure to have certificate.

(a) In order to cancel its certificate of authority to transact business
in this State, a foreign limited partnership must deliver to the Secretary of
State for filing a notice of cancellation. The certificate is canceled when
the notice becomes effective under Section 206.

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(b) A foreign limited partnership transacting business in this State may not maintain an action or proceeding in this State unless it has a certificate of authority to transact business in this State.

(c) The failure of a foreign limited partnership to have a certificate of authority to transact business in this State does not impair the validity of a contract or act of the foreign limited partnership or prevent the foreign limited partnership from defending an action or proceeding in this State.

(d) A partner of a foreign limited partnership is not liable for the obligations of the foreign limited partnership solely by reason of the foreign limited partnership's having transacted business in this State without a certificate of authority.

(e) If a foreign limited partnership transacts business in this State without a certificate of authority or cancels its certificate of authority, it appoints the Secretary of State as its agent for service of process for rights of action arising out of the transaction of business in this State.

Section 908. Action by Attorney General. The Attorney General may maintain an action to restrain a foreign limited partnership from transacting business in this State in violation of this Article.

ARTICLE 10
ACTIONS BY PARTNERS

Section 1001. Direct action by partner.

(a) Subject to subsection (b), a partner may maintain a direct action against the limited partnership or another partner for legal or equitable relief, with or without an accounting as to the partnership's activities, to enforce the rights and otherwise protect the interests of the partner, including rights and interests under the partnership agreement or this Act or arising independently of the partnership relationship.

(b) A partner commencing a direct action under this Section is required to plead and prove an actual or threatened injury that is not solely the result of an injury suffered or threatened to be suffered by the limited partnership.

(c) The accrual of, and any time limitation on, a right of action for a remedy under this Section is governed by other law. A right to an accounting upon a dissolution and winding up does not revive a claim barred by law.

Section 1002. Derivative action. A partner may maintain a derivative action to enforce a right of a limited partnership if:

(1) the partner first makes a demand on the general partners, requesting that they cause the limited partnership to bring

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an action to enforce the right, and the general partners do not bring
the action within a reasonable time; or
(2) a demand would be futile.

Section 1003. Proper plaintiff. A derivative action may be
maintained only by a person that is a partner at the time the action is
commenced and:
(1) that was a partner when the conduct giving rise to the
action occurred; or
(2) whose status as a partner devolved upon the person by
operation of law or pursuant to the terms of the partnership
agreement from a person that was a partner at the time of the
conduct.

Section 1004. Pleading. In a derivative action, the complaint must
state with particularity:
(1) the date and content of plaintiff’s demand and the
general partners' response to the demand; or
(2) why demand should be excused as futile. Section 1005.

Proceeds and expenses.
(a) Except as otherwise provided in subsection (b):
(1) any proceeds or other benefits of a derivative action,
whether by judgment, compromise, or settlement, belong to the
limited partnership and not to the derivative plaintiff;
(2) if the derivative plaintiff receives any proceeds, the
derivative plaintiff shall immediately remit them to the limited
partnership.

(b) If a derivative action is successful in whole or in part, the court
may award the plaintiff reasonable expenses, including reasonable
attorney's fees, from the recovery of the limited partnership.

ARTICLE 11
CONVERSION AND MERGER

Section 1101. Definitions. In this Article:
(1) "Constituent limited partnership" means a constituent
organization that is a limited partnership.
(2) "Constituent organization" means an organization that is party
to a merger.
(3) "Converted organization" means the organization into which a
converting organization converts pursuant to Sections 1102 through 1105.
(4) "Converting limited partnership" means a converting
organization that is a limited partnership.

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(5) "Converting organization" means an organization that converts into another organization pursuant to Section 1102.

(6) "General partner" means a general partner of a limited partnership.

(7) "Governing statute" of an organization means the statute that governs the organization's internal affairs.

(8) "Organization" means a general partnership, including a limited liability partnership; limited partnership, including a limited liability limited partnership; limited liability company; business trust; corporation; or any other person having a governing statute. The term includes domestic and foreign organizations whether or not organized for profit.

(9) "Organizational documents" means:
   (A) for a domestic or foreign general partnership, its partnership agreement;
   (B) for a limited partnership or foreign limited partnership, its certificate of limited partnership and partnership agreement;
   (C) for a domestic or foreign limited liability company, its articles of organization and operating agreement, or comparable records as provided in its governing statute;
   (D) for a business trust, its agreement of trust and declaration of trust;
   (E) for a domestic or foreign corporation for profit, its articles of incorporation, bylaws, and other agreements among its shareholders which are authorized by its governing statute, or comparable records as provided in its governing statute; and
   (F) for any other organization, the basic records that create the organization and determine its internal governance and the relations among the persons that own it, have an interest in it, or are members of it.

(10) "Personal liability" means personal liability for a debt, liability, or other obligation of an organization which is imposed on a person that co-owns, has an interest in, or is a member of the organization:
   (A) by the organization's governing statute solely by reason of the person co-owning, having an interest in, or being a member of the organization; or
   (B) by the organization's organizational documents under a provision of the organization's governing statute authorizing those documents to make one or more specified persons liable for all or specified debts, liabilities, and other obligations of the organization.

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solely by reason of the person or persons co-owning, having an
interest in, or being a member of the organization.
(11) "Surviving organization" means an organization into which
one or more other organizations are merged. A surviving organization may
preexist the merger or be created by the merger.
Section 1102. Conversion.
(a) An organization other than a limited partnership may convert to
a limited partnership, and a limited partnership may convert to another
organization pursuant to this Section and Sections 1103 through 1105 and
a plan of conversion, if:
(1) the other organization's governing statute authorizes the
conversion;
(2) the conversion is not prohibited by the law of the
jurisdiction that enacted the governing statute; and
(3) the other organization complies with its governing
statute in effecting the conversion.
(b) A plan of conversion must be in a record and must include:
(1) the name and form of the organization before
conversion;
(2) the name and form of the organization after conversion;
and
(3) the terms and conditions of the conversion, including
the manner and basis for converting interests in the converting
organization into any combination of money, interests in the
converted organization, and other consideration; and
(4) the organizational documents of the converted
organization.
Section 1103. Action on plan of conversion by converting limited
partnership.
(a) Subject to Section 1110, a plan of conversion must be
consented to by all the partners of a converting limited partnership.
(b) Subject to Section 1110 and any contractual rights, after a
conversion is approved, and at any time before a filing is made under
Section 1104, a converting limited partnership may amend the plan or
abandon the planned conversion:
(1) as provided in the plan; and
(2) except as prohibited by the plan, by the same consent as
was required to approve the plan.
Section 1104. Filings required for conversion; effective date.

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(a) After a plan of conversion is approved:

(1) a converting limited partnership shall deliver to the Secretary of State for filing articles of conversion, which must include:

(A) a statement that the limited partnership has been converted into another organization;
(B) the name and form of the organization and the jurisdiction of its governing statute;
(C) the date the conversion is effective under the governing statute of the converted organization;
(D) a statement that the conversion was approved as required by this Act;
(E) a statement that the conversion was approved as required by the governing statute of the converted organization; and
(F) if the converted organization is a foreign organization not authorized to transact business in this State, the street and mailing address of an office which the Secretary of State may use for the purposes of Section 1105(c); and

(2) if the converting organization is not a converting limited partnership, the converting organization shall deliver to the Secretary of State for filing a certificate of limited partnership, which must include, in addition to the information required by Section 201:

(A) a statement that the limited partnership was converted from another organization;
(B) the name and form of the organization and the jurisdiction of its governing statute; and
(C) a statement that the conversion was approved in a manner that complied with the organization's governing statute.

(b) A conversion becomes effective:

(1) if the converted organization is a limited partnership, when the certificate of limited partnership takes effect; and
(2) if the converted organization is not a limited partnership, as provided by the governing statute of the converted organization.

Section 1105. Effect of conversion.
(a) An organization that has been converted pursuant to this Article is for all purposes the same entity that existed before the conversion.

(b) When a conversion takes effect:

1. all property owned by the converting organization remains vested in the converted organization;
2. all debts, liabilities, and other obligations of the converting organization continue as obligations of the converted organization;
3. an action or proceeding pending by or against the converting organization may be continued as if the conversion had not occurred;
4. except as prohibited by other law, all of the rights, privileges, immunities, powers, and purposes of the converting organization remain vested in the converted organization;
5. except as otherwise provided in the plan of conversion, the terms and conditions of the plan of conversion take effect; and
6. except as otherwise agreed, the conversion does not dissolve a converting limited partnership for the purposes of Article 8.

(c) A converted organization that is a foreign organization consents to the jurisdiction of the courts of this State to enforce any obligation owed by the converting limited partnership, if before the conversion the converting limited partnership was subject to suit in this State on the obligation. A converted organization that is a foreign organization and not authorized to transact business in this State appoints the Secretary of State as its agent for service of process for purposes of enforcing an obligation under this subsection. Service on the Secretary of State under this subsection is made in the same manner and with the same consequences as in Section 117(c) and (d).

Section 1106. Merger.

(a) A limited partnership may merge with one or more other constituent organizations pursuant to this Section and Sections 1107 through 1109 and a plan of merger, if:

1. the governing statute of each of the other organizations authorizes the merger;
2. the merger is not prohibited by the law of a jurisdiction that enacted any of those governing statutes; and
3. each of the other organizations complies with its governing statute in effecting the merger.

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(b) A plan of merger must be in a record and must include:

1. the name and form of each constituent organization;
2. the name and form of the surviving organization and, if the surviving organization is to be created by the merger, a statement to that effect;
3. the terms and conditions of the merger, including the manner and basis for converting the interests in each constituent organization into any combination of money, interests in the surviving organization, and other consideration;
4. if the surviving organization is to be created by the merger, the surviving organization's organizational documents; and
5. if the surviving organization is not to be created by the merger, any amendments to be made by the merger to the surviving organization's organizational documents.

Section 1107. Action on plan of merger by constituent limited partnership.

(a) Subject to Section 1110, a plan of merger must be consented to by all the partners of a constituent limited partnership.

(b) Subject to Section 1110 and any contractual rights, after a merger is approved, and at any time before a filing is made under Section 1108, a constituent limited partnership may amend the plan or abandon the planned merger:

1. as provided in the plan; and
2. except as prohibited by the plan, with the same consent as was required to approve the plan.

Section 1108. Filings required for merger; effective date.

(a) After each constituent organization has approved a merger, articles of merger must be signed on behalf of:

1. each preexisting constituent limited partnership, by each general partner listed in the certificate of limited partnership; and
2. each other preexisting constituent organization, by an authorized representative.

(b) The articles of merger must include:

1. the name and form of each constituent organization and the jurisdiction of its governing statute;
2. the name and form of the surviving organization, the jurisdiction of its governing statute, and, if the surviving organization is created by the merger, a statement to that effect;

New matter indicated by italics - deletions by strikeout.
(3) the date the merger is effective under the governing statute of the surviving organization;

(4) if the surviving organization is to be created by the merger:

   (A) if it will be a limited partnership, the limited partnership's certificate of limited partnership; or
   (B) if it will be an organization other than a limited partnership, the organizational document that creates the organization;

(5) if the surviving organization preexists the merger, any amendments provided for in the plan of merger for the organizational document that created the organization;

(6) a statement as to each constituent organization that the merger was approved as required by the organization's governing statute;

(7) if the surviving organization is a foreign organization not authorized to transact business in this State, the street and mailing address of an office which the Secretary of State may use for the purposes of Section 1109(b); and

(8) any additional information required by the governing statute of any constituent organization.

(c) Each constituent limited partnership shall deliver the articles of merger for filing in the Office of the Secretary of State.

(d) A merger becomes effective under this Article:

   (1) if the surviving organization is a limited partnership, upon the later of:

      (i) compliance with subsection (c); or
      (ii) subject to Section 206(c), as specified in the articles of merger; or

   (2) if the surviving organization is not a limited partnership, as provided by the governing statute of the surviving organization.

Section 1109. Effect of merger.

(a) When a merger becomes effective:

   (1) the surviving organization continues or comes into existence;
   (2) each constituent organization that merges into the surviving organization ceases to exist as a separate entity;
   (3) all property owned by each constituent organization that ceases to exist vests in the surviving organization;

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(4) all debts, liabilities, and other obligations of each constituent organization that ceases to exist continue as obligations of the surviving organization;

(5) an action or proceeding pending by or against any constituent organization that ceases to exist may be continued as if the merger had not occurred;

(6) except as prohibited by other law, all of the rights, privileges, immunities, powers, and purposes of each constituent organization that ceases to exist vest in the surviving organization;

(7) except as otherwise provided in the plan of merger, the terms and conditions of the plan of merger take effect;

(8) except as otherwise agreed, if a constituent limited partnership ceases to exist, the merger does not dissolve the limited partnership for the purposes of Article 8;

(9) if the surviving organization is created by the merger:
   (A) if it is a limited partnership, the certificate of limited partnership becomes effective; or
   (B) if it is an organization other than a limited partnership, the organizational document that creates the organization becomes effective; and

(10) if the surviving organization preexists the merger, any amendments provided for in the articles of merger for the organizational document that created the organization become effective.

(b) A surviving organization that is a foreign organization consents to the jurisdiction of the courts of this State to enforce any obligation owed by a constituent organization, if before the merger the constituent organization was subject to suit in this State on the obligation. A surviving organization that is a foreign organization and not authorized to transact business in this State appoints the Secretary of State as its agent for service of process for the purposes of enforcing an obligation under this subsection. Service on the Secretary of State under this subsection is made in the same manner and with the same consequences as in Section 117(c) and (d).

Section 1110. Restrictions on approval of conversions and mergers and on relinquishing LLLP status.

(a) If a partner of a converting or constituent limited partnership will have personal liability with respect to a converted or surviving

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organization, approval and amendment of a plan of conversion or merger are ineffective without the consent of the partner, unless:

(1) the limited partnership’s partnership agreement provides for the approval of the conversion or merger with the consent of fewer than all the partners; and

(2) the partner has consented to the provision of the partnership agreement.

(b) An amendment to a certificate of limited partnership which deletes a statement that the limited partnership is a limited liability limited partnership is ineffective without the consent of each general partner unless:

(1) the limited partnership’s partnership agreement provides for the amendment with the consent of less than all the general partners; and

(2) each general partner that does not consent to the amendment has consented to the provision of the partnership agreement.

(c) A partner does not give the consent required by subsection (a) or (b) merely by consenting to a provision of the partnership agreement which permits the partnership agreement to be amended with the consent of fewer than all the partners.

Section 1111. Liability of general partner after conversion or merger.

(a) A conversion or merger under this Article does not discharge any liability under Sections 404 and 607 of a person that was a general partner in or dissociated as a general partner from a converting or constituent limited partnership, but:

(1) the provisions of this Act pertaining to the collection or discharge of the liability continue to apply to the liability;

(2) for the purposes of applying those provisions, the converted or surviving organization is deemed to be the converting or constituent limited partnership; and

(3) if a person is required to pay any amount under this subsection:

(A) the person has a right of contribution from each other person that was liable as a general partner under Section 404 when the obligation was incurred and has not been released from the obligation under Section 607; and

New matter indicated by italics - deletions by strikeout.
(B) the contribution due from each of those persons is in proportion to the right to receive distributions in the capacity of general partner in effect for each of those persons when the obligation was incurred.

(b) In addition to any other liability provided by law:

(1) a person that immediately before a conversion or merger became effective was a general partner in a converting or constituent limited partnership that was not a limited liability limited partnership is personally liable for each obligation of the converted or surviving organization arising from a transaction with a third party after the conversion or merger becomes effective, if, at the time the third party enters into the transaction, the third party:

(A) does not have notice of the conversion or merger; and

(B) reasonably believes that:

(i) the converted or surviving business is the converting or constituent limited partnership;

(ii) the converting or constituent limited partnership is not a limited liability limited partnership; and

(iii) the person is a general partner in the converting or constituent limited partnership; and

(2) a person that was dissociated as a general partner from a converting or constituent limited partnership before the conversion or merger became effective is personally liable for each obligation of the converted or surviving organization arising from a transaction with a third party after the conversion or merger becomes effective, if:

(A) immediately before the conversion or merger became effective the converting or surviving limited partnership was not a limited liability limited partnership; and

(B) at the time the third party enters into the transaction less than two years have passed since the person dissociated as a general partner and the third party:

(i) does not have notice of the dissociation;

(ii) does not have notice of the conversion or merger; and

New matter indicated by italics - deletions by strikeout.
(iii) reasonably believes that the converted or surviving organization is the converting or constituent limited partnership, the converting or constituent limited partnership is not a limited liability limited partnership, and the person is a general partner in the converting or constituent limited partnership.

Section 1112. Power of general partners and persons dissociated as general partners to bind organization after conversion or merger.

(a) An act of a person that immediately before a conversion or merger became effective was a general partner in a converting or constituent limited partnership binds the converted or surviving organization after the conversion or merger becomes effective, if:

(1) before the conversion or merger became effective, the act would have bound the converting or constituent limited partnership under Section 402; and

(2) at the time the third party enters into the transaction, the third party:

(A) does not have notice of the conversion or merger; and
(B) reasonably believes that the converted or surviving business is the converting or constituent limited partnership and that the person is a general partner in the converting or constituent limited partnership.

(b) An act of a person that before a conversion or merger became effective was dissociated as a general partner from a converting or constituent limited partnership binds the converted or surviving organization after the conversion or merger becomes effective, if:

(1) before the conversion or merger became effective, the act would have bound the converting or constituent limited partnership under Section 402 if the person had been a general partner; and

(2) at the time the third party enters into the transaction, less than two years have passed since the person dissociated as a general partner and the third party:

(A) does not have notice of the dissociation;
(B) does not have notice of the conversion or merger; and

New matter indicated by italics - deletions by strikeout.
(C) reasonably believes that the converted or surviving organization is the converting or constituent limited partnership and that the person is a general partner in the converting or constituent limited partnership.

(c) If a person having knowledge of the conversion or merger causes a converted or surviving organization to incur an obligation under subsection (a) or (b), the person is liable:

(1) to the converted or surviving organization for any damage caused to the organization arising from the obligation; and

(2) if another person is liable for the obligation, to that other person for any damage caused to that other person arising from the liability.

Section 1113. Article not exclusive. This Article does not preclude an entity from being converted or merged under other law.

ARTICLE 12
MISCELLANEOUS PROVISIONS

Section 1201. Uniformity of application and construction. In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Section 1202. Severability clause. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 1203. Relation to Electronic Signatures in Global and National Commerce Act. This Act modifies, limits, or supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but this Act does not modify, limit, or supersede Section 101(c) of that Act or authorize electronic delivery of any of the notices described in Section 103(b) of that Act.

Section 1204. Effective date. (See Section 1402 for effective date.)
Section 1205. Repeals. (See Section 1401 for repeals.)
Section 1206. Application to existing relationships.
(a) Before January 1, 2008, this Act governs only:

(1) a limited partnership formed on or after January 1, 2005; and

(2) except as otherwise provided in subsections (c) and (d), a limited partnership formed before January 1, 2005 which elects,
in the manner provided in its partnership agreement or by law for
amending the partnership agreement, to be subject to this Act.
(b) Except as otherwise provided in subsection (c), on and after
January 1, 2008 this Act governs all limited partnerships.
(c) With respect to a limited partnership formed before January 1,
2005, the following rules apply except as the partners otherwise elect in
the manner provided in the partnership agreement or by law for amending
the partnership agreement:
   (1) Section 104(c) does not apply and the limited
partnership has whatever duration it had under the law applicable
immediately before January 1, 2005.
   (2) Section 108(d) does not apply.
   (3) The limited partnership is not required to amend its
certificate of limited partnership to comply with Section 201(a)(4).
   (4) Sections 601 and 602 do not apply and a limited partner
has the same right and power to dissociate from the limited
partnership, with the same consequences, as existed immediately
before January 1, 2005.
   (5) Section 603(4) does not apply.
   (6) Section 603(5) does not apply and a court has the same
power to expel a general partner as the court had immediately
before January 1, 2005.
   (7) Section 801(3) does not apply and the connection
between a person's dissociation as a general partner and the
dissolution of the limited partnership is the same as existed
immediately before January 1, 2005.
(d) With respect to a limited partnership that elects pursuant to
subsection (a)(2) to be subject to this Act, after the election takes effect the
provisions of this Act relating to the liability of the limited partnership's
general partners to third parties apply:
   (1) before January 1, 2008, to:
      (A) a third party that had not done business with the
limited partnership in the year before the election took
effect; and
      (B) a third party that had done business with the
limited partnership in the year before the election took
effect only if the third party knows or has received a
notification of the election; and

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(2) on and after January 1, 2008, to all third parties, but those provisions remain inapplicable to any obligation incurred while those provisions were inapplicable under paragraph (1)(B).

Section 1207. Savings clause. This Act does not affect an action commenced, proceeding brought, or right accrued before this Act takes effect.

Section 1207.2. The Criminal Code of 1961 is amended by changing Section 17-12 as follows:

Sec. 17-12. Fraudulent advertisement of corporate name. If a company, association, or person puts forth a sign or advertisement and assumes, for the purpose of soliciting business, a corporate name, not being incorporated, the company, association, or person commits a petty offense and is guilty of an additional petty offense for each day he, she, or it continues to so offend.

Nothing contained in this Section prohibits a corporation, company, association, or person from using a divisional designation or trade name in conjunction with its corporate name or assumed name under Section 4.05 of the Business Corporation Act of 1983 or, if it is a member of a partnership or joint venture, from doing partnership or joint venture business under the partnership or joint venture name. The name under which the joint venture or partnership does business may differ from the names of the members. Business may not be conducted or transacted under that joint venture or partnership name, however, unless all provisions of the Assumed Business Name Act have been complied with. Nothing in this Section permits a foreign corporation to do business in this State without complying with all Illinois laws regulating the doing of business by foreign corporations. No foreign corporation may conduct or transact business in this State as a member of a partnership or joint venture that violates any Illinois law regulating or pertaining to the doing of business by foreign corporations in Illinois.

The provisions of this Section do not apply to limited partnerships formed under the Revised Uniform Limited Partnership Act or under the Uniform Limited Partnership Act (2001).

Section 1207.3. The Limited Liability Company Act is amended by changing Section 37-5 as follows:

Sec. 37-5. Definitions. In this Article:

New matter indicated by italics - deletions by strikeout.
"Corporation" means (i) a corporation under the Business Corporation Act of 1983, a predecessor law, or comparable law of another jurisdiction or (ii) a bank or savings bank.

"General partner" means a partner in a partnership and a general partner in a limited partnership.

"Limited partner" means a limited partner in a limited partnership.

"Limited partnership" means a limited partnership created under the Revised Uniform Limited Partnership Act (2001), a predecessor law, or comparable law of another jurisdiction.

"Partner" includes a general partner and a limited partner.

"Partnership" means a general partnership under the Uniform Partnership Act, a predecessor law, or comparable law of another jurisdiction.

"Partnership agreement" means an agreement among the partners concerning the partnership or limited partnership.

"Shareholder" means a shareholder in a corporation.

(Source: P.A. 93-561, eff. 1-1-04.)

Section 1207.4. The Uniform Partnership Act (1997) is amended by changing Sections 901 and 902 as follows:

(805 ILCS 206/901)
Sec. 901. Definitions. In this Article:

(1) "General partner" means a partner in a partnership and a general partner in a limited partnership.

(2) "Limited partner" means a limited partner in a limited partnership.

(3) "Limited partnership" means a limited partnership created under the Revised Uniform Limited Partnership Act (2001), a predecessor law, or comparable law of another jurisdiction.

(4) "Partner" includes both a general partner and a limited partner.

(Source: P.A. 92-740, eff. 1-1-03.)

(805 ILCS 206/902)
Sec. 902. Conversion of partnership to limited partnership.

(a) A partnership may be converted to a limited partnership pursuant to this Section.

(b) The terms and conditions of a conversion of a partnership to a limited partnership must be approved by all of the partners or by a number or percentage specified for conversion in the partnership agreement.
(c) After the conversion is approved by the partners, the partnership shall file a certificate of limited partnership in the jurisdiction in which the limited partnership is to be formed. The certificate must include:

(1) a statement that the partnership was converted to a limited partnership from a partnership;
(2) its former name; and
(3) a statement of the number of votes cast by the partners for and against the conversion and, if the vote is less than unanimous, the number or percentage required to approve the conversion under the partnership agreement.

(d) The conversion takes effect when the certificate of limited partnership is filed or at any later date specified in the certificate.

(e) A general partner who becomes a limited partner as a result of the conversion remains liable as a general partner for an obligation incurred by the partnership before the conversion takes effect. If the other party to a transaction with the limited partnership reasonably believes when entering the transaction that the limited partner is a general partner, the limited partner is liable for an obligation incurred by the limited partnership within 90 days after the conversion takes effect. The limited partner's liability for all other obligations of the limited partnership incurred after the conversion takes effect is that of a limited partner as provided in the Revised Uniform Limited Partnership Act (2001).

(Source: P.A. 92-740, eff. 1-1-03.)

ARTICLE 13
FEES AND OTHER MATTERS
Section 1301. List of partnerships.

(a) The Secretary of State may publish a list or lists of limited partnerships and foreign limited partnerships, with such frequency, in such format, and for such fees as the Secretary may in his or her discretion provide by rule. The Secretary may disseminate information concerning limited partnerships and foreign limited partnerships by computer network, in such format and for such fees as may be determined by rule.

(b) Any list published under subsection (a) shall be free to each member of the General Assembly and to each State agency or department and to each Recorder in this State, submitting a written request for same. To all others an appropriate fee to cover the cost of producing the list shall be charged, and shall be established by rule.

Section 1302. Fees.
(a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated pursuant to its authority:

(1) fees for filing documents;
(2) miscellaneous charges;
(3) fees for the sale of lists of filings, copies of any documents, and for the sale or release of any information.

(b) The Secretary of State shall charge and collect for:

(1) filing certificates of limited partnership (domestic), certificates of admission (foreign), restated certificates of limited partnership (domestic), and restated certificates of admission (foreign), $150;
(2) filing certificates to be governed by this Act, $50;
(3) filing amendments and certificates of amendment, $50;
(4) filing certificates of cancellation, $25;
(5) filing an application for use of an assumed name under Section 108.5 of this Act, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, and a renewal for each assumed name, $150;
(6) filing an annual report of a domestic or foreign limited partnership, $100;
(7) filing an application for reinstatement of a domestic or foreign limited partnership, and for issuing a certificate of reinstatement, $200;
(8) filing any other document, $50.

(c) The Secretary of State shall charge and collect:

(1) for furnishing a copy or certified copy of any document, instrument or paper relating to a limited partnership or foreign limited partnership, $25; and
(2) for the transfer of information by computer process media to any purchaser, fees established by rule.

Section 1303. Powers of the Secretary of State and rulemaking.
(a) The Secretary of State shall have the power and authority reasonably necessary to administer this Act efficiently and to perform the duties herein imposed. The Secretary of State's function pursuant to this Act is to be a central depository for the certificates of limited partnership and certificates of admission required by this Act and to record the

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assumed names used by limited partnerships and foreign limited partnerships.

(b) The Secretary of State shall have authority to promulgate rules pursuant to the Illinois Administrative Procedure Act, as are necessary to administer this Act efficiently and to perform the duties herein imposed.

Section 1304. Certified copies and certificates.

(a) Copies, photostatic or otherwise, of any and all documents filed in the Office of the Secretary of State in accordance with the provisions of this Act, when certified by the Secretary of State under the Great Seal of the State of Illinois, shall be taken and received in all courts, public offices and official bodies as prima facie evidence of the facts therein stated.

(b) Certificates by the Secretary of State under the Great Seal of the State of Illinois as to the existence or nonexistence of facts relating to limited partnerships, or foreign limited partnerships, which would not appear from a certified copy of any document, shall be taken and received in all courts, public offices and official bodies as prima facie evidence of the existence or nonexistence of the facts therein stated.

Section 1305. Federal Employers Identification Number. All documents required by this Act to be filed in the Office of the Secretary of State shall contain the Federal Employers Identification Number of the limited partnership or foreign limited partnership with respect to which the document is filed, unless the partnership has not obtained a Federal Employer Identification Number at the time of filing. In the event a limited partnership or foreign limited partnership does not have a Federal Employer Identification Number at the time of such filing, such a number shall be obtained on behalf of such partnership and shall be given to the Secretary of State within 180 days after filing its initial document with the Secretary of State.

Section 1306. Forms. All documents required by this Act to be filed in the Office of the Secretary of State shall be made on or accompanied by forms which shall be prescribed and furnished by the Secretary of State.

Section 1307. File number. All documents required by this Act to be filed in the Office of the Secretary of State, with the exception of each domestic or foreign limited partnership's initial filing, shall contain the limited partnership's file number as assigned by the Office of the Secretary of State.

Section 1308. Department of Business Services Special Operations Fund.

New matter indicated by italics - deletions by strikeout.
(a) A special fund in the State Treasury is created and shall be known as the Department of Business Services Special Operations Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Department of Business Services of the Office of the Secretary of State, hereinafter "Department", to create and maintain the capability to perform expedited services in response to special requests made by the public for same day or 24 hour service. Moneys deposited into the Fund shall be used for, but not limited to, expenditures for personal services, retirement, social security contractual services, equipment, electronic data processing, and telecommunications.

(b) The balance in the Fund at the end of any fiscal year shall not exceed $600,000 and any amount in excess thereof shall be transferred to the General Revenue Fund.

(c) All fees payable to the Secretary of State under this Section shall be deposited into the Fund. No other fees or charges collected under this Act shall be deposited into the Fund.

(d) "Expedited services" means services rendered within the same day, or within 24 hours from the time the request therefor is submitted by the filer, law firm, service company, or messenger physically in person, or at the Secretary of State's discretion, by electronic means, to the Department's Springfield Office or Chicago Office and includes requests for certified copies, photocopies, and certificates of existence or abstracts of computer record made to the Department's Springfield Office in person or by telephone, or requests for certificates of existence or abstracts of computer record made in person or by telephone to the Department's Chicago Office.

(e) Fees for expedited services shall be as follows:
   - Merger or conversion, $200;
   - Certificate of limited partnership, $100;
   - Certificate of amendment, $100;
   - Reinstatement, $100;
   - Application for admission to transact business, $100;
   - Certificate of cancellation of admission, $100;
   - Certificate of existence or abstract of computer record, $20.
   - All other filings, copies of documents, annual renewal reports, and copies of documents of canceled limited partnerships, $50.

Section 1309. Judicial review under the Administrative Review Law.

New matter indicated by italics - deletions by strikeout.
(a) If the Secretary of State shall fail to approve documents as conforming to the law and file any document required by this Act to be approved by the Secretary of State before the same shall be filed in his or her business office, the Secretary shall, within 10 business days after the delivery thereof to him or her, give written notice of his or her disapproval to the person or partnership delivering the same, specifying the reasons therefor. The decision of the Secretary of State is subject to judicial review under the Administrative Review Law, as now or hereafter amended.

(b) Appeals may be taken from all final orders and judgments entered by the circuit court under this Section in review of any ruling or decision of the Secretary of State as in other civil actions by either party to the proceeding.

Section 1310. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearing the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purposes of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

ARTICLE 14
REPEAL AND EFFECTIVE DATE
(805 ILCS 210/Act rep.)

Section 1401. Repeal. Effective January 1, 2008, the following Act is repealed: the Revised Uniform Limited Partnership Act as amended and in effect immediately before the effective date of this Act.

Section 1402. Effective date. This Act takes effect January 1, 2005.
Effective January 1, 2005.

PUBLIC ACT 93-0968
(House Bill No. 0622)

AN ACT in relation to economic development.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. Short title. This Act may be cited as the Southeastern Illinois Economic Development Authority Act.

Section 10. Findings. The General Assembly determines and declares the following:

(1) that labor surplus areas currently exist in southeastern Illinois;
(2) that the economic burdens resulting from involuntary unemployment fall, in part, upon the State in the form of increased need for public assistance and reduced tax revenues and, in the event that the unemployed worker and his or her family migrate elsewhere to find work, the burden may also fall upon the municipalities and other taxing districts within the areas of unemployment in the form of reduced tax revenues, thereby endangering their financial ability to support necessary governmental services for their remaining inhabitants;
(3) that the State has a responsibility to help create a favorable climate for new and improved job opportunities for its citizens by encouraging the development of tourism, commercial, and service businesses and industrial and manufacturing plants within the southeastern region of Illinois;
(4) that a lack of decent housing contributes to urban blight, crime, anti-social behavior, disease, a higher need for public assistance, reduced tax revenues, and the migration of workers and their families away from areas which fail to offer adequate, decent, and affordable housing;
(5) that decent, affordable housing is a necessary ingredient of life affording each citizen basic human dignity, a sense of self worth, confidence, and a firm foundation upon which to build a family and educate children;
(6) that in order to foster civic and neighborhood pride, citizens require access to educational institutions, recreation, parks and open spaces, entertainment, sports, a reliable transportation network, cultural facilities, and theaters; and
(7) that the main purpose of this Act is to promote industrial, commercial, residential, service, transportation, and recreational activities and facilities, thereby reducing the evils attendant upon unemployment and enhancing the public health, safety, morals, happiness, and general welfare of the State.

Section 15. Definitions. In this Act:
"Authority" means the Southeastern Illinois Economic Development Authority.

New matter indicated by italics - deletions by strikeout.
"Governmental agency" means any federal, State, or local governmental body and any agency or instrumentality thereof, corporate or otherwise.

"Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

"Revenue bond" means any bond issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

"Board" means the Board of Directors of the Southeastern Illinois Economic Development Authority.

"Governor" means the Governor of the State of Illinois.

"City" means any city, village, incorporated town, or township within the geographical territory of the Authority.

"Industrial project" means the following:

(1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, power generation facility, mining operation, railroad facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, tourism-related facilities, including hotels, theaters, water parks, and amusement parks, and including also the sites thereof and other rights in land therefore whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroa d sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or

(2) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

New matter indicated by italics - deletions by strikeout.
"Commercial project" means any project, including, but not limited to, one or more buildings and other structures, improvements, machinery, and equipment, whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship, or agency, or health facility or retirement facility.

"Project" means an industrial, housing, residential, commercial, or service project, or any combination thereof, provided that all uses fall within one of the categories described above. Any project automatically includes all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways, and runways.

"Lease agreement" means an agreement in which a project acquired by the Authority by purchase, gift, or lease is leased to any person or corporation that will use, or cause the project to be used, as a project, upon terms providing for lease rental payments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority, issued with respect to the project, providing for the maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with other terms as may be deemed desirable by the Authority.

"Loan agreement" means any agreement in which the Authority agrees to loan the proceeds of its bonds, notes, or other evidences of indebtedness, issued with respect to a project, to any person or corporation which will use or cause the project to be used as a project, upon terms providing for loan repayment installments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for other terms deemed advisable by the Authority.

"Financial aid" means the expenditure of Authority funds or funds provided by the Authority for the development, construction, acquisition or improvement of a project, through the issuance of revenue bonds, notes, or other evidences of indebtedness.

New matter indicated by italics - deletions by strikeout.
"Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following:

1. the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements, and franchises acquired which are deemed necessary for the construction;
2. financing charges;
3. interest costs with respect to bonds, notes, and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter;
4. engineering and legal expenses; and
5. the costs of plans, specifications, surveys, and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition, and construction of a specific project and the placing of the same in operation.

Section 20. Creation.
(a) There is created a political subdivision, body politic, and municipal corporation named the Southeastern Illinois Economic Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of the following counties: Fayette, Cumberland, Clark, Effingham, Jasper, Crawford, Marion, Clay, Richland, Lawrence, Jefferson, Wayne, Edwards, Wabash, Hamilton, and White and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 10 members as follows:
1. Nine members shall be appointed by the Governor with the advice and consent of the Senate.
2. One member shall be appointed by the Director of Commerce and Economic Opportunity.

All public members shall reside within the territorial jurisdiction of the Authority. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, state or local government, commercial agriculture, small business management, real estate development, community development, venture finance, organized labor, or civic or community organization.

(c) Six members shall constitute a quorum.

New matter indicated by italics - deletions by strikeout.
(d) The chairman of the Authority shall be elected annually by the Board.

(e) The terms of all initial members of the Authority shall begin 30 days after the effective date of this Act. Of the 10 original members appointed pursuant to subsection (b), one shall serve until the third Monday in January, 2005; one shall serve until the third Monday in January, 2006; 2 shall serve until the third Monday in January, 2007; 2 shall serve until the third Monday in January, 2008; 2 shall serve until the third Monday in January, 2009; and 2 shall serve until the third Monday in January, 2010. All successors to these original public members shall be appointed by the Governor with the advice and consent of the Senate, or by the Director of Commerce and Economic Opportunity, as the case may be, pursuant to subsection (b), and shall hold office for a term of 3 years commencing the third Monday in January of the year in which their term commences, except in the case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill the office and, upon confirmation by the Senate, he or she shall hold office during the remainder of the term and until a successor is appointed and qualified. Members of the Authority are not entitled to compensation for their services as members but are entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members. Members of the Board may participate in Board meetings by teleconference or video conference.

(f) The Governor may remove any public member of the Authority appointed by the Governor, and the Director of Commerce and Economic Opportunity may remove any public member appointed by the Director, in case of incompetence, neglect of duty, or malfeasance in office.

(g) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate, or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, perform such other duties as may be prescribed from time to time by the members, and receive compensation fixed by the Authority. The Executive Director shall attend

New matter indicated by italics - deletions by strikeout.
all meetings of the Authority. However, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of the Illinois Finance Authority, attorneys, appraisers, engineers, accountants, credit analysts, and other consultants, if the Southeastern Illinois Economic Development Authority deems it advisable.

Section 25. Duty. All official acts of the Authority shall require the approval of at least 6 members. It shall be the duty of the Authority to promote development within the territorial jurisdiction of the Authority. The Authority shall use the powers conferred upon it to assist in the development, construction, and acquisition of industrial, commercial, housing, or residential projects within those counties.

Section 30. Powers.
(a) The Authority possesses all the powers of a body corporate necessary and convenient to accomplish the purposes of this Act, including, without any intended limitation upon the general powers hereby conferred, the following powers:

(1) to enter into loans, contracts, agreements, and mortgages in any matter connected with any of its corporate purposes and to invest its funds;
(2) to sue and be sued;
(3) to utilize services of the Illinois Finance Authority;
(4) to have and use a common seal and to alter the seal at its discretion;
(5) to adopt all needful ordinances, resolutions, by-laws, rules, and regulations for the conduct of its business and affairs and for the management and use of the projects developed, constructed, acquired, and improved in furtherance of its purposes;
(6) to own or finance communications projects such as telecommunications, fiber optics, and data transfer projects;
(7) to designate the fiscal year for the Authority;
(8) to accept and expend appropriations;
(9) to acquire, own, lease, sell, or otherwise dispose of interests in and to real property and improvements situated on that real property and in personal property necessary to fulfill the purposes of the Authority;
(10) to engage in any activity or operation which is incidental to and in furtherance of efficient operation to accomplish the Authority's primary purpose;

New matter indicated by italics - deletions by strikeout.
(11) to acquire, own, construct, lease, operate, and maintain bridges, terminals, terminal facilities, and port facilities and to fix and collect just, reasonable, and nondiscriminatory charges for the use of such facilities. These charges shall be used to defray the reasonable expenses of the Authority and to pay the principal and interest of any revenue bonds issued by the Authority;

(12) subject to any applicable condition imposed by this Act, to locate, establish and maintain a public airport, public airports and public airport facilities within its corporate limits or within or upon any body of water adjacent thereto and to construct, develop, expand, extend and improve any such airport or airport facility; and

(13) to have and exercise all powers and be subject to all duties usually incident to boards of directors of corporations.

(b) The Authority shall not issue any bonds relating to the financing of a project located within the planning and subdivision control jurisdiction of any municipality or county unless notice, including a description of the proposed project and the financing for that project, is submitted to the corporate authorities of the municipality or, in the case of a proposed project in an unincorporated area, to the county board.

(c) If any of the powers set forth in this Act are exercised within the jurisdictional limits of any municipality, all ordinances of the municipality remain in full force and effect and are controlling.

Section 35. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount not to exceed $250,000,000 for the following purposes: (i) development, construction, acquisition, or improvement of projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority; (ii) entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority; (iii) acquisition and improvement of any property necessary and useful in connection therewith; and (iv) for the purposes of the Employee Ownership Assistance Act. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time, issue and dispose of its interest-bearing revenue bonds, notes, or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes, or other

New matter indicated by italics - deletions by strikeout.
evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes, or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes, or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects, or from any other funds available to the Authority for such purposes. The bonds, notes, or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium, as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b) The holder or holders of any bonds, notes, or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of the bonds, notes, or other evidences of indebtedness, to compel such corporation, person, the Authority, and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of the bonds, notes, or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin the corporation, person, the Authority, and any of its agents or employees from taking any action in conflict with any contract or covenant.

(c) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the bond becomes due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which the default of payment exists or by an indenture trustee acting on behalf of the holders. Delivery of a summons and a copy of the complaint to the chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction over the subject matter of the suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy, or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

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(d) Notwithstanding the form and tenor of any bond, note, or other evidence of indebtedness and in the absence of any express recital on its face that it is non-negotiable, all such bonds, notes, and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any bonds, notes, or other evidences of indebtedness, temporary bonds, notes, or evidences of indebtedness may be issued as provided by ordinance.

(e) To secure the payment of any or all of such bonds, notes, or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance of the bonds, notes, or other evidences of indebtedness and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income, or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any mortgage or trust agreement by the Authority may be by mandamus proceeding in the appropriate circuit court to compel performance and compliance under the terms of the mortgage or trust agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

(f) Bonds or notes shall be secured as provided in the authorizing ordinance which may include, notwithstanding any other provision of this Act, in addition to any other security, a specific pledge, assignment of and lien on, or security interest in any or all revenues or money of the Authority, from whatever source, which may, by law, be used for debt service purposes and a specific pledge, or assignment of and lien on, or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of the bonds or notes.

(g) In the event that the Authority determines that moneys of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the chairman, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay the principal of and interest on the bonds. The Governor shall submit the certified amount to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This Section shall not apply to any bonds or notes to which the Authority determines, in the resolution authorizing the issuance of the bonds or notes, that this Section shall not apply. Whenever the Authority
makes this determination, it shall be plainly stated on the face of the bonds or notes and the determination shall also be reported to the Governor. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal or interest on those bonds, the chairman of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the certified amount to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year.

(h) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the holders of bonds or notes or in any way impair the rights and remedies of those holders until the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

Section 40. Bonds and notes; exemption from taxation. The creation of the Authority is in all respects for the benefit of the people of Illinois and for the improvement of their health, safety, welfare, comfort, and security, and its purposes are public purposes. In consideration thereof, the notes and bonds of the Authority issued pursuant to this Act and the income from these notes and bonds may be free from all taxation by the State or its political subdivisions, exempt for estate, transfer, and inheritance taxes. The exemption from taxation provided by the preceding sentence shall apply to the income on any notes or bonds of the Authority only if the Authority in its sole judgment determines that the exemption enhances the marketability of the bonds or notes or reduces the interest rates that would otherwise be borne by the bonds or notes. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the Authority
shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, subject to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.

Section 45. Acquisition.
(a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.
(b) The Authority shall have power to acquire by purchase, lease, gift, or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic, or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any of these sources.
(c) The Authority shall have power to develop, construct, and improve, either under its own direction or through collaboration with any approved applicant, or to acquire, through purchase or otherwise, any project, using for this purpose the proceeds derived from its sale of revenue bonds, notes, or other evidences of indebtedness or governmental loans or grants and shall have the power to hold title to those projects in the name of the Authority.
(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Fayette, Cumberland, Clark, Effingham, Jasper, Crawford, Marion, Clay, Richland, Lawrence, Jefferson, Wayne, Edwards, Wabash, Hamilton, and White, the Illinois Development Finance Authority, the Illinois Housing Development Authority, the Illinois Education Facilities Authority, the Illinois Farm Development Authority, the Rural Bond Bank, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority, or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.
(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States,
agencies of the State of Illinois, and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the Illinois Municipal Code.

Section 50. Enterprise zones. The Authority may by ordinance designate a portion of the territorial jurisdiction of the Authority for certification as an Enterprise Zone under the Illinois Enterprise Zone Act in addition to any other enterprise zones which may be created under that Act, which area shall have all the privileges and rights of an Enterprise Zone pursuant to the Illinois Enterprise Zone Act, but which shall not be counted in determining the number of Enterprise Zones to be created in any year pursuant to that Act.

Section 55. Designation of depository. The Authority shall biennially designate a national or State bank or banks as depositories of its money. Such depositories shall be designated only within the State and upon condition that bonds approved as to form and surety by the Authority and at least equal in amount to the maximum sum expected to be on deposit at any one time shall be first given by such depositories to the Authority, such bonds to be conditioned for the safekeeping and prompt repayment of such deposits. When any of the funds of the Authority shall be deposited by the treasurer in any such depository, the treasurer and the sureties on his official bond shall, to such extent, be exempt from liability for the loss of any such deposited funds by reason of the failure, bankruptcy, or any other act or default of such depository; provided that the Authority may accept assignments of collateral by any depository of its funds to secure such deposits to the same extent and conditioned in the same manner as assignments of collateral are permitted by law to secure deposits of the funds of any city.

Section 60. Taxation prohibited. The Authority shall have no right or authority to levy any tax or special assessment, to pledge the credit of the State or any other subdivision or municipal corporation thereof, or to incur any obligation enforceable upon any property, either within or without the territory of the Authority.

Section 65. Fees. The Authority may collect fees and charges in connection with its loans, commitments, and servicing and may provide technical assistance in the development of the region.

Section 70. Reports and audit.

New matter indicated by italics - deletions by strikeout.
(a) The Authority shall annually submit a report of its finances to the Auditor General. The Authority shall annually submit a report of its activities to the Governor and to the General Assembly.

(b) Beginning 5 years after the effective date of this Act and every 5 years thereafter, the Auditor General shall conduct a financial audit of the Authority.

Section 99. The Illinois State Auditing Act is amended by changing Section 3-1 as follows:

(30 ILCS 5/3-1)(from Ch. 15, par. 303-1)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this

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Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Public Aid, Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the Illinois Distance Learning Foundation and the Illinois Conservation Foundation.

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

The Auditor General shall conduct a financial and compliance and program audit of distributions from the Municipal Economic Development Fund during the immediately preceding calendar year pursuant to Section 8-403.1 of the Public Utilities Act at no cost to the city, village, or incorporated town that received the distributions.

The Auditor General must conduct an audit of the Health Facilities Planning Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

The Auditor General of the State of Illinois shall annually conduct or cause to be conducted a financial and compliance audit of the books and records of any county water commission organized pursuant to the Water Commission Act of 1985 and shall file a copy of the report of that audit with the Governor and the Legislative Audit Commission. The filed audit shall be open to the public for inspection. The cost of the audit shall be charged to the county water commission in accordance with Section 6z-27

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of the State Finance Act. The county water commission shall make available to the Auditor General its books and records and any other documentation, whether in the possession of its trustees or other parties, necessary to conduct the audit required. These audit requirements apply only through July 1, 2007.

The Auditor General must conduct audits of the Rend Lake Conservancy District as provided in Section 25.5 of the River Conservancy Districts Act.

The Auditor General must conduct financial audits of the Southeastern Illinois Economic Development Authority as provided in Section 70 of the Southeastern Illinois Economic Development Authority Act.

(Source: P.A. 93-226, eff. 7-22-03; 93-259, eff. 7-22-03; 93-275, eff. 7-22-03; revised 8-25-03.)

Section 999. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0969
(House Bill No. 3882)

AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by adding Sections 20-1.4 and 20-1.5 as follows:

(720 ILCS 5/20-1.4 new)
Sec. 20-1.4. Controlled substance manufacturing arson.
(a) A person commits the offense of controlled substance manufacturing arson when he or she knowingly manufactures or attempts to manufacture a substance in violation of the Illinois Controlled Substances Act and that act is a contributing cause of damage to any property of another by fire or explosion.
(b) Sentence. Controlled substance manufacturing arson is a Class 1 felony.

(720 ILCS 5/20-1.5 new)
Sec. 20-1.5. Aggravated controlled substance manufacturing arson.

New matter indicated by italics - deletions by strikeout.
(a) A person commits the offense of aggravated controlled substance manufacturing arson when he or she knowingly manufactures or attempts to manufacture a substance in violation of the Illinois Controlled Substances Act and that act is a contributing cause of damage to any building or structure and:

(1) he or she knows or reasonably should know that one or more persons are present in the building or structure; or

(2) any person suffers bodily harm; or

(3) the building or structure is the dwelling place of another.

(b) Sentence. Aggravated controlled substance manufacturing arson is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 15 years and not more than 50 years.

Effective January 1, 2005.

PUBLIC ACT 93-0970
(House Bill No. 7057)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Sexually Violent Persons Commitment Act is amended by changing Sections 25 and 30 as follows:

(725 ILCS 207/25)

Sec. 25. Rights of persons subject to petition.
(a) Any person who is the subject of a petition filed under Section 15 of this Act shall be served with a copy of the petition in accordance with the Civil Practice Law.

(b) The circuit court in which a petition under Section 15 of this Act is filed shall conduct all hearings under this Act. The court shall give the person who is the subject of the petition reasonable notice of the time and place of each such hearing. The court may designate additional persons to receive these notices.

(c) Except as provided in paragraph (b)(1) of Section 65 and Section 70 of this Act, at any hearing conducted under this Act, the person who is the subject of the petition has the right to:

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(1) To be present and to be represented by counsel. If the person is indigent, the court shall appoint counsel.

(2) To remain silent.

(3) To present and cross-examine witnesses.

(4) To have the hearing recorded by a court reporter.

(d) The person who is the subject of the petition, the person's attorney, the Attorney General or the State's Attorney may request that a trial under Section 35 of this Act be to a jury. A verdict of a jury under this Act is not valid unless it is unanimous.

(e) Whenever the person who is the subject of the petition is required to submit to an examination under this Act, he or she may retain experts or professional persons to perform an examination. The respondent's chosen evaluator must be approved by the Sex Offender Management Board and the evaluation must be conducted in conformance with the standards developed under the Sex Offender Management Board Act. If the person retains a qualified expert or professional person of his or her own choice to conduct an examination, the examiner shall have reasonable access to the person for the purpose of the examination, as well as to the person's past and present treatment records and patient health care records. If the person is indigent, the court shall, upon the person's request, appoint a qualified and available expert or professional person to perform an examination. Upon the order of the circuit court, the county shall pay, as part of the costs of the action, the costs of a court-appointed expert or professional person to perform an examination and participate in the trial on behalf of an indigent person.

(Source: P.A. 93-616, eff. 1-1-04; revised 1-10-04.)

(725 ILCS 207/30)

Sec. 30. Detention; probable cause hearing; transfer for examination.

(a) Upon the filing of a petition under Section 15 of this Act, the court shall review the petition to determine whether to issue an order for detention of the person who is the subject of the petition. The person shall be detained only if there is cause to believe that the person is eligible for commitment under subsection (f) of Section 35 of this Act. A person detained under this Section shall be held in a facility approved by the Department. If the person is serving a sentence of imprisonment, is in a Department of Corrections correctional facility or juvenile correctional facility or is committed to institutional care, and the court orders detention under this Section, the court shall order that the person be transferred to a

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detention facility approved by the Department. A detention order under this Section remains in effect until the person is discharged after a trial under Section 35 of this Act or until the effective date of a commitment order under Section 40 of this Act, whichever is applicable.

(b) Whenever a petition is filed under Section 15 of this Act, the court shall hold a hearing to determine whether there is probable cause to believe that the person named in the petition is a sexually violent person. If the person named in the petition is in custody, the court shall hold the probable cause hearing within 72 hours after the petition is filed, excluding Saturdays, Sundays and legal holidays. The court may grant a continuance of the probable cause hearing for no more than 7 additional days upon the motion of the respondent, for good cause. If the person named in the petition has been released, is on parole, is on mandatory supervised release, or otherwise is not in custody, the court shall hold the probable cause hearing within a reasonable time after the filing of the petition. At the probable cause hearing, the court shall admit and consider all relevant hearsay evidence.

(c) If the court determines after a hearing that there is probable cause to believe that the person named in the petition is a sexually violent person, the court shall order that the person be taken into custody if he or she is not in custody and shall order the person to be transferred within a reasonable time to an appropriate facility for an evaluation as to whether the person is a sexually violent person. If the person who is named in the petition refuses to speak to, communicate with, or otherwise fails to cooperate with the examining evaluator from the Department of Human Services or the Department of Corrections, that person may only introduce evidence and testimony from any expert or professional person who is retained or court-appointed to conduct an examination of the person that results from a review of the records and may not introduce evidence resulting from an examination of the person. Any evaluation conducted under this Section shall be by an evaluator approved by the Sex Offender Management Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act. Notwithstanding the provisions of Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act, all evaluations conducted pursuant to this Act and all Illinois Department of Corrections treatment records shall be admissible at all proceedings held pursuant to this Act, including the probable cause hearing and the trial.
If the court determines that probable cause does not exist to believe that the person is a sexually violent person, the court shall dismiss the petition.

(d) The Department shall promulgate rules that provide the qualifications for persons conducting evaluations under subsection (c) of this Section.

(e) If the person named in the petition claims or appears to be indigent, the court shall, prior to the probable cause hearing under subsection (b) of this Section, appoint counsel.

(Source: P.A. 92-415, eff. 8-17-01; 93-616, eff. 1-1-04.)

Section 10. The Unified Code of Corrections is amended by changing Sections 5-3-1, 5-3-2, 5-3-4, 5-4-3.1, 5-6-3, and 5-6-3.1 as follows:

(730 ILCS 5/5-3-1)(from Ch. 38, par. 1005-3-1)
Sec. 5-3-1. Presentence Investigation. A defendant shall not be sentenced for a felony before a written presentence report of investigation is presented to and considered by the court.

However, other than for felony sex offenders being considered for probation in cases other than felony sex offenses as defined in the Sex Offender Management Board Act, the court need not order a presentence report of investigation where both parties agree to the imposition of a specific sentence, provided there is a finding made for the record as to the defendant's history of delinquency or criminality, including any previous sentence to a term of probation, periodic imprisonment, conditional discharge, or imprisonment.

The court may order a presentence investigation of any defendant.

(Source: P.A. 93-616, eff. 1-1-04.)

(730 ILCS 5/5-3-2)(from Ch. 38, par. 1005-3-2)
Sec. 5-3-2. Presentence Report.
(a) In felony cases, the presentence report shall set forth:

(1) the defendant's history of delinquency or criminality, physical and mental history and condition, family situation and background, economic status, education, occupation and personal habits;

(2) information about special resources within the community which might be available to assist the defendant's rehabilitation, including treatment centers, residential facilities, vocational training services, correctional manpower programs, employment opportunities, special educational programs, alcohol

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and drug abuse programming, psychiatric and marriage counseling, and other programs and facilities which could aid the defendant's successful reintegration into society;

(3) the effect the offense committed has had upon the victim or victims thereof, and any compensatory benefit that various sentencing alternatives would confer on such victim or victims;

(4) information concerning the defendant's status since arrest, including his record if released on his own recognizance, or the defendant's achievement record if released on a conditional pretrial supervision program;

(5) when appropriate, a plan, based upon the personal, economic and social adjustment needs of the defendant, utilizing public and private community resources as an alternative to institutional sentencing;

(6) any other matters that the investigatory officer deems relevant or the court directs to be included; and

(7) information concerning defendant's eligibility for a sentence to a county impact incarceration program under Section 5-8-1.2 of this Code.

(b) The investigation shall include a physical and mental examination of the defendant when so ordered by the court. If the court determines that such an examination should be made, it shall issue an order that the defendant submit to examination at such time and place as designated by the court and that such examination be conducted by a physician, psychologist or psychiatrist designated by the court. Such an examination may be conducted in a court clinic if so ordered by the court. The cost of such examination shall be paid by the county in which the trial is held.

(b-5) In cases involving felony sex offenses in which the offender is being considered for probation or any felony offense that is sexually motivated as defined in the Sex Offender Management Board Act in which the offender is being considered for probation, the investigation shall include a sex offender evaluation by an evaluator approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act.

(c) In misdemeanor, business offense or petty offense cases, except as specified in subsection (d) of this Section, when a presentence report has been ordered by the court, such presentence report shall contain

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information on the defendant's history of delinquency or criminality and shall further contain only those matters listed in any of paragraphs (1) through (6) of subsection (a) or in subsection (b) of this Section as are specified by the court in its order for the report.

(d) In cases under Section 12-15 and Section 12-30 of the Criminal Code of 1961, as amended, the presentence report shall set forth information about alcohol, drug abuse, psychiatric, and marriage counseling or other treatment programs and facilities, information on the defendant's history of delinquency or criminality, and shall contain those additional matters listed in any of paragraphs (1) through (6) of subsection (a) or in subsection (b) of this Section as are specified by the court.

(e) Nothing in this Section shall cause the defendant to be held without bail or to have his bail revoked for the purpose of preparing the presentence report or making an examination.

(730 ILCS 5/5-3-4)(from Ch. 38, par. 1005-3-4)

Sec. 5-3-4. Disclosure of Reports.

(a) Any report made pursuant to this Article or Section 5-705 of the Juvenile Court Act of 1987 shall be filed of record with the court in a sealed envelope.

(b) Presentence reports shall be open for inspection only as follows:

(1) to the sentencing court;
(2) to the state's attorney and the defendant's attorney at least 3 days prior to the imposition of sentence, unless such 3 day requirement is waived;
(3) to an appellate court in which the conviction or sentence is subject to review;
(4) to any department, agency or institution to which the defendant is committed;
(5) to any probation department of whom courtesy probation is requested;
(6) to any probation department assigned by a court of lawful jurisdiction to conduct a presentence report;
(7) to any other person only as ordered by the court; and
(8) to any mental health professional on behalf of the Illinois Department of Corrections or the Department of Human Services or to a prosecutor who is evaluating or investigating a potential or actual petition brought under the Sexually Violent

New matter indicated by italics - deletions by strikeout.
Persons Commitment Act relating to a person who is the subject of a presentence report or the respondent to a petition brought under the Sexually Violent Persons Commitment Act who is the subject of the presentence report sought. Any records and any information obtained from those records under this paragraph (8) may be used only in sexually violent persons commitment proceedings.

(c) Presentence reports shall be filed of record with the court within 60 days of a verdict or finding of guilty for any offense involving an illegal sexual act perpetrated upon a victim, including but not limited to offenses for violations of Article 12 of the Criminal Code of 1961, or any offense determined by the court or the probation department to be sexually motivated, as defined in the Sex Offender Management Board Act.

(d) A complaint, information or indictment shall not be quashed or dismissed nor shall any person in custody for an offense be discharged from custody because of noncompliance with subsection (c) of this Section.

(730 ILCS 5/5-4-3.1)(from Ch. 38, par. 1005-4-3.1)
Sec. 5-4-3.1. Sentencing Hearing for Sex Offenses.
(a) Except for good cause shown by written motion, any person adjudged guilty of any offense involving an illegal sexual act perpetrated upon a victim, including but not limited to offenses for violations of Article 12 of the Criminal Code of 1961, or any offense determined by the court or the probation department to be sexually motivated, as defined in the Sex Offender Management Board Act, shall be sentenced within 65 days of a verdict or finding of guilt for the offense.

(b) The court shall set the sentencing date at the time the verdict or finding of guilt is entered by the court.

(c) Any motion for continuance shall be in writing and supported by affidavit and in compliance with Section 114-4 of the Code of Criminal Procedure of 1963, and the victim shall be notified of the date and time of hearing and shall be provided an opportunity to address the court on the impact the continuance may have on the victim's well-being.

(d) A complaint, information or indictment shall not be quashed or dismissed, nor shall any person in custody for an offense be discharged from custody because of non-compliance with this Section.

(730 ILCS 5/5-6-3)(from Ch. 38, par. 1005-6-3)
Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

1. not violate any criminal statute of any jurisdiction;
2. report to or appear in person before such person or agency as directed by the court;
3. refrain from possessing a firearm or other dangerous weapon;
4. not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;
5. permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;
6. perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;
7. if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses.
designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who willfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court; and

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act; and

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession.

New matter indicated by italics - deletions by strikeout.
(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) and in addition, if a minor:

   (i) reside with his parents or in a foster home;

   (ii) attend school;

   (iii) attend a non-residential program for youth;

   (iv) contribute to his own support at home or in a foster home;

   (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(8) make restitution as provided in Section 5-5-6 of this Code;

(9) perform some reasonable public or community service;

(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:

   (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;

   (ii) admit any person or agent designated by the court into the offender's place of confinement at any time
for purposes of verifying the offender's compliance with the
conditions of his confinement; and
(iii) if further deemed necessary by the court or the
Probation or Court Services Department, be placed on an
approved electronic monitoring device, subject to Article
8A of Chapter V;
(iv) for persons convicted of any alcohol, cannabis
or controlled substance violation who are placed on an
approved monitoring device as a condition of probation or
conditional discharge, the court shall impose a reasonable
fee for each day of the use of the device, as established by
the county board in subsection (g) of this Section, unless
after determining the inability of the offender to pay the fee,
the court assesses a lesser fee or no fee as the case may be.
This fee shall be imposed in addition to the fees imposed
under subsections (g) and (i) of this Section. The fee shall
be collected by the clerk of the circuit court. The clerk of
the circuit court shall pay all monies collected from this fee
to the county treasurer for deposit in the substance abuse
services fund under Section 5-1086.1 of the Counties Code;
and
(v) for persons convicted of offenses other than
those referenced in clause (iv) above and who are placed on
an approved monitoring device as a condition of probation
or conditional discharge, the court shall impose a
reasonable fee for each day of the use of the device, as
established by the county board in subsection (g) of this
Section, unless after determining the inability of the
defendant to pay the fee, the court assesses a lesser fee or
no fee as the case may be. This fee shall be imposed in
addition to the fees imposed under subsections (g) and (i)
of this Section. The fee shall be collected by the clerk of the
circuit court. The clerk of the circuit court shall pay all
monies collected from this fee to the county treasurer who
shall use the monies collected to defray the costs of
corrections. The county treasurer shall deposit the fee
collected in the county working cash fund under Section 6-
27001 or Section 6-29002 of the Counties Code, as the case
may be.
(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during
the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

New matter indicated by italics - deletions by strikeout.
(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of $50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, up to not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

This amendatory Act of the 93rd General Assembly deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as

New matter indicated by italics - deletions by strikeout.
defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff. 6-26-02; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)

(Text of Section from P.A. 93-616)

Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

1. not violate any criminal statute of any jurisdiction;
2. report to or appear in person before such person or agency as directed by the court;
3. refrain from possessing a firearm or other dangerous weapon;
4. not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by
the other state pursuant to the Interstate Compact for Adult Offender Supervision;

(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has

New matter indicated by italics - deletions by strikeout.
successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act; and

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

New matter indicated by italics - deletions by strikeout.
(ii) attend school;
(iii) attend a non-residential program for youth;
(iv) contribute to his own support at home or in a foster home;
(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(8) make restitution as provided in Section 5-5-6 of this Code;
(9) perform some reasonable public or community service;
(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:
   (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;
   (ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and
   (iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;
   (iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of
the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

New matter indicated by italics - deletions by strikeout.
(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

New matter indicated by italics - deletions by strikeout.
(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of $50 $35 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an

New matter indicated by italics - deletions by strikeout.
offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies deposit the first $25 collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, up to $5 of that fee collected per month may be used to provide services to crime victims and their families.

This amendatory Act of the 93rd General Assembly deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase. The clerk of the court shall deposit $10 collected from this fee into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and be used to fund practices endorsed or required under the Sex Offender Management Board Act, including but not limited to sex offender evaluation, treatment, and monitoring programs that are or may be developed by the agency providing supervision, the Department of Corrections or the Department of Human Services. This Fund shall also be used for administrative costs, including staff incurred by the Board.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring

New matter indicated by italics - deletions by strikeout.
the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff. 6-26-02; 92-651, eff. 7-11-02; 93-616, eff. 1-1-04.)

(730 ILCS 5/5-6-3.1)(from Ch. 38, par. 1005-6-3.1)

Sec. 5-6-3.1. Incidents and Conditions of Supervision.

(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act or Section 411.2 of the Illinois Controlled Substances Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this

New matter indicated by italics - deletions by strikeout.
The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

1. make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;
2. pay a fine and costs;
3. work or pursue a course of study or vocational training;
4. undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
5. attend or reside in a facility established for the instruction or residence of defendants on probation;
6. support his dependents;
7. refrain from possessing a firearm or other dangerous weapon;
8. and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home; or
   (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

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(9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;

(10) perform some reasonable public or community service;

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

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(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the

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cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of $50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

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(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial

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responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 92-282, eff. 8-7-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0971
(Senate Bill No. 2327)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 15-301 and 15-308 as follows:

(625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)
Sec. 15-301. Permits for excess size and weight.
(a) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application and good cause being shown therefor, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Act or otherwise not in conformity with this Act upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which the party is

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responsible. Applications and permits other than those in written or printed form may only be accepted from and issued to the company or individual making the movement. Except for an application to move directly across a highway, it shall be the duty of the applicant to establish in the application that the load to be moved by such vehicle or combination is composed of a single nondivisible object that cannot reasonably be dismantled or disassembled. For the purpose of over length movements, more than one object may be carried side by side as long as the height, width, and weight laws are not exceeded and the cause for the over length is not due to multiple objects. For the purpose of over height movements, more than one object may be carried as long as the cause for the over height is not due to multiple objects and the length, width, and weight laws are not exceeded. For the purpose of an over width movement, more than one object may be carried as long as the cause for the over width is not due to multiple objects and length, height, and weight laws are not exceeded. No state or local agency shall authorize the issuance of excess size or weight permits for vehicles and loads that are divisible and that can be carried, when divided, within the existing size or weight maximums specified in this Chapter. Any excess size or weight permit issued in violation of the provisions of this Section shall be void at issue and any movement made thereunder shall not be authorized under the terms of the void permit. In any prosecution for a violation of this Chapter when the authorization of an excess size or weight permit is at issue, it is the burden of the defendant to establish that the permit was valid because the load to be moved could not reasonably be dismantled or disassembled, or was otherwise nondivisible.

(b) The application for any such permit shall: (1) state whether such permit is requested for a single trip or for limited continuous operation; (2) state if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law, if so, his certificate, registration or permit number issued by the Illinois Commerce Commission; (3) specifically describe and identify the vehicle or vehicles and load to be operated or moved except that for vehicles or vehicle combinations registered by the Department as provided in Section 15-319 of this Chapter, only the Illinois Department of Transportation's (IDT) registration number or classification need be given; (4) state the routing requested including the points of origin and destination, and may identify and include a request for routing to the nearest certified scale in accordance with the Department's rules and regulations, provided the

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applicant has approval to travel on local roads; and (5) state if the vehicles or loads are being transported for hire. No permits for the movement of a vehicle or load for hire shall be issued to any applicant who is required under the Illinois Motor Carrier of Property Law to have a certificate, registration or permit and does not have such certificate, registration or permit.

(c) The Department or local authority when not inconsistent with traffic safety is authorized to issue or withhold such permit at its discretion; or, if such permit is issued at its discretion to prescribe the route or routes to be traveled, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operations of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. The Department shall maintain a daily record of each permit issued along with the fee and the stipulated dimensions, weights, conditions and restrictions authorized and this record shall be presumed correct in any case of questions or dispute. The Department shall install an automatic device for recording applications received and permits issued by telephone. In making application by telephone, the Department and applicant waive all objections to the recording of the conversation.

(d) The Department shall, upon application in writing from any local authority, issue an annual permit authorizing the local authority to move oversize highway construction, transportation, utility and maintenance equipment over roads under the jurisdiction of the Department. The permit shall be applicable only to equipment and vehicles owned by or registered in the name of the local authority, and no fee shall be charged for the issuance of such permits.

(e) As an exception to paragraph (a) of this Section, the Department and local authorities, with respect to highways under their respective jurisdictions, in their discretion and upon application in writing may issue a special permit for limited continuous operation, authorizing the applicant to move loads of agricultural commodities sweet corn, soybeans, corn, wheat, milo, other small grains and ensilage during the harvest season only, on a 2 axle single vehicle registered by the Secretary of State with axle loads not to exceed 35%, on a 3 or 4 axle vehicle registered by the Secretary of State with axle loads not to exceed 20%, and
on a 5 axle vehicle registered by the Secretary of State not to exceed 10% above those provided in Section 15-111. The total gross weight of the vehicle, however, may not exceed the maximum gross weight of the registration class of the vehicle allowed under Section 3-815 or 3-818 of this Code.

As used in this Section, "agricultural commodities" means:

(1) cultivated plants or agricultural produce grown including, but is not limited to, corn, soybeans, wheat, oats, grain sorghum, canola, and rice;
(2) livestock, including but not limited to hogs, equine, sheep, and poultry;
(3) ensilage; and
(4) fruits and vegetables.

Permits may be issued for a period not to exceed 40 days and moves may be made of a distance not to exceed 50 25 miles from a field, an on-farm grain storage facility, a warehouse as defined in the Illinois Grain Code, or a livestock management facility as defined in the Livestock Management Facilities Act to a specified processing plant over any highway except the National System of Interstate and Defense Highways. The operator of the vehicle, however, must abide by posted bridge and posted highway weight limits. All implements of husbandry operating under this Section between sunset and sunrise shall be equipped as prescribed in Section 12-205.1. All such vehicles shall be operated in the daytime except when weather or crop conditions require emergency operation at night, but with respect to such night operation, every such vehicle with load shall be equipped with flashing amber lights as specified under Section 12-215.

(e-1) Upon a declaration by the Governor that an emergency harvest situation exists, a special permit issued by the Department under this Section shall not be required from September 1 through December 31 during harvest season emergencies, provided that the weight does not exceed 20% above the limits provided in Section 15-111. All other restrictions that apply to permits issued under this Section shall apply during the declared time period. With respect to highways under the jurisdiction of local authorities, the local authorities may, at their discretion, waive special permit requirements during harvest season emergencies. This permit exemption shall apply to all vehicles eligible to obtain permits under this Section, including commercial vehicles in use during the declared time period.

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(f) The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction. Every permit shall be in written form and carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit and no person shall violate any of the terms or conditions of such special permit. Violation of the terms and conditions of the permit shall not be deemed a revocation of the permit; however, any vehicle and load found to be off the route prescribed in the permit shall be held to be operating without a permit. Any off route vehicle and load shall be required to obtain a new permit or permits, as necessary, to authorize the movement back onto the original permit routing. No rule or regulation, nor anything herein shall be construed to authorize any police officer, court, or authorized agent of any authority granting the permit to remove the permit from the possession of the permittee unless the permittee is charged with a fraudulent permit violation as provided in paragraph (i). However, upon arrest for an offense of violation of permit, operating without a permit when the vehicle is off route, or any size or weight offense under this Chapter when the permittee plans to raise the issuance of the permit as a defense, the permittee, or his agent, must produce the permit at any court hearing concerning the alleged offense.

If the permit designates and includes a routing to a certified scale, the permittee, while enroute to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than the following amounts:

<table>
<thead>
<tr>
<th>Type</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single axle</td>
<td>2000 pounds</td>
</tr>
<tr>
<td>Tandem axle</td>
<td>3000 pounds</td>
</tr>
<tr>
<td>Gross</td>
<td>5000 pounds</td>
</tr>
</tbody>
</table>

(g) The Department is authorized to adopt, amend, and to make available to interested persons a policy concerning reasonable rules, limitations and conditions or provisions of operation upon highways under its jurisdiction in addition to those contained in this Section for the movement by special permit of vehicles, combinations, or loads which cannot reasonably be dismantled or disassembled, including manufactured and modular home sections and portions thereof. All rules, limitations and conditions or provisions adopted in the policy shall have due regard for the safety of the traveling public and the protection of the highway system and

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shall have been promulgated in conformity with the provisions of the Illinois Administrative Procedure Act. The requirements of the policy for flagmen and escort vehicles shall be the same for all moves of comparable size and weight. When escort vehicles are required, they shall meet the following requirements:

(1) All operators shall be 18 years of age or over and properly licensed to operate the vehicle.

(2) Vehicles escorting oversized loads more than 12-feet wide must be equipped with a rotating or flashing amber light mounted on top as specified under Section 12-215.

The Department shall establish reasonable rules and regulations regarding liability insurance or self insurance for vehicles with oversized loads promulgated under The Illinois Administrative Procedure Act. Police vehicles may be required for escort under circumstances as required by rules and regulations of the Department.

(h) Violation of any rule, limitation or condition or provision of any permit issued in accordance with the provisions of this Section shall not render the entire permit null and void but the violator shall be deemed guilty of violation of permit and guilty of exceeding any size, weight or load limitations in excess of those authorized by the permit. The prescribed route or routes on the permit are not mere rules, limitations, conditions, or provisions of the permit, but are also the sole extent of the authorization granted by the permit. If a vehicle and load are found to be off the route or routes prescribed by any permit authorizing movement, the vehicle and load are operating without a permit. Any off route movement shall be subject to the size and weight maximums, under the applicable provisions of this Chapter, as determined by the type or class highway upon which the vehicle and load are being operated.

(i) Whenever any vehicle is operated or movement made under a fraudulent permit the permit shall be void, and the person, firm, or corporation to whom such permit was granted, the driver of such vehicle in addition to the person who issued such permit and any accessory, shall be guilty of fraud and either one or all persons may be prosecuted for such violation. Any person, firm, or corporation committing such violation shall be guilty of a Class 4 felony and the Department shall not issue permits to the person, firm or corporation convicted of such violation for a period of one year after the date of conviction. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of other Sections of this Act.

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(j) Whenever any vehicle is operated or movement made in violation of a permit issued in accordance with this Section, the person to whom such permit was granted, or the driver of such vehicle, is guilty of such violation and either, but not both, persons may be prosecuted for such violation as stated in this subsection (j). Any person, firm or corporation convicted of such violation shall be guilty of a petty offense and shall be fined for the first offense, not less than $50 nor more than $200 and, for the second offense by the same person, firm or corporation within a period of one year, not less than $200 nor more than $300 and, for the third offense by the same person, firm or corporation within a period of one year after the date of the first offense, not less than $300 nor more than $500 and the Department shall not issue permits to the person, firm or corporation convicted of a third offense during a period of one year after the date of conviction for such third offense.

(k) Whenever any vehicle is operated on local roads under permits for excess width or length issued by local authorities, such vehicle may be moved upon a State highway for a distance not to exceed one-half mile without a permit for the purpose of crossing the State highway.

(l) Notwithstanding any other provision of this Section, the Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may at their discretion authorize the movement of a vehicle in violation of any size or weight requirement, or both, that would not ordinarily be eligible for a permit, when there is a showing of extreme necessity that the vehicle and load should be moved without unnecessary delay.

For the purpose of this subsection, showing of extreme necessity shall be limited to the following: shipments of livestock, hazardous materials, liquid concrete being hauled in a mobile cement mixer, or hot asphalt.

(m) Penalties for violations of this Section shall be in addition to any penalties imposed for violating any other Section of this Code.

(n) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to operate a tow-truck that exceeds the weight limits provided for in subsection (d) of Section 15-111, provided:

(1) no rear single axle of the tow-truck exceeds 26,000 pounds;

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(2) no rear tandem axle of the tow-truck exceeds 50,000 pounds;
(3) neither the disabled vehicle nor the disabled combination of vehicles exceed the weight restrictions imposed by this Chapter 15, or the weight limits imposed under a permit issued by the Department prior to hookup;
(4) the tow-truck prior to hookup does not exceed the weight restrictions imposed by this Chapter 15;
(5) during the tow operation the tow-truck does not violate any weight restriction sign;
(6) the tow-truck is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;
(7) the tow-truck is specifically designed and licensed as a tow-truck;
(8) the tow-truck has a gross vehicle weight rating of sufficient capacity to safely handle the load;
(9) the tow-truck is equipped with air brakes;
(10) the tow-truck is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles;
(11) the tow distance of the tow does not exceed 50 miles from the point of disablement to a place of repair or safekeeping;
(12) the permit issued to the tow-truck is carried in the tow-truck and exhibited on demand by a police officer; and
(13) the movement shall be valid only on state routes approved by the Department.
(Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97; 90-655, eff. 7-30-98; 90-676, eff. 7-31-98; 91-569, eff. 1-1-00.)
(625 ILCS 5/15-308) (from Ch. 95 1/2, par. 15-308)
Sec. 15-308. Fees for overweight trucks hauling agricultural commodities
Overweight Trucks Hauling Sweet Corn.
Fees for special permits for increased two axle loads truck with gross axle load not to exceed 35 percent in excess of the legal axle load to be used for hauling agricultural commodities, as defined in subsection (e) of Section 15-301 sweet corn and ensilage, for a period of 40 days only during harvest season; limited continuous operation permit only, $5 per axle $10.
(Source: P.A. 76-1586.)
AN ACT concerning the death penalty.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 3-9005 as follows:

(55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)
Sec. 3-9005. Powers and duties of State's attorney.
(a) The duty of each State's attorney shall be:

(1) To commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for his county, in which the people of the State or county may be concerned.

(2) To prosecute all forfeited bonds and recognizances, and all actions and proceedings for the recovery of debts, revenues, moneys, fines, penalties and forfeitures accruing to the State or his county, or to any school district or road district in his county; also, to prosecute all suits in his county against railroad or transportation companies, which may be prosecuted in the name of the People of the State of Illinois.

(3) To commence and prosecute all actions and proceedings brought by any county officer in his official capacity.

(4) To defend all actions and proceedings brought against his county, or against any county or State officer, in his official capacity, within his county.

(5) To attend the examination of all persons brought before any judge on habeas corpus, when the prosecution is in his county.

(6) To attend before judges and prosecute charges of felony or misdemeanor, for which the offender is required to be recognized to appear before the circuit court, when in his power so to do.

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(7) To give his opinion, without fee or reward, to any county officer in his county, upon any question or law relating to any criminal or other matter, in which the people or the county may be concerned.

(8) To assist the attorney general whenever it may be necessary, and in cases of appeal from his county to the Supreme Court, to which it is the duty of the attorney general to attend, he shall furnish the attorney general at least 10 days before such is due to be filed, a manuscript of a proposed statement, brief and argument to be printed and filed on behalf of the people, prepared in accordance with the rules of the Supreme Court. However, if such brief, argument or other document is due to be filed by law or order of court within this 10 day period, then the State's attorney shall furnish such as soon as may be reasonable.

(9) To pay all moneys received by him in trust, without delay, to the officer who by law is entitled to the custody thereof.

(10) To notify, by first class mail, complaining witnesses of the ultimate disposition of the cases arising from an indictment or an information.

(11) To perform such other and further duties as may, from time to time, be enjoined on him by law.

(12) To appear in all proceedings by collectors of taxes against delinquent taxpayers for judgments to sell real estate, and see that all the necessary preliminary steps have been legally taken to make the judgment legal and binding.

(b) The State's Attorney of each county shall have authority to appoint one or more special investigators to serve subpoenas, make return of process and conduct investigations which assist the State's Attorney in the performance of his duties. A special investigator shall not carry firearms except with permission of the State's Attorney and only while carrying appropriate identification indicating his employment and in the performance of his assigned duties.

Subject to the qualifications set forth in this subsection, special investigators shall be peace officers and shall have all the powers possessed by investigators under the State's Attorneys Appellate Prosecutor's Act.

No special investigator employed by the State's Attorney shall have peace officer status or exercise police powers unless he or she successfully completes the basic police training course mandated and approved by the
Illinois Law Enforcement Training Standards Board or such board waives the training requirement by reason of the special investigator's prior law enforcement experience or training or both. Any State's Attorney appointing a special investigator shall consult with all affected local police agencies, to the extent consistent with the public interest, if the special investigator is assigned to areas within that agency's jurisdiction.

Before a person is appointed as a special investigator, his fingerprints shall be taken and transmitted to the Department of State Police. The Department shall examine its records and submit to the State's Attorney of the county in which the investigator seeks appointment any conviction information concerning the person on file with the Department.

No person shall be appointed as a special investigator if he has been convicted of a felony or other offense involving moral turpitude. A special investigator shall be paid a salary and be reimbursed for actual expenses incurred in performing his assigned duties. The county board shall approve the salary and actual expenses and appropriate the salary and expenses in the manner prescribed by law or ordinance.

(c) The State's Attorney may request and receive from employers, labor unions, telephone companies, and utility companies location information concerning putative fathers and noncustodial parents for the purpose of establishing a child's paternity or establishing, enforcing, or modifying a child support obligation. In this subsection, "location information" means information about (i) the physical whereabouts of a putative father or noncustodial parent, (ii) the putative father or noncustodial parent's employer, or (iii) the salary, wages, and other compensation paid and the health insurance coverage provided to the putative father or noncustodial parent by the employer of the putative father or noncustodial parent or by a labor union of which the putative father or noncustodial parent is a member.

(d) For each State fiscal year, the State's Attorney of Cook County shall appear before the General Assembly and request appropriations to be made from the Capital Litigation Trust Fund to the State Treasurer for the purpose of providing assistance in the prosecution of capital cases in Cook County and for the purpose of providing assistance to the State in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases. The State's Attorney may appear before the General Assembly at other
times during the State's fiscal year to request supplemental appropriations from the Trust Fund to the State Treasurer.

(e) The State's Attorney shall have the authority to enter into a written agreement with the Department of Revenue for pursuit of civil liability under Section 17-1a of the Criminal Code of 1961 against persons who have issued to the Department checks or other orders in violation of the provisions of paragraph (d) of subsection (B) of Section 17-1 of the Criminal Code of 1961, with the Department to retain the amount owing upon the dishonored check or order along with the dishonored check fee imposed under the Uniform Penalty and Interest Act, with the balance of damages, fees, and costs collected under Section 17-1a of the Criminal Code of 1961 to be retained by the State's Attorney. The agreement shall not affect the allocation of fines and costs imposed in any criminal prosecution.

(Source: P.A. 91-589, eff. 1-1-00; 92-492, eff. 1-1-02.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 122-1 as follows:

(725 ILCS 5/122-1) (from Ch. 38, par. 122-1)
Sec. 122-1. Petition in the trial court.

(a) Any person imprisoned in the penitentiary may institute a proceeding under this Article if the person asserts that:

(1) in the proceedings which resulted in his or her conviction there was a substantial denial of his or her rights under the Constitution of the United States or of the State of Illinois or both; or

(2) the death penalty was imposed and there is newly discovered evidence not available to the person at the time of the proceeding that resulted in his or her conviction that establishes a substantial basis to believe that the defendant is actually innocent by clear and convincing evidence.

(a-5) A proceeding under paragraph (2) of subsection (a) may be commenced within a reasonable period of time after the person's conviction notwithstanding any other provisions of this Article. In such a proceeding regarding actual innocence, if the court determines the petition is frivolous or is patently without merit, it shall dismiss the petition in a written order, specifying the findings of fact and conclusions of law it made in reaching its decision. Such order of dismissal is a final judgment and shall be served upon the petitioner by certified mail within 10 days of its entry.

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(b) The proceeding shall be commenced by filing with the clerk of the court in which the conviction took place a petition (together with a copy thereof) verified by affidavit. Petitioner shall also serve another copy upon the State's Attorney by any of the methods provided in Rule 7 of the Supreme Court. The clerk shall docket the petition for consideration by the court pursuant to Section 122-2.1 upon his or her receipt thereof and bring the same promptly to the attention of the court.

(c) Except as otherwise provided in subsection (a-5), if the petitioner is under sentence of death and a petition for writ of certiorari is filed, no proceedings under this Article shall be commenced more than 6 months after the conclusion of proceedings in the United States Supreme Court denial of a petition for certiorari to the United States Supreme Court on direct appeal, or more than 6 months from the date for filing such a petition if none is filed, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence. If a petition for certiorari is not filed, no proceedings under this Article shall be commenced more than 6 months from the date for filing a certiorari petition, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

When a defendant has a sentence other than death, no proceedings under this Article shall be commenced more than 6 months after the conclusion of proceedings in the United States Supreme Court denial of the Petition for Leave to Appeal to the Illinois Supreme Court, or more than 6 months from the date for filing such a petition if none is filed, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence. If a petition for certiorari is not filed, no proceedings under this Article shall be commenced more than 6 months from the date for filing a certiorari petition, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence. If a defendant does not file a direct appeal, the post-conviction petition shall be filed no later than 3 years from the date of conviction, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

This limitation does not apply to a petition advancing a claim of actual innocence.

(d) A person seeking relief by filing a petition under this Section must specify in the petition or its heading that it is filed under this Section. A trial court that has received a petition complaining of a conviction or sentence that fails to specify in the petition or its heading that it is filed

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under this Section need not evaluate the petition to determine whether it
could otherwise have stated some grounds for relief under this Article.

(e) A proceeding under this Article may not be commenced on
behalf of a defendant who has been sentenced to death without the written
consent of the defendant, unless the defendant, because of a mental or
physical condition, is incapable of asserting his or her own claim.

(f) Only one petition may be filed by a petitioner under this Article
without leave of the court. Leave of court may be granted only if a
petitioner demonstrates cause for his or her failure to bring the claim in his
or her initial post-conviction proceedings and prejudice results from that
failure. For purposes of this subsection (f): (1) a prisoner shows cause by
identifying an objective factor that impeded his or her ability to raise a
specific claim during his or her initial post-conviction proceedings; and (2)
a prisoner shows prejudice by demonstrating that the claim not raised
during his or her initial post-conviction proceedings so infected the trial
that the resulting conviction or sentence violated due process.

(Source: P.A. 93-493, eff. 1-1-04; 93-605, eff. 11-19-03; revised 12-9-03.)

Section 15. The State Appellate Defender Act is amended by
changing Section 10 as follows:

(725 ILCS 105/10) (from Ch. 38, par. 208-10)
Sec. 10. Powers and duties of State Appellate Defender.
(a) The State Appellate Defender shall represent indigent persons
on appeal in criminal and delinquent minor proceedings, when appointed
to do so by a court under a Supreme Court Rule or law of this State.
(b) The State Appellate Defender shall submit a budget for the
approval of the State Appellate Defender Commission.
(c) The State Appellate Defender may:

(1) maintain a panel of private attorneys available to serve
as counsel on a case basis;

(2) establish programs, alone or in conjunction with law
schools, for the purpose of utilizing volunteer law students as legal
assistants;

(3) cooperate and consult with state agencies, professional
associations, and other groups concerning the causes of criminal
conduct, the rehabilitation and correction of persons charged with
and convicted of crime, the administration of criminal justice, and,
in counties of less than 1,000,000 population, study, design,
develop and implement model systems for the delivery of trial

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level defender services, and make an annual report to the General Assembly;

(4) provide investigative services to appointed counsel and county public defenders;

(5) in cases in which a death sentence is an authorized disposition, provide trial counsel with the assistance of expert witnesses, investigators, and mitigation specialists from funds appropriated to the State Appellate Defender specifically for that purpose by the General Assembly. The Office of State Appellate Defender shall not be appointed to serve as trial counsel in capital cases.

(d) For each State fiscal year, the State Appellate Defender shall appear before the General Assembly and request appropriations to be made from the Capital Litigation Trust Fund to the State Treasurer for the purpose of providing defense assistance in capital cases outside of Cook County and for expenses incurred by the the State Appellate Defender in representing petitioners in capital cases in post-conviction proceedings under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases and for the representation of those petitioners by attorneys approved by or contracted with the State Appellate Defender. The State Appellate Defender may appear before the General Assembly at other times during the State's fiscal year to request supplemental appropriations from the Trust Fund to the State Treasurer.

(e) The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 91-589, eff. 1-1-00.)

Section 20. The Capital Crimes Litigation Act is amended by changing Section 15 as follows:

(725 ILCS 124/15)
Sec. 15. Capital Litigation Trust Fund.
(a) The Capital Litigation Trust Fund is created as a special fund in the State Treasury. The Trust Fund shall be administered by the State

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Treasurer to provide moneys for the appropriations to be made, grants to be awarded, and compensation and expenses to be paid under this Act. All interest earned from the investment or deposit of moneys accumulated in the Trust Fund shall, under Section 4.1 of the State Finance Act, be deposited into the Trust Fund.

(b) Moneys deposited into the Trust Fund shall not be considered general revenue of the State of Illinois.

(c) Moneys deposited into the Trust Fund shall be used exclusively for the purposes of providing funding for the prosecution and defense of capital cases and for providing funding for post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases as provided in this Act and shall not be appropriated, loaned, or in any manner transferred to the General Revenue Fund of the State of Illinois.

(d) Every fiscal year the State Treasurer shall transfer from the General Revenue Fund to the Capital Litigation Trust Fund an amount equal to the full amount of moneys appropriated by the General Assembly (both by original and supplemental appropriation), less any unexpended balance from the previous fiscal year, from the Capital Litigation Trust Fund for the specific purpose of making funding available for the prosecution and defense of capital cases and for the litigation expenses associated with post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases. The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General shall make annual requests for appropriations from the Trust Fund.

   (1) The Public Defender in Cook County shall request appropriations to the State Treasurer for expenses incurred by the Public Defender and for funding for private appointed defense counsel in Cook County.

   (2) The State's Attorney in Cook County shall request an appropriation to the State Treasurer for expenses incurred by the State's Attorney.

   (3) The State Appellate Defender shall request a direct appropriation from the Trust Fund for expenses incurred by the State Appellate Defender in providing assistance to trial attorneys

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under item (c)(5) of Section 10 of the State Appellate Defender Act and for expenses incurred by the State Appellate Defender in representing petitioners in capital cases in post-conviction proceedings under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases and for the representation of those petitioners by attorneys approved by or contracted with the State Appellate Defender and an appropriation to the State Treasurer for payments from the Trust Fund for the defense of cases in counties other than Cook County.

(4) The State's Attorneys Appellate Prosecutor shall request a direct appropriation from the Trust Fund to pay expenses incurred by the State's Attorneys Appellate Prosecutor and an appropriation to the State Treasurer for payments from the Trust Fund for expenses incurred by State's Attorneys in counties other than Cook County.

(5) The Attorney General shall request a direct appropriation from the Trust Fund to pay expenses incurred by the Attorney General in assisting the State's Attorneys in counties other than Cook County and to pay for expenses incurred by the Attorney General when the Attorney General is ordered by the presiding judge of the Criminal Division of the Circuit Court of Cook County to prosecute or supervise the prosecution of Cook County cases and for expenses incurred by the Attorney General in representing the State in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases.

The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General may each request supplemental appropriations from the Trust Fund during the fiscal year.

(e) Moneys in the Trust Fund shall be expended only as follows:

(1) To pay the State Treasurer's costs to administer the Trust Fund. The amount for this purpose may not exceed 5% in any one fiscal year of the amount otherwise appropriated from the Trust Fund in the same fiscal year.

(2) To pay the capital litigation expenses of trial defense and post-conviction proceedings in capital cases under Article 122

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of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases including, but not limited to, DNA testing, including DNA testing under Section 116-3 of the Code of Criminal Procedure of 1963, analysis, and expert testimony, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists, and grants and aid provided to public defenders, appellate defenders, and any attorney approved by or contracted with the State Appellate Defender representing petitioners in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases or assistance to attorneys who have been appointed by the court to represent defendants who are charged with capital crimes.

(3) To pay the compensation of trial attorneys, other than public defenders or appellate defenders, who have been appointed by the court to represent defendants who are charged with capital crimes or attorneys approved by or contracted with the State Appellate Defender to represent petitioners in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases.

(4) To provide State's Attorneys with funding for capital litigation expenses and for expenses of representing the State in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases including, but not limited to, investigatory and other assistance and expert, forensic, and other witnesses necessary to prosecute capital cases. State's Attorneys in any county other than Cook County seeking funding for capital litigation expenses and for expenses of representing the State in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases including, but not limited to, investigatory and other assistance and expert, forensic, or other

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witnesses under this Section may request that the State's Attorneys 
Appellate Prosecutor or the Attorney General, as the case may be, 
certify the expenses as reasonable, necessary, and appropriate for 
payment from the Trust Fund, on a form created by the State 
Treasurer. Upon certification of the expenses and delivery of the 
certification to the State Treasurer, the Treasurer shall pay the 
expenses directly from the Capital Litigation Trust Fund if there 
are sufficient moneys in the Trust Fund to pay the expenses.

(5) To provide financial support through the Attorney 
General pursuant to the Attorney General Act for the several 
county State's Attorneys outside of Cook County, but shall not be 
used to increase personnel for the Attorney General's Office, 
except when the Attorney General is ordered by the presiding judge 
of the Criminal Division of the Circuit Court of Cook County to 
prosecute or supervise the prosecution of Cook County cases.

(6) To provide financial support through the State's 
Attorneys Appellate Prosecutor pursuant to the State's Attorneys 
Appellate Prosecutor's Act for the several county State's Attorneys 
outside of Cook County, but shall not be used to increase personnel 
for the State's Attorneys Appellate Prosecutor.

(7) To provide financial support to the State Appellate 
Defender pursuant to the State Appellate Defender Act. 
Moneys expended from the Trust Fund shall be in addition to county 
funding for Public Defenders and State's Attorneys, and shall not be used 
to supplant or reduce ordinary and customary county funding.

(f) Moneys in the Trust Fund shall be appropriated to the State 
Appellate Defender, the State's Attorneys Appellate Prosecutor, the 
Attorney General, and the State Treasurer. The State Appellate Defender 
shall receive an appropriation from the Trust Fund to enable it to provide 
assistance to appointed defense counsel and attorneys approved by or 
contracted with the State Appellate Defender to represent petitioners in 
post-conviction proceedings in capital cases under Article 122 of the Code 
of Criminal Procedure of 1963 and in relation to petitions filed under 
Section 2-1401 of the Code of Civil Procedure in relation to capital cases 
throughout the State and to Public Defenders in counties other than Cook. 
The State's Attorneys Appellate Prosecutor and the Attorney General shall 
receive appropriations from the Trust Fund to enable them to provide 
assistance to State's Attorneys in counties other than Cook County and 
when the Attorney General is ordered by the presiding judge of the 

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Criminal Division of the Circuit Court of Cook County to prosecute or supervise the prosecution of Cook County cases. Moneys shall be appropriated to the State Treasurer to enable the Treasurer (i) to make grants to Cook County, (ii) to pay the expenses of Public Defenders, the State Appellate Defender, the Attorney General, the Office of the State's Attorneys Appellate Prosecutor, and State's Attorneys in counties other than Cook County, (iii) to pay the expenses and compensation of appointed defense counsel and attorneys approved by or contracted with the State Appellate Defender to represent petitioners in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases in counties other than Cook County, and (iv) to pay the costs of administering the Trust Fund. All expenditures and grants made from the Trust Fund shall be subject to audit by the Auditor General.

(g) For Cook County, grants from the Trust Fund shall be made and administered as follows:

(1) For each State fiscal year, the State's Attorney and Public Defender must each make a separate application to the State Treasurer for capital litigation grants.

(2) The State Treasurer shall establish rules and procedures for grant applications. The rules shall require the Cook County Treasurer as the grant recipient to report on a periodic basis to the State Treasurer how much of the grant has been expended, how much of the grant is remaining, and the purposes for which the grant has been used. The rules may also require the Cook County Treasurer to certify on a periodic basis that expenditures of the funds have been made for expenses that are reasonable, necessary, and appropriate for payment from the Trust Fund.

(3) The State Treasurer shall make the grants to the Cook County Treasurer as soon as possible after the beginning of the State fiscal year.

(4) The State's Attorney or Public Defender may apply for supplemental grants during the fiscal year.

(5) Grant moneys shall be paid to the Cook County Treasurer in block grants and held in separate accounts for the State's Attorney, the Public Defender, and court appointed defense counsel other than the Cook County Public Defender, respectively.

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for the designated fiscal year, and are not subject to county appropriation.

(6) Expenditure of grant moneys under this subsection (g) is subject to audit by the Auditor General.

(7) The Cook County Treasurer shall immediately make payment from the appropriate separate account in the county treasury for capital litigation expenses to the State's Attorney, Public Defender, or court appointed defense counsel other than the Public Defender, as the case may be, upon order of the State's Attorney, Public Defender or the court, respectively.

(h) If a defendant in a capital case in Cook County is represented by court appointed counsel other than the Cook County Public Defender, the appointed counsel shall petition the court for an order directing the Cook County Treasurer to pay the court appointed counsel's reasonable and necessary compensation and capital litigation expenses from grant moneys provided from the Trust Fund. These petitions shall be considered in camera. Orders denying petitions for compensation or expenses are final. Counsel may not petition for expenses that may have been provided or compensated by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act.

(i) In counties other than Cook County, and when the Attorney General is ordered by the presiding judge of the Criminal Division of the Circuit Court of Cook County to prosecute or supervise the prosecution of Cook County cases, and excluding capital litigation expenses or services that may have been provided by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act:

(1) Upon certification by the circuit court, on a form created by the State Treasurer, that all or a portion of the expenses are reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the Treasurer shall pay the certified expenses of Public Defenders and the State Appellate Defender from the money appropriated to the Treasurer for capital litigation expenses of Public Defenders and post-conviction proceeding expenses in capital cases of the State Appellate Defender and expenses in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases in any county other than Cook County, if there are sufficient moneys in the Trust Fund to pay the expenses.

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(2) If a defendant in a capital case is represented by court appointed counsel other than the Public Defender, the appointed counsel shall petition the court to certify compensation and capital litigation expenses including, but not limited to, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists as reasonable, necessary, and appropriate for payment from the Trust Fund. If a petitioner in a capital case who has filed a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963 or a petition under Section 2-1401 of the Code of Civil Procedure in relation to capital cases is represented by an attorney approved by or contracted with the State Appellate Defender other than the State Appellate Defender, that attorney shall petition the court to certify compensation and litigation expenses of post-conviction proceedings under Article 122 of the Code of Criminal Procedure of 1963 or in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases. Upon certification on a form created by the State Treasurer of all or a portion of the compensation and expenses certified as reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the State Treasurer shall pay the certified compensation and expenses from the money appropriated to the Treasurer for that purpose, if there are sufficient moneys in the Trust Fund to make those payments.

(3) A petition for capital litigation expenses or post-conviction proceeding expenses or expenses incurred in filing a petition under Section 2-1401 of the Code of Civil Procedure in relation to capital cases under this subsection shall be considered in camera. Orders denying petitions for compensation or expenses are final.

(j) If the Trust Fund is discontinued or dissolved by an Act of the General Assembly or by operation of law, any balance remaining in the Trust Fund shall be returned to the General Revenue Fund after deduction of administrative costs, any other provision of this Act to the contrary notwithstanding.

(Source: P.A. 93-127, eff. 1-1-04; 93-605, eff. 11-19-03; revised 12-9-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


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NEW ACT INDICATED BY ITALICS - DELETIONS BY STRIKEOUT.


PUBLIC ACT 93-0973
(House Bill No. 2268)

AN ACT to create the Health Care Justice Act.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 1. Short title. This Act may be cited as the Health Care
Justice Act.
Section 5. Legislative findings. The General Assembly recognizes
that the U.S. census reported that on any given day an estimated 1,800,000
Illinoisans are without health insurance, and according to a March 2003
Robert Wood Johnson study, nearly 30% of the non-elderly Illinois
population (3,122,000) during all or a large part of 2001 or 2002 were
uninsured; a growing number of Illinoisans are under-insured, the
consumer's share of the cost of health insurance is growing, coverage in
benefit packages is decreasing, and record numbers of consumer
complaints are lodged against managed care companies regarding access
to necessary health care services. The General Assembly believes that the
State must work to assure access to quality health care for all residents of
Illinois, and at the same time, the State must contain health care costs
while maintaining and improving the quality of health care.
Section 10. Policy. It is a policy goal of the State of Illinois to
insure that all residents have access to quality health care at costs that are
affordable.
Section 15. Health care access plan. On or before July 1, 2007, the
State of Illinois is strongly encouraged to implement a health care access
plan that does the following:
(1) provides access to a full range of preventive, acute, and
long-term health care services;
(2) maintains and improves the quality of health care
services offered to Illinois residents;
(3) provides portability of coverage, regardless of
employment status;
(4) provides core benefits for all Illinois residents;
(5) encourages regional and local consumer participation;
(6) contains cost-containment measures;

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(7) provides a mechanism for reviewing and implementing multiple approaches to preventive medicine based on new technologies; and
(8) promotes affordable coverage options for the small business market.

Section 20. Adequate Health Care Task Force. There is created an Adequate Health Care Task Force. The Task Force shall consist of 29 voting members appointed as follows: 5 shall be appointed by the Governor; 6 shall be appointed by the President of the Senate, 6 shall be appointed by the Majority Leader of the Senate, 6 shall be appointed by the Speaker of the House of Representatives, and 6 shall be appointed by the Minority Leader of the House of Representatives. The Task Force shall have a chairman and a vice-chairman who shall be elected by the voting members at the first meeting of the Task Force. The Director of Public Health or his or her designee, the Director of Aging or his or her designee, the Director of Public Aid or his or her designee, the Director of Insurance or his or her designee, and the Secretary of Human Services or his or her designee shall represent their respective departments and shall be invited to attend Task Force meetings, but shall not be members of the Task Force. The members of the Task Force shall be appointed within 30 days after the effective date of this Act. The departments of State government represented on the Task Force shall work cooperatively to provide administrative support for the Task Force; the Department of Public Health shall be the primary agency in providing that administrative support.

Section 25. Public hearings.
(a) The Task Force shall seek public input on the development of the health care access plan by holding a public hearing in each Illinois congressional district starting no later than January 1, 2005 and ending on November 30, 2005. Each State Representative and State Senator located in each such congressional district shall be invited to participate in the hearing in that district and help to gather input from interested parties. A web site for the Task Force shall be developed and linked to the Governor's home page for input to be provided and to keep the public informed. The Task Force's web site shall be specifically highlighted and have independent pages reporting all activities and linkages for people to access. Minutes from all of the Task Force's meetings shall be available on the web site, and a hard copy of this information shall also be made available for those persons without access to the Task Force's web site.

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The Task Force may also consult with health care providers, health care consumers, and other appropriate individuals and organizations to assist in the development of the health care access plan.

(b) Not later than September 1, 2004, the Illinois Department of Public Health, subject to appropriation or the availability of other funds for such purposes and using a public request for proposals process, shall contract with an independent research entity experienced in assessing health care reforms, health care financing, and health care delivery models. Upon the request of at least one-fourth of the Task Force members, the research entity shall be available to the Task Force for the purpose of assessing financial costs and the different health care models being discussed. All inquiries made by Task Force members to the independent research entity shall be made available on the Task Force's web site.

Section 30. Final report. No later than March 15, 2006, the Task Force shall submit its final report on the health care access plan to the General Assembly and the Governor. The final report may recommend a combination of more than one type of plan and alternative methods of funding the plan. The final report by the Task Force shall make recommendations for a health care access plan or plans that would provide access to a full range of preventive, acute, and long-term health care services to residents of the State of Illinois by July 1, 2007, including:

1. an integrated system or systems of health care delivery;
2. incentives to be used to contain costs;
3. core benefits that would be provided under each type of plan;
4. reimbursement mechanisms for health care providers;
5. administrative efficiencies;
6. mechanisms for generating spending priorities based on multidisciplinary standards of care established by verifiable replicated research studies demonstrating quality and cost effectiveness of interventions, providers, and facilities;
7. methods for reducing the cost of prescription drugs both as part of, and as separate from, the health care access plan;
8. appropriate reallocation of existing health care resources;
9. equitable financing of each proposal; and
10. recommendations concerning the delivery of long-term care services, including:

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(A) those currently covered under Title XIX of the Social Security Act;
(B) recommendations on potential cost sharing arrangements for long-term care services and the phasing in of such arrangements over time;
(C) consideration of the potential for utilizing informal care-giving by friends and family members;
(D) recommendations on cost-containment strategies for long-term care services;
(E) the possibility of using independent financing for the provision of long-term care services; and
(F) the projected cost to the State of Illinois over the next 20 years if no changes were made in the present system of delivering and paying for long-term care services.

Section 35. Further legislative action. No later than December 31, 2006, the General Assembly is strongly encouraged to vote on legislation that either enacts the Task Force's recommendation or provides for another health care access plan that meets the criteria set forth in Section 15.

Section 99. This Act takes effect July 1, 2004.
(3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

(b) The minutes of meetings open to the public shall be available for public inspection within 7 days of the approval of such minutes by the public body.

(c) The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after:

(1) the public body approves the destruction of a particular recording; and

(2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section.

(d) Each public body shall periodically, but no less than semi-annually, meet to review minutes and recordings of all closed meetings. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or recordings or portions thereof no longer require confidential treatment and are available for public inspection.

(e) Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act. In the case of a civil action brought to enforce this Act, the court, if the judge believes such an examination is necessary, must may conduct such in camera examination of the verbatim record as it finds appropriate in order to determine whether there has been a violation of this Act. In the case of a criminal proceeding, the court may conduct an in camera examination in order to determine what portions, if any, must be made available to the parties for use as evidence in the prosecution. Any such initial inspection must be held in camera. If the court or administrative hearing officer determines that a complaint or suit brought for noncompliance under this Act is valid it may, for the purposes of discovery, redact from the minutes of the meeting closed to the public any information deemed to qualify under the attorney-client privilege. The

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provisions of this subsection do not supersede the privacy or confidentiality provisions of State or federal law.

(f) Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. 

(Source: P.A. 93-523, eff. 1-1-04.)

Effective January 1, 2005.

PUBLIC ACT 93-0975
(House Bill No. 4612)

AN ACT concerning health improvement.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Civil Administrative Code of Illinois is amended by changing Section 5-565 as follows:

(20 ILCS 5/5-565) (was 20 ILCS 5/6.06)

Sec. 5-565. In the Department of Public Health.

(a) The General Assembly declares it to be the public policy of this State that all citizens of Illinois are entitled to lead healthy lives. Governmental public health has a specific responsibility to ensure that a system is in place to allow the public health mission to be achieved. To develop a system requires certain core functions to be performed by government. The State Board of Health is to assume the leadership role in advising the Director in meeting the following functions:

(1) Needs assessment.
(2) Statewide health objectives.
(3) Policy development.
(4) Assurance of access to necessary services.

There shall be a State Board of Health composed of 17 persons, all of whom shall be appointed by the Governor, with the advice and consent of the Senate for those appointed by the Governor on and after June 30, 1998, and one of whom shall be a senior citizen age 60 or over. Five members shall be physicians licensed to practice medicine in all its branches, one representing a medical school faculty, one who is board certified in preventive medicine, and one who is engaged in private practice.

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One member shall be a dentist; one an environmental health practitioner; one a local public health administrator; one a local board of health member; one a registered nurse; one a veterinarian; one a public health academician; one a health care industry representative; one a representative of the business community; one a representative of the non-profit public interest community; and 24 shall be citizens at large.

The terms of Board of Health members shall be 3 years, except that members shall continue to serve on the Board of Health until a replacement is appointed. Upon the effective date of this amendatory Act of the 93rd General Assembly, in the appointment of the Board of Health members appointed to vacancies or positions with terms expiring on or before December 31, 2004, the Governor shall appoint up to 6 members to serve for terms of 3 years; up to 6 members to serve for terms of 2 years; and up to 5 members to serve for a term of one year, so that the term of no more than 6 members expire in the same year. In the appointment of the first Board of Health members appointed after September 19, 1991 (the effective date of Public Act 87-633), the Governor shall appoint 5 members to serve for terms of 5 years; 5 members to serve for terms of 2 years; and 5 members to serve for a term of one year. Members appointed thereafter shall be appointed for terms of 3 years, except that when an appointment is made to fill a vacancy, the appointment shall be for the remaining term of the position vacated. The initial terms for the 2 additional members of the board who are citizens at large appointed under Public Act 90-607 shall be for 3 years each, with these positions thereafter being filled as with other members appointed by the Governor. All members shall be legal residents of the State of Illinois. The duties of the Board shall include, but not be limited to, the following:

(1) To advise the Department of ways to encourage public understanding and support of the Department's programs.

(2) To evaluate all boards, councils, committees, authorities, and bodies advisory to, or an adjunct of, the Department of Public Health or its Director for the purpose of recommending to the Director one or more of the following:

(i) The elimination of bodies whose activities are not consistent with goals and objectives of the Department.

(ii) The consolidation of bodies whose activities encompass compatible programmatic subjects.

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(iii) The restructuring of the relationship between the various bodies and their integration within the organizational structure of the Department.

(iv) The establishment of new bodies deemed essential to the functioning of the Department.

(3) To serve as an advisory group to the Director for public health emergencies and control of health hazards.

(4) To advise the Director regarding public health policy, and to make health policy recommendations regarding priorities to the Governor through the Director.

(5) To present public health issues to the Director and to make recommendations for the resolution of those issues.

(6) To recommend studies to delineate public health problems.

(7) To make recommendations to the Governor through the Director regarding the coordination of State public health activities with other State and local public health agencies and organizations.

(8) To report on or before February 1 of each year on the health of the residents of Illinois to the Governor, the General Assembly, and the public.

(9) To review the final draft of all proposed administrative rules, other than emergency or preemptory rules and those rules that another advisory body must approve or review within a statutorily defined time period, of the Department after September 19, 1991 (the effective date of Public Act 87-633). The Board shall review the proposed rules within 90 days of submission by the Department. The Department shall take into consideration any comments and recommendations of the Board regarding the proposed rules prior to submission to the Secretary of State for initial publication. If the Department disagrees with the recommendations of the Board, it shall submit a written response outlining the reasons for not accepting the recommendations.

In the case of proposed administrative rules or amendments to administrative rules regarding immunization of children against preventable communicable diseases designated by the Director under the Communicable Disease Prevention Act, after the Immunization Advisory Committee has made its recommendations, the Board shall conduct 3 public hearings, geographically distributed throughout the State. At the conclusion

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of the hearings, the State Board of Health shall issue a report, including its recommendations, to the Director. The Director shall take into consideration any comments or recommendations made by the Board based on these hearings.

(10) To deliver to the Governor for presentation to the General Assembly a State Health Improvement Plan. The first and second such plans shall be delivered to the Governor on January 1, 2006 and on January 1, 2009 respectively, and then every 4 years thereafter.

The Plan shall recommend priorities and strategies to improve the public health system and the health status of Illinois residents, taking into consideration national health objectives and system standards as frameworks for assessment.

The Plan shall also take into consideration priorities and strategies developed at the community level through the Illinois Project for Local Assessment of Needs (IPLAN) and any regional health improvement plans that may be developed. The Plan shall focus on prevention as a key strategy for long-term health improvement in Illinois.

The Plan shall examine and make recommendations on the contributions and strategies of the public and private sectors for improving health status and the public health system in the State. In addition to recommendations on health status improvement priorities and strategies for the population of the State as a whole, the Plan shall make recommendations regarding priorities and strategies for reducing and eliminating health disparities in Illinois; including racial, ethnic, gender, age, socio-economic and geographic disparities.

The Director of the Illinois Department of Public Health shall appoint a Planning Team that includes a range of public, private, and voluntary sector stakeholders and participants in the public health system. This Team shall include: the directors of State agencies with public health responsibilities (or their designees), including but not limited to the Illinois Departments of Public Health and Department of Human Services, representatives of local health departments, representatives of local community health partnerships, and individuals with expertise who represent an array of organizations and constituencies engaged in public health improvement and prevention.

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The State Board of Health shall hold at least 3 public hearings addressing drafts of the Plan in representative geographic areas of the State. Members of the Planning Team shall receive no compensation for their services, but may be reimbursed for their necessary expenses. To make recommendations to the Governor through the Director concerning the development and periodic updating of Statewide health objectives encompassing, in part, the periodically published federal health objectives for the nation, which will provide the basis for the policy development and assurance roles of the State Health Department, and to make recommendations to the Governor through the Director regarding legislation and funding necessary to implement the objectives:

(11) Upon the request of the Governor, to recommend to the Governor candidates for Director of Public Health when vacancies occur in the position.

(12) To adopt bylaws for the conduct of its own business, including the authority to establish ad hoc committees to address specific public health programs requiring resolution.

Upon appointment, the Board shall elect a chairperson from among its members.

Members of the Board shall receive compensation for their services at the rate of $150 per day, not to exceed $10,000 per year, as designated by the Director for each day required for transacting the business of the Board and shall be reimbursed for necessary expenses incurred in the performance of their duties. The Board shall meet from time to time at the call of the Department, at the call of the chairperson, or upon the request of 3 of its members, but shall not meet less than 4 times per year.

(b) (Blank).

(c) An Advisory Board on Necropsy Service to Coroners, which shall counsel and advise with the Director on the administration of the Autopsy Act. The Advisory Board shall consist of 11 members, including a senior citizen age 60 or over, appointed by the Governor, one of whom shall be designated as chairman by a majority of the members of the Board. In the appointment of the first Board the Governor shall appoint 3 members to serve for terms of 1 year, 3 for terms of 2 years, and 3 for terms of 3 years. The members first appointed under Public Act 83-1538 shall serve for a term of 3 years. All members appointed thereafter shall be

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appointed for terms of 3 years, except that when an appointment is made to fill a vacancy, the appointment shall be for the remaining term of the position vacant. The members of the Board shall be citizens of the State of Illinois. In the appointment of members of the Advisory Board the Governor shall appoint 3 members who shall be persons licensed to practice medicine and surgery in the State of Illinois, at least 2 of whom shall have received post-graduate training in the field of pathology; 3 members who are duly elected coroners in this State; and 5 members who shall have interest and abilities in the field of forensic medicine but who shall be neither persons licensed to practice any branch of medicine in this State nor coroners. In the appointment of medical and coroner members of the Board, the Governor shall invite nominations from recognized medical and coroners organizations in this State respectively. Board members, while serving on business of the Board, shall receive actual necessary travel and subsistence expenses while so serving away from their places of residence.

(Source: P.A. 90-607, eff. 6-30-98; 91-239, eff. 1-1-00; 91-798, eff. 7-9-00.)

Effective January 1, 2005.

PUBLIC ACT 93-0976
(House Bill No. 4996)

AN ACT concerning veterans.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Military Code of Illinois is amended by changing Section 22-9 as follows:

(20 ILCS 1805/22-9)

Sec. 22-9. Power to make grants from the Illinois Military Family Relief Fund. Subject to appropriation, the Department of Military Affairs shall have the power to make grants from the Illinois Military Family Relief Fund, a special fund created in the State treasury, to single persons who are members of the Illinois National Guard or Illinois residents who are members of the reserves of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks and to families of persons who are members of the

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Illinois National Guard or Illinois residents who are members of the reserves of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks. The Department of Military Affairs shall establish eligibility criteria for the grants by rule.

In addition to amounts transferred into the Fund under Section 510 of the Illinois Income Tax Act, the State Treasurer shall accept and deposit into the Fund all gifts, grants, transfers, appropriations, and other amounts from any legal source, public or private, that are designated for deposit into the Fund.

(Source: P.A. 92-886, eff. 2-7-03; 93-506, eff. 8-11-03.)

Section 10. The Survivors Compensation Act is amended by adding Section 4 as follows:

(330 ILCS 100/4 new)

Sec. 4. Compensation in connection with deceased veterans of the Global War on Terrorism.

(a) The widow or widower, child or children, mother, father, persons standing in loco parentis, brothers and sisters, in the order named, of any deceased person if (i) that person was a resident of Illinois for at least 12 months immediately preceding entry into military service and (ii) that person's death was service-connected as a result of hostile action on or after September 11, 2001 and prior to such time as Congress declares such persons ineligible for the Global War on Terrorism Expeditionary Medal or the Global War on Terrorism Service Medal shall be paid $3,000.

(b) If a preceding beneficiary fails to file a claim of compensation after the official notice of death, the Department of Veterans' Affairs may accept applications from succeeding beneficiaries, and such beneficiaries may then proceed to qualify upon submission of satisfactory proof of eligibility.

(c) No right or claim to compensation under this Section may be assigned.

(d) The Illinois Department of Veterans' Affairs has complete charge and control of the general scheme of payments authorized by this Section and shall adopt general rules for the making of those payments, for the ascertainment and selection of proper beneficiaries and the amount to which those beneficiaries are entitled, and for procedure.

(e) If the person to whom compensation is payable under this Section is under legal disability, the compensation shall be paid to the

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person legally vested with the care of the legally disabled person under the laws of his or her state of residence. If no such person has been so designated for the legally disabled person, payment shall be made to the chief officer of any hospital or institution under the supervision or control of any state or of the Veterans Administration of the United States in which the legally disabled person is placed, if the officer is authorized to accept moneys for the benefit of the incompetent. Any payments so made shall be held or used solely for the benefit of the legally disabled person.

As used in this Section, a person "under legal disability" means any person found to be so disabled by a court of competent jurisdiction of any state or the District of Columbia or by any adjudication officer of the Veterans Administration of the United States.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0977
(House Bill No. 6811)

AN ACT concerning sex offenders.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Sex Offender Registration Act is amended by changing Sections 2 and 6 as follows:

(730 ILCS 150/2)(from Ch. 38, par. 222)
Sec. 2. Definitions.
(A) As used in this Article, "sex offender" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:

(a) is convicted of such offense or an attempt to commit such offense; or
(b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

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(c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(2) certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting to commit an act which, if committed by an adult, would constitute any of the

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offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Article.

For purposes of this Section, "convicted" shall have the same meaning as "adjudicated".

(B) As used in this Article, "sex offense" means:

(1) A violation of any of the following Sections of the Criminal Code of 1961:

11-20.1 (child pornography),
11-6 (indecent solicitation of a child),
11-9.1 (sexual exploitation of a child),
11-15.1 (soliciting for a juvenile prostitute),
11-18.1 (patronizing a juvenile prostitute),
11-17.1 (keeping a place of juvenile prostitution),
11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
12-13 (criminal sexual assault),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a child),
12-15 (criminal sexual abuse),
12-16 (aggravated criminal sexual abuse),
12-33 (ritualized abuse of a child).

An attempt to commit any of these offenses.

(1.5) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, and the offense was committed on or after January 1, 1996:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(1.6) First degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age

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and the defendant was at least 17 years of age at the time of the commission of the offense, and the offense was committed on or after June 1, 1996.

(1.7) (Blank).

(1.8) A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961, and the offense was committed on or after June 1, 1997.

(1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998.

(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after July 1, 1999:

10-4 (forcible detention, if the victim is under 18 years of age),
11-6.5 (indecent solicitation of an adult),
11-15 (soliciting for a prostitute, if the victim is under 18 years of age),
11-16 (pandering, if the victim is under 18 years of age),
11-18 (patronizing a prostitute, if the victim is under 18 years of age),
11-19 (pimping, if the victim is under 18 years of age).

(1.11) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly:

11-9 (public indecency for a third or subsequent conviction),
11-9.2 (custodial sexual misconduct).

(1.12) A violation or attempted violation of Section 5.1 of the Wrongs to Children Act (permitting sexual abuse) when the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly.

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(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.

(C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (B), (C), and (E) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.

(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, committed on or after June 1, 1996 against a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article. This subsection (C-5) applies to a person who committed the offense before June 1, 1996 only if the person is incarcerated in an Illinois Department of Corrections facility on the effective date of this amendatory Act of the 93rd General Assembly.

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(E) As used in this Article, "sexual predator" means any person who, after July 1, 1999, is:

(1) Convicted for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) of

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this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961, if the conviction occurred after July 1, 1999:

11-17.1 (keeping a place of juvenile prostitution),
11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
11-20.1 (child pornography),
12-13 (criminal sexual assault, if the victim is a person under 12 years of age),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a child),
12-16 (aggravated criminal sexual abuse),
12-33 (ritualized abuse of a child);

(2) convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense; or

(3) certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) convicted of a second or subsequent offense which requires registration pursuant to this Act. The conviction for the second or subsequent offense must have occurred after July 1, 1999. For purposes of this paragraph (5), "convicted" shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state, or foreign country law.

(F) As used in this Article, "out-of-state student" means any sex offender, as defined in this Section, or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

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(G) As used in this Article, "out-of-state employee" means any sex offender, as defined in this Section, or sexual predator who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more days or for an aggregate period of time of 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(Source: P.A. 91-48, eff. 7-1-99; 92-828, eff. 8-22-02.)

(730 ILCS 150/6)(from Ch. 38, par. 226)

Sec. 6. Duty to report; change of address, school, or employment; duty to inform. A person who has been adjudicated to be sexually dangerous or is a sexually violent person and is later released, or found to be no longer sexually dangerous or no longer a sexually violent person and discharged, shall report in person to the law enforcement agency with whom he or she last registered no later than 90 days after the date of his or her last registration and every 90 days thereafter. Any other person who is required to register under this Article shall report in person to the appropriate law enforcement agency with whom he or she last registered within one year from the date of last registration and every year thereafter. If any person required to register under this Article changes his or her residence address, place of employment, or school, he or she shall, in writing, within 10 days inform the law enforcement agency with whom he or she last registered of his or her new address, change in employment, or school and register with the appropriate law enforcement agency within the time period specified in Section 3. The law enforcement agency shall, within 3 days of receipt, notify the Department of State Police and the law enforcement agency having jurisdiction of the new place of residence, change in employment, or school.

If any person required to register under this Article intends to establish a residence or employment outside of the State of Illinois, at least within 10 days before after establishing that residence or employment, he or she shall, in writing, inform the law enforcement agency with which he or she last registered of his or her out-of-state intended residence or employment. The law enforcement agency with which such person last registered shall, within 3 days notice of an address or employment change, notify the Department of State Police. The Department of State Police shall forward such information to the out-of-state law enforcement agency having jurisdiction in the form and manner prescribed by the Department of State Police.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning professional regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Professional Boxing Act is amended by changing Sections 6 and 12 as follows:

Sec. 6. Prohibitions. All boxing matches, contests, or exhibits in which physical contact is made including, but not limited to, "ultimate fighting exhibitions", are prohibited in Illinois unless authorized by the Department. This provision does not apply to the following:

1. Boxing contests or wrestling exhibitions conducted by accredited secondary schools, colleges or universities, although a fee may be charged. Institutions organized to furnish instruction in athletics are not included in this exemption.

2. Amateur boxing matches sanctioned by the United States Amateur Boxing Federation, Inc. or Golden Gloves of America, amateur wrestling exhibitions, and amateur or professional martial arts or kick boxing.

The Department shall have the authority to determine whether a contest or exhibition is an exempt martial arts or kick boxing event for purposes of this Section. In determining whether a contest or exhibition is an exempt martial arts or kick boxing event the Department shall consider, but not be limited to, the following factors:

(i) whether the event is sanctioned by a body independent of the promoters of the contest or exhibition;
(ii) whether the sanctioning body is exclusively or primarily dedicated to advancing the sport of kick boxing or martial arts;

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(iii) whether the sanctioning body limits participation in its events to its registered members;
(iv) whether the sanctioning body has a record of enforcing the rules governing a contest or exhibition;
(v) the record for safety of the sanctioning body;
(vi) the record for safety of the promoters of the contest or exhibition;
(vii) whether the promoter of the contest or exhibition has a record of enforcing and abiding by the rules governing a contest or exhibition; and
(viii) whether the rules for the contest or exhibition provide substantially similar protections for the health, safety and welfare of the contestants and spectators as this Act and its rules.

(Source: P.A. 91-408, eff. 1-1-00.)

(225 ILCS 105/12) (from Ch. 111, par. 5012)
(Section scheduled to be repealed on January 1, 2012)

Sec. 12. Contests Boxing contests. Each boxing contestant shall be examined before entering the ring and immediately after each contest by a physician licensed to practice medicine in all of its branches. The physician shall determine, prior to the contest, if each contestant is physically fit to engage in the contest. After the contest the physician shall examine the contestant to determine possible injury. If the contestant's physical condition so indicates, the physician shall recommend to the Department immediate medical suspension. The physician may, at any time during the contest, stop the contest to examine a boxer, and terminate the contest when, in the physician's opinion, continuing the contest could result in serious injury to the boxer. The physician shall certify to the condition of the contestant in writing, over his signature on blank forms provided by the Department. Such reports shall be submitted to the Department in a timely manner. The physician shall be paid by the promoter a fee fixed by the Department. No boxing contest shall be held unless a physician licensed to practice medicine in all of its branches is in attendance.

No contest shall be allowed to begin unless at least one physician and 2 trained paramedics or 2 nurses who are trained to administer emergency medical care are present.

No contest shall be more than 12 rounds in length. The rounds shall not be more than 3 minutes each with a one minute interval between them, and no boxer shall be allowed to participate in more than 12 rounds

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within 72 consecutive hours. At each boxing contest there shall be a referee in attendance who shall direct and control the contest. The referee, before each contest, shall learn the name of the contestant's chief second and shall hold the chief second responsible for the conduct of his assistant during the progress of the contest.

There shall be 2 judges in attendance who shall render a decision at the end of each contest. The decision of the judges, taken together with the decision of the referee, is final; or, 3 judges shall score the contest with the referee not scoring. The method of scoring shall be set forth in rules.

Judges, referees, or timekeepers for contests shall be assigned by the Department. The Department or its representative shall have discretion to declare a price, remuneration, or purse or any part of it belonging to the contestant withheld if in the judgment of the Department or its representative the contestant is not honestly competing. The Department shall have the authority to prevent a contest or exhibition from being held and shall have the authority to stop a fight for noncompliance with any part of this Act or rules or when, in the judgment of the Department, or its representative, continuation of the event would endanger the health, safety, and welfare of the contestants or spectators. The Department's authority to stop a fight contest or exhibition on the basis that the fight would endanger the health, safety, and welfare of the contestants or spectators shall extend to any fight contest or exhibition, regardless of whether that fight contest or exhibition is exempted from the prohibition in Section 6 of this Act.

(Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0979
(Senate Bill No. 2607)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 3-14-2 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 3-14-2. Supervision on Parole, Mandatory Supervised Release and Release by Statute.

(a) The Department shall retain custody of all persons placed on parole or mandatory supervised release or released pursuant to Section 3-3-10 of this Code and shall supervise such persons during their parole or release period in accord with the conditions set by the Prisoner Review Board. Such conditions shall include referral to an alcohol or drug abuse treatment program, as appropriate, if such person has previously been identified as having an alcohol or drug abuse problem. Such conditions may include that the person use an approved electronic monitoring device subject to Article 8A of Chapter V.

(b) The Department shall assign personnel to assist persons eligible for parole in preparing a parole plan. Such Department personnel shall make a report of their efforts and findings to the Prisoner Review Board prior to its consideration of the case of such eligible person.

(c) A copy of the conditions of his parole or release shall be signed by the parolee or releasee and given to him and to his supervising officer who shall report on his progress under the rules and regulations of the Prisoner Review Board. The supervising officer shall report violations to the Prisoner Review Board and shall have the full power of peace officers in the arrest and retaking of any parolees or releasees or the officer may request the Department to issue a warrant for the arrest of any parolee or releasee who has allegedly violated his parole or release conditions. If the parolee or releasee commits an act that constitutes a felony using a firearm or knife, or, if applicable, fails to comply with the requirements of the Sex Offender Registration Act, the officer shall request the Department to issue a warrant and the Department shall issue the warrant and the officer or the Department shall file a violation report with notice of charges with the Prisoner Review Board. A sheriff or other peace officer may detain an alleged parole or release violator until a warrant for his return to the Department can be issued. The parolee or releasee may be delivered to any secure place until he can be transported to the Department.

(d) The supervising officer shall regularly advise and consult with the parolee or releasee, assist him in adjusting to community life, inform him of the restoration of his rights on successful completion of sentence under Section 5-5-5.

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(e) Supervising officers shall receive specialized training in the special needs of female releasees or parolees including the family reunification process.

(f) The supervising officer shall keep such records as the Prisoner Review Board or Department may require. All records shall be entered in the master file of the individual.

(Source: P.A. 86-661; 86-1281; 87-855.)

Section 10. The Sex Offender Registration Act is amended by changing Sections 2, 3, 7, 8, 8-5, 10, and 11 as follows:

(730 ILCS 150/2)(from Ch. 38, par. 222)
Sec. 2. Definitions.
(A) As used in this Article, "sex offender" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:

(a) is convicted of such offense or an attempt to commit such offense; or

(b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal,
Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or
(2) certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or
(3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or
(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or
(5) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.
Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Article.
For purposes of this Section, "convicted" shall have the same meaning as "adjudicated".
(B) As used in this Article, "sex offense" means:
(1) A violation of any of the following Sections of the Criminal Code of 1961:
   11-20.1 (child pornography),
   11-6 (indecent solicitation of a child),
   11-9.1 (sexual exploitation of a child),
   11-15.1 (soliciting for a juvenile prostitute),
   11-18.1 (patronizing a juvenile prostitute),
11-17.1 (keeping a place of juvenile prostitution),
11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
12-13 (criminal sexual assault),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a child),
12-15 (criminal sexual abuse),
12-16 (aggravated criminal sexual abuse),
12-33 (ritualized abuse of a child).
An attempt to commit any of these offenses.

(1.5) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, and the offense was committed on or after January 1, 1996:
10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).
An attempt to commit any of these offenses.

(1.6) First degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age, the defendant was at least 17 years of age at the time of the commission of the offense, and the offense was committed on or after June 1, 1996.

(1.7) (Blank).

(1.8) A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961, and the offense was committed on or after June 1, 1997.

(1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998.

(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after July 1, 1999:

New matter indicated by italics - deletions by strikeout.
10-4 (forcible detention, if the victim is under 18 years of age),
11-6.5 (indecent solicitation of an adult),
11-15 (soliciting for a prostitute, if the victim is under 18 years of age),
11-16 (pandering, if the victim is under 18 years of age),
11-18 (patronizing a prostitute, if the victim is under 18 years of age),
11-19 (pimping, if the victim is under 18 years of age).

(1.11) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly:
11-9 (public indecency for a third or subsequent conviction),
11-9.2 (custodial sexual misconduct).

(1.12) A violation or attempted violation of Section 5.1 of the Wrongs to Children Act (permitting sexual abuse) when the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly.

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.

(C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (B), (C), and (E) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.

(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, committed on or after June 1, 1996 against a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of...
Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article.

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(D-1) As used in this Article, "supervising officer" means the assigned Illinois Department of Corrections parole agent or county probation officer.

(E) As used in this Article, "sexual predator" means any person who, after July 1, 1999, is:

(1) Convicted for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) of this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961, if the conviction occurred after July 1, 1999:
   11-17.1 (keeping a place of juvenile prostitution),
   11-19.1 (juvenile pimping),
   11-19.2 (exploitation of a child),
   11-20.1 (child pornography),
   12-13 (criminal sexual assault, if the victim is a person under 12 years of age),
   12-14 (aggravated criminal sexual assault),
   12-14.1 (predatory criminal sexual assault of a child),
   12-16 (aggravated criminal sexual abuse),
   12-33 (ritualized abuse of a child); or
(2) convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18

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years of age and the defendant was at least 17 years of age at the
time of the commission of the offense; or
(3) certified as a sexually dangerous person pursuant to the
Sexually Dangerous Persons Act or any substantially similar
federal, Uniform Code of Military Justice, sister state, or foreign
country law; or
(4) found to be a sexually violent person pursuant to the
Sexually Violent Persons Commitment Act or any substantially
similar federal, Uniform Code of Military Justice, sister state, or
foreign country law; or
(5) convicted of a second or subsequent offense which
requires registration pursuant to this Act. The conviction for the
second or subsequent offense must have occurred after July 1,
1999. For purposes of this paragraph (5), "convicted" shall include
a conviction under any substantially similar Illinois, federal,
Uniform Code of Military Justice, sister state, or foreign country
law.

(F) As used in this Article, "out-of-state student" means any sex
offender, as defined in this Section, or sexual predator who is enrolled in
Illinois, on a full-time or part-time basis, in any public or private
educational institution, including, but not limited to, any secondary school,
trade or professional institution, or institution of higher learning.

(G) As used in this Article, "out-of-state employee" means any sex
offender, as defined in this Section, or sexual predator who works in
Illinois, regardless of whether the individual receives payment for services
performed, for a period of time of 10 or more days or for an aggregate
period of time of 30 or more days during any calendar year. Persons who
operate motor vehicles in the State accrue one day of employment time for
any portion of a day spent in Illinois.

(H) As used in this Article, "school" means any public or private
educational institution, including, but not limited to, any elementary or
secondary school, trade or professional institution, or institution of higher
education.
(Source: P.A. 91-48, eff. 7-1-99; 92-828, eff. 8-22-02.)
(730 ILCS 150/3)(from Ch. 38, par. 223)
Sec. 3. Duty to register.
(a) A sex offender, as defined in Section 2 of this Act, or sexual
predator shall, within the time period prescribed in subsections (b) and (c),
register in person and provide accurate information as required by the

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Department of State Police. Such information shall include a current photograph, current address, current place of employment, and school attended. The sex offender or sexual predator shall register:

(1) with the chief of police in each of the municipality municipalities in which he or she attends school, is employed, resides or is temporarily domiciled for a period of time of 10 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in each of the county counties in which he or she attends school, is employed, resides or is temporarily domiciled for a period of time of 10 or more days in an unincorporated area or, if incorporated, no police chief exists.

If the sex offender or sexual predator is employed at or attends an institution of higher education, he or she shall register:

(i) with the chief of police in the municipality in which he or she is employed at or attends an institution of higher education, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(ii) with the sheriff in the county in which he or she is employed or attends an institution of higher education located in an unincorporated area, or if incorporated, no police chief exists.

For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 10 or more days during any calendar year.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 10 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. The out-of-state student or out-of-state employee shall register:

(1) with the chief of police in each of the municipality municipalities in which he or she attends school or is employed for a period of time of 10 or more days or for an aggregate period of

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time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in each of the county counties in which he or she attends school or is employed for a period of time of 10 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(b) Any sex offender, as defined in Section 2 of this Act, or sexual predator, regardless of any initial, prior, or other registration, shall, within 10 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Article shall be as follows:

(1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child Sex Offender Registration Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7.

(2) Except as provided in subsection (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.

(2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 10 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.
(3) Except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 10 days after the entry of the sentencing order based upon his or her conviction.

(4) Any person unable to comply with the registration requirements of this Article because he or she is confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 10 days of discharge, parole or release.

(5) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

(6) The person shall pay a $20 initial registration fee and a $10 annual renewal fee. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. Ten dollars for the initial registration fee and $5 of the annual renewal fee shall be used by the registering agency for official purposes. Ten dollars of the initial registration fee and $5 of the annual fee shall be deposited into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and shall be used to fund practices endorsed or required by the Sex Offender Management Board Act including but not limited to sex offenders evaluation, treatment, or monitoring programs that are or may be developed, as well as for administrative costs, including staff, incurred by the Board.

(d) Within 10 days after obtaining or changing employment and, if employed on January 1, 2000, within 10 days after that date, a person required to register under this Section must report, in person or in writing to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

(Source: P.A. 92-828, eff. 8-22-02; 93-616, eff. 1-1-04.)

(730 ILCS 150/7)(from Ch. 38, par. 227)

New matter indicated by italics - deletions by strikeout.
Sec. 7. Duration of registration. A person who has been adjudicated to be sexually dangerous and is later released or found to be no longer sexually dangerous and discharged, shall register for the period of his or her natural life. A sexually violent person or sexual predator shall register for the period of his or her natural life after conviction or adjudication if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. Any other person who is required to register under this Article shall be required to register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 10 years after parole, discharge or release from any such facility. A sex offender who is allowed to leave a county, State, or federal facility for the purposes of work release, education, or overnight visitations shall be required to register within 10 days of beginning such a program. Liability for registration terminates at the expiration of 10 years from the date of conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of this Article. Reconfinedment due to a violation of parole or other circumstances that relates to the original conviction or adjudication shall extend the period of registration to 10 years after final parole, discharge, or release. The Director of State Police, consistent with administrative rules, shall extend for 10 years the registration period of any sex offender, as defined in Section 2 of this Act, who fails to comply with the provisions of this Article. The registration period for any sex offender who fails to comply with any provision of the Act shall extend the period of registration by 10 years beginning from the first date of registration after the violation.

(Source: P.A. 91-48, eff. 7-1-99; 92-828, eff. 8-22-02.)
(730 ILCS 150/8)(from Ch. 38, par. 228)

Sec. 8. Registration Requirements. Registration as required by this Article shall consist of a statement in writing signed by the person giving the information that is required by the Department of State Police, which may include the fingerprints and must include a current photograph of the person, to be updated annually. The registration information must include whether the person is a sex offender as defined in the Sex Offender and

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Child Murderer Community Notification Law. Within 3 days, the registering law enforcement agency shall forward any required information to the Department of State Police. The registering law enforcement agency shall enter the information into the Law Enforcement Agencies Data System (LEADS) as provided in Sections 6 and 7 of the Intergovernmental Missing Child Recovery Act of 1984.

(Source: P.A. 90-193, eff. 7-24-97; 91-224, eff. 7-1-00.)

(730 ILCS 150/8-5)
Sec. 8-5. Verification Address verification requirements.
(a) Address verification. The agency having jurisdiction shall verify the address of sex offenders, as defined in Section 2 of this Act, or sexual predators required to register with their agency at least once per calendar year. The verification must be documented in LEADS in the form and manner required by the Department of State Police.

(b) Registration verification. The supervising officer shall, within 15 days of sentencing to probation or release from an Illinois Department of Corrections facility, contact the law enforcement agency in the jurisdiction in which the sex offender or sexual predator designated as his or her intended residence and verify compliance with the requirements of this Act. Revocation proceedings shall be immediately commenced against a sex offender or sexual predator on probation, parole, or mandatory supervised release who fails to comply with the requirements of this Act.

(Source: P.A. 91-48, eff. 7-1-99; 92-828, eff. 8-22-02.)

(730 ILCS 150/10)(from Ch. 38, par. 230)
Sec. 10. Penalty. Any person who is required to register under this Article who violates any of the provisions of this Article and any person who is required to register under this Article who seeks to change his or her name under Article 21 of the Code of Civil Procedure is guilty of a Class 3 felony. Any person who is required to register under this Article who knowingly or wilfully gives material information required by this Article that is false is guilty of a Class 3 felony. Any person convicted of a violation of any provision of this Article shall, in addition to any other penalty required by law, be required to serve a minimum period of 7 days confinement in the local county jail. The court shall impose a mandatory minimum fine of $500 for failure to comply with any provision of this Article. These fines shall be deposited in the Sex Offender Registration Fund. Any sex offender, as defined in Section 2 of this Act, or sexual predator who violates any provision of this Article may be tried in any Illinois county where the sex offender can be located.

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Sec. 11. Sex offender registration fund. There is created the Sex Offender Registration Fund. Moneys in the Fund shall be used to cover costs incurred by the criminal justice system to administer this Article. The Department of State Police shall establish and promulgate rules and procedures regarding the administration of this Fund. Fifty percent of at least 50% of the moneys in the Fund shall be allocated by the Department for sheriffs' offices and police departments. The remaining moneys in the Fund shall be allocated to the Illinois State Police Sex Offender Registration Unit for education and administration of the Act.

(Source: P.A. 90-193, eff. 7-24-97.)

Section 15. The Sex Offender and Child Murderer Community Notification Law is amended by changing Section 115 as follows:

(a) The Department of State Police shall establish and maintain a Statewide Sex Offender Database for the purpose of identifying sex offenders and making that information available to the persons specified in Sections 120 and 125 of this Law. The Database shall be created from the Law Enforcement Agencies Data System (LEADS) established under Section 6 of the Intergovernmental Missing Child Recovery Act of 1984. The Department of State Police shall examine its LEADS database for persons registered as sex offenders under the Sex Offender Registration Act and shall identify those who are sex offenders and shall add all the information, including photographs if available, on those sex offenders to the Statewide Sex Offender Database.

(b) The Department of State Police must make the information contained in the Statewide Sex Offender Database accessible on the Internet by means of a hyperlink labeled "Sex Offender Information" on the Department's World Wide Web home page. The Department of State Police must update that information as it deems necessary.

The Department of State Police may require that a person who seeks access to the sex offender information submit biographical information about himself or herself before permitting access to the sex offender information. The Department of State Police may limit access to the sex offender information to information about sex offenders who reside within a specified geographic area in proximity to the address of the

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person seeking that information. The Department of State Police must promulgate rules in accordance with the Illinois Administrative Procedure Act to implement this subsection (b) and those rules must include procedures to ensure that the information in the database is accurate.

(c) The Department of State Police, Sex Offender Registration Unit, must develop and conduct training to educate all those entities involved in the Sex Offender Registration Program.

(Source: P.A. 90-193, eff. 7-24-97; 91-224, eff. 7-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0980
(Senate Bill No. 3111)

AN ACT concerning animals.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Diseased Animals Act is amended by changing Section 1 and by adding Section 24.1 as follows:

(510 ILCS 50/1) (from Ch. 8, par. 168)

Sec. 1. For the purposes of this Act:
"Department" means the Department of Agriculture of the State of Illinois.
"Director" means the Director of the Illinois Department of Agriculture, or his duly appointed representative.
"Contagious or infectious disease" means a specific disease designated by the Department as contagious or infectious under rules pertaining to this Act.
"Reportable disease" means a specific disease designated by the Department as reportable under rules pertaining to this Act.
"Animals" means domestic animals, poultry, and wild animals in captivity.
"Exposed to" means for an animal to come in contact with another animal or an environment that is capable of transmitting a contagious, infectious, or reportable disease. An animal will no longer be considered as "exposed to" when it is beyond the standard incubation time for the
disease and the animal has been tested negative for the specific disease or there is no evidence that the animal is contagious, except for animals exposed to Johne's disease. Animals originating from a herd where Johne's disease has been diagnosed will be considered no longer "exposed to" with a negative test. The negative test must have been conducted within 30 days prior to the sale or movement.

"Swap meet" means an organized event where animals including, but not limited to, dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets, are sold, traded, or exchange hands.

(510 ILCS 50/24.1 new)

Sec. 24.1. Swap meets. Any organizer of a swap meet held within the State must provide the Department with information regarding the swap meet at least 30 days prior to the date on which the swap meet will be held. For each swap meet that he or she organizes, an organizer must maintain records for at least one year after the date on which the swap meet is held. The records must include information on each kind of animal present at the swap meet and information on any transfer of animals that takes place during the swap meet.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0981
(House Bill No. 0486)

AN ACT concerning health care for women.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Hospital Licensing Act is amended by adding Section 11.5 as follows:

(210 ILCS 85/11.5 new)

Sec. 11.5. Uniform standards of obstetrical care regardless of ability to pay.

(a) No hospital may promulgate policies or implement practices that determine differing standards of obstetrical care based upon a patient's source of payment or ability to pay for medical services.

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(b) Each hospital shall develop a written policy statement reflecting the requirements of subsection (a) and shall post written notices of this policy in the obstetrical admitting areas of the hospital by July 1, 2004. Notices posted pursuant to this Section shall be posted in the predominant language or languages spoken in the hospital's service area.

Section 15. The Illinois Public Aid Code is amended by changing Section 5-5 and adding Section 5-16.7a as follows:

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code.

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where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

The Illinois Department of Public Aid shall provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

1. dental services, which shall include but not be limited to prosthodontics; and
2. eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows: a baseline mammogram for women 35 to 39 years of age and an annual mammogram for women 40 years of age or older. All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. As used

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in this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, image receptor, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with 2 views for each breast.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Public Aid shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Illinois Department of Public Aid nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical

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and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall

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immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced

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miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor that provides non-emergency medical transportation, defined by the Department by rule, shall be conditional for 180 days. During that time, the Department of Public Aid may terminate the vendor's eligibility to participate in the medical assistance program without cause. That termination of eligibility is not subject to the Department's hearing process.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department. Rules under clause (2) above shall not provide for purchase or lease-purchase of durable medical equipment or supplies used for the purpose of oxygen delivery and respiratory care.

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The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;
(b) actual statistics and trends in the provision of the various medical services by medical vendors;
(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

(Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 92-789, eff. 8-6-02; 93-632, eff. 2-1-04.)

(305 ILCS 5/5-16.7a new)

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Sec. 5-16.7a. Reimbursement for epidural anesthesia services. In addition to other procedures authorized by the Department under this Code, the Department shall provide reimbursement to medical providers for epidural anesthesia services when ordered by the attending practitioner at the time of delivery.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0982
(House Bill No. 0718)

AN ACT concerning vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 7-310 as follows:

(625 ILCS 5/7-310) (from Ch. 95 1/2, par. 7-310)

Sec. 7-310. Petition for discharge filed in bankruptcy. A petition for discharge filed in bankruptcy following the rendering of any judgment shall relieve the judgment debtor from any of the requirements of this Chapter 7, except that the judgment debtor's drivers license shall remain suspended and may not be renewed, and the judgment debtor may not be issued a license or registration, until the judgment debtor gives proof of his or her financial responsibility in the future, as provided in Section 1-164.5. The proof is to be maintained by the judgment debtor, in a manner satisfactory to the Secretary of State, for a period of 3 years after the date on which the proof is first filed.

A petition for discharge filed in bankruptcy of the owner or lessee of a commercial vehicle by whom the judgment debtor is employed at the time of the motor vehicle accident that gives rise to the judgment also shall relieve the judgment debtor so employed from any of the requirements of this Chapter 7 if the discharge of the owner or lessee follows the rendering of the judgment and if the judgment debtor so employed was operating the commercial vehicle in connection with his regular employment or occupation at the time of the accident. This amendatory act of 1985 applies to all cases irrespective of whether the accident giving rise to the
suspension of license or registration occurred before, on, or after its
effective date.
(Source: P.A. 86-549; 87-1114.)
Effective January 1, 2005.

PUBLIC ACT 93-0983
(House Bill No. 0828)

AN ACT in relation to municipal government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing
Sections 11-74.4-3 and 11-74.4-7 as follows:
(65 ILCS 5/11-74.4-3)(from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or
referred to in this Division 74.4 shall have the following respective
meanings, unless in any case a different meaning clearly appears from the
context.
(a) For any redevelopment project area that has been designated
pursuant to this Section by an ordinance adopted prior to November 1,
1999 (the effective date of Public Act 91-478), "blighted area" shall have
the meaning set forth in this Section prior to that date.
On and after November 1, 1999, "blighted area" means any
improved or vacant area within the boundaries of a redevelopment project
area located within the territorial limits of the municipality where:
(1) If improved, industrial, commercial, and residential
buildings or improvements are detrimental to the public safety,
health, or welfare because of a combination of 5 or more of the
following factors, each of which is (i) present, with that presence
documented, to a meaningful extent so that a municipality may
reasonably find that the factor is clearly present within the intent of
the Act and (ii) reasonably distributed throughout the improved
part of the redevelopment project area:
(A) Dilapidation. An advanced state of disrepair or
neglect of necessary repairs to the primary structural
components of buildings or improvements in such a
combination that a documented building condition analysis

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determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot
water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste,
hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area’s development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to
develop on a planned basis and in a manner compatible
with contemporary standards and requirements, or platting
that failed to create rights-of-ways for streets or alleys or
that created inadequate right-of-way widths for streets,
alleys, or other public rights-of-way or that omitted
easements for public utilities.

(B) Diversity of ownership of parcels of vacant land
sufficient in number to retard or impede the ability to
assemble the land for development.

(C) Tax and special assessment delinquencies exist
or the property has been the subject of tax sales under the
Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements
in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental
Protection Agency or United States Environmental
Protection Agency remediation costs for, or a study
conducted by an independent consultant recognized as
having expertise in environmental remediation has
determined a need for, the clean-up of hazardous waste,
hazardous substances, or underground storage tanks
required by State or federal law, provided that the
remediation costs constitute a material impediment to the
development or redevelopment of the redevelopment
project area.

(F) The total equalized assessed value of the
proposed redevelopment project area has declined for 3 of
the last 5 calendar years prior to the year in which the
redevelopment project area is designated or is increasing at
an annual rate that is less than the balance of the
municipality for 3 of the last 5 calendar years for which
information is available or is increasing at an annual rate
that is less than the Consumer Price Index for All Urban
Consumers published by the United States Department of
Labor or successor agency for 3 of the last 5 calendar years
prior to the year in which the redevelopment project area is
designated.

(3) If vacant, the sound growth of the redevelopment
project area is impaired by one of the following factors that (i) is

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present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.
(B) The area consists of unused railyards, railroad tracks, or railroad rights-of-way.
(C) The area, prior to its designation, is subject to chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.
(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.
(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.
(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1,
1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

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(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the

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benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned

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as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year

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which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment

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annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to June 1, 1988 retires the bonds prior to June 30, 2007, it shall continue to receive its proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated.

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redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

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Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(i) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment

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plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
(H) a commitment to fair employment practices and an affirmative action plan;
(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and
(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably
be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

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(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or

(L) if the ordinance was adopted in September 1988 by Sauk Village, or

(M) if the ordinance was adopted in October 1993 by Sauk Village, or

(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or

(O) if the ordinance was adopted in March 1991 by the City of Centreville, or

(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or

(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or

(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or

(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or

(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or

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(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or 
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or 
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or 
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or 
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or 
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or 
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or 
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or 
(CC) if the ordinance was adopted on December 15, 1986 by the City of Urbana.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

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Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential

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units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the

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redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities.

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or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

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(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

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(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the

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boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since
the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

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Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by
(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from
other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of

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day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

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(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount".

For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this

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calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality

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taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

(65 ILCS 5/11-74.4-7)(from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the

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funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

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In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the
municipality, the ordinance authorizing the obligations may provide for
the levy and collection of a direct annual tax upon all taxable property
within the municipality sufficient to pay the principal thereof and interest
thereon as it matures, which levy may be in addition to and exclusive of
the maximum of all other taxes authorized to be levied by the
municipality, which levy, however, shall be abated to the extent that
monies from other sources are available for payment of the obligations and
the municipality certifies the amount of said monies available to the
county clerk.

A certified copy of such ordinance shall be filed with the county
clerk of each county in which any portion of the municipality is situated,
and shall constitute the authority for the extension and collection of the
taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or
in part, obligations theretofore issued by such municipality under the
authority of this Act, whether at or prior to maturity, provided however,
that the last maturity of the refunding obligations shall not be expressed to
mature later than December 31 of the year in which the payment to the
municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of
this Act is to be made with respect to ad valorem taxes levied in the
twenty-third calendar year after the year in which the ordinance approving
the redevelopment project area is adopted if the ordinance was adopted on
or after January 15, 1981, and not later than December 31 of the year in
which the payment to the municipal treasurer as provided in subsection (b)
of Section 11-74.4-8 of this Act is to be made with respect to ad valorem
taxes levied in the thirty-fifth calendar year after the year in which the
ordinance approving the redevelopment project area is adopted (A) if the
ordinance was adopted before January 15, 1981, or (B) if the ordinance
was adopted in December 1983, April 1984, July 1985, or December
1989, or (C) if the ordinance was adopted in December, 1987 and the
redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality
in Mason County, or (E) if the municipality is subject to the Local
Government Financial Planning and Supervision Act or the Financially
Distressed City Law, or (F) if the ordinance was adopted in December
1984 by the Village of Rosemont, or (G) if the ordinance was adopted on
December 31, 1986 by a municipality located in Clinton County for which
at least $250,000 of tax increment bonds were authorized on June 17,
1997, or if the ordinance was adopted on December 31, 1986 by a

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municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on December 15, 1986 by the City of Urbana and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to

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pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0984
(House Bill No. 0830)

AN ACT in relation to municipal government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3)(from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety,

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health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

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(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.
(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years.
prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

   (A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

   (B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

   (C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

   (D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

   (E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

   (F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of
the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused railyards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area

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meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning,
subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of

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the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

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(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by
retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the

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period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.
Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area;

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and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the
payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new

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employees to be employed in the operation of the facilities to be
developed; and

(J) if property is to be annexed to the municipality, the plan
shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not
apply to a municipality that before March 14, 1994 (the effective date of
Public Act 88-537) had fixed, either by its corporate authorities or by a
commission designated under subsection (k) of Section 11-74.4-4, a time
and place for a public hearing as required by subsection (a) of Section 11-
74.4-5. No redevelopment plan shall be adopted unless a municipality
complies with all of the following requirements:

(1) The municipality finds that the redevelopment project
area on the whole has not been subject to growth and development
through investment by private enterprise and would not reasonably
be anticipated to be developed without the adoption of the
redevelopment plan.

(2) The municipality finds that the redevelopment plan and
project conform to the comprehensive plan for the development of
the municipality as a whole, or, for municipalities with a
population of 100,000 or more, regardless of when the
redevelopment plan and project was adopted, the redevelopment
plan and project either: (i) conforms to the strategic economic
development or redevelopment plan issued by the designated
planning authority of the municipality, or (ii) includes land uses
that have been approved by the planning commission of the
municipality.

(3) The redevelopment plan establishes the estimated dates
of completion of the redevelopment project and retirement of
obligations issued to finance redevelopment project costs. Those
dates shall not be later than December 31 of the year in which the
payment to the municipal treasurer as provided in subsection (b) of
Section 11-74.4-8 of this Act is to be made with respect to ad
valorem taxes levied in the twenty-third calendar year after the year
in which the ordinance approving the redevelopment project area is
adopted if the ordinance was adopted on or after January 15, 1981,
and not later than December 31 of the year in which the payment to
the municipal treasurer as provided in subsection (b) of Section 11-
74.4-8 of this Act is to be made with respect to ad valorem taxes

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levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or

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(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
   (O) if the ordinance was adopted in March 1991 by the City of Centreville, or
   (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
   (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
   (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
   (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
   (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
   (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
   (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
   (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
   (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
   (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
   (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
   (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
   (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
   (CC) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment

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project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus
municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be

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removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party

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registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

1. Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project

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costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to

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provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the

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completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced

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by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following

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restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance

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of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in

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Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum,
for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail

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entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of

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computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

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(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

(65 ILCS 5/11-74.4-7)(from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations,
when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the
redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the

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corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b)

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of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if
the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0985
(House Bill No. 0831)

AN ACT in relation to municipal government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not

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limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use

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of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships,

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inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.
(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused railyards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer

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or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major

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repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water
lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in

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environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be

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the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case

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may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for

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those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on

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owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.
(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

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(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
(H) a commitment to fair employment practices and an affirmative action plan;
(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and
(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses

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that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

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(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
   (I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
   (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
   (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
   (L) if the ordinance was adopted in September 1988 by Sauk Village, or
   (M) if the ordinance was adopted in October 1993 by Sauk Village, or
   (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
   (O) if the ordinance was adopted in March 1991 by the City of Centreville, or
   (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
   (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
   (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
   (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
   (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
   (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
   (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
   (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
   (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
   (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or

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(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

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Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family

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units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall

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make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred,

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and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing

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ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

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(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in new students within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less

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than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have
received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph.
(7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

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(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that

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includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from

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time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act,

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the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts,
Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly
approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment area.
project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the

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specific number of voters required to sign a petition requesting the
question of the issuance of such obligations or pledging taxes to be
submitted to the electors; (2) the time in which such petition must be filed;
and (3) the date of the prospective referendum. The municipal clerk shall
provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter
provided in this Section, within 30 days after the publication of the
ordinance, the ordinance shall be in effect. But, if within that 30 day
period a petition is filed with the municipal clerk, signed by electors in the
municipality numbering 10% or more of the number of registered voters in
the municipality, asking that the question of issuing obligations using full
faith and credit of the municipality as security for the cost of paying for
redevelopment project costs, or of pledging taxes for the payment of such
obligations, or both, be submitted to the electors of the municipality, the
corporate authorities of the municipality shall call a special election in the
manner provided by law to vote upon that question, or, if a general, State
or municipal election is to be held within a period of not less than 30 or
more than 90 days from the date such petition is filed, shall submit the
question at the next general, State or municipal election. If it appears upon
the canvass of the election by the corporate authorities that a majority of
electors voting upon the question voted in favor thereof, the ordinance
shall be in effect, but if a majority of the electors voting upon the question
are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the
obligations shall contain a recital that they are issued pursuant to this
Division, which recital shall be conclusive evidence of their validity and of
the regularity of their issuance.

In the event the municipality authorizes issuance of obligations
pursuant to this Section secured by the full faith and credit of the
municipality, the ordinance authorizing the obligations may provide for
the levy and collection of a direct annual tax upon all taxable property
within the municipality sufficient to pay the principal thereof and interest
thereon as it matures, which levy may be in addition to and exclusive of
the maximum of all other taxes authorized to be levied by the
municipality, which levy, however, shall be abated to the extent that
monies from other sources are available for payment of the obligations and
the municipality certifies the amount of said monies available to the
county clerk.

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A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance

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was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

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AN ACT in relation to municipal government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:
(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.
(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.
On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:
(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:
(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a
combination that a documented building condition analysis
determines that major repair is required or the defects are so
serious and so extensive that the buildings must be
removed.

(B) Obsolescence. The condition or process of
falling into disuse. Structures have become ill-suited for the
original use.

(C) Deterioration. With respect to buildings, defects
including, but not limited to, major defects in the secondary
building components such as doors, windows, porches,
gutters and downspouts, and fascia. With respect to surface
improvements, that the condition of roadways, alleys,
curbs, gutters, sidewalks, off-street parking, and surface
storage areas evidence deterioration, including, but not
limited to, surface cracking, crumbling, potholes,
depressions, loose paving material, and weeds protruding
through paved surfaces.

(D) Presence of structures below minimum code
standards. All structures that do not meet the standards of
zoning, subdivision, building, fire, and other governmental
codes applicable to property, but not including housing and
property maintenance codes.

(E) Illegal use of individual structures. The use of
structures in violation of applicable federal, State, or local
laws, exclusive of those applicable to the presence of
structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings
that are unoccupied or under-utilized and that represent an
adverse influence on the area because of the frequency,
extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities.
The absence of adequate ventilation for light or air
circulation in spaces or rooms without windows, or that
require the removal of dust, odor, gas, smoke, or other
noxious airborne materials. Inadequate natural light and
ventilation means the absence of skylights or windows for
interior spaces or rooms and improper window sizes and
amounts by room area to window area ratios. Inadequate
sanitary facilities refers to the absence or inadequacy of

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garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has
determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of

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parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or plating that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

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(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused railyards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.
(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse

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influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

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(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2
miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on
transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

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(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior

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to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and
10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amending Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of

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the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
(H) a commitment to fair employment practices and an affirmative action plan;
(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and
(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

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(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

   (A) if the ordinance was adopted before January 15, 1981, or

   (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

   (C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

   (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

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(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or

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(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or:
(CC) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an

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amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

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(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income

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and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related

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clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with
those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes.

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anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality by the average daily attendance for the last academic year.
municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the

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boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any

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bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-
38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this

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Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.
(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be

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used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers’ Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers'
Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording

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during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such

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excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as

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a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

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In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which

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at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

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In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0987
(House Bill No. 0835)

AN ACT in relation to municipal government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

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(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

   (A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

   (B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

   (C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

   (D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

   (E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

   (F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an

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adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to

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a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of

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Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

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(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

   (A) The area consists of one or more unused quarries, mines, or strip mine ponds.
   
   (B) The area consists of unused railyards, rail tracks, or railroad rights-of-way.
   
   (C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.
   
   (D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.
   
   (E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for

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commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

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(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of

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multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States

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Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

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Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the

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State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal

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Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State
Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

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(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
(H) a commitment to fair employment practices and an affirmative action plan;
(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be

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developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes
levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or

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(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or:
(CC) if the ordinance was adopted on December 23, 1986 by the Town of Cicero.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment

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project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus

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municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be

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removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party list.
registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

1. Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project
costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to
provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the

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completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced

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by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following

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restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of

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of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in

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Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum,
for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail

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entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of

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computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

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(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations,
when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the

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redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the

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corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b)

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of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if

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the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on December 23, 1986 by the Town of Cicero and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0988
(House Bill No. 0837)

AN ACT in relation to the Metropolitan Water Reclamation District.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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Section 5. The Metropolitan Water Reclamation District Act is amended by changing Section 8c and by adding Section 295 as follows:

(70 ILCS 2605/8c) (from Ch. 42, par. 327c)

Sec. 8c. Every lease of property no longer or not immediately required for corporate purposes of a sanitary district, from such district to others for a term not to exceed 99 years, in accordance with Section 8 of this Act, shall be negotiated, created and executed in the following manner:

1. Notice of such proposed leasing shall be published for 3 consecutive weeks in a newspaper of general circulation published in such sanitary district, if any, and otherwise in the county containing such district.

2. Prior to receipt of bids for the lease under this Section, the fair market value of every parcel of real property to be leased must be determined by 2 professional appraisers who are members of the American Institute of Real Estate Appraisers or a similar, equivalently recognized professional organization. The sanitary district acting through the general superintendent may select and engage an additional appraiser for such determination of fair market value. Every appraisal report must contain an affidavit certifying the absence of any collusion involving the appraiser and relating to the lease of such property.

3. Such lease must be awarded to the highest responsible bidder (including established commercial or industrial concerns and financially responsible individuals) upon free and open competitive bids, except that no lease may be awarded unless the bid of such highest responsible bidder provides for an annual rental payment to the sanitary district of at least 6% of the fair market value determined under this Section.

4. Prior to acceptance of the bid of the highest responsible bidder and before execution of the lease the bidder shall submit to the board of commissioners and general superintendent, for incorporation in the lease, a detailed plan and description of improvements to be constructed upon the leased property, the time within which the improvements will be completed, and the intended uses of the leased property. If there is more than one responsible bid, the board of commissioners may authorize and direct the general superintendent to solicit from the 2 highest responsible bidders written amendments to their prior bids, increasing their rental bid proposal by at least 5% in excess of their prior written bid, or otherwise amending the financial terms of their bid so as to maximize the financial return to the sanitary district during the term of the proposed lease. Upon
the general superintendent's tentative agreement with one or more amended bids, the bids may be submitted to the board of commissioners with the recommendation of the general superintendent for acceptance of one or rejection of all. The amendments may not result in a diminution of the terms of the transaction and must result in an agreement that is equal to or greater in value than the highest responsible bid initially received.

(5) The execution of such lease must be contemporaneous to the execution by the lessee, each member of the board of commissioners and the general superintendent of an affidavit certifying the absence of any collusion involving the lessee, the members and the general superintendent and relating to such lease.

(6) No later than 30 days after the effective date of the lease, the lessee must deliver to the sanitary district a certified statement of the County Assessor, Township Assessor or the county clerk of the county wherein the property is situated that such property is presently contained in the official list of lands and lots to be assessed for taxes for the several towns or taxing districts in his county.

(7) Such lease shall provide for a fixed annual rental payment for the first year not less than 6% of the fair market value as determined under this Section and may be subject to annual adjustments based on changes in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, or some other well known economic governmental activity index. Any lease, the term of which will extend for 15 years or more, shall provide for a redetermination of the fair market value (independent of improvements to the property subsequent to the effective date of the lease) after the initial 10 years and every 10 years thereafter, in the manner set forth in paragraph (2) of this Section, said redetermination to be as of the first day of each succeeding 10 year period, and annual rental payments shall be adjusted so that the ratio of annual rental to fair market value shall be the same as that ratio for the first year of the preceding 10 year period. The rental payment for the first year of the new 10 year period may be subject to Consumer Price Index or other allowable index adjustments for each of the next 9 years, or until the end of the lease term if there are less than 9 years remaining.

(8) A sanitary district may require compensation to be paid in addition to rent, based on a reasonable percentage of revenues derived from a lessee's business operations on the leasehold premises or subleases, or may require additional compensation from the lessee or any sublessee in the form of services, including but not limited to solid waste disposal;

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provided, however, that such additional compensation shall not be considered in determining the highest responsible bid, said highest responsible bid to be determined only on the initial annual rental payment as set forth in paragraph (3) of this Section.

(9) No assignment of such lease or sublease of such property is effective unless approved in writing by the general superintendent and the board of commissioners of the sanitary district. No assignment or sublease is effective if the assignee or sublessee is a trust constituted by real property of which the trustee has title but no power of management or control, unless the identity of the beneficiaries of the trust is revealed, upon demand, to the general superintendent and the board of commissioners of the sanitary district.

(10) Failure by the lessee to comply with a provision in the lease relating to improvements upon the leased property or any other provision constitutes grounds for forfeiture of the lease, and upon such failure the sanitary district acting through the general superintendent shall serve the lessee with a notice to terminate the lease and deliver possession of the property to the sanitary district within a particular period.

(11) If the general superintendent and the board of commissioners conclude that it would be in the public interest, said sanitary district may lease to the United States of America and the State of Illinois, County of Cook, any municipal corporation, or any academic institution of higher learning which has been in existence for 5 years prior to said lease, provided that such lease limit the institution's use of the leased land to only those purposes relating to the operation of such institution's academic or physical educational programs without complying with the prior provisions of this section, upon such terms as may be mutually agreed upon, in accordance with an act concerning "Transfer of Real Estate between Municipal Corporations", approved July 2, 1925, as amended, with provisions that such property is to be applied exclusively to public recreational purposes or other public purposes and that such lease is terminable in accordance with service of a one-year notice to terminate after determination by the board of commissioners and the general superintendent that such property (or part thereof) has become essential to the corporate purposes of the sanitary district.

(Source: P.A. 91-248, eff. 1-1-00; 92-16, eff. 6-28-01.)

Sec. 295. District enlarged. Upon the effective date of this amendatory Act of the 93rd General Assembly, the corporate limits of the

New matter indicated by italics - deletions by strikeout.
Metropolitan Water Reclamation District are extended to include within those limits the following described tracts of land and those tracts are annexed to the District.

Parcel 1:

Parcel 2:
THE WEST 75 ACRES OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Parcel 3:
The south 242.29 feet (as measured along the east line) of lot 8 in block 14 in Arthur T. McIntosh & Company’s Crawfordside Unit No. 2, being a subdivision of the southeast quarter of section 15, township 35 north, range 13 east of the third principal meridian, according to the plat thereof recorded January 23, 1952 as document no. 15259571, in cook county, illinois; also, that part of adjoining street.

Parcel 4:
Herbert’s resubdivision of lot 9 in block 14 in Arthur T. McIntosh & Company’s Crawfordside Unit No. 2, being a subdivision of the southeast quarter of section 15, township 35 north, range 13 east of the third principal meridian, in cook county, illinois; also, that part of adjoining streets.

Parcel 5: The south 150 feet (as measured on the east and west lines thereof) of lot 2 in block 13 in Arthur T. McIntosh & Company’s Crawfordside

New matter indicated by italics - deletions by strikeout.
COUNTRYSIDE UNIT 2, BEING A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED PER DOCUMENT NO. 15259571, IN COOK COUNTY, ILLINOIS; ALSO, THAT PART OF ADJOINING STREET.

Parcel 6:
THE EAST 100.0 FEET OF THE SOUTH 125.0 FEET OF LOT 4 IN BLOCK 13 IN ARTHUR T. McINTOSH AND COMPANY'S CRAWFORD COUNTRYSIDE UNIT NO. 2, BEING A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; ALSO, THAT PART OF ADJOINING STREET.

Parcel 7:
THE WEST HALF OF THE SOUTH 125 FEET OF LOT 4, IN BLOCK 13, IN ARTHUR T. McINTOSH AND COMPANY'S CRAWFORD COUNTRYSIDE UNIT NO. 2, BEING A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; ALSO, THAT PART OF ADJOINING STREET.

Parcel 8:
THE SOUTH HALF OF LOT 5, IN BLOCK 13, IN ARTHUR T. McINTOSH AND COMPANY'S CRAWFORD COUNTRYSIDE UNIT NO. 2, BEING A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; ALSO, THAT PART OF ADJOINING STREET.

Parcel 9:
LOT 15 (EXCEPT THE WEST 50.0 FEET THEREOF) IN BLOCK 12 IN ARTHUR T. McINTOSH AND COMPANY'S CRAWFORD COUNTRYSIDE UNIT NUMBER 2, BEING A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; ALSO, THAT PART OF ADJOINING STREET.

Parcel 10:

New matter indicated by italics - deletions by strikeout.
THAT PART OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION TWENTY-ONE, TOWNSHIP FORTY-ONE NORTH, RANGE NINE, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SECTION TWENTY-ONE, AFORESAID; THENCE SOUTH 00 DEGREES 20 MINUTES 03 SECONDS WEST, BEING AN ASSUMED BEARING ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION TWENTY-ONE, A DISTANCE OF 567.31 FT. TO THE WESTERLY LINE OF JACOBS' FARM SUBDIVISION, RECORDED NOVEMBER 4, 1994 AS DOCUMENT NO. 94944947; THENCE SOUTH 38 DEGREES 21 MINUTES 58 SECONDS WEST, ALONG THE WESTERLY LINE OF SAID JACOBS' FARM SUBDIVISION, A DISTANCE OF 108.45 FT. TO THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF IRVING PARK ROAD (ALSO KNOWN AS ILLINOIS ROUTE 19); THENCE NORTH 57 DEGREES 29 MINUTES 24 SECONDS WEST, ON SAID APPARENT NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 266.15 FT. (266.40 FT.=DEED) TO AN ANGLE POINT IN SAID RIGHT-OF-WAY LINE; THENCE CONTINUING NORTH 53 DEGREES 43 MINUTES 44 SECONDS WEST, ON SAID APPARENT NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 284.32 FT. TO AN ANGLE POINT IN SAID RIGHT-OF-WAY LINE; THENCE CONTINUING NORTH 51 DEGREES 25 MINUTES 54 SECONDS WEST, ON SAID APPARENT NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 657.65 FT. (657.68 FT.=DEED) TO THE MOST SOUTHERLY CORNER OF OUTLOT "H" IN STERLING OAKS UNIT TWO, RECORDED JULY 15, 2002 AS DOCUMENT NUMBER 0020769602 AND AMENDED BY CERTIFICATE OF CORRECTION RECORDED AUGUST 12, 2002 AS DOCUMENT NUMBER 0020876507; THENCE NORTH 38 DEGREES 28 MINUTES 51 SECONDS EAST, ALONG THE SOUTHEASTERLY LINE OF SAID STERLING OAKS UNIT TWO, A DISTANCE OF 65.47 FT.; THENCE SOUTH 51 DEGREES 25 MINUTES 54 SECONDS EAST, A DISTANCE OF 69.76 FT.; THENCE SOUTH 39 DEGREES 05 MINUTES 55 SECONDS EAST, DISTANCE OF 167.72 FT.; THENCE SOUTH 88 DEGREES 08 MINUTES 41 SECONDS EAST, A DISTANCE OF 150.79 FT.; THENCE

New matter indicated by italics - deletions by strikeout.
NORTH 45 DEGREES 51 MINUTES 58 SECONDS EAST, A DISTANCE OF 145.34 FT.; THENCE NORTH 12 DEGREES 30 MINUTES 09 SECONDS EAST, A DISTANCE OF 85.19 FT.; THENCE NORTH 24 DEGREES 28 MINUTES 33 SECONDS EAST, A DISTANCE OF 147.51 FT.; THENCE NORTH 39 DEGREES 03 MINUTES 52 SECONDS EAST, A DISTANCE OF 248.14 FT. (248.33 FT = DEED); THENCE SOUTH 61 DEGREES 25 MINUTES 18 SECONDS EAST, A DISTANCE OF 46.86 FT. TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY 99.59 FT. ALONG THE ARC OF A CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 180.0 FT., AND A CHORD DISTANCE BEARING OF SOUTH 77 DEGREES 16 MINUTES 17 SECONDS EAST, AND A CHORD DISTANCE OF SOUTH 98.32 FT. TO THE POINT OF TANGENCY; THENCE NORTH 86 DEGREES 52 MINUTES 44 SECONDS EAST, A DISTANCE OF 199.89 FT. TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-ONE; THENCE SOUTH 00 DEGREES 20 MINUTES 03 SECONDS WEST, ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-ONE, A DISTANCE OF 420.86 FT. TO THE POINT OF BEGINNING, IN HANOVER TOWNSHIP, COOK COUNTY, ILLINOIS, CONTAINING 16.612 ACRES MORE OR LESS. ALSO ALL THAT PART OF IRVING PARK ROAD (ALSO KNOWN AS ILLINOIS ROUTE 19) LYING SOUTHWESTERLY OF AND ADJOINING THE ABOVE DESCRIBED PROPERTY, ALL IN COOK COUNTY, ILLINOIS.

Parcel 11:


New matter indicated by italics - deletions by strikeout.
THENCE SOUTH 89 DEGREES 36 MINUTES 01 SECONDS WEST, 807.31 FT.; THENCE NORTH 00 DEGREES 29 MINUTES 00 SECONDS WEST, 81.82 FT.; THENCE SOUTH 87 DEGREES 13 MINUTES 49 SECONDS WEST, 725.00 FT.; THENCE NORTH 00 DEGREES 48 MINUTES 30 SECONDS WEST, 673.60 FT. TO A POINT IN THE SOUTH LINE OF SAID 100 FOOT WIDE RIGHT-OF-WAY OF GOLF ROAD AFORESAID, SAID POINT BEING ON A 3947.40 FOOT RADIUS CURVE; THENCE EASTERLY ALONG SAID 3947.40 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 17.70 FT. TO A POINT OF TANGENCY IN SAID RIGHT-OF-WAY LINE; THENCE SOUTH 75 DEGREES 16 MINUTES 32 SECONDS EAST, 1482.69 FT. TO A POINT OF CURVATURE IN SAID RIGHT-OF-WAY LINE; THENCE ALONG A 4126.70 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 181.70 FT. TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF SAID ROHRSSEN ROAD; THENCE SOUTH 79 DEGREES 03 MINUTES 37 SECONDS EAST, 66.32 FT. TO THE POINT OF BEGINNING, TOGETHER WITH ALL THAT PART OF THE 100 FOOT WIDE GOLF ROAD RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO THE ABOVE DESCRIBED TRACT OF LAND, ALL IN COOK COUNTY, ILLINOIS, CONTAINING 21.94 ACRES MORE OR LESS.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0989
(House Bill No. 0916)

AN ACT in relation to environmental safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Hazardous Material Emergency Response Reimbursement Act is amended by changing Section 5 as follows:
(430 ILCS 55/5) (from Ch. 127 1/2, par. 1005)
Sec. 5. Reimbursement to agencies.

New matter indicated by italics - deletions by strikeout.
(a) It shall be the duty of the responsible party to reimburse, within 60 days after the receipt of a bill for the hazardous material emergency incident in a timely and reasonable manner, the emergency response agencies responding to a hazardous material emergency incident, and any private contractor responding to the incident at the request of an emergency response agency, for the costs incurred in the course of providing emergency action.

(b) In the event that the emergency response agencies are not reimbursed by a responsible party as required under subsection (a), monies in the Fund shall be used to reimburse the emergency response agencies providing emergency action at or near the scene of a hazardous material emergency incident subject to the following limitations:

1. Cost recovery from the Fund is limited to replacement of expended materials including, but not limited to, specialized firefighting foam, damaged hose or other reasonable and necessary supplies.

2. The applicable cost of supplies must exceed 2% of the emergency response agency's annual budget.

3. A minimum of $500 must have been expended.

4. A maximum of $10,000 may be requested per incident.

5. The response was made to an incident involving hazardous materials facilities such as rolling stock which are not in a terminal and which are not included on the property tax roles for the jurisdiction where the incident occurred.

(c) Application for reimbursement from the Fund shall be made to the State Fire Marshal or his designee. The State Fire Marshal shall, through rulemaking, promulgate a standard form for such application. The State Fire Marshal shall adopt rules for the administration of this Act.

(Source: P.A. 90-467, eff. 8-17-97.)

Effective January 5, 2005.

PUBLIC ACT 93-0990
(House Bill No. 1041)

AN ACT concerning commercial transactions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Uniform Commercial Code is amended by changing Section 9-525 as follows:

(810 ILCS 5/9-525)

Sec. 9-525. Fees.

(a) Initial financing statement or other record: general rule. Except as otherwise provided in subsection (e), the fee for filing and indexing a record under this Part, other than an initial financing statement of the kind described in subsection (b), is:

1. $20 if the record is communicated in writing and consists of one or two pages;
2. $20 if the record is communicated in writing and consists of more than two pages; and
3. $20 if the record is communicated by another medium authorized by filing-office rule.

(b) Initial financing statement: public-finance and manufactured-housing transactions. Except as otherwise provided in subsection (e), the fee for filing and indexing an initial financing statement of the following kind is:

1. $20 if the financing statement indicates that it is filed in connection with a public-finance transaction;
2. $20 if the financing statement indicates that it is filed in connection with a manufactured-home transaction.

(c) Number of names. The number of names required to be indexed does not affect the amount of the fee in subsections (a) and (b).

(d) Response to information request. The fee for responding to a request for information from the filing office, including for issuing a certificate showing communicating whether there is on file any financing statement naming a particular debtor, is:

1. $10 if the request is communicated in writing; and
2. $10 if the request is communicated by another medium authorized by filing-office rule.

(e) Record of mortgage. This Section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under Section 9-502(c). However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

(f) Of the total money collected for each filing with the Secretary of State of an original financing statement, amended statement, continuation,

New matter indicated by italics - deletions by strikeout.
or assignment, or for a release of collateral, $12 of the filing fee shall be paid into the Secretary of State Special Services Fund. The remaining $8 shall be deposited into the General Revenue Fund in the State treasury. (Source: P.A. 91-893, eff. 7-1-01.)

Section 99. Effective date. This Act takes effect on July 1, 2004.

PUBLIC ACT 93-0991
(House Bill No. 1080)

AN ACT in relation to financial regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Trusts and Trustees Act is amended by changing Section 5.3 and adding Section 5.5 as follows:

(760 ILCS 5/5.3)
Sec. 5.3. Total return trusts.
(a) Conversion by trustee. A trustee may convert a trust to a total return trust as described in this Section if all of the following apply:

(1) The trust describes the amount that may or must be distributed to a beneficiary by referring to the trust's income, and the trustee determines that conversion to a total return trust will enable the trustee to better carry out the purposes of the trust and the conversion is in the best interests of the beneficiaries;

(2) conversion to a total return trust means the trustee will invest and manage trust assets seeking a total return without regard to whether that return is from income or appreciation of principal, and will make distributions in accordance with this Section (such a trust is called a "total return trust" in this Section);

(3) the trustee sends a written notice of the trustee's decision to convert the trust to a total return trust, specifying a prospective effective date for the conversion and including a copy of this Section, to the following beneficiaries, determined as of the date the notice is sent and assuming nonexercise of all powers of appointment:

New matter indicated by italics - deletions by strikeout.
(A) all of the legally competent beneficiaries who are currently receiving or eligible to receive income from the trust; and

(B) all of the legally competent beneficiaries who would receive or be eligible to receive a distribution of principal or income if the current interests of beneficiaries currently receiving or eligible to receive income ended;

(4) there are one or more legally competent income beneficiaries under subdivision (3)(A) of this subsection (a) and one or more legally competent remainder beneficiaries under subdivision (3)(B) of this subsection (a), determined as of the date of sending the notice;

(5) no beneficiary objects to the conversion to a total return trust in a writing delivered to the trustee within 60 days after the notice is sent; and

(6) the trustee has signed acknowledgments of receipt confirming that notice was received by each beneficiary required to be sent notice under subdivision (3) of this subsection (a).

(b) Conversion by agreement. Conversion to a total return trust may be made by agreement between a trustee and all the primary beneficiaries of the trust under the virtual representation provisions of Section 16.1 of this Act if those provisions otherwise apply. The agreement may include any actions a court could properly order under subsection (g) of this Section; however, any distribution percentage determined by the agreement may not be less than 3% nor greater than 5%.

(c) Conversion or reconversion by court.

(1) The trustee may for any reason elect to petition the court to order conversion to a total return trust, including without limitation the reason that conversion under subsection (a) is unavailable because:

(A) a beneficiary timely objects to the conversion to a total return trust;

(B) there are no legally competent beneficiaries described in subdivision (3)(A) of subsection (a); or

(C) there are no legally competent beneficiaries described in subdivision (3)(B) of subsection (a).

(2) A beneficiary may request the trustee to convert to a total return trust or adjust the distribution percentage. If the trustee declines or fails to act within 6 months after receiving a written

New matter indicated by italics - deletions by strikeout.
request to do so, the beneficiary may petition the court to order the conversion or adjustment.

(3) The trustee may petition the court prospectively to reconvert from a total return trust or adjust the distribution percentage if the trustee determines that the reconversion or adjustment will enable the trustee to better carry out the purposes of the trust. A beneficiary may request the trustee to petition the court prospectively to reconvert from a total return trust or adjust the distribution percentage. If the trustee declines or fails to act within 6 months after receiving a written request to do so, the beneficiary may petition the court to order the reconversion or adjustment.

(4) In a judicial proceeding under this subsection (c), the trustee may, but need not, present the trustee's opinions and reasons (A) for supporting or opposing conversion to (or reconversion from or adjustment of the distribution percentage of) a total return trust, including whether the trustee believes conversion (or reconversion or adjustment of the distribution percentage) would enable the trustee to better carry out the purposes of the trust, and (B) about any other matters relevant to the proposed conversion (or reconversion or adjustment of the distribution percentage). A trustee's actions in accordance with this subsection (c) shall not be deemed improper or inconsistent with the trustee's duty of impartiality unless the court finds from all the evidence that the trustee acted in bad faith.

(5) The court shall order conversion to (or reconversion prospectively from or adjustment of the distribution percentage of) a total return trust if the court determines that the conversion (or reconversion or adjustment of the distribution percentage) will enable the trustee to better carry out the purposes of the trust and the conversion (or reconversion or adjustment of the distribution percentage) is in the best interests of the beneficiaries.

(6) Notwithstanding any other provision of this Section, a trustee has no duty to inform beneficiaries about the availability of this Section and has no duty to review the trust to determine whether any action should be taken under this Section unless requested to do so in writing by a beneficiary described in subdivision (3) of subsection (a).

New matter indicated by italics - deletions by strikeout.
(d) Post conversion. While a trust is a total return trust, all of the following shall apply to the trust:

(1) the trustee shall make income distributions in accordance with the governing instrument subject to the provisions of this Section;

(2) the term "income" in the governing instrument means an annual amount (the "distribution amount") equal to a percentage (the "distribution percentage") of the net fair market value of the trust's assets, whether the assets are considered income or principal under the Principal and Income Act, averaged over the lesser of:
   (i) the 3 preceding years; or
   (ii) the period during which the trust has been in existence;

(3) the distribution percentage for any trust converted to a total return trust by a trustee in accordance with subsection (a) shall be 4%; and

(4) the trustee shall pay to a beneficiary (in the case of an underpayment) and shall recover from a beneficiary (in the case of an overpayment) an amount equal to the difference between the amount properly payable and the amount actually paid, plus interest compounded annually at a rate per annum equal to the distribution percentage in the year or years while the underpayment or overpayment exists; and

(5) a change in the method of determining a reasonable current return by converting to a total return trust in accordance with this Section and substituting the distribution amount for net trust accounting income is a proper change in the definition of trust income notwithstanding any contrary provision of the Principal and Income Act, and the distribution amount shall be deemed a reasonable current return that fairly apportions the total return of a total return trust.

(e) Administration. The trustee, in the trustee's discretion, may determine any of the following matters in administering a total return trust as the trustee from time to time determines necessary or helpful for the proper functioning of the trust:

(1) the effective date of a conversion to a total return trust;

(2) the manner of prorating the distribution amount for a short year in which a beneficiary's interest commences or ceases;

(3) whether distributions are made in cash or in kind;

New matter indicated by italics - deletions by strikeout.
(4) the manner of adjusting valuations and calculations of the distribution amount to account for other payments from or contributions to the trust;

(5) whether to value the trust's assets annually or more frequently;

(6) what valuation dates and how many valuation dates to use;

(7) valuation decisions about any asset for which there is no readily available market value, including:
   (A) how frequently to value such an asset;
   (B) whether and how often to engage a professional appraiser to value such an asset; and
   (C) whether to exclude the value of such an asset from the net fair market value of the trust's assets under subdivision (d)(2) for purposes of determining the distribution amount. Any such asset so excluded is referred to as an "excluded asset" in this subsection (e), and the trustee shall distribute any net income received from the excluded asset as provided for in the governing instrument, subject to the following principles:

   (i) unless the trustee determines there are compelling reasons to the contrary considering all relevant factors including the best interests of the beneficiaries, the trustee shall treat each asset for which there is no readily available market value as an excluded asset;

   (ii) if tangible personal property or real property is possessed or occupied by a beneficiary, the trustee shall not limit or restrict any right of the beneficiary to use the property in accordance with the governing instrument whether or not the trustee treats the property as an excluded asset;

   (iii) examples of assets for which there is a readily available market value include: cash and cash equivalents; stocks, bonds, and other securities and instruments for which there is an established market on a stock exchange, in an over-the-counter market, or otherwise; and any other property that can reasonably be expected to be sold within one
week of the decision to sell without extraordinary efforts by the seller;

(iv) examples of assets for which there is no readily available market value include: stocks, bonds, and other securities and instruments for which there is no established market on a stock exchange, in an over-the-counter market, or otherwise; real property; tangible personal property; and artwork and other collectibles; and

(8) any other administrative matters as the trustee determines necessary or helpful for the proper functioning of the total return trust.

(f) Allocations.

(1) Expenses, taxes, and other charges that would be deducted from income if the trust were not a total return trust shall not be deducted from the distribution amount.

(2) Unless otherwise provided by the governing instrument, the trustee shall fund the distribution amount each year from the following sources for that year in the order listed: first from net income (as the term would be determined if the trust were not a total return trust), then from other ordinary income as determined for federal income tax purposes, then from net realized short-term capital gains as determined for federal income tax purposes, then from net realized long-term capital gains as determined for federal income tax purposes, then from trust principal comprised of assets for which there is a readily available market value, and then from other trust principal.

(g) Court orders. The court may order any of the following actions in a proceeding brought by a trustee or a beneficiary in accordance with subdivision (c)(1), (c)(2), or (c)(3):

(1) select a distribution percentage other than 4%;

(2) average the valuation of the trust's net assets over a period other than 3 years;

(3) reconvert prospectively from or adjust the distribution percentage of a total return trust;

(4) direct the distribution of net income (determined as if the trust were not a total return trust) in excess of the distribution amount as to any or all trust assets if the distribution is necessary to preserve a tax benefit; or

New matter indicated by italics - deletions by strikeout.
(5) change or direct any administrative procedure as the court determines necessary or helpful for the proper functioning of the total return trust.

Nothing in this subsection (g) limits the equitable powers of the court to grant other relief.

(h) Restrictions. The distribution amount may not be less than the net income of the trust, determined without regard to the provisions of this Section, for either a trust for which an estate tax or a gift tax marital deduction was or may be claimed in whole or in part (but only during the lifetime of the spouse for whom the trust was created), or a trust that was exempt in whole or in part from generation-skipping transfer tax on the effective date of this amendatory Act of the 92nd General Assembly by reason of any effective date or transition rule. Conversion to a total return trust does not affect any provision in the governing instrument:

(1) directing or authorizing the trustee to distribute principal;
(2) directing or authorizing the trustee to distribute a fixed annuity or a fixed fraction of the value of trust assets;
(3) authorizing a beneficiary to withdraw a portion or all of the principal; or
(4) in any manner that would diminish an amount permanently set aside for charitable purposes under the governing instrument unless both income and principal are so set aside.

(i) Tax limitations. If a particular trustee is a beneficiary of the trust and conversion or failure to convert would enhance or diminish the beneficial interest of the trustee, or if possession or exercise of the conversion power by a particular trustee would alone cause any individual to be treated as owner of a part of the trust for income tax purposes or cause a part of the trust to be included in the gross estate of any individual for estate tax purposes, then that particular trustee may not participate as a trustee in the exercise of the conversion power; however:

(1) the trustee may petition the court under subdivision (c)(1) to order conversion in accordance with this Section; and
(2) if the trustee has one or more co-trustees to whom this subsection (i) does not apply, the co-trustee or co-trustees may convert the trust to a total return trust in accordance with this Section.

(j) Releases. A trustee may irrevocably release the power granted by this Section if the trustee reasonably believes the release is in the best

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interests of the trust and its beneficiaries. The release may be personal to the releasing trustee or may apply generally to some or all subsequent trustees, and the release may be for any specified period, including a period measured by the life of an individual.

(k) Remedies. A trustee who reasonably and in good faith takes or omits to take any action under this Section is not liable to any person interested in the trust. If a trustee reasonably and in good faith takes or omits to take any action under this Section and a person interested in the trust opposes the act or omission, the person's exclusive remedy is to obtain an order of the court directing the trustee to convert the trust to a total return trust, to reconvert from a total return trust, to change the distribution percentage, or to order any administrative procedures the court determines necessary or helpful for the proper functioning of the trust. An act or omission by a trustee under this Section is presumed taken or omitted reasonably and in good faith unless it is determined by the court to have been an abuse of discretion. Any claim by any person interested in the trust that an act or omission by a trustee under this Section was an abuse of discretion is barred if not asserted in a proceeding commenced by or on behalf of the person within 2 years after the trustee has sent to the person or the person's personal representative a notice or report in writing sufficiently disclosing facts fundamental to the claim such that the person knew or reasonably should have known of the claim. The preceding sentence shall not apply to a person who was under a legal disability at the time the notice or report was sent and who then had no personal representative. For purposes of this subsection (k), a personal representative refers to a court appointed guardian or conservator of the estate of a person.

(l) Application. This Section is available to trusts in existence on the effective date of this amendatory Act of the 92nd General Assembly or created after that date. This Section shall be construed as pertaining to the administration of a trust and shall be available to any trust that is administered in Illinois under Illinois law or that is governed by Illinois law with respect to the meaning and effect of its terms unless:

(1) the trust is a trust described in Internal Revenue Code Section 642(c)(5), 170(b)(2)(B), 664(d), 1361(d), 2702(a)(3), or 2702(b); or

(2) the governing instrument expressly prohibits use of this Section by specific reference to this Section. A provision in the governing instrument in the form: "Neither the provisions of

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Section 5.3 of the Trusts and Trustees Act nor any corresponding provision of future law may be used in the administration of this trust or a similar provision demonstrating that intent is sufficient to preclude the use of this Section.

(m) Application to express trusts.

(1) This subsection (m) does not apply to a charitable remainder unitrust as defined by Section 664(d), Internal Revenue Code of 1986 (26 U.S.C. Section 664), as amended.

(2) In this subsection (m):

(A) "Unitrust" means a trust the terms of which require distribution of a unitrust amount, without regard to whether the trust has been converted to a total return trust in accordance with this Section or whether the trust is established by express terms of the governing instrument.

(B) "Unitrust amount" means an amount equal to a percentage of a trust’s assets that may or must be distributed to one or more beneficiaries annually in accordance with the terms of the trust. The unitrust amount may be determined by reference to the net fair market value of the trust’s assets as of a particular date or as an average determined on a multiple year basis.

(3) A unitrust changes the definition of income by substituting the unitrust amount for net trust accounting income as the method of determining current return and shall be given effect notwithstanding any contrary provision of the Principal and Income Act. By way of example and not limitation, a unitrust amount determined by a percentage of not less than 3% nor greater than 5% is conclusively presumed a reasonable current return that fairly apportions the total return of a unitrust.

(4) The allocations provision of subdivision (2) of subsection (f) of Section 5.3 applies to a unitrust except to the extent its governing instrument expressly provides otherwise.

(Source: P.A. 92-838, eff. 8-22-02.)

(760 ILCS 5/5.5 new)

Sec. 5.5. Gift to a deceased beneficiary under an inter vivos trust. Unless the settlor expressly provides otherwise in his or her trust:

(1) if a gift of a present or future interest is to a descendant of the settlor who dies before or after the settlor, the descendants

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of the deceased beneficiary living when the gift is to take effect in possession or enjoyment take per stirpes the gift so bequeathed;

(2) if a gift of a present or future interest is to a class and any member of the class dies before or after the settlor, the members of the class living when the gift is to take effect in possession or enjoyment take the share or shares that the deceased member would have taken if he or she were then living, except that, if the deceased member of the class is a descendant of the settlor, the descendants of the deceased member then living shall take per stirpes the share or shares that the deceased member would have taken if he or she were then living; and

(3) except as above provided in items (1) and (2), if the gift is not to a descendant of the settlor or is not to a class as provided in items (1) and (2) and if the beneficiary dies either before or after the settlor and before the gift is to take effect in possession or enjoyment, then the gift shall lapse. If the gift lapses by reason of the death of the beneficiary before the gift is to take possession or enjoyment, then the gift so given shall be included in and pass as part of the residue of the trust under the trust. If the gift is or becomes part of the residue, the gift so bequeathed shall pass to and be taken by the beneficiaries remaining, if any, of the residue in proportions and upon trusts corresponding to their respective interests in the residue of the trust.

The provisions of items (1) and (2) do not apply to a future interest that is or becomes indefeasibly vested at the settlor's death or at any time thereafter before it takes effect in possession or enjoyment.

The provisions of this Section apply on and after January 1, 2005 for any gifts to a deceased beneficiary under an inter vivos trust where the deceased beneficiary dies after January 1, 2005 and before the gift is to take effect in possession or enjoyment.

Section 10. The Uniform TOD Security Registration Act is amended by changing Section 1 as follows:

(815 ILCS 10/1)
Sec. 1. Definitions. In this Act, unless the context otherwise requires:

(1) "Beneficiary form" means a registration of a security which indicates the present owner of the security and the intention of the owner regarding the person who will become the owner of the security upon the death of the owner.

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(2) "Deviseree" means any person designated in a will to receive a disposition of real or personal property.

(3) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the property of a decedent.

(4) "Person" means an individual, a corporation, an organization, or other legal entity.

(5) "Personal representative" includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status.

(6) "Property" includes both real and personal property or any interest therein and means anything that may be the subject of ownership.

(7) "Register", including its derivatives, means to issue a certificate showing the ownership of a certificated security or, in the case of an uncertificated security, to initiate or transfer an account showing ownership of securities.

(8) "Registering entity" means a person who originates or transfers a security title by registration, and includes a broker maintaining security accounts for customers and a transfer agent or other person acting for or as an issuer of securities.

(9) "Security" means a share, participation, or other interest in property, in a business, or in an obligation of an enterprise or other issuer, and includes a certificated security, an uncertificated security, and a security account.

(10) "Security account" means (i) a reinvestment account associated with a security, a securities account with a broker, a cash balance in a brokerage account, cash, interest, earnings, or dividends earned or declared on a security in an account, a reinvestment account, or a brokerage account, whether or not credited to the account before the owner's death, or (ii) an investment management or custody account with a trust company or trust division of a bank with trust powers, including the securities in the account, a cash balance in the account, and cash, equivalents, interest, earnings, or dividends earned or declared on a security in the account, whether or not credited to the account before the owner's death, or (iii) a cash balance or other property held for or due to the owner of a security as a replacement for or product of an account security, whether or not credited to the account before the owner's death.

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(11) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.
(Source: P.A. 88-577, eff. 1-1-95.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0992
(House Bill No. 1300)

AN ACT in relation to county government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 5-1101 as follows:

(55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)
Sec. 5-1101. Additional fees to finance court system. A county board may enact by ordinance or resolution the following fees:
(a) A $5 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of the Illinois Vehicle Code other than Section 11-501 or violations of similar provisions contained in county or municipal ordinances committed in the county, and up to a $30 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of Section 11-501 of the Illinois Vehicle Code or a violation of a similar provision contained in county or municipal ordinances committed in the county.
(b) In the case of a county having a population of 1,000,000 or less, a $5 fee to be collected in all civil cases by the clerk of the circuit court.
(c) A fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections, as follows:
   (1) for a felony, $50;
   (2) for a class A misdemeanor, $25;
   (3) for a class B or class C misdemeanor, $15;
   (4) for a petty offense, $10;
   (5) for a business offense, $10.

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(d) A $100 fee for the second and subsequent violations of Section 11-501 of the Illinois Vehicle Code or violations of similar provisions contained in county or municipal ordinances committed in the county. The proceeds of this fee shall be placed in the county general fund and used to finance education programs related to driving under the influence of alcohol or drugs.

(d-5) A $10 fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections to be placed in the county general fund and used to finance the county mental health court.

(e) The proceeds of all fees enacted under this Section shall, except as provided in subsections (d) and (d-5), be placed in the county general fund and used to finance the court system in the county, unless the fee is subject to disbursement by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 87-670; 87-1075; 87-1230; 88-45.)

Effective January 1, 2005.

PUBLIC ACT 93-0993
(House Bill No. 4280)

AN ACT concerning special assessments.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by adding Section 9-2-4.5 as follows:

(65 ILCS 5/9-2-4.5 new)

Sec. 9-2-4.5. Special assessment for payment of costs associated with certain ordinance violations.

(a) For purposes of this Section, "Code" means any municipal ordinance that requires, after notice, the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, and rodent and vermin abatement.

(b) In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation, (ii) non-compliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for

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abatement. (iii) costs for services rendered by the municipality to correct
the Code violation remain unpaid at the point in time that they would
become a debt due and owing the municipality, as provided in Division
31.1 of Article 11 of the Illinois Municipal Code, and (iv) a lien has been
filed of record by the municipality in the office of the recorder in the
county in which the property is located, then those costs may be collected
as a special assessment on the property under this Division. Upon
payment of the costs by the owner of record or persons interested in the
property, the lien shall be released by the municipality and the release
shall be filed of record in the same manner as the filing of notice of the
lien.

Effective January 1, 2005.

PUBLIC ACT 93-0994
(House Bill No. 4856)

AN ACT concerning disclosure of utility services to be provided
by landlords.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Rental Property Utility Service Act is amended by
changing Section 1 as follows:

(765 ILCS 735/1) (from Ch. 80, par. 62)

Sec. 1. Utility payments; termination and restoration of service.
Whenever, pursuant to any agreement, either written or verbal, a landlord
or his or her agent is required to pay for any water, gas or electrical
service, the landlord shall pay for the services to ensure that the services
are available to the tenant throughout the term of the lease and shall pay
for the services in a timely manner so as not to cause an interruption of
the services. If and the landlord or his or her agent does not pay for such
service, the tenant, or tenants in the event more than one tenant is served
by a common system of water, gas or electrical service, including electrical
service to common areas, which goes through a common meter in a single
building, may either (i) terminate the lease; however, the termination of
the lease under this Section does not absolve the landlord or tenant from
any obligations that have arisen under the lease prior to its termination
under this Section; or (ii) pay for such service if the nonpayment

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jeopardizes the continuation of the service to the tenant or tenants, as the case may be. The utility company shall not terminate service for such nonpayment until the utility company mails, delivers or posts a notice as specified in Section 3 to all tenants of buildings with 3 or more residential apartments. Upon receipt of such payment of the past due cost of such water, gas or electrical service owed by the landlord, the provider of such service shall immediately restore service to such tenant or tenants. In the alternative, the provider of such service shall immediately restore and continue such service to any tenant who (a) requests that the utility put the bill in his or her name; (b) establishes satisfactory credit references or provides for and pays a security deposit pursuant to the rules and regulations of the Illinois Commerce Commission applicable to applicants for new utility service; and (c) agrees to pay future bills. Any sums the tenant or tenants, as the case may be, pay for water, gas or electrical service that the landlord or his or her agent was required to pay may be deducted from the rent due by the tenant or tenants, and the total rent is diminished by the amount the tenant or tenants, as the case may be, have paid for the continuation of the water, gas or electrical service. (Source: P.A. 87-177.)

Effective January 1, 2005.

PUBLIC ACT 93-0995
(House Bill No. 5732)

AN ACT in relation to tax increment financing.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1,
1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

   (A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

   (B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

   (C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

   (D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

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(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there

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to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at

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an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

   (A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

   (B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

   (C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

   (D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

   (E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks

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required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused railyards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or

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similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that

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the condition of roadways, alleys, curbs, gutters, sidewalks, off-
street parking, and surface storage areas evidence deterioration,
including, but not limited to, surface cracking, crumbling, potholes,
depessions, loose paving material, and weeds protruding through
paved surfaces.

(4) Presence of structures below minimum code standards. All
structures that do not meet the standards of zoning, subdivision,
building, fire, and other governmental codes applicable to property,
but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in
violation of applicable federal, State, or local laws, exclusive of
those applicable to the presence of structures below minimum code
standards.

(6) Excessive vacancies. The presence of buildings that are
unoccupied or under-utilized and that represent an adverse
influence on the area because of the frequency, extent, or duration
of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The
absence of adequate ventilation for light or air circulation in spaces
or rooms without windows, or that require the removal of dust,
odor, gas, smoke, or other noxious airborne materials. Inadequate
natural light and ventilation means the absence or inadequacy of
skylights or windows for interior spaces or rooms and improper
window sizes and amounts by room area to window area ratios.
Inadequate sanitary facilities refers to the absence or inadequacy of
garbage storage and enclosure, bathroom facilities, hot water and
kitchens, and structural inadequacies preventing ingress and egress
to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities
such as storm sewers and storm drainage, sanitary sewers, water
lines, and gas, telephone, and electrical services that are shown to
be inadequate. Inadequate utilities are those that are: (i) of
insufficient capacity to serve the uses in the redevelopment project
area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii)
lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures
and community facilities. The over-intensive use of property and
the crowding of buildings and accessory facilities onto a site.

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Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an

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annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and
servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act.

For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the

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tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

\[ (i) \text{ "Net State Sales Tax Increment" means the sum of the following: (a) } 80\% \text{ of the first } 100,000 \text{ of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) } 60\% \text{ of the amount in excess of } 100,000 \text{ but not exceeding } 500,000 \text{ of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) } 40\% \text{ of all amounts in excess of } 500,000 \text{ of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of } 3,000,000 \text{ before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100\% \text{ of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100\% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100\% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs} \]

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within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to

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the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real

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property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

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(H) a commitment to fair employment practices and an affirmative action plan;
(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and
(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad
valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

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(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or 
(L) if the ordinance was adopted in September 1988 by Sauk Village, or 
(M) if the ordinance was adopted in October 1993 by Sauk Village, or 
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or 
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or 
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or 
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or 
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or 
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or 
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or 
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or 
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or 
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or 
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or 
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or 
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or 
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or 
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or 
(CC) if the ordinance was adopted on December 30, 1986 by the City of Effingham.

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However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the

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adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the

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residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original

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redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal,
financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a

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redevelopment project the existing public building is to be
demolished to use the site for private investment or devoted to a
different use requiring private investment;

(4) Costs of the construction of public works or
improvements, except that on and after November 1, 1999,
redevelopment project costs shall not include the cost of
constructing a new municipal public building principally used to
provide offices, storage space, or conference facilities or vehicle
storage, maintenance, or repair for administrative, public safety, or
public works personnel and that is not intended to replace an
existing public building as provided under paragraph (3) of
subsection (q) of Section 11-74.4-3 unless either (i) the
construction of the new municipal building implements a
redevelopment project that was included in a redevelopment plan
that was adopted by the municipality prior to November 1, 1999 or
(ii) the municipality makes a reasonable determination in the
redevelopment plan, supported by information that provides the
basis for that determination, that the new municipal building is
required to meet an increase in the need for public safety purposes
anticipated to result from the implementation of the redevelopment
plan;

(5) Costs of job training and retraining projects, including
the cost of "welfare to work" programs implemented by businesses
located within the redevelopment project area;

(6) Financing costs, including but not limited to all
necessary and incidental expenses related to the issuance of
obligations and which may include payment of interest on any
obligations issued hereunder including interest accruing during the
estimated period of construction of any redevelopment project for
which such obligations are issued and for not exceeding 36 months
thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement
accepts and approves the same, all or a portion of a taxing district's
capital costs resulting from the redevelopment project necessarily
incurred or to be incurred within a taxing district in furtherance of
the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or
redevelopment project areas amended to add or increase the
number of tax-increment-financing assisted housing units) on or

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after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

   (i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

   (ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced

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by those housing units that have received tax increment finance assistance under this Act; and
(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax

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increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

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(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any

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property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted

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by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity

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initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the

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base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

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(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

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Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund

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pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the

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municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of

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this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was

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adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if ordinance was adopted on December 30, 1986 by the City of Effingham and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


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PUBLIC ACT 93-0996
(House Bill No. 6683)

AN ACT concerning alcoholic liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
  Section 5. The Liquor Control Act of 1934 is amended by adding Section 9-2b as follows:
  (235 ILCS 5/9-2b new)
  Sec. 9-2b. Prohibition against sale of alcoholic liquor; exception. Notwithstanding any provision in this Act to the contrary, in any township that has voted to prohibit the retail sale of alcoholic liquor under Section 9-2, the township board may authorize the local liquor control commissioner to issue a special event retailer's license (not-for-profit) authorizing the sale of beer for up to 3 days per year for up to 3 years at an agricultural show that is held on privately-owned property that is within the township, but is not within the corporate limits of a city, village, or incorporated town. This Section is repealed 3 years after the effective date of this amendatory Act of the 93rd General Assembly.

  Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 93-0997
(House Bill No. 6906)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
  Section 5. The School Code is amended by adding Sections 10-20.39 and 34-18.30 as follows:
  (105 ILCS 5/10-20.39 new)
  Sec. 10-20.39. Highly qualified teachers; No Child Left Behind Act funds. If a school district has an overall shortage of highly qualified teachers, as defined by the federal No Child Left Behind Act of 2001 (Public Law 107-110), or a shortage of highly qualified teachers in the subject area of mathematics, science, reading, or special education, then

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the school board must spend at least 40% of the money it receives from Title 2 grants under the Act on recruitment and retention initiatives to assist in recruiting and retaining highly qualified teachers (in a specific subject area if applicable) as specified in paragraphs (1)(B), (2)(A), (2)(B), (4)(A), (4)(B), and (4)(C) of subsection (a) of Section 2123 of the Act until there is no longer a shortage of highly qualified teachers (in a specific subject area if applicable). As the number of highly qualified teachers in the district increases, however, the school board may spend any surplus of the minimum 40% of funds dedicated to addressing the highly qualified teacher shortage in any manner the school board deems appropriate.

(105 ILCS 5/34-18.30 new)

Sec. 34-18.30. Highly qualified teachers; No Child Left Behind Act funds. If the school district has an overall shortage of highly qualified teachers, as defined by the federal No Child Left Behind Act of 2001 (Public Law 107-110), or a shortage of highly qualified teachers in the subject area of mathematics, science, reading, or special education, then the school board must spend at least 40% of the money it receives from Title 2 grants under the Act on recruitment and retention initiatives to assist in recruiting and retaining highly qualified teachers (in a specific subject area if applicable) as specified in paragraphs (1)(B), (2)(A), (2)(B), (4)(A), (4)(B), and (4)(C) of subsection (a) of Section 2123 of the Act until there is no longer a shortage of highly qualified teachers (in a specific subject area if applicable). As the number of highly qualified teachers in the district increases, however, the school board may spend any surplus of the minimum 40% of funds dedicated to addressing the highly qualified teacher shortage in any manner the school board deems appropriate.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-0998
(Senate Bill No. 2145)

AN ACT concerning environmental protection.

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Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Environmental Protection Act is amended by changing Section 3.330 as follows:

(415 ILCS 5/3.330) (was 415 ILCS 5/3.32)
Sec. 3.330. Pollution control facility.

(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.

The following are not pollution control facilities:

(1) (Blank);
(2) waste storage sites regulated under 40 CFR, Part 761.42;
(3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;
(4) sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;
(5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;
(6) sites or facilities used by any person to specifically conduct a landscape composting operation;
(7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;
(8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;

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(9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;

(10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);

(11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

(12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

(13) the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with Section 22.38 of this Act; and

(14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products.

(b) A new pollution control facility is:

(1) a pollution control facility initially permitted for development or construction after July 1, 1981; or

(2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or

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an a permitted pollution control facility requesting
approval to store, dispose of, transfer or incinerate, for the first
time, any special or hazardous waste.
(Source: P.A. 92-574, eff. 6-26-02.)
Section 99. Effective date. This Act takes effect upon becoming
law.

PUBLIC ACT 93-0999
(Senate Bill No. 2254)

AN ACT concerning professional regulation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Acupuncture Practice Act is amended by changing
Sections 10, 15, 40, and 110 as follows:
(225 ILCS 2/10)
(Section scheduled to be repealed on January 1, 2008)
Sec. 10. Definitions. As used in this Act:
"Acupuncture" means the evaluation or treatment of persons
affected through a method of stimulation of a certain point or points on or
immediately below the surface of the body by the insertion of pre-
sterilized, single-use, disposable needles, unless medically contraindicated,
with or without the application of heat, electronic stimulation, or manual
pressure to prevent or modify the perception of pain, to normalize
physiological functions, or for the treatment of certain diseases or
dysfunctions of the body. Acupuncture does not include radiology,
electrosurgery, chiropractic technique, physical therapy, naprapathic
technique, use or prescribing of any drugs, medications, herbal
preparations, nutritional supplements, serums, or vaccines, or
determination of a differential diagnosis. An acupuncturist registered
under this Act who is not also licensed as a physical therapist under the
Illinois Physical Therapy Act shall not hold himself or herself out as being
qualified to provide physical therapy or physiotherapy services. An
acupuncturist shall refer to a licensed physician or dentist, any patient
whose condition should, at the time of evaluation or treatment, be
determined to be beyond the scope of practice of the acupuncturist.

New matter indicated by italics - deletions by strikeout.
"Acupuncturist" means a person who practices acupuncture and who is licensed by the Department. 
"Board" means the Board of Acupuncture. 
"Dentist" means a person licensed under the Illinois Dental Practice Act. 
"Department" means the Department of Professional Regulation. 
"Director" means the Director of Professional Regulation. 
"Physician" means a person licensed under the Medical Practice Act of 1987. 
"Referral by written order" for purposes of this Act means a diagnosis, substantiated by signature of a physician or dentist, identifying that a patient's condition and recommending treatment is such that it may be treated by acupuncture as defined in this Act. The diagnosis shall remain in effect until changed by the physician or dentist who may, through express direction in the referral, shall maintain management of the patient. 
"State" includes:
(1) the states of the United States of America; 
(2) the District of Columbia; and 
(3) the Commonwealth of Puerto Rico. 
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97. )
(225 ILCS 2/15)
(Section scheduled to be repealed on January 1, 2008) 
Sec. 15. Who may practice acupuncture. No person licensed under this Act may treat human ailments otherwise than by the practice of acupuncture as defined in this Act; and no person licensed under this Act may practice acupuncture on another person without having on file a written referral order from a physician or dentist licensed in Illinois. A physician or dentist licensed in Illinois may practice acupuncture. A physician or a dentist may refer by written order a patient to an acupuncturist for the practice of acupuncture as defined in this Act and may, through express direction in the referral, maintain management of the patient. Nothing in this Act shall be construed to require a referral of a patient to an acupuncturist for evaluation and treatment based on acupuncture principles and techniques as taught by schools accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or a similar accrediting body approved by the Department. An acupuncturist shall refer to a licensed physician or dentist, any patient whose condition

New matter indicated by italics - deletions by strikeout.
should, at the time of evaluation or treatment, be determined to be beyond
the scope of practice of the acupuncturist.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)
(225 ILCS 2/40)
(Section scheduled to be repealed on January 1, 2008)
Sec. 40. Application for licensure. Applications for original licensure as an acupuncturist shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable.
Until December 31, 2001, applicants shall submit with the application proof of passing the National Certification Commission for Acupuncture and Oriental Medicine National Commission for the Certification of Acupuncturists examination or a substantially equivalent examination approved by the Department or meeting any other qualifications established by the Department.
On and after January 1, 2002, the Department shall issue a license to an applicant who submits with the application proof of each of the following:
(1)(A) graduation from a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine or a similar accrediting body approved by the Department; or (B) completion of a comprehensive educational program approved by the Department; and
(2) passing the National Certification Commission for Acupuncture and Oriental Medicine National Commission for the Certification of Acupuncturists examination or a substantially equivalent examination approved by the Department.
An applicant has 3 years from the date of his or her application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97; 90-723, eff. 1-1-99.)
(225 ILCS 2/110)
(Section scheduled to be repealed on January 1, 2008)
Sec. 110. Grounds for disciplinary action.

New matter indicated by italics - deletions by strikeout.
(a) The Department may refuse to issue or to renew, place on probation, suspend, revoke or take other disciplinary action as deemed appropriate including the imposition of fines not to exceed $5,000 for each violation, as the Department may deem proper, with regard to a license for any one or combination of the following causes:

(1) Violations of the Act or its rules.
(2) Conviction of any crime under the laws of any U.S. jurisdiction that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) directly related to the practice of the profession.
(3) Making any misrepresentation for the purpose of obtaining a license.
(4) Aiding or assisting another person in violating any provision of this Act or its rules.
(5) Failing to provide information within 60 days in response to a written request made by the Department which has been sent by certified or registered mail to the licensee's last known address.
(6) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to one set forth in this Section.
(7) Solicitation of professional services by means other than permitted under this Act.
(8) Failure to provide a patient with a copy of his or her record upon the written request of the patient.
(9) Gross negligence in the practice of acupuncture.
(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an acupuncturist's inability to practice with reasonable judgment, skill, or safety.
(11) A finding that licensure has been applied for or obtained by fraudulent means.
(12) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.
(13) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an

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abused child or a neglected child as defined in the Abused and Neglected Child Reporting Act.

(14) Wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(15) The use of any words, abbreviations, figures or letters (such as Acupuncturist, Licensed Acupuncturist, Certified Acupuncturist, C.A., Act., Lic. Act., or Lic. Ac.) with the intention of indicating practice as a licensed acupuncturist without a valid license as an acupuncturist issued under this Act.

(16) Using testimonials or claims of superior quality of care to entice the public or advertising fee comparisons of available services with those of other persons providing acupuncture services.

(17) Advertising of professional services that the offeror of the services is not licensed to render. Advertising of professional services that contains false, fraudulent, deceptive, or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition.

(18) Having treated ailments of human beings other than by the practice of acupuncture as defined in this Act, or having treated ailments of human beings as a licensed acupuncturist pursuant to management of the patient by a physician or dentist without having notified, or having failed to notify the physician or dentist who established the diagnosis that the patient is receiving acupuncture treatment pursuant to that diagnosis.

(19) Unethical, unauthorized, or unprofessional conduct as defined by rule.

(20) Physical illness including but not limited to deterioration through the aging process, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, and safety.

(21) Violation of the Health Care Worker Self-Referral Act.

The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code operates as an automatic suspension of

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that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring a suspended license.

The Department may refuse to issue or renew the license of any person who fails to (i) file a return or to pay the tax, penalty or interest shown in a filed return or (ii) pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until the time that the requirements of that tax Act are satisfied.

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted,

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continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1000
(Senate Bill No. 2339)

AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by adding Section 364.01 as follows:

(215 ILCS 5/364.01 new)
Sec. 364.01. Qualified cancer trials.
(a) No individual or group policy of accident and health insurance issued or renewed in this State may be cancelled or non-renewed for any individual based on that individual's participation in a qualified clinical trial.

(b) Qualified cancer trials must meet the following criteria:

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(1) the effectiveness of the treatment has not been determined relative to established therapies; 
(2) the trial is under clinical investigation as part of an approved cancer research trial in Phase II, Phase III, or Phase IV of investigation; 
(3) the trial is: 
   (A) approved by the Food and Drug Administration; 
or 
   (B) approved and funded by the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, the United States Department of Defense, the United States Department of Veterans Affairs, or the United States Department of Energy in the form of an investigational new drug application, or a cooperative group or center of any entity described in this subdivision (B); and 
(4) the patient's primary care physician, if any, is involved in the coordination of care. 

Section 10. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2) 
Sec. 5-3. Insurance Code provisions. 

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code. 

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies": 

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act; 
(2) a corporation organized under the laws of this State; or 
(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State,

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except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

   (A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

   (B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

   (C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

   (D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).
(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health

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Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section. (Source: P.A. 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-261, eff. 1-1-04; 93-477, eff. 8-8-03; 93-529, eff. 8-14-03; revised 9-25-03.)

Section 15. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code. (Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01; 92-651, eff. 7-11-02; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-529, eff. 8-14-03; revised 9-25-03.)

Section 20. The Illinois Public Aid Code is amended by changing Section 5-16.8 as follows:

(305 ILCS 5/5-16.8)

Sec. 5-16.8. Required health benefits. The medical assistance program shall (i) provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, and 356x of the Illinois Insurance Code and (ii) be subject to the provisions of Section 364.01 of the Illinois Insurance Code. (Source: P.A. 90-7, eff. 6-10-97; 90-741, eff. 1-1-99.)

Effective January 1, 2005.

PUBLIC ACT 93-1001
(Senate Bill No. 25248)

AN ACT concerning notaries public.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Notary Public Act is amended by changing
Sections 1-104, 2-102, 3-103, and 3-104 as follows:

(5 ILCS 312/1-104) (from Ch. 102, par. 201-104)
Sec. 1-104. Notary Public and Notarization Defined.
(a) The terms "notary public" and "notary" are used
interchangeably to mean any individual appointed and commissioned to
perform notarial acts.
(b) "Notarization" means the performance of a notarial act.
(c) "Accredited immigration representative" means a not-for-profit
organization recognized by the Board of Immigration Appeals under 8
C.F.R. 292.2(a) and employees of those organizations accredited under 8
C.F.R. 292.2(d).
(Source: P.A. 84-322.)

(5 ILCS 312/2-102) (from Ch. 102, par. 202-102)
Sec. 2-102. Application. Every applicant for appointment and
commission as a notary shall complete an application form furnished by
the Secretary of State to be filed with the Secretary of State, stating:
(a) the applicant's official name, which contains his or her last
name and at least the initial of the first name;
(b) the county in which the applicant resides or, if the applicant is a
resident of a state bordering Illinois, the county in Illinois in which that
person's principal place of work or principal place of business is located;
(c) the applicant's residence address and business address, if any, or
any address at which an applicant will use a notary public commission to
receive fees;
(d) that the applicant has resided in the State of Illinois for 30 days
preceding the application or that the applicant who is a resident of a state
bordering Illinois has worked or maintained a business in Illinois for 30
days preceding the application;
(e) that the applicant is a citizen of the United States or an alien
lawfully admitted for permanent residence in the United States;
(f) that the applicant is at least 18 years of age;
(g) that the applicant is able to read and write the English language;
(h) that the applicant has never been the holder of a notary public
appointment that was revoked or suspended during the past 10 years the
applicant's commission as notary (if any) has not been revoked;
(i) that the applicant has not been convicted of a felony; and

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(j) any other information the Secretary of State deems necessary.
(Source: P.A. 91-818, eff. 6-13-00.)
(5 ILCS 312/3-103) (from Ch. 102, par. 203-103)
Sec. 3-103. Notice.

(a) Every notary public who is not an attorney or an accredited immigration representative who advertises the services of a notary public in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall include in the document, advertisement, stationery, letterhead, business card, or other comparable written material the following: post or otherwise include with such advertisement a notice in English and the language in which the written communication appears. This notice shall be of a conspicuous size, if in writing, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE". If such advertisement is by radio or television, the statement may be modified but must include substantially the same message.

A notary public shall not, in any document, advertisement, stationery, letterhead, business card, or other comparable written material describing the role of the notary public, literally translate from English into another language terms or titles including, but not limited to, notary public, notary, licensed, attorney, lawyer, or any other term that implies the person is an attorney. To illustrate, the word "notario" is prohibited under this provision. Literal translation of the phrase "Notary Public" into a language other than English is prohibited. For the purposes of this subsection, "literal translation" of a word or phrase from one language to another means the translation of a word or phrase without regard to the true meaning of the word or phrase in the language which is being translated.

Failure to follow the procedures in this Section shall result in a fine of $1,000 for each written violation. The second violation shall result in suspension of notary authorization. The third violation shall result in permanent revocation of the commission of notary public. Violations shall not preempt or preclude additional appropriate civil or criminal penalties.

(b) All notaries public required to comply with the provisions of subsection (a) shall prominently post at their place of business as recorded with the Secretary of State pursuant to Section 2-102 of this Act a schedule of fees established by law which a notary public may charge. The

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fee schedule shall be written in English and in the non-English language in which notary services were solicited and shall contain the disavowal of legal representation required above in subsection (a), unless such notice of disavowal is already prominently posted.

(c) No notary public, agency or any other person who is not an attorney shall represent, hold themselves out or advertise that they are experts on immigration matters or provide any other assistance that requires legal analysis, legal judgment, or interpretation of the law unless they are a designated entity as defined pursuant to Section 245a.1 of Part 245a of the Code of Federal Regulations (8 CFR 245a.1) or an entity accredited by the Board of Immigration Appeals.

(d) Any person who aids, abets or otherwise induces another person to give false information concerning immigration status shall be guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within 5 years of a previous conviction for the same offense.

Any notary public who violates the provisions of this Section shall be guilty of official misconduct and subject to fine or imprisonment.

Nothing in this Section shall preclude any consumer of notary public services from pursuing other civil remedies available under the law.

(e) No notary public who is not an attorney or an accredited representative shall accept payment in exchange for providing legal advice or any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

(f) Violation of subsection (e) is a business offense punishable by a fine of 3 times the amount received for services, or $1,001 minimum, and restitution of the amount paid to the consumer. Nothing in this Section shall be construed to preempt nor preclude additional appropriate civil remedies or criminal charges available under law.

(g) If a notary public of this State is convicted of 2 or more business offenses involving a violation of this Act within a 12-month period while commissioned, or of 3 or more business offenses involving a violation of this Act within a 5-year period regardless of being commissioned, the Secretary shall automatically revoke the notary public commission of that person on the date that the person's most recent business offense conviction is entered as a final judgment.

(5 ILCS 312/3-104) (from Ch. 102, par. 203-104)
Sec. 3-104. Maximum Fee.

New matter indicated by italics - deletions by strikeout.
(a) Except as provided in subsection (b) of this Section, the maximum fee in this State is $1.00 for any notarial act performed.

(b) Fees for a notary public, agency, or any other person who is not an attorney or an accredited representative filling out immigration legalization forms or applications related to the Immigration Reform and Control Act of 1986 shall be limited to the following as follows:

1. $10 per form completion $75 per person;
2. $10 per page for the translation of a non-English language into English where such translation is required for immigration forms $75 per person up to 4 persons per immediate family, with no additional charge for a fifth or subsequent person where all persons are legally related;
3. $1 for notarizing $10 per page for the translation of a non-English language into English where such translation is required for legalization forms;
4. $3 to execute any procedures necessary to obtain a document required to complete immigration forms $1 for notarizing; and
5. A maximum of $75 for one complete application $3 to execute any procedures necessary to obtain a document required to complete legalization forms.

Fees authorized under this subsection shall not include application fees required to be submitted with immigration applications a legalization application in conformity with the Immigration and Control Act of 1986.

Any person who violates the provisions of this subsection shall be guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within 5 years of a previous conviction for the same offense.

(c) Upon his own information or upon complaint of any person, the Attorney General or any State's Attorney, or their designee, may maintain an action for injunctive relief in the court against any notary public or any other person who violates the provisions of subsection (b) of this Section. These remedies are in addition to, and not in substitution for, other available remedies.

If the Attorney General or any State's Attorney fails to bring an action as provided pursuant to this subsection within 90 days of receipt of a complaint, any person may file a civil action to enforce the provisions of this subsection and maintain an action for injunctive relief.

(d) All notaries public must provide receipts and keep records for fees accepted for services provided. Failure to provide receipts and keep records that can be presented as evidence of no wrongdoing shall be
construed as a presumptive admission of allegations raised in complaints against the notary for violations related to accepting prohibited fees.
(Source: P.A. 85-593.)

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2AA as follows:

(815 ILCS 505/2AA)
Sec. 2AA. Immigration services.

(a) "Immigration matter" means any proceeding, filing, or action affecting the nonimmigrant, immigrant or citizenship status of any person that arises under immigration and naturalization law, executive order or presidential proclamation of the United States or any foreign country, or that arises under action of the United States Citizenship and Immigration Services, the United States Department of Labor, or the United States Department of State.

"Immigration assistance service" means any advice, guidance, information; or action provided or offered to customers or prospective customers related to immigration matters, excluding legal advice, recommending a specific course of legal action, or providing any other assistance that requires legal analysis, legal judgment, or interpretation of the law relating to any immigration matter.

"Compensation" means money, property, services, promise of payment, or anything else of value.

"Employed by" means that a person is on the payroll of the employer and the employer deducts from the employee's paycheck social security and withholding taxes, or receives compensation from the employer on a commission basis or as an independent contractor.

"Reasonable costs" means actual costs or, if actual costs cannot be calculated, reasonably estimated costs of such things as photocopying, telephone calls, document requests, and filing fees for immigration forms, and other nominal costs incidental to assistance in an immigration matter.

(a-1) The General Assembly finds and declares that private individuals who assist persons with immigration matters have a significant impact on the ability of their clients to reside and work within the United States and to establish and maintain stable families and business relationships. The General Assembly further finds that that assistance and its impact also have a significant effect on the cultural, social, and economic life of the State of Illinois and thereby substantially affect the public interest. It is the intent of the General Assembly to establish rules of
practice and conduct for those individuals to promote honesty and fair dealing with residents and to preserve public confidence.

(a-5) The following persons are exempt from this Section, provided they prove the exemption by a preponderance of the evidence:

(1) An attorney licensed to practice law in any state or territory of the United States, or of any foreign country when authorized by the Illinois Supreme Court, to the extent the attorney renders immigration assistance service in the course of his or her practice as an attorney.

(2) A legal intern, as described by the rules of the Illinois Supreme Court, employed by and under the direct supervision of a licensed attorney and rendering immigration assistance service in the course of the intern's employment.

(3) A not-for-profit organization recognized by the Board of Immigration Appeals under 8 C.F.R. 292.2(a) and employees of those organizations accredited under 8 C.F.R. 292.2(d).

(4) Any organization employing or desiring to employ an alien or nonimmigrant alien, where the organization, its employees or its agents provide advice or assistance in immigration matters to alien or nonimmigrant alien employees or potential employees without compensation from the individuals to whom such advice or assistance is provided.

Nothing in this Section shall regulate any business to the extent that such regulation is prohibited or preempted by State or federal law.

All other persons providing or offering to provide immigration assistance service shall be subject to this Section.

(b) Any person who provides or offers to provide immigration assistance service may perform only the following services:

(1) Completing a government agency form, requested by the customer and appropriate to the customer's needs, only if the completion of that form does not involve a legal judgment for that particular matter.

(2) Transcribing responses to a government agency form which is related to an immigration matter, but not advising a customer as to his or her answers on those forms.

(3) Translating information on forms to a customer and translating the customer's answers to questions posed on those forms.

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(4) Securing for the customer supporting documents currently in existence, such as birth and marriage certificates, which may be needed to be submitted with government agency forms.

(5) Translating documents from a foreign language into English.

(6) Notarizing signatures on government agency forms, if the person performing the service is a notary public of the State of Illinois.

(7) Making referrals, without fee, to attorneys who could undertake legal representation for a person in an immigration matter.

(8) Preparing or arranging for the preparation of photographs and fingerprints.

(9) Arranging for the performance of medical testing (including X-rays and AIDS tests) and the obtaining of reports of such test results.

(10) Conducting English language and civics courses.

(11) Other services that the Attorney General determines by rule may be appropriately performed by such persons in light of the purposes of this Section.

Fees for a notary public, agency, or any other person who is not an attorney or an accredited representative filling out immigration forms shall be limited to the maximum fees set forth in subsections (a) and (b) of Section 3-104 of the Notary Public Act (5 ILCS 312/3-104). The Attorney General may promulgate rules establishing maximum fees that may be charged for the services described in this subsection. The maximum fees must be reasonable in light of the costs of providing those services and the degree of professional skill required to provide the services.

No person subject to this Act shall charge fees directly or indirectly for referring an individual to an attorney or for any immigration matter not authorized by this Article, provided that a person may charge a fee for notarizing documents as permitted by the Illinois Notary Public Act.

(c) Any person performing such services shall register with the Illinois Attorney General and submit verification of malpractice insurance or of a surety bond.

(d) Except as provided otherwise in this subsection, before providing any assistance in an immigration matter a person shall provide the customer with a written contract that includes the following:

New matter indicated by italics - deletions by strikeout.
(1) An explanation of the services to be performed.
(2) Identification of all compensation and costs to be charged to the customer for the services to be performed.
(3) A statement that documents submitted in support of an application for nonimmigrant, immigrant, or naturalization status may not be retained by the person for any purpose, including payment of compensation or costs.

This subsection does not apply to a not-for-profit organization that provides advice or assistance in immigration matters to clients without charge beyond a reasonable fee to reimburse the organization's or clinic's reasonable costs relating to providing immigration services to that client.

(e) Any person who provides or offers immigration assistance service and is not exempted from this Section, shall post signs at his or her place of business, setting forth information in English and in every other language in which the person provides or offers to provide immigration assistance service. Each language shall be on a separate sign. Signs shall be posted in a location where the signs will be visible to customers. Each sign shall be at least 11 inches by 17 inches, and shall contain the following:

(1) The statement "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."
(2) The statement "I AM NOT ACCREDITED TO REPRESENT YOU BEFORE THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE AND THE IMMIGRATION BOARD OF APPEALS."
(3) The fee schedule.
(4) The statement that "You may cancel any contract within 3 working days and get your money back for services not performed."
(5) Additional information the Attorney General may require by rule.

Every person engaged in immigration assistance service who is not an attorney who advertises immigration assistance service in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall include in the document, advertisement, stationery, letterhead, business card, or other comparable written material the following notice in English and the language in which the

New matter indicated by italics - deletions by strikeout.
written communication appears. shall post or otherwise include with such advertisement a notice in English and the language in which the advertisement appears. This notice shall be of a conspicuous size, if in writing, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If such advertisement is by radio or television, the statement may be modified but must include substantially the same message.

Any person who provides or offers immigration assistance service and is not exempted from this Section shall not, in any document, advertisement, stationery, letterhead, business card, or other comparable written material, literally translate from English into another language terms or titles including, but not limited to, notary public, notary, licensed, attorney, lawyer, or any other term that implies the person is an attorney. To illustrate, the word "notario" is prohibited under this provision. Literal translation of the word "licensed" into a language other than English is prohibited. For the purposes of this Section, "literal translation" of a word or phrase from one language to another means the translation of a word or phrase without regard to the true meaning of the word or phrase in the language which is being translated.

If not subject to penalties under subsection (a) of Section 3-103 of the Notary Public Act (5 ILCS 312/3-103), violations of this subsection shall result in a fine of $1,000. Violations shall not preempt or preclude additional appropriate civil or criminal penalties.

(f) The written contract shall be in both English and in the language of the customer.

(g) A copy of the contract shall be provided to the customer upon the customer's execution of the contract.

(h) A customer has the right to rescind a contract within 72 hours after his or her signing of the contract.

(i) Any documents identified in paragraph (3) of subsection (c) shall be returned upon demand of the customer.

(j) No person engaged in providing immigration services who is not exempted under this Section shall do any of the following:

(1) Make any statement that the person can or will obtain special favors from or has special influence with the United States Immigration and Naturalization Service or any other government agency.

(2) Retain any compensation for service not performed.

New matter indicated by italics - deletions by strikeout.
(2.5) Accept payment in exchange for providing legal advice or any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

(3) Refuse to return documents supplied by, prepared on behalf of, or paid for by the customer upon the request of the customer. These documents must be returned upon request even if there is a fee dispute between the immigration assistant and the customer.

(4) Represent or advertise, in connection with the provision of assistance in immigration matters, other titles of credentials, including but not limited to "notary public" or "immigration consultant," that could cause a customer to believe that the person possesses special professional skills or is authorized to provide advice on an immigration matter; provided that a notary public appointed by the Illinois Secretary of State may use the term "notary public" if the use is accompanied by the statement that the person is not an attorney; the term "notary public" may not be translated to another language; for example "notario" is prohibited.

(5) Provide any legal advice, recommend a specific course of legal action, or provide any other assistance that requires legal analysis, legal judgment, or interpretation of the law concerning an immigration matter.

(6) Make any misrepresentation of false statement, directly or indirectly, to influence, persuade, or induce patronage.

(k) (Blank)

(l) (Blank)

(m) Any person who violates any provision of this Section, or the rules and regulations issued under this Section, shall be guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within 5 years of a previous conviction for the same offense.

Upon his own information or upon the complaint of any person, the Attorney General or any State's Attorney, or a municipality with a population of more than 1,000,000, may maintain an action for injunctive relief and also seek a civil penalty not exceeding $50,000 in the circuit court against any person who violates any provision of this Section. These remedies are in addition to, and not in substitution for, other available remedies.

New matter indicated by italics - deletions by strikeout.
If the Attorney General or any State's Attorney or a municipality with a population of more than 1,000,000 fails to bring an action as provided under this Section any person may file a civil action to enforce the provisions of this Article and maintain an action for injunctive relief, for compensatory damages to recover prohibited fees, or for such additional relief as may be appropriate to deter, prevent, or compensate for the violation. In order to deter violations of this Section, courts shall not require a showing of the traditional elements for equitable relief. A prevailing plaintiff may be awarded 3 times the prohibited fees or a minimum of $1,000 in punitive damages, attorney's fees, and costs of bringing an action under this Section. It is the express intention of the General Assembly that remedies for violation of this Section be cumulative.

(n) No unit of local government, including any home rule unit, shall have the authority to regulate immigration assistance services unless such regulations are at least as stringent as those contained in this amendatory Act of 1992. It is declared to be the law of this State, pursuant to paragraph (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that this amendatory Act of 1992 is a limitation on the authority of a home rule unit to exercise powers concurrently with the State. The limitations of this Section do not apply to a home rule unit that has, prior to the effective date of this amendatory Act, adopted an ordinance regulating immigration assistance services.

(o) This Section is severable under Section 1.31 of the Statute on Statutes.

(p) The Attorney General shall issue rules not inconsistent with this Section for the implementation, administration, and enforcement of this Section by January 1, 1995. The rules may provide for the following:

(1) The content, print size, and print style of the signs required under subsection (e). Print sizes and styles may vary from language to language.

(2) Standard forms for use in the administration of this Section.

(3) Any additional requirements deemed necessary.

(Source: P.A. 87-1211; 88-45; 88-644, eff. 9-9-94.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 26, 2004

New matter indicated by italics - deletions by strikeout.
AN ACT concerning utilities.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Utilities Act is amended by adding Sections 13-230, 13-231, 13-232, 13-233, 13-404.1, and 13-404.2 as follows:

Sec. 13-230. Prepaid calling service. "Prepaid calling service" means telecommunications service that must be paid for in advance by an end user, enables the end user to originate calls using an access number or authorization code, whether manually or electronically dialed, and is sold in predetermined units or dollars of which the number declines with use in a known amount. A prepaid calling service call is a call made by an end user using prepaid calling service. "Prepaid calling service" does not include prepaid wireless telephone service as defined in Section 10 of the Wireless Emergency Telephone Safety Act.

Sec. 13-231. Prepaid calling service provider. "Prepaid calling service provider" means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual and their lessees, trustees, or receivers appointed by any court whatsoever that contracts directly with a telecommunications carrier to resell or offers to resell telecommunications service as prepaid calling service to one or more distributors, prepaid calling resellers, prepaid calling service retailers, or end users.

Sec. 13-232. Prepaid calling service retailer. "Prepaid calling service retailer" means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual and their lessees, trustees, or receivers appointed by any court whatsoever that sells or offers to sell prepaid calling service directly to one or more end users.

Sec. 13-233. Prepaid calling service reseller. "Prepaid calling service reseller" means and includes every corporation, company,
association, joint stock company or association, firm, partnership, or individual and their lessees, trustees, or receivers appointed by any court whatsoever that purchases prepaid calling services from a prepaid calling service provider or distributor and sells those services to one or more distributors of prepaid calling services or to one or more prepaid calling service retailers.

(220 ILCS 5/13-404.1 new)

Sec. 13-404.1. Prepaid calling service authority; rules.

(a) The General Assembly finds that it is necessary to require the certification of prepaid calling service providers to protect and promote against fraud the legitimate business interests of persons or entities currently providing prepaid calling service to Illinois end users and Illinois end users who purchase these services.

(b) On and after July 1, 2005, it shall be unlawful for any prepaid calling service provider to offer or provide or seek to offer or provide to any distributor, prepaid calling service reseller, prepaid calling service retailer, or end user any prepaid calling service unless the prepaid calling service provider has applied for and received a Certificate of Prepaid Calling Service Provider Authority from the Commission. The Commission shall approve an application for a Certificate of Prepaid Calling Service Provider Authority upon a showing by the applicant, and a finding by the Commission, after notice and hearing, that the applicant possesses sufficient technical, financial, and managerial resources and abilities to provide prepaid calling services. The Commission shall approve an application for a Certificate of Prepaid Calling Service Provider Authority without a hearing upon a showing by the applicant that the Commission has issued an appropriate Certificate of Service Authority (whether a Certificate of Interexchange Service Authority or Certificate of Exchange Service Authority or both) to the applicant or the telecommunications carrier whose service the applicant is seeking to resell, provided that the telecommunications carrier remains in good standing with the Commission. The Commission may adopt rules necessary for the administration of this subsection.

(c) Upon issuance of a Certificate of Prepaid Calling Service Provider Authority to a prepaid calling service provider, the Commission shall post a list that contains the full legal name of the prepaid service provider, the docket number of the provider's certification proceeding, and the toll-free customer service number of the certified prepaid calling service provider on the Commission's web site on a link solely dedicated

New matter indicated by italics - deletions by strikeout.
to prepaid calling service providers. If the certified prepaid calling service provider changes its toll-free customer service number, it is the duty of the certified prepaid calling service provider to provide the Commission with notice of the change and with the provider's new toll-free customer service number at least 24 hours prior to changing its toll-free customer service number. The Commission may adopt rules that further define the administration of this subsection.

(d) Any and all enforcement authority granted to the Commission under this Article over any Certificate of Service Authority shall apply equally and without limitation to Certificates of Prepaid Calling Service Provider Authority.

(220 ILCS 5/13-404.2 new)
Sec. 13-404.2. Prepaid calling service standards. The Commission, by rule, may establish and implement minimum service quality standards for prepaid calling service. The rules may include, but are not limited to, requiring access to a live customer service attendant through the customer service number, reporting requirements, fines, penalties, customer credits, remedies, and other enforcement mechanisms to ensure compliance with the service quality standards.

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2QQ as follows:

(815 ILCS 505/2QQ new)
Sec. 2QQ. Prepaid calling service.
(a) For purposes of this Section 2QQ, the terms "Prepaid Calling Service", "Prepaid Calling Service Provider", "Prepaid Calling Service Retailer", and "Prepaid Calling Service Reseller" shall have the same definitions as those in Sections 13-230, 13-231, 13-232, and 13-233, respectively, of the Public Utilities Act.

For the purposes of this Section, "international preferred destination" means a prepaid calling service that advertises a specific international destination either on the card, the packaging material accompanying the card, or through an offering of sale of the service.

(b) On and after July 1, 2005, it is an unlawful practice under this Act for any prepaid calling service provider or prepaid calling service reseller to sell or offer to sell prepaid calling service to any prepaid calling service retailer unless the prepaid calling service provider has applied for and received a Certificate of Prepaid Calling Service Provider Authority from the Illinois Commerce Commission pursuant to the Public Utilities Act and the prepaid calling service provider or prepaid calling

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service reseller shows proof of the prepaid calling service provider's Certificate of Prepaid Calling Service Provider Authority to the prepaid calling service retailer.

(c) On and after July 1, 2005, it is an unlawful practice under this Act for any prepaid calling service retailer to sell or offer to sell prepaid calling service to any consumer unless the prepaid calling service retailer retains proof of certification of the prepaid calling service provider by the Illinois Commerce Commission pursuant to the Public Utilities Act. The prepaid calling service retailer must retain proof of certification for one year or the duration of the contract with the reseller, whichever is longer. A prepaid calling service retailer with multiple locations selling prepaid calling cards under contract with a prepaid calling service provider may keep the certification at a central location provided, however, that the prepaid calling service retailer make a copy of the certification available upon reasonable request within 48 hours.

(d) On and after July 1, 2005, no prepaid calling service provider or prepaid calling service reseller shall sell or offer to sell prepaid calling service, as those terms are defined in Article XIII of the Public Utilities Act, to any Illinois consumer, either directly or through a prepaid calling service retailer, unless the following disclosures are made clearly and conspicuously:

(1) At a minimum, the following terms and conditions shall be disclosed clearly and conspicuously on the prepaid calling card, if applicable:

(A) the full name of the Prepaid Calling Service Provider as certificated by the Illinois Commerce Commission;

(B) the toll-free customer service number;

(C) an access number that is toll-free or a number local to the prepaid calling retailer; and

(D) the refund policy or a statement that the refund policy is located on the packaging materials.

(2) At a minimum, all the material terms and conditions pertaining to the specific prepaid calling card shall be disclosed clearly and conspicuously on the packaging materials accompanying the prepaid calling card including, but not limited to, the following, if applicable:

(A) the value of the card in minutes or the domestic rate per minute of the card;

New matter indicated by italics - deletions by strikeout.
(B) all surcharges and fees applicable to the use of the domestic prepaid calling service;

(C) all applicable rates for international preferred destinations;

(D) all applicable surcharges and fees for international preferred destinations;

(E) a disclosure statement indicating that all rates, surcharges, and fees applicable to international calls are available through the toll-free customer service number and a statement disclosing if international rates vary from domestic rates; and

(F) the expiration policy.

(3) At a minimum, the following information shall be disclosed clearly and conspicuously and accurately through the toll-free customer service telephone number through which the customer is able to speak with a live customer service representative:

(A) the Illinois Commerce Commission certificate number of the Prepaid Calling Service Provider;

(B) all applicable rates, terms, surcharges, and fees for domestic and international calls;

(C) all information necessary to determine the cost of a given call;

(D) the balance of use in the consumer's account;

and

(E) the applicable expiration date or period.

The disclosures required under this subsection (d) do not apply to the recharging of dollars or minutes to a previously purchased card allowing prepaid calling service.


Effective January 1, 2005.

PUBLIC ACT 93-1003
(Senate Bill No. 2768)

AN ACT concerning health facilities.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Assisted Living and Shared Housing Act is amended by changing Sections 10, 40, 55, 76, 110, and 125 as follows:

(210 ILCS 9/10)

Sec. 10. Definitions. For purposes of this Act:
"Activities of daily living" means eating, dressing, bathing, toileting, transferring, or personal hygiene.
"Advisory Board" means the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board.
"Assisted living establishment" or "establishment" means a home, building, residence, or any other place where sleeping accommodations are provided for at least 3 unrelated adults, at least 80% of whom are 55 years of age or older and where the following are provided consistent with the purposes of this Act:

(1) services consistent with a social model that is based on the premise that the resident's unit in assisted living and shared housing is his or her own home;

(2) community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;

(3) mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative; and

(4) a physical environment that is a homelike setting that includes the following and such other elements as established by the Department in conjunction with the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single occupancy except in cases in which 2 residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.

"Assisted living establishment" or "establishment" does not mean any of the following:

New matter indicated by italics - deletions by strikeout.
(1) A home, institution, or similar place operated by the federal government or the State of Illinois.

(2) A long term care facility licensed under the Nursing Home Care Act. However, a long term care facility may convert distinct parts of the facility to assisted living. If the long term care facility elects to do so, the facility shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.

(3) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

(4) A facility for child care as defined in the Child Care Act of 1969.

(5) A community living facility as defined in the Community Living Facilities Licensing Act.

(6) A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.

(7) A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

(8) A supportive residence licensed under the Supportive Residences Licensing Act.

(9) A life care facility as defined in the Life Care Facilities Act; a life care facility may apply under this Act to convert sections of the community to assisted living.

(10) A free-standing hospice facility licensed under the Hospice Program Licensing Act.

(11) A shared housing establishment.

(12) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

"Department" means the Department of Public Health.

"Director" means the Director of Public Health.

"Emergency situation" means imminent danger of death or serious physical harm to a resident of an establishment.

"License" means any of the following types of licenses issued to an applicant or licensee by the Department:

New matter indicated by italics - deletions by strikeout.
(1) "Probationary license" means a license issued to an applicant or licensee that has not held a license under this Act prior to its application or pursuant to a license transfer in accordance with Section 50 of this Act.

(2) "Regular license" means a license issued by the Department to an applicant or licensee that is in substantial compliance with this Act and any rules promulgated under this Act.

"Licensee" means a person, agency, association, corporation, partnership, or organization that has been issued a license to operate an assisted living or shared housing establishment.

"Licensed health care professional" means a registered professional nurse, an advanced practice nurse, a physician assistant, and a licensed practical nurse.

"Mandatory services" include the following:

(1) 3 meals per day available to the residents prepared by the establishment or an outside contractor;

(2) housekeeping services including, but not limited to, vacuuming, dusting, and cleaning the resident's unit;

(3) personal laundry and linen services available to the residents provided or arranged for by the establishment;

(4) security provided 24 hours each day including, but not limited to, locked entrances or building or contract security personnel;

(5) an emergency communication response system, which is a procedure in place 24 hours each day by which a resident can notify building management, an emergency response vendor, or others able to respond to his or her need for assistance; and

(6) assistance with activities of daily living as required by each resident.

"Negotiated risk" is the process by which a resident, or his or her representative, may formally negotiate with providers what risks each are willing and unwilling to assume in service provision and the resident's living environment. The provider assures that the resident and the resident's representative, if any, are informed of the risks of these decisions and of the potential consequences of assuming these risks.

"Owner" means the individual, partnership, corporation, association, or other person who owns an assisted living or shared housing establishment. In the event an assisted living or shared housing

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establishment is operated by a person who leases or manages the physical plant, which is owned by another person, "owner" means the person who operates the assisted living or shared housing establishment, except that if the person who owns the physical plant is an affiliate of the person who operates the assisted living or shared housing establishment and has significant control over the day to day operations of the assisted living or shared housing establishment, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under this Act.

"Physician" means a person licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches.

"Resident" means a person residing in an assisted living or shared housing establishment.

"Resident's representative" means a person, other than the owner, agent, or employee of an establishment or of the health care provider unless related to the resident, designated in writing by a resident to be his or her representative. This designation may be accomplished through the Illinois Power of Attorney Act, pursuant to the guardianship process under the Probate Act of 1975, or pursuant to an executed designation of representative form specified by the Department.

"Self" means the individual or the individual's designated representative.

"Shared housing establishment" or "establishment" means a publicly or privately operated free-standing residence for 16 or fewer persons, at least 80% of whom are 55 years of age or older and who are unrelated to the owners and one manager of the residence, where the following are provided:

(1) services consistent with a social model that is based on the premise that the resident's unit is his or her own home;

(2) community-based residential care for persons who need assistance with activities of daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident; and

(3) mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or the resident's representative.

New matter indicated by italics - deletions by strikeout.
"Shared housing establishment" or "establishment" does not mean any of the following:

1. A home, institution, or similar place operated by the federal government or the State of Illinois.
2. A long term care facility licensed under the Nursing Home Care Act. A long term care facility may, however, convert sections of the facility to assisted living. If the long term care facility elects to do so, the facility shall retain the Certificate of Need for its nursing beds that were converted.
3. A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.
4. A facility for child care as defined in the Child Care Act of 1969.
5. A community living facility as defined in the Community Living Facilities Licensing Act.
6. A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.
7. A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.
8. A supportive residence licensed under the Supportive Residences Licensing Act.
9. A life care facility as defined in the Life Care Facilities Act; a life care facility may apply under this Act to convert sections of the community to assisted living.
10. A free-standing hospice facility licensed under the Hospice Program Licensing Act.
11. An assisted living establishment.
12. A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

"Total assistance" means that staff or another individual performs the entire activity of daily living without participation by the resident.
(Source: P.A. 91-656, eff. 1-1-01.)
(210 ILCS 9/40)

New matter indicated by italics - deletions by strikeout.
Sec. 40. Probationary licenses. If the applicant has not been previously licensed under this Act or if the establishment is not in operation at the time the application is made and if the Department determines that the applicant meets the licensure requirements of this Act, the Department shall may issue a probationary license. A probationary license shall be valid for 120 days unless sooner suspended or revoked. Within 30 days prior to the termination of a probationary license, the Department shall fully and completely review the establishment and, if the establishment meets the applicable requirements for licensure, shall issue a license. If the Department finds that the establishment does not meet the requirements for licensure, but has made substantial progress toward meeting those requirements, the license may be renewed once for a period not to exceed 120 days from the expiration date of the initial probationary license.

(Source: P.A. 91-656, eff. 1-1-01.)

(210 ILCS 9/55)

Sec. 55. Grounds for denial of a license. An application for a license may be denied for any of the following reasons:

(1) failure to meet any of the standards set forth in this Act or by rules adopted by the Department under this Act;

(2) conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or if a corporation, the conviction of the corporation or any of its officers or stockholders, or of the person designated to manage or supervise the establishment, of a felony or of 2 or more misdemeanors involving moral turpitude during the previous 5 years as shown by a certified copy of the record of the court of conviction;

(3) personnel insufficient in number or unqualified by training or experience to properly care for the residents;

(4) insufficient financial or other resources to operate and conduct the establishment in accordance with standards adopted by the Department under this Act;

(5) revocation of a license during the previous 5 years, if such prior license was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant; or any affiliate of the individual applicant or controlling owner of the applicant and such individual applicant, controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license; provided, however, that the denial of an

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application for a license pursuant to this Section must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of meeting or maintaining an establishment in accordance with the standards and rules adopted by the Department under this Act; or

(6) the establishment is not under the direct supervision of a full-time director, as defined by rule.

The Department shall deny an application for a license if 6 months after submitting its initial application the applicant has not provided the Department with all of the information required for review and approval or the applicant is not actively pursuing the processing of its application. In addition, the Department shall determine whether the applicant has violated any provision of the Nursing Home Care Act.

(Source: P.A. 91-656, eff. 1-1-01.)

(210 ILCS 9/76)
Sec. 76. Vaccinations. Pneumonia shots.

(a) Before a prospective resident's admission to an assisted living establishment or a shared housing establishment that does not provide medication administration as an optional service, the establishment shall advise the prospective resident to consult a physician to determine whether the prospective resident should obtain a vaccination against pneumococcal pneumonia or influenza, or both.

(b) An assisted living establishment or shared housing establishment that provides medication administration as an optional service shall annually administer a vaccination against influenza to each resident, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination, unless the vaccination is medically contraindicated or the resident has refused the vaccine. Influenza vaccinations for all residents age 65 or over shall be completed by November 30 of each year or as soon as practicable if vaccine supplies are not available before November 1. Residents admitted after November 30, during the flu season, and until February 1 shall, as medically appropriate, receive an influenza vaccination prior to or upon admission or as soon as practicable if vaccine supplies are not available at the time of the admission, unless the vaccine is medically contraindicated or the resident has refused the vaccine. In the event that the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention determines that dates of administration

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other than those stated in this Section are optimal to protect the health of residents, the Department is authorized to adopt rules to require vaccinations at those times rather than the times stated in this Section. An establishment shall document in the resident's medication record that an annual vaccination against influenza was administered, refused, or medically contraindicated.

An assisted living establishment or shared housing establishment that provides medication administration as an optional service shall administer or arrange for administration of a pneumococcal vaccination to each resident who is age 65 or over, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, who has not received this immunization prior to or upon admission to the establishment, unless the resident refuses the offer for vaccination or the vaccination is medically contraindicated. An establishment shall document in each resident's medication record that a vaccination against pneumococcal pneumonia was offered and administered, refused, or medically contraindicated.

(Source: P.A. 92-562, eff. 6-24-02.)

(210 ILCS 9/110)

Sec. 110. Powers and duties of the Department.

(a) The Department shall conduct an annual unannounced on-site visit at each assisted living and shared housing establishment to determine compliance with applicable licensure requirements and standards. Additional visits may be conducted without prior notice to the assisted living or shared housing establishment.

(b) Upon receipt of information that may indicate the failure of the assisted living or shared housing establishment or a service provider to comply with a provision of this Act, the Department shall investigate the matter or make appropriate referrals to other government agencies and entities having jurisdiction over the subject matter of the possible violation. The Department may also make referrals to any public or private agency that the Department considers available for appropriate assistance to those involved. The Department may oversee and coordinate the enforcement of State consumer protection policies affecting residents residing in an establishment licensed under this Act.

(c) The Department shall establish by rule complaint receipt, investigation, resolution, and involuntary residency termination procedures. Resolution procedures shall provide for on-site review and

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evaluation of an assisted living or shared housing establishment found to be in violation of this Act within a specified period of time based on the gravity and severity of the violation and any pervasive pattern of occurrences of the same or similar violations.

(d) The Governor shall establish an Assisted Living and Shared Housing Standards and Quality of Life Advisory Board.

(e) The Department shall by rule establish penalties and sanctions, which shall include, but need not be limited to, the creation of a schedule of graduated penalties and sanctions to include closure.

(f) The Department shall by rule establish procedures for disclosure of information to the public, which shall include, but not be limited to, ownership, licensure status, frequency of complaints, disposition of substantiated complaints, and disciplinary actions.

(g) (Blank). The Department shall cooperate with, seek the advice of, and collaborate with the Assisted Living and Shared Housing Quality of Life Advisory Committee in the Department on Aging on matters related to the responsibilities of the Committee. Consistent with subsection (d) of Section 125, the Department shall provide to the Department on Aging for distribution to the committee copies of all administrative rules and changes to administrative rules for review and comment prior to notice being given to the public. If the Committee, having been asked for its review, fails to respond within 90 days, the rules shall be considered acted upon.

(h) Beginning January 1, 2000, the Department shall begin drafting rules necessary for the administration of this Act.

(Source: P.A. 91-656, eff. 1-1-01.)

(210 ILCS 9/125)

Sec. 125. Assisted Living and Shared Housing Standards and Quality of Life Advisory Board.

(a) The Governor shall appoint the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board which shall be responsible for advising the Director in all aspects of the administration of the Act. The Board shall give advice to the Department concerning activities of the assisted living ombudsman and all other matters deemed relevant by the Director and to the Director concerning the delivery of personal care services, the unique needs and concerns of seniors residing in housing projects, and all other issues affecting the quality of life of residents.

(b) The Board shall be comprised of the following persons:

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(1) the Director who shall serve as chair, ex officio and nonvoting;
(2) the Director of Aging who shall serve as vice-chair, ex officio and nonvoting;
(3) one representative each of the Departments of Public Health, Public Aid, and Human Services, **the Department on Aging**, the Office of the State Fire Marshal, and the Illinois Housing Development Authority, **and 2 representatives of the Department on Aging**, all nonvoting members;
(4) the State Ombudsman or his or her designee;
(5) one representative of the Association of Area Agencies on Aging;
(6) four members selected from the recommendations by provider organizations whose membership consist of nursing care or assisted living establishments;
(7) one member selected from the recommendations of provider organizations whose membership consists of home health agencies;
(8) two residents of assisted living or shared housing establishments;
(9) three members selected from the recommendations of consumer organizations which engage solely in advocacy or legal representation on behalf of the senior population;
(10) one member who shall be a physician;
(11) one member who shall be a registered professional nurse selected from the recommendations of professional nursing associations; and
(12) two citizen members with expertise in the area of gerontology research or legal research regarding implementation of assisted living statutes; and
(13) two members representing providers of community care services; and
(14) one member representing agencies providing case coordination services.

(c) Members of the Board **appointed under paragraphs (5) through (14) of subsection (b)** created by this Act shall be appointed to serve for terms of 3 years **except as otherwise provided in this Section**. All members shall be appointed by January 1, 2001, **except that the 2 members representing the Department on Aging appointed under paragraph (3) of**

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subsection (b) and the members appointed under paragraphs (13) and (14)
of subsection (b) shall be appointed by January 1, 2005. One third of the
Board members' initial terms shall expire in one year; one third in 2 years,
and one third in 3 years. Of the 3 members appointed under paragraphs
(13) and (14) of subsection (b), one shall serve for an initial term of one
year, one shall serve for an initial term of 2 years, and one shall serve for
an initial term of 3 years. A member's term does not expire until a
successor is appointed by the Governor. Any member appointed to fill a
vacancy occurring prior to the expiration of the term for which his or her
predecessor was appointed shall be appointed for the remainder of that
term. The Board shall meet at the call of the Director. The affirmative vote
of 10 9 members of the Board shall be necessary for Board action.
Members of this Board shall receive no compensation for their services,
however, resident members shall be reimbursed for their actual expenses.

(d) The Board shall be provided copies of all administrative rules
and changes to administrative rules for review and comment prior to
notice being given to the public. If the Board, having been asked for its
review, fails to advise the Department within 90 days, the rules shall be
considered acted upon.

(Source: P.A. 91-656, eff. 1-1-01.)

(210 ILCS 9/130 rep.)

Section 6. The Assisted Living and Shared Housing Act is
amended by repealing Section 130.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1004
(House Bill No. 2587)

AN ACT concerning the Department of Transportation.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Department of Transportation Law of the Civil
Administrative Code of Illinois is amended by adding Section 2705-321 as
follows:

(20 ILCS 2705/2705-321 new)

New matter indicated by italics - deletions by strikeout.

(a) Subject to appropriation, the Department of Transportation shall establish the Illinois Transit Ridership and Economic Development (TRED) Pilot Project Program to build transit systems that more effectively address the needs of Illinois workers, families, and businesses. The Illinois TRED Pilot Project Program shall provide for new or expanded mass transportation service and facilities, including rapid transit, rail, bus, and other equipment used in connection with mass transit, by the State, a public entity, or 2 or more of these entities authorized to provide and promote public transportation in order to increase the level of service available in local communities, as well as improve the quality of life and economic viability of the State of Illinois.

The Illinois TRED Pilot Project Program expenditures for mass transportation service and facilities within the State must:

1. Improve the economic viability of Illinois by facilitating the transportation of Illinois residents to places of employment, to educational facilities, and to commercial, medical, and shopping districts.

2. Increase the frequency and reliability of public transit service.

3. Facilitate the movement of all persons, including those persons who, because of age, economic circumstance, or physical infirmity, are unable to drive.

4. Contribute to an improved environment through the reduction of air, water, and noise pollution.

(b) Under the Illinois TRED Pilot Project Program, subject to appropriation, the Department shall fund each fiscal year, in coordination and consultation with other government agencies that provide or fund transportation services, the Illinois Public Transportation Association, and transit advocates, projects as specified in subsection (c). Total funding for each project shall not exceed $500,000 and the funding for all projects shall not exceed $4,500,000. The Department shall submit annual reports to the General Assembly by March 1 of each fiscal year regarding the status of these projects, including service to constituents including local businesses, seniors, and people with disabilities, costs, and other appropriate measures of impact.

(c) Subject to appropriation, the Department shall make grants to any of the following in order to create:

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(1) Two demonstration projects for the Chicago Transit Authority to increase services to currently underserved communities and neighborhoods, such as, but not limited to, Altgeld Gardens, Pilsen, and Lawndale.

(2) (Blank.)

(3) The Intertownship Transportation Program for Northwest Suburban Cook County, which shall complement existing Pace service and involve cooperation of several townships to provide transportation services for senior and disabled residents across village and township boundaries that is currently not provided by Pace and by individual townships and municipalities.

(4) RIDES transit services to Richland and Lawrence Counties to extend transit services into Richland and Lawrence Counties and enhance service in Wayne, Edwards, and Wabash Counties that share common travel patterns and needs with Lawrence and Richland counties. Funding shall be used to develop a route structure that shall coordinate social service and general public requirements and obtain vehicles to support the additional service.

(5) Peoria Regional Transportation Initiative, which shall fund the development of a plan to create a regional transportation service in the Peoria-Pekin MSA that integrates and expands the existing services and that would allow local leaders to develop a funding plan and a timetable to secure final political approval. The plan is intended to facilitate regional economic development and provide greater mobility to workers, senior citizens, and people with disabilities.

(6) Rock Island MetroLINK/Black Hawk College Coordination Project, which shall increase mobility for lower income students to access educational services and job training on the metropolitan bus system, which will better link community college students with transportation alternatives.

(7) The West Central Transit District to serve Scott and Morgan Counties. Funding shall be used to develop a route structure that shall coordinate social service and general public requirements and obtain vehicles to support the service.

(8) Additional community college coordination projects, which shall increase mobility for lower income students to access educational services and job training on any Champaign-Urbana

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MTD and Danville Mass Transit bus routes, which will better link community college students with transportation alternatives.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1005
*Senate Bill No. 0132*

AN ACT in relation to county government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 3-3013 as follows:

(55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

Sec. 3-3013. Preliminary investigations; blood and urine analysis; summoning jury. Every coroner, whenever, as soon as he knows or is informed that the dead body of any person is found, or lying within his county, whose death is suspected of being:

(a) A sudden or violent death, whether apparently suicidal, homicidal or accidental, including but not limited to deaths apparently caused or contributed to by thermal, traumatic, chemical, electrical or radiational injury, or a complication of any of them, or by drowning or suffocation, or as a result of domestic violence as defined in the Illinois Domestic Violence Act of 1986;

(b) A maternal or fetal death due to abortion, or any death due to a sex crime or a crime against nature;

(c) A death where the circumstances are suspicious, obscure, mysterious or otherwise unexplained or where, in the written opinion of the attending physician, the cause of death is not determined;

(d) A death where addiction to alcohol or to any drug may have been a contributory cause; or

(e) A death where the decedent was not attended by a licensed physician; shall go to the place where the dead body is, and take charge of the same and shall make a preliminary investigation into the circumstances of the death. In the case of death without attendance by a licensed physician the

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body may be moved with the coroner's consent from the place of death to a mortuary in the same county. Coroners in their discretion shall notify such physician as is designated in accordance with Section 3-3014 to attempt to ascertain the cause of death, either by autopsy or otherwise.

In cases of accidental death involving a motor vehicle in which the decedent was (1) the operator or a suspected operator of a motor vehicle, or (2) a pedestrian 16 years of age or older, the coroner shall require that a blood specimen of at least 30 cc., and if medically possible a urine specimen of at least 30 cc. or as much as possible up to 30 cc., be withdrawn from the body of the decedent in a timely fashion within 6 hours of the accident causing his death, by such physician as has been designated in accordance with Section 3-3014, or by the coroner or deputy coroner or a qualified person designated by the direction of such physician, coroner, or deputy coroner. If the county does not maintain laboratory facilities for making such analysis, the blood and urine so drawn shall be sent to the Department of State Police or any other accredited or State-certified laboratory for analysis, when necessary, of the alcohol, carbon monoxide, and dangerous or narcotic drug content of such blood and urine specimens. Each specimen submitted shall be accompanied by pertinent information concerning the decedent upon a form prescribed by such laboratory. Department. If the analysis is performed in county laboratory facilities, the coroner shall forward the results of each analysis and pertinent information concerning the decedent to the Department of Public Health upon a form prescribed by such Department. The coroner causing the blood and urine to be withdrawn shall be notified of the results of any analysis made by the Department of State Police and the Department of Public Health shall keep a record of the results of all such examinations to be used for statistical purposes. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the Department of Public Health. Any person drawing blood and urine and any person making any examination of the blood and urine under the terms of this Division shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed. The coroner shall be paid a fee of $10 by the Department of Public Health for each acceptable set of blood and urine specimens sent to the Department of State Police forensic science laboratory accompanied by the required form or for each report of analysis performed by a county laboratory furnished upon the required form. Upon
collection, the coroner shall pay the fee over to the county treasurer for deposit in the general fund of the county.

In all other cases coming within the jurisdiction of the coroner and referred to in subparagraphs (a) through (e) above, blood, and whenever possible, urine samples shall be analyzed for the presence of alcohol and other drugs. When the coroner suspects that drugs may have been involved in the death, either directly or indirectly, a toxicological examination shall be performed which may include analyses of blood, urine, bile, gastric contents and other tissues. When the coroner suspects a death is due to toxic substances, other than drugs, the coroner shall consult with the toxicologist prior to collection of samples. Information submitted to the toxicologist shall include information as to height, weight, age, sex and race of the decedent as well as medical history, medications used by and the manner of death of decedent.

Except in counties that have a jury commission, in cases of apparent suicide, homicide, or accidental death or in other cases, within the discretion of the coroner, the coroner shall summon 8 persons of lawful age from those persons drawn for petit jurors in the county. The summons shall command these persons to present themselves personally at such a place and time as the coroner shall determine, and may be in any form which the coroner shall determine and may incorporate any reasonable form of request for acknowledgement which the coroner deems practical and provides a reliable proof of service. The summons may be served by first class mail. From the 8 persons so summoned, the coroner shall select 6 to serve as the jury for the inquest. Inquests may be continued from time to time, as the coroner may deem necessary. The 6 jurors selected in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the original jurors shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. A juror serving pursuant to this paragraph shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county. The coroner shall furnish to each juror without fee at the time of his discharge a certificate of the number of days in attendance at an inquest, and, upon being presented with such certificate, the county treasurer shall pay to the juror the sum provided for his services.

In counties which have a jury commission, in cases of apparent suicide or homicide or of accidental death, the coroner shall, and in other cases in his discretion may, conduct an inquest. The jury commission shall

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provide at least 8 jurors to the coroner, from whom the coroner shall select any 6 to serve as the jury for the inquest. Inquests may be continued from time to time as the coroner may deem necessary. The 6 jurors originally chosen in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the 6 jurors originally chosen shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. At the coroner's discretion, additional jurors to fill such vacancies shall be supplied by the jury commission. A juror serving pursuant to this paragraph in such county shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county.

In addition, in every case in which domestic violence is determined to be a contributing factor in a death, the coroner shall report the death to the Department of State Police.

All deaths in State institutions and all deaths of wards of the State in private care facilities or in programs funded by the Department of Human Services under its powers relating to mental health and developmental disabilities or alcoholism and substance abuse or funded by the Department of Children and Family Services shall be reported to the coroner of the county in which the facility is located. If the coroner has reason to believe that an investigation is needed to determine whether the death was caused by maltreatment or negligent care of the ward of the State, the coroner may conduct a preliminary investigation of the circumstances of such death as in cases of death under circumstances set forth in paragraphs (a) through (e) of this Section.

(Source: P.A. 91-521, eff. 1-1-00.)

Effective January 1, 2005.

PUBLIC ACT 93-1006
(Senate Bill No. 0984)

AN ACT in relation to labor relations.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Labor Relations Act is amended by changing Section 15 as follows:

(5 ILCS 315/15) (from Ch. 48, par. 1615)

New matter indicated by italics - deletions by strikeout.
Sec. 15. Act Takes Precedence. (a) In case of any conflict between the provisions of this Act and any other law, executive order or administrative regulation relating to wages, hours and conditions of employment and employment relations, the provisions of this Act or any collective bargaining agreement negotiated thereunder shall prevail and control. Nothing in this Act shall be construed to replace or diminish the rights of employees established by Sections 28 and 28a of the Metropolitan Transit Authority Act, Sections 2.15 through 2.19 of the Regional Transportation Authority Act. Nothing in this Act shall be construed to replace the necessity of complaints against a sworn peace officer, as defined in Section 2(a) of the Uniform Peace Officer Disciplinary Act, from having a complaint supported by a sworn affidavit.

(b) Except as provided in subsection (a) above, any collective bargaining contract between a public employer and a labor organization executed pursuant to this Act shall supersede any contrary statutes, charters, ordinances, rules or regulations relating to wages, hours and conditions of employment and employment relations adopted by the public employer or its agents. Any collective bargaining agreement entered into prior to the effective date of this Act shall remain in full force during its duration.

(c) It is the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the provisions of this Act are the exclusive exercise by the State of powers and functions which might otherwise be exercised by home rule units. Such powers and functions may not be exercised concurrently, either directly or indirectly, by any unit of local government, including any home rule unit, except as otherwise authorized by this Act.

(Source: P.A. 83-1012.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1007
(Senate Bill No. 2175)

AN ACT concerning municipalities.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Section 5-2-12 and by adding Section 7-3-6.2 as follows:

(65 ILCS 5/5-2-12) (from Ch. 24, par. 5-2-12)
Sec. 5-2-12. Aldermen or trustees elected at large; vacancies; mayor or president to preside.

(a) If a city or village adopts the managerial form of municipal government but does not elect to choose aldermen or trustees from wards or districts, then the following provisions of this Section shall be applicable.

(b) The city council shall be elected at large. In cities of less than 50,000 population, the council shall consist of (i) the mayor and 4 councilmen or (ii) the mayor and 6 councilmen if the size of the city council is increased under subsection (k). In cities of at least 50,000 but less than 100,000 population, the council shall consist of the mayor and 6 councilmen. In cities of at least 100,000 but not more than 500,000 population, the council shall consist of the mayor and 8 councilmen.

(c) Except in villages that were governed by Article 4 immediately before the adoption of the managerial form of municipal government, the village board shall be elected at large and shall consist of a president and the number of trustees provided for in Section 5-2-15 or 5-2-17, whichever is applicable.

(d) The term of office of the mayor and councilmen shall be 4 years, provided that in cities of less than 50,000, the 2 councilmen receiving the lowest vote at the first election shall serve for 2 years only; in cities of at least 50,000 but less than 100,000, the 3 councilmen receiving the lowest vote at the first election shall serve for 2 years only; and in cities of at least 100,000 but not more than 500,000, the 4 councilmen receiving the lowest vote at the first election shall serve for 2 years only.

(e) The election of councilmen shall be every 2 years. After the first election, only 2 councilmen in cities of less than 50,000, 3 councilmen in cities of at least 50,000 but less than 100,000, or 4 councilmen in cities of at least 100,000 but not more than 500,000, shall be voted for by each elector at the primary elections, and only 2, 3, or 4 councilmen, as the case may be, shall be voted for by each elector at each biennial general municipal election, to serve for 4 years.

(f) In addition to the requirements of the general election law, the ballots shall be in the form set out in Section 5-2-13. In cities with less

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than 50,000, the form of ballot prescribed in Section 5-2-13 shall be further modified by printing in the place relating to councilmen the words "Vote for Two", or "Vote for Three" if the size of the city council is increased under subsection (k), instead of the words "Vote for Four". In cities of at least 50,000 but less than 100,000, the ballot shall be modified in that place by printing the words "Vote for Three" instead of the words "Vote for Four". Sections 4-3-5 through 4-3-18, insofar as they may be applicable, shall govern the election of a mayor and councilmen under this Section.

(g) If a vacancy occurs in the office of mayor or councilman, the remaining members of the council, within 60 days after the vacancy occurs, shall fill the vacancy by appointment of some person to the office for the balance of the unexpired term or until the vacancy is filled by interim election under Section 3.1-10-50, and until the successor is elected and has qualified.

(h) Except in villages that were governed by Article 4 immediately before the adoption of the managerial form of municipal government, in villages that have adopted this Article 5 the term of office of the president, the number of trustees to be elected, their terms of office, and the manner of filling vacancies shall be governed by Sections 5-2-14 through 5-2-17.

(i) Any village that adopts the managerial form of municipal government under this Article 5 and that, immediately before that adoption, was governed by the provisions of Article 4, shall continue to elect a mayor and 4 commissioners in accordance with Sections 4-3-5 through 4-3-18, insofar as they may be applicable, except that the 2 commissioners receiving the lowest vote among those elected at the first election after this Article 5 becomes effective in the village shall serve for 2 years only. After that first election, the election of commissioners shall be every 2 years, and 2 commissioners shall be elected at each election to serve for 4 years.

(j) The mayor or president shall preside at all meetings of the council or board and on all ceremonial occasions.

(k) In cities of less than 50,000 population, the city council may, by ordinance, provide that the city council shall, after the next biennial general municipal election, consist of 6 instead of 4 councilmen. If the size of the council is increased to 6 councilmen, then at the next biennial general municipal election, the electors shall vote for 4 instead of 2 councilmen. Of the 4 councilmen elected at that next election, the one

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receiving the lowest vote at that election shall serve a 2-year term. Thereafter, all terms shall be for 4 years.
(Source: P.A. 87-1119.)

(65 ILCS 5/7-3-6.2 new)

Sec. 7-3-6.2. Split lots. Notwithstanding any other provision of this Code, the owner or owners of record of a split residential lot may disconnect a portion of the lot which (i) is a residentially zoned and platted lot currently lying partially within the corporate limits of and governed by 2 or more municipalities or lying within the unincorporated area of a county and also within the corporate limits of one or more municipalities, and contains less than 20 acres; (ii) is located on the border of the municipality; and (iii) if disconnected, will not result in the isolation of any part of the municipality from the remainder of the municipality. The owner or owners seeking to disconnect a portion of a split lot from a municipality must petition the court in the manner provided in Section 7-3-6 of this Code. In determining whether a lot shall be disconnected under this Section, the court may consider the following:
(i) if disconnected, the growth prospects and planning and zoning ordinances, if any, of the municipality will not be unreasonably disrupted;
(ii) if disconnected, no substantial disruption will result to existing municipal service facilities, such as, but not limited to, sewer systems, street lighting, water mains, garbage collection, and fire protection; and
(iii) if disconnected, the municipality will not be unduly harmed through loss of tax revenue in the future.

An area of land, or any part thereof, disconnected under the provisions of this Section from a municipality which was incorporated at least 2 years prior to the date of the filing of the petition for disconnection shall not be subdivided into lots or blocks within one year from the date of disconnection. A plat of any such proposed subdivision shall not be accepted for recording within such one-year period, unless the land comprising such proposed subdivision shall have been thereafter annexed into a municipality.

Effective January 1, 2005.
AN ACT concerning the retail sale of methamphetamine manufacturing chemicals.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Methamphetamine Manufacturing Chemical Retail Sale Control Act.

Section 5. Purpose. The purpose of this Act is to reduce the harm that methamphetamine is inflicting on individuals, families, communities, the economy, and the environment in Illinois by making it more difficult for persons engaged in the unlawful manufacture of methamphetamine to obtain methamphetamine manufacturing chemicals.

Section 10. Definitions. In this Act:

"Methamphetamine manufacturing chemical" has the meaning ascribed to it in subsection (z-1) of Section 102 of the Illinois Controlled Substances Act.

"Targeted methamphetamine manufacturing chemical" and "targeted medications" mean a subset of "methamphetamine manufacturing chemicals". "Targeted methamphetamine manufacturing chemical" means any medication in the form of a tablet, capsule, caplet, or similar product that is sold over the counter, without a prescription, and that contains either (A) more than 15 milligrams of ephedrine or its salts, optical isomers, or salts of optical isomers or (B) more than 15 milligrams of pseudoephedrine or its salts, optical isomers, or salts of optical isomers. "Targeted methamphetamine manufacturing chemical" does not include any medication in the form of a liquid, liquid cap, gel cap, or other similar substance, or any medication dispensed by a licensed pharmacist pursuant to a valid prescription.

"Package" means an item packaged and marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.

"Targeted package" means a package containing any amount of a targeted methamphetamine manufacturing chemical.

"Single active ingredient targeted methamphetamine manufacturing chemical" means a targeted methamphetamine manufacturing chemical whose sole active ingredient is ephedrine or its...
salts, optical isomers, or salts of optical isomers; or pseudoephedrine or its salts, optical isomers, or salts of optical isomers.

"Single active ingredient targeted package" means a package containing any amount of single active ingredient targeted methamphetamine manufacturing chemical.

"Multiple active ingredient targeted methamphetamine manufacturing chemical" means a targeted methamphetamine manufacturing chemical that contains at least one active ingredient other than ephedrine or its salts, optical isomers, or salts of optical isomers; or pseudoephedrine or its salts, optical isomers, or salts of optical isomers.

"Multiple active ingredient targeted package" means a package containing any amount of multiple active ingredient targeted methamphetamine manufacturing chemical.

"Stock keeping unit" or "SKU" means the primary or basic unit of measure assigned to an item sold by a retail distributor and the smallest unit of an item that may be dispensed from a retail distributor's inventory.

"Targeted stock keeping unit" means a stock keeping unit assigned to a targeted package.

"Blister pack" means a unit dose package commonly constructed from a formed cavity containing one or more individual doses.

"Capsule" means a solid dosage form in which a medicinal substance is enclosed and consisting of either a hard or soft soluble outer shell.

"Customer" means a person who buys goods from a retail distributor.

"Distribute" means to sell, give, provide or otherwise transfer.

"Dosage unit" means an exact amount of a drug's treatment pre-packaged by the manufacturer or pharmacist in standardized amounts.

"Sales employee" means any employee who at any time (a) operates a cash register at which targeted packages may be sold, (b) works at or behind a pharmacy counter, (c) stocks shelves containing targeted packages, or (d) trains or supervises other employees who engage in any of the preceding activities.

"Tablet" means a solid dosage form of varying weight, size, and shape that may be molded or compressed and that contains a medicinal substance in pure or diluted form.

"Single retail transaction" means a sale by a retail distributor to a specific customer at a specific time.
"Retail distributor" means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine manufacturing chemicals are limited exclusively or almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

Section 15. Package sale restrictions.
(a) Any targeted methamphetamine manufacturing chemical displayed or distributed by any retail distributor in Illinois shall be packaged in blister packs, with each blister containing not more than 2 dosage units, or when the use of blister packs is technically infeasible, in unit dose packets or pouches.
(b) Any targeted package displayed or distributed by any retail distributor in Illinois shall contain no more than 3 grams of ephedrine or its salts, optical isomers, or salts of optical isomers; or pseudoephedrine or its salts, optical isomers, or salts of optical isomers.
(c) A retail distributor may not distribute more than 2 targeted packages in a single retail transaction.
(d) A retail distributor may not permit the purchase of any targeted package by means of a self-service checkout station, unless the self-service checkout station is programmed in a manner that satisfies all of the following conditions for each retail transaction:
   (1) When a particular customer seeks to purchase a single targeted package, the self-service checkout station may allow him or her to do so without any special prompts or actions.
   (2) If the customer seeks to purchase a second targeted package, the self-service checkout station shall not allow him or her to purchase the second targeted package without the assistance of a sales employee. If the customer then seeks the assistance of a sales employee, the sales employee may instruct the self-service checkout station to allow the sale of the second targeted package.
   (3) If the customer seeks to purchase a third targeted package, neither the self-service checkout station nor the store employee shall allow him or her to do so.
   (e) A retail distributor, its employees, or its agents may not distribute any targeted package or packages with knowledge that they will be used to manufacture methamphetamine or with reckless disregard of the likely use of such package or packages to manufacture methamphetamine.

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Section 20. Display and sale of single active ingredient targeted packages. All single active ingredient targeted packages must be displayed behind a store counter, in an area not accessible to customers, or in a locked case so that a customer wanting access to the packages must ask a store employee for assistance.

Section 25. Display and sale of multiple active ingredient targeted packages.

(a) Except as provided in subsection (b), every retail distributor must treat multiple active ingredient targeted packages in at least one of the following 4 ways:

(1) The retail distributor may display the multiple active ingredient targeted packages behind a store counter, in an area not accessible to customers;

(2) The retail distributor may display the multiple active ingredient targeted packages in a locked case so that a customer wanting access to the packages must ask a store employee for assistance;

(3) The retail distributor may (i) require that any customer purchasing a targeted package produce a state-issued photo identification featuring a photograph that reasonably resembles the customer making the purchase, and (ii) record the name, issuing state, and official identification number of the customer into a log specially designed and designated for this purpose; or

(4) The retail distributor may comply with this Section by adopting at least 2 of the following options:

(A) The retail distributor may keep multiple active ingredient targeted packages within 30 feet and the direct line of sight of a cash register or store counter staffed by one or more store employees.

(B) The retail distributor may employ a reliable anti-theft device that uses special package tags and detection alarms designed to prevent the theft of multiple active ingredient targeted packages from the retail distributor's place of business.

(C) The retail distributor may utilize restricted access shelving so that (i) only one multiple active ingredient targeted package can be removed from the shelf at a time, and (ii) there is a delay of 15 seconds or more
between the time one such package is removed and the time the next such package can be removed from the shelf.

(D) The retail distributor may keep multiple active ingredient targeted packages under constant video surveillance in a manner that satisfies the following conditions:

(i) A video camera must be positioned so that persons examining or removing the packages are visible;
(ii) The video camera must, at a minimum, record a one-second image every 10 seconds;
(iii) These images must be preserved for a minimum of 72 hours;
(iv) These images must be available to law enforcement authorities immediately upon request; and
(v) The retail distributor must post a sign in a prominent manner stating that the area is under constant video surveillance.

(b) A retail distributor that complies with this Section by adopting 2 of the options listed in paragraph (4) of subsection (a) of this Section must implement the first of the 2 chosen options by the effective date of this Act and the second of the 2 chosen options within 180 days of the effective date of this Act.

If the retail distributor's first chosen option is to employ anti-theft devices as described in clause (a)(4)(B) of this Section, the retailer shall ensure that special package tags are affixed to at least 50 percent of the targeted packages for each targeted stock keeping unit (SKU) by the effective date of the Act, and that special package tags are affixed to all targeted packages within 180 days of the effective date of this Act. If the retail distributor's second chosen option is to employ anti-theft devices as described in clause (a)(4)(B) of this Section, the retail distributor shall ensure that special package tags are affixed to all targeted packages within 180 days of the effective date of this Act.

Section 30. Training and certification.

(a) Every retail distributor of any targeted methamphetamine manufacturing chemical shall train each sales employee on the topics listed on the certification form described in subsection (b) of this Section. This training may be conducted by a live trainer or by means of a

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computer-based training program. This training shall be completed by the effective date of this Act or within 30 days of the date that each sales employee begins working for the retail distributor, whichever of these 2 dates comes later.

(b) Immediately after training each sales employee as required in subsection (a) of this Section, every retail distributor of any targeted methamphetamine manufacturing chemical shall have each sales employee read, sign, and date a certification form containing the following language:

(1) My name is (insert name of employee) and I am an employee of (insert name of business) at (insert street address).

(2) I understand that in Illinois there are laws governing the sale of certain over-the-counter medications that contain a chemical called ephedrine or a second chemical called pseudoephedrine. Medications that are subject to these laws are called "targeted medications" and they are sold in "targeted packages".

(3) I understand that "targeted medications" can be used to manufacture the illegal and dangerous drug methamphetamine and that methamphetamine is causing great harm to individuals, families, communities, the economy, and the environment throughout Illinois.

(4) I understand that under Illinois law, the store where I work is not allowed to sell more than 2 "targeted packages" in a single retail transaction. That means the store cannot sell more than 2 "targeted packages" to a single customer at one time.

(5) I understand that under Illinois law, the store where I work cannot allow customers to buy "targeted packages" at self-service check-out lanes, except under certain conditions which have been described to me.

(6) I understand that under Illinois law, I cannot sell "targeted medications" to a person if I know that the person is going to use them to make methamphetamine.

(7) I understand that there are a number of ingredients that are used to make the illegal drug methamphetamine, including "targeted medications" sold in "targeted packages". My employer has shown me a list of these various ingredients, and I have reviewed the list.

(8) I understand that there are certain procedures that I should follow if I suspect that a store customer is purchasing

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"targeted medications" or other products for the purpose of manufacturing methamphetamine. These procedures have been described to me, and I understand them.

(c) A certification form of the type described in subsection (b) of this Section may be signed with a handwritten signature or a reliable electronic signature that includes, a unique identifier for each employee. The certification shall be retained by the retail distributor for each sales employee for the duration of his or her employment and for at least 30 days following the end of his or her employment. Any such form shall be made available for inspection and copying by any law enforcement officer upon request.

(d) The office of the Illinois Attorney General shall make available to retail distributors the list of methamphetamine ingredients referred to in subsection (b) of this Section.

Section 35. Violations.

(a) An individual who violates any provision of this Act is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(b) Except as provided in subsections (c) and (d) of this Section, the owner and the operator of a retail distributor that violates any provision of this Act are guilty of a business offense and subject to a fine of:
   (1) $500 for a first offense;
   (2) $1,000 for a second offense occurring at the same retail location as and within 3 years of the prior offense; and
   (3) $5,000 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses.

(c) Any retail distributor that seeks to comply with subsection (c) of Section 15 of this Act by installing automated cash register prompts informing sales employees when the two-package limit described in subsection (c) of Section 15 of this Act has been exceeded shall be subject to all of the penalties described in subsection (b) of this Section except as follows: The owner and the operator of a retail distributor that violates subsection (b) or subsection (c) of Section 30 of this Act are guilty of a business offense and subject to a fine of:
   (1) $100 for a first offense;
   (2) $200 for a second offense occurring at the same retail location as and within 3 years of the prior offense;
   (3) $500 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses;

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(4) $1,000 for a fourth offense occurring at the same retail location as and within 3 years of the prior offenses; and
(5) $5,000 for a fifth offense occurring at the same retail location as and within 3 years of the prior offenses.

(d) The owner and the operator of a retail distributor are not liable for any violation of subsection (c) or subsection (e) of Section 15 of this Act if and only if the owner and the operator:

(1) strictly complied with subsections (a), (b), and (d) of Section 15 of this Act, Sections 20 and 25 of this Act, and subsection (a) of Section 30 of this Act;
(2) made a good-faith effort to ensure compliance with subsections (c) and (e) of Section 15 of this Act;
(3) made a good-faith effort to comply with subsection (b) and subsection (c) of Section 30 of this Act; and
(4) had no advance knowledge of the violation or violations in question and did not act in reckless disregard of the likelihood of such violation or violations.

Section 40. Defense of Necessity. Conduct which would otherwise be an offense under this Act is justifiable by reason of necessity if the accused was without blame in occasioning or developing the situation and reasonably believed such conduct was necessary to avoid a public or private injury greater than the injury which might reasonably result from his or her own conduct.

Section 45. Immunity from civil liability. In the event that any agent or employee of a retail distributor reports to any law-enforcement agency any suspicious activity concerning a targeted methamphetamine manufacturing chemical or other methamphetamine ingredient or ingredients, the agent or employee and the retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct.

Section 50. Special exclusion. If the United States Drug Enforcement Administration has formally certified that a targeted methamphetamine manufacturing chemical has been produced in a manner that prevents its use for the manufacture of methamphetamine, this Act does not apply to the sale of the targeted methamphetamine manufacturing chemical produced in that manner.

Section 55. Relationship to other laws and rules. Nothing in this Act shall be construed to conflict with, contradict, restrict, or in any way

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limit the enforcement of any federal or State law or rule, including but not limited to Section 216 of the Illinois Controlled Substances Act.

Section 60. Preemption and home rule powers.
(a) Except as provided in subsection (b) of this Section, a county or municipality, including a home rule unit, may regulate the sale of targeted methamphetamine manufacturing chemicals and targeted packages in a manner that is not more or less restrictive than the regulation by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(b) Any regulation of the sale of targeted methamphetamine manufacturing chemicals and targeted packages by a home rule unit that took effect on or before May 1, 2004, is exempt from the provisions of subsection (a) of this Section.

Effective January 1, 2005.

PUBLIC ACT 93-1009
(Senate Bill No. 2252)

AN ACT in relation to the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-75 as follows:

(20 ILCS 2105/2105-75) (was 20 ILCS 2105/61f)
Sec. 2105-75. Design professional designers designated Dedicated employees.
There are established within the Department certain design professionals designated dedicated employees. These employees shall be devoted primarily exclusively to the administration and enforcement of the Illinois Architecture Practice Act, the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The design professionals designated dedicated employees that the Director shall employ, in conformity with the Personnel Code, shall include but not be limited to at a minimum shall consist of one full-time Design Licensing Manager Coordinator, one full-time Assistant Licensing Manager Coordinator, 4

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full-time licensing clerks, one full-time attorney, and 2 full-time investigators. These employees shall work primarily exclusively in the licensing and enforcement of the design profession Acts set forth in this Section and may not be used, when available, for the licensing and enforcement of any other Act or other duties in the Department subject to the authorization of the Department.

(Source: P.A. 91-91, eff. 7-9-99; 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

Section 10. The Illinois Architecture Practice Act of 1989 is amended by changing Sections 3, 4, 13, and 36 as follows:

(225 ILCS 305/3) (from Ch. 111, par. 1303)

(Section scheduled to be repealed on January 1, 2010)

Sec. 3. Application of Act. Nothing in this Act shall be deemed or construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989, the practice of professional engineering as defined in the Professional Engineering Practice Act of 1989, or the preparation of documents used to prescribe work to be done inside buildings for non-loadbearing interior construction, furnishings, fixtures and equipment, or the offering or preparation of environmental analysis, feasibility studies, programming or construction management services by persons other than those licensed in accordance with this Act, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.

Nothing contained in this Act shall prevent the draftsmen, students, project representatives and other employees of those lawfully practicing as licensed architects under the provisions of this Act, from acting under the direct supervision and control of their employers, or to prevent the employment of project representatives for enlargement or alteration of buildings or any parts thereof, or prevent such project representatives from acting under the direct supervision and control of the licensed architect by whom the construction documents including drawings and specifications of any such building, enlargement or alteration were prepared.

Nothing in this Act or any other Act shall prevent a licensed registered architect from practicing interior design services. Nothing in this Act shall be construed as requiring the services of an interior designer for the interior designing of a single family residence.

*The involvement of a licensed architect is not required for the following This Act does not apply to any of the following.*

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(A) The building, remodeling or repairing of any building or other structure outside of the corporate limits of any city or village, where such building or structure is to be, or is used for farm purposes, or for the purposes of outbuildings or auxiliary buildings in connection with such farm premises.

(B) The construction, remodeling or repairing of a detached single family residence on a single lot.

(C) The construction, remodeling or repairing of a two-family residence of wood frame construction on a single lot, not more than two stories and basement in height.

(D) Interior design services for buildings which do not involve life safety or structural changes.

However, when an ordinance of a unit of local government requires the involvement of a licensed architect for any buildings included in the preceding paragraphs (A) through (D), the requirements of this Act shall apply. All buildings not included in the preceding paragraphs (A) through (D), including multi-family buildings and buildings previously exempt from the involvement of a licensed architect under those paragraphs but subsequently non-exempt due to a change in occupancy or use, are subject to the requirements of this Act. Interior alterations which result in life safety or structural changes of the building are subject to the requirements of this Act.

(Section scheduled to be repealed on January 1, 2010)

Sec. 4. Definitions. In this Act:

(a) "Department" means the Department of Professional Regulation.

(b) "Director" means the Director of Professional Regulation.

(c) "Board" means the Illinois Architecture Licensing Board appointed by the Director.

(d) "Public health" as related to the practice of architecture means the state of the well-being of the body or mind of the building user.

(e) "Public safety" as related to the practice of architecture means the state of being reasonably free from risk of danger, damage, or injury.

(f) "Public welfare" as related to the practice of architecture means the well-being of the building user resulting from the state of a physical environment that accommodates human activity.

(Source: P.A. 86-702.)
Sec. 13. Qualifications of applicants. Any person who is of good moral character may take an examination for licensure if he or she is a graduate with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board and has completed such diversified professional training, including academic training, as is required by rules of the Department. Until January 1, 2010, in lieu of the requirement of graduation with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board, the Department may admit an applicant who is a graduate with a pre-professional 4 year baccalaureate degree accepted for direct entry into a first professional master of architecture degree program, and who has completed such additional diversified professional training, including academic training, as is required by rules of the Department. The Department may adopt, as its own rules relating to diversified professional training, those guidelines published from time to time by the National Council of Architectural Registration Boards.

Good moral character means such character as will enable a person to discharge the fiduciary duties of an architect to that person's client and to the public in a manner which protects health, safety and welfare. Evidence of inability to discharge such duties may include the commission of an offense justifying discipline under Section 19. In addition, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.

(Source: P.A. 91-133, eff. 1-1-00.)

Sec. 36. Violations. Each of the following Acts constitutes a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense:

(a) the practice, attempt to practice or offer to practice architecture, or the advertising or putting out of any sign or card or other device which might indicate to the public that the person is entitled to practice architecture, without a license as a licensed architect, or registration as a professional design firm issued by the Department. Each day of practicing architecture or attempting to practice architecture, and each instance of offering to practice architecture, constitutes a separate violation.

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architecture, without a license as a licensed architect or registration as a professional design firm constitutes a separate offense;

(b) the making of any wilfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act;

(c) the affixing of a licensed architect's seal to any construction documents which have not been prepared by that architect or under the architect's direct supervision and control;

(d) the violation of any provision of this Act or its rules;

(e) using or attempting to use an expired, inactive, suspended, or revoked license, or the certificate or seal of another, or impersonating another licensee;

(f) obtaining or attempting to obtain a license or registration by fraud; or

(g) If any person, sole proprietorship, professional service corporation, limited liability company, corporation or partnership, or other entity practices architecture or advertises or displays any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as an architect or use the title "architect" or any of its derivations unless the person or other entity holds an active license as an architect or registration as a professional design firm in the State; then, in addition to any other penalty provided by law any person or other entity who violates this subsection (g) shall forfeit and pay to the Design Professionals Administration and Investigation Fund a civil penalty in an amount determined by the Department of not more than $5,000 for each offense.

An unlicensed person who has completed the education requirements, is actively participating in the diversified professional training, and maintains in good standing a training record as required for licensure by this Act may use the title "architectural intern", but may not engage in the practice of architecture.

(Source: P.A. 88-428.)

Effective January 1, 2005.
AN ACT concerning professional regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Physical Therapy Act is amended by changing Sections 1, 2, 16.5, 17, 31, and 32.2 as follows:

(225 ILCS 90/1) (from Ch. 111, par. 4251)

Section scheduled to be repealed on January 1, 2006

Sec. 1. Definitions. As used in this Act:

1. "Physical therapy" means the evaluation or treatment of a person by the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air; and the use of therapeutic massage, therapeutic exercise, mobilization, and the rehabilitative procedures with or without assistive devices for the purposes of preventing, correcting, or alleviating a physical or mental disability, or promoting physical fitness and well-being. Physical therapy includes, but is not limited to: (a) performance of specialized tests and measurements, (b) administration of specialized treatment procedures, (c) interpretation of referrals from physicians, dentists, advanced practice nurses, physician assistants, and podiatrists, (d) establishment, and modification of physical therapy treatment programs, (e) administration of topical medication used in generally accepted physical therapy procedures when such medication is prescribed by the patient's physician, licensed to practice medicine in all its branches, the patient's physician licensed to practice podiatric medicine, the patient's advanced practice nurse, the patient's physician assistant, or the patient's dentist, and (f) supervision or teaching of physical therapy. Physical therapy does not include radiology, electrosurgery, chiropractic technique or determination of a differential diagnosis; provided, however, the limitation on determining a differential diagnosis shall not in any manner limit a physical therapist licensed under this Act from performing an evaluation pursuant to such license. Nothing in this Section shall limit a physical therapist from employing appropriate physical therapy techniques that he or she is educated and licensed to perform. A physical therapist shall refer to a licensed physician, advanced practice nurse, physician assistant, dentist, or podiatrist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the physical therapist.

New matter indicated by italics - deletions by strikeout.
(2) "Physical therapist" means a person who practices physical therapy and who has met all requirements as provided in this Act.

(3) "Department" means the Department of Professional Regulation.

(4) "Director" means the Director of Professional Regulation.

(5) "Committee" means the Physical Therapy Examining Committee approved by the Director.

(6) "Referral" means a written or oral authorization for physical therapy services for a patient by a physician, dentist, advanced practice nurse, physician assistant, or podiatrist who maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a physical therapist for the purpose of this Act means the following of guidance or direction to the physical therapist given by the physician, dentist, or podiatrist who shall maintain supervision of the patient.

(7) "Documented current and relevant diagnosis" for the purpose of this Act means a diagnosis, substantiated by signature or oral verification of a physician, dentist, advanced practice nurse, physician assistant, or podiatrist, that a patient's condition is such that it may be treated by physical therapy as defined in this Act, which diagnosis shall remain in effect until changed by the physician, dentist, advanced practice nurse, physician assistant, or podiatrist.

(8) "State" includes:
   (a) the states of the United States of America;
   (b) the District of Columbia; and
   (c) the Commonwealth of Puerto Rico.

(9) "Physical therapist assistant" means a person licensed to assist a physical therapist and who has met all requirements as provided in this Act and who works under the supervision of a licensed physical therapist to assist in implementing the physical therapy treatment program as established by the licensed physical therapist. The patient care activities provided by the physical therapist assistant shall not include the interpretation of referrals, evaluation procedures, or the planning or major modification of patient programs.

(10) "Physical therapy aide" means a person who has received on the job training, specific to the facility in which he is employed, but who has not completed an approved physical therapist assistant program.

(11) "Advanced practice nurse" means a person licensed under the Nursing and Advanced Practice Nursing Act who has a collaborative

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agreement with a collaborating physician that authorizes referrals to physical therapists.

(12) "Physician assistant" means a person licensed under the Physician Assistant Practice Act of 1987 who has been delegated authority to make referrals to physical therapists.

(Source: P.A. 92-651, eff. 7-11-02.)

(225 ILCS 90/2) (from Ch. 111, par. 4252)

(Section scheduled to be repealed on January 1, 2006)

Sec. 2. Licensure requirement; exempt activities. Practice without a license forbidden - exception. No person shall after the date of August 31, 1965 begin to practice physical therapy in this State or hold himself out as being able to practice this profession, unless he is licensed as such in accordance with the provisions of this Act. After the effective date of this amendatory Act of 1990, no person shall practice or hold himself out as a physical therapist assistant unless he is licensed as such under this Act. A physical therapist shall use the initials "PT" in connection with his or her name to denote licensure under this Act, and a physical therapist assistant shall use the initials "PTA" in connection with his or her name to denote licensure under this Act.

This Act does not prohibit:

(1) Any person licensed in this State under any other Act from engaging in the practice for which he is licensed.

(2) The practice of physical therapy by those persons, practicing under the supervision of a licensed physical therapist and who have met all of the qualifications as provided in Sections 7, 8.1, and 9 of this Act, until the next examination is given for physical therapists or physical therapist assistants and the results have been received by the Department and the Department has determined the applicant's eligibility for a license. Anyone failing to pass said examination shall not again practice physical therapy until such time as an examination has been successfully passed by such person.

(3) The practice of physical therapy for a period not exceeding 6 months by a person who is in this State on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project, and who meets the qualifications for a physical therapist as set forth in Sections 7 and 8 of this Act and is licensed in another state as a physical therapist.

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(4) Practice of physical therapy by qualified persons who have filed for endorsement for no longer than one year or until such time that notification of licensure has been granted or denied, whichever period of time is lesser.

(5) One or more licensed physical therapists from forming a professional service corporation under the provisions of the "Professional Service Corporation Act", approved September 15, 1969, as now or hereafter amended, and licensing such corporation for the practice of physical therapy.

(6) Physical therapy aides from performing patient care activities under the on-site supervision of a licensed physical therapist or licensed physical therapist assistant. These patient care activities shall not include interpretation of referrals, evaluation procedures, the planning of or major modifications of, patient programs.

(7) Physical Therapist Assistants from performing patient care activities under the general supervision of a licensed physical therapist. The physical therapist must maintain continual contact with the physical therapist assistant including periodic personal supervision and instruction to insure the safety and welfare of the patient.

(8) The practice of physical therapy by a physical therapy student or a physical therapist assistant student under the on-site supervision of a licensed physical therapist. The physical therapist shall be readily available for direct supervision and instruction to insure the safety and welfare of the patient.

(9) The practice of physical therapy as part of an educational program by a physical therapist licensed in another state or country for a period not to exceed 6 months.

(Source: P.A. 90-580, eff. 5-21-98.)

(225 ILCS 90/16.5)
(Section scheduled to be repealed on January 1, 2006)
Sec. 16.5. Advertising services.

(a) A licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

(b) It is unlawful for any person licensed under this Act to use testimonials or claims of superior quality of care to entice the public. It

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shall be unlawful to advertise fee comparisons of available services with those of other persons licensed under this Act.

(c) This Act does not authorize the advertising of professional services that the offeror of such services is not licensed to render. Nor shall the advertiser use statements that contain false, fraudulent, deceptive or misleading material or guarantees of success, play upon the vanity or fears of the public, or promote or produce unfair competition.

(d) It is unlawful and punishable under Section 31 for any person licensed under this Act to knowingly advertise that the licensee will accept as payment for services rendered by assignment from any third-party payor the amount the third-party payor covers as payment in full, if the effect is to give the impression of eliminating the need of payment by the patient of any required deductible or copayment applicable in the patient's health benefit plan.

(e) As used in this Section, "advertise" means solicitation by the licensee or through another by means of handbills, posters, circulars, motion pictures, radio, newspapers, or television or in any other manner.

(Source: P.A. 91-310, eff. 1-1-00.)

(225 ILCS 90/17) (from Ch. 111, par. 4267)

(Section scheduled to be repealed on January 1, 2006)

Sec. 17. (1) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department deems appropriate, including the issuance of fines not to exceed $5000, with regard to a license for any one or a combination of the following:

A. Material misstatement in furnishing information to the Department or otherwise making misleading, deceptive, untrue, or fraudulent representations in violation of this Act or otherwise in the practice of the profession;

B. Violations of this Act, or of the rules or regulations promulgated hereunder;

C. Conviction of any crime under the laws of the United States or any state or territory thereof which is a felony or which is a misdemeanor, an essential element of which is dishonesty, or of any crime which is directly related to the practice of the profession; conviction, as used in this paragraph, shall include a finding or verdict of guilty, an admission of guilt or a plea of nolo contendere;

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D. Making any misrepresentation for the purpose of obtaining licenses, or violating any provision of this Act or the rules promulgated thereunder pertaining to advertising;

E. A pattern of practice or other behavior which demonstrates incapacity or incompetency to practice under this Act;

F. Aiding or assisting another person in violating any provision of this Act or Rules;

G. Failing, within 60 days, to provide information in response to a written request made by the Department;

H. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing physical therapy practice, in which proceeding actual injury to a patient need not be established;

I. Unlawful distribution of any drug or narcotic, or unlawful conversion of any drug or narcotic not belonging to the person for such person's own use or benefit or for other than medically accepted therapeutic purposes;

J. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in a physical therapist's or physical therapist assistant's inability to practice with reasonable judgment, skill or safety;

K. Revocation or suspension of a license to practice physical therapy as a physical therapist or physical therapist assistant or the taking of other disciplinary action by the proper licensing authority of another state, territory or country;

L. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered. **Nothing contained in this paragraph prohibits persons holding valid and current licenses under this Act from practicing physical therapy in partnership under a partnership agreement, including a limited liability partnership, a limited liability company, or a corporation under the Professional Service Corporation Act or from pooling, sharing, dividing, or apportioning the fees and monies received by them or by the partnership, company, or corporation in**

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accordance with the partnership agreement or the policies of the company or professional corporation;

M. A finding by the Committee that the licensee after having his or her license placed on probationary status has violated the terms of probation;

N. Abandonment of a patient;

O. Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

P. Willfully failing to report an instance of suspected elder abuse or neglect as required by the Elder Abuse Reporting Act;

Q. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgement, skill or safety;

R. The use of any words (such as physical therapy, physical therapist physiotherapy or physiotherapist), abbreviations, figures or letters with the intention of indicating practice as a licensed physical therapist without a valid license as a physical therapist issued under this Act;

S. The use of the term physical therapist assistant, or abbreviations, figures, or letters with the intention of indicating practice as a physical therapist assistant without a valid license as a physical therapist assistant issued under this Act;

T. Willfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;

U. Continued practice by a person knowingly having an infectious, communicable or contagious disease;

V. Having treated ailments of human beings otherwise than by the practice of physical therapy as defined in this Act, or having treated ailments of human beings as a licensed physical therapist independent of a documented referral or a documented current and relevant diagnosis from a physician, dentist, advanced practice nurse, physician assistant, or podiatrist, or having failed to notify the physician, dentist, advanced practice nurse, physician assistant, or podiatrist who established a documented current and relevant diagnosis that the patient is receiving physical therapy pursuant to that diagnosis;

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W. Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act;

X. Interpretation of referrals, performance of evaluation procedures, planning or making major modifications of patient programs by a physical therapist assistant;

Y. Failure by a physical therapist assistant and supervising physical therapist to maintain continued contact, including periodic personal supervision and instruction, to insure safety and welfare of patients;

Z. Violation of the Health Care Worker Self-Referral Act.

(2) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient; and upon the recommendation of the Committee to the Director that the licensee be allowed to resume his practice.

(3) The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 90/31) (from Ch. 111, par. 4281)
Sec. 31. Violations.
(a) Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for the second and any subsequent offense.

(b) Any person representing himself or herself or advertising as a physical therapist or that the services he or she renders are physical therapy services, or who uses any words, such as physical therapy, physical therapist, physiotherapy, or physiotherapist, abbreviations, figures, or

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letters, such as "PT", "DPT", "MPT", "RPT", "LPT", or "PTA", with the intention of indicating that he or she is engaged in the practice of physical therapy as a licensed physical therapist, when he or she does not possess a currently valid license as defined herein, commits a Class A misdemeanor, for a first offense, and a Class 4 felony for a second or subsequent offense.

(c) Any person representing himself or herself or advertising as a physical therapist assistant or that the services he or she renders are physical therapy services, or who uses any words, such as physical therapy or physical therapist assistant, or uses abbreviations, figures, or letters, such as "PT", "DPT", "MPT", "RPT", "LPT", or "PTA", with the intention of indicating that he or she is engaged in the practice of physical therapy as a physical therapist assistant, when he or she does not possess a currently valid license as defined herein, commits a Class A misdemeanor for a first offense, and a Class 4 felony for a second or subsequent offense.

(Source: P.A. 85-342; 86-1396.)

(225 ILCS 90/32.2)

Sec. 32.2. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice physical therapy or as a physical therapist or a physical therapist assistant without being licensed under this Act or who violates Section 16.5 or subsection (b) or (c) of Section 31 shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 89-387, eff. 1-1-96.)

Section 99. Effective date. This Act takes effect upon becoming law.


AN ACT concerning the exercise of police powers by State employees.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Appellate Defender Act is amended by changing Section 10 as follows:

(725 ILCS 105/10) (from Ch. 38, par. 208-10)
Sec. 10. Powers and duties of State Appellate Defender.
(a) The State Appellate Defender shall represent indigent persons on appeal in criminal and delinquent minor proceedings, when appointed to do so by a court under a Supreme Court Rule or law of this State.
(b) The State Appellate Defender shall submit a budget for the approval of the State Appellate Defender Commission.
(c) The State Appellate Defender may:
   (1) maintain a panel of private attorneys available to serve as counsel on a case basis;
   (2) establish programs, alone or in conjunction with law schools, for the purpose of utilizing volunteer law students as legal assistants;
   (3) cooperate and consult with state agencies, professional associations, and other groups concerning the causes of criminal conduct, the rehabilitation and correction of persons charged with and convicted of crime, the administration of criminal justice, and, in counties of less than 1,000,000 population, study, design, develop and implement model systems for the delivery of trial level defender services, and make an annual report to the General Assembly;
   (4) hire investigators to provide investigative services to appointed counsel and county public defenders;
   (5) in cases in which a death sentence is an authorized disposition, provide trial counsel with the assistance of expert witnesses, investigators, and mitigation specialists from funds appropriated to the State Appellate Defender specifically for that purpose by the General Assembly. The Office of State Appellate

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Defender shall not be appointed to serve as trial counsel in capital cases.

Investigators employed by the Death Penalty Trial Assistance and Capital Litigation Division of the State Appellate Defender shall be authorized to inquire through the Illinois State Police or local law enforcement with the Law Enforcement Agencies Data System (LEADS) under Section 2605-375 of the Civil Administrative Code of Illinois to ascertain whether their potential witnesses have a criminal background, including: (i) warrants; (ii) arrests; (iii) convictions; and (iv) officer safety information. This authorization applies only to information held on the State level and shall be used only to protect the personal safety of the investigators. Any information that is obtained through this inquiry may not be disclosed by the investigators.

(d) For each State fiscal year, the State Appellate Defender shall appear before the General Assembly and request appropriations to be made from the Capital Litigation Trust Fund to the State Treasurer for the purpose of providing defense assistance in capital cases outside of Cook County. The State Appellate Defender may appear before the General Assembly at other times during the State's fiscal year to request supplemental appropriations from the Trust Fund to the State Treasurer.

(e) The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 91-589, eff. 1-1-00.)

Effective January 1, 2005.

PUBLIC ACT 93-1012
(Senate Bill No. 2547)

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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Section 5. The Unemployment Insurance Act is amended by changing Section 1502.1 as follows:
(820 ILCS 405/1502.1) (from Ch. 48, par. 572.1)
Sec. 1502.1. Employer's benefit charges.
A. Benefit charges which result from payments to any claimant made on or after July 1, 1989 shall be charged:
   1. For benefit years beginning prior to July 1, 1989, to each employer who paid wages to the claimant during his base period;
   2. For benefit years beginning on or after July 1, 1989 but before January 1, 1993, to the later of:
      a. the last employer prior to the beginning of the claimant's benefit year:
         i. from whom the claimant was separated or who, by reduction of work offered, caused the claimant to become unemployed as defined in Section 239, and,
         ii. for whom the claimant performed services in employment, on each of 30 days whether or not such days are consecutive, provided that the wages for such services were earned during the period from the beginning of the claimant's base period to the beginning of the claimant's benefit year; but that employer shall not be charged if:
            (1) the claimant's last separation from that employer was a voluntary leaving without good cause, as the term is used in Section 601A or under the circumstances described in paragraphs 1 and 2 of Section 601B; or
            (2) the claimant's last separation from that employer was a discharge for misconduct or a felony or theft connected with his work from that employer, as these terms are used in Section 602; or
            (3) after his last separation from that employer, prior to the beginning of his benefit year, the claimant refused to accept an offer of or to apply for suitable work

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from that employer without good cause, as these terms are used in Section 603; or

(4) the claimant, following his last separation from that employer, prior to the beginning of his benefit year, is ineligible or would have been ineligible under Section 612 if he has or had had base period wages from the employers to which that Section applies; or

(5) the claimant subsequently performed services for at least 30 days for an individual or organization which is not an employer subject to this Act; or

b. the single employer who pays wages to the claimant that allow him to requalify for benefits after disqualification under Section 601, 602 or 603, if:
   i. the disqualifying event occurred prior to the beginning of the claimant's benefit year, and
   ii. the requalification occurred after the beginning of the claimant's benefit year, and
   iii. even if the 30 day requirement given in this paragraph is not satisfied; but
   iv. the requalifying employer shall not be charged if the claimant is held ineligible with respect to that requalifying employer under Section 601, 602 or 603.

3. For benefit years beginning on or after January 1, 1993, with respect to each week for which benefits are paid, to the later of:

a. the last employer:
   i. from whom the claimant was separated or who, by reduction of work offered, caused the claimant to become unemployed as defined in Section 239, and
   ii. for whom the claimant performed services in employment, on each of 30 days whether or not such days are consecutive, provided that the wages for such services were earned since the beginning of

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the claimant's base period; but that employer shall not be charged if:

(1) the claimant's separation from that employer was a voluntary leaving without good cause, as the term is used in Section 601A or under the circumstances described in paragraphs 1, 2, and 6 of Section 601B; or

(2) the claimant's separation from that employer was a discharge for misconduct or a felony or theft connected with his work from that employer, as these terms are used in Section 602; or

(3) the claimant refused to accept an offer of or to apply for suitable work from that employer without good cause, as these terms are used in Section 603 (but only for weeks following the refusal of work); or

(4) the claimant subsequently performed services for at least 30 days for an individual or organization which is not an employer subject to this Act; or

(5) the claimant, following his separation from that employer, is ineligible or would have been ineligible under Section 612 if he has or had had base period wages from the employers to which that Section applies (but only for the period of ineligibility or potential ineligibility); or

b. the single employer who pays wages to the claimant that allow him to requalify for benefits after disqualification under Section 601, 602, or 603, even if the 30 day requirement given in this paragraph is not satisfied; but the requalifying employer shall not be charged if the claimant is held ineligible with respect to that requalifying employer under Section 601, 602, or 603.

B. Whenever a claimant is ineligible pursuant to Section 614 on the basis of wages paid during his base period, any days on which such wages were earned shall not be counted in determining whether that

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claimant performed services during at least 30 days for the employer that paid such wages as required by paragraphs 2 and 3 of subsection A.

C. If no employer meets the requirements of paragraph 2 or 3 of subsection A, then no employer will be chargeable for any benefit charges which result from the payment of benefits to the claimant for that benefit year.

D. Notwithstanding the preceding provisions of this Section, no employer shall be chargeable for any benefit charges which result from the payment of benefits to any claimant after the effective date of this amendatory Act of 1992 where the claimant's separation from that employer occurred as a result of his detention, incarceration, or imprisonment under State, local, or federal law.

D-1. Notwithstanding any other provision of this Section, an employer shall not be chargeable for any benefit charges which result from the payment of benefits to an individual for any week of unemployment during the period that the employer's business is closed solely because of the entrance of the employer, one or more of the partners or officers of the employer, or the majority stockholder of the employer into active duty in the Illinois National Guard or the Armed Forces of the United States.

E. For the purposes of Sections 302, 409, 701, 1403, 1404, 1405 and 1508.1, last employer means the employer that:

1. is charged for benefit payments which become benefit charges under this Section, or
2. would have been liable for such benefit charges if it had not elected to make payments in lieu of contributions.

(Source: P.A. 93-634, eff. 1-1-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

Section 5. The Property Tax Code is amended by changing Sections 27-25, 27-40, 27-45, and 27-75 as follows:

(35 ILCS 200/27-25)

Sec. 27-25. Form of hearing notice. Taxes may be levied or imposed by the municipality or county in the special service area at a rate or amount of tax sufficient to produce revenues required to provide the special services. Prior to the first levy of taxes in the special service area, notice shall be given and a hearing shall be held under the provisions of Sections 27-30 and 27-35. For purposes of this Section the notice shall include:

(a) The time and place of hearing;
(b) The boundaries of the area by legal description and, where possible, by street location, where possible;
(c) The permanent tax index number of each parcel located within the area;
(d) The nature of the proposed special services to be provided within the special service area and a statement as to whether the proposed special services are for new construction, maintenance, or other purposes;
(e) A notification that all interested persons, including all persons owning taxable real property located within the special service area, will be given an opportunity to be heard at the hearing regarding the tax levy and an opportunity to file objections to the amount of the tax levy if the tax is a tax upon property; and
(f) The maximum rate of taxes to be extended within the special service area in any year and the may include a maximum number of years taxes will be levied if a maximum number of years is to be established.

After the first levy of taxes within the special service area, taxes may continue to be levied in subsequent years without the requirement of an additional public hearing if the tax rate does not exceed the rate specified in the notice for the original public hearing notice and if a maximum number of years is specified in the notice; the taxes are shall not be extended for a longer period than the number of years specified in the notice if a number of years is specified. Tax rates may be increased and the period specified may be extended, if notice is given and new public hearings are held in accordance with Sections 27-30 and 27-35.

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Sec. 27-40. Boundaries of special service area. No lien shall be established against any real property in a special service area nor shall a special service area create a valid tax before a certified copy of an ordinance establishing or altering the boundaries of a special service area, containing a legal description of the territory of the area, the permanent tax index numbers of the parcels located within the territory of the area, an accurate map of the territory, a copy of the notice of the public hearing, and a description of the special services to be provided is filed for record in the office of the recorder in each county in which any part of the area is located. The ordinance must be recorded no later than 60 days after the date the ordinance was adopted. An ordinance establishing a special service area recorded beyond the 60 days is not valid. The requirement for recording within 60 days shall not apply to any establishment or alteration of the boundaries of a service area that occurred before September 23, 1991.

Sec. 27-45. Issuance of bonds. Bonds secured by the full faith and credit of the area included in the special service area may be issued for providing the special services. Bonds, when so issued, shall be retired by the levy of taxes in addition to the taxes specified in Section 27-25 against all of the taxable real property included in the area as provided in the ordinance authorizing the issuance of the bonds or by the imposition of another tax within the special service area. The county clerk shall annually extend taxes against all of the taxable property situated in the county and contained in such special service area in amounts sufficient to pay maturing principal and interest of those bonds without limitation as to rate or amount and in addition to and in excess of any taxes that may now or hereafter be authorized to be levied by the municipality or county. Prior to the issuance of those bonds, notice shall be given and a hearing shall be held pursuant to the provisions of Sections 27-30 and 27-35. For purposes of this Section a notice shall include:

(a) The time and place of hearing;
(b) The boundaries of the area by legal description and, where possible, by street location, where possible;
(c) The permanent tax index number of each parcel located within the area;

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(d) The nature of the special services to be provided within the proposed special service area and a statement as to whether the proposed special services are for new construction, maintenance, or other purposes;

(e) If the special services are to be maintained other than by the municipality or the county after the life of the bonds, then a statement indicating who will be responsible for maintenance of the special services after the life of the bonds;

(f) A notification that all interested persons, including all persons owning taxable property located within the special service area, will be given an opportunity to be heard at the hearing regarding the issuance of the bonds and an opportunity to file objections to the issuance of the bonds; and

(g) The maximum amount of bonds proposed to be issued, the maximum period of time over which the bonds will be retired, and the maximum interest rate the bonds will bear. The question of the creation of a special service area, the levy or imposition of a tax in the special service area and the issuance of bonds for providing special services may all be considered together at one hearing. Any bonds issued shall not exceed the number of bonds, the interest rate and the period of extension set forth in the notice, unless an additional hearing is held. Bonds issued pursuant to this Article shall not be regarded as indebtedness of the municipality or county, as the case may be, for the purpose of any limitation imposed by any law.

(Source: P.A. 82-640; 88-455.)

(35 ILCS 200/27-75)

Sec. 27-75. Extension of tax levy. If a property tax is levied, the tax shall be extended by the county clerk in the special service area in the manner provided by Articles 1 through 26 of this Code based on equalized assessed values as established under Articles 1 through 26. The municipality or county shall file a certified copy of the ordinance creating the special service area, including an accurate map thereof, a copy of the public hearing notice, and a description of the special services to be provided, with the county clerk. The corporate authorities of the municipality or county may levy taxes in the special service area prior to the date the levy must be filed with the county clerk, for the same year in which the ordinance and map are filed with the county clerk. In addition, the corporate authorities shall file a certified copy of each ordinance levying taxes in the special service area on or before the last Tuesday of...
December of each year and shall file a certified copy of any ordinance authorizing the issuance of bonds and providing for a property tax levy in the area by December 31 of the year of the first levy.

In lieu of or in addition to an ad valorem property tax, a special tax may be levied and extended within the special service area on any other basis that provides a rational relationship between the amount of the tax levied against each lot, block, tract and parcel of land in the special service area and the special service benefit rendered. In that case, a special tax roll shall be prepared containing: (a) a description of the special services to be provided, (b) an explanation of the method of spreading the special tax, (c) a list of lots, blocks, tracts and parcels of land in the special service area, and (d) the amount assessed against each. The special tax roll shall be included in the ordinance establishing the special service area or in an amendment of the ordinance, and shall be filed with the county clerk for use in extending the tax. The lien and foreclosure remedies provided in Article 9 of the Illinois Municipal Code shall apply upon non-payment of the special tax.

As an alternative to an ad valorem tax based on the whole equalized assessed value of the property, the corporate authorities may provide for the ad valorem tax to be extended solely upon the equalized assessed value of the land in a special service area, without regard to improvements, if the equalized assessed value of the land in the special service area is at least 75% of the total of the whole equalized assessed value of property within the special service area at the time that it was established. If the corporate authorities choose to provide for this method of taxation on the land value only, then each notice given in connection with the special service area must include a statement in substantially the following form: "The taxes to be extended shall be upon the equalized assessed value of the land in the proposed special service area, without regard to improvements."

(Source: P.A. 83-1245; 88-455.)

Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 93-1014  
(Senate Bill No. 2654)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Sections 5-5-3, 5-6-1, 5-6-2, and 5-6-4 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.

(a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.
(9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be

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licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual’s residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501, Section 5-7, Section 5-16, or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $1,000 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 3.85 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

   (A) First degree murder where the death penalty is not imposed.
   (B) Attempted first degree murder.
   (C) A Class X felony.
   (D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of

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subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

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(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) A violation of Section 11-501(c-1)(3) of the Illinois Vehicle Code.

(T) A second or subsequent violation of paragraph (6.6) of subsection (a), subsection (c-5), or subsection (d-5) of Section 401 of the Illinois Controlled Substances Act.

(3) A minimum term of imprisonment of not less than 5 days or 30 days of community service as may be determined by the court shall be imposed for a second violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance. In the case of a third or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a minimum term of either 10 days of imprisonment or 60 days of community service shall be imposed.

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service
shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;
(B) a fine;
(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

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(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) When a person is convicted of violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or that person is convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a

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mandatory minimum of 100 hours of community service and a minimum fine of $500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section 11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of $2,500.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

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(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
   (i) removal from the household;
   (ii) restricted contact with the victim;
   (iii) continued financial support of the family;
   (iv) restitution for harm done to the victim;
   and
   (v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately
licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be

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personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional
superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(I) (A) Except as provided in paragraph (C) of subsection (I), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and

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remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice. Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall

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be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; revised 10-9-03.)

(730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

(1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or

(2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or:

(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

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The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 12-3.2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

(1) the offender is not likely to commit further crimes;
(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

(1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

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(2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

(3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

(1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or

(2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

(1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

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(1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or

(2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance, a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code, or a violation of Section 9-3 of the Criminal Code of 1961 if the defendant has within the last 10 years been:

(1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(Source: P.A. 93-388, eff. 7-25-03.)

(730 ILCS 5/5-6-2) (from Ch. 38, par. 1005-6-2)
Sec. 5-6-2. Incidents of Probation and of Conditional Discharge.
(a) When an offender is sentenced to probation or conditional discharge, the court shall impose a period under paragraph (b) of this Section, and shall specify the conditions under Section 5-6-3.

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(b) Unless terminated sooner as provided in paragraph (c) of this Section or extended pursuant to paragraph (e) of this Section, the period of probation or conditional discharge shall be as follows:

(1) for a Class 1 or Class 2 felony, not to exceed 4 years;
(2) for a Class 3 or Class 4 felony, not to exceed 30 months;
(3) for a misdemeanor, not to exceed 2 years;
(4) for a petty offense, not to exceed 6 months.

Multiple terms of probation imposed at the same time shall run concurrently.

(c) The court may at any time terminate probation or conditional discharge if warranted by the conduct of the offender and the ends of justice, as provided in Section 5-6-4.

(d) Upon the expiration or termination of the period of probation or of conditional discharge, the court shall enter an order discharging the offender.

(e) The court may extend any period of probation or conditional discharge beyond the limits set forth in paragraph (b) of this Section upon a violation of a condition of the probation or conditional discharge, for the payment of an assessment required by Section 10.3 of the Cannabis Control Act or Section 411.2 of the Illinois Controlled Substances Act, or for the payment of restitution as provided by an order of restitution under Section 5-5-6 of this Code.

(f) The court may impose a term of probation that is concurrent or consecutive to a term of imprisonment so long as the maximum term imposed does not exceed the maximum term provided under Article 8 of this Chapter. The court may provide that probation may commence while an offender is on mandatory supervised release, participating in a day release program, or being monitored by an electronic monitoring device.

(Source: P.A. 91-153, eff. 1-1-00.)

(730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

Sec. 5-6-4. Violation, Modification or Revocation of Probation, of Conditional Discharge or Supervision or of a sentence of county impact incarceration - Hearing.

(a) Except in cases where conditional discharge or supervision was imposed for a petty offense as defined in Section 5-1-17, when a petition is filed charging a violation of a condition, the court may:

(1) in the case of probation violations, order the issuance of a notice to the offender to be present by the County Probation New matter indicated by italics - deletions by strikeout.
Department or such other agency designated by the court to handle probation matters; and in the case of conditional discharge or supervision violations, such notice to the offender shall be issued by the Circuit Court Clerk; and in the case of a violation of a sentence of county impact incarceration, such notice shall be issued by the Sheriff;

(2) order a summons to the offender to be present for hearing; or

(3) order a warrant for the offender's arrest where there is danger of his fleeing the jurisdiction or causing serious harm to others or when the offender fails to answer a summons or notice from the clerk of the court or Sheriff.

Personal service of the petition for violation of probation or the issuance of such warrant, summons or notice shall toll the period of probation, conditional discharge, supervision, or sentence of county impact incarceration until the final determination of the charge, and the term of probation, conditional discharge, supervision, or sentence of county impact incarceration shall not run until the hearing and disposition of the petition for violation.

(b) The court shall conduct a hearing of the alleged violation. The court shall admit the offender to bail pending the hearing unless the alleged violation is itself a criminal offense in which case the offender shall be admitted to bail on such terms as are provided in the Code of Criminal Procedure of 1963, as amended. In any case where an offender remains incarcerated only as a result of his alleged violation of the court's earlier order of probation, supervision, conditional discharge, or county impact incarceration such hearing shall be held within 14 days of the onset of said incarceration, unless the alleged violation is the commission of another offense by the offender during the period of probation, supervision or conditional discharge in which case such hearing shall be held within the time limits described in Section 103-5 of the Code of Criminal Procedure of 1963, as amended.

(c) The State has the burden of going forward with the evidence and proving the violation by the preponderance of the evidence. The evidence shall be presented in open court with the right of confrontation, cross-examination, and representation by counsel.

(d) Probation, conditional discharge, periodic imprisonment and supervision shall not be revoked for failure to comply with conditions of a
sentence or supervision, which imposes financial obligations upon the offender unless such failure is due to his willful refusal to pay.

(e) If the court finds that the offender has violated a condition at any time prior to the expiration or termination of the period, it may continue him on the existing sentence, with or without modifying or enlarging the conditions, or may impose any other sentence that was available under Section 5-5-3 at the time of initial sentencing. If the court finds that the person has failed to successfully complete his or her sentence to a county impact incarceration program, the court may impose any other sentence that was available under Section 5-5-3 at the time of initial sentencing, except for a sentence of probation or conditional discharge.

(f) The conditions of probation, of conditional discharge, of supervision, or of a sentence of county impact incarceration may be modified by the court on motion of the supervising agency or on its own motion or at the request of the offender after notice and a hearing.

(g) A judgment revoking supervision, probation, conditional discharge, or a sentence of county impact incarceration is a final appealable order.

(h) Resentencing after revocation of probation, conditional discharge, supervision, or a sentence of county impact incarceration shall be under Article 4. Time served on probation, conditional discharge or supervision shall not be credited by the court against a sentence of imprisonment or periodic imprisonment unless the court orders otherwise.

(i) Instead of filing a violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration, an agent or employee of the supervising agency with the concurrence of his or her supervisor may serve on the defendant a Notice of Intermediate Sanctions. The Notice shall contain the technical violation or violations involved, the date or dates of the violation or violations, and the intermediate sanctions to be imposed. Upon receipt of the Notice, the defendant shall immediately accept or reject the intermediate sanctions. If the sanctions are accepted, they shall be imposed immediately. If the intermediate sanctions are rejected or the defendant does not respond to the Notice, a violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration shall be immediately filed with the court. The State's Attorney and the sentencing court shall be notified of the Notice of Sanctions. Upon successful completion of the intermediate sanctions, a court may not revoke probation, conditional discharge, supervision, or a sentence of county impact incarceration or impose additional sanctions for

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the same violation. A notice of intermediate sanctions may not be issued for any violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration which could warrant an additional, separate felony charge. The intermediate sanctions shall include a term of home detention as provided in Article 8A of Chapter V of this Code for multiple or repeat violations of the terms and conditions of a sentence of probation, conditional discharge, or supervision.

(j) When an offender is re-sentenced after revocation of probation that was imposed in combination with a sentence of imprisonment for the same offense, the aggregate of the sentences may not exceed the maximum term authorized under Article 8 of this Chapter.

(Source: P.A. 89-198, eff. 7-21-95; 89-587, eff. 7-31-96; 89-647, eff. 1-1-97; 90-14, eff. 7-1-97.)

Effective January 1, 2005.

PUBLIC ACT 93-1015
(Senate Bill No. 2794)

AN ACT in relation to health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-338 as follows:

(20 ILCS 2310/2310-338 new)
Sec. 2310-338. Asthma prevention and control program.
(a) Subject to appropriations for this purpose, the Department shall establish an asthma prevention and control program to provide leadership in Illinois for and coordination of asthma prevention and intervention activities. The program may include, but need not be limited to, the following features:

(1) Monitoring of asthma prevalence in the State.
(2) Education and training of health care professionals concerning the current methods of diagnosing and treating asthma.
(3) Patient and family education concerning the management of asthma.

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(4) Dissemination of information on programs shown to reduce hospitalization, emergency room visits, and absenteeism due to asthma.

(5) Consultation with and support of community-based asthma prevention and control programs.

(6) Monitoring of environmental hazards or exposures, or both, that may increase the incidence of asthma.

(b) In implementing the program established under subsection (a), the Department shall consult with the Department of Public Aid and the State Board of Education. In addition, the Department shall seek advice from other organizations and public and private entities concerned about the prevention and treatment of asthma.

(c) The Department may accept federal funding and grants, and may contract for work with outside vendors or individuals, for the purpose of implementing the program established under subsection (a).

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1016
(Senate Bill No. 2858)

AN ACT concerning business transactions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2QQ as follows:

(815 ILCS 505/2QQ new)
Sec. 2QQ. Internet service; cancellation.
(a) As used in this Section:
"Internet service provider" means a person who provides a service that combines computer processing, information storage, protocol conversion, and routing with transmission to enable a consumer to access Internet content and services.
(b) This Section applies only to agreements under which an Internet service provider provides service to consumers, for home and

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personal use, for a one-year term that is automatically renewed for another one-year term unless a consumer cancels the service.

(c) An Internet service provider must give a consumer who is an Illinois resident the following: (1) a secure method at the Internet service provider's web site that the consumer may use to cancel the service, which method shall not require the consumer to make a telephone call or send U.S. Postal Service mail to effectuate the cancellation; and (2) instructions that the consumer may follow to cancel the service at the Internet service provider's web site.

(d) A person who violates this Section commits an unlawful practice within the meaning of this Act.

Effective January 1, 2005.

PUBLIC ACT 93-1017
(Senate Bill No. 2878)

AN ACT concerning human rights.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Human Rights Act is amended by changing Section 10-101 and by adding Section 10-104 as follows:

(775 ILCS 5/10-101) (from Ch. 68, par. 10-101)
Sec. 10-101. Applicability. With the exception of Section 10-104, this Article shall apply solely to civil actions arising under Article 3 of this Act.
(Source: P.A. 86-910.)

(775 ILCS 5/10-104 new)
Sec. 10-104. Circuit Court Actions by the Illinois Attorney General.

(A) Standing, venue, limitations on actions, preliminary investigations, notice, and Assurance of Voluntary Compliance.

(1) Whenever the Illinois Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern and practice of discrimination prohibited by this Act, the Illinois Attorney General may commence a civil action in the name of the People of the State, as parens patriae on behalf of persons within the State to enforce the provisions of this Act in any

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appropriate circuit court. Venue for this civil action shall be determined under Section 8-111(B)(6). Such actions shall be commenced no later than 2 years after the occurrence or the termination of an alleged civil rights violation or the breach of a conciliation agreement or Assurance of Voluntary Compliance entered into under this Act, whichever occurs last, to obtain relief with respect to the alleged civil rights violation or breach.

(2) Prior to initiating a civil action, the Attorney General shall conduct a preliminary investigation to determine whether there is reasonable cause to believe that any person or group of persons is engaged in a pattern and practice of discrimination declared unlawful by this Act and whether the dispute can be resolved without litigation. In conducting this investigation, the Attorney General may:

(a) require the individual or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary;

(b) examine under oath any person alleged to have participated in or with knowledge of the alleged pattern and practice violation; or

(c) issue subpoenas or conduct hearings in aid of any investigation.

(3) Service by the Attorney General of any notice requiring a person to file a statement or report, or of a subpoena upon any person, shall be made:

(a) personally by delivery of a duly executed copy thereof to the person to be served or, if a person is not a natural person, in the manner provided in the Code of Civil Procedure when a complaint is filed; or

(b) by mailing by certified mail a duly executed copy thereof to the person to be served at his or her last known abode or principal place of business within this State.

(4) In lieu of a civil action, the individual or entity alleged to have engaged in a pattern or practice of discrimination deemed violative of this Act may enter into an Assurance of Voluntary Compliance with respect to the alleged pattern or practice violation.

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(5) The Illinois Attorney General may commence a civil action under this subsection (A) whether or not a charge has been filed under Sections 7A-102 or 7B-102 and without regard to the status of any charge, however, if the Department or local agency has obtained a conciliation or settlement agreement or if the parties have entered into an Assurance of Voluntary Compliance no action may be filed under this subsection (A) with respect to the alleged civil rights violation practice that forms the basis for the complaint except for the purpose of enforcing the terms of the conciliation or settlement agreement or the terms of the Assurance of Voluntary Compliance.

(6) If any person fails or refuses to file any statement or report, or obey any subpoena, issued pursuant to subdivision (A)(2) of this Section, the Attorney General will be deemed to have met the requirement of conducting a preliminary investigation and may proceed to initiate a civil action pursuant to subdivision (A)(1) of this Section.

(B) Relief which may be granted.

(1) In any civil action brought pursuant to subsection (A) of this Section, the Attorney General may obtain as a remedy, equitable relief (including any permanent or preliminary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such civil rights violation or ordering any action as may be appropriate). In addition, the Attorney General may request and the Court may impose a civil penalty to vindicate the public interest:

(a) in an amount not exceeding $10,000 if the defendant has not been adjudged to have committed any prior civil rights violations under the provision of the Act that is the basis of the complaint;

(b) in an amount not exceeding $25,000 if the defendant has been adjudged to have committed one other civil rights violation under the provision of the Act within 5 years of the occurrence of the civil rights violation that is the basis of the complaint; and

(c) in an amount not exceeding $50,000 if the defendant has been adjudged to have committed 2 or more civil rights violations under the provision of the Act within

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5 years of the occurrence of the civil rights violation that is
the basis of the complaint.
(2) A civil penalty imposed under subdivision (B)(1) of this
Section shall be deposited into the Attorney General Court
Ordered and Voluntary Compliance Payment Projects Fund,
which is a special fund in the State Treasury. Moneys in the Fund
shall be used, subject to appropriation, for the performance of any
function pertaining to the exercise of the duties of the Attorney
General including but not limited to enforcement of any law of this
State and conducting public education programs; however, any
moneys in the Fund that are required by the court or by an
agreement to be used for a particular purpose shall be used for
that purpose.

(3) Aggrieved parties seeking actual damages must follow
the procedure set out in Sections 7A-102 or 7B-102 for filing a
charge.

Section 99. Effective date. This Act takes effect upon becoming
law.


PUBLIC ACT 93-1018
(Senate Bill No. 2908)

AN ACT concerning financial regulation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Residential Mortgage License Act of 1987 is
amended by changing Sections 1-3, 1-4, 1-5, 2-2, 2-6, 3-2, 3-4, 4-1, 4-2, 4-
5, and 6-2 and by adding Section 4-8.3 as follows:
(205 ILCS 635/1-3) (from Ch. 17, par. 2321-3)
Sec. 1-3. Necessity for License; Scope of Act.
(a) No person, partnership, association, corporation or other entity
shall engage in the business of brokering, funding, originating, servicing or
purchasing of residential mortgage loans without first obtaining a license
from the Commissioner in accordance with the licensing procedure
provided in this Article I and such regulations as may be promulgated by
the Commissioner. The licensing provisions of this Section shall not apply

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to any entity engaged solely in commercial mortgage lending or to any
person, partnership association, corporation or other entity exempted
pursuant to Section 1-4, subsection (d), of this Act or in accordance with
regulations promulgated by the Commissioner hereunder.

(b) No person, partnership, association, corporation, or other entity
except a licensee under this Act or an entity exempt from licensing
pursuant to Section 1-4, subsection (d), of this Act shall do any business
under any name or title, or circulate or use any advertising or make any
representation or give any information to any person, which indicates or
reasonably implies activity within the scope of this Act.

(c) The Commissioner may, through the Attorney General, request
the circuit court of either Cook or Sangamon County to issue an injunction
to restrain any person from violating or continuing to violate any of the
foregoing provisions of this Section.

(d) When the Commissioner has reasonable cause to believe that
any entity which has not submitted an application for licensure is
conducting any of the activities described in subsection (a) hereof, the
Commissioner shall have the power to examine all books and records of
the entity and any additional documentation necessary in order to
determine whether such entity should become licensed under this Act.

(d-1) The Commissioner may issue orders against any person if the
Commissioner has reasonable cause to believe that an unsafe, unsound, or
unlawful practice has occurred, is occurring, or is about to occur, if any
person has violated, is violating, or is about to violate any law, rule, or
written agreement with the Commissioner, or for the purposes of
administering the provisions of this Act and any rule adopted in
accordance with this Act.

(e) Any person, partnership, association, corporation or other entity
who violates any provision of this Section commits a business offense and
shall be fined an amount not to exceed $25,000.

(f) Each person, partnership, association, corporation or other
entity conducting activities regulated by this Act shall be issued one
license. Each office, place of business or location at which a residential
mortgage licensee conducts any part of his or her business must be
recorded with the Commissioner pursuant to Section 2-8 of this Act.

(g) Licensees under this Act shall solicit, broker, fund, originate,
service and purchase residential mortgage loans only in conformity with
the provisions of this Act and such rules and regulations as may be
promulgated by the Commissioner.
(h) This Act applies to all entities doing business in Illinois as residential mortgage bankers, as defined by "An Act to provide for the regulation of mortgage bankers", approved September 15, 1977, as amended, regardless of whether licensed under that or any prior Act. Any existing residential mortgage lender or residential mortgage broker in Illinois whether or not previously licensed, must operate in accordance with this Act.

(i) This Act is a successor Act to and a continuance of the regulation of residential mortgage bankers provided in, "An Act to provide for the regulation of mortgage bankers", approved September 15, 1977, as amended.

Entities and persons subject to the predecessor Act shall be subject to this Act from and after its effective date.

(Source: P.A. 86-137; 87-642.)

(205 ILCS 635/1-4) (from Ch. 17, par. 2321-4)
Sec. 1-4. Definitions.

(a) "Residential real property" or "residential real estate" shall mean real property located in this State improved by a one-to-four family dwelling used or occupied, wholly or partly, as the home or residence of one or more persons and may refer, subject to regulations of the Commissioner, to unimproved real property upon which those kinds dwellings are to be constructed.

(b) "Making a residential mortgage loan" or "funding a residential mortgage loan" shall mean for compensation or gain, either directly or indirectly, advancing funds or making a commitment to advance funds to a loan applicant for a residential mortgage loan.

(c) "Soliciting, processing, placing, or negotiating a residential mortgage loan" shall mean for compensation or gain, either directly or indirectly, accepting or offering to accept an application for a residential mortgage loan, assisting or offering to assist in the processing of an application for a residential mortgage loan on behalf of a borrower, or negotiating or offering to negotiate the terms or conditions of a residential mortgage loan with a lender on behalf of a borrower including, but not limited to, the submission of credit packages for the approval of lenders, the preparation of residential mortgage loan closing documents, including a closing in the name of a broker.

(d) "Exempt person or entity" shall mean the following:

(1) (i) Any banking organization or foreign banking corporation licensed by the Illinois Commissioner of Banks and
Real Estate or the United States Comptroller of the Currency to transact business in this State; (ii) any national bank, federally chartered savings and loan association, federal savings bank, federal credit union; (iii) any pension trust, bank trust, or bank trust company; (iv) any bank, savings and loan association, savings bank, or credit union organized under the laws of this or any other state; (v) any Illinois Consumer Installment Loan Act licensee; (vi) any insurance company authorized to transact business in this State; (vii) any entity engaged solely in commercial mortgage lending; (viii) any service corporation of a savings and loan association or savings bank organized under the laws of this State or the service corporation of a federally chartered savings and loan association or savings bank having its principal place of business in this State, other than a service corporation licensed or entitled to reciprocity under the Real Estate License Act of 2000; or (ix) any first tier subsidiary of a bank, the charter of which is issued under the Illinois Banking Act by the Illinois Commissioner of Banks and Real Estate, or the first tier subsidiary of a bank chartered by the United States Comptroller of the Currency and that has its principal place of business in this State, provided that the first tier subsidiary is regularly examined by the Illinois Commissioner of Banks and Real Estate or the Comptroller of the Currency, or a consumer compliance examination is regularly conducted by the Federal Reserve Board.

(1.5) Any employee of a person or entity mentioned in item (1) of this subsection.

(2) Any person or entity that does not originate mortgage loans in the ordinary course of business making or acquiring residential mortgage loans with his or her or its own funds for his or her or its own investment without intent to make, acquire, or resell more than 10 residential mortgage loans in any one calendar year.

(3) Any person employed by a licensee to assist in the performance of the activities regulated by this Act who is compensated in any manner by only one licensee.

(4) Any person licensed pursuant to the Real Estate License Act of 2000, who engages only in the taking of applications and credit and appraisal information to forward to a licensee or an exempt entity under this Act and who is compensated by either a

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licensee or an exempt entity under this Act, but is not compensated by either the buyer (applicant) or the seller.

(5) Any individual, corporation, partnership, or other entity that originates, services, or brokers residential mortgage loans, as these activities are defined in this Act, and who or which receives no compensation for those activities, subject to the Commissioner's regulations with regard to the nature and amount of compensation.

(6) A person who prepares supporting documentation for a residential mortgage loan application taken by a licensee and performs ministerial functions pursuant to specific instructions of the licensee who neither requires nor permits the preparer to exercise his or her discretion or judgment; provided that this activity is engaged in pursuant to a binding, written agreement between the licensee and the preparer that:

(A) holds the licensee fully accountable for the preparer's action; and

(B) otherwise meets the requirements of this Section and this Act, does not undermine the purposes of this Act, and is approved by the Commissioner.

(e) "Licensee" or "residential mortgage licensee" shall mean a person, partnership, association, corporation, or any other entity who or which is licensed pursuant to this Act to engage in the activities regulated by this Act.

(f) "Mortgage loan" "residential mortgage loan" or "home mortgage loan" shall mean a loan to or for the benefit of any natural person made primarily for personal, family, or household use, primarily secured by either a mortgage on residential real property or certificates of stock or other evidence of ownership interests in and proprietary leases from, corporations, partnerships, or limited liability companies formed for the purpose of cooperative ownership of residential real property, all located in Illinois.

(g) "Lender" shall mean any person, partnership, association, corporation, or any other entity who either lends or invests money in residential mortgage loans.

(h) "Ultimate equitable owner" shall mean a person who, directly or indirectly, owns or controls an ownership interest in a corporation, foreign corporation, alien business organization, trust, or any other form of business organization regardless of whether the person owns or controls the ownership interest through one or more persons or one or more

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proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

(i) "Residential mortgage financing transaction" shall mean the negotiation, acquisition, sale, or arrangement for or the offer to negotiate, acquire, sell, or arrange for, a residential mortgage loan or residential mortgage loan commitment.

(j) "Personal residence address" shall mean a street address and shall not include a post office box number.

(k) "Residential mortgage loan commitment" shall mean a contract for residential mortgage loan financing.

(l) "Party to a residential mortgage financing transaction" shall mean a borrower, lender, or loan broker in a residential mortgage financing transaction.

(m) "Payments" shall mean payment of all or any of the following: principal, interest and escrow reserves for taxes, insurance and other related reserves, and reimbursement for lender advances.

(n) "Commissioner" shall mean the Commissioner of Banks and Real Estate or a person authorized by the Commissioner, the Office of Banks and Real Estate Act, or this Act to act in the Commissioner's stead.

(o) "Loan brokering", "brokering", or "brokerage service" shall mean the act of helping to obtain from another entity, for a borrower, a loan secured by residential real estate situated in Illinois or assisting a borrower in obtaining a loan secured by residential real estate situated in Illinois in return for consideration to be paid by either the borrower or the lender including, but not limited to, contracting for the delivery of residential mortgage loans to a third party lender and soliciting, processing, placing, or negotiating residential mortgage loans.

(p) "Loan broker" or "broker" shall mean a person, partnership, association, corporation, or limited liability company, other than those persons, partnerships, associations, corporations, or limited liability companies exempted from licensing pursuant to Section 1-4, subsection (d), of this Act, who performs the activities described in subsections (c) and (o) of this Section.

(q) "Servicing" shall mean the collection or remittance for or the right or obligation to collect or remit for any lender, noteowner, noteholder, or for a licensee's own account, of payments, interests, principal, and trust items such as hazard insurance and taxes on a residential mortgage loan in accordance with the terms of the residential

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mortgage loan; and includes loan payment follow-up, delinquency loan follow-up, loan analysis and any notifications to the borrower that are necessary to enable the borrower to keep the loan current and in good standing.

(r) "Full service office" shall mean office and staff in Illinois reasonably adequate to handle efficiently communications, questions, and other matters relating to any application for, or an existing home mortgage secured by residential real estate situated in Illinois with respect to which the licensee is brokering, funding originating, purchasing, or servicing. The management and operation of each full service office must include observance of good business practices such as adequate, organized, and accurate books and records; ample phone lines, hours of business, staff training and supervision, and provision for a mechanism to resolve consumer inquiries, complaints, and problems. The Commissioner shall issue regulations with regard to these requirements and shall include an evaluation of compliance with this Section in his or her periodic examination of each licensee.

(s) "Purchasing" shall mean the purchase of conventional or government-insured mortgage loans secured by residential real estate situated in Illinois from either the lender or from the secondary market.

(t) "Borrower" shall mean the person or persons who seek the services of a loan broker, originator, or lender.

(u) "Originating" shall mean the issuing of commitments for and funding of residential mortgage loans.

(v) "Loan brokerage agreement" shall mean a written agreement in which a broker or loan broker agrees to do either of the following:

(1) obtain a residential mortgage loan for the borrower or assist the borrower in obtaining a residential mortgage loan; or

(2) consider making a residential mortgage loan to the borrower.

(w) "Advertisement" shall mean the attempt by publication, dissemination, or circulation to induce, directly or indirectly, any person to enter into a residential mortgage loan agreement or residential mortgage loan brokerage agreement relative to a mortgage secured by residential real estate situated in Illinois.

(x) "Residential Mortgage Board" shall mean the Residential Mortgage Board created in Section 1-5 of this Act.

(y) "Government-insured mortgage loan" shall mean any mortgage loan made on the security of residential real estate insured by the

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Department of Housing and Urban Development or Farmers Home Loan Administration, or guaranteed by the Veterans Administration.

(z) "Annual audit" shall mean a certified audit of the licensee's books and records and systems of internal control performed by a certified public accountant in accordance with generally accepted accounting principles and generally accepted auditing standards.

(aa) "Financial institution" shall mean a savings and loan association, savings bank, credit union, or a bank organized under the laws of Illinois or a savings and loan association, savings bank, credit union or a bank organized under the laws of the United States and headquartered in Illinois.

(bb) "Escrow agent" shall mean a third party, individual or entity charged with the fiduciary obligation for holding escrow funds on a residential mortgage loan pending final payout of those funds in accordance with the terms of the residential mortgage loan.

(cc) "Net worth" shall have the meaning ascribed thereto in Section 3-5 of this Act.

(dd) "Affiliate" shall mean:

(1) any entity that directly controls or is controlled by the licensee and any other company that is directly affecting activities regulated by this Act that is controlled by the company that controls the licensee;

(2) any entity:

(A) that is controlled, directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the licensee or any company that controls the licensee; or

(B) a majority of the directors or trustees of which constitute a majority of the persons holding any such office with the licensee or any company that controls the licensee;

(3) any company, including a real estate investment trust, that is sponsored and advised on a contractual basis by the licensee or any subsidiary or affiliate of the licensee.

The Commissioner may define by rule and regulation any terms used in this Act for the efficient and clear administration of this Act.

(ee) "First tier subsidiary" shall be defined by regulation incorporating the comparable definitions used by the Office of the

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Comptroller of the Currency and the Illinois Commissioner of Banks and Real Estate.

(ff) "Gross delinquency rate" means the quotient determined by dividing (1) the sum of (i) the number of government-insured residential mortgage loans funded or purchased by a licensee in the preceding calendar year that are delinquent and (ii) the number of conventional residential mortgage loans funded or purchased by the licensee in the preceding calendar year that are delinquent by (2) the sum of (i) the number of government-insured residential mortgage loans funded or purchased by the licensee in the preceding calendar year and (ii) the number of conventional residential mortgage loans funded or purchased by the licensee in the preceding calendar year.

(gg) "Delinquency rate factor" means the factor set by rule of the Commissioner that is multiplied by the average gross delinquency rate of licensees, determined annually for the immediately preceding calendar year, for the purpose of determining which licensees shall be examined by the Commissioner pursuant to subsection (b) of Section 4-8 of this Act.

(hh) "Loan originator" means any natural person who, for compensation or in the expectation of compensation, either directly or indirectly makes, offers to make, solicits, places, or negotiates a residential mortgage loan.

(ii) "Confidential supervisory information" means any report of examination, visitation, or investigation prepared by the Commissioner under this Act, any report of examination visitation, or investigation prepared by the state regulatory authority of another state that examines a licensee, any document or record prepared or obtained in connection with or relating to any examination, visitation, or investigation, and any record prepared or obtained by the Commissioner to the extent that the record summarizes or contains information derived from any report, document, or record described in this subsection. "Confidential supervisory information" does not include any information or record routinely prepared by a licensee and maintained in the ordinary course of business or any information or record that is required to be made publicly available pursuant to State or federal law or rule.

(Source: P.A. 93-561, eff. 1-1-04.)

(205 ILCS 635/1-5) (from Ch. 17, par. 2321-5)

Sec. 1-5. Residential Mortgage Board.

(a) Board composition, compensation. There is created the Residential Mortgage Board composed of 5 members appointed by the
Commissioner of Banks and Real Estate. The majority of persons on the Board shall have no financial interest in any residential mortgage business and one member shall be a representative of the Mortgage Banking Trade Association and one member shall be a representative of the Mortgage Broker Trade Association. Members of the Board serving on the effective date of this amendatory Act of 1996 shall continue to serve their unexpired terms as members of the Residential Mortgage Board. Thereafter, on or before January 15 of each year, the Commissioner shall appoint one or more board members, as shall be necessary to maintain a 5 member Board, whose terms shall be for 3 years commencing February 1 of the year in which they are respectively appointed.

If a vacancy occurs on the Residential Mortgage Board, the Commissioner shall within 60 days appoint a new member who shall hold office for the remainder of the vacated term.

The Board shall meet at the call of the chairman, who along with a Secretary, shall be selected by the Board from among its members.

Members of the Board shall be entitled to receive a per diem allowance of $25 for each day or part of a day spent on Board work and shall be entitled to their expenses actually and necessarily incurred in the performance of their duties. The members of the Board serve at the pleasure of the Commissioner.

(b) Duties of Board. The Residential Mortgage Board shall assist the Commissioner by:

(1) submitting recommendations to the Commissioner for the efficient administration of this Act; and

(2) performing other duties as are prescribed by the Commissioner.

(c) Conflict of interest declarations. Each member of the Residential Mortgage Board shall file annually, no later than February 1, with the Commissioner a statement of his or her current business transactions or other affiliations with any licensee under this Act. The Commissioner may adopt rules to avoid conflicts of interest on the part of members of the Residential Mortgage Board in connection with their position on the Board.

(Source: P.A. 89-355, eff. 8-17-95; 89-508, eff. 7-3-96.)

(205 ILCS 635/2-2) (from Ch. 17, par. 2322-2)
Sec. 2-2. Application process; investigation; fee.

(a) The Commissioner shall issue a license upon completion of all of the following:

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(1) The filing of an application for license.
(2) The filing with the Commissioner of a listing of judgments entered against, and bankruptcy petitions by, the license applicant for the preceding 10 years.
(3) The payment, in certified funds, of investigation and application fees, the total of which shall be in an amount equal to $2,700 annually, however, the Commissioner may increase the investigation and application fees by rule as provided in Section 4-11.
(4) Except for a broker applying to renew a license, the filing of an audited balance sheet including all footnotes prepared by a certified public accountant in accordance with generally accepted accounting principles and generally accepted auditing principles which evidences that the applicant meets the net worth requirements of Section 3-5.
(5) The filing of proof satisfactory to the Commissioner that the applicant, the members thereof if the applicant is a partnership or association, the members or managers thereof that retain any authority or responsibility under the operating agreement if the applicant is a limited liability company, or the officers thereof if the applicant is a corporation have 3 years experience preceding application in real estate finance. Instead of this requirement, the applicant and the applicant's officers or members, as applicable, may satisfactorily complete a program of education in real estate finance and fair lending, as approved by the Commissioner, prior to receiving the initial license. The Commissioner shall promulgate rules regarding proof of experience requirements and educational requirements and the satisfactory completion of those requirements. The Commissioner may establish by rule a list of duly licensed professionals and others who may be exempt from this requirement.
(6) An investigation of the averments required by Section 2-4, which investigation must allow the Commissioner to issue positive findings stating that the financial responsibility, experience, character, and general fitness of the license applicant and of the members thereof if the license applicant is a partnership or association, of the officers and directors thereof if the license applicant is a corporation, and of the managers and members that retain any authority or responsibility under the operating agreement.

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if the license applicant is a limited liability company are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly and efficiently within the purpose of this Act. If the Commissioner shall not so find, he or she shall not issue such license, and he or she shall notify the license applicant of the denial.

*The Commissioner may impose conditions on a license if the Commissioner determines that the conditions are necessary or appropriate. These conditions shall be imposed in writing and shall continue in effect for the period prescribed by the Commissioner.*

(b) All licenses shall be issued in duplicate with one copy being transmitted to the license applicant and the second being retained with the Commissioner.

Upon receipt of such license, a residential mortgage licensee shall be authorized to engage in the business regulated by this Act. Such license shall remain in full force and effect until it expires without renewal, is surrendered by the licensee or revoked or suspended as hereinafter provided.

(Source: P.A. 93-32, eff. 7-1-03.)

(205 ILCS 635/2-6) (from Ch. 17, par. 2322-6)

Sec. 2-6. License issuance and renewal; fee.

(a) Beginning July 1, 2003, licenses shall be renewed every year on the anniversary of the date of issuance of the original license. Properly completed renewal application forms and filing fees must be received by the Commissioner 60 days prior to the renewal date.

(b) It shall be the responsibility of each licensee to accomplish renewal of its license; failure of the licensee to receive renewal forms absent a request sent by certified mail for such forms will not waive said responsibility. Failure by a licensee to submit a properly completed renewal application form and fees in a timely fashion, absent a written extension from the Commissioner, will result in the assessment of additional fees, as follows:

(1) A fee of $750 will be assessed to the licensee 30 days after the proper renewal date and $1,500 each month thereafter, until the license is either renewed or expires pursuant to Section 2-6, subsections (c) and (d), of this Act.

(2) Such fee will be assessed without prior notice to the licensee, but will be assessed only in cases wherein the Commissioner has in his or her possession documentation of the

New matter indicated by italics - deletions by strikeout.
(c) A license which is not renewed by the date required in this Section shall automatically become inactive. No activity regulated by this Act shall be conducted by the licensee when a license becomes inactive. The Commissioner may require the licensee to provide a plan for the disposition of any residential mortgage loans not closed or funded when the license becomes inactive. The Commissioner may allow a licensee with an inactive license to conduct activities regulated by this Act for the sole purpose of assisting borrowers in the closing or funding of loans for which the loan application was taken from a borrower while the license was active. An inactive license may be reactivated by filing a completed reactivation application with the Commissioner upon payment of the renewal fee, and payment of a reactivation fee equal to the renewal fee.

(d) A license which is not renewed within one year of becoming inactive shall expire.

(e) A licensee ceasing an activity or activities regulated by this Act and desiring to no longer be licensed shall so inform the Commissioner in writing and, at the same time, convey the license and all other symbols or indicia of licensure. The licensee shall include a plan for the withdrawal from regulated business, including a timetable for the disposition of the business. Upon receipt of such written notice, the Commissioner shall issue a certified statement canceling the license.

(205 ILCS 635/3-2) (from Ch. 17, par. 2323-2)

Sec. 3-2. Annual audit.

(a) At the licensee's fiscal year-end, but in no case more than 12 months after the last audit conducted pursuant to this Section, except as otherwise provided in this Section, it shall be mandatory for each residential mortgage licensee to cause its books and accounts to be audited by a certified public accountant not connected with such licensee. The books and records of all licensees under this Act shall be maintained on an accrual basis. The audit must be sufficiently comprehensive in scope to permit the expression of an opinion on the financial statements, which must be prepared in accordance with generally accepted accounting principles, and must be performed in accordance with generally accepted auditing standards. Notwithstanding the requirements of this subsection, a licensee that is a first tier subsidiary may submit audited consolidated financial statements of its parent as long as the consolidated statements are

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supported by consolidating statements. The licensee's chief financial officer shall attest to the licensee's financial statements disclosed in the consolidating statements.

(b) As used herein, the term "expression of opinion" includes either (1) an unqualified opinion, (2) a qualified opinion, (3) a disclaimer of opinion, or (4) an adverse opinion.

(c) If a qualified or adverse opinion is expressed or if an opinion is disclaimed, the reasons therefore must be fully explained. An opinion, qualified as to a scope limitation, shall not be acceptable.

(d) The most recent audit report shall be filed with the Commissioner within 90 days after the end of the licensee's fiscal year. The report filed with the Commissioner shall be certified by the certified public accountant conducting the audit. The Commissioner may promulgate rules regarding late audit reports.

(e) If any licensee required to make an audit shall fail to cause an audit to be made, the Commissioner shall cause the same to be made by a certified public accountant at the licensee's expense. The Commissioner shall select such certified public accountant by advertising for bids or by such other fair and impartial means as he or she establishes by regulation.

(f) In lieu of the audit or compilation financial statement required by this Section, a licensee shall submit and the Commissioner may accept any audit made in conformance with the audit requirements of the U.S. Department of Housing and Urban Development.

(g) With respect to licensees who solely broker residential mortgage loans as defined in subsection (o) of Section 1-4, instead of the audit required by this Section, the Commissioner may accept compilation financial statements prepared at least every 12 months, and the compilation financial statement must be prepared by an independent certified public accountant licensed under the Illinois Public Accounting Act or by an equivalent state licensing law with full disclosure in accordance with generally accepted accounting principals and must be submitted within 90 days after the end of the licensee's fiscal year. If a licensee under this Section fails to file a compilation as required, the Commissioner shall cause an audit of the licensee's books and accounts to be made by a certified public accountant at the licensee's expense. The Commissioner shall select the certified public accountant by advertising for bids or by such other fair and impartial means as he or she establishes by rule. A licensee who files false or misleading compilation financial
statements is guilty of a business offense and shall be fined not less than $5,000.

(h) The workpapers of the certified public accountants employed by each licensee for purposes of this Section are to be made available to the Commissioner or the Commissioner's designee upon request and may be reproduced by the Commissioner or the Commissioner's designee to enable the Commissioner to carry out the purposes of this Act.

(i) Notwithstanding any other provision of this Section, if a licensee relying on subsection (g) of this Section causes its books to be audited at any other time or causes its financial statements to be reviewed, a complete copy of the audited or reviewed financial statements shall be delivered to the Commissioner at the time of the annual license renewal payment following receipt by the licensee of the audited or reviewed financial statements. All workpapers shall be made available to the Commissioner upon request. The financial statements and workpapers may be reproduced by the Commissioner or the Commissioner's designee to carry out the purposes of this Act.

(Source: P.A. 93-561, eff. 1-1-04.)

(205 ILCS 635/3-4) (from Ch. 17, par. 2323-4)
Sec. 3-4. Office and staff within the State.
(a) A licensee whose principal place of business is located in the State of Illinois shall maintain at least one full service office with staff reasonably adequate to handle efficiently communications, questions, and all other matters relating to any application for a home mortgage or an existing home mortgage with respect to which such licensee is performing services, regardless of kind, for any borrower or lender, note owner or holder, or for himself or herself while engaged in the residential mortgage business. The location and operation of a full service office shall be in compliance with any applicable zoning laws or ordinances and home office or business regulations.

(b) In lieu of maintaining a full service office in the State of Illinois, a licensee whose principal place of business is located outside the State of Illinois must submit a certified audit as required in Section 3-2 of this Act evidencing a minimum net worth of $100,000, which must be maintained at all times, and shall submit and maintain a fidelity bond in the amount of $100,000.

(Source: P.A. 89-355, eff. 8-17-95; 90-301, eff. 8-1-97; 90-772, eff. 1-1-99.)

(205 ILCS 635/4-1) (from Ch. 17, par. 2324-1)

New matter indicated by italics - deletions by strikeout.
Sec. 4-1. Commissioner of Banks and Real Estate; functions, powers, and duties. The functions, powers, and duties of the Commissioner of Banks and Real Estate shall include the following:

(a) To issue or refuse to issue any license as provided by this Act;
(b) To revoke or suspend for cause any license issued under this Act;
(c) To keep records of all licenses issued under this Act;
(d) To receive, consider, investigate, and act upon complaints made by any person in connection with any residential mortgage licensee in this State;
(e) To consider and act upon any recommendations from the Residential Mortgage Board;
(f) To prescribe the forms of and receive:
   (1) applications for licenses; and
   (2) all reports and all books and records required to be made by any licensee under this Act, including annual audited financial statements and annual reports of mortgage activity;
(g) To adopt rules and regulations necessary and proper for the administration of this Act;
(h) To subpoena documents and witnesses and compel their attendance and production, to administer oaths, and to require the production of any books, papers, or other materials relevant to any inquiry authorized by this Act;

(h-1) To issue orders against any person, if the Commissioner has reasonable cause to believe that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur, if any person has violated, is violating, or is about to violate any law, rule, or written agreement with the Commissioner, or for the purpose of administering the provisions of this Act and any rule adopted in accordance with the Act;
(h-2) To address any inquiries to any licensee, or the officers thereof, in relation to its activities and conditions, or any other matter connected with its affairs, and it shall be the duty of any licensee or person so addressed, to promptly reply in writing to such inquiries. The Commissioner may also require reports from any licensee at any time the Commissioner may deem desirable;
(i) To require information with regard to any license applicant as he or she may deem desirable, with due regard to the paramount interests of the public as to the experience, background, honesty, truthfulness, integrity, and competency of the license applicant as to financial

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transactions involving primary or subordinate mortgage financing, and
where the license applicant is an entity other than an individual, as to the
honesty, truthfulness, integrity, and competency of any officer or director
of the corporation, association, or other entity, or the members of a
partnership;

(j) To examine the books and records of every licensee under this
Act at intervals as specified in Section 4-2;

(k) To enforce provisions of this Act;

(l) To levy fees, fines, and charges for services performed in
administering this Act; the aggregate of all fees collected by the
Commissioner on and after the effective date of this Act shall be paid
promptly after receipt of the same, accompanied by a detailed statement
thereof, into the Savings and Residential Finance Regulatory Fund; the
amounts deposited into that Fund shall be used for the ordinary and
contingent expenses of the Office of Banks and Real Estate. Nothing in
this Act shall prevent continuing the practice of paying expenses involving
salaries, retirement, social security, and State-paid insurance of State
officers by appropriation from the General Revenue Fund.

(m) To appoint examiners, supervisors, experts, and special
assistants as needed to effectively and efficiently administer this Act; and

(n) To conduct hearings for the purpose of:
   (1) appeals of orders of the Commissioner;
   (2) suspensions or revocations of licenses, or fining of
       licensees;
   (3) investigating:
       (i) complaints against licensees; or
       (ii) annual gross delinquency rates; and
   (4) carrying out the purposes of this Act;

(o) To exercise exclusive visitorial power over a licensee unless
otherwise authorized by this Act or as vested in the courts, or upon prior
consultation with the Commissioner, a foreign residential mortgage
regulator with an appropriate supervisory interest in the parent or
affiliate of a licensee;

(p) To enter into cooperative agreements with state regulatory
authorities of other states to provide for examination of corporate offices
or branches of those states and to accept reports of such examinations;

(q) To assign an examiner or examiners to monitor the affairs of a
licensee with whatever frequency the Commissioner determines
appropriate and to charge the licensee for reasonable and necessary
expenses of the Commissioner, if in the opinion of the Commissioner an emergency exists or appears likely to occur; and

(r) To impose civil penalties of up to $50 per day against a licensee for failing to respond to a regulatory request or reporting requirement.

(Source: P.A. 89-355, eff. 8-17-95; 89-508, eff. 7-3-96.)

(205 ILCS 635/4-2) (from Ch. 17, par. 2324-2)
Sec. 4-2. Examination; prohibited activities.

(a) The business affairs of a licensee under this Act shall be examined for compliance with this Act as often as the Commissioner deems necessary and proper. The Commissioner shall promulgate rules with respect to the frequency and manner of examination. The Commissioner shall appoint a suitable person to perform such examination. The Commissioner and his appointees may examine the entire books, records, documents, and operations of each licensee and may examine any of the licensee's officers, directors, employees and agents under oath.

(b) The Commissioner shall prepare a sufficiently detailed report of each licensee's examination, shall issue a copy of such report to each licensee's principals, officers, or directors and shall take appropriate steps to ensure correction of violations of this Act.

(c) Affiliates of a licensee shall be subject to examination by the Commissioner on the same terms as the licensee, but only when reports from, or examination of a licensee provides for documented evidence of unlawful activity between a licensee and affiliate benefiting, affecting or deriving from the activities regulated by this Act.

(d) The expenses of any examination of the licensee and affiliates shall be borne by the licensee and assessed by the Commissioner as established by regulation.

(e) Upon completion of the examination, the Commissioner shall issue a report to the licensee. All confidential supervisory information, including the examination report; and the work papers of the report, shall belong to the Commissioner's office and may not be disclosed to anyone other than the licensee, law enforcement officials or other regulatory agencies that have an appropriate regulatory interest as determined by the Commissioner. The Commissioner shall be defined in rules promulgated by the Commissioner, or to a party presenting a lawful subpoena to the Office of the Commissioner. The Commissioner may immediately appeal to the court of jurisdiction the disclosure of such confidential supervisory information and seek a stay of the subpoena pending the outcome of the
appeal. Reports required of licensees by the Commissioner under this Act and results of examinations performed by the Commissioner under this Act shall be the property of only the licensee and the Commissioner, but may be shared with the licensee. Access under this Act to the books and records of each licensee shall be limited to the Commissioner and his agents as provided in this Act and to the licensee and its authorized agents and designees. No other person shall have access to the books and records of a licensee under this Act. Any person upon whom a demand for production of confidential supervisory information is made, whether by subpoena, order, or other judicial or administrative process, must withhold production of the confidential supervisory information and must notify the Commissioner of the demand, at which time the Commissioner is authorized to intervene for the purpose of enforcing the limitations of this Section or seeking the withdrawal or termination of the attempt to compel production of the confidential supervisory information. The Commissioner may impose any conditions and limitations on the disclosure of confidential supervisory information that are necessary to protect the confidentiality of such information. Except as authorized by the Commissioner, no person obtaining access to confidential supervisory information may make a copy of the confidential supervisory information. The Commissioner may condition a decision to disclose confidential supervisory information on entry of a protective order by the court or administrative tribunal presiding in the particular case or on a written agreement of confidentiality. In a case in which a protective order or agreement has already been entered between parties other than the Commissioner, the Commissioner may nevertheless condition approval for release of confidential supervisory information upon the inclusion of additional or amended provisions in the protective order. The Commissioner may authorize a party who obtained the records for use in one case to provide them to another party in another case, subject to any conditions that the Commissioner may impose on either or both parties. The requestor shall promptly notify other parties to a case of the release of confidential supervisory information obtained and, upon entry of a protective order, shall provide copies of confidential supervisory information to the other parties.

(f) The Commissioner, deputy commissioners, and employees of the Office of Banks and Real Estate shall be subject to the restrictions provided in Section 2.5 of the Office of Banks and Real Estate Act including, without limitation, the restrictions on (i) owning shares of stock
or holding any other equity interest in an entity regulated under this Act or in any corporation or company that owns or controls an entity regulated under this Act; (ii) being an officer, director, employee, or agent of an entity regulated under this Act; and (iii) obtaining a loan or accepting a gratuity from an entity regulated under this Act.

(g) After the initial examination for those licensees whose only mortgage activity is servicing fewer than 1,000 Illinois residential loans, the examination required in subsection (a) may be waived upon submission of a letter from the licensee's independent certified auditor that the licensee serviced fewer than 1,000 Illinois residential loans during the year in which the audit was performed.

(Source: P.A. 90-301, eff. 8-1-97; 91-586, eff. 8-14-99.)

(205 ILCS 635/4-5) (from Ch. 17, par. 2324-5)
Sec. 4-5. Suspension, revocation of licenses; fines.
(a) Upon written notice to a licensee, the Commissioner may suspend or revoke any license issued pursuant to this Act if he or she shall make a finding of one or more of the following in the notice that:

(1) Through separate acts or an act or a course of conduct, the licensee has violated any provisions of this Act, any rule or regulation promulgated by the Commissioner or of any other law, rule or regulation of this State or the United States.

(2) Any fact or condition exists which, if it had existed at the time of the original application for such license would have warranted the Commissioner in refusing originally to issue such license.

(3) If a licensee is other than an individual, any ultimate equitable owner, officer, director, or member of the licensed partnership, association, corporation, or other entity has so acted or failed to act as would be cause for suspending or revoking a license to that party as an individual.

(b) No license shall be suspended or revoked, except as provided in this Section, nor shall any licensee be fined without notice of his or her right to a hearing as provided in Section 4-12 of this Act.

(c) The Commissioner, on good cause shown that an emergency exists, may suspend any license for a period not exceeding 180 days, pending investigation. Upon a showing that a licensee has failed to meet the experience or educational requirements of Section 2-2 or the requirements of subsection (g) of Section 3-2, the Commissioner shall
suspend, prior to hearing as provided in Section 4-12, the license until those requirements have been met.

(d) The provisions of subsection (e) of Section 2-6 of this Act shall not affect a licensee's civil or criminal liability for acts committed prior to surrender of a license.

(e) No revocation, suspension or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any person.

(f) Every license issued under this Act shall remain in force and effect until the same shall have expired without renewal, have been surrendered, revoked or suspended in accordance with the provisions of this Act, but the Commissioner shall have authority to reinstate a suspended license or to issue a new license to a licensee whose license shall have been revoked if no fact or condition then exists which would have warranted the Commissioner in refusing originally to issue such license under this Act.

(g) Whenever the Commissioner shall revoke or suspend a license issued pursuant to this Act or fine a licensee under this Act, he or she shall forthwith execute in duplicate a written order to that effect. The Commissioner shall publish notice of such order in the Illinois Register and post notice of the order on an agency Internet site maintained by the Commissioner and shall forthwith serve a copy of such order upon the licensee. Any such order may be reviewed in the manner provided by Section 4-12 of this Act.

(h) When the Commissioner finds any person in violation of the grounds set forth in subsection (i), he or she may enter an order imposing one or more of the following penalties:

(1) Revocation of license;
(2) Suspension of a license subject to reinstatement upon satisfying all reasonable conditions the Commissioner may specify;
(3) Placement of the licensee or applicant on probation for a period of time and subject to all reasonable conditions as the Commissioner may specify;
(4) Issuance of a reprimand;
(5) Imposition of a fine not to exceed $25,000 for each count of separate offense; and
(6) Denial of a license.

New matter indicated by italics - deletions by strikeout.
(i) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (h) above may be taken:

(1) Being convicted or found guilty, regardless of pendency of an appeal, of a crime in any jurisdiction which involves fraud, dishonest dealing, or any other act of moral turpitude;

(2) Fraud, misrepresentation, deceit or negligence in any mortgage financing transaction;

(3) A material or intentional misstatement of fact on an initial or renewal application;

(4) Failure to follow the Commissioner's regulations with respect to placement of funds in escrow accounts;

(5) Insolvency or filing under any provision of the Bankruptcy Code as a debtor;

(6) Failure to account or deliver to any person any property such as any money, fund, deposit, check, draft, mortgage, or other document or thing of value, which has come into his or her hands and which is not his or her property or which he or she is not in law or equity entitled to retain, under the circumstances and at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery;

(7) Failure to disburse funds in accordance with agreements;

(8) Any misuse, misapplication, or misappropriation of trust funds or escrow funds;

(9) Having a license, or the equivalent, to practice any profession or occupation revoked, suspended, or otherwise acted against, including the denial of licensure by a licensing authority of this State or another state, territory or country for fraud, dishonest dealing or any other act of moral turpitude;

(10) Failure to issue a satisfaction of mortgage when the residential mortgage has been executed and proceeds were not disbursed to the benefit of the mortgagor and when the mortgagor has fully paid licensee's costs and commission;

(11) Failure to comply with any order of the Commissioner or rule made or issued under the provisions of this Act;

(12) Engaging in activities regulated by this Act without a current, active license unless specifically exempted by this Act;

New matter indicated by italics - deletions by strikeout.
(13) Failure to pay in a timely manner any fee, charge or fine under this Act;
(14) Failure to maintain, preserve, and keep available for examination, all books, accounts or other documents required by the provisions of this Act and the rules of the Commissioner;
(15) Refusal to permit an investigation or examination of the licensee's or its affiliates' books and records or refusal to comply with the Commissioner's subpoena or subpoena duces tecum;
(16) A pattern of substantially underestimating the maximum closing costs;
(17) Failure to comply with or violation of any provision of this Act.

(j) A licensee shall be subject to the disciplinary actions specified in this Act for violations of subsection (i) by any officer, director, shareholder, joint venture, partner, ultimate equitable owner, or employee of the licensee.

(k) Such licensee shall be subject to suspension or revocation for employee actions only if there is a pattern of repeated violations by employees or the licensee has knowledge of the violations.

(l) Procedure for surrender of license:

(1) The Commissioner may, after 10 days notice by certified mail to the licensee at the address set forth on the license, stating the contemplated action and in general the grounds therefor and the date, time and place of a hearing thereon, and after providing the licensee with a reasonable opportunity to be heard prior to such action, fine such licensee an amount not exceeding $25,000 $10,000 per violation, or revoke or suspend any license issued hereunder if he or she finds that:

   (i) The licensee has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation or direction of the Commissioner lawfully made pursuant to the authority of this Act; or
   (ii) Any fact or condition exists which, if it had existed at the time of the original application for the license, clearly would have warranted the Commissioner in refusing to issue the license.

(2) Any licensee may surrender a license by delivering to the Commissioner written notice that he or she thereby surrenders.

New matter indicated by italics - deletions by strikeout.
such license, but surrender shall not affect the licensee's civil or criminal liability for acts committed prior to surrender or entitle the licensee to a return of any part of the license fee.

(Source: P.A. 93-561, eff. 1-1-04.)

(205 ILCS 635/4-8.3 new)

Sec. 4-8.3. Annual report of mortgage and servicing activity. On or before March 1 of each year, each licensee, except residential mortgage brokers, shall file a report with the Commissioner that shall disclose such information as the Commissioner requires. Exempt entities as defined in subsection (d) of Section 1-4 shall not file the annual report of mortgage and servicing activity required by this Section.

(205 ILCS 635/6-2) (from Ch. 17, par. 2326-2)

Sec. 6-2. Removal and prohibition.

(a) Upon making any one or more of the following findings, the Commissioner may issue a notice of intent to issue an order of removal or prohibition, or an order of removal and prohibition, which order may remove a named person, persons, or entity or entities from participating in the affairs of one or more licensees and may be permanent or for a specific shorter period of time. The findings required under this Section may be any one or more of the following:

(1) A finding that the party or entity subject to the order has been convicted of a crime involving material financial loss to a licensee, a federally insured depository institution, a government sponsored enterprise, a Federal Home Loan Bank, a Federal Reserve Bank, or any other person.

(2) A finding that the person or entity subject to the order has submitted or caused to be submitted any document that contains multiple willful and material misstatements of facts, and that includes the signature of the person or entity specified in the Commissioner's order, or that is notarized, certified, verified or is in any other way attested to, as to its veracity. An application for licensure or license renewal may be considered such a document.

(3) Conviction of a business offense under subsection (e) of Section 1-3 or subsection (g) of Section 3-2.

(4) A finding prepared by a hearing officer pursuant to a hearing held under Section 4-1(n) of this Act that the person subject to the order, while an employee of a licensee, has knowingly submitted or caused to be submitted any document that contains willful and material misstatement of facts and which is

New matter indicated by italics - deletions by strikeout.
used in connection with any licensable activity as defined in Section 1-3(a) of this Act.

(b) Whenever, in the opinion of the Commissioner, any director, officer, or employee of a licensee shall have violated any law, rule, or order relating to that licensee or shall have obstructed or impeded any examination or investigation by the Commissioner, shall have engaged in an unsafe, unsound, or unlawful practice in conducting the business of the licensee, or shall have violated any law or engaged or participated in any unsafe, unsound or unlawful practice in connection with any licensee or other business entity such that the character and fitness of the director, officer, or employee does not assure reasonable promise of safe, sound, and lawful operation of the licensee, the Commissioner may issue an order of removal. If, in the opinion of the Commissioner, any former director, officer, or employee of a licensee, prior to the termination of his or her service with that licensee, violated any law, rule, or order relating to that licensee, obstructed or impeded any examination or investigation by the Commissioner, engaged in an unsafe or unsound practice in conducting the business of that licensee or any subsidiary or holding company of the licensee, or violated any law or engaged or participated in any unsafe, unsound, or unlawful practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, or employee would not have assured reasonable promise of safe, sound, and lawful operation of the licensee, the Commissioner may issue an order prohibiting that person from further service with a licensee as a director, officer, or employee. An order issued pursuant to this subsection shall be served upon the director, officer, or employee. A copy of the order shall be sent to each owner or director of the licensee affected by registered mail. The person affected by the action may make a request to the Commissioner for a hearing pursuant to Section 4-1(n) within 10 days after receipt of the order. The hearing shall be held before a hearing officer within 30 days after the request has been received by the Commissioner. The hearing officer shall prepare a finding and report the same to the Commissioner who shall consider the finding in making his determination approving, modifying, or disapproving his order as a final administrative decision. If a hearing is held before a hearing officer, the Commissioner shall make his determination within 60 days from the conclusion of the hearing. Any person affected by a decision of the Commissioner under this subsection (b) may have the decision reviewed only under and in accordance with the Administrative Review Law and the

New matter indicated by italics - deletions by strikeout.
rules adopted pursuant thereto. A copy of the order shall also be served upon the licensee of which he is a director, officer, or employee, whereupon he shall cease to be a director, officer, or employee of that licensee. The Commissioner may institute a civil action against the director, officer, or employee of the licensee to enforce compliance with or to enjoin any violation of the terms of the order. Any person who has been the subject of an order of removal or an order of prohibition issued by the Commissioner under this subsection may not thereafter serve as director, officer, or employee of any licensee, or of any other entity that is subject to licensure or regulation by the Commissioner unless the Commissioner has granted prior approval in writing.
(Source: P.A. 89-355, eff. 8-17-95; 90-772, eff. 1-1-99.)
Effective January 1, 2005.

PUBLIC ACT 93-1019
(Senate Bill No. 2961)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Business Enterprise for Minorities, Females, and Persons with Disabilities Act is amended by changing Section 9 as follows:
(30 ILCS 575/9) (from Ch. 127, par. 132.609)
Sec. 9. This Act is repealed September 6, 2008.
(Source: P.A. 91-392, eff. 7-30-99; 91-476, eff. 8-11-99.)
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 93-1020
(Senate Bill No. 3013)

AN ACT concerning water safety.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by adding Section 5-15025 as follows:

(55 ILCS 5/5-15025 new)

Sec. 5-15025. Boil order; notification of certified local public health department required. If a county, or any department or agency of the county, issues a boil order, then the county must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the county must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

Section 7. The Township Code is amended by adding Section 205-12 as follows:

(60 ILCS 1/205-12 new)

Sec. 205-12. Boil order; notification of certified local public health department required. If a township, or any department or agency of the township, issues a boil order, then the township must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the township must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

Section 10. The Illinois Municipal Code is amended by adding Section 11-20-10.5 as follows:

(65 ILCS 5/11-20-10.5 new)

Sec. 11-20-10.5. Boil order; notification of certified local public health department required. If a municipality, or any department or agency of the municipality, issues a boil order, then the municipality must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the municipality must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The

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written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

Section 15. The Public Water District Act is amended by adding Section 7.3 as follows:

(70 ILCS 3705/7.3 new)

Sec. 7.3. Boil order; notification of certified local public health department required. If a public water district issues a boil order, then the district must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the district must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

Section 20. The Water Service District Act is amended by adding Section 5.2 as follows:

(70 ILCS 3710/5.2 new)

Sec. 5.2. Boil order; notification of certified local health department required. If a water service district issues a boil order, then the district must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the district must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

Section 25. The Water Authorities Act is amended by adding Section 6c as follows:

(70 ILCS 3715/6c new)

Sec. 6c. Boil order; notification of certified local health department required. If a water authority issues a boil order, then the authority must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the authority must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

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order or warning and the geographic area covered by the order or warning.

Section 30. The Water Commission Act of 1985 is amended by adding Section 2.5 as follows:

(70 ILCS 3720/2.5 new)

Sec. 2.5. Boil order; notification of certified local public health department required. If a water commission issues a boil order, then the commission must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the commission must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1021
(Senate Bill No. 3077)

AN ACT concerning mortgages.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mortgage Insurance Limitation and Notification Act is amended by adding Section 17 as follows:

(765 ILCS 930/17 new)

Sec. 17. Insurance coverage.
(a) No lender shall require a borrower, as a condition of receiving or maintaining a loan secured by real property, to provide hazard insurance coverage against risks to the improvements on that real property in an amount exceeding the replacement value of the improvements on the property.
(b) Any person harmed by a violation of this Section shall be entitled to obtain injunctive relief and may recover damages and reasonable attorney's fees and costs.

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(c) A violation of this Section does not affect the validity of the loan, note secured by a deed of trust, mortgage, or deed of trust.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1022
(House Bill No. 4225)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 1D-1, 14-7.02, 14-8.01, 14-13.01, 18-4.3, and 29-5 and adding Section 14-7.02b as follows:

(105 ILCS 5/1D-1)
Sec. 1D-1. Block grant funding.
(a) For fiscal year 1996 and each fiscal year thereafter, the State Board of Education shall award to a school district having a population exceeding 500,000 inhabitants a general education block grant and an educational services block grant, determined as provided in this Section, in lieu of distributing to the district separate State funding for the programs described in subsections (b) and (c). The provisions of this Section, however, do not apply to any federal funds that the district is entitled to receive. In accordance with Section 2-3.32, all block grants are subject to an audit. Therefore, block grant receipts and block grant expenditures shall be recorded to the appropriate fund code for the designated block grant.

(b) The general education block grant shall include the following programs: REI Initiative, Summer Bridges, Preschool At Risk, K-6 Comprehensive Arts, School Improvement Support, Urban Education, Scientific Literacy, Substance Abuse Prevention, Second Language Planning, Staff Development, Outcomes and Assessment, K-6 Reading Improvement, 7-12 Continued Reading Improvement, Truant's Optional Education, Hispanic Programs, Agriculture Education, Parental Education, Prevention Initiative, Report Cards, and Criminal Background Investigations. Notwithstanding any other provision of law, all amounts paid under the general education block grant from State appropriations to a

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school district in a city having a population exceeding 500,000 inhabitants shall be appropriated and expended by the board of that district for any of the programs included in the block grant or any of the board's lawful purposes.

(c) The educational services block grant shall include the following programs: Bilingual, Regular and Vocational Transportation, State Lunch and Free Breakfast Program, Special Education (Personnel, Extraordinary, Transportation, Orphanage, Private Tuition), funding for children requiring special education services, Summer School, Educational Service Centers, and Administrator's Academy. This subsection (c) does not relieve the district of its obligation to provide the services required under a program that is included within the educational services block grant. It is the intention of the General Assembly in enacting the provisions of this subsection (c) to relieve the district of the administrative burdens that impede efficiency and accompany single-program funding. The General Assembly encourages the board to pursue mandate waivers pursuant to Section 2-3.25g.

The funding program included in the educational services block grant for funding for children requiring special education services in each fiscal year shall be treated in that fiscal year as a payment to the school district in respect of services provided or costs incurred in the prior fiscal year, calculated in each case as provided in this Section. Nothing in this Section shall change the nature of payments for any program that, apart from this Section, would be or, prior to adoption or amendment of this Section, was on the basis of a payment in a fiscal year in respect of services provided or costs incurred in the prior fiscal year, calculated in each case as provided in this Section.

(d) For fiscal year 1996 and each fiscal year thereafter, the amount of the district's block grants shall be determined as follows: (i) with respect to each program that is included within each block grant, the district shall receive an amount equal to the same percentage of the current fiscal year appropriation made for that program as the percentage of the appropriation received by the district from the 1995 fiscal year appropriation made for that program, and (ii) the total amount that is due the district under the block grant shall be the aggregate of the amounts that the district is entitled to receive for the fiscal year with respect to each program that is included within the block grant that the State Board of Education shall award the district under this Section for that fiscal year. In the case of the Summer Bridges program, the amount of the district's block grants

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grant shall be equal to 44% of the amount of the current fiscal year appropriation made for that program.

(e) The district is not required to file any application or other claim in order to receive the block grants to which it is entitled under this Section. The State Board of Education shall make payments to the district of amounts due under the district's block grants on a schedule determined by the State Board of Education.

(f) A school district to which this Section applies shall report to the State Board of Education on its use of the block grants in such form and detail as the State Board of Education may specify.

(g) This paragraph provides for the treatment of block grants under Article 1C for purposes of calculating the amount of block grants for a district under this Section. Those block grants under Article 1C are, for this purpose, treated as included in the amount of appropriation for the various programs set forth in paragraph (b) above. The appropriation in each current fiscal year for each block grant under Article 1C shall be treated for these purposes as appropriations for the individual program included in that block grant. The proportion of each block grant so allocated to each such program included in it shall be the proportion which the appropriation for that program was of all appropriations for such purposes now in that block grant, in fiscal 1995.

Payments to the school district under this Section with respect to each program for which payments to school districts generally, as of the date of this amendatory Act of the 92nd General Assembly, are on a reimbursement basis shall continue to be made to the district on a reimbursement basis, pursuant to the provisions of this Code governing those programs.

(h) Notwithstanding any other provision of law, any school district receiving a block grant under this Section may classify all or a portion of the funds that it receives in a particular fiscal year from any block grant authorized under this Code or from general State aid pursuant to Section 18-8.05 of this Code (other than supplemental general State aid) as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referred to in subsection (c) of this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of

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its board of education. The resolution must identify the amount of any block grant or general State aid to be classified under this subsection (h) and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this subsection (h) by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this subsection (h) by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to the block grant as provided in this Section, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of provision of services.

(105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)
Sec. 14-7.02. Children attending private schools, public out-of-state schools, public school residential facilities or private special education facilities. The General Assembly recognizes that non-public schools or special education facilities provide an important service in the educational system in Illinois.

If because of his or her disability the special education program of a district is unable to meet the needs of a child and the child attends a non-public school or special education facility, a public out-of-state school or a special education facility owned and operated by a county government unit that provides special educational services required by the child and is in compliance with the appropriate rules and regulations of the State Superintendent of Education, the school district in which the child is a resident shall pay the actual cost of tuition for special education and related services provided during the regular school term and during the summer school term if the child's educational needs so require, excluding room, board and transportation costs charged the child by that non-public school or special education facility, public out-of-state school or county special education facility, or $4,500 per year, whichever is less, and shall provide him any necessary transportation. "Nonpublic special education facility" shall include a residential facility, within or without the State of Illinois.

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Illinois, which provides special education and related services to meet the needs of the child by utilizing private schools or public schools, whether located on the site or off the site of the residential facility.

The State Board of Education shall promulgate rules and regulations for determining when placement in a private special education facility is appropriate. Such rules and regulations shall take into account the various types of services needed by a child and the availability of such services to the particular child in the public school. In developing these rules and regulations the State Board of Education shall consult with the Advisory Council on Education of Children with Disabilities and hold public hearings to secure recommendations from parents, school personnel, and others concerned about this matter.

The State Board of Education shall also promulgate rules and regulations for transportation to and from a residential school. Transportation to and from home to a residential school more than once each school term shall be subject to prior approval by the State Superintendent in accordance with the rules and regulations of the State Board.

A school district making tuition payments pursuant to this Section is eligible for reimbursement from the State for the amount of such payments actually made in excess of the district per capita tuition charge for students not receiving special education services. Such reimbursement shall be approved in accordance with Section 14-12.01 and each district shall file its claims, computed in accordance with rules prescribed by the State Board of Education, on forms prescribed by the State Superintendent of Education. Data used as a basis of reimbursement claims shall be for the preceding regular school term and summer school term. Each school district shall transmit its claims to the State Board of Education on or before August 15. The State Board of Education, before approving any such claims, shall determine their accuracy and whether they are based upon services and facilities provided under approved programs. Upon approval the State Board shall cause vouchers to be prepared showing the amount due for payment of reimbursement claims to school districts, for transmittal to the State Comptroller on the 30th day of September, December, and March, respectively, and the final voucher, no later than June 20. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved.

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No child shall be placed in a special education program pursuant to this Section if the tuition cost for special education and related services increases more than 10 percent over the tuition cost for the previous school year or exceeds $4,500 per year unless such costs have been approved by the Illinois Purchased Care Review Board. The Illinois Purchased Care Review Board shall consist of the following persons, or their designees: the Directors of Children and Family Services, Public Health, Public Aid, and the Governor's Office of Management and Budget Bureau of the Budget; the Secretary of Human Services; the State Superintendent of Education; and such other persons as the Governor may designate. The Review Board shall establish rules and regulations for its determination of allowable costs and payments made by local school districts for special education, room and board, and other related services provided by non-public schools or special education facilities and shall establish uniform standards and criteria which it shall follow.

The Review Board shall establish uniform definitions and criteria for accounting separately by special education, room and board and other related services costs. The Board shall also establish guidelines for the coordination of services and financial assistance provided by all State agencies to assure that no otherwise qualified disabled child receiving services under Article 14 shall be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity provided by any State agency.

The Review Board shall review the costs for special education and related services provided by non-public schools or special education facilities and shall approve or disapprove such facilities in accordance with the rules and regulations established by it with respect to allowable costs.

The State Board of Education shall provide administrative and staff support for the Review Board as deemed reasonable by the State Superintendent of Education. This support shall not include travel expenses or other compensation for any Review Board member other than the State Superintendent of Education.

The Review Board shall seek the advice of the Advisory Council on Education of Children with Disabilities on the rules and regulations to be promulgated by it relative to providing special education services.

If a child has been placed in a program in which the actual per pupil costs of tuition for special education and related services based on program enrollment, excluding room, board and transportation costs, exceed $4,500 and such costs have been approved by the Review Board,

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the district shall pay such total costs which exceed $4,500. A district making such tuition payments in excess of $4,500 pursuant to this Section shall be responsible for an amount in excess of $4,500 equal to the district per capita tuition charge and shall be eligible for reimbursement from the State for the amount of such payments actually made in excess of the districts per capita tuition charge for students not receiving special education services.

If a child has been placed in an approved individual program and the tuition costs including room and board costs have been approved by the Review Board, then such room and board costs shall be paid by the appropriate State agency subject to the provisions of Section 14-8.01 of this Act. Room and board costs not provided by a State agency other than the State Board of Education shall be provided by the State Board of Education on a current basis. In no event, however, shall the State's liability for funding of these tuition costs begin until after the legal obligations of third party payors have been subtracted from such costs. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved. Each district shall submit estimated claims to the State Superintendent of Education. Upon approval of such claims, the State Superintendent of Education shall direct the State Comptroller to make payments on a monthly basis. The frequency for submitting estimated claims and the method of determining payment shall be prescribed in rules and regulations adopted by the State Board of Education. Such current state reimbursement shall be reduced by an amount equal to the proceeds which the child or child's parents are eligible to receive under any public or private insurance or assistance program. Nothing in this Section shall be construed as relieving an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a disabled child.

If it otherwise qualifies, a school district is eligible for the transportation reimbursement under Section 14-13.01 and for the reimbursement of tuition payments under this Section whether the non-public school or special education facility, public out-of-state school or county special education facility, attended by a child who resides in that district and requires special educational services, is within or outside of the State of Illinois. However, a district is not eligible to claim transportation reimbursement under this Section unless the district certifies to the State Superintendent of Education that the district is unable to

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provide special educational services required by the child for the current school year.

Nothing in this Section authorizes the reimbursement of a school district for the amount paid for tuition of a child attending a non-public school or special education facility, public out-of-state school or county special education facility unless the school district certifies to the State Superintendent of Education that the special education program of that district is unable to meet the needs of that child because of his disability and the State Superintendent of Education finds that the school district is in substantial compliance with Section 14-4.01.

Any educational or related services provided, pursuant to this Section in a non-public school or special education facility or a special education facility owned and operated by a county government unit shall be at no cost to the parent or guardian of the child. However, current law and practices relative to contributions by parents or guardians for costs other than educational or related services are not affected by this amendatory Act of 1978.

Reimbursement for children attending public school residential facilities shall be made in accordance with the provisions of this Section.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02b, 14-7.02a, 14-13.01, or 29-5 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall

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affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services.

(Source: P.A. 91-764, eff. 6-9-00; 92-568, eff. 6-26-02; revised 8-23-03.)

(105 ILCS 5/14-7.02b new)

Sec. 14-7.02b. Funding for children requiring special education services. Payments to school districts for children requiring special education services documented in their individualized education program regardless of the program from which these services are received, excluding children claimed under Sections 14-7.02 and 14-7.03 of this Code, shall be made in accordance with this Section. Funds received under this Section may be used only for the provision of special educational facilities and services as defined in Section 14-1.08 of this Code.

The appropriation for fiscal year 2005 and thereafter shall be based upon the IDEA child count of all students in the State, excluding students claimed under Sections 14-7.02 and 14-7.03 of this Code, on December 1 of the fiscal year 2 years preceding, multiplied by 17.5% of the general State aid foundation level of support established for that fiscal year under Section 18-8.05 of this Code.

Beginning with fiscal year 2005 and through fiscal year 2007, individual school districts shall not receive payments under this Section totaling less than they received under the funding authorized under Section 14-7.02a of this Code during fiscal year 2004, pursuant to the provisions of Section 14-7.02a as they were in effect before the effective date of this amendatory Act of the 93rd General Assembly. This base level funding shall be computed first.

An amount equal to 85% of the funds remaining in the appropriation, after subtracting any base level funding for that fiscal year, shall be allocated to school districts based upon the district's average daily attendance reported for purposes of Section 18-8.05 of this Code for the preceding school year. Fifteen percent of the funds remaining in the appropriation, after subtracting any base level funding for that fiscal year, shall be allocated to school districts based upon the district's low income eligible pupil count used in the calculation of general State aid under
Section 18-8.05 of this Code for the same fiscal year. One hundred percent of the funds computed and allocated to districts under this Section shall be distributed and paid to school districts.

For individual students with disabilities whose program costs exceed 4 times the district’s per capita tuition rate as calculated under Section 10-20.12a of this Code, the costs in excess of 4 times the district’s per capita tuition rate shall be paid by the State Board of Education from unexpended IDEA discretionary funds originally designated for room and board reimbursement pursuant to Section 14-8.01 of this Code. The amount of tuition for these children shall be determined by the actual cost of maintaining classes for these children, using the per capita cost formula set forth in Section 14-7.01 of this Code, with the program and cost being pre-approved by the State Superintendent of Education. Reimbursement for individual students with disabilities whose program costs exceed 4 times the district’s per capita tuition rate shall be claimed beginning with costs encumbered for the 2004-2005 school year and thereafter.

The State Board of Education shall prepare vouchers equal to one-fourth the amount allocated to districts, for transmittal to the State Comptroller on the 30th day of September, December, and March, respectively, and the final voucher, no later than June 20. The Comptroller shall make payments pursuant to this Section to school districts as soon as possible after receipt of vouchers. If the money appropriated from the General Assembly for such purposes for any year is insufficient, it shall be apportioned on the basis of the payments due to school districts.

Nothing in this Section shall be construed to decrease or increase the percentage of all special education funds that are allocated annually under Article 1D of this Code or to alter the requirement that a school district provide special education services.

Nothing in this amendatory Act of the 93rd General Assembly shall eliminate any reimbursement obligation owed as of the effective date of this amendatory Act of the 93rd General Assembly to a school district with in excess of 500,000 inhabitants.

(105 ILCS 5/14-8.01) (from Ch. 122, par. 14-8.01)

Sec. 14-8.01. Supervision of special education buildings and facilities. All special educational facilities, building programs, housing, and all educational programs for the types of disabled children defined in Section 14-1.02 shall be under the supervision of and subject to the approval of the State Board of Education.

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All special education facilities, building programs, and housing shall comply with the building code authorized by Section 2-3.12.

All educational programs for children with disabilities as defined in Section 14-1.02 administered by any State agency shall be under the general supervision of the State Board of Education. Such supervision shall be limited to insuring that such educational programs meet standards jointly developed and agreed to by both the State Board of Education and the operating State agency, including standards for educational personnel.

Any State agency providing special educational programs for children with disabilities as defined in Section 14-1.02 shall promulgate rules and regulations, in consultation with the State Board of Education and pursuant to the Illinois Administrative Procedure Act as now or hereafter amended, to insure that all such programs comply with this Section and Section 14-8.02.

No otherwise qualified disabled child receiving special education and related services under Article 14 shall solely by reason of his or her disability be excluded from the participation in or be denied the benefits of or be subjected to discrimination under any program or activity provided by a State agency.

State agencies providing special education and related services, including room and board, either directly or through grants or purchases of services shall continue to provide these services according to current law and practice. Room and board costs not provided by a State agency other than the State Board of Education shall be provided by the State Board of Education to the extent of available funds. An amount equal to one-half of the State education agency's share of IDEA PART B federal monies, or so much thereof as may actually be needed, shall annually be appropriated to pay for the additional costs of providing for room and board for those children placed pursuant to Section 14-7.02 of this Code and, after all such room and board costs are paid, for similar expenditures for children served pursuant to Section 14-7.02 or 14-7.02b of this Code. Any such excess room and board funds must first be directed to those school districts with students costing in excess of 4 times the district's per capita tuition charge and then to community based programs that serve as alternatives to residential placements.

Beginning with Fiscal Year 1997 and continuing through Fiscal Year 2000, 100% of the former Chapter I, Section 89-313 federal funds shall be allocated by the State Board of Education in the same manner as IDEA, PART B "flow through" funding to local school districts, joint

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agreements, and special education cooperatives for the maintenance of instructional and related support services to students with disabilities. However, beginning with Fiscal Year 1998, the total IDEA Part B discretionary funds available to the State Board of Education shall not exceed the maximum permissible under federal law or 20% of the total federal funds available to the State, whichever is less. In no case shall the aggregate IDEA Part B discretionary funds received by the State Board of Education exceed the amount of IDEA Part B discretionary funds available to the State Board of Education for Fiscal Year 1997, excluding any carryover funds from prior fiscal years, increased by 3% for Fiscal Year 1998 and increased by an additional 3% for each fiscal year thereafter. After all room and board payments and similar expenditures are made by the State Board of Education as required by this Section, the State Board of Education may use the remaining funds for administration and for providing discretionary activities. However, the State Board of Education may use no more than 25% of its available IDEA Part B discretionary funds for administrative services.

Special education and related services included in the child's individualized educational program which are not provided by another State agency shall be included in the special education and related services provided by the State Board of Education and the local school district.

The State Board of Education with the advice of the Advisory Council shall prescribe the standards and make the necessary rules and regulations for special education programs administered by local school boards, including but not limited to establishment of classes, training requirements of teachers and other professional personnel, eligibility and admission of pupils, the curriculum, class size limitation, building programs, housing, transportation, special equipment and instructional supplies, and the applications for claims for reimbursement. The State Board of Education shall promulgate rules and regulations for annual evaluations of the effectiveness of all special education programs and annual evaluation by the local school district of the individualized educational program for each child for whom it provides special education services.

A school district is responsible for the provision of educational services for all school age children residing within its boundaries excluding any student placed under the provisions of Section 14-7.02 or any disabled student whose parent or guardian lives outside of the State of Illinois as described in Section 14-1.11.
(Source: P.A. 89-397, eff. 8-20-95; 89-622, eff. 8-9-96; 90-547, eff. 12-1-97.)

(105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

Sec. 14-13.01. Reimbursement payable by State; Amounts. Reimbursement for furnishing special educational facilities in a recognized school to the type of children defined in Section 14-1.02 shall be paid to the school districts in accordance with Section 14-12.01 for each school year ending June 30 by the State Comptroller out of any money in the treasury appropriated for such purposes on the presentation of vouchers by the State Board of Education.

The reimbursement shall be limited to funds expended for construction and maintenance of special education facilities designed and utilized to house instructional programs, diagnostic services, other special education services for children with disabilities and reimbursement as provided in Section 14-13.01. There shall be no reimbursement for construction and maintenance of any administrative facility separated from special education facilities designed and utilized to house instructional programs, diagnostic services and other special education services for children with disabilities.

(a) For children who have not been identified as eligible for special education and for eligible children with physical disabilities, including all eligible children whose placement has been determined under Section 14-8.02 in hospital or home instruction, 1/2 of the teacher's salary but not more than $1,000 annually per child or $8,000 per teacher for the 1985-1986 school year and thereafter, whichever is less. Children to be included in any reimbursement under this paragraph must regularly receive a minimum of one hour of instruction each school day, or in lieu thereof of a minimum of 5 hours of instruction in each school week in order to qualify for full reimbursement under this Section. If the attending physician for such a child has certified that the child should not receive as many as 5 hours of instruction in a school week, however, reimbursement under this paragraph on account of that child shall be computed proportionate to the actual hours of instruction per week for that child divided by 5.

(b) For children described in Section 14-1.02, 4/5 of the cost of transportation for each such child, whom the State Superintendent of Education determined in advance requires special transportation service in order to take advantage of special educational facilities. Transportation costs shall be determined in the same fashion as provided in Section 29-5.

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For purposes of this subsection (b), the dates for processing claims specified in Section 29-5 shall apply.

(c) For each professional worker excluding those included in subparagraphs (a), (d), (e), and (f) of this Section, the annual sum of $8,000 for the 1985-1986 school year and thereafter.

(d) For one full time qualified director of the special education program of each school district which maintains a fully approved program of special education the annual sum of $8,000 for the 1985-1986 school year and thereafter. Districts participating in a joint agreement special education program shall not receive such reimbursement if reimbursement is made for a director of the joint agreement program.

(e) For each school psychologist as defined in Section 14-1.09 the annual sum of $8,000 for the 1985-1986 school year and thereafter.

(f) For each qualified teacher working in a fully approved program for children of preschool age who are deaf or hard-of-hearing the annual sum of $8,000 for the 1985-1986 school year and thereafter.

(g) For readers, working with blind or partially seeing children 1/2 of their salary but not more than $400 annually per child. Readers may be employed to assist such children and shall not be required to be certified but prior to employment shall meet standards set up by the State Board of Education.

(h) For necessary non-certified employees working in any class or program for children defined in this Article, 1/2 of the salary paid or $2,800 annually per employee, whichever is less.

The State Board of Education shall set standards and prescribe rules for determining the allocation of reimbursement under this section on less than a full time basis and for less than a school year.

When any school district eligible for reimbursement under this Section operates a school or program approved by the State Superintendent of Education for a number of days in excess of the adopted school calendar but not to exceed 235 school days, such reimbursement shall be increased by 1/185 of the amount or rate paid hereunder for each day such school is operated in excess of 185 days per calendar year.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02, 14-7.02b, 14-7.02a, or 29-5 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in

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that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services.

(Source: P.A. 92-568, eff. 6-26-02.)

(105 ILCS 5/18-4.3) (from Ch. 122, par. 18-4.3)

Sec. 18-4.3. Summer school grants. Grants shall be determined for pupil attendance in summer schools conducted under Sections 10-22.33A and 34-18 and approved under Section 2-3.25 in the following manner.

The amount of grant for each accredited summer school attendance pupil shall be obtained by dividing the total amount of apportionments determined under Section 18-8.05 by the actual number of pupils in average daily attendance used for such apportionments. The number of credited summer school attendance pupils shall be determined (a) by counting clock hours of class instruction by pupils enrolled in grades 1 through 12 in approved courses conducted at least 60 clock hours in summer sessions; (b) by dividing such total of clock hours of class instruction by 4 to produce days of credited pupil attendance; (c) by dividing such days of credited pupil attendance by the actual number of days in the regular term as used in computation in the general apportionment in Section 18-8.05; and (d) by multiplying by 1.25.

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The amount of the grant for a summer school program approved by the State Superintendent of Education for children with disabilities, as defined in Sections 14-1.02 through 14-1.07, shall be determined in the manner contained above except that average daily membership shall be utilized in lieu of average daily attendance.

In the case of an apportionment based on summer school attendance or membership pupils, the claim therefore shall be presented as a separate claim for the particular school year in which such summer school session ends. On or before November 1 of each year the superintendent of each eligible school district shall certify to the State Superintendent of Education the claim of the district for the summer session just ended. Failure on the part of the school board to so certify shall constitute a forfeiture of its right to such payment. The State Superintendent of Education shall transmit to the Comptroller no later than December 15th of each year vouchers for payment of amounts due school districts for summer school. The State Superintendent of Education shall direct the Comptroller to draw his warrants for payments thereof by the 30th day of December. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of claims approved.

However, notwithstanding the foregoing provisions, for each fiscal year the money appropriated by the General Assembly for the purposes of this Section shall only be used for grants for approved summer school programs for those children with disabilities served pursuant to Sections 14-7.02 or 14-7.02b and 14-7.02a of the School Code.

(Source: P.A. 90-548, eff. 1-1-98; 91-764, eff. 6-9-00.)

(105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

Sec. 29-5. Reimbursement by State for transportation. Any school district, maintaining a school, transporting resident pupils to another school district's vocational program, offered through a joint agreement approved by the State Board of Education, as provided in Section 10-22.22 or transporting its resident pupils to a school which meets the standards for recognition as established by the State Board of Education which provides transportation meeting the standards of safety, comfort, convenience, efficiency and operation prescribed by the State Board of Education for resident pupils in kindergarten or any of grades 1 through 12 who: (a) reside at least 1 1/2 miles as measured by the customary route of travel, from the school attended; or (b) reside in areas where conditions are such that walking constitutes a hazard to the safety of the child when

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determined under Section 29-3; and (c) are transported to the school attended from pick-up points at the beginning of the school day and back again at the close of the school day or transported to and from their assigned attendance centers during the school day, shall be reimbursed by the State as hereinafter provided in this Section.

The State will pay the cost of transporting eligible pupils less the assessed valuation in a dual school district maintaining secondary grades 9 to 12 inclusive times a qualifying rate of .05%; in elementary school districts maintaining grades K to 8 times a qualifying rate of .06%; in unit districts maintaining grades K to 12 times a qualifying rate of .07%. To be eligible to receive reimbursement in excess of 4/5 of the cost to transport eligible pupils, a school district shall have a Transportation Fund tax rate of at least .12%. If a school district does not have a .12% Transportation Fund tax rate, the amount of its claim in excess of 4/5 of the cost of transporting pupils shall be reduced by the sum arrived at by subtracting the Transportation Fund tax rate from 12% and multiplying that amount by the districts equalized or assessed valuation, provided, that in no case shall said reduction result in reimbursement of less than 4/5 of the cost to transport eligible pupils.

The minimum amount to be received by a district is $16 times the number of eligible pupils transported.

Any such district transporting resident pupils during the school day to an area vocational school or another school district's vocational program more than 1 1/2 miles from the school attended, as provided in Sections 10-22.20a and 10-22.22, shall be reimbursed by the State for 4/5 of the cost of transporting eligible pupils.

School day means that period of time which the pupil is required to be in attendance for instructional purposes.

If a pupil is at a location within the school district other than his residence for child care purposes at the time for transportation to school, that location may be considered for purposes of determining the 1 1/2 miles from the school attended.

Claims for reimbursement that include children who attend any school other than a public school shall show the number of such children transported.

Claims for reimbursement under this Section shall not be paid for the transportation of pupils for whom transportation costs are claimed for payment under other Sections of this Act.

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The allowable direct cost of transporting pupils for regular, vocational, and special education pupil transportation shall be limited to the sum of the cost of physical examinations required for employment as a school bus driver; the salaries of full or part-time drivers and school bus maintenance personnel; employee benefits excluding Illinois municipal retirement payments, social security payments, unemployment insurance payments and workers' compensation insurance premiums; expenditures to independent carriers who operate school buses; payments to other school districts for pupil transportation services; pre-approved contractual expenditures for computerized bus scheduling; the cost of gasoline, oil, tires, and other supplies necessary for the operation of school buses; the cost of converting buses' gasoline engines to more fuel efficient engines or to engines which use alternative energy sources; the cost of travel to meetings and workshops conducted by the regional superintendent or the State Superintendent of Education pursuant to the standards established by the Secretary of State under Section 6-106 of the Illinois Vehicle Code to improve the driving skills of school bus drivers; the cost of maintenance of school buses including parts and materials used; expenditures for leasing transportation vehicles, except interest and service charges; the cost of insurance and licenses for transportation vehicles; expenditures for the rental of transportation equipment; plus a depreciation allowance of 20% for 5 years for school buses and vehicles approved for transporting pupils to and from school and a depreciation allowance of 10% for 10 years for other transportation equipment so used. Each school year, if a school district has made expenditures to the Regional Transportation Authority or any of its service boards, a mass transit district, or an urban transportation district under an intergovernmental agreement with the district to provide for the transportation of pupils and if the public transit carrier received direct payment for services or passes from a school district within its service area during the 2000-2001 school year, then the allowable direct cost of transporting pupils for regular, vocational, and special education pupil transportation shall also include the expenditures that the district has made to the public transit carrier. In addition to the above allowable costs school districts shall also claim all transportation supervisory salary costs, including Illinois municipal retirement payments, and all transportation related building and building maintenance costs without limitation.

Special education allowable costs shall also include expenditures for the salaries of attendants or aides for that portion of the time they assist special education pupils while in transit and expenditures for parents and

New matter indicated by italics - deletions by strikeout.
public carriers for transporting special education pupils when pre-approved by the State Superintendent of Education.

Indirect costs shall be included in the reimbursement claim for districts which own and operate their own school buses. Such indirect costs shall include administrative costs, or any costs attributable to transporting pupils from their attendance centers to another school building for instructional purposes. No school district which owns and operates its own school buses may claim reimbursement for indirect costs which exceed 5% of the total allowable direct costs for pupil transportation.

The State Board of Education shall prescribe uniform regulations for determining the above standards and shall prescribe forms of cost accounting and standards of determining reasonable depreciation. Such depreciation shall include the cost of equipping school buses with the safety features required by law or by the rules, regulations and standards promulgated by the State Board of Education, and the Department of Transportation for the safety and construction of school buses provided, however, any equipment cost reimbursed by the Department of Transportation for equipping school buses with such safety equipment shall be deducted from the allowable cost in the computation of reimbursement under this Section in the same percentage as the cost of the equipment is depreciated.

On or before July 10, annually, the chief school administrator for the district shall certify to the regional superintendent of schools upon forms prescribed by the State Superintendent of Education the district's claim for reimbursement for the school year ended on June 30 next preceding. The regional superintendent of schools shall check all transportation claims to ascertain compliance with the prescribed standards and upon his approval shall certify not later than July 25 to the State Superintendent of Education the regional report of claims for reimbursements. The State Superintendent of Education shall check and approve the claims and prepare the vouchers showing the amounts due for district reimbursement claims. Beginning with the 1977 fiscal year, the State Superintendent of Education shall prepare and transmit the first 3 vouchers to the Comptroller on the 30th day of September, December and March, respectively, and the final voucher, no later than June 15.

If the amount appropriated for transportation reimbursement is insufficient to fund total claims for any fiscal year, the State Board of Education shall reduce each school district's allowable costs and flat grant

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amount proportionately to make total adjusted claims equal the total amount appropriated.

For purposes of calculating claims for reimbursement under this Section for any school year beginning July 1, 1998, or thereafter, the equalized assessed valuation for a school district used to compute reimbursement shall be computed in the same manner as it is computed under paragraph (2) of subsection (G) of Section 18-8.05.

All reimbursements received from the State shall be deposited into the district's transportation fund or into the fund from which the allowable expenditures were made.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02, 14-7.02b or 14-13.01 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services.

New matter indicated by italics - deletions by strikeout.
Any school district with a population of not more than 500,000 must deposit all funds received under this Article into the transportation fund and use those funds for the provision of transportation services. (Source: P.A. 92-568, eff. 6-26-02; 93-166, eff. 7-10-03; 93-663, eff. 2-17-04.)

(105 ILCS 5/14-7.02a rep.)

Section 10. The School Code is amended by repealing Section 14-7.02a.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1023
(House Bill No. 0720)

AN ACT concerning vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 15-107, 15-111, 15-301, and 15-308.2 as follows:

(625 ILCS 5/15-107) (from Ch. 95 1/2, par. 15-107)

Sec. 15-107. Length of vehicles.

(a) The maximum length of a single vehicle on any highway of this State may not exceed 42 feet except the following:

(1) Semitrailers.

(2) Charter or regulated route buses may be up to 45 feet in length, not including energy absorbing bumpers.

(a-1) A motor home as defined in Section 1-145.01 may be up to 45 feet in length, not including energy absorbing bumpers. The length limitations described in this subsection (a-1) shall be exclusive of energy-absorbing bumpers and rear view mirrors.

(b) On all non-State highways, the maximum length of vehicles in combinations is as follows:

(1) A truck tractor in combination with a semitrailer may not exceed 55 feet overall dimension.

(2) A truck tractor-semitrailer-trailer may not exceed 60 feet overall dimension.

New matter indicated by italics - deletions by strikeout.
(3) Combinations specially designed to transport motor vehicles or boats may not exceed 60 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

All other combinations not listed in this subsection (b) may not exceed 60 feet overall dimension.

(c) Combinations of vehicles may not exceed a total of 2 vehicles except the following:

(1) A truck tractor semitrailer may draw one trailer.

(2) A truck tractor semitrailer may draw one converter dolly.

(3) A truck tractor semitrailer may draw one vehicle that is defined in Chapter 1 as special mobile equipment, provided the overall dimension does not exceed 60 feet.

(4) A truck in transit may draw 3 trucks in transit coupled together by the triple saddlemount method.

(5) Recreational vehicles consisting of 3 vehicles, provided the following:

(A) The total overall dimension does not exceed 60 feet.

(B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly.

New matter indicated by italics - deletions by strikeout.
(C) The second vehicle in the combination of vehicles is a recreational vehicle that is towed by a fifth-wheel assembly. This vehicle must be properly registered and must be equipped with brakes, regardless of weight.

(D) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer designed or used for transporting a boat, all-terrain vehicle, personal watercraft, or motorcycle.

(E) The towed vehicles may be only for the use of the operator of the towing vehicle.

(F) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code, except the additional brake requirement in subdivision (C) of this subparagraph (5).

(6) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle:

   (A) Is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes. For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

   (B) Is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

   (C) Is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

   (D) Does not engage a tow exceeding 50 highway miles from the initial point of wreck or disablement to a place of repair. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

New matter indicated by italics - deletions by strikeout.
For purposes of this Section, a tow-dolly that merely serves as substitute wheels for another legally licensed vehicle is considered part of the licensed vehicle and not a separate vehicle.

(d) On Class I highways there are no overall length limitations on motor vehicles operating in combinations provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor may not exceed 53 feet.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination, may not exceed 28 feet 6 inches.

(4) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(5) Combinations of vehicles specifically designed to transport motor vehicles or boats may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(6) Stinger steered semitrailer vehicles as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

New matter indicated by italics - deletions by strikeout.
Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

The length limitations described in this paragraph (d) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (d).

(e) On Class II highways there are no overall length limitations on motor vehicles operating in combinations, provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor, may not exceed 53 feet overall dimension.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) A truck tractor-semitrailer-trailer combination may not exceed 65 feet in dimension from front axle to rear axle.

(4) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination, may not exceed 28 feet 6 inches.

(5) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(6) A combination of vehicles, specifically designed to transport motor vehicles or boats, may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

New matter indicated by italics - deletions by strikeout.
(7) Stinger steered semitrailer vehicles, as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(8) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

Local authorities, with respect to streets and highways under their jurisdiction, may also by ordinance or resolution allow length limitations of this subsection (e).

The length limitations described in this paragraph (e) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

(e-1) Combinations of vehicles not exceeding 65 feet overall length are allowed access as follows:

New matter indicated by italics - deletions by strikeout.
(1) From any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:
   (A) The vehicle does not exceed 73,280 pounds in gross weight and 8 feet 6 inches in width.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare between State designated highways.

(2) From any State designated highway onto any county or township highway for a distance of 5 highway miles or onto any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:
   (A) The vehicle does not exceed 73,280 pounds in gross weight and 8 feet 6 inches in width.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare between State designated highways.

(e-2) Except as provided in subsection (e-3), combinations of vehicles over 65 feet in length, with no overall length limitation except as provided in subsections (d) and (e) of this Section, are allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(2) From a Class I or Class II highway onto any State highway or any locally designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

(e-3) Combinations of vehicles over 65 feet in length operated by household goods carriers, with no overall length limitations except as provided in subsections (d) and (e) of this Section, have unlimited access to points of loading and unloading.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(f) On Class III and other non-designated State highways, the length limitations for vehicles in combination are as follows:

New matter indicated by italics - deletions by strikeout.
(1) Truck tractor-semitrailer combinations, must comply with either a maximum 55 feet overall wheel base or a maximum 65 feet extreme overall dimension.

(2) Semitrailers, unladen or with load, may not exceed 53 feet overall dimension.

(3) No truck tractor-semitrailer-trailer combination may exceed 60 feet extreme overall dimension.

(4) The distance between the kingpin and the center axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 42 feet 6 inches.

(g) Length limitations in the preceding subsections of this Section 15-107 do not apply to the following:

(1) Vehicles operated in the daytime, except on Saturdays, Sundays, or legal holidays, when transporting poles, pipe, machinery, or other objects of a structural nature that cannot readily be dismembered, provided the overall length of vehicle and load may not exceed 100 feet and no object exceeding 80 feet in length may be transported unless a permit has been obtained as authorized in Section 15-301.

(2) Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties, but during night operation every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(3) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle meets the following conditions:

   (A) It is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes.

   (B) It is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

   (C) It is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

New matter indicated by italics - deletions by strikeout.
(D) It does not engage in a tow exceeding 50 miles from the initial point of wreck or disablement.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle. The towing vehicle, however, may tow any disabled vehicle from the initial point of wreck or disablement to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck. Legal holidays referred to in this Section shall be specified as the day on which the following traditional holidays are celebrated:

New Year's Day;
Memorial Day;
Independence Day;
Labor Day;
Thanksgiving Day; and
Christmas Day.

(h) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper. The provisions of this subsection (h) shall not apply to any vehicle or combination of vehicles specifically designed for the collection and transportation of waste, garbage, or recyclable materials during the vehicle's operation in the course of collecting garbage, waste, or recyclable materials if the vehicle is traveling at a speed not in excess of 15 miles per hour during the vehicle's operation and in the course of collecting garbage, waste, or recyclable materials. However, in no instance shall the load extend more than 7 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper.

(i) The load upon the front vehicle of a combination of vehicles specifically designed to transport motor vehicles shall not extend more than 3 feet beyond the foremost part of the transporting vehicle and the load upon the rear transporting vehicle shall not extend more than 4 feet beyond the rear of the bed or body of the vehicle. This paragraph shall only be applicable upon highways designated in paragraphs (d) and (e) of this Section.

New matter indicated by italics - deletions by strikeout.
(j) Articulated vehicles comprised of 2 sections, neither of which exceeds a length of 42 feet, designed for the carrying of more than 10 persons, may be up to 60 feet in length, not including energy absorbing bumpers, provided that the vehicles are:

1. operated by or for any public body or motor carrier authorized by law to provide public transportation services; or
2. operated in local public transportation service by any other person and the municipality in which the service is to be provided approved the operation of the vehicle.

(k) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113.

(l) (Blank).

(Source: P.A. 92-417, eff. 1-1-02; 92-766, eff. 1-1-03; 92-883, eff. 1-13-03; 93-177, eff. 7-11-03.)

(625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)

Sec. 15-111. Wheel and axle loads and gross weights.

(a) On non-designated highways, no vehicle or combination of vehicles equipped with pneumatic tires may be operated, unladen or with load, when the total weight transmitted to the road surface exceeds 18,000 pounds on a single axle or 32,000 pounds on a tandem axle with no axle within the tandem exceeding 18,000 pounds except:

1. when a different limit is established and posted in accordance with Section 15-316 of this Code;
2. vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code;
3. tow trucks subject to the conditions provided in subsection (d) may not exceed 24,000 pounds on a single rear axle or 44,000 pounds on a tandem rear axle;
4. any single axle of a 2-axle truck weighing 36,000 pounds or less and not a part of a combination of vehicles, shall not exceed 20,000 pounds;
5. any single axle of a 2-axle truck equipped with a personnel lift or digger derrick, weighing 36,000 pounds or less, owned and operated by a public utility, shall not exceed 20,000 pounds;
6. any single axle of a 2-axle truck specially equipped with a front loading compactor used exclusively for garbage, refuse, or

New matter indicated by italics - deletions by strikeout.
recycling may not exceed 20,000 pounds per axle, provided that the gross weight of the vehicle does not exceed 40,000 pounds;  
(7) a truck, not in combination and specially equipped with a selfcompactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage or refuse operations may, when laden, transmit upon the road surface the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle;  
(8) a truck, not in combination and used exclusively for the collection of rendering materials, may, when laden, transmit upon the road surface the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle;  
(9) tandem axles on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of 2014 and first registered in Illinois prior to January 1, 2015, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 18,000 pounds. Any vehicle of this type manufactured after the model year of 2014 or first registered in Illinois after December 31, 2014 may not exceed a combined weight of 32,000 pounds through the series of 2 axles and neither axle of the series may exceed 18,000 pounds;  
(10) tandem axles on a 4-axle truck mixer, whose fourth axle is a road surface engaging mixer trailing axle, registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete and manufactured prior to or in the model year of 2014 and first registered in Illinois prior to January 1, 2015, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 18,000 pounds. Any vehicle of this type manufactured after the model year of 2014 or first registered in Illinois after December 31, 2014 may not exceed a combined weight of 32,000 pounds through the series of 2 axles and neither axle of the series may exceed 18,000 pounds;  
(11) 4-axle vehicles or a 5 or more axle combination of vehicles: The weight transmitted upon the road surface through any series of 3 axles whose centers are more than 96 inches apart, measured between extreme axles in the series, may not exceed

New matter indicated by italics - deletions by strikeout.
those allowed in the table contained in subsection (f) of this Section. No axle or tandem axle of the series may exceed the maximum weight permitted under this Section for a single or tandem axle.

No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

(b) On non-designated highways, the gross weight of vehicles and combination of vehicles including the weight of the vehicle or combination and its maximum load shall be subject to the foregoing limitations and further shall not exceed the following gross weights dependent upon the number of axles and distance between extreme axles of the vehicle or combination measured longitudinally to the nearest foot.

**VEHICLES HAVING 2 AXLES** ........................................36,000 pounds

**VEHICLES OR COMBINATIONS HAVING 3 AXLES**

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<th>With Tandem Axles</th>
<th>With or Without Tandem Axles</th>
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<td>Minimum distance to nearest foot</td>
<td>Minimum distance to nearest foot</td>
</tr>
<tr>
<td>between extreme axles (pounds)</td>
<td>between extreme axles (pounds)</td>
</tr>
<tr>
<td>10 feet</td>
<td>41,000</td>
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<td>11</td>
<td>42,000</td>
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<td>12</td>
<td>43,000</td>
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<tr>
<td>14</td>
<td>44,500</td>
</tr>
<tr>
<td>15</td>
<td>45,000</td>
</tr>
</tbody>
</table>

**VEHICLES OR COMBINATIONS HAVING 4 AXLES**

| Minimum distance to nearest foot | Minimum distance to nearest foot | Minimum Gross Weight |
| between extreme axles (pounds) | between extreme axles (pounds) | between extreme axles (pounds) |
| 15 feet | 50,000 | 26 feet | 57,500 |

New matter indicated by italics - deletions by strikeout.
A vehicle not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (b) for 4 axles measured between the extreme axles of the vehicle.

COMBINATIONS HAVING 5 OR MORE AXLES

Minimum distance to Maximum nearest foot betweenGross Weight
extreme axles (pounds)
42 feet or less 72,000
43
44 feet or more 73,280

VEHICLES OPERATING ON CRAWLER TYPE TRACKS 40,000 pounds

TRUCKS EQUIPPED WITH SELFCOMPACTORS
OR ROLL-OFF HOISTS AND ROLL-OFF CONTAINERS FOR GARBAGE
OR REFUSE HAULS ONLY AND TRUCKS USED FOR THE COLLECTION OF RENDERING MATERIALS
On Highway Not Part of National System of Interstate and Defense Highways

with 2 axles 36,000 pounds
with 3 axles 54,000 pounds

TWO AXLE TRUCKS EQUIPPED WITH A FRONT LOADING COMPACTOR USED EXCLUSIVELY FOR THE COLLECTION OF GARBAGE, REFUSE, OR RECYCLING

with 2 axles 40,000 pounds
(c) Cities having a population of more than 50,000 may permit by ordinance axle loads on 2 axle motor vehicles 33 1/2% above those provided for herein, but the increase shall not become effective until the city has officially notified the Department of the passage of the ordinance.

New matter indicated by italics - deletions by strikeout.
and shall not apply to those vehicles when outside of the limits of the city, nor shall the gross weight of any 2 axle motor vehicle operating over any street of the city exceed 40,000 pounds.

(d) Weight limitations shall not apply to vehicles (including loads) operated by a public utility when transporting equipment required for emergency repair of public utility facilities or properties or water wells.

A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, that exceeds the weight restriction imposed by this Code, may be operated on a public highway in this State provided that neither the disabled vehicle nor any vehicle being towed nor the tow truck itself shall exceed the weight limitations permitted under this Chapter. During the towing operation, neither the tow truck nor the vehicle combination shall exceed 24,000 pounds on a single rear axle and 44,000 pounds on a tandem rear axle, provided the towing vehicle:

(1) is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and is equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes;

(2) is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;

(3) is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles; and

(4) does not engage in a tow exceeding 20 miles from the initial point of wreck or disablement. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code. *The towing vehicle, however, may tow any disabled vehicle from the initial point of wreck or disablement to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits.*

Gross weight limits shall not apply to the combination of the tow truck and vehicles being towed. The tow truck license plate must cover the operating empty weight of the tow truck only. The weight of each vehicle being towed shall be covered by a valid license plate issued to the owner or operator of the vehicle being towed and displayed on that vehicle. If no valid plate issued to the owner or operator of that vehicle is displayed on that vehicle, or the plate displayed on that vehicle does not cover the

New matter indicated by italics - deletions by strikeout.
weight of the vehicle, the weight of the vehicle shall be covered by the third tow truck plate issued to the owner or operator of the tow truck and temporarily affixed to the vehicle being towed.

The Department may by rule or regulation prescribe additional requirements. However, nothing in this Code shall prohibit a tow truck under instructions of a police officer from legally clearing a disabled vehicle, that may be in violation of weight limitations of this Chapter, from the roadway to the berm or shoulder of the highway. If in the opinion of the police officer that location is unsafe, the officer is authorized to have the disabled vehicle towed to the nearest place of safety.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck.

(e) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated, unladen or with load, upon the highways of this State in violation of the provisions of any permit issued under the provisions of Sections 15-301 through 15-319 of this Chapter.

(f) On designated Class I, II, or III highways and the National System of Interstate and Defense Highways, no vehicle or combination of vehicles with pneumatic tires may be operated, unladen or with load, when the total weight on the road surface exceeds the following: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle with no axle within the tandem exceeding 20,000 pounds; 80,000 pounds gross weight for vehicle combinations of 5 or more axles; or a total weight on a group of 2 or more consecutive axles in excess of that weight produced by the application of the following formula: \[ W = 500 \times \text{sum of } \left( \frac{LN}{N-1} \right) + 12N + 36 \], where "W" equals overall total weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" equals the distance measured to the nearest foot between extremes of any group of 2 or more consecutive axles, and "N" equals the number of axles in the group under consideration.

The above formula when expressed in tabular form results in allowable loads as follows:

<table>
<thead>
<tr>
<th>Distance measured to the nearest foot between the extremes of any group of 2 or more consecutive axles</th>
<th>Maximum weight in pounds of any group of 2 or more consecutive axles</th>
</tr>
</thead>
</table>

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>feet</th>
<th>2 axles</th>
<th>3 axles</th>
<th>4 axles</th>
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<th>6 axles</th>
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<td>38,000*</td>
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<td></td>
<td>68,500</td>
<td>73,000</td>
<td>78,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
*If the distance between 2 axles is 96 inches or less, the 2 axles are tandem axles and the maximum total weight may not exceed 34,000 pounds, notwithstanding the higher limit resulting from the application of the formula.

Vehicles not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (f) for 4 axles measured between the extreme axles of the vehicle.

Vehicles in a combination having more than 6 axles may not exceed the weight in the table in this subsection (f) for 6 axles measured between the extreme axles of the combination.

Local authorities, with respect to streets and highways under their jurisdiction, without additional fees, may also by ordinance or resolution allow the weight limitations of this subsection, provided the maximum gross weight on any one axle shall not exceed 20,000 pounds and the maximum total weight on any tandem axle shall not exceed 34,000 pounds, on designated highways when appropriate regulatory signs giving notice are erected upon the street or highway or portion of any street or highway affected by the ordinance or resolution.

The following are exceptions to the above formula:

(1) Two consecutive sets of tandem axles may carry a total weight of 34,000 pounds each if the overall distance between the

New matter indicated by italics - deletions by strikeout.
first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(2) Vehicles for which a different limit is established and posted in accordance with Section 15-316 of this Code.

(3) Vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code. These vehicles are not subject to the bridge formula.

(4) Tow trucks subject to the conditions provided in subsection (d) may not exceed 24,000 pounds on a single rear axle or 44,000 pounds on a tandem rear axle.

(5) A tandem axle on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of 2014, and registered in Illinois prior to January 1, 2015, with a distance between 2 axles in a series greater than 72 inches but not more than 96 inches may not exceed a total weight of 36,000 pounds and neither axle of the series may exceed 18,000 pounds.

(6) A truck not in combination, equipped with a self compactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage or refuse operations, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 36,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(7) Combinations of vehicles, registered as Special Hauling Vehicles that include a semitrailer manufactured prior to or in the model year of 2014, and registered in Illinois prior to January 1, 2015, having 5 axles with a distance of 42 feet or less between extreme axles, may not exceed the following maximum weights: 18,000 pounds on a single axle; 32,000 pounds on a tandem axle; and 72,000 pounds gross weight. This combination of vehicles is not subject to the bridge formula. For all those combinations of vehicles that include a semitrailer manufactured after the effective date of this amendatory Act of the 92nd General Assembly, the overall distance between the first and last axles of the 2 sets of tandems must be 18 feet 6 inches or more. Any combination of vehicles that has had its cargo container replaced in its entirety

New matter indicated by italics - deletions by strikeout.
after December 31, 2014 may not exceed the weights allowed by
the bridge formula.
No vehicle or combination of vehicles equipped with other than
pneumatic tires may be operated, unladen or with load, upon the highways
of this State when the gross weight on the road surface through any wheel
exceeds 800 pounds per inch width of tire tread or when the gross weight
on the road surface through any axle exceeds 16,000 pounds.
(f-1) A vehicle and load not exceeding 73,280 pounds is allowed
access as follows:
(1) From any State designated highway onto any county,
township, or municipal highway for a distance of 5 highway miles
for the purpose of loading and unloading, provided:
   (A) The vehicle and load does not exceed 8 feet 6
       inches in width and 65 feet overall length.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare
       between State designated highways.
(2) From any State designated highway onto any county or
township highway for a distance of 5 highway miles, or any
municipal highway for a distance of one highway mile for the
purpose of food, fuel, repairs, and rest, provided:
   (A) The vehicle and load does not exceed 8 feet 6
       inches in width and 65 feet overall length.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare
       between State designated highways.
(f-2) A vehicle and load greater than 73,280 pounds in weight but
not exceeding 80,000 pounds is allowed access as follows:
   (1) From a Class I highway onto any street or highway for
       a distance of one highway mile for the purpose of loading,
       unloading, food, fuel, repairs, and rest, provided there is no sign
       prohibiting that access.
   (2) From a Class I, II, or III highway onto any State
       highway or any local designated highway for a distance of 5
       highway miles for the purpose of loading, unloading, food, fuel,
       repairs, and rest.
Section 5-35 of the Illinois Administrative Procedure Act relating
to procedures for rulemaking shall not apply to the designation of
highways under this subsection.

New matter indicated by italics - deletions by strikeout.
(g) No person shall operate a vehicle or combination of vehicles over a bridge or other elevated structure constituting part of a highway with a gross weight that is greater than the maximum weight permitted by the Department, when the structure is sign posted as provided in this Section.

(h) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that the structure cannot with safety to itself withstand the weight of vehicles otherwise permissible under this Code the Department shall determine and declare the maximum weight of vehicles that the structures can withstand, and shall cause or permit suitable signs stating maximum weight to be erected and maintained before each end of the structure. No person shall operate a vehicle or combination of vehicles over any structure with a gross weight that is greater than the posted maximum weight.

(i) Upon the trial of any person charged with a violation of subsections (g) or (h) of this Section, proof of the determination of the maximum allowable weight by the Department and the existence of the signs, constitutes conclusive evidence of the maximum weight that can be maintained with safety to the bridge or structure.

(Source: P.A. 92-417, eff. 1-1-02; 93-177, eff. 7-11-03; 93-186, eff. 1-1-04; revised 8-12-03.)

(625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)
Sec. 15-301. Permits for excess size and weight.

(a) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application and good cause being shown therefor, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Act or otherwise not in conformity with this Act upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which the party is responsible. Applications and permits other than those in written or printed form may only be accepted from and issued to the company or individual making the movement. Except for an application to move directly across a highway, it shall be the duty of the applicant to establish in the application that the load to be moved by such vehicle or combination is composed of a single nondivisible object that cannot reasonably be dismantled or disassembled. For the purpose of over length movements, more than one

New matter indicated by italics - deletions by strikeout.
object may be carried side by side as long as the height, width, and weight laws are not exceeded and the cause for the over length is not due to multiple objects. For the purpose of over height movements, more than one object may be carried as long as the cause for the over height is not due to multiple objects and the length, width, and weight laws are not exceeded. For the purpose of an over width movement, more than one object may be carried as long as the cause for the over width is not due to multiple objects and length, height, and weight laws are not exceeded. No state or local agency shall authorize the issuance of excess size or weight permits for vehicles and loads that are divisible and that can be carried, when divided, within the existing size or weight maximums specified in this Chapter. Any excess size or weight permit issued in violation of the provisions of this Section shall be void at issue and any movement made thereunder shall not be authorized under the terms of the void permit. In any prosecution for a violation of this Chapter when the authorization of an excess size or weight permit is at issue, it is the burden of the defendant to establish that the permit was valid because the load to be moved could not reasonably be dismantled or disassembled, or was otherwise nondivisible.

(b) The application for any such permit shall: (1) state whether such permit is requested for a single trip or for limited continuous operation; (2) state if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law, if so, his certificate, registration or permit number issued by the Illinois Commerce Commission; (3) specifically describe and identify the vehicle or vehicles and load to be operated or moved except that for vehicles or vehicle combinations registered by the Department as provided in Section 15-319 of this Chapter, only the Illinois Department of Transportation's (IDT) registration number or classification need be given; (4) state the routing requested including the points of origin and destination, and may identify and include a request for routing to the nearest certified scale in accordance with the Department's rules and regulations, provided the applicant has approval to travel on local roads; and (5) state if the vehicles or loads are being transported for hire. No permits for the movement of a vehicle or load for hire shall be issued to any applicant who is required under the Illinois Motor Carrier of Property Law to have a certificate, registration or permit and does not have such certificate, registration or permit.

New matter indicated by italics - deletions by strikeout.
(c) The Department or local authority when not inconsistent with traffic safety is authorized to issue or withhold such permit at its discretion; or, if such permit is issued at its discretion to prescribe the route or routes to be traveled, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operations of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. The Department shall maintain a daily record of each permit issued along with the fee and the stipulated dimensions, weights, conditions and restrictions authorized and this record shall be presumed correct in any case of questions or dispute. The Department shall install an automatic device for recording applications received and permits issued by telephone. In making application by telephone, the Department and applicant waive all objections to the recording of the conversation.

(d) The Department shall, upon application in writing from any local authority, issue an annual permit authorizing the local authority to move oversize highway construction, transportation, utility and maintenance equipment over roads under the jurisdiction of the Department. The permit shall be applicable only to equipment and vehicles owned by or registered in the name of the local authority, and no fee shall be charged for the issuance of such permits.

(e) As an exception to paragraph (a) of this Section, the Department and local authorities, with respect to highways under their respective jurisdictions, in their discretion and upon application in writing may issue a special permit for limited continuous operation, authorizing the applicant to move loads of sweet corn, soybeans, corn, wheat, milo, other small grains and ensilage during the harvest season only on a 2 axle single vehicle registered by the Secretary of State with axle loads not to exceed 35% above those provided in Section 15-111. Permits may be issued for a period not to exceed 40 days and moves may be made of a distance not to exceed 25 miles from a field to a specified processing plant over any highway except the National System of Interstate and Defense Highways. All such vehicles shall be operated in the daytime except when weather or crop conditions require emergency operation at night, but with respect to such night operation, every such vehicle with load shall be equipped with flashing amber lights as specified under Section 12-215.

New matter indicated by italics - deletions by strikeout.
Upon a declaration by the Governor that an emergency harvest situation exists, a special permit issued by the Department under this Section shall not be required from September 1 through December 31 during harvest season emergencies, provided that the weight does not exceed 20% above the limits provided in Section 15-111. All other restrictions that apply to permits issued under this Section shall apply during the declared time period. With respect to highways under the jurisdiction of local authorities, the local authorities may, at their discretion, waive special permit requirements during harvest season emergencies. This permit exemption shall apply to all vehicles eligible to obtain permits under this Section, including commercial vehicles in use during the declared time period.

(f) The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction. Every permit shall be in written form and carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit and no person shall violate any of the terms or conditions of such special permit. Violation of the terms and conditions of the permit shall not be deemed a revocation of the permit; however, any vehicle and load found to be off the route prescribed in the permit shall be held to be operating without a permit. Any off route vehicle and load shall be required to obtain a new permit or permits, as necessary, to authorize the movement back onto the original permit routing. No rule or regulation, nor anything herein shall be construed to authorize any police officer, court, or authorized agent of any authority granting the permit to remove the permit from the possession of the permittee unless the permittee is charged with a fraudulent permit violation as provided in paragraph (i). However, upon arrest for an offense of violation of permit, operating without a permit when the vehicle is off route, or any size or weight offense under this Chapter when the permittee plans to raise the issuance of the permit as a defense, the permittee, or his agent, must produce the permit at any court hearing concerning the alleged offense.

If the permit designates and includes a routing to a certified scale, the permittee, while enroute to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than the following amounts:

Single axle  2000 pounds

New matter indicated by italics - deletions by strikeout.
Tandem axle 3000 pounds
Gross 5000 pounds

(g) The Department is authorized to adopt, amend, and to make available to interested persons a policy concerning reasonable rules, limitations and conditions or provisions of operation upon highways under its jurisdiction in addition to those contained in this Section for the movement by special permit of vehicles, combinations, or loads which cannot reasonably be dismantled or disassembled, including manufactured and modular home sections and portions thereof. All rules, limitations and conditions or provisions adopted in the policy shall have due regard for the safety of the traveling public and the protection of the highway system and shall have been promulgated in conformity with the provisions of the Illinois Administrative Procedure Act. The requirements of the policy for flagmen and escort vehicles shall be the same for all moves of comparable size and weight. When escort vehicles are required, they shall meet the following requirements:

(1) All operators shall be 18 years of age or over and properly licensed to operate the vehicle.

(2) Vehicles escorting oversized loads more than 12-feet wide must be equipped with a rotating or flashing amber light mounted on top as specified under Section 12-215.

The Department shall establish reasonable rules and regulations regarding liability insurance or self insurance for vehicles with oversized loads promulgated under The Illinois Administrative Procedure Act. Police vehicles may be required for escort under circumstances as required by rules and regulations of the Department.

(h) Violation of any rule, limitation or condition or provision of any permit issued in accordance with the provisions of this Section shall not render the entire permit null and void but the violator shall be deemed guilty of violation of permit and guilty of exceeding any size, weight or load limitations in excess of those authorized by the permit. The prescribed route or routes on the permit are not mere rules, limitations, conditions, or provisions of the permit, but are also the sole extent of the authorization granted by the permit. If a vehicle and load are found to be off the route or routes prescribed by any permit authorizing movement, the vehicle and load are operating without a permit. Any off route movement shall be subject to the size and weight maximums, under the applicable provisions of this Chapter, as determined by the type or class highway upon which the vehicle and load are being operated.

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(i) Whenever any vehicle is operated or movement made under a fraudulent permit the permit shall be void, and the person, firm, or corporation to whom such permit was granted, the driver of such vehicle in addition to the person who issued such permit and any accessory, shall be guilty of fraud and either one or all persons may be prosecuted for such violation. Any person, firm, or corporation committing such violation shall be guilty of a Class 4 felony and the Department shall not issue permits to the person, firm or corporation convicted of such violation for a period of one year after the date of conviction. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of other Sections of this Act.

(j) Whenever any vehicle is operated or movement made in violation of a permit issued in accordance with this Section, the person to whom such permit was granted, or the driver of such vehicle, is guilty of such violation and either, but not both, persons may be prosecuted for such violation as stated in this subsection (j). Any person, firm or corporation convicted of such violation shall be guilty of a petty offense and shall be fined for the first offense, not less than $50 nor more than $200 and, for the second offense by the same person, firm or corporation within a period of one year, not less than $200 nor more than $300 and, for the third offense by the same person, firm or corporation within a period of one year after the date of the first offense, not less than $300 nor more than $500 and the Department shall not issue permits to the person, firm or corporation convicted of a third offense during a period of one year after the date of conviction for such third offense.

(k) Whenever any vehicle is operated on local roads under permits for excess width or length issued by local authorities, such vehicle may be moved upon a State highway for a distance not to exceed one-half mile without a permit for the purpose of crossing the State highway.

(l) Notwithstanding any other provision of this Section, the Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may at their discretion authorize the movement of a vehicle in violation of any size or weight requirement, or both, that would not ordinarily be eligible for a permit, when there is a showing of extreme necessity that the vehicle and load should be moved without unnecessary delay.

For the purpose of this subsection, showing of extreme necessity shall be limited to the following: shipments of livestock, hazardous

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materials, liquid concrete being hauled in a mobile cement mixer, or hot asphalt.

(m) Penalties for violations of this Section shall be in addition to any penalties imposed for violating any other Section of this Code.

(n) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to operate a tow-truck that exceeds the weight limits provided for in subsection (d) of Section 15-111, provided:

(1) no rear single axle of the tow-truck exceeds 26,000 pounds;
(2) no rear tandem axle of the tow-truck exceeds 50,000 pounds;
(2.1) no triple rear axle on a manufactured recovery unit exceeds 56,000 pounds;
(3) neither the disabled vehicle nor the disabled combination of vehicles exceed the weight restrictions imposed by this Chapter 15, or the weight limits imposed under a permit issued by the Department prior to hookup;
(4) the tow-truck prior to hookup does not exceed the weight restrictions imposed by this Chapter 15;
(5) during the tow operation the tow-truck does not violate any weight restriction sign;
(6) the tow-truck is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;
(7) the tow-truck is specifically designed and licensed as a tow-truck;
(8) the tow-truck has a gross vehicle weight rating of sufficient capacity to safely handle the load;
(9) the tow-truck is equipped with air brakes;
(10) the tow-truck is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles;
(11) the tow commences at the initial point of wreck or disablement and terminates at a point where the repairs are actually to occur and the tow distance of the tow does not exceed 50 miles from the point of disablement to a place of repair or safekeeping;

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(12) the permit issued to the tow-truck is carried in the tow-truck and exhibited on demand by a police officer; and
(13) the movement shall be valid only on state routes approved by the Department.
(Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97; 90-655, eff. 7-30-98; 90-676, eff. 7-31-98; 91-569, eff. 1-1-00.)
(625 ILCS 5/15-308.2)
Sec. 15-308.2. Fees for special permits for tow-trucks. The fee for a special permit to operate a tow-truck pursuant to subsection (n) of Section 15-301 is $50 quarterly and $200 annually.
(Source: P.A. 91-569, eff. 1-1-00.)
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 93-1024
(House Bill No. 0829)

AN ACT in relation to municipal government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:
(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.
(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.
On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:
(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety,
health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) I illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.
(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

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(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years.

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prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of
the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused railyards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area

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meets at least one of the factors itemized in paragraph (1)
of this subsection, the area has been designated as a town or
village center by ordinance or comprehensive plan adopted
prior to January 1, 1982, and the area has not been
developed for that designated purpose.

(F) The area qualified as a blighted improved area
immediately prior to becoming vacant, unless there has
been substantial private investment in the immediately
surrounding area.

(b) For any redevelopment project area that has been designated
pursuant to this Section by an ordinance adopted prior to November 1,
1999 (the effective date of Public Act 91-478), "conservation area" shall
have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any
improved area within the boundaries of a redevelopment project area
located within the territorial limits of the municipality in which 50% or
more of the structures in the area have an age of 35 years or more. Such an
area is not yet a blighted area but because of a combination of 3 or more of
the following factors is detrimental to the public safety, health, morals or
welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect
of necessary repairs to the primary structural components of
buildings or improvements in such a combination that a
documented building condition analysis determines that major
repair is required or the defects are so serious and so extensive that
the buildings must be removed.

(2) Obsolescence. The condition or process of falling into
disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects
including, but not limited to, major defects in the secondary
building components such as doors, windows, porches, gutters and
downspouts, and fascia. With respect to surface improvements, that
the condition of roadways, alleys, curbs, gutters, sidewalks, off-
street parking, and surface storage areas evidence deterioration,
including, but not limited to, surface cracking, crumbling, potholes,
depressions, loose paving material, and weeds protruding through
paved surfaces.

(4) Presence of structures below minimum code standards.
All structures that do not meet the standards of zoning,

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subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of

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the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

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(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by

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retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the
period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal

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Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area;

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and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amending Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the
payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new

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employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes

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levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or

(L) if the ordinance was adopted in September 1988 by Sauk Village, or

(M) if the ordinance was adopted in October 1993 by Sauk Village, or

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(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or:
(CC) if the ordinance was adopted on May 9, 1991 by the Village of Tilton.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment

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project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus

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municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be

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removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party

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registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park, conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project

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costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to
provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the

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completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced
by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following

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restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance

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of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;
(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;
(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;
(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and
(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in

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Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum,
for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail operations.

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entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers’ Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of

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computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

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(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)
Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations,
when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the
redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the

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corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b)

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of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if

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the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on May 9, 1991 by the Village of Tilton and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1025
(House Bill No. 0843)

AN ACT in relation to townships.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Township Code is amended by changing Sections 285-5 and 285-10 as follows:

(60 ILCS 1/285-5)
Sec. 285-5. Payment of bond fund balance to township.
(a) Whenever all the bonds of any township have been fully paid and canceled and there remains in the hands of the county collector of taxes or county treasurer, after the payment, any balance to the credit of the bond fund of the township, the county collector of taxes or county treasurer shall pay to the supervisor of the township the balance of the fund in his hands, taking a receipt of the supervisor for the payment, and the balance may be appropriated and expended in accordance with subsection (a) of Section 285-10.

(b) Beginning on the effective date of this amendatory Act of the 93rd General Assembly and through December 31, 2004, whenever all the bonds of any township have been fully paid and canceled and there remains any balance to the credit of the bond fund of the township, including any amounts that were in the bond fund prior to the payment in full and cancellation of the bonds, in the hands of the township supervisor (other than amounts paid to the supervisor under subsection (a)), the balance may be appropriated and expended in accordance with subsection (b) of Section 285-10.

(Source: P.A. 84-1308; 88-62.)

(60 ILCS 1/285-10)
Sec. 285-10. Use of moneys.
(a) Moneys paid to the township supervisor under subsection (a) of Section 285-5, may be appropriated and expended for defraying the general charges and expenses of the township; for laying out, making, and repairing the roads and bridges of the township and purchasing materials, implements, and machinery for those undertakings; for the maintenance and operation of open spaces; and for the payment of any outstanding orders, all in the manner and proportions the legal voters of the township determine at their annual township meeting or special township meeting duly called for that purpose.

(b) Moneys in the hands of the township supervisor under subsection (b) of Section 285-5 may be appropriated and expended only for purposes relating to the purposes for which the bonds were issued.

(Source: Laws 1889, p. 357; P.A. 88-62.)

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning family law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 601 as follows:

(750 ILCS 5/601) (from Ch. 40, par. 601)

Sec. 601. Jurisdiction; Commencement of Proceeding.

(a) A court of this State competent to decide child custody matters has jurisdiction to make a child custody determination in original or modification proceedings as provided in Section 201 of the Uniform Child-Custody Jurisdiction and Enforcement Act as adopted by this State.

(b) A child custody proceeding is commenced in the court:

(1) by a parent, by filing a petition:

   (i) for dissolution of marriage or legal separation or declaration of invalidity of marriage; or
   (ii) for custody of the child, in the county in which he is permanently resident or found;

(2) by a person other than a parent, by filing a petition for custody of the child in the county in which he is permanently resident or found, but only if he is not in the physical custody of one of his parents; or

(3) by a stepparent, by filing a petition, if all of the following circumstances are met:

   (A) the child is at least 12 years old;
   (B) the custodial parent and stepparent were married for at least 5 years during which the child resided with the parent and stepparent;
   (C) the custodial parent is deceased or is disabled and cannot perform the duties of a parent to the child;
   (D) the stepparent provided for the care, control, and welfare to the child prior to the initiation of custody proceedings;

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(E) the child wishes to live with the stepparent; and

(F) it is alleged to be in the best interests and welfare of the child to live with the stepparent as provided in Section 602 of this Act.

(4) When one of the parents is deceased, by a grandparent who is a parent or stepparent of a deceased parent, by filing a petition, if one or more of the following existed at the time of the parent's death:

(A) the surviving parent had been absent from the marital abode for more than one month without the deceased spouse knowing his or her whereabouts;

(B) the surviving parent was in State or federal custody; or

(C) the surviving parent had: (i) received supervision for or been convicted of any violation of Article 12 of the Criminal Code of 1961 directed towards the deceased parent or the child; or (ii) received supervision or been convicted of violating an order of protection entered under Section 217, 218, or 219 of the Illinois Domestic Violence Act of 1986 for the protection of the deceased parent or the child.

(c) Notice of a child custody proceeding, including an action for modification of a previous custody order, shall be given to the child's parents, guardian and custodian, who may appear, be heard, and file a responsive pleading. The court, upon showing of good cause, may permit intervention of other interested parties.

(d) Proceedings for modification of a previous custody order commenced more than 30 days following the entry of a previous custody order must be initiated by serving a written notice and a copy of the petition for modification upon the child's parent, guardian and custodian at least 30 days prior to hearing on the petition. Nothing in this Section shall preclude a party in custody modification proceedings from moving for a temporary order under Section 603 of this Act.

(e) (Blank).

(f) The court shall, at the court’s discretion or upon the request of any party entitled to petition for custody of the child, appoint a guardian ad litem to represent the best interest of the child for the duration of the custody proceeding or for any modifications of any custody orders entered. Nothing in this Section shall be construed to prevent the court
from appointing the same guardian ad litem for 2 or more children that are siblings or half-siblings.
(Source: P.A. 93-108, eff. 1-1-04.)
Effective January 1, 2005.

PUBLIC ACT 93-1027
(House Bill No. 4851)

AN ACT in relation to employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Volunteer Firefighter Job Protection Act.
Section 3. Definitions. As used in this Act:
"Volunteer firefighter" means a firefighter who does not receive monetary compensation for his or her services to a fire department or fire protection district and who does not work for any other fire department or fire protection district for monetary compensation.
"Monetary compensation" does not include a monetary incentive awarded to a firefighter by the board of trustees of a fire protection district under Section 6 of the Fire Protection District Act.
Section 5. Volunteer firefighter; when termination of employment prohibited.
(a) No public or private employer may terminate an employee who is a volunteer firefighter because the employee, when acting as a volunteer firefighter, is absent from or late to his or her employment in order to respond to an emergency prior to the time the employee is to report to his or her place of employment.
(b) An employer may charge, against the employee's regular pay, any time that an employee who is a volunteer firefighter loses from employment because of the employee's response to an emergency in the course of performing his or her duties as a volunteer firefighter.
(c) In the case of an employee who is a volunteer firefighter and who loses time from his or her employment in order to respond to an emergency in the course of performing his or her duties as a volunteer firefighter, the employer has the right to request the employee to provide the employer with a written statement from the supervisor or acting

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supervisor of the volunteer fire department stating that the employee
responded to an emergency and stating the time and date of the emergency.

(d) An employee who is a volunteer firefighter and who may be
absent from or late to his or her employment in order to respond to an
emergency in the course of performing his or her duties as a volunteer
firefighter must make a reasonable effort to notify his or her employer that
he or she may be absent or late.

Section 10. Employer's violation; civil action. An employee who is
terminated in violation of this Act may bring a civil action against his or
her employer who violated this Act. The employee may seek reinstatement
to his or her former position, payment of back wages, reinstatement of
fringe benefits, and, where seniority rights are granted, reinstatement of
seniority rights. The employee must commence such an action within one
year after the date of the employer's violation.

Section 15. Home rule powers. A home rule unit may not regulate
employment in a manner inconsistent with the regulation by the State of
employment under this Act. This Section is a limitation under subsection
(i) of Section 6 of Article VII of the Illinois Constitution on the concurrent
exercise by home rule units of powers and functions exercised by the
State.

Section 20. Applicability. This Act applies only to municipalities
with a population of 3,500 or less.

Section 99. Effective date. This Act takes effect upon becoming
law.


PUBLIC ACT 93-1028
(House Bill No. 5928)

AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Insurance Code is amended by adding
Section 205.1 as follows:
(215 ILCS 5/205.1 new)
Sec. 205.1. Policyholder collateral, deductible reimbursements,
and other policyholder obligations.

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(a) Any collateral held by, for the benefit of, or assigned to the insurer or the Director as rehabilitator or liquidator to secure the obligations of a policyholder under a deductible agreement shall not be considered an asset of the estate and shall be maintained and administered by the Director as rehabilitator or liquidator as provided in this Section and notwithstanding any other provision of law or contract to the contrary.

(b) If the collateral is being held by, for the benefit of, or assigned to the insurer or subsequently the Director as rehabilitator or liquidator to secure obligations under a deductible agreement with a policyholder, subject to the provisions of this Section, the collateral shall be used to secure the policyholder's obligation to fund or reimburse claims payment within the agreed deductible amount.

(c) If a claim that is subject to a deductible agreement and secured by collateral is not covered by any guaranty association or the Illinois Insurance Guaranty Fund and the policyholder is unwilling or unable to take over the handling and payment of the non-covered claims, the Director as rehabilitator or liquidator shall adjust and pay the non-covered claims utilizing the collateral but only to the extent the available collateral after allocation under subsection (d), is sufficient to pay all outstanding and anticipated claims. If the collateral is exhausted and the insured is not able to provide funds to pay the remaining claims within the deductible after all reasonable means of collection against the insured have been exhausted, the Director's obligation to pay such claims from the collateral as the rehabilitator or liquidator terminates, and the remaining claims shall be claims against the insurer's estate subject to complying with other provisions in this Article for the filing and allowance of such claims. When the liquidator determines that the collateral is insufficient to pay all additional and anticipated claims, the liquidator may file a plan for equitably allocating the collateral among claimants, subject to court approval.

(d) To the extent that the Director as rehabilitator or liquidator is holding collateral provided by a policyholder that was obtained to secure a deductible agreement and to secure other obligations of the policyholder to pay the insurer, directly or indirectly, amounts that become assets of the estate, such as reinsurance obligations under a captive reinsurance program or adjustable premium obligations under a retrospectively rated insurance policy where the premium due is subject to adjustment based upon actual loss experience, the Director as rehabilitator or liquidator

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shall equitably allocate the collateral among such obligations and administer the collateral allocated to the deductible agreement pursuant to this Section. With respect to the collateral allocated to obligations under the deductible agreement, if the collateral secured reimbursement obligations under more than one line of insurance, then the collateral shall be equitably allocated among the various lines based upon the estimated ultimate exposure within the deductible amount for each line. The Director as rehabilitator or liquidator shall inform the guaranty association or the Illinois Insurance Guaranty Fund that is or may be obligated for claims against the insurer of the method and details of all the foregoing allocations.

(e) Regardless of whether there is collateral, if the insurer has contractually agreed to allow the policyholder to fund its own claims within the deductible amount pursuant to a deductible agreement, either through the policyholder’s own administration of its claims or through the policyholder providing funds directly to a third party administrator who administers the claims, the Director as rehabilitator or liquidator shall allow such funding arrangement to continue and, where applicable, will enforce such arrangements to the fullest extent possible. The funding of such claims by the policyholder within the deductible amount will act as a bar to any claim for such amount in the liquidation proceeding, including but not limited to any such claim by the policyholder or the third party claimant. The funding will extinguish both the obligation, if any, of any guaranty association or the Illinois Insurance Guaranty Fund to pay such claims within the deductible amount, as well as the obligations, if any, of the policyholder or third party administrator to reimburse the guaranty association or the Illinois Insurance Guaranty Fund. No charge of any kind shall be made by the Director as rehabilitator or liquidator against any guaranty association or the Illinois Insurance Guaranty Fund on the basis of the policyholder funding of claims payment made pursuant to the mechanism set forth in this subsection.

(f) If the insurer has not contractually agreed to allow the policyholder to fund its own claims within the deductible amount, to the extent a guaranty association or the Illinois Insurance Guaranty Fund is required by applicable state law to pay any claims for which the insurer would be or would have been entitled to reimbursement from the policyholder under the terms of the deductible agreement and to the extent the claims have not been paid by a policyholder or third party, the Director as rehabilitator or liquidator shall promptly bill the policyholder

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for such reimbursement and the policyholder will be obligated to pay such amount to the Director as rehabilitator or liquidator for the benefit of the guaranty association or the Illinois Insurance Guaranty Fund that paid such claims. Neither the insolvency of the insurer, nor its inability to perform any of its obligations under the deductible agreement, shall be a defense to the policyholder's reimbursement obligation under the deductible agreement. When the policyholder reimbursements are collected, the Director as rehabilitator or liquidator shall promptly reimburse the guaranty association or the Illinois Insurance Guaranty Fund for claims paid that were subject to the deductible. If the policyholder fails to pay the amounts due within 60 days after such bill for such reimbursements is due, the Director as rehabilitator or liquidator shall use the collateral to the extent necessary to reimburse the guaranty association or the Illinois Insurance Guaranty Fund, and, at the same time, may pursue other collections efforts against the policyholder. If more than one guaranty association or the Illinois Insurance Guaranty Fund has a claim against the same collateral and the available collateral (after allocation under subsection (d)), along with billing and collection efforts, are together insufficient to pay each guaranty association or the Illinois Insurance Guaranty Fund in full, then the Director as rehabilitator or liquidator will pro-rate payments to each guaranty association or the Illinois Insurance Guaranty Fund based upon the relationship the amount of claims each guaranty association or the Illinois Insurance Guaranty Fund has paid bears to the total of all claims paid by such guaranty association or the Illinois Insurance Guaranty Fund.

(g) Director's duties and powers as rehabilitator or liquidator.

(1) The Director as rehabilitator or liquidator is entitled to deduct from reimbursements owed to guaranty associations or the Illinois Insurance Guaranty Fund or collateral to be returned to a policyholder reasonable actual expenses incurred in fulfilling the responsibilities under this provision, not to exceed 3% of the collateral or the total deductible reimbursements actually collected by the Director as rehabilitator or liquidator.

(2) With respect to claim payments made by any guaranty association or the Illinois Insurance Guaranty Fund, the Director as rehabilitator or liquidator shall promptly provide the court, with a copy of the guaranty associations or the Illinois Insurance Guaranty Fund, with a complete report of the Director's deductible billing and collection activities as rehabilitator or liquidator.

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including copies of the policyholder billings when rendered, the reimbursements collected, the available amounts and use of collateral for each policyholder, and any pro-ration of payments when it occurs. If the Director as rehabilitator or liquidator fails to make a good faith effort within 120 days of receipt of claims payment reports to collect reimbursements due from a policyholder under a deductible agreement based on claim payments made by one or more guaranty associations or the Illinois Insurance Guaranty Fund, then after such 120 day period such guaranty associations or the Illinois Insurance Guaranty Fund may pursue collection from the policyholders directly on the same basis as the Director as rehabilitator or liquidator, and with the same rights and remedies, and will report any amounts so collected from each policyholder to the Director as rehabilitator, liquidator, or conservator. To the extent that guaranty associations or the Illinois Insurance Guaranty Fund pay claims within the deductible amount, but are not reimbursed by either the Director as rehabilitator, liquidator, or conservator under this Section or by policyholder payments from the guaranty associations' or the Illinois Insurance Guaranty Fund's own collection efforts, the guaranty association or the Illinois Insurance Guaranty Fund shall have a claim in the insolvent insurer's estate for such unreimbursed claims payments.

(3) The Director as rehabilitator or liquidator shall periodically adjust the collateral being held as the claims subject to the deductible agreement are run-off, provided that adequate collateral is maintained to secure the entire estimated ultimate obligation of the policyholder plus a reasonable safety factor, and the Director as rehabilitator or liquidator shall not be required to adjust the collateral more than once a year. The guaranty associations or the Illinois Insurance Guaranty Fund shall be informed of all such collateral reviews, including but not limited to the basis for the adjustment. Once all claims covered by the collateral have been paid and the Director as rehabilitator or liquidator is satisfied that no new claims can be presented, the Director as rehabilitator or liquidator will release any remaining collateral to the policyholder.

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(h) The Illinois Circuit Court having jurisdiction over the liquidation proceedings shall have jurisdiction to resolve disputes arising under this provision.

(i) Nothing in this Section is intended to limit or adversely affect any right the guaranty associations or the Illinois Insurance Guaranty Fund may have under applicable state law to obtain reimbursement from certain classes of policyholders for claims payments made by such guaranty associations or the Illinois Insurance Guaranty Fund under policies of the insolvent insurer, or for related expenses the guaranty associations or the Illinois Insurance Guaranty Fund incur.

(j) This Section applies to all receivership proceedings under Article XIII that either (1) commence on or after the effective date of this amendatory Act of the 93rd General Assembly or (2) are on file or open on the effective date of this amendatory Act of the 93rd General Assembly and in which an Order of Liquidation is entered on or after May 1, 2004. However, this Section applies to rehabilitation proceedings only to the extent that guaranty associations are required to pay claims and does not apply to receivership proceedings in which an order of conservation has been entered.

(k) For purposes of this Section, a "deductible agreement" is any combination of one or more policies, endorsements, contracts, or security agreements, which provide for the policyholder to bear the risk of loss within a specified amount per claim or occurrence covered under a policy of insurance, and may be subject to the aggregate limit of policyholder reimbursement obligations. This Section shall not apply to first party claims, or to claims funded by a guaranty association or the Illinois Insurance Guaranty Fund in excess of the deductible unless subsection (e) above applies. The term "non-covered claim" shall mean a claim that is subject to a deductible agreement and is not covered by a guaranty association or the Illinois Insurance Guaranty Fund.

Section 99. Effective date. This Act takes effect upon becoming law.

AN ACT in relation to executive agencies.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Nuclear Safety Law of 2004.

Section 5. Cross references. The Illinois Emergency Management Agency shall exercise, administer, and enforce all rights, powers, and duties vested in Department of Nuclear Safety by the following named Acts or Sections of those Acts:

(10) Radon Industry Licensing Act.

Section 10. Nuclear and radioactive materials disposal. The Illinois Emergency Management Agency shall formulate a comprehensive plan regarding disposal of nuclear and radioactive materials in this State. The Illinois Emergency Management Agency shall establish minimum standards for disposal sites, shall evaluate and publicize potential effects on the public health and safety, and shall report to the Governor and General Assembly all violations of the adopted standards. In carrying out this function, the Illinois Emergency Management Agency shall work in cooperation with the Radiation Protection Advisory Council.

Section 15. Radiation sources; radioactive waste disposal. The Illinois Emergency Management Agency, instead of the Department of Nuclear Safety, shall register, license, inspect, and control radiation sources, shall purchase, lease, accept, or acquire lands, buildings, and grounds where radioactive wastes can be disposed, and shall supervise and regulate the operation of the disposal sites.

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Section 20. Nuclear waste sites.
(a) The Illinois Emergency Management Agency shall conduct a survey and prepare and publish a list of sites in the State where nuclear waste has been deposited, treated, or stored.
(b) The Illinois Emergency Management Agency shall monitor nuclear waste processing, use, handling, storage, and disposal practices in the State, and shall determine existing and expected rates of production of nuclear wastes.
(c) The Illinois Emergency Management Agency shall compile and make available to the public an annual report identifying the type and quantities of nuclear waste generated, stored, treated, or disposed of within this State and containing the other information required to be collected under this Section.

Section 25. Boiler and pressure vessel safety. The Illinois Emergency Management Agency shall exercise, administer, and enforce all of the following rights, powers, and duties:
(1) Rights, powers, and duties vested in the Department of Nuclear Safety by the Boiler and Pressure Vessel Safety Act prior to the abolishment of the Department of Nuclear Safety, to the extent the rights, powers, and duties relate to nuclear steam-generating facilities.
(2) Rights, powers, and duties relating to nuclear steam-generating facilities vested in the Department of Nuclear Safety by the Boiler and Pressure Vessel Safety Act prior to the abolishment of the Department of Nuclear Safety, which include but are not limited to the formulation of definitions, rules, and regulations for the safe and proper construction, installation, repair, use, and operation of nuclear steam-generating facilities, the adoption of rules for already installed nuclear steam-generating facilities, the adoption of rules for accidents in nuclear steam-generating facilities, the examination for or suspension of inspectors' licenses of the facilities, and the hearing of appeals from decisions relating to the facilities.
(3) Rights, powers, and duties relating to nuclear steam-generating facilities, vested in the State Fire Marshal, the Chief Inspector, or the Department of Nuclear Safety prior to its abolishment, by the Boiler and Pressure Vessel Safety Act, which include but are not limited to the employment of inspectors of nuclear steam-generating facilities, issuance or suspension of their

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commissions, prosecution of the Act or rules promulgated thereunder for violations by nuclear steam-generating facilities, maintenance of inspection records of all the facilities, publication of rules relating to the facilities, having free access to the facilities, issuance of inspection certificates of the facilities, and the furnishing of bonds conditioned upon the faithful performance of their duties. The Director of Illinois Emergency Management Agency may designate a Chief Inspector, or other inspectors, as he or she deems necessary to perform the functions transferred by this Section.

The transfer of rights, powers, and duties specified in paragraphs (1), (2), and (3) is limited to the program transferred by this Act and shall not be deemed to abolish or diminish the exercise of those same rights, powers, and duties by the Office of the State Fire Marshal, the Board of Boiler and Pressure Vessel Rules, the State Fire Marshal, or the Chief Inspector with respect to programs retained by the Office of the State Fire Marshal.

Section 30. Powers vested in Environmental Protection Agency.

(a) The Illinois Emergency Management Agency shall exercise, administer, and enforce all rights, powers, and duties vested in the Environmental Protection Agency by paragraphs a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, and r of Section 4 and by Sections 30 through 45 of the Environmental Protection Act, to the extent that these powers relate to standards of the Pollution Control Board adopted under Section 35 of this Act. The transfer of rights, powers, and duties specified in this Section is limited to the programs transferred by Public Act 81-1516 and this Act and shall not be deemed to abolish or diminish the exercise of those same rights, powers, and duties by the Environmental Protection Agency with respect to programs retained by the Environmental Protection Agency.

(b) Notwithstanding provisions in Sections 4 and 17.7 of the Environmental Protection Act, the Environmental Protection Agency is not required to perform analytical services for community water supplies to determine compliance with contaminant levels for radionuclides as specified in State or federal drinking water regulations.

(c) Community water supplies may request the Illinois Emergency Management Agency to perform analytical services to determine compliance with contaminant levels for radionuclides as specified in State or federal drinking water regulations. The Illinois Emergency Management Agency must adopt rules establishing reasonable fees reflecting the direct

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and indirect cost of testing community water supply samples. The rules may require a community water supply to commit to participation in the Illinois Emergency Management Agency's testing program. Neither the Illinois Emergency Management Agency nor the Environmental Protection Agency is required to perform analytical services to determine contaminant levels for radionuclides from any community water supply that does not participate in the Illinois Emergency Management Agency's testing program.

Community water supplies that choose not to participate in the Illinois Emergency Management Agency's testing program or do not pay the fees established by the Illinois Emergency Management Agency shall have the duty to analyze all drinking water samples as required by State or federal safe drinking water regulations to determine radionuclide contaminant levels.

Section 35. Pollution Control Board regulations concerning nuclear plants. The Illinois Emergency Management Agency shall enforce the regulations promulgated by the Pollution Control Board under Section 25b of the Environmental Protection Act. Under these regulations the Illinois Emergency Management Agency shall require that a person, corporation, or public authority intending to construct a nuclear steam-generating facility or a nuclear fuel reprocessing plant file with the Illinois Emergency Management Agency an environmental feasibility report that incorporates the data provided in the preliminary safety analysis required to be filed with the United States Nuclear Regulatory Commission.

Section 40. Regulation of nuclear safety. The Illinois Emergency Management Agency shall have primary responsibility for the coordination and oversight of all State governmental functions concerning the regulation of nuclear power, including low level waste management, environmental monitoring, and transportation of nuclear waste. Functions performed by the Department of State Police and the Department of Transportation in the area of nuclear safety, on the effective date of this Act, may continue to be performed by these agencies but under the direction of the Illinois Emergency Management Agency. All other governmental functions regulating nuclear safety shall be coordinated by Illinois Emergency Management Agency.

Section 45. Appointment of Assistant Director. The Assistant Director shall be an officer appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of 2 years beginning on the third Monday in January of the odd-numbered year, and until a New matter indicated by italics - deletions by strikeout.
successor is appointed and has qualified; except that the first Assistant Director under this Act shall be the Director of Nuclear Safety. The Assistant Director shall not hold any other remunerative public office. The Assistant Director shall receive an annual salary as set by the Governor from time to time or the amount set by the Compensation Review Board, whichever is higher. If set by the Governor, the Assistant Director's annual salary may not exceed 85% of the Governor's annual salary.

Section 50. Personnel transferred. Personnel previously assigned to the programs transferred from the Department of Nuclear Safety are hereby transferred to the Illinois Emergency Management Agency. The rights of the employees, the State, and executive agencies under the Personnel Code, any collective bargaining agreement, or any pension, retirement, or annuity plan shall not be affected by this Act.

Section 55. Records and property transferred. All books, records, papers, documents, property (real or personal), unexpended appropriations, and pending business in any way pertaining to the rights, powers, and duties transferred by this Act shall be delivered and transferred to the Illinois Emergency Management Agency.

Section 60. Data available to Department of Public Health. All files, records, and data gathered by or under the direction or authority of the Director under the Civil Administrative Code of Illinois shall be made available to the Department of Public Health under the Illinois Health and Hazardous Substances Registry Act.

Section 65. Nuclear accident plan. The Illinois Emergency Management Agency shall have primary responsibility to formulate a comprehensive emergency preparedness and response plan for any nuclear accident. The Illinois Emergency Management Agency shall also train and maintain an emergency response team.

Section 70. Nuclear and radioactive materials transportation plan. The Illinois Emergency Management Agency shall formulate a comprehensive plan regarding the transportation of nuclear and radioactive materials in Illinois. The Illinois Emergency Management Agency shall have primary responsibility for all State governmental regulation of the transportation of nuclear and radioactive materials, insofar as the regulation pertains to the public health and safety. This responsibility shall include but not be limited to the authority to oversee and coordinate regulatory functions performed by the Department of Transportation, the Department of State Police, and the Illinois Commerce Commission.

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Section 75. State nuclear power policy. The Illinois Emergency Management Agency, in cooperation with the Department of Natural Resources, shall study (i) the impact and cost of nuclear power and compare these to the impact and cost of alternative sources of energy, (ii) the potential effects on the public health and safety of all radioactive emissions from nuclear power plants, and (iii) all other factors that bear on the use of nuclear power or on nuclear safety. The Illinois Emergency Management Agency shall formulate a general nuclear policy for the State based on the findings of the study. The policy shall include but not be limited to the feasibility of continued use of nuclear power, effects of the use of nuclear power on the public health and safety, minimum acceptable standards for the location of any future nuclear power plants, and rules and regulations for the reporting by public utilities of radioactive emissions from power plants. The Illinois Emergency Management Agency shall establish a reliable system for communication between the public and the Illinois Emergency Management Agency and for dissemination of information by the Illinois Emergency Management Agency. The Illinois Emergency Management Agency shall publicize the findings of all studies and make the publications reasonably available to the public.

Section 80. No accreditation, certification, or registration if in default on educational loan. The Illinois Emergency Management Agency shall not issue or renew to any individual any accreditation, certification, or registration (but excluding registration under Section 24.7 of the Radiation Protection Act of 1990) otherwise issued by the Illinois Emergency Management Agency if the individual has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Agency may issue or renew an accreditation, certification, or registration if the individual has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission. Additionally, any accreditation, certification, or registration issued by the Illinois Emergency Management Agency (but excluding registration under Section 24.7 of the Radiation Protection Act of 1990) may be suspended or revoked if the Illinois Emergency Management Agency, after the opportunity for a hearing under the appropriate accreditation, certification, or registration Act, finds that the holder has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan as determined by the Illinois Student Assistance Commission.

Section 85. Saving clause.

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(a) The rights, powers and duties transferred to the Illinois Emergency Management Agency by this Act shall be vested in and shall be exercised by the Illinois Emergency Management Agency. Each act done in exercise of such rights, powers, and duties shall have the same legal effect as if done by the Department of Nuclear Safety, its divisions, officers, or employees.

(b) Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Department of Nuclear Safety, its divisions, officers or employees.

(c) Every officer of the Illinois Emergency Management Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Act.

(d) Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the agencies and officers transferred by this Act, the same shall be made, given, furnished, or served in the same manner to or upon the Illinois Emergency Management Agency.

(e) This Act shall not affect any act done, ratified, or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause regarding the Department of Nuclear Safety before this Act takes effect, but such actions or proceedings may be prosecuted and continued by the Illinois Emergency Management Agency.

(f) Any rules of the Department of Nuclear Safety that are in full force on the effective date of this Act and that have been duly adopted by the Illinois Emergency Management Agency shall become the rules of the Illinois Emergency Management Agency. This Act shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Department of Nuclear Safety that are pending in the rulemaking process on the effective date of this Act, shall be deemed to have been filed by the Illinois Emergency Management Agency. As soon as practicable hereafter, the Illinois Emergency Management Agency shall revise and clarify the rules transferred to it under this Act to reflect the reorganization of rights, powers, and duties effected by this Act using the procedures for recodification of rules available under the Illinois Administrative Code.

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Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Illinois Emergency Management Agency may propose and adopt under the Illinois Administrative Procedure Act such other rules of the reorganized agencies that will now be administered by the Illinois Emergency Management Agency.

(g) If any provision of this Act or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application. To achieve this purpose, the provisions of this Act are declared to be severable.

Section 905. The Civil Administrative Code of Illinois is amended by changing Sections 5-15, 5-20, and 5-160 as follows:

(20 ILCS 5/5-15) (was 20 ILCS 5/3)
Sec. 5-15. Departments of State government. The Departments of State government are created as follows:
The Department on Aging.
The Department of Agriculture.
The Department of Central Management Services.
The Department of Children and Family Services.
The Department of Commerce and Economic Opportunity.
The Department of Corrections.
The Department of Employment Security.
The Emergency Management Agency.
The Department of Financial Institutions.
The Department of Human Rights.
The Department of Human Services.
The Department of Insurance.
The Department of Labor.
The Department of the Lottery.
The Department of Natural Resources.
The Department of Nuclear Safety.
The Department of Professional Regulation.
The Department of Public Aid.
The Department of Public Health.
The Department of Revenue.
The Department of State Police.
The Department of Transportation.
The Department of Veterans' Affairs.
(Source: P.A. 93-25, eff. 6-20-03.)
(20 ILCS 5/5-20) (was 20 ILCS 5/4)
Sec. 5-20. Heads of departments. Each department shall have an officer as its head who shall be known as director or secretary and who shall, subject to the provisions of the Civil Administrative Code of Illinois, execute the powers and discharge the duties vested by law in his or her respective department.

The following officers are hereby created:
- Director of Aging, for the Department on Aging.
- Director of Agriculture, for the Department of Agriculture.
- Director of Central Management Services, for the Department of Central Management Services.
- Director of Children and Family Services, for the Department of Children and Family Services.
- Director of Commerce and Economic Opportunity, for the Department of Commerce and Economic Opportunity.
- Director of Corrections, for the Department of Corrections.
- Director of Financial Institutions, for the Department of Financial Institutions.
- Director of Human Rights, for the Department of Human Rights.
- Secretary of Human Services, for the Department of Human Services.
- Director of Insurance, for the Department of Insurance.
- Director of Labor, for the Department of Labor.
- Director of the Lottery, for the Department of the Lottery.
- Director of Natural Resources, for the Department of Natural Resources.
- Director of Nuclear Safety, for the Department of Nuclear Safety.
- Director of Professional Regulation, for the Department of Professional Regulation.
- Director of Public Aid, for the Department of Public Aid.
- Director of Public Health, for the Department of Public Health.
- Director of Revenue, for the Department of Revenue.
- Director of State Police, for the Department of State Police.
- Secretary of Transportation, for the Department of Transportation.
- Director of Veterans' Affairs, for the Department of Veterans' Affairs.

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Sec. 5-160. In the Emergency Management Agency Department of Nuclear Safety, Assistant Director of the Emergency Management Agency Department of Nuclear Safety.

Section 910. The Department of Nuclear Safety Law of the Civil Administrative Code of Illinois is repealed.

Section 915. The Illinois Nuclear Safety Preparedness Act is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, and 10 as follows:

Sec. 3. Definitions. Unless the context otherwise clearly requires, as used in this Act:

(1) "Agency Department" means the Illinois Emergency Management Agency Department of Nuclear Safety of the State of Illinois.

(2) "Director" means the Director of the Illinois Emergency Management Agency Department of Nuclear Safety.

(3) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing.

(4) "NRC" means the United States Nuclear Regulatory Commission or any agency which succeeds to its functions in the licensing of nuclear power reactors or facilities for storing spent nuclear fuel.

(5) "High-level radioactive waste" means (1) the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and (2) the highly radioactive material that the NRC has determined to be high-level radioactive waste requiring permanent isolation.

(6) "Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

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(7) "Spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

(8) "Transuranic waste" means material contaminated with elements that have an atomic number greater than 92, including neptunium, plutonium, americium, and curium, excluding radioactive wastes shipped to a licensed low-level radioactive waste disposal facility.

(9) "Highway route controlled quantity of radioactive materials" means that quantity of radioactive materials defined as a highway route controlled quantity under rules of the United States Department of Transportation, or any successor agency.

(Source: P.A. 90-601, eff. 6-26-98.)

(420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

Sec. 4. Nuclear accident plans; fees. Persons engaged within this State in the production of electricity utilizing nuclear energy, the operation of nuclear test and research reactors, the chemical conversion of uranium, or the transportation, storage or possession of spent nuclear fuel or high-level radioactive waste shall pay fees to cover the cost of establishing plans and programs to deal with the possibility of nuclear accidents. Except as provided below, the fees shall be used exclusively to fund those Agency Departmental and local government activities defined as necessary by the Director to implement and maintain the plans and programs authorized by this Act. Local governments incurring expenses attributable to implementation and maintenance of the plans and programs authorized by this Act may apply to the Agency Department for compensation for those expenses, and upon approval by the Director of applications submitted by local governments, the Agency Department shall compensate local governments from fees collected under this Section. Compensation for local governments shall include $250,000 in any year through fiscal year 1993, $275,000 in fiscal year 1994 and fiscal year 1995, $300,000 in fiscal year 1996, $400,000 in fiscal year 1997, and $450,000 in fiscal year 1998 and thereafter. Appropriations to the Department of Nuclear Safety (of which the Agency is the successor) for compensation to local governments from the Nuclear Safety Emergency Preparedness Fund provided for in this Section shall not exceed $650,000 per State fiscal year. Expenditures from these appropriations shall not exceed, in a single State fiscal year, the annual compensation amount made available to local governments under this Section, unexpended funds made available for local government compensation in the previous fiscal year, and funds

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recovered under the Illinois Grant Funds Recovery Act during previous fiscal years. Notwithstanding any other provision of this Act, the expenditure limitation for fiscal year 1998 shall include the additional $100,000 made available to local governments for fiscal year 1997 under this amendatory Act of 1997. Any funds within these expenditure limitations, including the additional $100,000 made available for fiscal year 1997 under this amendatory Act of 1997, that remain unexpended at the close of business on June 30, 1997, and on June 30 of each succeeding year, shall be excluded from the calculations of credits under subparagraph (3) of this Section. The Agency Department shall, by rule, determine the method for compensating local governments under this Section. In addition, a portion of the fees collected may be appropriated to the Illinois Emergency Management Agency for activities associated with preparing and implementing plans to deal with the effects of nuclear accidents. The appropriation shall not exceed $500,000 in any year preceding fiscal year 1996; the appropriation shall not exceed $625,000 in fiscal year 1996, $725,000 in fiscal year 1997, and $775,000 in fiscal year 1998 and thereafter. The fees shall consist of the following:

(1) A one-time charge of $590,000 per nuclear power station in this State to be paid by the owners of the stations.

(2) An additional charge of $240,000 per nuclear power station for which a fee under subparagraph (1) was paid before June 30, 1982.

(3) Through June 30, 1982, an annual fee of $75,000 per year for each nuclear power reactor for which an operating license has been issued by the NRC, and after June 30, 1982, and through June 30, 1984 an annual fee of $180,000 per year for each nuclear power reactor for which an operating license has been issued by the NRC, and after June 30, 1984, and through June 30, 1991, an annual fee of $400,000 for each nuclear power reactor for which an operating license has been issued by the NRC, to be paid by the owners of nuclear power reactors operating in this State. After June 30, 1991, the owners of nuclear power reactors in this State for which operating licenses have been issued by the NRC shall pay the following fees for each such nuclear power reactor: for State fiscal year 1992, $925,000; for State fiscal year 1993, $975,000; for State fiscal year 1994; $1,010,000; for State fiscal year 1995, $1,060,000; for State fiscal years 1996 and 1997, $1,110,000; for State fiscal year 1998, $1,314,000; for State fiscal year 1999, $1,368,000; for State fiscal year 2000, $1,404,000; for State fiscal year 2001, $1,696,455; for State fiscal year 2002, $1,730,636; for State fiscal year 2003 and subsequent fiscal years,

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$1,757,727. Within 120 days after the end of the State fiscal year, the Agency Department shall determine, from the records of the Office of the Comptroller, the balance in the Nuclear Safety Emergency Preparedness Fund. When the balance in the fund, less any fees collected under this Section prior to their being due and payable for the succeeding fiscal year or years, exceeds $400,000 at the close of business on June 30, 1993, 1994, 1995, 1996, 1997, and 1998, or exceeds $500,000 at the close of business on June 30, 1999 and June 30 of each succeeding year, the excess shall be credited to the owners of nuclear power reactors who are assessed fees under this subparagraph. Credits shall be applied against the fees to be collected under this subparagraph for the subsequent fiscal year. Each owner shall receive as a credit that amount of the excess which corresponds proportionately to the amount the owner contributed to all fees collected under this subparagraph in the fiscal year that produced the excess.

(3.5) The owner of a nuclear power reactor that notifies the Nuclear Regulatory Commission that the nuclear power reactor has permanently ceased operations during State fiscal year 1998 shall pay the following fees for each such nuclear power reactor: $1,368,000 for State fiscal year 1999 and $1,404,000 for State fiscal year 2000.

(4) A capital expenditure surcharge of $1,400,000 per nuclear power station in this State, whether operating or under construction, shall be paid by the owners of the station.

(5) An annual fee of $25,000 per year for each site for which a valid operating license has been issued by NRC for the operation of an away-from-reactor spent nuclear fuel or high-level radioactive waste storage facility, to be paid by the owners of facilities for the storage of spent nuclear fuel or high-level radioactive waste for others in this State.

(6) A one-time charge of $280,000 for each facility in this State housing a nuclear test and research reactor, to be paid by the operator of the facility. However, this charge shall not be required to be paid by any tax-supported institution.

(7) A one-time charge of $50,000 for each facility in this State for the chemical conversion of uranium, to be paid by the owner of the facility.

(8) An annual fee of $150,000 per year for each facility in this State housing a nuclear test and research reactor, to be paid by the operator of the facility. However, this annual fee shall not be required to be paid by any tax-supported institution.

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(9) An annual fee of $15,000 per year for each facility in this State for the chemical conversion of uranium, to be paid by the owner of the facility.

(10) A fee assessed at the rate of $2,500 per truck for each truck shipment and $4,500 for the first cask and $3,000 for each additional cask for each rail shipment of spent nuclear fuel, high-level radioactive waste, or transuranic waste, or a highway route controlled quantity of radioactive materials received at or departing from any nuclear power station or away-from-reactor spent nuclear fuel, high-level radioactive waste, or transuranic waste storage facility, or other facility in this State to be paid by the shipper of the spent nuclear fuel, high level radioactive waste, or transuranic waste, or highway route controlled quantity of radioactive material. Truck shipments of greater than 250 miles in Illinois are subject to a surcharge of $25 per mile over 250 miles for each truck in the shipment. The amount of fees collected each fiscal year under this subparagraph shall be excluded from the calculation of credits under subparagraph (3) of this Section.

(11) A fee assessed at the rate of $2,500 per truck for each truck shipment and $4,500 for the first cask and $3,000 for each additional cask for each rail shipment of spent nuclear fuel, high-level radioactive waste, or transuranic waste, or a highway route controlled quantity of radioactive materials traversing the State to be paid by the shipper of the spent nuclear fuel, high level radioactive waste, or transuranic waste, or highway route controlled quantity of radioactive material. Truck shipments of greater than 250 miles in Illinois are subject to a surcharge of $25 per mile over 250 miles for each truck in the shipment. The amount of fees collected each fiscal year under this subparagraph shall be excluded from the calculation of credits under subparagraph (3) of this Section.

(12) In each of the State fiscal years 1988 through 1991, in addition to the annual fee provided for in subparagraph (3), a fee of $400,000 for each nuclear power reactor for which an operating license has been issued by the NRC, to be paid by the owners of nuclear power reactors operating in this State. Within 120 days after the end of the State fiscal years ending June 30, 1988, June 30, 1989, June 30, 1990, and June 30, 1991, the Agency Department shall determine the expenses of the Illinois Nuclear Safety Preparedness Program paid from funds appropriated for those fiscal years. When the aggregate of all fees, charges, and surcharges collected under this Section during any fiscal year exceeds the total expenditures under this Act from appropriations for that fiscal year, the excess shall be
credited to the owners of nuclear power reactors who are assessed fees under this subparagraph, and the credits shall be applied against the fees to be collected under this subparagraph for the subsequent fiscal year. Each owner shall receive as a credit that amount of the excess that corresponds proportionately to the amount the owner contributed to all fees collected under this subparagraph in the fiscal year that produced the excess. (Source: P.A. 91-47, eff. 6-30-99; 91-857, eff. 6-22-00; 92-576, eff. 6-26-02.)

(420 ILCS 5/5) (from Ch. 111 1/2, par. 4305)

Sec. 5. (a) Except as otherwise provided in this Section, within 30 days after the beginning of each State fiscal year, each person who possessed a valid operating license issued by the NRC for a nuclear power reactor or a spent fuel storage facility during any portion of the previous fiscal year shall pay to the Agency Department the fees imposed by Section 4 of this Act. The one-time facility charge assessed pursuant to subparagraph (1) of Section 4 shall be paid to the Agency Department not less than 2 years prior to scheduled commencement of commercial operation. The additional facility charge assessed pursuant to subparagraph (2) of Section 4 shall be paid to the Department within 90 days of June 30, 1982. Fees assessed pursuant to subparagraph (3) of Section 4 for State fiscal year 1992 shall be payable as follows: $400,000 due on August 1, 1991, and $525,000 due on January 1, 1992. Fees assessed pursuant to subparagraph (3) of Section 4 for State fiscal year 1993 and subsequent fiscal years shall be due and payable in two equal payments on July 1 and January 1 during the fiscal year in which the fee is due. Fees assessed pursuant to subparagraph (4) of Section 4 shall be paid in six payments, the first, in the amount of $400,000, shall be due and payable 30 days after the effective date of this Amended Act of 1984. Subsequent payments shall be in the amount of $200,000 each, and shall be due and payable annually on August 1, 1985 through August 1, 1989, inclusive. Fees assessed under the provisions of subparagraphs (6) and (7) of Section 4 of this Act shall be paid on or before January 1, 1990. Fees assessed under the provisions of subparagraphs (8) and (9) of Section 4 of this Act shall be paid on or before January 1st of each year, beginning January 1, 1990. Fees assessed under the provisions of subparagraphs (10) and (11) of Section 4 of this Act shall be paid to the Agency Department within 60 days after completion of such shipments within this State. Fees assessed pursuant to subparagraph (12) of Section 4 shall be paid to the Agency Department by each person who possessed a valid operating license issued
by the NRC for a nuclear power reactor during any portion of the previous
State fiscal year as follows: the fee due in fiscal year 1988 shall be paid on
January 15, 1988, the fee due in fiscal year 1989 shall be paid on
December 1, 1988, and subsequent fees shall be paid annually on
December 1, 1989 through December 1, 1990.

(b) Fees assessed pursuant to paragraph (3.5) of Section 4 for State
fiscal years 1999 and 2000 shall be due and payable in 2 equal payments
on July 1 and January 1 during the fiscal year in which the fee is due. The
fee due on July 1, 1998 shall be payable on that date, or within 10 days
after the effective date of this amendatory Act of 1998, whichever is later.

(c) Any person who fails to pay a fee assessed under Section 4 of
this Act within 90 days after the fee is payable is liable in a civil action for
an amount not to exceed 4 times the amount assessed and not paid. The
action shall be brought by the Attorney General at the request of the
Agency Department. If the action involves a fixed facility in Illinois, the
action shall be brought in the Circuit Court of the county in which the
facility is located. If the action does not involve a fixed facility in Illinois,
the action shall be brought in the Circuit Court of Sangamon County.
(Source: P.A. 90-601, eff. 6-26-98; 91-47, eff. 6-30-99.)

(420 ILCS 5/6) (from Ch. 111 1/2, par. 4306)

Sec. 6. The Agency Department shall prepare a budget showing the
cost (including capital expenditures) to be incurred in administering this
Act during the fiscal year in question. Such budget shall be prepared only
after consultation with those liable for the fees imposed by this Act as to
the costs necessary to enable the Agency Department to perform its
responsibilities under this Act.
(Source: P.A. 81-577.)

(420 ILCS 5/7) (from Ch. 111 1/2, par. 4307)

Sec. 7. All monies received by the Agency Department under this
Act shall be deposited in the State Treasury and shall be set apart in a
special fund to be known as the "Nuclear Safety Emergency Preparedness
Fund". All monies within the Nuclear Safety Emergency Preparedness
Fund shall be invested by the State Treasurer in accordance with
established investment practices. Interest earned by such investment shall
be returned to the Nuclear Safety Emergency Preparedness Fund. Monies
deposited in this fund shall be expended by the Director only to support
the activities of the Illinois Nuclear Safety Preparedness Program,
including activities of the Illinois State Police and the Illinois Commerce
Commission under Section 8(a)(9).

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Sec. 8. (a) The Illinois Nuclear Safety Preparedness Program shall consist of an assessment of the potential nuclear accidents, their radiological consequences, and the necessary protective actions required to mitigate the effects of such accidents. It shall include, but not necessarily be limited to:

(1) Development of a remote effluent monitoring system capable of reliably detecting and quantifying accidental radioactive releases from nuclear power plants to the environment;

(2) Development of an environmental monitoring program for nuclear facilities other than nuclear power plants;

(3) Development of procedures for radiological assessment and radiation exposure control for areas surrounding each nuclear facility in Illinois;

(4) Radiological training of state and local emergency response personnel in accordance with the Agency's Department's responsibilities under the program;

(5) Participation in the development of accident scenarios and in the exercising of fixed facility nuclear emergency response plans;

(6) Development of mitigative emergency planning standards including, but not limited to, standards pertaining to evacuations, re-entry into evacuated areas, contaminated foodstuffs and contaminated water supplies;

(7) Provision of specialized response equipment necessary to accomplish this task;

(8) Implementation of the Boiler and Pressure Vessel Safety program at nuclear steam-generating facilities as mandated by Section 2005-35 of the Department of Nuclear Safety Law, or its successor statute (20 ILCS 2005/2005-35);

(9) Development and implementation of a plan for inspecting and escorting all shipments of spent nuclear fuel, high-level radioactive waste, and transuranic waste, and highway route controlled quantities of radioactive materials in Illinois; and


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(b) The Agency Department may incorporate data collected by the operator of a nuclear facility into the Agency's Department's remote monitoring system.

(c) The owners of each nuclear power reactor in Illinois shall provide the Agency Department all system status signals which initiate Emergency Action Level Declarations, actuate accident mitigation and provide mitigation verification as directed by the Agency Department. The Agency Department shall designate by rule those system status signals that must be provided. Signals providing indication of operating power level shall also be provided. The owners of the nuclear power reactors shall, at their expense, ensure that valid signals will be provided continuously 24 hours a day.

All such signals shall be provided in a manner and at a frequency specified by the Agency Department for incorporation into and augmentation of the remote effluent monitoring system specified in subsection (a) (1) of this Section. Provision shall be made for assuring that such system status and power level signals shall be available to the Agency Department during reactor operation as well as throughout accidents and subsequent recovery operations.

For nuclear reactors with operating licenses issued by the Nuclear Regulatory Commission prior to the effective date of this amendatory Act, such system status and power level signals shall be provided to the Department of Nuclear Safety (of which the Agency is the successor) by March 1, 1985. For reactors without such a license on the effective date of this amendatory Act, such signals shall be provided to the Department prior to commencing initial fuel load for such reactor. Nuclear reactors receiving their operating license after the effective date of this amendatory Act, but before July 1, 1985, shall provide such system status and power level signals to the Department of Nuclear Safety (of which the Agency is the successor) by September 1, 1985.

(Source: P.A. 90-601, eff. 6-26-98; 91-239, eff. 1-1-00.)

(420 ILCS 5/9) (from Ch. 111 1/2, par. 4309)

Sec. 9. Any equipment purchased by the Agency Department to be installed on the premises of a nuclear facility pursuant to the provisions of subsections (1), (2) and (7) of Section 8 of this Act shall be installed by the owner of such nuclear facility in accordance with criteria and standards established by the Director of the Agency Department, including criteria for location, supporting utilities, and methods of installation. Such installation shall be at no cost to the Agency Department. The owner of the

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nuclear facility shall also, at its expense, pay for modifications of its facility as requested by the Department to accommodate the Agency's Department's equipment including updated equipment, and to accommodate changes in the Agency's Department's criteria and standards.

(Source: P.A. 86-901.)

(420 ILCS 5/10) (from Ch. 111 1/2, par. 4310)

Sec. 10. The Agency Department may accept and administer according to law, loans, grants, or other funds or gifts from the Federal Government and from other sources, public and private, for carrying out its functions under this Act.

(Source: P.A. 83-1342.)

Section 999. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1030
(House Bill No. 1336)

AN ACT concerning real property.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. A corrective deed, to replace one previously recorded and authorized in Public Act 92-532, Section 93, is necessary to remedy certain errors in the grantee's name and therefore, the Secretary of the Department of Transportation is authorized to convey by corrective deed all right, title, and interest in and to the following described land in Coles County, Illinois to Mile Stones Midwest, Inc.

Parcel No. 5X03913

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) EAST OF THE THIRD PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING MONUMENT MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12)

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NORTH, RANGE NINE (9) EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID CORNER BEING 31.13 FEET LEFT OF CENTERLINE STATION 470+80 OF F.A. ROUTE #17 (ILLINOIS ROUTE 16); THENCE S 00 DEGREES 05 MINUTES 21 SECONDS W ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE CENTERLINE OF DOUGLAS DRIVE, 280.72 FEET ACTUAL (S 00 DEGREES 05 MINUTES 21 SECONDS W - 281.00 FEET RECORD); THENCE S 89 DEGREES 21 MINUTES 21 SECONDS W, 20.00 FEET ACTUAL (S 89 DEGREES 21 MINUTES W - 20.00 FEET RECORD); THENCE N 35 DEGREES 04 MINUTES 40 SECONDS W (N 34 DEGREES 59 MINUTES W RECORD), 26.07 FEET TO A POINT ON THE WEST LINE OF DOUGLAS DRIVE, SAID POINT BEING 228.06 FEET RIGHT OF CENTERLINE STATION 470+42.04 OF SAID F.A. ROUTE #17 (ILLINOIS ROUTE 16) AND THE POINT OF BEGINNING; THENCE N 35 DEGREES 04 MINUTES 40 SECONDS W ACTUAL (N 34 DEGREES 59 MINUTES W RECORD), 112.82 FEET TO A POINT 135.00 FEET RIGHT OF STATION 469+78.26 OF SAID CENTERLINE; THENCE S 89 DEGREES 21 MINUTES 00 SECONDS W (ACTUAL AND RECORD), 523.32 FEET TO A POINT 135.0 FEET RIGHT OF STATION 464+54.94 OF SAID CENTERLINE; THENCE N 00 DEGREES 00 MINUTES 55 SECONDS W, 33.00 FEET TO A POINT 102.00 FEET RIGHT OF STATION 464+55.31 OF SAID CENTERLINE; THENCE N 88 DEGREES 08 MINUTES 46 SECONDS E, 523.56 FEET TO A POINT 91.00 FEET RIGHT OF STATION 469+78.29 OF SAID CENTERLINE; THENCE S 72 DEGREES 53 MINUTES 05 SECONDS E, 23.00 FEET TO A POINT 98.02 FEET RIGHT OF STATION 470+00.65 OF SAID CENTERLINE; THENCE S 44 DEGREES 37 MINUTES 46 SECONDS E, 61.21 FEET TO A POINT 142.07 RIGHT OF STATION 470+43.15 OF SAID CENTERLINE AND THE EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF DOUGLAS DRIVE; THENCE S 00 DEGREES 05 MINUTES 21 SECONDS W, ALONG SAID WEST LINE 86.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.567 ACRES, MORE OR LESS, CHARLESTON, ILLINOIS.

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It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FA Route 17 (IL Rte 16), previously declared a freeway.

Section 10. Upon the payment of the sum of $7,100.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Randolph County, Illinois:

Parcel No. 800XA33
Part of the Northwest Quarter of Section 17, Township 6 South, Range 7 West of the Third Principal Meridian, Village of Ellis Grove, Randolph County, Illinois.
Commencing at the northwest corner of Section 17, Township 6 South, Range 7 West of the Third Principal Meridian, Village of Ellis Grove, Randolph County, Illinois; thence on an assumed bearing of North 83 degrees 30 minutes 01 second East on the north line of said Section 17, a distance of 202.49 feet to the centerline of Illinois Route 3 (FAP Route 312) as established by a Dedication of Right of Way for Public Road Purposes as recorded in Book 151, Page 520 of the Randolph County records; thence southeasterly on said centerline of Illinois Route 3 on a curve to the left, having a radius of 6,366.26 feet, an arc distance of 311.87 feet, the chord of curve bearing South 16 degrees 19 minutes 46 seconds East, 311.84 feet; thence South 72 degrees 16 minutes 02 seconds West radial to said curve, 50.00 feet to the Point of Beginning of the herein described tract; thence South 76 degrees 05 minutes 30 seconds West, 55.13 feet; thence South 23 degrees 36 minutes 25 seconds West, 29.20 feet to the former easterly right of way line of SBI Route 3, Section 74, as established by a Dedication of Right of Way for Public Road Purposes and recorded in Book 88, Page 78 of the Randolph County Records; thence on said easterly line on a curve to the left, having a radius of 1,072.22 feet, an arc distance of 533.39 feet, the chord of said curve bearing South 21 degrees 30 minutes 28 seconds East, 527.91 feet; thence North 67 degrees 11 minutes 34 seconds East, 62.50 feet to a point 50.00 feet radially distant from said centerline of Illinois Route 3; thence northwesterly along a curve to the right, having a radius of 6,416.26 feet, an arc distance of 540.12 feet, the chord of said

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curve bearing North 20 degrees 08 minutes 40 seconds West, 539.96 feet to the Point of Beginning.
Parcel 800XA33 herein described contains 1.079 acre or 46,981 square feet, more or less.

Section 15. Upon the payment of the sum of $7,350.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Winnebago County, Illinois:
Parcel No. 2DWIX21
A part of Lots 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 as designated upon the plat of Camp Grant Island, being B.A. Knight's Subdivision of Island Number 3 in Rock River in Section 15, Township 43 North, Range 1 East of the Third Principal Meridian, Winnebago County, Illinois, described as follows: Beginning at the northeast corner of said Lot 15, said point being 123.55 feet normally distant westerly from the centerline of pavement in place of FAU Route 5103; thence South 15 degrees 29 minutes 33 seconds East, 259.17 feet along the east line of said Lots 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 to a point on the south line of said Lot 24 and the southerly bank of said Island Number 3, said point being 113.61 feet normally distant westerly from said centerline; thence South 79 degrees 59 minutes 35 seconds West, 45.21 feet along said south line of Lot 24 to a point on the westerly right of way line of FAU Route 5103, said point being 158.74 feet normally distant westerly from said centerline; thence North 15 degrees 29 minutes 33 seconds West, 254.85 feet along said westerly right of way line to a point on the north line of said Lot 15, said point being 168.52 feet normally distant westerly from said centerline; thence North 74 degrees 30 minutes 27 seconds East, 45.00 feet along said north line of Lot 15 to the Point of Beginning, containing 0.266 acre [11,565 square feet], more or less.

Section 20. Upon the payment of the sum of $1.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in LaSalle County, Illinois:
Parcel No. 3LR0081

New matter indicated by italics - deletions by strikeout.
Beginning at the northwest corner of the Southeast Quarter of Section 36, Township 33 North, Range 4 East of the Third Principal Meridian; thence South 89 degrees 31 minutes East, 300.70 feet; thence South 06 degrees 36 minutes East, 100 feet; thence South 06 degrees 01 minute East, 68.60 feet; thence South 03 degrees 20 minutes East, 404 feet; thence South 08 degrees 23 minutes West, 68.00 feet; thence South 14 degrees 04 minutes West, 51.80 feet; thence South 15 degrees 59 minutes West, 121.56 feet to the Point of Beginning; from said Point of Beginning, South 89 degrees 31 minutes East, 478.27 feet, the 27.50 feet lying north of the centerline; thence North 02 degrees 38 minutes West, 315.87 feet, being the 27.5 feet west of the centerline; thence North 02 degrees 48 minutes West, 28.09 feet, being the 27.5 feet west of the centerline.

Section 25. Upon the payment of the sum of $5,500.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 5 (US 66) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0079
TRACT NUMBER ONE:
Part of the Northwest Quarter of Section 4, Township 30 North, Range 7 East of the Third Principal Meridian, Livingston County, Illinois, being more particularly described as follows:
Beginning at the point of intersection of the east line of said Northwest Quarter of Section 4 with the northerly right of way line of F.A. 5 (U.S. Route 66), which point of intersection is 125 feet right of Transit Line Station 442+09; thence South 71 degrees 32 minutes 00 seconds West, 701.14 feet, along said northerly right of way line, to the point of curve of a 3,706.10 foot radius curve to the left, said point being 125 feet right of Station 449+10.14; thence southwesterly 1,748.85 feet, along said northerly right of way line whose chord bears South 58 degrees 00 minutes 53 seconds West, 1,732.67 feet to a point 125 feet right of Station 466+00; thence South 43 degrees 21 minutes 40 seconds West, 589.21 feet, along said northerly right of way line to the Point of Termination of said release on the south line of said Northwest Quarter of Section 4, said point being 160 feet right of Station

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471+58, on said transit line, containing 3,039.20 lineal feet, more or less, situated in Livingston County, Illinois.

TRACT NUMBER TWO:
Part of the Northwest Quarter of Section 4, Township 30 North, Range 7 East of the Third Principal Meridian, Livingston County, Illinois, being more particularly described as follows:
Beginning at the point of intersection of the east line of said Northwest Quarter of Section 4 with the southerly right of way line of F.A. 5 (U.S. Route 66), which point of intersection is 125 feet left of Transit Line Station 442+94; thence South 71 degrees 32 minutes 00 seconds West, 616.14 feet along said southerly right of way line, to the point of curve of a 3,456.10 foot radius curve to the left, said point being 125 feet left of Station 449+10.14; thence southwesterly 1,630.88 feet, along said southerly right of way line, on a 3,456.10 foot radius curve to the left whose chord bears South 58 degrees 00 minutes 53 seconds West, 1,615.79 feet to a point 125 feet left of Station 466+00; thence South 40 degrees 01 minute 15 seconds West, 330.59 feet, along said southerly right of way line to the Point of Termination of said release on the south line of said Northwest Quarter of Section 4, said point being 135 feet left of Station 469+35, on said Transit Line, containing 2,577.61 lineal feet, more or less, situated in Livingston County, Illinois.
Section 30. Subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Rock Island County, Illinois:

Parcel No. 2DRIX97
A part of Lot 20 in the Assessor's Plat of 1861 located in the Southwest Quarter of Section 16, Township 17 North, Range 1 West of the Fourth Principal Meridian, Rock Island County, State of Illinois, described as follows:
Beginning at a magnetic nail at the northwest corner of Lot 20 of said Assessor's Plat of 1861; thence North 88 degrees 21 minutes 39 seconds East, 274.22 feet (Bearings assumed for description purposes only) on the north line of said Lot 20; thence South 1 degree 08 minutes 52 seconds West 306.57 feet to the top of bank of the Rock River; thence South 73 degrees 01 minute 31 seconds West, 275.06 feet on said top of bank, to the southerly extension of the west line of said Lot 20; thence North 0 degrees 44 minutes 21

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seconds West on said west line and southerly extension 379.00 feet to the Point of Beginning, containing 2.067 acres, more or less. The said Real Estate being also shown on the plat attached hereto and made a part hereof.

Except:
The State of Illinois reserves for itself the right to enter upon the premises for purposes of maintaining the drainage ditch located along the easterly boundary of said parcel.

Section 35. Upon the payment of the sum of $5,600.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Kendall County, Illinois:

Parcel No. 3LR0072
Part of Section 28, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows:
Commencing at the northwest corner of Lot 187 in the Heartland of Yorkville, Unit 1 Subdivision; thence easterly 44.38 feet along the northerly line of said Lot 187 along a 1,500.0 foot radius curve to the left whose chord bears North 83 degrees 32 minutes 17 seconds East, 44.38 feet; thence South 53 degrees 06 minutes 34 seconds East, 43.64 feet along the northeasterly line of said Lot 187; thence North 79 degrees 55 minutes 13 seconds East, 95.22 feet; thence North 34 degrees 18 minutes 36 seconds East, 28.39 feet to the Point of Beginning; thence continue North 34 degrees 18 minutes 36 seconds East, 2.34 feet; thence easterly 390.40 feet along a 1510.0 foot radius curve to the left whose chord bears North 69 degrees 42 minutes 17 seconds East, 389.31 feet; thence South 40 degrees 19 minutes 27 seconds East, 4.91 feet; thence westerly 397.59 feet along a 746.8 foot radius curve to the right whose chord bears South 70 degrees 10 minutes 47 seconds West, 392.92 feet to the Point of Beginning, containing 4,810 square feet, more or less, situated in Bristol Township, Kendall County, Illinois.

Section 40. Upon the payment of the sum of $7,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line are restored subject to permit requirements of the State of Illinois, Department of Transportation:

New matter indicated by italics - deletions by strikeout.
Parcel No. 675X117
A part of the East Half of the Northeast Quarter of Section 16, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:
Commencing at the southeast corner of the Northeast Quarter of said Section 16; thence along the south line of said Northeast Quarter, North 89 degrees 44 minutes West, 62 feet to a point on the west existing right of way line of State Bond Issue 126 (I-55 Frontage Road) being 63 feet right of centerline Station 250+80.60, also being the Point of Beginning; thence along said west right of way line, North 00 degrees 16 minutes East, 2081.04 feet to a point 63 feet right of Station 229+99.56 being the Point of Termination.

Section 45. Upon the payment of the sum of $35,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in LaSalle County, Illinois, to Moss Management, Inc.

Parcel No. 3EX0055
That part of Lot 7 in Block 2 in Baker's Second Addition to the City of Streator, described as follows:
Commencing at the southwest corner of said Lot 7; thence North 89 degrees 49 minutes 00 seconds East, 8.88 feet along the south line of said Lot 7 to the Point of Beginning; thence North 00 degrees 12 minutes 44 seconds East, 91.24 feet (90.0 feet record) to the existing right of way line of F.A. 24 (Illinois Route 23); thence North 89 degrees 49 minutes 00 seconds East, 160.54 feet along said right of way line to the east line of the west 170.0 feet of said Lot 7; thence South 00 degrees 09 minutes 18 seconds West, 91.24 feet (90.0 feet record) along said east line of the west 170.0 feet of Lot 7 along said existing right of way line to the south line of said Lot 7; thence South 89 degrees 49 minutes 00 seconds West, 161.12 feet to the Point of Beginning, containing 14,474 square feet, more or less, situated in the City of Streator, Illinois.

Section 50. Upon the payment of the sum of $165,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Grundy County, Illinois:

Parcel No. 3LR0076

New matter indicated by italics - deletions by strikeout.
That part of the Southwest Quarter of Section 27, Township 34 North, Range 7 East of the Third Principal Meridian, described as follows:
Commencing at the northwest corner of the Southwest Quarter of said Section 27; thence North 88 degrees 07 minutes 22 seconds East, 70.00 feet along the north line of the Southwest Quarter of said Section 27; thence South 01 degree 15 minutes 40 seconds East, 183.88 feet along the east right of way line of Illinois Route 47 as shown on the Right Of Way Plat recorded in Book 232 at Page 155; thence North 88 degrees 44 minutes 20 seconds East, 22.50 feet along said right of way line to the Point of Beginning; thence continuing North 88 degrees 44 minutes 20 seconds East, 121.50 feet along said right of way line; thence South 01 degree 15 minutes 40 seconds East, 259.63 feet along said right of way line of Illinois Route 47; thence South 88 degrees 04 minutes 15 seconds West, 59.00 feet; thence North 62 degrees 31 minutes 24 seconds West, 71.28 feet; thence North 01 degree 15 minutes 40 seconds West, 226.05 feet to the Point of Beginning, containing 30,538 square feet, more or less, in Grundy County, Illinois.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from IL Route 47, previously declared a freeway at this location.

Section 55. Upon the payment of the sum of $1,500.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and IL Route 162 are restored subject to permit requirements of the State of Illinois, Department of Transportation:
Parcel No. 800XB22
A line in the Southeast Quarter of Section 1, Township 3 North, Range 9 West of the Third Principal Meridian, Madison County, Illinois, described as follows:
Commencing at a tablet in concrete which marks the northwest corner of the Northwest Quarter of Section 7, Township 3 North, Range 8 West of the Third Principal Meridian, Madison County, Illinois; thence South 89 degrees 36 minutes 24 seconds East on the north line of the Northwest Quarter of said Section 7, a distance of 263.71 feet to its intersection with the centerline of FAI Route 255; thence North 17 degrees 59 minutes 13 seconds West on said

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centerline, 595.61 feet to its intersection with the centerline of FAP Route 586 (marked Illinois Route 162); thence South 69 degrees 18 minutes 11 seconds West on the centerline of FAP Route 586, a distance of 946.69 feet to a point of curve; thence southwesterly 420.63 feet on said centerline being a curve to the left, having a radius of 28,647.89 feet, the chord of said curve bears South 68 degrees 52 minutes 57 seconds West, 420.62 feet; thence South 21 degrees 32 minutes 17 seconds East and radial to the last described course, 43.38 feet to the southerly access control line of said FAP Route 586 and the Point of Beginning of the line described herein. From said Point of Beginning; thence South 70 degrees 48 minutes 17 seconds West on said southerly access control line, 79.96 feet to the terminus of said line.

Section 60. Upon the payment of the sum of $300.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and SBI Route 9 (FA 10) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0088

That part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 25 North, Range 1 West of the Third Principal Meridian, described as follows:

Commencing at the northeast corner of Parcel A, as recorded in Plat Book 13 on Page 48, also being the intersection of the west line of the East Half of the Southeast Quarter of said Section 16 with the south right of way line of the Norfolk and Western Railroad; thence South 71 degrees 56 minutes 21 seconds East, 425.08 feet along said south right of way line; thence South 00 degrees 45 minutes 54 seconds East, 205.21 feet to the Point of Beginning of the Release of Access rights on the north right of way line of U.S. Route 150, said point also being 65.00 feet left of centerline Station 761+48.33; thence North 89 degrees 14 minutes 06 seconds East, 251.67 feet to a point being 65.00 feet left of centerline Station 764+00; thence South 87 degrees 54 minutes 09 seconds East, 100.12 feet along said right of way to a point 60.00 feet left of Centerline Station 765+00; thence North 89 degrees 14 minutes 06 seconds East, 264.90 feet along said right of way line to the Point of Termination of said Release, being 60.00 feet left of

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Centerline Station 767+64.9, containing 616.69 lineal feet, more or less, situated in the Village of Congerville, Woodford County, Illinois.

Section 65. Upon the payment of the sum of $350.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Fayette County, Illinois, to Crawford Hale Foundation American Legion Post No. 95.

Parcel No. 7510101
A part of Lot 7 and a part of Lot 8 in Block 54 of the City of Vandalia, Fayette County, Illinois, more particularly described as follows:
Beginning at the southeast corner of Lot 8 of Block 54 in the City of Vandalia, Fayette County, Illinois, as referenced to a plat by Professional Land Surveyor 3031; thence North 00 degrees 00 minutes 00 seconds East on an assumed bearing a distance of 160.02 feet to the northeast corner of Lot 7 of said Block 54; thence North 90 degrees 00 minutes 00 seconds East for a distance of 5.00 feet; thence South 00 degrees 00 minutes 00 seconds West a distance of 160.02 feet; thence South 90 degrees 00 minutes 00 seconds West 5.00 feet to the Point of Beginning, containing 800 square feet, more or less.

Section 70. Upon the payment of the sum of $2,600.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in McLean County, Illinois:
Parcel No. 3LR0078
A part of the Southwest Quarter of Section 4, Township 24 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows with bearings based on datum used on Right Of Way Plans recorded in Document No. 87-22332:
Commencing at the southeast corner of Section 4; thence South 89 degrees 13 minutes 52 seconds West, 4191.67 feet on the south line of said Section 4; thence North 11 degrees 33 minutes 57 seconds West, 30.53 feet; thence North 38 degrees 59 minutes 01 second West, 106.55 feet to the Point of Beginning; thence South

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86 degrees 28 minutes 33 seconds West, 120.48 feet; thence northwesterly 336.83 feet on a 2788.50 foot radius non-tangential curve to the right whose chord bears North 05 degrees 04 minutes 56 seconds West, 336.63 feet; thence North 01 degree 37 minutes 17 seconds West, 157.58 feet on the west right of way line of U.S. Route 51; thence South 31 degrees 32 minutes 36 seconds East, 241.58 feet; thence southeasterly 281.08 feet on 2668.50 foot radius non-tangential curve to the left whose chord bears South 05 degrees 45 minutes 05 seconds East, 280.95 feet to the Point of Beginning, containing 46,573.84 square feet (1.07 acres), more or less.

Section 75. The easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Tazewell County, Illinois:

Parcel No. 409563V
All that certain parcel of ground situated in the North One-Half of Section 29, Township 26 North, Range 4 West, of the 3rd Principal Meridian, in the County of Tazewell, State of Illinois, described as follows, to-wit:

Beginning at a point, which is distant three thousand one hundred thirty-three and one-tenth (3133.1) feet, measured northwestwardly along the center line of the Toledo, Peoria & Western Railway Company's main track, as now located and constructed, from the intersection of the section line dividing Sections 29 and 32 in Township 26 North, Range 4 West of the 3rd Principal Meridian with said center line (Station 5810+20), said point also being fifty (50) feet measured northeastwardly at right angles with said center line; thence North thirty-eight degrees, thirty-five minutes (38° - 35') West three hundred thirty eight and eight-tenths (338.8) feet; thence North 31° - 52' West, one hundred twelve and two-tenths (112.2) feet; thence North 33° - 27' West eighty-four and ninetenths (84.9) feet; thence North 17° - 42' West one hundred twelve (112.0) feet; thence in a southeasterly direction on line with a curve having a radius of 1196.28 feet two hundred two and eight-tenths (202.8) feet; thence South 31° - 52' East four hundred forty eight (448.0) feet to the Place of Beginning and containing in all four hundred twenty five thousandths (0.425) acres.

Section 80. For and in consideration of an Intergovernmental Agreement between the Illinois Department of Transportation and Metro

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(Bi-State Development Agency) and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in St. Clair County, Illinois:

Parcel No. 800XB36

From the center of Section 25, Township 2 North, Range 9 West of the Third Principal Meridian, measure South 00 degrees East, 723.5 feet to a point; thence North 27 degrees 28 minutes West, 1,101.1 feet to a point; thence North 28 degrees 17 minutes West, 26.2 feet to the Point of Beginning.

Description of Tract:

From said Point of Beginning; thence North 58 degrees 22 minutes West, 51.3 feet to a point in the north right of way line of the St. Louis & O'Fallon Railroad; thence North 27 degrees 30 minutes West along said right of way line, 262.6 feet to a point; thence around a curve to the left, following said right of way line of radius 3,877 feet, a distance of 705 feet to a point; thence South 73 degrees 31 minutes East, 135.6 feet to a point; thence around a curve to the right of radius 3,951.4 feet tangent to a line whose bearing is South 37 degrees 20 minutes East, 617.5 feet to a point; thence South 28 degrees 17 minutes East, 406.7 feet to a point; thence North 58 degrees 22 minutes West, 86.3 feet to the Point of Beginning.

Said tract being a portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 2 North, Range 9 West of the Third Principal Meridian, Containing 1 and 70/100 acre, more or less, situated in the County of St. Clair and State of Illinois.

Section 85. Upon the payment of the sum of $6,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Ford County, Illinois:

Parcel No. 3LR0085

A part of the Southeast Quarter of Section 11, Township 23 North, Range 7 East of the Third Principal Meridian, Gibson City, Ford County, Illinois, more particularly described as follows, with assumed bearings given for description purposes only:

Commencing at the southwest corner of the Southeast Quarter of Section 11; thence South 89 degrees 59 minutes 13 seconds East, 190.57 feet on the south line of said Southeast Quarter of Section 11; thence North 00 degrees 04 minutes 08 seconds East, 262.6 feet to the north line of said Southeast Quarter of Section 11; thence North 58 degrees 22 minutes West, 51.3 feet to the north right of way line of the St. Louis & O'Fallon Railroad; thence North 27 degrees 30 minutes West along said right of way line, 262.6 feet to a point; thence around a curve to the left, following said right of way line of radius 3,877 feet, a distance of 705 feet to a point; thence South 73 degrees 31 minutes East, 135.6 feet to a point; thence around a curve to the right of radius 3,951.4 feet tangent to a line whose bearing is South 37 degrees 20 minutes East, 617.5 feet to a point; thence South 28 degrees 17 minutes East, 406.7 feet to a point; thence North 58 degrees 22 minutes West, 86.3 feet to the Point of Beginning.

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seconds East, 80.99 feet to the Point of Beginning, said point being 78.0 feet right of centerline Station 749+00 on Illinois Route 9; thence North 89 degrees 55 minutes 52 seconds West, 90.76 feet parallel with said centerline of Illinois Route 9 to a point 78.0 feet right of centerline Station 749+90.76 on Illinois Route 9; thence North 45 degrees 01 minute 31 seconds West, 42.50 feet to a point 70.0 feet right of centerline Station 751+98.27 on Sangamon Street; thence North 00 degrees 07 minutes 11 seconds West, 101.73 feet parallel with the centerline of said Sangamon Street to a point 70.0 feet right of centerline Station 753+00 on Sangamon Street; thence South 42 degrees 32 minutes 42 seconds East, 179.00 feet to the Point of Beginning, containing 7,504 square feet, more or less.

Section 90. Upon the payment of the sum of $12,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Macon County, Illinois, to Ralph L. Bledsaw Jr.

Parcel No. 5X02003
Part of Lot 5 of a survey for Jerome Edward Montgomery in the Southeast Quarter of the Southeast Quarter of Section 34, Township 17 North, Range 2 East of the Third Principal Meridian, as per plat recorded in Book 335 on Page 216, in the Recorder's Office of Macon County, in the State of Illinois, described as follows:
Beginning at the southwest corner of Lot B of a re-survey of a part of Lot 5 of a survey for Jerome Edward Montgomery in the Southeast Quarter of the Southeast Quarter of said Section 34, recorded in Book 1270 on Page 49 in the Macon County Recorder's Office, said point being on the existing easterly right of way line of SBI Rte. 2 (US 51 South); thence South 89 degrees 53 minutes 39 seconds West (Bearings are Assumed) 30.18 feet along the south line of said Lot 5; thence northeasterly 202.77 feet along a curve to the right being concentric with and 50.00 feet easterly of the centerline of SBI Rte. 2 (US 51 South), said curve having a radius of 1857.83 feet, the chord of said curve bears North 9 degrees 12 minutes 09 seconds East 202.67 feet, to the north line of said Lot 5; thence North 89 degrees 53 minutes 39 seconds East 30.73 feet, to the existing easterly right of way line of SBI Rte. 2 (US 51 South);

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thence southwesterly 202.86 feet along said right of way line being a curve to the left, and being concentric with and 80.00 feet easterly of the centerline of SBI Rte. 2 (US 51 South), said curve having a radius of 1827.83 feet, the chord of said curve bears South 9 degrees 21 minutes 25 seconds West 202.76 feet, to the Point of Beginning, containing 6084 square feet, more or less.

Section 95. Upon the payment of the sum of $300.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and SBI Route 9 (FA 10) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0092
A part of the East Half of the Northeast Quarter of Section 23, Township 25 North, Range 1 West of the Third Principal Meridian in Woodford County, Illinois, described as follows:
Commencing at the northeast corner of said Section 23; thence South, 54.71 feet to the Point of Beginning of the release of access control on the south right of way line of FAS 2466 (US 150); thence West along said south right of way line, 535.00 feet to the west line of Tract "M-1" recorded in Plat Book 32, Page 91, in the Recorder's Office of Woodford County, Illinois; also the Point of Termination of said access control release, total release of access control is 535.00 lineal feet.

Section 100. Upon the payment of the sum of $500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and IL Route 116 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0090
A part of the East Half of the Northeast Quarter of Section 21, Township 27 North, Range 1 West of the Third Principal Meridian, Woodford County, Illinois, more particularly described as follows:
Commencing at the intersection of the west line of the East Half of the Northeast Quarter of said Section 21 with the south right of way line of SBI 116 as the Point Of Beginning of the Release Of Access Control, said point of beginning being 60.00 feet south of Survey Line Station 401+81; thence East along said south right of

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way line of SBI 116, a distance of 743.62 feet, more or less, to the termination of said release, said point being 60.00 feet south of Survey Line Station 409+24.62, more or less, situated in Roanoke Township, Woodford County, Illinois. NOTE: The original right of way is recorded in the Office of the Recorder of Deeds in Woodford County, Illinois, in Miscellaneous Record, Book 42, Page 498.

Section 105. Upon the payment of the sum of $200.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 49 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 675X247
A part of the West Half of the Northeast Quarter of Section 15, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:
Commencing at the northeast corner of the West Half of the Northeast Quarter of said Section 15; thence South 00 degrees 13 minutes 31 seconds West, 872.35 feet; thence South 85 degrees 15 minutes 44 seconds West, 145.10 feet; thence South 00 degrees 23 minutes 19 seconds East, 333.51 feet to point on the northerly existing right of way line of Federal Aid Route 49 (U.S. Route 36) being 60.00 feet left of centerline Station 135+35.02, being the Point of Beginning; thence northeasterly along said existing right of way line on a curve to the left having a radius of 2,955.80 feet, an arc length of 157.87 feet and a chord bearing North 63 degrees 29 minutes 39 seconds East, 157.85 feet to a point 60.00 feet left of centerline Station 136+96.10 being the Point of Termination.

Section 110. Upon the payment of the sum of $200.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 49 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 675X259
A part of the West Half of the Northeast Quarter of Section 15, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

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Commencing at the northeast corner of the West Half of the Northeast Quarter of said Section 15; thence South 00 degrees 13 minutes 31 seconds West, 872.35 feet; thence South 85 degrees 15 minutes 44 seconds West, 145.10 feet; thence South 00 degrees 23 minutes 19 seconds East, 333.51 feet to point on the northerly existing right of way line of Federal Aid Route 49 (U.S. Route 36) being 60.00 feet left of centerline Station 135+35.02, being the Point of Beginning; thence southwesterly along said existing right of way line on a curve to the right having a radius of 2,955.80 feet, an arc length of 73.09 feet and a chord bearing South 65 degrees 43 minutes 58 seconds West, 73.09 feet to a point 60.00 feet left of centerline Station 134+60.45, being the Point of Termination.

Section 115. Upon the payment of $1.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to the City of Chicago.

Parcel No. 0ZZ0081A
That part of Lots 5 through 11 inclusive in Block 30 of Albert Crosby and Others Subdivision, being in the East Half of the Southeast Quarter of Section 25, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded August 18, 1873 as Document 116140, in Cook County, Illinois, described as follows:
Commencing at the southwest corner of Lot 11 aforesaid; thence on an assumed bearing of North 00 degrees 01 minute 04 seconds West along the west line of said Lot 11, a distance of 3.00 feet to the Point of Beginning; thence continuing North 00 degrees 01 minute 04 seconds West 116.78 feet; thence North 84 degrees 51 minutes 34 seconds East 6.13 feet; thence South 51 degrees 19 minutes 03 seconds East 195.85 feet to the south line of Lots 5 through 11; thence North 89 degrees 15 minutes 06 seconds West along said south line 65.78 feet; thence North 39 degrees 44 minutes 56 seconds West 3.95 feet to a line 3.00 feet north of and parallel with the south line of Lots 5 through 11; thence North 89 degrees 15 minutes 06 seconds West along said parallel line 90.66 feet to the Point of Beginning, containing 0.222 acres of land.
Parcel No. 0ZZ0081C

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That part of Lots 31 through 37 in Block 30 in Albert Crosby and Others Subdivision, being a subdivision in the East Half of the Southeast Quarter of Section 25, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded August 18, 1873 as Document 116140, in Cook County, Illinois, described as follows:
Beginning at the northwest corner of Lot 37 aforesaid; thence on an assumed bearing of South 89 degrees 15 minutes 02 seconds East along the north line of said Lot 37, a distance of 36.78 feet; thence South 51 degrees 19 minutes 03 seconds East 26.95 feet; thence South 00 degrees 05 minutes 26 seconds East 105.83 feet; thence South 34 degrees 38 minutes 33 seconds East 58.39 feet to the north line of the south 5.00 feet of Lot 31 aforesaid; thence North 89 degrees 15 minutes 04 seconds West along said north line 91.04 feet to the west line of said Lots 31 through 37; thence North 00 degrees 02 minutes 58 seconds West along said west line 114.92 feet; thence North 89 degrees 57 minutes 02 seconds East 2.74 feet; thence North 00 degrees 12 minutes 06 seconds East 10.05 feet; thence North 39 degrees 44 minutes 56 seconds West 4.36 feet to the west line of said Lots 31 through 37; thence North 00 degrees 02 minutes 58 seconds West along said west line 41.67 feet to the Point of Beginning, containing 0.239 acres of land.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 94, previously declared a freeway.

Section 120. The Secretary of the Department of Transportation, subject to the conditions set forth in Section 900 of this Act, is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to Village of Matteson.
Parcel No. 0ZZ379A
That part of Lot 1 in Block 2 in Dettmering's Pine Grove Subdivision, being a subdivision of Lot 23 of division of those parts of Section 23, Township 35 North, Range 13 East of the Third Principal Meridian described as follows: Lots 3, 5, 6, 8, 12, 13, 14, and 15 in County Clerk's Division of Unsubdivided Lands in Section 23, Township 35 North, Range 13 East of the Third Meridian.

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Principal Meridian, in Cook County, Illinois; bounded and described as follows:

Commencing at the southwest corner of Lot 1 in Block 2 of said Dettmering's Pine Grove Subdivision; thence on an assumed bearing of North 00 degrees 44 minutes 46 seconds West along the west line of said Lot 1, 100.08 feet to the Point of Beginning; thence continuing North 00 degrees 44 minutes 46 seconds West along said west line of Lot 1, 46.39 feet to a point on a line drawn 58 feet south of and parallel with the north line of the Southeast Quarter of said Section 23; thence North 89 degrees 27 minutes 57 seconds East along the last described line, 6.83 feet to a point on an 80.90 foot radius curve, the center of circle of said curve bears South 09 degrees 03 minutes 52 seconds West from said point; thence easterly along said 80.90 foot radius curve, convex to the northeast, central angle 19 degrees 32 minutes 55 seconds, 27.60 feet to a point of tangency; thence South 61 degrees 02 minutes 29 seconds East, 9.82 feet to a point of curvature; thence southeasterly along a tangential curve convex to the east, radius 41.16 feet, central angle 27 degrees 05 minutes 19 seconds, 19.46 feet to a point on a line drawn from a point on the west line of aforesaid Lot 1 in Block 2 in Dettmering's Pine Grove Subdivision distant 100.08 feet north of the southwest corner of said Lot 1 to a point 96.91 feet northeasterly of and 24.6 feet northwesterly of the southeast corner of said Lot 1 (as measured on the southeast line of said Lot 1 and on a line at right angles thereto); thence North 89 degrees 34 minutes 23 seconds West along the last described line 58.04 feet to the Point of Beginning, all in Cook County, Illinois.

Containing 0.048 acres (2101 square feet) more or less.

Provided however the property may only be used for public purposes, or title shall revert without further action to the Illinois Department of Transportation.

Section 900. The Secretary of Transportation shall obtain a certified copy of the portion of this Act containing the title, enacting clause, the effective date, the appropriate Section containing the land description of the property to be transferred or otherwise affected under

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this Article within 60 days after its effective date and, upon receipt of payment required by the Section shall record the certified document in the Recorder's Office in the county which the land is located.

Section 910. (a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of future development of a bike trail path in Will County is authorized to execute and deliver to the Will County Forest Preserve District for and in consideration of $1.00 paid to said Department, and other valuable consideration, a Quit Claim Deed to its interest to the following two railroad right of way trail corridors of land located in Will County, Illinois:

(Chicago, Milwaukee, St. Paul, and Pacific Railroad Company Segment)

Parcel I: The Right of Way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, (formerly the Illinois, Iowa and Minnesota Railway Company) across the following described land:
The South 1/2 of the South East 1/4 of the South East 1/4 of Section 15; Lot 9 of Crescent Stone Company's subdivision of the South East 1/4 of the South East 1/4 of Section 15; the Northeast 1/4 of Section 22, except that part conveyed by Document R66-18449; Lot 1 of Assessor's Subdivision of the Northwest 1/4 of the South East 1/4 of Section 22 lying North of the Elgin, Joliet and Eastern Railway Switch Track Right of Way; Lots 1 and 2 of Assessor's Subdivision of the Northwest 1/4 of the South East 1/4 of Section 22 lying South of the Elgin, Joliet and Eastern Railway switch track right of way and North of the center of Five Mile Grove Road; the South East 1/4 of Section 22 lying South of the center of Five Mile Grove Road; the Northeast 1/4 of Section 27; the Northwest 1/4 of Section 26, lying North of Woodruff, Mack and Cowles Subdivision; Lots 1, 2, 8, 9, 10, 12 and 13 of Woodruff, Mack and Cowles Subdivision; a triangular piece of land lying North and East of Lots 1 and 9 of Woodruff, Mack and Cowles Subdivision, the Southwest 1/4 of Section 26; the South East 1/4 of Section 26, the Northeast 1/4 of Section 35; the Northeast 1/4 of Section 36; the Southwest 1/4 of Section 36; and the South East 1/4 of Section 36, all in Township 35 North, Range 10 East of the Third Principal Meridian;

Parcel II: The right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Formerly the Illinois, Iowa and Minnesota Railway Company) across the following described land:

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a triangular tract of land in the Northeast 1/4 of the Northeast 1/4 of Section 1, Township 34 North, Range 10 East of the Third Principal Meridian described as follows: Beginning at the Northeast Corner of the Northeast 1/4 of the Northeast 1/4 of Said Section 1; thence West along the North Line of the Northeast 1/4 of said Section 1, a distance of 198.9 feet; thence Southeasterly to a point on the Easterly line of the Northeast 1/4 of said Section 1 which is 182.9 feet South of the Northeast Corner of said Section 1; thence North along the East Line of Said Northeast 1/4 to the Point of Beginning;

Parcel III: The right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (formerly the Illinois, Iowa and Minnesota Railway Company) across the following described land: The Northwest 1/4 and the Southwest 1/4 of Section 6; the Northwest 1/4 and the East 1/2 of Section 7; the Northeast 1/4 of Section 18; the West 1/2 of Section 17; the Northeast 1/4 of the Northwest 1/4 of Section 20; that part of the East 1/2 of Section 20 and the Southwest 1/4 of Section 20 lying west of the Wabash Railroad right of way line; the West 1/2 of Section 29; and the South East 1/4 of Section 30 except that part conveyed by Document No. 544311 and also except that part conveyed by Document No. R89-7583, all in Township 34 North, Range 11 East of the Third Principal Meridian, All in Will County, Illinois.

PINS (or part of PINS)
07-22-200-008
07-36-100-005-0010
07-36-100-005-0020
07-26-400-004
07-27-200-003
07-35-200-003
07-15-400-013
11-01-200-005
12-17-300-002
12-29-300-002
12-30-400-006
12-06-300-003
12-07-400-002
12-20-300-004
12-18-200-002

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Also: That part of Section 30, Township 34 North, Range 11 East of the Third Principal Meridian, being a part of the Southeast 1/4 of Section 30 and lying Westerly of Norfolk Southern Railroad's West right of way (also known as Wabash Railroad) as depicted on Joliet Army Ammunition Plant Drawing No. 3115, Sheet 1 of 2 segment map, and being more particularly described as follows: Commencing at the intersection of the South line of Section 30 and Norfolk Southern Railroad centerline Station 2201+50, said intersection being located South 88 degrees 17 minutes 18 seconds West 743.38 feet, more or less, from a Section corner stone common to Sections 29, 30, 31 and 32; Thence with South Line of Section 30, South 88 degrees 17 minutes 18 seconds West, 36.77 feet, more or less to the Point of Beginning, being 33.00 Feet right of and normal to Railroad Centerline Station 2201+66 and lying in the West right of way line of said Railroad, said point also being the Southeast corner of a parcel of land as originally acquired by the United States of America, said corner common to the lands now or formerly owned by George Delaney; thence leaving said Railroad's West right of way line and continuing with said South Section Line South 88 degrees 17 minutes 18 seconds West 150.00 feet, more or less, to the Southwest corner of said parcel being 167.61 feet right of and normal to Railroad Centerline Station 2202+32; Thence with West boundary of said parcel as originally acquired North 40 degrees 26 minutes 32 seconds East 453.52 feet, more or less, to a point 53.00 feet right of and normal to Railroad Centerline Station 2198+00; Thence with the arc of a 1.4794 degrees railroad curve to the right, having a radius of 3872.83 feet and a chord of North 29 degrees 32 minutes 57 seconds East 203.71 feet, more or less; thence Northeasterly 203.73 feet, more or less to a point 53.00 feet right of and normal to Railroad Centerline Station P.C. 2194+42.6; Thence with the Arc of a 1.5211 degrees railroad curve to the left, having a radius of 3766.83 Feet and a chord of North 28 degrees 55 minutes 26 seconds East 203.71 feet, more or less; thence Northeasterly 203.73 feet, more or less to a point 53.00 feet right of and normal to Railroad Centerline Station 2192+36; Thence South 62 degrees 37 minutes 31 seconds East 6.50 feet,

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more or less to a point 46.50 feet right of and normal to Railroad Centerline Station 2192+36; Thence with the arc of a 1.5186 degrees railroad curve to the left, having a radius of 3773.33 feet and a chord of North 25 degrees 56 minutes 26 seconds East 188.86 feet, more or less; Thence Northeasterly 188.88 feet, more or less, to a point 46.50 feet right of and normal to Railroad Centerline Station P.C. 2190+44.8; Thence North 24 degrees 30 minutes 24 seconds East 238.80 feet, more or less, to a point 46.50 feet right of and normal to Railroad Centerline Station 2188+06; Thence South 65 degrees 29 minutes 36 seconds East 190.00 feet, more or less, from the intersection of Railroad Centerline Station 2186+16 and the East line of Section 30; Thence along said West railroad right of way line as follows: South 24 degrees 30 minutes 24 seconds West 190.00 feet, more or less, to a point 16.50 feet right of and normal to Railroad Centerline Station P.C. 2190+44.8; Thence with the arc of a 1.5064 degrees Railroad Curve to the right, having a radius of 3803.33 feet and a chord of South 28 degrees 55 minutes 26 seconds West 204.79 feet, more or less; Southwesterly 204.81 feet, more or less, to a point 33.00 feet right of and normal to Railroad Centerline Station P.T.2194+42.6; Thence South 30 degrees 28 minutes 24 seconds West 234.20 feet, more or less, to a point 33.00 feet right of and normal to Railroad Centerline Station P.C. 2196+76.8; Thence with the arc of a 1.4872 degrees Railroad Curve to the left, having a radius 3852.83 feet and a chord of South 27 degrees 28 minutes 24 seconds West 403.28 feet, more or less; Thence Southwesterly 403.47 feet, more or less, to a point 33.0 feet right

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of and normal to Railroad Centerline Station P.T. 2200+76.8; 
Thence South 24 degrees 28 minutes 24 seconds West 89.43 feet, 
more or less, to the point of beginning, in Will County, Illinois 
Part of Pin; 12-30-400-006
(Wabash Railroad Company Segment)
Parcel 1: All of the Wabash Railroad Company, formerly known as 
the Chicago and Strawn Railway Company (now Donor) 
abandoned right of way as now located and extra width right of 
way as now located in Section 29, Township 34 North, Range 11 
East of the Third Principal Meridian. All situated in the County of 
Will, State of Illinois.
Parcel 2: A strip of land 66 feet in width, being 33 feet wide on 
each side of the center line of the Wabash Railroad Company, 
formerly known as the Chicago and Strawn Railway Company 
(now Donor) abandoned right of way as now located in Sections 30 
and 31, Township 34 North, Range 11 East of the Third Principal 
Meridian. All situated in the County of Will, State of Illinois.
 Parcel 3: A strip of land 66 feet in width, being 33 feet wide on 
each side of the center line of the Wabash Railroad Company, 
formerly known as the Chicago and Strawn Railway Company 
(now Donor) abandoned right of way as now located in Section 6, 
Township 33 North, Range 11 East of the Third Principal Meridian 
and Section 1, Township 33 North, Range 10 East of the Third 
Principal Meridian. All situated in the County of Will, State of 
Illinois.
Parcel 4: A strip of land 66 feet in width, being 33 feet wide on 
each side of the center line of the Wabash Railroad Company, 
formerly known as the Chicago and Strawn Railway Company 
(now Donor) abandoned right of way as now located in the 
Northeast Quarter and Southeast Quarter of Section 12, Township 
33 North, Range 10 East of the Third Principal Meridian. All 
situated in the County of Will, State of Illinois.
Parcel 5: A strip of land 66 feet in width being 33 feet wide on 
each side of the center line of the Wabash Railroad Company, 
formerly known as the Chicago and Strawn Railway Company 
(now Donor) abandoned right of way as now located in the 
Southwest Quarter of Section 12 and Northwest Quarter of Section 
13, Township 33 North, Range 10 East of the Third Principal 
Meridian. All situated in the County of Will, State of Illinois.

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Parcel 6: A strip of land 66 feet in width, being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Section 14, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 7: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 23, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 8: A strip of land 66 feet in width, being 33 feet wide on each side of the center track of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Section 22, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 9: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 27, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 10: A strip of land 66 feet in width, being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Sections 28 and 33, Township 33 North, Range 10 East of the Third Principal Meridian, excepting therefrom that part of said abandoned right of way falling in the East Half of the Northwest Quarter of Section 33, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 11: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 5, Township 32 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

New matter indicated by italics - deletions by strikeout.
Parcel 12: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 8, Township 32 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 13: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Sections 7, 18, and that part of the Northwest Quarter of Section 19, lying Northeasterly of the Northeasterly right of way line of Route 113, all in Township 32 North, Range 10 East of the Third Principal Meridian, excluding that part of the Wabash Railroad Company abandoned right of way, if any, as now located across the Kankakee River in the Northwest Quarter of Section 19, Township 32 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois. TOGETHER WITH Wabash Railroad Company's (now Donor) abandoned bridge and associated support piers located across the Kankakee River in the Northwest Quarter of Section 19, Township 32 North, Range 10 East of the Third Principal Meridian, Will County, Illinois. Said bridge being identified as Bridge Number 1145. LESS AND EXCEPT the following described property:

Tract 1: That part of the Northeast Quarter of Section 18, Township 32 North, Range 10 East of the Third Principal Meridian, Will County, Illinois, described as follows: Commencing at the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 18; thence, North 89°17'39" East along the North line of the Southeast Quarter of the Northeast Quarter of said Section 18 a distance of 171.53 feet to a point; thence, North 38°25'59" East a distance of 132.68 feet to an iron rod; thence, South 51°34'01" East a distance of 36.50 feet to a railroad spike being on the southeasterly right of way line of the Grantor; thence, South 38°25'59" West along last said right of way line a distance of 432.00 feet to the POINT OF BEGINNING; thence, continuing South 38°25'59" West along said last right of way line a distance of 255.00 feet to an iron rod; thence, North 51°34'01" West a distance of 38.00 feet to an iron rod; thence, North 38°25'59" East a
distance of 255.00 feet to an iron rod; thence, South 51°34'01" East a distance of 38.00 feet to the POINT OF BEGINNING; containing 0.22 of an acre.

Tract 2: That part of the Northeast Quarter of Section 18, Township 32 North, Range 10 East of the Third Principal Meridian, Will County, Illinois, described as follows: Commencing at the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 18; thence, North 89°17'39" East along the North line of the Southeast Quarter of the Northeast Quarter of said Section 18 a distance of 171.53 feet to the POINT OF BEGINNING; thence, North 38°25'59" East a distance of 132.68 feet to an iron rod; thence, South 51°34'01" East a distance of 36.50 feet to a railroad spike being on the southerly right of way line of the Grantor; thence, South 38°25'59" West along the last said right of way line a distance of 239.32 feet to the POINT OF BEGINNING; containing 0.31 of an acre.

PINS (or part of PINS)
14-12-31-505-001
13-19-06-505-001
09-18-01-505-001
09-18-14-505-001
09-18-27-505-001
08-25-05-505-001
08-25-05-505-002
08-25-08-505-001
08-25-18-505-003
02-24-24-505-001 (pt)

(b) The above property being transferred is to be owned and developed for public recreational purposes. Any conveyance of the property shall state that in the event that this land is sold or transferred for non-public use, the property shall revert back to the Illinois Department of Natural Resources.

Section 920. (a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of future development of a bike trail path in Christian County is authorized to execute and deliver to the City of Pana for and in consideration of $1.00 paid to said Department, and other valuable consideration, a Quit Claim

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Deed to its interest to the following parcel of land located in Christian County, Illinois:

Former Baltimore and Ohio Railroad
Parcel #729-02-9
A strip of land 20 feet in even width off of the Easterly side of the following described tract of land:
That portion of the abandoned Baltimore & Ohio Railroad right-of-way lying in the Northwest Quarter of the Northwest Quarter of Section 36, Township 12 North, Range 1 West of the Third Principal Meridian, Christian County, Illinois, being 50 feet on either side of the originally located centerline of said railroad, more particularly described as follows: Beginning at the Northerly most corner of a triangular tract of land described in deed recorded as Doc. No. 87-23700; thence South 41 degrees 45'20" East, 770.45 feet to the Southeasterly corner of said triangular tract of land described in deed recorded as Doc. No. 87-23700; thence South 89 degrees 44'31" East, 134.59 feet; thence North 41 degrees 45'20" West, 971.55 feet to a point on the West Section line of Section 36; thence South 00 degrees 15'23" West, along said West Section line, a distance of 149.41 feet to the point of beginning.
Situated in the County of Christian, State of Illinois.

(b) The above property being transferred is to be owned and developed for public recreational purposes. Any conveyance of the property shall state that in the event that this land is sold or transferred for nonpublic use, the property shall revert back to the Illinois Department of Natural Resources.

Section 925. (a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of securing access to State owned property, over and across a former mine haul road owned by Consolidation Coal Company, a Delaware Corporation, and for the purpose of providing improved land management boundaries for both parties, is authorized to exchange certain real property in Perry County, Illinois, hereinafter referred to as Parcel A, for certain real property in said County owned by said Consolidation Coal Company, its successors and assigns, hereinafter referred to as Parcel B, such Parcels being described as follows, to wit:

Parcel A:
A parcel of land being a part of the Northwest Quarter of the Southwest Quarter, a part of the Northeast Quarter of the

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Southwest Quarter, and a part of the Northwest Quarter of the Southeast Quarter of Section 1, Township 6 South, Range 4 West of the Third Principal Meridian, being more particularly described as follows:

Beginning at an iron rod set at the Southwest corner of said Northwest Quarter of the Southwest Quarter; thence N 00°45'24" E along the West line of said Northwest Quarter of the Southwest Quarter, 109.00 feet to an iron rod set; thence N 89°41'30" E along the North line of the South 109 feet of said Northwest Quarter of the Southwest Quarter, 1322.99 feet to an iron rod set in the West line of said Northeast Quarter of the Southwest Quarter; thence N 00°40'52" E along the West line of said Northeast Quarter of the Southwest Quarter, 175.00 feet to the Northwest corner of Tract 1 of Parcel 161, as described in that Warranty Deed recorded in Book 591 at Page 79 in the Recorder's Office of Perry County, Illinois; thence N 75°31'43" E along the Northwesterly boundary of said Tract 1 of Parcel 161, 2067.00 feet to an iron rod set; thence N 00°11'45" W along the Northwesterly boundary of said Tract 1 of Parcel 161, 514.08 feet to an iron rod set in the South right-of-way line of Leopard Road; thence along said South right-of-way line and along the Northwesterly boundary of said Tract 1 of Parcel 161 the following two (2) calls: thence S 67°53'44" E, 366.31 feet to an iron rod set; thence S 65°41'20" E, 231.71 feet to an iron rod found in the West right-of-way line of Panda Bear Road; thence along the West right-of-way line of Panda Bear Road the following four (4) calls: thence S 00°38'52" W, 199.88 feet to an iron rod set; thence along a Curve to the Right, with Chord Bearing S 18°59'14" W 459.71 feet, a Radius of 730.52 feet, an Arc Length of 467.66 feet to an iron rod set; thence along a Curve to the Left, with Chord Bearing S 18°38'40" W 345.17 feet, a Radius of 538.80 feet, an Arc Length of 351.37 feet to an iron rod set; thence S 00°02'16" E, 21.70 feet to an iron rod set in the North right-of-way line of an existing park road; thence along the North right-of-way line of said existing park road the following four (4) calls: thence N 86°26'52" W, 388.54 feet to an iron rod set; thence along a Curve to the Left, with Chord Bearing N 89°26'45" W 508.36 feet, a Radius of 4860.00 feet, an Arc Length of 508.59 feet to an iron rod set; thence S 87°33'23" W, 1002.64 feet to an iron rod set; thence along a Curve to the Left, with Chord Bearing S 84°39'57" W 937.82

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feet, a Radius of 8414.38 feet, an Arc Length of 938.31 feet to an iron rod set in the South line of said Northwest Quarter of the Southwest Quarter; thence S 89°41'30" W along the South line of said Northwest Quarter of the Southwest Quarter, 782.94 feet to the Point of Beginning, containing 34.441 acres, more or less, all situated in the County of Perry, State of Illinois.

Parcel B:
The West Half of the Southeast Quarter of the Southeast Quarter of Section 36, Township 5 South, Range 4 West of the Third Principal Meridian, containing 20 acres, more or less, all situated in the County of Perry, State of Illinois.

(b) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of clearing title to a Parcel of land now owned by Consolidation Coal Company, a Delaware Corporation, and hereinafter referred to as Parcel 169, which was erroneously included in that Quit-Claim Deed from Ark Land Company to the People of the State of Illinois, recorded 9-28-01 in the Recorder's Office of Perry County, Illinois, in Book 591 at Page 96, and for and in consideration of $1.00, is authorized to execute and deliver a Quit-Claim Deed for said Parcel 169 to said Consolidation Coal Company, its successors and assigns, said Parcel 169 being described as follows:

Parcel 169:
Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter, Section 1, Township 6 South, Range 4 West of the 3rd P.M., Perry County, Illinois, thence Southerly along the East line of said Quarter-Quarter to the Southeast corner of said Quarter-Quarter, thence Westerly along the South line of said Quarter-Quarter to the Southwest corner of said Quarter-Quarter, thence Westerly along the South line of the Northeast Quarter of the Southwest Quarter of said Section 1 to the Southwest corner of the Northeast Quarter of the Southwest Quarter of said Section 1, thence Northerly along the West line of the Northeast Quarter of the Southwest Quarter of said Section 1, 284 feet to the Point of Beginning, thence North 75 degrees East 2067 feet, thence North 441.79 feet, thence N 68°47'06" W, a distance of 94.69 feet; thence S 89°22'52" W, a distance of 1898.27 feet, thence S 00°35'11" W, a distance of 990.58 feet to the point of beginning and being a part of the Northeast Quarter of the Southwest Quarter and a part of the "Northeast Quarter of the Southwest Quarter" (see Note), all in

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Section 1. Township 6 South, Range 4 West of the 3rd P.M., Perry County, Illinois; except all that part of the Northwest Quarter of the Southeast Quarter lying North of the South right-of-way line of Leopard Road. (Note: The part within quote marks should read "Northwest Quarter of the Southeast Quarter").

(c) The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be exchanged or conveyed, and this Section within 60 days after its effective date and, upon receipt of the payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the County in which the land is located.

Section 930. The Boone County Conservation District is authorized to convey by quitclaim deed all of its right, title, and interest in and to the following described land:

Part of the West Half (1/2) of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of Section 32, Township 46 North, Range 3 East of the Third Principal Meridian, bounded and described as follows, to-wit: Commencing at the Northeast corner of the West Half (1/2) of the Northwest Quarter (1/4) of said Section 32; thence South 01'-04'-09" West, along the East line of the West Half (1/2) of said Quarter (1/4) Section, 1830.00 feet; thence South 89'-53'-04" West, paralleled with the North line of said Quarter (1/4) Section, 660.79 feet to the point of beginning of the following described premises, to-wit: thence North 01'-07'-56" East, along the East line of the West Half (1/2) of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section 32, a distance of 510.31 feet to the Northeast corner of the East Half (1/2) of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section 32; thence South 89'-53'-57" West, along the North line of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section 32, a distance of 9.4 feet to an existing fence line; thence South 2'-03'-07" West, along the existing fence line, 510.56 feet; thence North 89'-53'-04" East, 17.6 feet to the point of beginning. Situated in the County of Boone and State of Illinois. Containing 6,887 Square Feet, more or less.

Section 999. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 1, 2004.

New matter indicated by italics - deletions by strikeout.

AN ACT concerning aging.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Older Adult Services Act.

Section 5. Purpose. The purpose of this Act is to promote a transformation of Illinois' comprehensive system of older adult services from funding a primarily facility-based service delivery system to primarily a home-based and community-based system, taking into account the continuing need for 24-hour skilled nursing care and congregate housing with services. Such restructuring shall encompass the provision of housing, health, financial, and supportive older adult services. It is envisioned that this restructuring will promote the development, availability, and accessibility of a comprehensive, affordable, and sustainable service delivery system that places a high priority on home-based and community-based services. Such restructuring will encompass all aspects of the delivery system regardless of the setting in which the service is provided.

Section 10. Definitions. In this Act:

"Advisory Committee" means the Older Adult Services Advisory Committee.

"Certified nursing home" means any nursing home licensed under the Nursing Home Care Act and certified under Title XIX of the Social Security Act to participate as a vendor in the medical assistance program under Article V of the Illinois Public Aid Code.

"Comprehensive case management" means the assessment of needs and preferences of an older adult at the direction of the older adult or the older adult's designated representative and the arrangement, coordination, and monitoring of an optimum package of services to meet the needs of the older adult.

"Consumer-directed" means decisions made by an informed older adult from available services and care options, which may range from independently making all decisions and managing services directly to

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limited participation in decision-making, based upon the functional and cognitive level of the older adult.

"Coordinated point of entry" means an integrated access point where consumers receive information and assistance, assessment of needs, care planning, referral, assistance in completing applications, authorization of services where permitted, and follow-up to ensure that referrals and services are accessed.

"Department" means the Department on Aging, in collaboration with the departments of Public Health and Public Aid and other relevant agencies and in consultation with the Advisory Committee, except as otherwise provided.

"Departments" means the Department on Aging, the departments of Public Health and Public Aid, and other relevant agencies in collaboration with each other and in consultation with the Advisory Committee, except as otherwise provided.

"Family caregiver" means an adult family member or another individual who is an uncompensated provider of home-based or community-based care to an older adult.

"Health services" means activities that promote, maintain, improve, or restore mental or physical health or that are palliative in nature.

"Older adult" means a person age 60 or older and, if appropriate, the person's family caregiver.

"Person-centered" means a process that builds upon an older adult's strengths and capacities to engage in activities that promote community life and that reflect the older adult's preferences, choices, and abilities, to the extent practicable.

"Priority service area" means an area identified by the Departments as being less-served with respect to the availability of and access to older adult services in Illinois. The Departments shall determine by rule the criteria and standards used to designate such areas.

"Priority service plan" means the plan developed pursuant to Section 25 of this Act.

"Provider" means any supplier of services under this Act.

"Residential setting" means the place where an older adult lives.

"Restructuring" means the transformation of Illinois' comprehensive system of older adult services from funding primarily a facility-based service delivery system to primarily a home-based and community-based system, taking into account the continuing need for 24-hour skilled nursing care and congregate housing with services.

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"Services" means the range of housing, health, financial, and supportive services, other than acute health care services, that are delivered to an older adult with functional or cognitive limitations, or socialization needs, who requires assistance to perform activities of daily living, regardless of the residential setting in which the services are delivered.

"Supportive services" means non-medical assistance given over a period of time to an older adult that is needed to compensate for the older adult's functional or cognitive limitations, or socialization needs, or those services designed to restore, improve, or maintain the older adult's functional or cognitive abilities.

Section 15. Designation of lead agency; annual report.
(a) The Department on Aging shall be the lead agency for: the provision of services to older adults and their family caregivers; restructuring Illinois' service delivery system for older adults; and implementation of this Act, except where otherwise provided. The Department on Aging shall collaborate with the departments of Public Health and Public Aid and any other relevant agencies, and shall consult with the Advisory Committee, in all aspects of these duties, except as otherwise provided in this Act.

(b) The Departments shall promulgate rules to implement this Act pursuant to the Illinois Administrative Procedure Act.

(c) On January 1, 2006, and each January 1 thereafter, the Department shall issue a report to the General Assembly on progress made in complying with this Act, impediments thereto, recommendations of the Advisory Committee, and any recommendations for legislative changes necessary to implement this Act. To the extent practicable, all reports required by this Act shall be consolidated into a single report.

Section 20. Priority service areas; service expansion.
(a) The requirements of this Section are subject to the availability of funding.

(b) The Department shall expand older adult services that promote independence and permit older adults to remain in their own homes and communities. Priority shall be given to both the expansion of services and the development of new services in priority service areas.

(c) Inventory of services. The Department shall develop and maintain an inventory and assessment of (i) the types and quantities of public older adult services and, to the extent possible, privately provided older adult services, including the unduplicated count, location, and

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characteristics of individuals served by each facility, program, or service and (ii) the resources supporting those services.

(d) Priority service areas. The Departments shall assess the current and projected need for older adult services throughout the State, analyze the results of the inventory, and identify priority service areas, which shall serve as the basis for a priority service plan to be filed with the Governor and the General Assembly no later than July 1, 2006, and every 5 years thereafter.

(e) Moneys appropriated by the General Assembly for the purpose of this Section, receipts from donations, grants, fees, or taxes that may accrue from any public or private sources to the Department for the purpose of this Section, and savings attributable to the nursing home conversion program as calculated in subsection (h) shall be deposited into the Department on Aging State Projects Fund. Interest earned by those moneys in the Fund shall be credited to the Fund.

(f) Moneys described in subsection (e) from the Department on Aging State Projects Fund shall be used for older adult services, regardless of where the older adult receives the service, with priority given to both the expansion of services and the development of new services in priority service areas. Fundable services shall include:

(1) Housing, health services, and supportive services:
   (A) adult day care;
   (B) adult day care for persons with Alzheimer's disease and related disorders;
   (C) activities of daily living;
   (D) care-related supplies and equipment;
   (E) case management;
   (F) community reintegration;
   (G) companion;
   (H) congregate meals;
   (I) counseling and education;
   (J) elder abuse prevention and intervention;
   (K) emergency response and monitoring;
   (L) environmental modifications;
   (M) family caregiver support;
   (N) financial;
   (O) home delivered meals;
   (P) homemaker;
   (Q) home health;

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(R) hospice;
(S) laundry;
(T) long-term care ombudsman;
(U) medication reminders;
(V) money management;
(W) nutrition services;
(X) personal care;
(Y) respite care;
(Z) residential care;
(AA) senior benefits outreach;
(BB) senior centers;
(CC) services provided under the Assisted Living and Shared Housing Act, or sheltered care services that meet the requirements of the Assisted Living and Shared Housing Act, or services provided under Section 5-5.01a of the Illinois Public Aid Code (the Supportive Living Facilities Pilot Program);
-DD) telemedicine devices to monitor recipients in their own homes as an alternative to hospital care, nursing home care, or home visits;
(EE) training for direct family caregivers;
(FF) transition;
(GG) transportation;
(HH) wellness and fitness programs; and
(II) other programs designed to assist older adults in Illinois to remain independent and receive services in the most integrated residential setting possible for that person.

(2) Older Adult Services Demonstration Grants, pursuant to subsection (g) of this Section.

(g) Older Adult Services Demonstration Grants. The Department shall establish a program of demonstration grants to assist in the restructuring of the delivery system for older adult services and provide funding for innovative service delivery models and system change and integration initiatives. The Department shall prescribe, by rule, the grant application process. At a minimum, every application must include:

(1) The type of grant sought;
(2) A description of the project;
(3) The objective of the project;
(4) The likelihood of the project meeting identified needs;

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(5) The plan for financing, administration, and evaluation of the project;
(6) The timetable for implementation;
(7) The roles and capabilities of responsible individuals and organizations;
(8) Documentation of collaboration with other service providers, local community government leaders, and other stakeholders, other providers, and any other stakeholders in the community;
(9) Documentation of community support for the project, including support by other service providers, local community government leaders, and other stakeholders;
(10) The total budget for the project;
(11) The financial condition of the applicant; and
(12) Any other application requirements that may be established by the Department by rule.

Each project may include provisions for a designated staff person who is responsible for the development of the project and recruitment of providers.

Projects may include, but are not limited to: adult family foster care; family adult day care; assisted living in a supervised apartment; personal services in a subsidized housing project; evening and weekend home care coverage; small incentive grants to attract new providers; money following the person; cash and counseling; managed long-term care; and at least one respite care project that establishes a local coordinated network of volunteer and paid respite workers, coordinates assignment of respite workers to caregivers and older adults, ensures the health and safety of the older adult, provides training for caregivers, and ensures that support groups are available in the community.

A demonstration project funded in whole or in part by an Older Adult Services Demonstration Grant is exempt from the requirements of the Illinois Health Facilities Planning Act. To the extent applicable, however, for the purpose of maintaining the statewide inventory authorized by the Illinois Health Facilities Planning Act, the Department shall send to the Health Facilities Planning Board a copy of each grant award made under this subsection (g).

The Department, in collaboration with the Departments of Public Health and Public Aid, shall evaluate the effectiveness of the projects receiving grants under this Section.

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(h) No later than July 1 of each year, the Department of Public Health shall provide information to the Department of Public Aid to enable the Department of Public Aid to annually document and verify the savings attributable to the nursing home conversion program for the previous fiscal year to estimate an annual amount of such savings that may be appropriated to the Department on Aging State Projects Fund and notify the General Assembly, the Department on Aging, the Department of Human Services, and the Advisory Committee of the savings no later than October 1 of the same fiscal year.

Section 25. Older adult services restructuring. No later than January 1, 2005, the Department shall commence the process of restructuring the older adult services delivery system. Priority shall be given to both the expansion of services and the development of new services in priority service areas. Subject to the availability of funding, the restructuring shall include, but not be limited to, the following:

(1) Planning. The Department shall develop a plan to restructure the State's service delivery system for older adults. The plan shall include a schedule for the implementation of the initiatives outlined in this Act and all other initiatives identified by the participating agencies to fulfill the purposes of this Act. Financing for older adult services shall be based on the principle that "money follows the individual". The plan shall also identify potential impediments to delivery system restructuring and include any known regulatory or statutory barriers.

(2) Comprehensive case management. The Department shall implement a statewide system of holistic comprehensive case management. The system shall include the identification and implementation of a universal, comprehensive assessment tool to be used statewide to determine the level of functional, cognitive, socialization, and financial needs of older adults. This tool shall be supported by an electronic intake, assessment, and care planning system linked to a central location. "Comprehensive case management" includes services and coordination such as (i) comprehensive assessment of the older adult (including the physical, functional, cognitive, psycho-social, and social needs of the individual); (ii) development and implementation of a service plan with the older adult to mobilize the formal and family resources and services identified in the assessment to meet the needs of the older adult, including coordination of the resources and services with any other plans that exist for various formal services, such as hospital discharge plans, and with the information and assistance services; (iii) coordination and

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monitoring of formal and family service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided; (iv) periodic reassessment and revision of the status of the older adult with the older adult or, if necessary, the older adult's designated representative; and (v) in accordance with the wishes of the older adult, advocacy on behalf of the older adult for needed services or resources.

(3) Coordinated point of entry. The Department shall implement and publicize a statewide coordinated point of entry using a uniform name, identity, logo, and toll-free number.

(4) Public website. The Department shall develop a public website that provides links to available services, resources, and reference materials concerning caregiving, diseases, and best practices for use by professionals, older adults, and family caregivers.

(5) Expansion of older adult services. The Department shall expand older adult services that promote independence and permit older adults to remain in their own homes and communities.

(6) Consumer-directed home and community-based services. The Department shall expand the range of service options available to permit older adults to exercise maximum choice and control over their care.

(7) Comprehensive delivery system. The Department shall expand opportunities for older adults to receive services in systems that integrate acute and chronic care.

(8) Enhanced transition and follow-up services. The Department shall implement a program of transition from one residential setting to another and follow-up services, regardless of residential setting, pursuant to rules with respect to (i) resident eligibility, (ii) assessment of the resident's health, cognitive, social, and financial needs, (iii) development of transition plans, and (iv) the level of services that must be available before transitioning a resident from one setting to another.

(9) Family caregiver support. The Department shall develop strategies for public and private financing of services that supplement and support family caregivers.

(10) Quality standards and quality improvement. The Department shall establish a core set of uniform quality standards for all providers that focus on outcomes and take into consideration consumer choice and satisfaction, and the Department shall require each provider to implement a continuous quality improvement process to address consumer issues. The continuous quality improvement process must benchmark performance, be person-centered and data-driven, and focus on consumer satisfaction.

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(11) Workforce. The Department shall develop strategies to attract and retain a qualified and stable worker pool, provide living wages and benefits, and create a work environment that is conducive to long-term employment and career development. Resources such as grants, education, and promotion of career opportunities may be used.

(12) Coordination of services. The Department shall identify methods to better coordinate service networks to maximize resources and minimize duplication of services and ease of application.

(13) Barriers to services. The Department shall identify barriers to the provision, availability, and accessibility of services and shall implement a plan to address those barriers. The plan shall: (i) identify barriers, including but not limited to, statutory and regulatory complexity, reimbursement issues, payment issues, and labor force issues; (ii) recommend changes to State or federal laws or administrative rules or regulations; (iii) recommend application for federal waivers to improve efficiency and reduce cost and paperwork; (iv) develop innovative service delivery models; and (v) recommend application for federal or private service grants.

(14) Reimbursement and funding. The Department shall investigate and evaluate costs and payments by defining costs to implement a uniform, audited provider cost reporting system to be considered by all Departments in establishing payments. To the extent possible, multiple cost reporting mandates shall not be imposed.

(15) Medicaid nursing home cost containment and Medicare utilization. The Department of Public Aid, in collaboration with the Department on Aging and the Department of Public Health and in consultation with the Advisory Committee, shall propose a plan to contain Medicaid nursing home costs and maximize Medicare utilization. The plan must not impair the ability of an older adult to choose among available services. The plan shall include, but not be limited to, (i) techniques to maximize the use of the most cost-effective services without sacrificing quality and (ii) methods to identify and serve older adults in need of minimal services to remain independent, but who are likely to develop a need for more extensive services in the absence of those minimal services.

(16) Bed reduction. The Department of Public Health shall implement a nursing home conversion program to reduce the number of Medicaid-certified nursing home beds in areas with excess beds. The Department of Public Aid shall investigate changes to the Medicaid nursing facility reimbursement system in order to reduce beds. Such

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changes may include, but are not limited to, incentive payments that will enable facilities to adjust to the restructuring and expansion of services required by the Older Adult Services Act, including adjustments for the voluntary closure or layaway of nursing home beds certified under Title XIX of the federal Social Security Act. Any savings shall be reallocated to fund home-based or community-based older adult services pursuant to Section 20.

(17) Financing. The Department shall investigate and evaluate financing options for older adult services and shall make recommendations in the report required by Section 15 concerning the feasibility of these financing arrangements. These arrangements shall include, but are not limited to:

(A) private long-term care insurance coverage for older adult services;
(B) enhancement of federal long-term care financing initiatives;
(C) employer benefit programs such as medical savings accounts for long-term care;
(D) individual and family cost-sharing options;
(E) strategies to reduce reliance on government programs;
(F) fraudulent asset divestiture and financial planning prevention; and
(G) methods to supplement and support family and community caregiving.

(18) Older Adult Services Demonstration Grants. The Department shall implement a program of demonstration grants that will assist in the restructuring of the older adult services delivery system, and shall provide funding for innovative service delivery models and system change and integration initiatives pursuant to subsection (g) of Section 20.

(19) Bed need methodology update. For the purposes of determining areas with excess beds, the Departments shall provide information and assistance to the Health Facilities Planning Board to update the Bed Need Methodology for Long-Term Care to update the assumptions used to establish the methodology to make them consistent with modern older adult services.

Section 30. Nursing home conversion program.
(a) The Department of Public Health, in collaboration with the Department on Aging and the Department of Public Aid, shall establish a nursing home conversion program. Start-up grants, pursuant to subsections

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(l) and (m) of this Section, shall be made available to nursing homes as appropriations permit as an incentive to reduce certified beds, retrofit, and retool operations to meet new service delivery expectations and demands.

(b) Grant moneys shall be made available for capital and other costs related to: (1) the conversion of all or a part of a nursing home to an assisted living establishment or a special program or unit for persons with Alzheimer's disease or related disorders licensed under the Assisted Living and Shared Housing Act or a supportive living facility established under Section 5-5.01a of the Illinois Public Aid Code; (2) the conversion of multi-resident bedrooms in the facility into single-occupancy rooms; and (3) the development of any of the services identified in a priority service plan that can be provided by a nursing home within the confines of a nursing home or transportation services. Grantees shall be required to provide a minimum of a 20% match toward the total cost of the project.

(c) Nothing in this Act shall prohibit the co-location of services or the development of multifunctional centers under subsection (f) of Section 20, including a nursing home offering community-based services or a community provider establishing a residential facility.

(d) A certified nursing home with at least 50% of its resident population having their care paid for by the Medicaid program is eligible to apply for a grant under this Section.

(e) Any nursing home receiving a grant under this Section shall reduce the number of certified nursing home beds by a number equal to or greater than the number of beds being converted for one or more of the permitted uses under item (1) or (2) of subsection (b). The nursing home shall retain the Certificate of Need for its nursing and sheltered care beds that were converted for 15 years. If the beds are reinstated by the provider or its successor in interest, the provider shall pay to the fund from which the grant was awarded, on an amortized basis, the amount of the grant. The Department shall establish, by rule, the bed reduction methodology for nursing homes that receive a grant pursuant to item (3) of subsection (b).

(f) Any nursing home receiving a grant under this Section shall agree that, for a minimum of 10 years after the date that the grant is awarded, a minimum of 50% of the nursing home's resident population shall have their care paid for by the Medicaid program. If the nursing home provider or its successor in interest ceases to comply with the requirement set forth in this subsection, the provider shall pay to the fund from which the grant was awarded, on an amortized basis, the amount of the grant.

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(g) Before awarding grants, the Department of Public Health shall seek recommendations from the Department on Aging and the Department of Public Aid. The Department of Public Health shall attempt to balance the distribution of grants among geographic regions, and among small and large nursing homes. The Department of Public Health shall develop, by rule, the criteria for the award of grants based upon the following factors:

1. the unique needs of older adults (including those with moderate and low incomes), caregivers, and providers in the geographic area of the State the grantee seeks to serve;
2. whether the grantee proposes to provide services in a priority service area;
3. the extent to which the conversion or transition will result in the reduction of certified nursing home beds in an area with excess beds;
4. the compliance history of the nursing home; and
5. any other relevant factors identified by the Department, including standards of need.

(h) A conversion funded in whole or in part by a grant under this Section must not:

1. diminish or reduce the quality of services available to nursing home residents;
2. force any nursing home resident to involuntarily accept home-based or community-based services instead of nursing home services;
3. diminish or reduce the supply and distribution of nursing home services in any community below the level of need, as defined by the Department by rule; or
4. cause undue hardship on any person who requires nursing home care.

(i) The Department shall prescribe, by rule, the grant application process. At a minimum, every application must include:

1. the type of grant sought;
2. a description of the project;
3. the objective of the project;
4. the likelihood of the project meeting identified needs;
5. the plan for financing, administration, and evaluation of the project;
6. the timetable for implementation;

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(7) the roles and capabilities of responsible individuals and organizations;

(8) documentation of collaboration with other service providers, local community government leaders, and other stakeholders, other providers, and any other stakeholders in the community;

(9) documentation of community support for the project, including support by other service providers, local community government leaders, and other stakeholders;

(10) the total budget for the project;

(11) the financial condition of the applicant; and

(12) any other application requirements that may be established by the Department by rule.

(j) A conversion project funded in whole or in part by a grant under this Section is exempt from the requirements of the Illinois Health Facilities Planning Act. The Department of Public Health, however, shall send to the Health Facilities Planning Board a copy of each grant award made under this Section.

(k) Applications for grants are public information, except that nursing home financial condition and any proprietary data shall be classified as nonpublic data.

(l) The Department of Public Health may award grants from the Long Term Care Civil Money Penalties Fund established under Section 1919(h)(2)(A)(ii) of the Social Security Act and 42 CFR 488.422(g) if the award meets federal requirements.

Section 35. Older Adult Services Advisory Committee.

(a) The Older Adult Services Advisory Committee is created to advise the directors of Aging, Public Aid, and Public Health on all matters related to this Act and the delivery of services to older adults in general.

(b) The Advisory Committee shall be comprised of the following:

(1) The Director of Aging or his or her designee, who shall serve as chair and shall be an ex officio and nonvoting member.

(2) The Director of Public Aid and the Director of Public Health or their designees, who shall serve as vice-chairs and shall be ex officio and nonvoting members.

(3) One representative each of the Governor's Office, the Department of Public Aid, the Department of Public Health, the Department of Veterans' Affairs, the Department of Human Services, the Department of Insurance, the Department of

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Commerce and Economic Opportunity, the Department on Aging, the Department on Aging's State Long Term Care Ombudsman, the Illinois Housing Finance Authority, and the Illinois Housing Development Authority, each of whom shall be selected by his or her respective director and shall be an ex officio and nonvoting member.

(4) Thirty-two members appointed by the Director of Aging in collaboration with the directors of Public Health and Public Aid, and selected from the recommendations of statewide associations and organizations, as follows:

(A) One member representing the Area Agencies on Aging;
(B) Four members representing nursing homes or licensed assisted living establishments;
(C) One member representing home health agencies;
(D) One member representing case management services;
(E) One member representing statewide senior center associations;
(F) One member representing Community Care Program homemaker services;
(G) One member representing Community Care Program adult day services;
(H) One member representing nutrition project directors;
(I) One member representing hospice programs;
(J) One member representing individuals with Alzheimer's disease and related dementias;
(K) Two members representing statewide trade or labor unions;
(L) One advanced practice nurse with experience in gerontological nursing;
(M) One physician specializing in gerontology;
(N) One member representing regional long-term care ombudsmen;
(O) One member representing township officials;
(P) One member representing municipalities;
(Q) One member representing county officials;

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(R) One member representing the parish nurse movement;
   (S) One member representing pharmacists;
   (T) Two members representing statewide organizations engaging in advocacy or legal representation on behalf of the senior population;
   (U) Two family caregivers;
   (V) Two citizen members over the age of 60;
   (W) One citizen with knowledge in the area of gerontology research or health care law;
   (X) One representative of health care facilities licensed under the Hospital Licensing Act; and
   (Y) One representative of primary care service providers.

(c) Voting members of the Advisory Committee shall serve for a term of 3 years or until a replacement is named. All members shall be appointed no later than January 1, 2005. Of the initial appointees, as determined by lot, 10 members shall serve a term of one year; 10 shall serve for a term of 2 years; and 12 shall serve for a term of 3 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of that term. The Advisory Committee shall meet at least quarterly and may meet more frequently at the call of the Chair. A simple majority of those appointed shall constitute a quorum. The affirmative vote of a majority of those present and voting shall be necessary for Advisory Committee action. Members of the Advisory Committee shall receive no compensation for their services.

(d) The Advisory Committee shall have an Executive Committee comprised of the Chair, the Vice Chairs, and up to 15 members of the Advisory Committee appointed by the Chair who have demonstrated expertise in developing, implementing, or coordinating the system restructuring initiatives defined in Section 25. The Executive Committee shall have responsibility to oversee and structure the operations of the Advisory Committee and to create and appoint necessary subcommittees and subcommittee members.

(e) The Advisory Committee shall study and make recommendations related to the implementation of this Act, including but not limited to system restructuring initiatives as defined in Section 25 or otherwise related to this Act.

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Section 90. The Illinois Act on the Aging is amended by adding Section 4.12 as follows:

(20 ILCS 105/4.12 new)

Sec. 4.12. Older Adult Services Act. The Department shall implement the Older Adult Services Act.

Section 91. The Illinois Finance Authority Act is amended by changing Section 840-5 as follows:

(20 ILCS 3501/840-5)

Sec. 840-5. The Authority shall have the following powers:

(a) To fix and revise from time to time and charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by a project or other health facilities owned, financed or refinanced by the Authority or any portion thereof and to contract with any person, partnership, association or corporation or other body, public or private, in respect thereto; to coordinate its policies and procedures and cooperate with recognized health facility rate setting mechanisms which may now or hereafter be established.

(b) To establish rules and regulations for the use of a project or other health facilities owned, financed or refinanced by the Authority or any portion thereof and to designate a participating health institution as its agent to establish rules and regulations for the use of a project or other health facilities owned by the Authority undertaken for that participating health institution.

(c) To establish or contract with others to carry out on its behalf a health facility project cost estimating service and to make this service available on all projects to provide expert cost estimates and guidance to the participating health institution and to the Authority. In order to implement this service and, through it, to contribute to cost containment, the Authority shall have the power to require such reasonable reports and documents from health facility projects as may be required for this service and for the development of cost reports and guidelines. The Authority may appoint a Technical Committee on Health Facility Project Costs and Cost Containment.

(d) To make mortgage or other secured or unsecured loans to or for the benefit of any participating health institution for the cost of a project in accordance with an agreement between the Authority and the participating health institution; provided that no such loan shall exceed the total cost of the project as determined by the participating health institution and approved by the Authority; provided further that such loans may be made

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to any entity affiliated with a participating health institution if the proceeds of such loan are made available to or applied for the benefit of such participating health institution.

(e) To make mortgage or other secured or unsecured loans to or for the benefit of a participating health institution in accordance with an agreement between the Authority and the participating health institution to refund outstanding obligations, loans, indebtedness or advances issued, made, given or incurred by such participating health institution for the cost of a project; including the function to issue bonds and make loans to or for the benefit of a participating health institution to refinance indebtedness incurred by such participating health institution in projects undertaken and completed or for other health facilities acquired prior to or after the enactment of this Act when the Authority finds that such refinancing is in the public interest, and either alleviates a financial hardship of such participating health institution, or is in connection with other financing by the Authority for such participating health institution or may be expected to result in a lessened cost of patient care and a saving to third parties, including government, and to others who must pay for care, or any combination thereof; provided further that such loans may be made to any entity affiliated with a participating health institution if the proceeds of such loan are made available to or applied for the benefit of such participating health institution.

(f) To mortgage all or any portion of a project or other health facilities and the property on which any such project or other health facilities are located whether owned or thereafter acquired, and to assign or pledge mortgages, deeds of trust, indentures of mortgage or trust or similar instruments, notes, and other securities of participating health institutions to which or for the benefit of which the Authority has made loans or of entities affiliated with such institutions and the revenues therefrom, including payments or income from any thereof owned or held by the Authority, for the benefit of the holders of bonds issued to finance such project or health facilities or issued to refund or refinance outstanding obligations, loans, indebtedness or advances of participating health institutions as permitted by this Act.

(g) To lease to a participating health institution the project being financed or refinanced or other health facilities conveyed to the Authority in connection with such financing or refinancing, upon such terms and conditions as the Authority shall deem proper, and to charge and collect rents therefor and to terminate any such lease upon the failure of the lessee

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to comply with any of the obligations thereof; and to include in any such lease, if desired, provisions that the lessee thereof shall have options to renew the lease for such period or periods and at such rent as shall be determined by the Authority or to purchase any or all of the health facilities or that upon payment of all of the indebtedness incurred by the Authority for the financing of such project or health facilities or for refunding outstanding obligations, loans, indebtedness or advances of a participating health institution, then the Authority may convey any or all of the project or such other health facilities to the lessee or lessees thereof with or without consideration.

(h) To make studies of needed health facilities that could not sustain a loan were it made under this Act and to recommend remedial action to the General Assembly; to do the same with regard to any laws or regulations that prevent health facilities from benefiting from this Act.

(i) To assist the Department of Commerce and Economic Opportunity to establish and implement a program to assist health facilities to identify and arrange financing for energy conservation projects in buildings and facilities owned or leased by health facilities.

(j) To assist the Department of Human Services in establishing a low interest loan program to help child care centers and family day care homes serving children of low income families under Section 22.4 of the Children and Family Services Act.

(k) To assist the Department of Public Health and nursing homes in undertaking nursing home conversion projects in accordance with the Older Adult Services Act.

(Source: P.A. 93-205, eff. 1-1-04.)

Section 92. The Illinois Health Facilities Planning Act is amended by changing Section 3 as follows:

(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

(Section scheduled to be repealed on July 1, 2008)

Sec. 3. Definitions. As used in this Act:
"Health care facilities" means and includes the following facilities and organizations:

1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;

2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;

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3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;

4. Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease treatment centers maintained by the State or any department or agency thereof;

5. Kidney disease treatment centers, including a freestanding hemodialysis unit; and

6. An institution, place, building, or room used for the performance of outpatient surgical procedures that is leased, owned, or operated by or on behalf of an out-of-state facility.

No federally owned facilities shall be subject to the provisions of this Act, nor facilities used solely for healing by prayer or spiritual means.

No facility licensed under the Supportive Residences Licensing Act or the Assisted Living and Shared Housing Act shall be subject to the provisions of this Act.

A facility designated as a supportive living facility that is in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

This Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act. However, if a demonstration project under that Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.

This Act shall not apply to the closure of an entity or a portion of an entity licensed under the Nursing Home Care Act that elects to convert, in whole or in part, to an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act.

With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a

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physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion which is subject to facility licensing requirements, irrespective of the party responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.

"Consumer" means any person other than a person (a) whose major occupation currently involves or whose official capacity within the last 12 months has involved the providing, administering or financing of any type of health care facility, (b) who is engaged in health research or the teaching of health, (c) who has a material financial interest in any activity which involves the providing, administering or financing of any type of health care facility, or (d) who is or ever has been a member of the immediate family of the person defined by (a), (b), or (c).

"State Board" means the Health Facilities Planning Board.

"Construction or modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership, of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any capital expenditure made by or on behalf of a health care facility for (i) the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act or (ii) a conversion project undertaken in accordance with Section 30 of the Older Adult Services Act shall be excluded from any obligations under this Act.

"Establish" means the construction of a health care facility or the replacement of an existing facility on another site.

"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the

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requirements of paragraphs (10) and (11) of Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditures minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the equipment or facilities at fair market value would be subject to review.

"Capital expenditure minimum" means $6,000,000, which shall be annually adjusted to reflect the increase in construction costs due to inflation, for major medical equipment and for all other capital expenditures; provided, however, that when a capital expenditure is for the construction or modification of a health and fitness center, "capital expenditure minimum" means the capital expenditure minimum for all other capital expenditures in effect on March 1, 2000, which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"Non-clinical service area" means an area (i) for the benefit of the patients, visitors, staff, or employees of a health care facility and (ii) not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; news stands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student

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housing; patient, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for health service and having within it one or more local areas for health planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be part of such major area. The term "subregion" may be used synonymously with the term "local".

"Areawide health planning organization" or "Comprehensive health planning organization" means the health systems agency designated by the Secretary, Department of Health and Human Services or any successor agency.

"Local health planning organization" means those local health planning organizations that are designated as such by the areawide health planning organization of the appropriate area.

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.

"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

"Director" means the Director of the Illinois Department of Public Health.

"Agency" means the Illinois Department of Public Health.

"Comprehensive health planning" means health planning concerned with the total population and all health and associated problems that affect the well-being of people and that encompasses health services, health manpower, and health facilities; and the coordination among these and with those social, economic, and environmental factors that affect health.
"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.

"Out-of-state facility" means a person that is both (i) licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and (ii) not licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility, its parent, or Illinois physicians licensed to practice medicine in all its branches shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act.

"Change of ownership of a health care facility" means a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change in ownership is indicated by the following transactions: sale, transfer, acquisition, lease, change of sponsorship, or other means of transferring control.

"Related person" means any person that: (i) is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or (ii) owns, directly or indirectly, at least 50% of the health care facility.

(Source: P.A. 93-41, eff. 6-27-03.)

Section 96. The Illinois Public Aid Code is amended by adding Section 5-5d as follows:

(305 ILCS 5/5-5d new)

Sec. 5-5d. Enhanced transition and follow-up services. The Department of Public Aid shall apply for any necessary waivers pursuant to Section 1915(c) of the Social Security Act to facilitate the transition from one residential setting to another and follow-up services. Nothing in this Section shall be considered as limiting current similar programs by the Department of Human Services or the Department on Aging.

Section 99. Effective date. This Act takes effect upon becoming law.


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AN ACT relating to higher education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Higher Education Student Assistance Act is amended by changing Section 35 as follows:

(110 ILCS 947/35)

Sec. 35. Monetary award program.
(a) The Commission shall, each year, receive and consider applications for grant assistance under this Section. Subject to a separate appropriation for such purposes, an applicant is eligible for a grant under this Section when the Commission finds that the applicant:

(1) is a resident of this State and a citizen or permanent resident of the United States; and

(2) in the absence of grant assistance, will be deterred by financial considerations from completing an educational program at the qualified institution of his or her choice.

(b) The Commission shall award renewals only upon the student's application and upon the Commission's finding that the applicant:

(1) has remained a student in good standing;

(2) remains a resident of this State; and

(3) is in a financial situation that continues to warrant assistance.

(c) All grants shall be applicable only to tuition and necessary fees costs, for 2 semesters or 3 quarters in an academic year. Requests for summer term assistance will be made separately and shall be considered on an individual basis according to Commission policy. Each student who is awarded a grant under this Section and is enrolled in summer school classes shall be eligible for a summer school grant. The summer school grant amount shall not exceed the lesser of 50 percent of the maximum annual grant amount authorized by this Section or the actual cost of tuition and fees at the institution at which the student is enrolled at least part-time. For the regular academic year, the Commission shall determine the grant amount for each full-time and part-time student, which shall not exceed the smallest of the following amounts:

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(1) $4,968 for 2 semesters or 3 quarters of full-time undergraduate enrollment or $2,484 for 2 semesters or 3 quarters of part-time undergraduate enrollment, or such lesser amount as the Commission finds to be available, during an academic year; or

(2) the amount which equals the 2 semesters or 3 quarters tuition and other necessary fees required generally by the institution of all full-time undergraduate students, or in the case of part-time students an amount of tuition and fees for 2 semesters or 3 quarters which shall not exceed one-half the amount of tuition and necessary fees generally charged to full-time undergraduate students by the institution; or

(3) such amount as the Commission finds to be appropriate in view of the applicant's financial resources.

"Tuition and other necessary fees" as used in this Section include the customary charge for instruction and use of facilities in general, and the additional fixed fees charged for specified purposes, which are required generally of nongrant recipients for each academic period for which the grant applicant actually enrolls, but do not include fees payable only once or breakage fees and other contingent deposits which are refundable in whole or in part. The Commission may prescribe, by rule not inconsistent with this Section, detailed provisions concerning the computation of tuition and other necessary fees.

(d) No applicant, including those presently receiving scholarship assistance under this Act, is eligible for monetary award program consideration under this Act after receiving a baccalaureate degree or the equivalent of 135 semester credit hours 10 semesters or 15 quarters of award payments. The Commission shall determine when award payments for part-time enrollment or interim or summer terms shall be counted as a partial semester or quarter of payment.

(e) The Commission, in determining the number of grants to be offered, shall take into consideration past experience with the rate of grant funds unclaimed by recipients. The Commission shall notify applicants that grant assistance is contingent upon the availability of appropriated funds.

(f) The Commission may request appropriations for deposit into the Monetary Award Program Reserve Fund. Monies deposited into the Monetary Award Program Reserve Fund may be expended exclusively for one purpose: to make Monetary Award Program grants to eligible students. Amounts on deposit in the Monetary Award Program Reserve Fund shall be applicable to grants and shall not be expended for the payment of administrative costs.
Fund may not exceed 2% of the current annual State appropriation for the Monetary Award Program.

The purpose of the Monetary Award Program Reserve Fund is to enable the Commission each year to assure as many students as possible of their eligibility for a Monetary Award Program grant and to do so before commencement of the academic year. Moneys deposited in this Reserve Fund are intended to enhance the Commission's management of the Monetary Award Program, minimizing the necessity, magnitude, and frequency of adjusting award amounts and ensuring that the annual Monetary Award Program appropriation can be fully utilized.

(g) The Commission shall determine the eligibility of and make grants to applicants enrolled at qualified for-profit institutions in accordance with the criteria set forth in this Section. The eligibility of applicants enrolled at such for-profit institutions shall be limited as follows:

1. Beginning with the academic year 1997, only to eligible first-time freshmen and first-time transfer students who have attained an associate degree.
2. Beginning with the academic year 1998, only to eligible freshmen students, transfer students who have attained an associate degree, and students who receive a grant under paragraph (1) for the academic year 1997 and whose grants are being renewed for the academic year 1998.
3. Beginning with the academic year 1999, to all eligible students.

(Source: P.A. 91-249, eff. 7-22-99; 91-250, eff. 7-22-99; 91-357, eff. 7-29-99; 91-747, eff. 7-1-00; 92-45, eff. 7-1-01.)

Section 99. Effective date. This Act takes effect July 1, 2004.

PUBLIC ACT 93-1033
(House Bill No. 0714)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
(35 ILCS 5/215 rep.)

New matter indicated by italics - deletions by strikeout.
Section 5. The Illinois Income Tax Act is amended by repealing Section 215.

Section 10. The Use Tax Act is amended by changing Sections 3-5 and 3-61 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)
Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

1. Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

2. Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

3. Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

4. Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-

New matter indicated by italics - deletions by strikeout.
free purchases unless it has an active exemption identification number issued by the Department.

(5) Until July 1, 2003, a passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Until July 1, 2003, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses

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or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers’ bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

New matter indicated by italics - deletions by strikeout.
(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the
time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales

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tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for

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which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(31) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have

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a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(32) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(33) On and after July 1, 2003 and through June 30, 2004, the use in this State of motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds and that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, the term "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise, whether for-hire or not.

New matter indicated by italics - deletions by strikeout.
Sec. 3-61. Motor vehicles; trailers; use as rolling stock definition.

(a) Through June 30, 2003, "use as rolling stock moving in interstate commerce" in subsections (b) and (c) of Section 3-55 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof.

(b) On and after July 1, 2003 and through June 30, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (b) and (c) of Section 3-55 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois shall not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips shall be included in total trips taken.

(c) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (b) and (c) of Section 3-55 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased motor vehicles prior to July 1, 2004 shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method

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will remain in effect for that motor vehicle for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, motor vehicles that carry persons or property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the motor vehicle transports persons whose journeys or property whose shipments originate or terminate outside Illinois. The exemption for motor vehicles used as rolling stock moving in interstate commerce may be claimed only for motor vehicles whose gross vehicle weight rating exceeds 16,000 pounds. This definition applies to all property purchased for the purpose of being attached to those motor vehicles as a part thereof.

(d) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (b) and (c) of Section 3-55 occurs for trailers, as defined in Section 1-209 of the Illinois Vehicle Code, semitrailers as defined in Section 1-187 of the Illinois Vehicle Code, and pole trailers as defined in Section 1-161 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption for a trailer or trailers that will not be dedicated to a motor vehicle or group of motor vehicles shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased trailers prior to July 1, 2004 that are not dedicated to a motor vehicle or group of motor vehicles shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that trailer for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, trailers, semitrailers, or pole trailers that carry property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the trailers, semitrailers, or pole trailers transport property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those trailers, semitrailers, or pole trailers as a part thereof. In lieu of a person providing documentation regarding the qualifying use of each

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individual trailer, semitrailer, or pole trailer, that person may document such qualifying use by providing documentation of the following:

(1) If a trailer, semitrailer, or pole trailer is dedicated to a motor vehicle that qualifies as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(2) If a trailer, semitrailer, or pole trailer is dedicated to a group of motor vehicles that all qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(3) If one or more trailers, semitrailers, or pole trailers are dedicated to a group of motor vehicles and not all of those motor vehicles in that group qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then the percentage of those trailers, semitrailers, or pole trailers that qualifies as rolling stock moving in interstate commerce under this subsection is equal to the percentage of those motor vehicles in that group that qualify as rolling stock moving in interstate commerce under subsection (c) of this Section to which those trailers, semitrailers, or pole trailers are dedicated. However, to determine the qualification for the exemption provided under this item (3), the mathematical application of the qualifying percentage to one or more trailers, semitrailers, or pole trailers under this subpart shall not be allowed as to any fraction of a trailer, semitrailer, or pole trailer.

(Source: P.A. 93-23, eff. 6-20-03.)

Section 15. The Service Use Tax Act is amended by changing Sections 2 and 3-51 as follows:

(35 ILCS 110/2) (from Ch. 120, par. 439.32)

Sec. 2. "Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, but does not include the sale or use for demonstration by him of that property in any form as tangible personal property in the regular course of business. "Use" does not mean the interim use of tangible personal property nor the physical incorporation of tangible personal property, as an ingredient or constituent, into other tangible personal property, (a) which is sold in the regular course of business or (b) which

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the person incorporating such ingredient or constituent therein has
undertaken at the time of such purchase to cause to be transported in
interstate commerce to destinations outside the State of Illinois.

"Purchased from a serviceman" means the acquisition of the
ownership of, or title to, tangible personal property through a sale of
service.

"Purchaser" means any person who, through a sale of service,
acquires the ownership of, or title to, any tangible personal property.

"Cost price" means the consideration paid by the serviceman for a
purchase valued in money, whether paid in money or otherwise, including
cash, credits and services, and shall be determined without any deduction
on account of the supplier's cost of the property sold or on account of any
other expense incurred by the supplier. When a serviceman contracts out
part or all of the services required in his sale of service, it shall be
presumed that the cost price to the serviceman of the property transferred
to him or her by his or her subcontractor is equal to 50% of the
subcontractor's charges to the serviceman in the absence of proof of the
consideration paid by the subcontractor for the purchase of such property.

"Selling price" means the consideration for a sale valued in money
whether received in money or otherwise, including cash, credits and
service, and shall be determined without any deduction on account of the
serviceman's cost of the property sold, the cost of materials used, labor or
service cost or any other expense whatsoever, but does not include interest
or finance charges which appear as separate items on the bill of sale or
sales contract nor charges that are added to prices by sellers on account of
the seller's duty to collect, from the purchaser, the tax that is imposed by
this Act.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership,
association, joint stock company, joint venture, public or private
corporation, limited liability company, and any receiver, executor, trustee,
guardian or other representative appointed by order of any court.

"Sale of service" means any transaction except:

(1) a retail sale of tangible personal property taxable under
the Retailers' Occupation Tax Act or under the Use Tax Act.

(2) a sale of tangible personal property for the purpose of
resale made in compliance with Section 2c of the Retailers'
Occupation Tax Act.

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(3) except as hereinafter provided, a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body, or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes.

(4) a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer, executed or in effect at the time of purchase of personal property, to interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by such interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(4a) a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors, or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(4a-5) on and after July 1, 2003 and through June 30, 2004, a sale or transfer of a motor vehicle of the second division with a gross vehicle weight in excess of 8,000 pounds as an incident to the rendering of service if that motor vehicle is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds as an incident to the rendering of service, if that motor vehicle is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code.
pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(5) a sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in a service occupation and the applicable tax is a Service Use Tax or Service Occupation Tax, rather than Use Tax or Retailers' Occupation Tax.

(5a) the repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property to a destination outside Illinois, for use outside Illinois.

(5b) a sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard

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uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(6) until July 1, 2003, a sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale.

(7) at the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act. However, if a primary serviceman who has made the election described in this paragraph subcontracts service work to a secondary serviceman who has also made the election described in this paragraph, the primary serviceman does not incur a Use Tax liability if the secondary serviceman (i) has paid or will pay Use Tax on his or her cost price of any tangible personal property transferred to the primary serviceman and (ii) certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion of a maintenance agreement is exempt from the tax imposed pursuant to this Act.

Exemption (5) also includes machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of exemption (5), each of these terms shall have the following meanings: (1) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly

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regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the first operation or stage of production in the series, and shall not be deemed to end until the completion of the final product in the last operation or stage of production in the series; and further, for purposes of exemption (5), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "assembling process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "machinery" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which require periodic replacement in the course of normal operation; but shall not include hand tools. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for wholesale or retail sale or lease. The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The user of such machinery and equipment and tools without an active resale registration number shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit. The Department shall prescribe the form of the certificate.

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Any informal rulings, opinions or letters issued by the Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (5) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (3) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

The purchase, employment and transfer of such tangible personal property as newsprint and ink for the primary purpose of conveying news (with or without other information) is not a purchase, use or sale of service or of tangible personal property within the meaning of this Act.

"Serviceman" means any person who is engaged in the occupation of making sales of service.

"Sale at retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act.

"Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.

"Serviceman maintaining a place of business in this State", or any like term, means and includes any serviceman:

1. having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the serviceman or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such serviceman or subsidiary is licensed to do business in this State;

2. soliciting orders for tangible personal property by means of a telecommunication or television shopping system (which utilizes toll free numbers) which is intended by the retailer to be

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broadcast by cable television or other means of broadcasting, to consumers located in this State;

3. pursuant to a contract with a broadcaster or publisher located in this State, soliciting orders for tangible personal property by means of advertising which is disseminated primarily to consumers located in this State and only secondarily to bordering jurisdictions;

4. soliciting orders for tangible personal property by mail if the solicitations are substantial and recurring and if the retailer benefits from any banking, financing, debt collection, telecommunication, or marketing activities occurring in this State or benefits from the location in this State of authorized installation, servicing, or repair facilities;

5. being owned or controlled by the same interests which own or control any retailer engaging in business in the same or similar line of business in this State;

6. having a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this Section;

7. pursuant to a contract with a cable television operator located in this State, soliciting orders for tangible personal property by means of advertising which is transmitted or distributed over a cable television system in this State; or

8. engaging in activities in Illinois, which activities in the state in which the supply business engaging in such activities is located would constitute maintaining a place of business in that state.

(Source: P.A. 92-484, eff. 8-23-01; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; revised 8-21-03.)

(35 ILCS 110/3-51)

Sec. 3-51. Motor vehicles; trailers; use as rolling stock definition.

(a) Through June 30, 2003, "use as rolling stock moving in interstate commerce" in subsection (b) of Section 3-45 means for motor vehicles, as defined in Section 1-46 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or

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terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof.

(b) On and after July 1, 2003 and through June 30, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (4) and (4a) of the definition of "sale of service" in Section 2 and subsection (b) of Section 3-45 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois shall not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips shall be included in total trips taken.

(c) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (4) and (4a) of the definition of "sale of service" in Section 2 and subsection (b) of Section 3-45 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased motor vehicles prior to July 1, 2004 shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that motor vehicle for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, motor vehicles that carry persons or property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the motor vehicle transports persons whose journeys or property whose shipments originate or terminate outside Illinois. The exemption for motor vehicles used as rolling stock moving in interstate commerce may be claimed only for motor vehicles whose gross vehicle weight rating exceeds 16,000 pounds. This definition applies to all property purchased for the purpose of being attached to those motor vehicles as a part thereof.

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(d) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (4) and (4a) of the definition of "sale of service" in Section 2 and subsection (b) of Section 3-45 occurs for trailers, as defined in Section 1-209 of the Illinois Vehicle Code, semitrailers as defined in Section 1-187 of the Illinois Vehicle Code, and pole trailers as defined in Section 1-161 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption for a trailer or trailers that will not be dedicated to a motor vehicle or group of motor vehicles shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased trailers prior to July 1, 2004 that are not dedicated to a motor vehicle or group of motor vehicles shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that trailer for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, trailers, semitrailers, or pole trailers that carry property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the trailers, semitrailers, or pole trailers transport property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those trailers, semitrailers, or pole trailers as a part thereof. In lieu of a person providing documentation regarding the qualifying use of each individual trailer, semitrailer, or pole trailer, that person may document such qualifying use by providing documentation of the following:

(1) If a trailer, semitrailer, or pole trailer is dedicated to a motor vehicle that qualifies as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(2) If a trailer, semitrailer, or pole trailer is dedicated to a group of motor vehicles that all qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then that

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trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(3) If one or more trailers, semitrailers, or pole trailers are dedicated to a group of motor vehicles and not all of those motor vehicles in that group qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then the percentage of those trailers, semitrailers, or pole trailers that qualifies as rolling stock moving in interstate commerce under this subsection is equal to the percentage of those motor vehicles in that group that qualify as rolling stock moving in interstate commerce under subsection (c) of this Section to which those trailers, semitrailers, or pole trailers are dedicated. However, to determine the qualification for the exemption provided under this item (3), the mathematical application of the qualifying percentage to one or more trailers, semitrailers, or pole trailers under this subpart shall not be allowed as to any fraction of a trailer, semitrailer, or pole trailer.

(Source: P.A. 93-23, eff. 6-20-03.)

Section 20. The Service Occupation Tax Act is amended by changing Sections 2 and 2d as follows:

(35 ILCS 115/2) (from Ch. 120, par. 439.102)

Sec. 2. "Transfer" means any transfer of the title to property or of the ownership of property whether or not the transferor retains title as security for the payment of amounts due him from the transferee.

"Cost Price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier. When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him by his or her subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, and any receiver, executor, trustee, guardian or other representative appointed by order of any court.

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"Sale of Service" means any transaction except:

(a) A retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act.

(b) A sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act.

(c) Except as hereinafter provided, a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes.

(d) A sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to interstate carriers for hire for use as rolling stock moving in interstate commerce, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(d-1) A sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(d-1.1) On and after July 1, 2003 and through June 30, 2004, a sale or transfer of a motor vehicle of the second division with a gross vehicle weight in excess of 8,000 pounds as an incident to the rendering of service if that motor vehicle is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of

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8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(d-2) The repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(d-3) A sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(d-4) Until January 1, 1997, a sale, by a registered serviceman paying tax under this Act to the Department, of special order printed materials delivered outside Illinois and which are not returned to this State, if delivery is made by the seller or agent of the seller, including an agent who causes the product to be delivered outside Illinois by a common carrier or the U.S. postal service.

(e) A sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property

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for wholesale or retail sale or lease, whether such sale or lease is made
directly by the manufacturer or by some other person, whether the
materials used in the process are owned by the manufacturer or some other
person, or whether such sale or lease is made apart from or as an incident
to the seller's engaging in a service occupation and the applicable tax is a
Service Occupation Tax or Service Use Tax, rather than Retailers' Occupation Tax or Use Tax.

(f) Until July 1, 2003, the sale or transfer of distillation machinery
and equipment, sold as a unit or kit and assembled or installed by the
retailer, which machinery and equipment is certified by the user to be used
only for the production of ethyl alcohol that will be used for consumption
as motor fuel or as a component of motor fuel for the personal use of such
user and not subject to sale or resale.

(g) At the election of any serviceman not required to be otherwise
registered as a retailer under Section 2a of the Retailers' Occupation Tax
Act, made for each fiscal year sales of service in which the aggregate
annual cost price of tangible personal property transferred as an incident to
the sales of service is less than 35% (75% in the case of servicemen
transferring prescription drugs or servicemen engaged in graphic arts
production) of the aggregate annual total gross receipts from all sales of
service. The purchase of such tangible personal property by the serviceman
shall be subject to tax under the Retailers' Occupation Tax Act and the Use
Tax Act. However, if a primary serviceman who has made the election
described in this paragraph subcontracts service work to a secondary
serviceman who has also made the election described in this paragraph, the
primary serviceman does not incur a Use Tax liability if the secondary
serviceman (i) has paid or will pay Use Tax on his or her cost price of any
tangible personal property transferred to the primary serviceman and (ii)
certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion
of a maintenance agreement is exempt from the tax imposed pursuant to
this Act.

Exemption (e) also includes machinery and equipment used in the
general maintenance or repair of such exempt machinery and equipment or
for in-house manufacture of exempt machinery and equipment. For the
purposes of exemption (e), each of these terms shall have the following
meanings: (1) "manufacturing process" shall mean the production of any
article of tangible personal property, whether such article is a finished
product or an article for use in the process of manufacturing or assembling

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a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the first operation or stage of production in the series, and shall not be deemed to end until the completion of the final product in the last operation or stage of production in the series; and further for purposes of exemption (e), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "assembling process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "machinery" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which require periodic replacement in the course of normal operation; but shall not include hand tools. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for wholesale or retail sale or lease. The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The purchaser of such machinery and equipment and tools without an active resale registration number shall furnish to the seller a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit.

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Except as provided in Section 2d of this Act, the rolling stock exemption applies to rolling stock used by an interstate carrier for hire, even just between points in Illinois, if such rolling stock transports, for hire, persons whose journeys or property whose shipments originate or terminate outside Illinois.

Any informal rulings, opinions or letters issued by the Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (e) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (c) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

"Serviceman" means any person who is engaged in the occupation of making sales of service.

"Sale at Retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act.

"Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.

(Source: P.A. 92-484, eff. 8-23-01; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; revised 8-21-03.)

(35 ILCS 115/2d)

Sec. 2d. Motor vehicles; trailers; use as rolling stock definition.

(a) Through June 30, 2003, "use as rolling stock moving in interstate commerce" in subsections (d) and (d-1) of the definition of "sale of service" in Section 2 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to

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all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof.

(b) On and after July 1, 2003 and through June 30, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (d) and (d-1) of the definition of "sale of service" in Section 2 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois will not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips will be included in total trips taken.

(c) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (d) and (d-1) of the definition of "sale of service" in Section 2 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased motor vehicles prior to July 1, 2004 shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that motor vehicle for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, motor vehicles that carry persons or property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the motor vehicle transports persons whose journeys or property whose shipments originate or terminate outside Illinois. The exemption for motor vehicles used as rolling stock moving in interstate commerce may be claimed only for motor vehicles whose gross vehicle weight rating exceeds 16,000 pounds. This definition applies to all property purchased for the purpose of being attached to those motor vehicles as a part thereof.

New matter indicated by italics - deletions by strikeout.
(d) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (d) and (d-1) of the definition of "sale of service" in Section 2 occurs for trailers, as defined in Section 1-209 of the Illinois Vehicle Code, semitrailers as defined in Section 1-187 of the Illinois Vehicle Code, and pole trailers as defined in Section 1-161 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption for a trailer or trailers that will not be dedicated to a motor vehicle or group of motor vehicles shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased trailers prior to July 1, 2004 that are not dedicated to a motor vehicle or group of motor vehicles shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that trailer for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, trailers, semitrailers, or pole trailers that carry property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the trailers, semitrailers, or pole trailers transport property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those trailers, semitrailers, or pole trailers as a part thereof. In lieu of a person providing documentation regarding the qualifying use of each individual trailer, semitrailer, or pole trailer, that person may document such qualifying use by providing documentation of the following:

(1) If a trailer, semitrailer, or pole trailer is dedicated to a motor vehicle that qualifies as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(2) If a trailer, semitrailer, or pole trailer is dedicated to a group of motor vehicles that all qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then that
trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(3) If one or more trailers, semitrailers, or pole trailers are dedicated to a group of motor vehicles and not all of those motor vehicles in that group qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then the percentage of those trailers, semitrailers, or pole trailers that qualifies as rolling stock moving in interstate commerce under this subsection is equal to the percentage of those motor vehicles in that group that qualify as rolling stock moving in interstate commerce under subsection (c) of this Section to which those trailers, semitrailers, or pole trailers are dedicated. However, to determine the qualification for the exemption provided under this item (3), the mathematical application of the qualifying percentage to one or more trailers, semitrailers, or pole trailers under this subpart shall not be allowed as to any fraction of a trailer, semitrailer, or pole trailer.

(Source: P.A. 93-23, eff. 6-20-03.)

Section 25. The Retailers' Occupation Tax Act is amended by changing Sections 2-5 and 2-51 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)
Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold

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mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Until July 1, 2003, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

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(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by

New matter indicated by italics - deletions by strikeout.
interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(12-5) On and after July 1, 2003 and through June 30, 2004, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to
the extent that the proceeds of the service charge are in fact turned over as
tips or as a substitute for tips to the employees who participate directly in
preparing, serving, hosting or cleaning up the food or beverage function
with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is
prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or
motor that receives the physical possession of the property in Illinois and
that transports the property, or shares with another common carrier in the
transportation of the property, out of Illinois on a standard uniform bill of
lading showing the seller of the property as the shipper or consignor of the
property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage
issued by the State of Illinois, the government of the United States of
America, or the government of any foreign country, and bullion.

(19) Until July 1 2003, oil field exploration, drilling, and
production equipment, including (i) rigs and parts of rigs, rotary rigs, cable
tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing
and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and
flow lines, (v) any individual replacement part for oil field exploration,
drilling, and production equipment, and (vi) machinery and equipment
purchased for lease; but excluding motor vehicles required to be registered
under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair
and replacement parts, both new and used, including that manufactured on
special order, certified by the purchaser to be used primarily for
photoprocessing, and including photoprocessing machinery and equipment
purchased for lease.

(21) Until July 1, 2003, coal exploration, mining, offhighway
hauling, processing, maintenance, and reclamation equipment, including
replacement parts and equipment, and including equipment purchased for
lease, but excluding motor vehicles required to be registered under the

(22) Fuel and petroleum products sold to or used by an air carrier,
certified by the carrier to be used for consumption, shipment, or storage in
the conduct of its business as an air common carrier, for a flight destined
for or returning from a location or locations outside the United States
without regard to previous or subsequent domestic stopovers.

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(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a

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State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the

New matter indicated by italics - deletions by strikeout.
school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(35-5) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

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(38) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff. 7-11-02; 92-680, eff. 7-16-02; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; revised 9-11-03.)

(35 ILCS 120/2-51)

Sec. 2-51. Motor vehicles; trailers; use as rolling stock definition.

(a) Through June 30, 2003, "use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof.

(b) On and after July 1, 2003 and through June 30, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock

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has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois shall not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips shall be included in total trips taken.

(c) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased motor vehicles prior to July 1, 2004 shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that motor vehicle for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, motor vehicles that carry persons or property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the motor vehicle transports persons whose journeys or property whose shipments originate or terminate outside Illinois. The exemption for motor vehicles used as rolling stock moving in interstate commerce may be claimed only for motor vehicles whose gross vehicle weight rating exceeds 16,000 pounds. This definition applies to all property purchased for the purpose of being attached to those motor vehicles as a part thereof.

(d) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 occurs for trailers, as defined in Section 1-209 of the Illinois Vehicle Code, semitrailers as defined in Section 1-187 of the Illinois Vehicle Code, and pole trailers as defined in Section 1-161 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption for a trailer or trailers that
will not be dedicated to a motor vehicle or group of motor vehicles shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased trailers prior to July 1, 2004 that are not dedicated to a motor vehicle or group of motor vehicles shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that trailer for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, trailers, semitrailers, or pole trailers that carry property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the trailers, semitrailers, or pole trailers transport property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those trailers, semitrailers, or pole trailers as a part thereof. In lieu of a person providing documentation regarding the qualifying use of each individual trailer, semitrailer, or pole trailer, that person may document such qualifying use by providing documentation of the following:

(1) If a trailer, semitrailer, or pole trailer is dedicated to a motor vehicle that qualifies as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(2) If a trailer, semitrailer, or pole trailer is dedicated to a group of motor vehicles that all qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(3) If one or more trailers, semitrailers, or pole trailers are dedicated to a group of motor vehicles and not all of those motor vehicles in that group qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then the percentage of those trailers, semitrailers, or pole trailers that qualifies as rolling stock moving in interstate commerce under this subsection is equal to the percentage of those motor vehicles in that group that qualify as rolling stock moving in interstate commerce under subsection (c) of this Section to which those trailers, semitrailers,
or pole trailers are dedicated. However, to determine the qualification for the exemption provided under this item (3), the mathematical application of the qualifying percentage to one or more trailers, semitrailers, or pole trailers under this subpart shall not be allowed as to any fraction of a trailer, semitrailer, or pole trailer.

(Source: P.A. 93-23, eff. 6-20-03.)

Section 30. The Illinois Vehicle Code is amended by changing Section 3-815.1 as follows:

(625 ILCS 5/3-815.1)

Sec. 3-815.1. Commercial distribution fee. Beginning July 1, 2003, in addition to any tax or fee imposed under this Code:

(a) Vehicles of the second division with a gross vehicle weight that exceeds 8,000 pounds and that incur any tax or fee under subsection (a) of Section 3-815 of this Code or subsection (a) of Section 3-818 of this Code, as applicable, and shall pay to the Secretary of State a commercial distribution fee, for each registration year, for the use of the public highways, State infrastructure, and State services, in an amount equal to: (i) for a registration year beginning on or after July 1, 2003 and before July 1, 2005, 36% of the taxes and fees incurred under subsection (a) of Section 3-815 of this Code, or subsection (a) of Section 3-818 of this Code, as applicable, rounded up to the nearest whole dollar; (ii) for a registration year beginning on or after July 1, 2005 and before July 1, 2006, 21.5% of the taxes and fees incurred under subsection (a) of Section 3-815 of this Code, or subsection (a) of Section 3-818 of this Code, as applicable, rounded up to the nearest whole dollar; and (iii) for a registration year beginning on or after July 1, 2006, 14.35% of the taxes and fees incurred under subsection (a) of Section 3-815 of this Code, or subsection (a) of Section 3-818 of this Code, as applicable, rounded up to the nearest whole dollar.

(b) Until June 30, 2004, vehicles of the second division with a gross vehicle weight of 8,000 pounds or less and that incur any tax or fee under subsection (a) of Section 3-815 of this Code or subsection (a) of Section 3-818 of this Code, as applicable, and have claimed the rolling stock exemption under the Retailers' Occupation Tax Act, Use Tax Act, Service Occupation Tax Act, or Service Use Tax Act shall pay to the Illinois

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Department of Revenue (or the Secretary of State under an intergovernmental agreement) a commercial distribution fee, for each registration year, for the use of the public highways, State infrastructure, and State services, in an amount equal to 36% of the taxes and fees incurred under subsection (a) of Section 3-815 of this Code or subsection (a) of Section 3-818 of this Code, as applicable, rounded up to the nearest whole dollar.

The fees paid under this Section shall be deposited by the Secretary of State into the General Revenue Fund.

(Source: P.A. 93-23, eff. 6-20-03; revised 10-9-03.)

Section 99. Effective date. This Act takes effect on July 1, 2004.


PUBLIC ACT 93-1034

(House Bill No. 1959)

AN ACT in relation to property.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Property Control Act is amended by adding Section 8.2 as follows:

(30 ILCS 605/8.2 new)

Sec. 8.2. Zeller Mental Health Center.

(a) Notwithstanding any other provision of this Act or any other law to the contrary, the administrator is authorized under this Section to sell the property formerly known as the George A. Zeller Mental Health Center located at 5407 North University Street, Peoria, Illinois to the property's current occupant, Illinois Central College, at a value of not less than the 2002 appraised value as determined by an independent appraiser selected by the Department of Central Management Services, adjusted by any customary amounts in commercial real estate transactions of this type, as negotiated and agreed upon by the Department of Central Management Services.

(b) The first $1,200,000 of the moneys received from the sale of real property under this Section shall be deposited into the Mental Health Transportation Fund. The balance of the moneys received from the sale of

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real property under this Section shall be deposited into the General Revenue Fund.

(c) The Mental Health Transportation Fund is created as a special fund in the State treasury. Subject to appropriation, moneys in the Fund shall be used by the Department of Human Services to pay for the costs of appropriately transporting and arranging the transportation of mental health patients to mental health facilities as well as transporting these patients between these facilities.

(d) Any agreement to sell the property formerly known as the George A. Zeller Mental Health Center under this Section shall be entered into no later than one year after the effective date of this amendatory Act of the 93rd General Assembly.

Section 10. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)
Sec. 5.625. The Mental Health Transportation Fund.
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1035
(Senate Bill No. 0073)

AN ACT concerning State Government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Administrative Procedure Act is amended by changing Sections 5-115, 5-120, and 5-125 as follows:

(5 ILCS 100/5-115) (from Ch. 127, par. 1005-115)
Sec. 5-115. Other action by the Joint Committee.
(a) If the Joint Committee determines that the adoption and effectiveness of a proposed rule, amendment, or repealer or portion of a proposed rule, amendment, or repealer by an agency would be objectionable under any of the standards for the Joint Committee's review specified in Section 5-100, 5-105, 5-110, 5-120, or 5-130 and would constitute a serious threat to the public interest, safety, or welfare, the Joint Committee may issue a statement to that effect at any time before the

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proposed rule, amendment, or repealer takes effect. The statement may be issued by the Joint Committee only upon the affirmative vote of three-fifths of the members appointed to the Joint Committee. The Joint Committee, however, may withdraw a statement within 180 days after it is issued upon the affirmative vote of a majority of the members appointed to the Joint Committee. A certified copy of each the statement and withdrawal shall be transmitted to the proposing agency and to the Secretary of State for publication in the next available issue of the Illinois Register.

(b) The proposed rule, amendment, or repealer or the portion of the proposed rule, amendment, or repealer to which the Joint Committee has issued a statement under subsection (a) shall not be accepted for filing by the Secretary of State nor take effect unless the statement is withdrawn or a joint resolution is passed as provided in subsection (c) for at least 180 days after receipt of the statement by the Secretary of State. The agency may not enforce or invoke for any reason a proposed rule, amendment, or repealer or any portion thereof that is prohibited from being filed by this subsection during this 180 day period.

(c) After the Joint Committee shall, as soon as practicable after the issuance of a statement under subsection (a), any member of the General Assembly may introduce in either house of the General Assembly a joint resolution stating that the General Assembly desires to discontinue the prohibition against the proposed rule, amendment, or repealer or the portion thereof to which the statement was issued being filed and taking effect. The joint resolution shall, immediately following its first reading, be placed on the calendar for consideration in each house of the General Assembly without reference to a standing committee. If the joint resolution is not passed by both houses of the General Assembly within the 180 days after receipt of the statement by the Secretary of State or the statement is not withdrawn as provided in subsection (a) day period provided in subsection (b), the agency shall be prohibited from filing the proposed rule, amendment, or repealer or the portion thereof and the proposed rule, amendment, or repealer or the portion thereof shall not take effect. The Secretary of State shall not accept for filing the proposed rule, amendment, or repealer or the portion thereof with respect to which the Joint Committee has issued a statement under subsection (a) unless that statement is withdrawn or a joint resolution is passed as provided in this subsection. that the General Assembly has prohibited the agency from filing as provided in this subsection. If the 180-day period

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provided in subsection (b) expires before passage of the joint resolution, the agency may not file the proposed rule, amendment, or repealer or the portion thereof as adopted and it shall not take effect.

(d) If a statement is issued under this Section, then, in response to an objection or suggestion of the Joint Committee, the agency may propose changes to the proposed rule, amendment, or repealer or portion of a proposed rule, amendment, or repealer. If the agency proposes changes, it must provide additional notice to the Joint Committee under the same terms and conditions and shall be subject to the same requirements and limitations as those set forth for a second notice period under subsection (c) of Section 5-40.

(Source: P.A. 87-823; 88-667, eff. 9-16-94.)

(5 ILCS 100/5-120) (from Ch. 127, par. 1005-120)

Sec. 5-120. Responsibilities of the Joint Committee with respect to emergency, peremptory, and other existing rules.

(a) The Joint Committee may examine any rule to determine whether the rule is within the statutory authority upon which it is based and whether the rule is in proper form.

(b) If the Joint Committee objects to a rule, it shall, within 5 days of the objection, certify the fact to the adopting agency and include within the certification a statement of its specific objections.

(c) Within 90 days after receiving the certification, the agency shall do one of the following:

(1) Notify the Joint Committee that it has elected to amend the rule to meet the Joint Committee's objection.

(2) Notify the Joint Committee that it has elected to repeal the rule.

(3) Notify the Joint Committee that it refuses to amend or repeal the rule.

(d) If the agency elects to amend a rule to meet the Joint Committee's objections, it shall notify the Joint Committee in writing and shall initiate rulemaking procedures for that purpose by giving notice as required by Section 5-35. The Joint Committee shall give priority to rules so amended when setting its agenda.

(e) If the agency elects to repeal a rule as a result of the Joint Committee's objections, it shall notify the Joint Committee in writing of its election and shall initiate rulemaking procedures for that purpose by giving notice as required by Section 5-35.

New matter indicated by italics - deletions by strikeout.
(f) If the agency elects to amend or repeal a rule as a result of the Joint Committee's objections, it shall complete the process within 180 days after giving notice in the Illinois Register.

(g) Failure of the agency to respond to the Joint Committee's objections to a rule within the time prescribed in subsection (c) shall constitute a refusal to amend or repeal the rule.

(h) If an agency refuses to amend or repeal a rule to remedy an objection stated by the Joint Committee, it shall notify the Joint Committee in writing of its refusal and shall submit a notice of refusal to the Secretary of State. The notice shall be published in the next available issue of the Illinois Register. If the Joint Committee, in response to an agency refusal, decides to suspend the rule, then it may do so pursuant to Section 5-125. recommend legislative action, then the Joint Committee shall have drafted and introduced into either house of the General Assembly appropriate legislation to implement the recommendations of the Joint Committee.

(Source: P.A. 87-823; 88-667, eff. 9-16-94.)

(5 ILCS 100/5-125) (from Ch. 127, par. 1005-125)

Sec. 5-125. Other Joint Committee action with respect to emergency or peremptory rulemaking.

(a) If the Joint Committee determines that a rule or portion of a rule adopted under Section 5-45 or 5-50 is objectionable under any of the standards for the Joint Committee's review specified in Section 5-100, 5-105, 5-110, 5-120, or 5-130 and constitutes a serious threat to the public interest, safety, or welfare, the Joint Committee may issue a statement to that effect. The statement may be issued by the Joint Committee only upon the affirmative vote of three-fifths of the members appointed to the Joint Committee. The Joint Committee, however, may withdraw a statement within 180 days after it is issued upon the affirmative vote of a majority of the members appointed to the Joint Committee. A certified copy of each the statement and withdrawal shall be transmitted to the affected agency and to the Secretary of State for publication in the next available issue of the Illinois Register. Within 30 days of transmittal of the statement to the agency, the agency shall notify the Joint Committee in writing whether it has elected to repeal or amend the rule. Failure of the agency to notify the Joint Committee and Secretary of State within 30 days constitutes a decision by the agency to not repeal the rule.

(b) The effectiveness of the rule or the portion of a rule shall be suspended immediately for at least 180 days upon receipt of the certified

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statement by the Secretary of State. The Secretary of State shall indicate the suspension prominently and clearly on the face of the affected rule or the portion of a rule filed in the Office of the Secretary of State. Rules or portions of rules suspended under this subsection shall not become effective again unless the statement is withdrawn as provided in subsection (a) or unless within upon the expiration of 180 days from receipt of the statement by the Secretary of State, if the General Assembly discontinues does not continue the suspension by joint resolution under subsection (c). The agency may not enforce, or invoke for any reason, a rule or portion of a rule that has been suspended under this subsection. During the 180-day 180 day period, the agency may not file, nor may the Secretary of State accept for filing, any rule that (i) has having substantially the same purpose and effect as rules or portions of rules suspended under this subsection or (ii) does not substantially address the statement issued under subsection (a), except as otherwise provided in this Section.

(c) After The Joint Committee shall, as soon as practicable after the issuance of a statement under subsection (a), any member of the General Assembly may introduce in either house of the General Assembly a joint resolution stating that the General Assembly desires to discontinue continue the suspension of effectiveness of a rule or the portion of the rule to which the statement was issued. The joint resolution shall immediately following its first reading be placed on the calendar for consideration in each house of the General Assembly without reference to a standing committee. If the joint resolution is not passed by both houses of the General Assembly within the 180-day 180 day period provided in subsection (b) or the statement is not withdrawn, the rule or the portion of the rule shall be considered repealed and the Secretary of State shall immediately remove the rule or portion of a rule from the collection of effective rules.

(d) If a statement is issued under this Section, then, in response to an objection or suggestion of the Joint Committee, the agency may propose changes to the rule, amendment, or repealer or portion of a rule, amendment, or repealer. If the agency proposes changes, it must provide additional notice to the Joint Committee under the same terms and conditions and shall be subject to the same requirements and limitations as those set forth for a second notice period under subsection (c) of Section 5-40.

(Source: P.A. 87-823; 88-667, eff. 9-16-94.)

New matter indicated by italics - deletions by strikeout.
Section 10. The Illinois Procurement Code is amended by changing Section 30-30 as follows:

(30 ILCS 500/30-30)

Sec. 30-30. Contracts in excess of $250,000. For building construction contracts in excess of $250,000, separate specifications shall be prepared for all equipment, labor, and materials in connection with the following 5 subdivisions of the work to be performed:

(1) plumbing;
(2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and balancing of those systems;
(3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;
(4) electric wiring; and
(5) general contract work.

The specifications must be so drawn as to permit separate and independent bidding upon each of the 5 subdivisions of work. All contracts awarded for any part thereof shall award the 5 subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work, provided that all payments will be made directly to the contractors for the 5 subdivisions of work upon compliance with the conditions of the contract. A contract may be let for one or more buildings in any project to the same contractor. The specifications shall require, however, that unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for each or all of the buildings included in the specifications.

Until a date 2 years after the effective date of this amendatory Act of the 93rd General Assembly, the requirements of this Section do not apply to the construction of an Emergency Operations Center for the Illinois Emergency Management Agency if (i) the majority of the funding for the project is from federal funds, (ii) the bid of the successful bidder identifies the name of the subcontractor, if any, and the bid proposal costs for each of the 5 subdivisions of work set forth in this Section, and (iii) the contract entered into with the successful bidder provides that no identified

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subcontractor may be terminated without the written consent of the Capital Development Board.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1036
(Senate Bill No. 3000)

AN ACT concerning education, which may be referred to as the Education Reform and Accountability Act of 2004.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the School Employee Benefit Act.

Section 5. Purpose. The purpose of this Act is to require the Department of Central Management Services to establish and administer a prescription drug benefit program that will enable eligible school employees access to affordable prescription drugs.

Section 10. Definitions.
"Annuitant" means a retired school district employee entitled to receive retirement benefits, as defined by the school district.
"Department" means the Department of Central Management Services.
"Dependent" means a school district employee's dependent as defined by the school district.
"Director" means the Director of Central Management Services.
"Employee" means a school district employee who is entitled to benefits as defined by the school district.
"Rules" includes rules adopted and forms prescribed by the Department.
"School district" means a public school district in this State.

Section 15. Prescription drug benefits; contract.
(a) The Director shall, by contract, self-insurance, or otherwise, make available a voluntary program of prescription drug benefits for school districts under Section 15 of this Act. The contract or other

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arrangement for the provision of the prescription drug benefits shall be on terms deemed by the Director to be in the best interest of the State of Illinois and school districts based on criteria set by the Department, which must include without limitation administrative cost, service capabilities of the carrier or other contractors, and premiums, fees, or charges as related to the costs of the benefits.

(b) The term of a contract under this Section may not extend beyond 5 fiscal years. The Director may exercise renewal options of the same contract for up to a period of 5 years. Any increases in premiums, fees, or charges requested by a contractor whose contract may be renewed pursuant to a renewal option contained in the contract must be justified on the basis of (1) audited experience data, (2) increases in the costs of prescription drug coverage provided under the contract, (3) contractor performance, (4) increases in contractor responsibilities, or (5) any combination of these bases.

(c) A contractor shall agree to abide by all requirements and rules of the prescription drug benefit program, to submit such information and data as may from time to time be deemed necessary by the Director for effective administration of the program, and to fully cooperate in any audit.

Section 20. Prescription drug benefits; program.

(a) Beginning July 1, 2005, the Department shall be responsible for administering the prescription drug benefit program established under this Act for employees, annuitants, and dependents on a non-insured basis.

(b) For each program year, the Department shall set a date by which school districts must notify the Department of their election to participate in the prescription drug benefit program. The Department shall provide notification of the election date to school districts at least 45 days prior to the election date.

(c) Any school district may apply to the Director to have employees, annuitants, and dependents be provided a prescription drug benefit program under this Act. To participate, a school district must agree to enroll all of its employees. A participating school district is not required to enroll a full-time employee who has waived coverage under the district's health plan.

(d) The Director shall determine the insurance rates and premiums for those employees, annuitants, and dependents participating in the prescription drug benefit program. Rates and premiums may be based in part on age and eligibility for federal Medicare coverage.

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A school district must remit the entire cost of providing prescription drug coverage under this Section.

(e) All revenues arising from the administration of the prescription drug benefit program shall be deposited into general revenue funds.

(f) The prescription drug benefit program shall be maintained on an ongoing, affordable basis, and the cost to school districts shall not exceed the State's actual program costs. The prescription drug benefit program may be changed by the State and is not intended to be a pension or retirement benefit subject to protection under Section 5 of Article XIII of the Illinois Constitution.

Section 25. Pharmacy providers.

(a) The Department or its contractor may enter into a contract with a pharmacy registered or licensed under Section 16a of the Pharmacy Practice Act of 1987.

(b) Before entering into an agreement with other pharmacy providers, pursuant to Sections 15 and 20 of this Act, the Department or its contractor must by rule or contract establish terms or conditions that must be met by pharmacy providers desiring to contract with the Department or its contractor. If a pharmacy licensed under Section 15 of the Pharmacy Practice Act of 1987 rejects the terms and conditions established, the Department or its contractor may offer other terms and conditions necessary to comply with the network adequacy requirements.

(c) Notwithstanding the provisions of subsection (a) of this Section, the Department or its contractor may not refuse to contract with a pharmacy licensed under Section 15 of the Pharmacy Practice Act of 1987 that meets the terms and conditions established by the Department or its contractor under subsection (a) or (b) of this Section.

Section 85. The State Finance Act is amended by changing Section 13.5 as follows:

(30 ILCS 105/13.5)

Sec. 13.5. Appropriations for higher education.

(a) State appropriations to the State Board of Education, the Board of Trustees of Southern Illinois University, the Board of Trustees of the University of Illinois, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Illinois State University, the Board of Trustees of Governors State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, and the Board of Trustees of Western Illinois University for operations shall identify the

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amounts appropriated for personal services, State contributions to social security for Medicare, contractual services, travel, commodities, equipment, operation of automotive equipment, telecommunications, awards and grants, and permanent improvements.

(b) Within 120 days after the conclusion of each fiscal year, each State-supported institution of higher learning must provide, through the Illinois Board of Higher Education, a financial report to the Governor and General Assembly documenting the institution's revenues and expenditures of funds for that fiscal year ending June 30 for all funds.

(Source: P.A. 93-229, eff. 7-22-03.)

Section 90. The School Code is amended by changing Sections 1A-1, 1A-2.1, 1A-4, 2-3.6, 10-19, 10-20.21, 21-1b, 21-1c, 21-12, and 34-18 and by adding Sections 1A-10, 2-3.47a, 2-3.62a, and 3-14.30 and Article 28A as follows:

(105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)
Sec. 1A-1. Members and terms.
(a) (Blank). The term of each member of the State Board of Education who is in office on the effective date of this amendatory Act of 1996 shall terminate on January 1, 1997 or when all of the new members initially to be appointed under this amendatory Act of 1996 are appointed by the Governor as provided in subsection (b), whichever last occurs.

(b) The beginning on January 1, 1997 or when all of the new members initially to be appointed under this subsection are appointed by the Governor, whichever last occurs, and thereafter, the State Board of Education shall consist of 8 members and a chairperson, who shall be appointed by the Governor with the advice and consent of the Senate from a pattern of regional representation as follows: 2 appointees shall be selected from among those counties of the State other than Cook County and the 5 counties contiguous to Cook County; 2 appointees shall be selected from Cook County, one of whom shall be a resident of the City of Chicago and one of whom shall be a resident of that part of Cook County which lies outside the city limits of Chicago; 2 appointees shall be selected from among the 5 counties of the State that are contiguous to Cook County; and 3 members shall be selected as members-at-large (one of which shall be the chairperson). The Governor who takes office on the second Monday of January after his or her election shall be the person who nominates members to fill vacancies whose terms begin after that date and before the term of the next Governor begins.

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The term of each member of the State Board of Education whose term expires on January 12, 2005 shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. Of these 3 seats, (i) the member initially appointed pursuant to this amendatory Act of the 93rd General Assembly whose seat was vacant on April 27, 2004 shall serve until the second Wednesday of January, 2009 and (ii) the other 2 members initially appointed pursuant to this amendatory Act of the 93rd General Assembly shall serve until the second Wednesday of January, 2007.

The term of the member of the State Board of Education whose seat was vacant on April 27, 2004 and whose term expires on January 10, 2007 shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. The member initially appointed pursuant to this amendatory Act of the 93rd General Assembly to fill this seat shall be the chairperson and shall serve until the second Wednesday of January, 2007.

The term of the member of the State Board of Education whose seat was vacant on May 28, 2004 but after April 27, 2004 and whose term expires on January 10, 2007 shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. The member initially appointed pursuant to this amendatory Act of the 93rd General Assembly to fill this seat shall serve until the second Wednesday of January, 2007.

The term of the other member of the State Board of Education whose term expires on January 10, 2007 shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. The member initially appointed pursuant to this amendatory Act of the 93rd General Assembly to fill this seat shall serve until the second Wednesday of January, 2007.

The term of the member of the State Board of Education whose term expires on January 14, 2009 and who was selected from among the 5 counties of the State that are contiguous to Cook County and is a resident of Lake County shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. The member initially appointed pursuant to this amendatory Act of the 93rd General Assembly to fill this seat shall serve until the second Wednesday of January, 2009. At no time may more than 5 members of the Board be from one political party. Party membership is defined as having voted in the primary of the party in the last primary before appointment. The 9 members initially

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appointed pursuant to this amendatory Act of 1996 shall draw lots to
determine 3 of their number who shall serve until the second Wednesday
of January, 2003, 3 of their number who shall serve until the second
Wednesday of January, 2001, and 3 of their number who shall serve until
the second Wednesday of January, 1999.

Upon expiration of the terms of the members initially appointed
under this amendatory Act of the 93rd General Assembly and members
whose terms were not terminated by this amendatory Act of the 93rd
General Assembly 1996, their respective successors shall be appointed for
terms of 4 years, from the second Wednesday in January of each odd
numbered year and until their respective successors are appointed and
qualified.

(c) Of the 4 members, excluding the chairperson, whose terms
expire on the second Wednesday of January, 2007 and every 4 years
thereafter, one of those members must be an at-large member and at no
time may more than 2 of those members be from one political party. Of the
4 members whose terms expire on the second Wednesday of January, 2009
and every 4 years thereafter, one of those members must be an at-large
member and at no time may more than 2 of those members be from one
political party. Party membership is defined as having voted in the
primary of the party in the last primary before appointment.

(d) Vacancies in terms shall be filled by appointment by the
Governor with the advice and consent of the Senate for the extent of the
unexpired term. If a vacancy in membership occurs at a time when the
Senate is not in session, the Governor shall make a temporary appointment
until the next meeting of the Senate, when the Governor shall appoint a
person to fill that membership for the remainder of its term. If the Senate
is not in session when appointments for a full term are made, the
appointments shall be made as in the case of vacancies.

(Source: P.A. 89-610, eff. 8-6-96.)

(105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)
Sec. 1A-2.1. Vacancies. The Governor may remove for
incompetence, neglect of duty, or malfeasance in office any member of the
State Board of Education. A vacancy also exists on the State Board of
Education when one or more of the following events occur:

1. A member dies.
2. A member files a written resignation with the Governor.
3. A member is adjudicated to be a person under legal disability
   under the Probate Act of 1975, as amended, or a person subject to

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involuntary admission under the Mental Health and Developmental Disabilities Code.

4. A member ceases to be a resident of the region judicial district from which he or she was appointed.

5. A member is convicted of an infamous crime; or of any offense involving a violation of his or her duties under this Code Act;

6. A member fails to maintain the qualifications stated in Section 1A-2 of this Code Act.

(Source: P.A. 83-706.)

(105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

Sec. 1A-4. Powers and duties of the Board.

A. (Blank). Upon the appointment of new Board members as provided in subsection (b) of Section 1A-1 and every 2 years thereafter, the chairperson of the Board shall be selected by the Governor, with the advice and consent of the Senate, from the membership of the Board to serve as chairperson for 2 years.

B. The Board shall determine the qualifications of and appoint a chief education officer, to be known as the State Superintendent of Education, who may be proposed by the Governor and who shall serve at the pleasure of the Board and pursuant to a performance-based contract linked to statewide student performance and academic improvement within Illinois schools. Upon expiration or buyout of the contract of the State Superintendent of Education in office on the effective date of this amendatory Act of the 93rd General Assembly, a State Superintendent of Education shall be appointed by a State Board of Education that includes the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory Act of the 93rd General Assembly. Thereafter, a State Superintendent of Education must, at a minimum, be appointed at the beginning of each term of a Governor after that Governor has made appointments to the Board. A performance-based contract issued for the employment of a State Superintendent of Education entered into on or after the effective date of this amendatory Act of the 93rd General Assembly must expire no later than February 1, 2007, and subsequent contracts must expire no later than February 1 each 4 years thereafter. No contract shall be for a term longer than 3 years and no contract shall be extended or renewed beyond February 1, 2007 and February 1 each 4 years thereafter, but a State Superintendent of Education shall serve until his or her successor is appointed prior to its scheduled expiration unless the performance and improvement goals

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contained in the contract have been met. Each contract entered into on or before January 8, 2007 with a State Superintendent of Education must provide that the State Board of Education may terminate the contract for cause, and the State Board of Education shall not thereafter be liable for further payments under the contract. With regard to this amendatory Act of the 93rd General Assembly, it is the intent of the General Assembly that, beginning with the Governor who takes office on the second Monday of January, 2007, a State Superintendent of Education be appointed at the beginning of each term of a Governor after that Governor has made appointments to the Board. The State Superintendent of Education shall not serve as a member of the State Board of Education. The Board shall set the compensation of the State Superintendent of Education who shall serve as the Board's chief executive officer. The Board shall also establish the duties, powers and responsibilities of the State Superintendent, which shall be included in the State Superintendent's performance-based contract along with the goals and indicators of student performance and academic improvement used to measure the performance and effectiveness of the State Superintendent. The State Board of Education may delegate to the State Superintendent of Education the authority to act on the Board's behalf, provided such delegation is made pursuant to adopted board policy or the powers delegated are ministerial in nature. The State Board may not delegate authority under this Section to the State Superintendent to (1) nonrecognize school districts, (2) withhold State payments as a penalty, or (3) make final decisions under the contested case provisions of the Illinois Administrative Procedure Act unless otherwise provided by law.

C. The powers and duties of the State Board of Education shall encompass all duties delegated to the Office of Superintendent of Public Instruction on January 12, 1975, except as the law providing for such powers and duties is thereafter amended, and such other powers and duties as the General Assembly shall designate. The Board shall be responsible for the educational policies and guidelines for public schools, pre-school through grade 12 and Vocational Education in the State of Illinois. The Board shall analyze the present and future aims, needs, and requirements of education in the State of Illinois and recommend to the General Assembly the powers which should be exercised by the Board. The Board shall recommend the passage and the legislation necessary to determine the appropriate relationship between the Board and local boards of education and the various State agencies and shall recommend desirable modifications in the laws which affect schools.

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D. Two members of the Board shall be appointed by the chairperson to serve on a standing joint Education Committee, 2 others shall be appointed from the Board of Higher Education, 2 others shall be appointed by the chairperson of the Illinois Community College Board, and 2 others shall be appointed by the chairperson of the Human Resource Investment Council. The Committee shall be responsible for making recommendations concerning the submission of any workforce development plan or workforce training program required by federal law or under any block grant authority. The Committee will be responsible for developing policy on matters of mutual concern to elementary, secondary and higher education such as Occupational and Career Education, Teacher Preparation and Certification, Educational Finance, Articulation between Elementary, Secondary and Higher Education and Research and Planning. The joint Education Committee shall meet at least quarterly and submit an annual report of its findings, conclusions, and recommendations to the State Board of Education, the Board of Higher Education, the Illinois Community College Board, the Human Resource Investment Council, the Governor, and the General Assembly. All meetings of this Committee shall be official meetings for reimbursement under this Act.

E. Five members of the Board shall constitute a quorum. A majority vote of the members appointed, confirmed and serving on the Board is required to approve any action, except that the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory act of the 93rd General Assembly may vote to approve actions when appointed and serving.

The Board shall prepare and submit to the General Assembly and the Governor on or before January 14, 1976 and annually thereafter a report or reports of its findings and recommendations. Such annual report shall contain a separate section which provides a critique and analysis of the status of education in Illinois and which identifies its specific problems and recommends express solutions therefor. Such annual report also shall contain the following information for the preceding year ending on June 30: each act or omission of a school district of which the State Board of Education has knowledge as a consequence of scheduled, approved visits and which constituted a failure by the district to comply with applicable State or federal laws or regulations relating to public education, the name of such district, the date or dates on which the State Board of Education notified the school district of such act or omission, and what action, if any, the school district took with respect thereto after being notified thereof by

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the State Board of Education. The report shall also include the statewide high school dropout rate by grade level, sex and race and the annual student dropout rate of and the number of students who graduate from, transfer from or otherwise leave bilingual programs. The Auditor General shall annually perform a compliance audit of the State Board of Education's performance of the reporting duty imposed by this amendatory Act of 1986. A regular system of communication with other directly related State agencies shall be implemented.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Council, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

F. Upon appointment of the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory Act of the 93rd General Assembly, the Board shall review all of its current rules in an effort to streamline procedures, improve efficiency, and eliminate unnecessary forms and paperwork.

(Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96; 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

(105 ILCS 5/1A-10 new)

Sec. 1A-10. Divisions of Board. The State Board of Education shall, before April 1, 2005, create divisions within the Board, including without limitation the following:

(1) Teaching and Learning Services for All Children.
(2) School Support Services for All Schools.
(3) Fiscal Support Services.
(4) Special Education Services.
(5) Internal Auditor.
(6) Human Resources.

The State Board of Education may, after consultation with the General Assembly, add any divisions or functions to the Board that it deems appropriate and consistent with Illinois law.

(105 ILCS 5/2-3.6) (from Ch. 122, par. 2-3.6)
Sec. 2-3.6. Rules and policies. To make rules, in accordance with the Illinois Administrative Procedure Act, that are necessary to carry into efficient and uniform effect all laws for establishing and maintaining free schools in the State. The State Board of Education may not adopt any rule or policy that alters the intent of the authorizing law or that supersedes federal or State law. The Board may not make policies affecting school districts that have the effect of rules without following the procedures of the Illinois Administrative Procedure Act.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/2-3.47a new)

Sec. 2-3.47a. Strategic plan.

(a) The State Board of Education shall develop and maintain a continuing 5-year comprehensive strategic plan for elementary and secondary education. The strategic plan shall include without limitation all of the following topic areas:

1. Service and support to school districts to improve student performance.
2. Equity, adequacy, and predictability of educational opportunities and resources for all schools.
3. Program development and improvements, including financial planning and support services.
4. Efficient means of delivering services to schools on a regional basis.
5. Assistance to students at risk of academic failure and the use of proven support programs and services to close the achievement gap.
6. Educational research and development and access and training in the use of a centralized student achievement data system.
7. Recommendations for streamlining the School Code to eliminate laws that interfere with local control, taking into account those foundational standards that have already been established.
8. Streamlining certification of teachers and administrators to provide quality personnel and ongoing professional development.
9. Support services to enhance the capacity of school districts to meet federal and State statutory standards.
10. Enhanced technology for use in administration, classroom, and nontraditional educational settings.

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(11) Recognition of successful, exemplary schools.
(12) The unique needs of rural school districts.
(13) School reorganization issues.
(14) Attraction and retention of qualified teachers.
(15) Additional duties that should be assigned to regional offices of education and regional administrative service centers to support local control of school districts and eliminate any duplication and inefficiency.

The State Board of Education shall consult with the educational community, hold public hearings, and receive input from all interested groups in drafting the strategic plan.

(b) To meet the requirements of this Section, the State Board of Education shall issue to the Governor and General Assembly a preliminary report within 6 months after the effective date of this amendatory Act of the 93rd General Assembly and a final 5-year strategic plan within one year after the effective date of this amendatory Act of the 93rd General Assembly. Thereafter, the strategic plan shall be updated and issued to the Governor and General Assembly on or before July 1 of each year.

(105 ILCS 5/2-3.62a new)

Sec. 2-3.62a. Regional services. The State Board of Education is granted the power to provide the following regional services, either through a regional administrative technology center or otherwise:

1. Coordinate the delivery of educational resources and support services statewide, including assistance in complying with State and federal law.

2. Issue annual report cards, in conjunction with school report cards under Section 10-17a of this Code and in cooperation with school districts, for regional offices of education, grading without limitation all of the following:

   (A) The efficiency and effectiveness of school districts served resulting from technical assistance and program support.

   (B) The regional delivery of quality services.

   (C) School district satisfaction.

   (D) Delivery of support services that enhance student performance.

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(3) Direct services provided to assist schools designated as not meeting Illinois learning and federal student performance standards.

(4) Support programs and services to close the achievement gap.

(5) Assist school districts in pooling administrative or other services and facilitate cooperation among school districts that may be able to achieve economies of scale through shared services. The State Board of Education may exercise this power in cooperation with regional superintendents of schools. The State Board shall not have the power to require a school district to enter into a shared service agreement.

(105 ILCS 5/3-14.30 new)

Sec. 3-14.30. Grant applications. To assist and support school districts with the preparation and submission of grant applications.

(105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

Sec. 10-19. Length of school term - experimental programs. Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to insure 176 days of actual pupil attendance, computable under Section 18-8.05, except that for the 1980-1981 school year only 175 days of actual pupil attendance shall be required because of the closing of schools pursuant to Section 24-2 on January 29, 1981 upon the appointment by the President of that day as a day of thanksgiving for the freedom of the Americans who had been held hostage in Iran. Any days allowed by law for teachers' institute but not used as such or used as parental institutes as provided in Section 10-22.18d shall increase the minimum term by the school days not so used. Except as provided in Section 10-19.1, the board may not extend the school term beyond such closing date unless that extension of term is necessary to provide the minimum number of computable days. In case of such necessary extension school employees shall be paid for such additional time on the basis of their regular contracts. A school board may specify a closing date earlier than that set on the annual calendar when the schools of the district have provided the minimum number of computable days under this Section. Nothing in this Section prevents the board from employing superintendents of schools, principals and other nonteaching personnel for a period of 12 months, or in the case of superintendents for a period in accordance with Section 10-23.8, or prevents the board from employing

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other personnel before or after the regular school term with payment of salary proportionate to that received for comparable work during the school term.

A school board may make such changes in its calendar for the school term as may be required by any changes in the legal school holidays prescribed in Section 24-2. A school board may make changes in its calendar for the school term as may be necessary to reflect the utilization of teachers' institute days as parental institute days as provided in Section 10-22.18d.

The calendar for the school term and any changes must be submitted to and approved by the regional superintendent of schools before the calendar or changes may take effect.

With the prior approval of the State Board of Education and subject to review by the State Board of Education every 3 years, any school board may, by resolution of its board and in agreement with affected exclusive collective bargaining agents, establish experimental educational programs, including but not limited to programs for self-directed learning or outside of formal class periods, which programs when so approved shall be considered to comply with the requirements of this Section as respects numbers of days of actual pupil attendance and with the other requirements of this Act as respects courses of instruction.

(Source: P.A. 91-96, eff. 7-9-99.)

(105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)
Sec. 10-20.21. Contracts.

(a) To award all contracts for purchase of supplies, materials or work or contracts with private carriers for transportation of pupils involving an expenditure in excess of $10,000 to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, after due advertisement, except the following:

(i) contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; (ii) contracts for the printing of finance committee reports and departmental reports; (iii) contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness; (iv) contracts for the purchase of perishable foods and perishable beverages; (v) contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price; (vi) contracts for

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the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent; (vii) purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services; (viii) contracts for duplicating machines and supplies; (ix) contracts for the purchase of natural gas when the cost is less than that offered by a public utility; (x) purchases of equipment previously owned by some entity other than the district itself; (xi) contracts for repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed $20,000 and not involving a change or increase in the size, type, or extent of an existing facility; (xii) contracts for goods or services procured from another governmental agency; (xiii) contracts for goods or services which are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone or telegraph; and (xiv) where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the board; and (xv) State master contracts authorized under Article 28A of this Code.

All competitive bids for contracts involving an expenditure in excess of $10,000 must be sealed by the bidder and must be opened by a member or employee of the school board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days' notice of the time and place of the bid opening. For purposes of this Section due advertisement includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district, or if no newspaper is published in the district, in a newspaper of general circulation in the area of the district. State master contracts and certified education purchasing contracts, as defined in Article 28A of this Code, are not subject to the requirements of this paragraph.

(b) To require, as a condition of any contract for goods and services, that persons bidding for and awarded a contract and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as

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defined in Section 2 of the Use Tax Act. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (b), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (b), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

To require that bids and contracts include a certification by the bidder or contractor that the bidder or contractor is not barred from bidding for or entering into a contract under this Section and that the bidder or contractor acknowledges that the school board may declare the contract void if the certification completed pursuant to this subsection (b) is false.

(c) If the State education purchasing entity creates a master contract as defined in Article 28A of this Code, then the State education purchasing entity shall notify school districts of the existence of the master contract.

(d) In purchasing supplies, materials, equipment, or services that are not subject to subsection (c) of this Section, before a school district solicits bids or awards a contract, the district may review and consider as a bid under subsection (a) of this Section certified education purchasing contracts that are already available through the State education purchasing entity.

(Source: P.A. 93-25, eff. 6-20-03.)

(105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

Sec. 21-1b. Subject endorsement on certificates. All certificates initially issued under this Article after June 30, 1986, shall be specifically endorsed by the State Board of Education for each subject the holder of the certificate is legally qualified to teach, such endorsements to be made in accordance with standards promulgated by the State Board of Education in consultation with the State Teacher Certification Board. The regional superintendent of schools, however, has the duty, after appropriate training, to accept and review all transcripts for new initial certificate applications and ensure that each applicant has met all of the criteria.
established by the State Board of Education in consultation with the State Teacher Certification Board. All certificates which are issued under this Article prior to July 1, 1986 may, by application to the State Board of Education, be specifically endorsed for each subject the holder is legally qualified to teach. Endorsements issued under this Section shall not apply to substitute teacher's certificates issued under Section 21-9 of this Code.

Commencing July 1, 1999, each application for endorsement of an existing teaching certificate shall be accompanied by a $30 nonrefundable fee. There is hereby created a Teacher Certificate Fee Revolving Fund as a special fund within the State Treasury. The proceeds of each $30 fee shall be paid into the Teacher Certificate Fee Revolving Fund; and the moneys in that Fund shall be appropriated and used to provide the technology and other resources necessary for the timely and efficient processing of certification requests.

(Source: P.A. 91-102, eff. 7-12-99.)

(105 ILCS 5/21-1c) (from Ch. 122, par. 21-1c)
Sec. 21-1c. Exclusive certificate authority. Only the State Board of Education and State Teacher Certification Board, acting in accordance with the applicable provisions of this Act and the rules, regulations and standards promulgated thereunder, shall have the authority to issue or endorse any certificate required for teaching, supervising or holding certificated employment in the public schools; and no other State agency shall have any power or authority (i) to establish or prescribe any qualifications or other requirements applicable to the issuance or endorsement of any such certificate, or (ii) to establish or prescribe any licensure or equivalent requirement which must be satisfied in order to teach, supervise or hold certificated employment in the public schools. The regional superintendent of schools, however, has the duty, after appropriate training, to accept and review all transcripts for new initial certificate applications and ensure that each applicant has met all of the criteria established by the State Board of Education in consultation with the State Teacher Certification Board. This Section does not prohibit the State Board of Education, in consultation with the State Teacher Certification Board, from delegating to regional superintendents of schools the authority to grant temporary employment authorizations to teacher applicants whose qualifications have been confirmed by the State Board of Education, in consultation with the State Teacher Certification Board.

(Source: P.A. 91-102, eff. 7-12-99.)

(105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

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Sec. 21-12. Printing; Seal; Signature; Credentials. All certificates shall be printed by and bear the signatures of the chairman and of the secretary of the State Teacher Certification Board. Each certificate shall show the integrally printed seal of the State Teacher Certification Board. All college credentials offered as the basis of a certificate shall be presented to the secretary of the State Teacher Certification Board for inspection and approval. The regional superintendent of schools, however, has the duty, after appropriate training, to accept and review all transcripts for new initial certificate applications and ensure that each applicant has met all of the criteria established by the State Board of Education in consultation with the State Teacher Certification Board.

Commencing July 1, 1999, each application for a certificate or evaluation of credentials shall be accompanied by an evaluation fee of $30 payable to the State Superintendent of Education, which is not refundable, except that no application or evaluation fee shall be required for a Master Certificate issued pursuant to subsection (d) of Section 21-2 of this Code. The proceeds of each $30 fee shall be paid into the Teacher Certificate Fee Revolving Fund, created under Section 21-1b of this Code; and the moneys in that Fund shall be appropriated and used to provide the technology and other resources necessary for the timely and efficient processing of certification requests.

When evaluation verifies the requirements for a valid certificate, the applicant shall be issued an entitlement card that may be presented to a regional superintendent of schools for issuance of a certificate.

The applicant shall be notified of any deficiencies.

(Source: P.A. 91-102, eff. 7-12-99; 91-357, eff. 7-29-99.)

(105 ILCS 5/Art. 28A heading new)

ARTICLE 28A. Education Purchasing Program.

(105 ILCS 5/28A-5 new)

Sec. 28A-5. Definitions. In this Article:
"State Board" means the State Board of Education.
"Education purchasing contract" means a contract negotiated by the State Board, a local, State, or federal governmental entity, or a not-for-profit, for-profit, or cooperative entity that is certified under Section 28A-15 of this Code and made available to school districts.
"Master contract" means a contract designated as a statewide education master contract under Section 28A-15 of this Code.
"Program" means the education purchasing program created under this Article.

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Sec. 28A-10. Program created. The State Board shall create an education purchasing program. Under the program, the State Board shall designate itself or another entity to act as a State education purchasing entity to form and designate statewide education master contracts and to certify education purchasing contracts for key categories identified and defined by the State Board. The State education purchasing entity shall provide master contract and education purchasing contract information and pricing to school districts.

Sec. 28A-15. Powers of State education purchasing entity. The State education purchasing entity shall have all of the following powers:

1. To select vendors and form contracts in accordance with the State's purchasing laws.
2. To designate a contract as a statewide education master contract for purposes of subsection (c) of Section 10-20.21 of this Code.
3. To certify an education purchasing contract, provided that the contract was entered into according to procedures and conditions that conform to applicable State purchasing laws, for purposes of subsection (d) of Section 10-20.21 of this Code.
4. To facilitate the inter-district sale or transfer of excess inventory or equipment.
5. To select and subsidize e-procurement tools to be implemented within school districts.

Sec. 28A-20. Rules. The State Board or other State agency designated by the State Board may adopt rules to implement the program.

Sec. 34-18. Powers of the board. The board shall exercise general supervision and jurisdiction over the public education and the public school system of the city, and, except as otherwise provided by this Article, shall have power:

1. To make suitable provision for the establishment and maintenance throughout the year or for such portion thereof as it may direct, not less than 9 months, of schools of all grades and kinds, including normal schools, high schools, night schools, schools for defectives and delinquents, parental and truant schools, schools for the blind, the deaf and the crippled, schools or classes

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in manual training, constructural and vocational teaching, domestic arts and physical culture, vocation and extension schools and lecture courses, and all other educational courses and facilities, including establishing, equipping, maintaining and operating playgrounds and recreational programs, when such programs are conducted in, adjacent to, or connected with any public school under the general supervision and jurisdiction of the board; provided, however, that the calendar for the school term and any changes must be submitted to and approved by the State Board of Education before the calendar or changes may take effect, and provided that in allocating funds from year to year for the operation of all attendance centers within the district, the board shall ensure that supplemental general State aid funds are allocated and applied in accordance with Section 18-8 or 18-8.05. To admit to such schools without charge foreign exchange students who are participants in an organized exchange student program which is authorized by the board. The board shall permit all students to enroll in apprenticeship programs in trade schools operated by the board, whether those programs are union-sponsored or not. No student shall be refused admission into or be excluded from any course of instruction offered in the common schools by reason of that student's sex. No student shall be denied equal access to physical education and interscholastic athletic programs supported from school district funds or denied participation in comparable physical education and athletic programs solely by reason of the student's sex. Equal access to programs supported from school district funds and comparable programs will be defined in rules promulgated by the State Board of Education in consultation with the Illinois High School Association. Notwithstanding any other provision of this Article, neither the board of education nor any local school council or other school official shall recommend that children with disabilities be placed into regular education classrooms unless those children with disabilities are provided with supplementary services to assist them so that they benefit from the regular classroom instruction and are included on the teacher's regular education class register;

2. To furnish lunches to pupils, to make a reasonable charge therefor, and to use school funds for the payment of such expenses

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as the board may determine are necessary in conducting the school lunch program;

3. To co-operate with the circuit court;

4. To make arrangements with the public or quasi-public libraries and museums for the use of their facilities by teachers and pupils of the public schools;

5. To employ dentists and prescribe their duties for the purpose of treating the pupils in the schools, but accepting such treatment shall be optional with parents or guardians;

6. To grant the use of assembly halls and classrooms when not otherwise needed, including light, heat, and attendants, for free public lectures, concerts, and other educational and social interests, free of charge, under such provisions and control as the principal of the affected attendance center may prescribe;

7. To apportion the pupils to the several schools; provided that no pupil shall be excluded from or segregated in any such school on account of his color, race, sex, or nationality. The board shall take into consideration the prevention of segregation and the elimination of separation of children in public schools because of color, race, sex, or nationality. Except that children may be committed to or attend parental and social adjustment schools established and maintained either for boys or girls only. All records pertaining to the creation, alteration or revision of attendance areas shall be open to the public. Nothing herein shall limit the board's authority to establish multi-area attendance centers or other student assignment systems for desegregation purposes or otherwise, and to apportion the pupils to the several schools. Furthermore, beginning in school year 1994-95, pursuant to a board plan adopted by October 1, 1993, the board shall offer, commencing on a phased-in basis, the opportunity for families within the school district to apply for enrollment of their children in any attendance center within the school district which does not have selective admission requirements approved by the board. The appropriate geographical area in which such open enrollment may be exercised shall be determined by the board of education. Such children may be admitted to any such attendance center on a space available basis after all children residing within such attendance center's area have been accommodated. If the number of applicants from outside the attendance area exceed the space available, then successful

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applicants shall be selected by lottery. The board of education's open enrollment plan must include provisions that allow low income students to have access to transportation needed to exercise school choice. Open enrollment shall be in compliance with the provisions of the Consent Decree and Desegregation Plan cited in Section 34-1.01;

8. To approve programs and policies for providing transportation services to students. Nothing herein shall be construed to permit or empower the State Board of Education to order, mandate, or require busing or other transportation of pupils for the purpose of achieving racial balance in any school;

9. Subject to the limitations in this Article, to establish and approve system-wide curriculum objectives and standards, including graduation standards, which reflect the multi-cultural diversity in the city and are consistent with State law, provided that for all purposes of this Article courses or proficiency in American Sign Language shall be deemed to constitute courses or proficiency in a foreign language; and to employ principals and teachers, appointed as provided in this Article, and fix their compensation. The board shall prepare such reports related to minimal competency testing as may be requested by the State Board of Education, and in addition shall monitor and approve special education and bilingual education programs and policies within the district to assure that appropriate services are provided in accordance with applicable State and federal laws to children requiring services and education in those areas;

10. To employ non-teaching personnel or utilize volunteer personnel for: (i) non-teaching duties not requiring instructional judgment or evaluation of pupils, including library duties; and (ii) supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media such as computers, video, and audio, detention and discipline areas, and school-sponsored extracurricular activities. The board may further utilize volunteer non-certificated personnel or employ non-certificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher holding a valid certificate, directly engaged in teaching subject matter or conducting activities; provided that the teacher shall be continuously aware of the non-certificated persons' activities and

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shall be able to control or modify them. The general superintendent shall determine qualifications of such personnel and shall prescribe rules for determining the duties and activities to be assigned to such personnel;

10. To utilize volunteer personnel from a regional School Crisis Assistance Team (S.C.A.T.), created as part of the Safe to Learn Program established pursuant to Section 25 of the Illinois Violence Prevention Act of 1995, to provide assistance to schools in times of violence or other traumatic incidents within a school community by providing crisis intervention services to lessen the effects of emotional trauma on individuals and the community; the School Crisis Assistance Team Steering Committee shall determine the qualifications for volunteers;

11. To provide television studio facilities in not to exceed one school building and to provide programs for educational purposes, provided, however, that the board shall not construct, acquire, operate, or maintain a television transmitter; to grant the use of its studio facilities to a licensed television station located in the school district; and to maintain and operate not to exceed one school radio transmitting station and provide programs for educational purposes;

12. To offer, if deemed appropriate, outdoor education courses, including field trips within the State of Illinois, or adjacent states, and to use school educational funds for the expense of the said outdoor educational programs, whether within the school district or not;

13. During that period of the calendar year not embraced within the regular school term, to provide and conduct courses in subject matters normally embraced in the program of the schools during the regular school term and to give regular school credit for satisfactory completion by the student of such courses as may be approved for credit by the State Board of Education;

14. To insure against any loss or liability of the board, the former School Board Nominating Commission, Local School Councils, the Chicago Schools Academic Accountability Council, or the former Subdistrict Councils or of any member, officer, agent or employee thereof, resulting from alleged violations of civil rights arising from incidents occurring on or after September 5, 1967 or from the wrongful or negligent act or omission of any such

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person whether occurring within or without the school premises, provided the officer, agent or employee was, at the time of the alleged violation of civil rights or wrongful act or omission, acting within the scope of his employment or under direction of the board, the former School Board Nominating Commission, the Chicago Schools Academic Accountability Council, Local School Councils, or the former Subdistrict Councils; and to provide for or participate in insurance plans for its officers and employees, including but not limited to retirement annuities, medical, surgical and hospitalization benefits in such types and amounts as may be determined by the board; provided, however, that the board shall contract for such insurance only with an insurance company authorized to do business in this State. Such insurance may include provision for employees who rely on treatment by prayer or spiritual means alone for healing, in accordance with the tenets and practice of a recognized religious denomination;

15. To contract with the corporate authorities of any municipality or the county board of any county, as the case may be, to provide for the regulation of traffic in parking areas of property used for school purposes, in such manner as is provided by Section 11-209 of The Illinois Vehicle Code, approved September 29, 1969, as amended;

16. (a) To provide, on an equal basis, access to a high school campus and student directory information to the official recruiting representatives of the armed forces of Illinois and the United States for the purposes of informing students of the educational and career opportunities available in the military if the board has provided such access to persons or groups whose purpose is to acquaint students with educational or occupational opportunities available to them. The board is not required to give greater notice regarding the right of access to recruiting representatives than is given to other persons and groups. In this paragraph 16, "directory information" means a high school student's name, address, and telephone number.

(b) If a student or his or her parent or guardian submits a signed, written request to the high school before the end of the student's sophomore year (or if the student is a transfer student, by another time set by the high school) that indicates that the student or his or her parent or guardian does not want the student's

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directory information to be provided to official recruiting representatives under subsection (a) of this Section, the high school may not provide access to the student's directory information to these recruiting representatives. The high school shall notify its students and their parents or guardians of the provisions of this subsection (b).

(c) A high school may require official recruiting representatives of the armed forces of Illinois and the United States to pay a fee for copying and mailing a student's directory information in an amount that is not more than the actual costs incurred by the high school.

(d) Information received by an official recruiting representative under this Section may be used only to provide information to students concerning educational and career opportunities available in the military and may not be released to a person who is not involved in recruiting students for the armed forces of Illinois or the United States;

17. (a) To sell or market any computer program developed by an employee of the school district, provided that such employee developed the computer program as a direct result of his or her duties with the school district or through the utilization of the school district resources or facilities. The employee who developed the computer program shall be entitled to share in the proceeds of such sale or marketing of the computer program. The distribution of such proceeds between the employee and the school district shall be as agreed upon by the employee and the school district, except that neither the employee nor the school district may receive more than 90% of such proceeds. The negotiation for an employee who is represented by an exclusive bargaining representative may be conducted by such bargaining representative at the employee's request.

(b) For the purpose of this paragraph 17:

(1) "Computer" means an internally programmed, general purpose digital device capable of automatically accepting data, processing data and supplying the results of the operation.

(2) "Computer program" means a series of coded instructions or statements in a form acceptable to a

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computer, which causes the computer to process data in order to achieve a certain result.

(3) "Proceeds" means profits derived from marketing or sale of a product after deducting the expenses of developing and marketing such product;

18. To delegate to the general superintendent of schools, by resolution, the authority to approve contracts and expenditures in amounts of $10,000 or less;

19. Upon the written request of an employee, to withhold from the compensation of that employee any dues, payments or contributions payable by such employee to any labor organization as defined in the Illinois Educational Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the board shall transmit such withholdings to the specified labor organization within 10 working days from the time of the withholding;

19a. Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority by an employee of the Chicago Board of Education, to withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the Board deducts any amount from any salary or wage of an employee under this paragraph, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit

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Authority, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order. For purposes of this paragraph, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and "debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review;

20. The board is encouraged to employ a sufficient number of certified school counselors to maintain a student/counselor ratio of 250 to 1 by July 1, 1990. Each counselor shall spend at least 75% of his work time in direct contact with students and shall maintain a record of such time;

21. To make available to students vocational and career counseling and to establish 5 special career counseling days for students and parents. On these days representatives of local businesses and industries shall be invited to the school campus and shall inform students of career opportunities available to them in the various businesses and industries. Special consideration shall be given to counseling minority students as to career opportunities available to them in various fields. For the purposes of this paragraph, minority student means a person who is:

(a) Black (a person having origins in any of the black racial groups in Africa);

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(b) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race);
  (c) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or
  (d) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

Counseling days shall not be in lieu of regular school days;
22. To report to the State Board of Education the annual student dropout rate and number of students who graduate from, transfer from or otherwise leave bilingual programs;
23. Except as otherwise provided in the Abused and Neglected Child Reporting Act or other applicable State or federal law, to permit school officials to withhold, from any person, information on the whereabouts of any child removed from school premises when the child has been taken into protective custody as a victim of suspected child abuse. School officials shall direct such person to the Department of Children and Family Services, or to the local law enforcement agency if appropriate;
24. To develop a policy, based on the current state of existing school facilities, projected enrollment and efficient utilization of available resources, for capital improvement of schools and school buildings within the district, addressing in that policy both the relative priority for major repairs, renovations and additions to school facilities, and the advisability or necessity of building new school facilities or closing existing schools to meet current or projected demographic patterns within the district;
25. To make available to the students in every high school attendance center the ability to take all courses necessary to comply with the Board of Higher Education's college entrance criteria effective in 1993;
26. To encourage mid-career changes into the teaching profession, whereby qualified professionals become certified teachers, by allowing credit for professional employment in related fields when determining point of entry on teacher pay scale;
27. To provide or contract out training programs for administrative personnel and principals with revised or expanded
duties pursuant to this Act in order to assure they have the knowledge and skills to perform their duties;

28. To establish a fund for the prioritized special needs programs, and to allocate such funds and other lump sum amounts to each attendance center in a manner consistent with the provisions of part 4 of Section 34-2.3. Nothing in this paragraph shall be construed to require any additional appropriations of State funds for this purpose;

29. (Blank);

30. Notwithstanding any other provision of this Act or any other law to the contrary, to contract with third parties for services otherwise performed by employees, including those in a bargaining unit, and to layoff those employees upon 14 days written notice to the affected employees. Those contracts may be for a period not to exceed 5 years and may be awarded on a system-wide basis;

31. To promulgate rules establishing procedures governing the layoff or reduction in force of employees and the recall of such employees, including, but not limited to, criteria for such layoffs, reductions in force or recall rights of such employees and the weight to be given to any particular criterion. Such criteria shall take into account factors including, but not be limited to, qualifications, certifications, experience, performance ratings or evaluations, and any other factors relating to an employee's job performance;

32. To develop a policy to prevent nepotism in the hiring of personnel or the selection of contractors;

33. To enter into a partnership agreement, as required by Section 34-3.5 of this Code, and, notwithstanding any other provision of law to the contrary, to promulgate policies, enter into contracts, and take any other action necessary to accomplish the objectives and implement the requirements of that agreement; and

34. To establish a Labor Management Council to the board comprised of representatives of the board, the chief executive officer, and those labor organizations that are the exclusive representatives of employees of the board and to promulgate policies and procedures for the operation of the Council.

The specifications of the powers herein granted are not to be construed as exclusive but the board shall also exercise all other powers that they may be requisite or proper for the maintenance and the

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development of a public school system, not inconsistent with the other provisions of this Article or provisions of this Code which apply to all school districts.

In addition to the powers herein granted and authorized to be exercised by the board, it shall be the duty of the board to review or to direct independent reviews of special education expenditures and services. The board shall file a report of such review with the General Assembly on or before May 1, 1990.

(Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02; 92-724, eff. 7-25-02; 93-3, eff. 4-16-03.)

Section 95. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1037
(House Bill No. 0623)

AN ACT in relation to economic development.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by adding Section 18-181 as follows:

(35 ILCS 200/18-181 new)

Sec. 18-181. Abatement of neighborhood redevelopment corporation property. The county clerk shall abate the property taxes imposed on the property of a neighborhood redevelopment corporation as provided in Section 15-5 of the Neighborhood Redevelopment Corporation Law.

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Section 10. The Neighborhood Redevelopment Corporation Law is amended by changing Sections 3-11, 4, 15, and 17 and by adding Section 15-5 as follows:

(315 ILCS 20/3-11) (from Ch. 67 1/2, par. 253-11)

Sec. 3-11. "Slum and Blight Areas" means those urban districts in which the major portion of the housing is detrimental to the health, safety, morality or welfare of the occupants by reason of age, dilapidation, overcrowding, faulty arrangement, lack of ventilation, light or sanitation facilities, or any combination of these factors. In St. Clair County, "slum and blighted area" also means any area of not less in the aggregate than 2 acres located within the territorial limits of a municipality where buildings or improvements, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or layout or any combination of these factors, are detrimental to the public safety, health, morals, or welfare.

(Source: Laws 1947, p. 685.)

(315 ILCS 20/4) (from Ch. 67 1/2, par. 254)

Sec. 4. Creation and establishment of redevelopment commissions.

(a) Any city, village or incorporated town shall have the power to provide for the creation of a Redevelopment Commission to supervise and regulate Neighborhood Redevelopment Corporations organized pursuant to the provisions of this Act to operate within the boundaries of such city, village or incorporated town.

(1) Except as provided in subdivision (a)(2), such Redevelopment Commission shall consist of not less than three nor more than five members, one of which members shall be designated as its chairman, to be appointed by the mayor of the city, by and with the advice and consent of the city council of the city, or by the president of the village or incorporated town, as the case may be, by and with the advice and consent of the board of trustees of the village or incorporated town. Each member of the Redevelopment Commission shall hold office for a term of two years and until his successor shall be appointed and qualified. Any vacancy in the membership of the Redevelopment Commission occurring by reason of the death, resignation, disqualification, inability or refusal to act of any of the members thereof shall be filled by appointment by the mayor or president, as the case may be, by and with the advice and consent of the city council of the

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city or board of trustees of the village or incorporated town, as the case may be.

(2) In St. Clair County, the Redevelopment Commission shall consist of either 5 or 7 appointed members as determined by the mayor. The mayor and each member of the city council may nominate a person to fill each position on the Redevelopment Commission. The president of the village or incorporated town, as the case may be, and each member of the board of trustees of the village or incorporated town may nominate a person to fill each position on the Redevelopment Commission. Each nominee must be a person of recognized ability and experience in one or more of the following areas: economic development; finance; banking; industrial development; small business management; real estate development; community development; venture finance; organized labor; or civic, community, or neighborhood organization. A nominated person shall be appointed to the Redevelopment Commission only upon a majority vote of the city council or the board of trustees of the village or incorporated town, as the case may be. Only one person may fill each open position on the Redevelopment Commission. One of the appointed members shall be designated as the chairman of the Redevelopment Commission by a majority vote of the city council or the board of trustees of the village or incorporated town, as the case may be. Only one member may serve as chairman at any given time.

The initial terms of members of the Redevelopment Commission appointed under this subdivision (a)(2) shall be as follows: for a Commission consisting of 5 members: 2 terms for 3 years, 2 terms for 2 years, and one term for one year; for a Commission consisting of 7 members: 3 terms for 3 years, 3 terms for 2 years, and one term for 1 year. The length of the term of the first Commissioners shall be determined by lots at their first meeting. The initial terms of office of members who are to hold office shall continue until the July 1 that next follows the expiration of the respective periods from the date of the appointment of the member, and until his or her successor is appointed and qualified.

Each subsequent Commissioner appointed under this subdivision (a)(2) shall hold office for a term of 4 years and until his or her successor is appointed and qualified.

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The unexpired term of any vacancy in the membership of the Redevelopment Commission occurring by reason of the death, resignation, disqualification, inability, or refusal to act of any of the members thereof shall be filled in the same manner as the vacated position was filled.

In addition to the 5 or 7 appointed members, the Director of Commerce and Economic Opportunity, or his or her designee, and the Secretary of Transportation, or his or her designee, shall serve as ex officio non-voting members.

(b) No person holding stocks or Mortgages in any Neighborhood Redevelopment Corporation, or who is in any other manner directly or indirectly pecuniarily interested in such Neighborhood Redevelopment Corporation, or in the Development undertaken by it, shall be appointed as a member of, or be employed by, that Redevelopment Commission to whose supervision and regulation such Neighborhood Redevelopment Corporation is subject. If any such member or employee shall voluntarily become so interested his office or employment shall ipso facto become vacant. If any such member or employee becomes so interested otherwise than voluntarily he shall within ninety days divest himself of such interest and if he fails to do so his office or employment shall become vacant.

(c) The Redevelopment Commission shall have power, subject to the approval of the city council of the city, or of the president and the board of trustees of the village or incorporated town, as the case may be, to appoint a secretary and from time to time to employ such accountants, engineers, architects, experts, inspectors, clerks and other employees and fix their compensation.

(d) Each member of the Redevelopment Commission shall receive such salary as shall be fixed by the city council of the city, or by the president and the board of trustees of the village or incorporated town, as the case may be, and said city council or president and board of trustees shall have power to provide for the payment of the salaries of all members and the expenses of the Redevelopment Commission.

(Source: Laws 1941, vol. 1, p. 431.)

(315 ILCS 20/15) (from Ch. 67 1/2, par. 265)
Sec. 15. Taxation of Neighborhood Redevelopment Corporations.

Except as provided in Section 15-5, Neighborhood Redevelopment Corporations organized under this Act, notwithstanding their function in the Redevelopment of Slum and Blight or Conservation Areas, shall be subject to the same taxation, general and special, as to their assets, tangible

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and intangible, and as to their capital stock, as is imposed by law upon the assets and capital stock of private corporations for profit organized pursuant to the laws of this State.
(Source: Laws 1953, p. 1138.)

(315 ILCS 20/15-5 new)
Sec. 15-5. Property tax abatement; limitation.

(a) Once the requirements of this Section have been complied with, except as otherwise provided in this Section, the general real estate taxes imposed on the real property located in St. Clair County of a neighborhood redevelopment corporation or its immediate successor and acquired pursuant to this Law shall be abated for a period not in excess of 10 years after the date upon which the corporation becomes owner of that real property.

(b) General real estate taxes may be imposed and collected, however, to the extent and in the amount as may be imposed upon that real property during that period measured solely by the amount of the assessed valuation of the land, exclusive of improvements, acquired pursuant to this Law and owned by the neighborhood redevelopment corporation or its immediate successor, as was determined by the county, township, or multi-township assessor, for real estate taxes due and payable thereon during the calendar year preceding the calendar year during which the corporation acquired title to the real property. The assessed valuation shall not be increased during that period so long as the real property is owned by a neighborhood redevelopment corporation or its immediate successor and used in accordance with a development plan authorized by the Redevelopment Commission under this Law.

(c) If, however, the real property was exempt from general real estate taxes immediately prior to ownership by any neighborhood redevelopment corporation, the county, township, or multi-township assessor shall, upon acquisition of title by the neighborhood redevelopment corporation, promptly assess the land, exclusive of improvements, at a valuation that conforms to but does not exceed the assessed valuation made during the preceding calendar year of other land, exclusive of improvements, that is adjacent or in the same general neighborhood, and the amount of that assessed valuation shall not be increased during the period set pursuant to subsection (a) so long as the real property is owned by a neighborhood redevelopment corporation or its immediate successor and used in accordance with a development plan authorized by the Redevelopment Commission.

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(d) For the next ensuing period not in excess of 15 years, general real estate taxes upon that real property shall be abated in an amount not to exceed 50% of the taxes imposed by each taxing district so long as the real property is owned by a neighborhood redevelopment corporation or its immediate successor and used in accordance with an authorized development plan.

(e) After a period totaling not more than 25 years, the real property shall be subject to assessment and payment of all real estate taxes, based on the full fair cash value of the real property.

(f) The tax abatement authorized by this Section shall not become effective unless the governing body of the city, village, or incorporated town in which the property is located does all of the following:

(1) Furnishes each taxing district whose boundaries for real estate taxation purposes include any portion of the real property to be affected by the tax abatement with a written statement of the impact on real estate taxes the tax abatement will have on those taxing districts and written notice of the hearing to be held in accordance with subdivision (f)(2). The written statement and notice required by this subdivision (f)(1) shall be furnished as provided by local ordinance before the hearing and shall include, but need not be limited to, an estimate of the amount of real estate tax revenues of each taxing district that will be affected by the proposed tax abatement, based on the estimated assessed valuation of the real property involved as the property would exist before and after it is redeveloped.

(2) Conducts a public hearing regarding the tax abatement. At the hearing all taxing districts described in subdivision (f)(1) have the right to be heard on the grant of any tax abatement.

(3) Enacts an ordinance that provides for expiration of the tax abatement. The ordinance shall provide for a duration of time within which the real property must be acquired and may allow for acquisition of property under the plan in phases.

(g) Notwithstanding any other provision of law to the contrary, payments in lieu of taxes may be imposed by contract between a city, village, or incorporated town and a neighborhood redevelopment corporation or its immediate successor that receives a tax abatement on property pursuant to this Section. The payments shall be made to the county collector of the county by December 31 of each year payments are due. The governing body of the city, village, or incorporated town shall

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furnish the collector with a copy of any such contract requiring payment in lieu of taxes. The collector shall allocate all revenues received from the payment in lieu of taxes among all taxing districts whose real estate tax revenues are affected by the abatement on the same pro rata basis and in the same manner as the real estate tax revenues received by each taxing district from that property in the year the payments are due.

(315 ILCS 20/17) (from Ch. 67 1/2, par. 267)

Sec. 17. Acquisition of property and construction subject to approval - Application for and issuance of certificates of convenience and necessity). No Neighborhood Redevelopment Corporation shall acquire title to any Real Property, or any interest therein except by way of unexercised option, or institute any Development without making written application to the Redevelopment Commission for approval of the proposed Development Plan in the manner hereinafter prescribed, and without securing the certificate of convenience and necessity to be issued by the Redevelopment Commission upon the conditions hereinafter mentioned.

(1) The application of a Neighborhood Redevelopment Corporation for approval of its proposed Development Plan shall contain:

(a) The legal description of the proposed Development Area and the description thereof by city blocks, street and number, if any.

(b) A statement of the character of the estates in Real Property to be acquired by the Neighborhood Redevelopment Corporation.

(c) A statement showing the present use of the Real Property in the proposed Development Area, the zoning restrictions, if any, thereon, and the private restrictions, if any, of record, and that no interest in Real Property in the proposed Development Area is to be acquired because of the race, color, creed, national origin or sex of any person owning or claiming an interest in that Real Property.

(d) A statement of the existing buildings or improvements in the Development Area, if any, which are to be demolished.

(e) A statement of the existing buildings or improvements, if any, in the Development Area which are not to be immediately demolished and the approximate period of time within which the demolition, if any, of each such building or improvement is to take place.

(f) A statement of the proposed improvements, if any, of each building, if any, not to be demolished immediately, and any proposed repairs or alterations of such buildings.

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(g) A statement of the type, number and character of each new industrial, commercial, residential, public or other building or improvement to be erected or made.

(h) A metes and bounds description of that portion of the proposed Development Area to be devoted for a park, playground or recreation center for the use of the Development, the specific use to which such portion is to be put and the manner in which it shall be improved.

(i) A statement of those portions, if any, of the proposed Development Area (other than the portions to be devoted for a park, playground or recreation center for the use of the Development) to be left as open land area and the manner in which such portions, if any, shall be maintained.

(j) A statement of recommended changes, if any, in the zoning ordinances, necessary or desirable for the Development and its protection against blighting influences.

(k) A statement of recommended changes, if any, in streets or street levels and of recommended vacations, if any, of streets, alleys, or other public spaces.

(l) A statement in detail of the estimated Development Cost and of the proposed method of financing the Development, sufficient to give assurance that the Neighborhood Redevelopment Corporation will be able to complete and operate the Development.

(m) An estimate of the periods of time within which, after the approval of the Development Plan, the Neighborhood Redevelopment Corporation will be able to initiate and to complete its Development, excepting unexpected delays not caused by it.

(n) A statement of the character, approximate number of units, approximate rentals and approximate date of availability of the proposed dwelling accommodations, if any, to be furnished during construction and upon completion of the Development.

(o) Such other statements or material as the applicant Neighborhood Redevelopment Corporation deems relevant, including recommendations for the Redevelopment of one or more areas contiguous to the proposed Development Area.

(2) No certificate of convenience and necessity shall be issued by the Redevelopment Commission upon application by a Neighborhood Redevelopment Corporation except upon the fulfillment of the following conditions:

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(a) That the Neighborhood Redevelopment Corporation has filed with the Redevelopment Commission a bond, in form and with surety or sureties satisfactory to the Redevelopment Commission, in the penal sum of ten per centum of the estimated Development Cost as set out in the application of the Neighborhood Redevelopment Corporation but in no event to exceed $10,000.00, payable to the city, village or incorporated town creating the Redevelopment Commission, the payment to be deposited in the general corporate fund of such city, village or incorporated town, the bond to be conditioned upon the initiation and completion of the Development within the respective time limits, or authorized extensions thereof, prescribed by the Redevelopment Commission.

(b) That the Neighborhood Redevelopment Corporation has agreed in writing to incorporate in its instruments of sale, conveyance, transfer, lease or assignment such restrictions as the Redevelopment Commission may by rule, pursuant to paragraph 1 of Section 25 of this Act, impose as to the type of construction, use, landscape and architectural design of the Development.

(c) That the Neighborhood Redevelopment Corporation, other than for or in a Conservation Area, has agreed in writing to devote as a minimum ten per centum of the Development Area for a park, playground or recreation center for the use of the Development (the site or sites for which shall be determined by the Redevelopment Commission), to provide adequate financial arrangements for defraying the upkeep thereof during its corporate existence, and to place thereon, in the manner prescribed by subparagraph (b) of paragraph 2 of this Section, such use restrictions as the Development Commission may by rule impose; Provided, that in determining the proportion of open land area required by any zoning ordinance compared to the land area used for building purposes, the portion so devoted for park, playground or recreation center shall be counted as open land area.

(d) That the Neighborhood Redevelopment Corporation has agreed in writing that in selling, leasing and managing all Real Property subject to the plan there will be no discrimination against any person on account of race, color, creed, national origin or sex.

(e) That the Redevelopment Commission shall, after the public hearing provided by paragraph 1 of Section 18 of this Act, have made the determinations provided in paragraph 3 of this Section 17, either originally or after the application has been remanded upon judicial review.

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(3) The Redevelopment Commission, before the issuance of the certificate of convenience and necessity to a Neighborhood Redevelopment Corporation, shall determine that:

(a) The Development Area is within an area which, under the conditions existing at the time, is a Slum and Blight or Conservation Area as defined by this Act and that no interest in Real Property in the proposed Development Area is to be acquired because of the race, color, creed, national origin or sex of any person owning or claiming any interest in that Real Property.

(b) The Redevelopment of the Development Area in accordance with the Development Plan is designed to effectuate the public purposes declared in Section 2 of this Act.

(c) The Development Plan conforms to the zoning ordinances, if any, applicable to the Development Area, and further conforms to the official plan of the city, village or incorporated town wherein the Development Area is located, or, in the absence of such an official plan, to the plan, if any, adopted by the Plan Commission, if any, of such city, village or incorporated town as evidenced by a report on such adopted plan prepared by such Plan Commission and on file with the Redevelopment Commission.

(d) Public facilities, including, but not limited to, fire and police protection, and recreation, are presently adequate, or will be adequate at the time that the Development is ready for use, to service the Development Area.

(e) The execution of the Development Plan will not cause undue hardship to the families, if any, occupying dwelling accommodations in the Development Area, to such a degree as to outweigh the public use defined in Section 2 of this Act to be achieved through the Redevelopment of such Development Area.

(f) The estimated Development Cost of the Development is sufficient for the proposed Redevelopment.

(g) Other than in or for a Conservation Area, no portion, greater by ten per centum in area, of the Development Area is designed by the Development Plan for use other than residential except in those instances wherein the Plan Commission, if any, of the city, village or incorporated town concerned, has filed with the Redevelopment Commission, pursuant to paragraph 1 of Section 18 of this Act, an advisory report recommending a greater portion by area than ten per centum, in which instances, no

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portion, greater than that so recommended, of the Development Area is designed by the Development Plan for use other than residential.

(h) The conditions prescribed by paragraph 2 of this Section have been fulfilled.

(4) No certificate of convenience and necessity shall be issued by a Redevelopment Commission in St. Clair County without the approval, by a majority vote, of the city council or the board of trustees of the village or incorporated town, as the case may be, in which the Development Area is located.

(Source: P.A. 81-266.)
Approved September 15, 2004.
Effective June 1, 2005.

PUBLIC ACT 93-1038
(Senate Bill No. 0334)

AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 15-125 as follows:

(35 ILCS 200/15-125)
Sec. 15-125. Parking areas.

(a) Parking areas, not leased or used for profit other than those lease or rental agreements subject to subsection (b) of this Section, when used as a part of a use for which an exemption is provided by this Code and owned by any school district, non-profit hospital, school, or religious or charitable institution which meets the qualifications for exemption, are exempt.

(b) Parking areas owned by any religious institution that meets the qualifications for exemption, when leased or rented to a mass transportation entity for the limited free parking of the commuters of the mass transportation entity, are exempt.

(Source: Laws 1959, p. 1549, 1554, 2219, and 2224; P.A. 88-455.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

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Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

Effective June 1, 2005.

PUBLIC ACT 93-1039
(Senate Bill No. 2944)

AN ACT concerning public health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Food Handling Regulation Enforcement Act is amended by adding Section 3.1 as follows:
(410 ILCS 625/3.1 new)
Sec. 3.1. Potluck events.
(a) As used in this Section, "potluck event" means an event that meets all of the following conditions:
   (1) People are gathered to share food at the event.
   (2) There is no compensation provided to people for bringing food to the event.
   (3) There is no charge for any food or beverage provided at the event.
   (4) The event is not conducted for commercial purposes.
   (5) It is generally understood by the participants at the event that neither the food nor the facilities have been inspected by the State or a local certified public health department.
   (6) The event is not held on public property.

(b) Notwithstanding any other provision of law, neither the Department of Public Health nor the health department of a unit of local government may regulate the serving of food that is brought to a potluck event sponsored by a group of individuals or a religious, charitable, or nonprofit organization by individuals attending the potluck event for consumption at the potluck event. Individuals who are not members of a group or organization sponsoring a potluck event may attend the potluck event and consume the food at the event. No fee may be charged for admission to a potluck event that is exempt from regulation under this

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Section, nor may food be sold at a potluck event that is exempt from regulation under this Section. A business establishment dealing in the sale of food items may not sponsor a potluck event. Potluck event food may not be brought into the kitchen of a business establishment dealing in the sale of food items.

Effective June 1, 2005.

PUBLIC ACT 93-1040
(Senate Bill No. 2287)

AN ACT concerning courts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Circuit Courts Act is amended by changing Sections 2f-1, 2f-2, 2f-4, and 2f-5 as follows:
(705 ILCS 35/2f-1)
Sec. 2f-1. 19th and 22nd judicial circuits.
(a) On December 4, 2006, the 19th judicial circuit is divided into the 19th and 22nd judicial circuits as provided in Section 1 of the Circuit Courts Act. This division does not invalidate any action taken by the 19th judicial circuit or any of its judges, officers, employees, or agents before December 4, 2006. This division does not affect any person's rights, obligations, or duties, including applicable civil and criminal penalties, arising out of any action taken by the 19th judicial circuit or any of its judges, officers, employees, or agents before December 4, 2006.
(b) Of the 7 circuit judgeships elected at large in the 19th circuit before the general election in 2006, the Supreme Court shall assign 5 to the 19th circuit and 2 to the 22nd circuit, based on residency of the circuit judges then holding those judgeships. The 5 assigned to the 19th circuit shall continue to be elected at large. The 2 assigned to the 22nd circuit shall continue to be elected at large.
(c) The 6 resident judgeships elected from Lake County before the general election in 2006 shall become resident judgeships in the 19th circuit on December 4, 2006, and the 3 resident judgeships elected from McHenry County before the general election in 2006 shall become resident judgeships in the 22nd circuit on December 4, 2006.

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(d) On December 4, 2006, the Supreme Court shall allocate the associate judgeships of the 19th circuit before that date between the 19th and 22nd circuits based on the residency of the associate judges; however, the number of associate judges allocated to the 19th circuit shall be no less than the number of associate judges residing in Lake County on March 22, 2004.

(e) On December 4, 2006, the Supreme Court shall allocate personnel, books, records, documents, property (real and personal), funds, assets, liabilities, and pending matters concerning the 19th circuit before that date between the 19th and 22nd circuits based on the population and staffing needs of those circuits and the efficient and proper administration of the judicial system. The rights of employees under applicable collective bargaining agreements are not affected by this amendatory Act of the 93rd General Assembly.

(f) The judgeships set forth in this Section include the judgeships authorized under Sections 2g, 2h, and 2j. The judgeships authorized in those Sections are not in addition to those set forth in this Section.

(Source: P.A. 93-541, eff. 8-18-03.)

(705 ILCS 35/2f-2)
Sec. 2f-2. 19th judicial circuit; subcircuits.
(a) The 19th circuit shall be divided into 6 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits on or before February 1, 2004, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 6 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(b) The 19th circuit shall have a total of 6 resident judgeships.

(c) The Supreme Court shall allot (i) all vacancies in resident judgeships of the 19th circuit existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election and (ii) the resident judgeships of the 19th circuit filled at the 2004 general election as those judgeships thereafter become vacant, for election from the various subcircuits until there is one resident judge to be elected from each subcircuit. No resident judge of the 19th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her

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residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(e) Vacancies in resident judgeships of the 19th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(Source: P.A. 93-541, eff. 8-18-03.)

(705 ILCS 35/2f-4)

Sec. 2f-4. 12th circuit; subcircuits; additional judges.

(a) The 12th circuit shall be divided into 5 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits on or before February 1, 2004, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 5 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judge is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(a-5) Two of the 12th circuit's associate judgeships shall be allotted as 12th circuit resident judgeships under subsection (c) as those associate judgeships are converted to resident judgeships in accordance with Section 2 of the Associate Judges Act.

(a-10) Of the 12th circuit's 10 existing circuit judgeships (8 at large and 2 resident), 2 shall be allotted as 12th circuit resident judgeships under subsection (c) as the first 2 of any of those at large and resident judgeships become vacant on or after August 18, 2003, the effective date of this amendatory Act of the 93rd General Assembly. As used in this subsection, a vacancy does not include the expiration of a term of an at large or resident judge who seeks retention in that office at the next term.

(b) The 12th circuit shall have 3 one additional resident judgeships, as well as its 2 existing resident judgeships, and 8 at large judgeships, and 2 former associate judgeships, for a total of 13 judgeships available to be allotted to the 5 subcircuit resident judgeships. The additional resident judgeship created by Public Act 93-541 this amendatory Act of the 93rd General Assembly shall be filled by election beginning at the general election in 2006. The 2 additional resident judgeships created by this amendatory Act of 2004 shall be filled by

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election beginning at the general election in 2008. After the subcircuits are created by law, the Supreme Court may fill by appointment the additional resident judgeships created by Public Act 93-541 and this amendatory Act of 2004 the 93rd General Assembly until the 2006 or 2008 general election, as the case may be.

(c) The Supreme Court shall allot (i) the additional resident judgeships of the 12th circuit created by Public Act 93-541 and this amendatory Act of the 93rd General Assembly, and (ii) the first 2 vacancies in the at large and resident judgeships of the 12th circuit as provided in subsection (a-10), and (iii) 2 associate judgeships of the 12th circuit as they are converted to resident judgeships as provided in subsection (a-5), for election from the various subcircuits until there is one resident judge to be elected from each subcircuit. No at large or resident judge of the 12th circuit serving on August 18, 2003 the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as at large or resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(e) Vacancies in resident judgeships of the 12th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(Source: P.A. 93-541, eff. 8-18-03.)

(705 ILCS 35/2f-5)

Sec. 2f-5. 22nd circuit; subcircuits.

(a) The 22nd circuit shall be divided into 3 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits on or before February 1, 2004, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 3 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(b) The 22nd circuit shall have a total of 3 resident judgeships.

(c) The Supreme Court shall allot (i) all vacancies in resident judgeships of the 22nd circuit existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and

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not filled at the 2004 general election and (ii) the resident judgeships of the 22nd circuit filled at the 2004 general election as those judgeships thereafter become vacant, for election from the various subcircuits until there is one resident judge to be elected from each subcircuit. No resident judge of the 22nd circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(e) Vacancies in resident judgeships of the 22nd circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(Source: P.A. 93-541, eff. 8-18-03.)

Section 10. The Associate Judges Act is amended by changing Section 2 as follows:

(705 ILCS 45/2) (from Ch. 37, par. 160.2)

Sec. 2. (a) The maximum number of associate judges authorized for each circuit is the greater of the applicable minimum number specified in this Section or one for each 35,000 or fraction thereof in population as determined by the last preceding Federal census, except for circuits with a population of more than 3,000,000 where the maximum number of associate judges is one for each 29,000 or fraction thereof in population as determined by the last preceding federal census, reduced in circuits of less than 200,000 inhabitants by the number of resident circuit judges elected in the circuit in excess of one per county. In addition, in circuits of 1,000,000 or more inhabitants, there shall be one additional associate judge authorized for each municipal district of the circuit court. The number of associate judges to be appointed in each circuit, not to exceed the maximum authorized, shall be determined from time to time by the Circuit Court. The minimum number of associate judges authorized for any circuit consisting of a single county shall be 14, except that the minimum in the 22nd circuit shall be 8 and except that the minimum in the 19th circuit on and after December 4, 2006 shall be 20. The minimum number of associate judges authorized for any circuit consisting of 2 counties with a combined population of at least 275,000 but less than 300,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 303,000 but not more than

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309,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 329,000, but not more than 335,000 shall be 11. The minimum number of associate judges authorized for any circuit with a population of at least 173,000 shall be 5. As used in this Section, the term "resident circuit judge" has the meaning given it in the Judicial Vacancies Act.

(b) The maximum number of associate judges authorized under subsection (a) for a circuit with a population of more than 3,000,000 shall be reduced as provided in this subsection (b). For each vacancy that exists on or occurs on or after the effective date of this amendatory Act of 1990, that maximum number shall be reduced by one until the total number of associate judges authorized under subsection (a) is reduced by 60. A vacancy exists or occurs when an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term; a vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed.

(e) The maximum number of associate judges authorized under subsection (a) for the 12th judicial circuit shall be reduced as provided in this subsection (e). For each vacancy that exists on or occurs after the effective date of this amendatory Act of the 93rd General Assembly, that maximum number shall be reduced by one until the total number of associate judges authorized under subsection (a) is reduced by 2. A vacancy exists or occurs when (i) a new associate judgeship has been authorized under subsection (a) for the 12th judicial circuit, but has not been filled by appointment or (ii) an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term. A vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed.

(Source: P.A. 92-17, eff. 6-28-01; 93-541, eff. 8-18-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


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AN ACT concerning professional regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Genetic Counselor Licensing Act.

Section 5. Declaration of public policy. The mapping of the human genome continues to result in the rapid expansion of genetic knowledge and a proliferation of testing for genetic conditions. This has created a need for qualified genetics professionals, including genetic counselors, to coordinate an assessment, to deliver accurate information to families, to assist the families in adjusting to the implications of their diagnoses, and to help ensure that genetic information is used appropriately in the delivery of medical care. Therefore, the practice of genetic counseling is declared to affect the public health, safety, and welfare and to be subject to regulation in the public interest. The purpose of the Act is to protect and benefit the public by setting standards of qualifications, education, training, and experience for those who seek to obtain a license and hold the title of genetic counselor, to promote high standards of professional performance for those licensed to practice genetic counseling in the State of Illinois, and to protect the public from unprofessional conduct by persons licensed to practice genetic counseling.

Section 10. Definitions. As used in this Act:
"ABGC" means the American Board of Genetic Counseling.
"ABMG" means the American Board of Medical Genetics.
"Active candidate status" is awarded to applicants who have received approval from the ABGC or ABMG to sit for their respective certification examinations.
"Department" means the Department of Professional Regulation.
"Director" means the Director of Professional Regulation.
"Genetic anomaly" means a variation in an individual's DNA that has been shown to confer a genetically influenced disease or predisposition to a genetically influenced disease or makes a person a carrier of such variation. A "carrier" of a genetic anomaly means a person who may or may not have a predisposition or risk of incurring a genetically influenced condition and who is at risk of having offspring with a genetically influenced condition.

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"Genetic counseling" means the provision of services to individuals, couples, groups, families, and organizations by one or more appropriately trained individuals to address the physical and psychological issues associated with the occurrence or risk of occurrence or recurrence of a genetic disorder, birth defect, disease, or potentially inherited or genetically influenced condition in an individual or a family.

"Genetic counseling" consists of the following:

(A) Estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition. This assessment may involve:

(i) obtaining and analyzing a complete health history of the person and his or her family;
(ii) reviewing pertinent medical records;
(iii) evaluating the risks from exposure to possible mutagens or teratogens;
(iv) recommending genetic testing or other evaluations to diagnose a condition or determine the carrier status of one or more family members;

(B) Helping the individual, family, health care provider, or health care professional (i) appreciate the medical, psychological and social implications of a disorder, including its features, variability, usual course and management options, (ii) learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members, and (iii) understand available options for coping with, preventing, or reducing the chance of occurrence or recurrence of a condition.

(C) Facilitating an individual's or family's (i) exploration of the perception of risk and burden associated with the disorder and (ii) adjustment and adaptation to the condition or their genetic risk by addressing needs for psychological, social, and medical support.

"Genetic counselor" means a person licensed under this Act to engage in the practice of genetic counseling.

"Person" means an individual, association, partnership, or corporation.

"Qualified supervisor" means any person who is a licensed genetic counselor, as defined by rule, or a physician licensed to practice medicine in all its branches. A qualified supervisor may be provided at the applicant's place of work, or may be contracted by the applicant to provide supervision. The qualified supervisor shall file written documentation to
the Department of employment, discharge, or supervisory control of a genetic counselor at the time of employment, discharge, or assumption of supervision of a genetic counselor.

"Supervision" means review of aspects of genetic counseling and case management in a bimonthly meeting with the person under supervision.

Section 15. Exemptions.

(a) This Act does not prohibit any persons legally regulated in this State by any other Act from engaging in the practice for which they are authorized as long as they do not represent themselves by the title of "genetic counselor" or "licensed genetic counselor". This Act does not prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of human services as long as these practitioners do not represent themselves as or use the title of "genetic counselor" or "licensed genetic counselor".

(b) Nothing in this Act shall be construed to limit the activities and services of (i) a student, intern, resident, or fellow in genetic counseling or genetics seeking to fulfill educational requirements in order to qualify for a license under this Act if these activities and services constitute a part of the student's supervised course of study or (ii) an individual seeking to fulfill the post-degree experience requirements in order to qualify for licensing under this Act, as long as the activities and services are supervised by a qualified supervisor. A student, intern, resident, or fellow must be designated by the title "intern", "resident", "fellow", or any other designation of trainee status. Nothing contained in this subsection shall be construed to permit students, interns, residents, or fellows to offer their services as genetic counselors or geneticists to any other person and to accept remuneration for such genetic counseling services, except as specifically provided in this subsection or subsection (c).

(c) Corporations, partnerships, and associations may employ students, interns, or post-degree candidates seeking to fulfill educational requirements or the professional experience requirements needed to qualify for a license under this Act if their activities and services constitute a part of the student's supervised course of study or post-degree professional experience requirements. Nothing in this subsection shall prohibit a corporation, partnership, or association from contracting with a licensed health care professional to provide services that they are licensed to provide.

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(d) Nothing in this Act shall prevent the employment, by a genetic counselor, person, association, partnership, or corporation furnishing genetic counseling services for remuneration, of persons not licensed as genetic counselors under this Act to perform services in various capacities as needed, if these persons are not in any manner held out to the public or do not hold themselves out to the public by any title or designation stating or implying that they are genetic counselors.

(e) Nothing in this Act shall be construed to limit the services of a person, not licensed under the provisions of this Act, in the employ of a federal, State, county, or municipal agency or other political subdivision or not-for-profit corporation providing human services if (i) the services are a part of the duties in his or her salaried position, (ii) the services are performed solely on behalf of his or her employer, and (iii) that person does not in any manner represent himself or herself as or use the title of "genetic counselor" or "licensed genetic counselor".

(f) Duly recognized members of any religious organization shall not be restricted from functioning in their ministerial capacity provided they do not represent themselves as being genetic counselors or as providing genetic counseling.

(g) Nothing in this Act shall be construed to require or prohibit any hospital, clinic, home health agency, hospice, or other entity that provides health care to employ or to contract with a person licensed under this Act to provide genetic counseling services.

(h) Nothing in this Act shall be construed to prevent any licensed social worker, licensed clinical social worker, licensed clinical psychologist, licensed professional counselor, or licensed clinical professional counselor from practicing professional counseling as long as that person is not in any manner held out to the public as a "genetic counselor" or "licensed genetic counselor" or does not hold out his or her services as being genetic counseling.

(i) Nothing in this Act shall be construed to limit the practice of a person not licensed under this Act who is a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or intern, fellow, or resident from using the title "genetic counselor" or any other title tending to indicate they are a genetic counselor.

(j) Nothing in the Act shall prohibit a visiting ABGC or ABMG certified genetic counselor from outside the State working as a consultant, or organizations from outside the State employing ABGC or ABMG certified genetic counselors providing occasional services, who are not

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licensed under this Act, from engaging in the practice of genetic counseling subject to the stated circumstances and limitations.

Section 20. Restrictions and limitations.

(a) Beginning on January 1, 2006, except as provided in Section 15, no person shall, without a valid license as a genetic counselor issued by the Department (i) in any manner hold himself or herself out to the public as a genetic counselor under this Act; (ii) use in connection with his or her name or place of business the title "genetic counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", or "genetic associate" or any words, letters, abbreviations, or insignia indicating or implying a person has met the qualifications for or has the license issued under this Act; or (iii) offer to render or render to individuals, corporations, or the public genetic counseling services if the words "genetic counselor" or "licensed genetic counselor" are used to describe the person offering to render or rendering them, or "genetic counseling" is used to describe the services rendered or offered to be rendered.

(b) Beginning on January 1, 2006, no licensed genetic counselor may provide genetic counseling to individuals, couples, groups, or families without a written referral from a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a collaborative agreement with a collaborating physician that authorizes referrals to a genetic counselor, or a physician assistant who has been delegated authority to make referrals to genetic counselors. The physician, advanced practice nurse, or physician assistant shall maintain supervision of the patient and be provided written reports on the services provided by the licensed genetic counselor. Genetic testing shall be ordered by a physician licensed to practice medicine in all its branches. Genetic test reports shall be provided to the referring physician, advanced practice nurse, or physician assistant. General seminars or talks to groups or organizations on genetic counseling that do not include individual, couple, or family specific counseling may be conducted without a referral.

(c) Beginning on January 1, 2006, no association or partnership shall practice genetic counseling unless every member, partner, and employee of the association or partnership who practices genetic counseling or who renders genetic counseling services holds a valid license issued under this Act. No license shall be issued to a corporation, the stated purpose of which includes or which practices or which holds itself out as available to practice genetic counseling, unless it is organized under the Professional Service Corporation Act.

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(d) Nothing in this Act shall be construed as permitting persons licensed as genetic counselors to engage in any manner in the practice of medicine in all its branches as defined by law in this State.

(e) Nothing in this Act shall be construed to authorize a licensed genetic counselor to diagnose, test, or treat any genetic or other disease or condition.

(f) When, in the course of providing genetic counseling services to any person, a genetic counselor licensed under this Act finds any indication of a disease or condition that in his or her professional judgment requires professional service outside the scope of practice as defined in this Act, he or she shall refer that person to a physician licensed to practice medicine in all of its branches.

Section 25. Unlicensed practice; violation; civil penalty.

(a) Beginning on January 1, 2006, any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a genetic counselor without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense, as determined by the Department. Civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

Section 30. Powers and duties of the Department. Subject to the provisions of this Act, the Department may:

(a) authorize examinations to ascertain the qualifications and fitness of applicants for licensing as genetic counselors and pass upon the qualifications of applicants for licensure by endorsement;

(b) conduct hearings on proceedings to refuse to issue or renew or to revoke licenses or suspend, place on probation, censure, or reprimand persons licensed under this Act, and to refuse to issue or renew or to revoke licenses, or suspend, place on probation, censure, or reprimand persons licensed under this Act;

(c) adopt rules necessary for the administration of this Act; and

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(d) maintain rosters of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, or denied renewal for cause within the previous calendar year. These rosters shall be available upon written request and payment of the required fee.

Section 40. Application for original license. Applications for original licenses shall be made to the Department on forms prescribed by the Department and accompanied by the required fee, which is not refundable. All applications shall contain such information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license to practice as a genetic counselor.

Section 45. Social Security Number on license application. In addition to any other information required to be contained in the application, every application for an original, renewal, or restored license under this Act shall include the applicant's Social Security Number.

Section 50. Examination; failure or refusal to take examination.

(a) Applicants for genetic counseling licensure must provide evidence that they have successfully completed the certification examination provided by the ABGC or ABMG, if they are master's degree trained genetic counselors, or the ABMG, if they are PhD trained medical geneticists; or successfully completed the examination provided by the successor agencies of the ABGC or ABMG. The examinations shall be of a character to fairly test the competence and qualifications of the applicants to practice genetic counseling.

(b) If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 2 exam cycles after receiving a temporary license, the application will be denied. However, such applicant may thereafter make a new application for license only if the applicant provides documentation of passing the certification examination offered through the ABGC or ABMG or their successor agencies and satisfies the requirements then in existence for a license.

Section 55. Qualifications for licensure. A person shall be qualified for licensure as a genetic counselor and the Department shall issue a license if that person:

(1) has applied in writing in form and substance satisfactory to the Department; is at least 21 years of age;

(2) has not engaged in conduct or activities which would constitute grounds for discipline under this Act;

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(3) has not violated any of the provisions of Sections 20 or 25 of this Act or the rules promulgated thereunder. The Department may take into consideration any felony conviction of the applicant but such conviction shall not operate as an absolute bar to licensure;

(4) has provided documentation of the successful completion of the certification examination and current certification provided by the American Board of Genetic Counseling or the American Board of Medical Genetics, or their successor agencies; and

(5) has paid the fees required by this Act.

Section 60. Temporary licensure.

(a) A person shall be qualified for temporary licensure as a genetic counselor and the Department shall issue a temporary license if that person:

(1) has successfully completed a Master's degree in genetic counseling from an ABGC or ABMG accredited training program or its equivalent as established by the ABGC or is a physician or has a doctoral degree and has successfully completed an ABMG accredited medical genetics training program or its equivalent as established by the ABMG;

(2) has submitted evidence to the Department of active candidate status for the certifying examination administered by the ABGC or the ABMG or their successor agencies; and

(3) has made application to the Department and paid the required fees.

(b) A temporary license shall allow the applicant to practice under the supervision of a qualified supervisor until he or she receives certification from the ABGC or the ABMG or their successor agencies or 2 exam cycles have elapsed, whichever comes first.

(c) Under no circumstances shall an applicant continue to practice on the temporary license for more than 30 days after notification that he or she has not passed the examination within 2 exam cycles after receiving the temporary license. However, the applicant may thereafter make a new application to the Department for a license satisfying the requirements then in existence for a license.

Section 65. Licenses; renewal; restoration; person in military service; inactive status.

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(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. The licensee may renew a license during the 30-day period preceding its expiration date by paying the required fee and demonstrating compliance with continuing education requirements established by rule.

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting an application to the Department and filing proof of fitness, as defined by rule, to have the license restored, including, if appropriate, evidence which is satisfactory to the Department certifying the active practice of genetic counseling in another jurisdiction, and by paying the required fee.

(c) If the person has not maintained an active practice in another jurisdiction that is satisfactory to the Department, the Department shall determine the person's fitness to resume active status. The Department may also require the person to complete a specific period of evaluated genetic counseling work experience under the supervision of a qualified clinical supervisor and may require demonstration of completion of continuing education requirements.

(d) Any person whose license expired while on active duty with the armed forces of the United States, while called into service or training with the State Militia, or while in training or education under the supervision of the United States government prior to induction into military service may have his license restored without paying any renewal fees if, within 2 years after the termination of such service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that such service, training, or education has been so terminated.

(e) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, or physical impairment.

Section 70. Implementation; transitional periods.

(a) Upon enactment of this law, qualified applicants have 6 months to submit the required fees, completed application, and documentation of passing the American Board of Genetic Counseling or American Board Medical Genetics certification examination in order to obtain a genetic counselor license that will allow the applicant to practice genetic counseling; or

(b) Upon enactment of this law, qualified applicants have 6 months to submit the required fees, completed application, and documentation of

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active candidate status with the American Board of Genetic Counseling or American Board Medical Genetics in order to obtain a temporary genetic counselor license that will allow the applicant to practice genetic counseling under supervision as specified in this Act.

Section 75. Fees; deposit of fees. The fees imposed under this Act shall be set by rule and are not refundable. All of the fees collected under this Act shall be deposited into the General Professions Dedicated Fund.

Section 80. Checks or orders dishonored. Any person who issues or delivers a check or other order to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certification or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all costs and expenses of processing of this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unnecessarily burdensome.

Section 85. Endorsement. The Department may issue a license as a genetic counselor, to an applicant currently licensed under the laws of another state or United States jurisdiction whose standards, in the opinion of the Department, were substantially equivalent at the date of his or her licensure in the other jurisdiction to the requirements of this Act. Such an applicant shall pay all of the required fees. Applicants have 6 months from the date of application to complete the application process. If the process has not been completed within 6 months, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Section 90. Privileged communications and exceptions.

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(a) No licensed genetic counselor shall disclose any information acquired from persons consulting the counselor in a professional capacity, except that which may be voluntarily disclosed under any of the following circumstances:

(1) In the course of formally reporting, conferring, or consulting with administrative superiors, colleagues, or consultants who share professional responsibility, in which instance all recipients of the information are similarly bound to regard the communication as privileged.

(2) With the written consent of the person who provided the information and about whom the information concerns.

(3) In the case of death or disability, with the written consent of a personal representative.

(4) When a communication reveals the intended commission of a crime or harmful act and such disclosure is judged necessary in the professional judgment of the licensed genetic counselor to protect any person from a clear risk of serious mental or physical harm or injury or to forestall a serious threat to the public safety.

(5) When the person waives the privilege by bringing any public charges or filing a lawsuit against the licensee.

(b) Any person having access to records or anyone who participates in providing genetic counseling services, or in providing any human services, or is supervised by a licensed genetic counselor is similarly bound to regard all information and communications as privileged in accord with this Section.

(c) The Mental Health and Developmental Disabilities Confidentiality Act is incorporated herein as if all of its provisions were included in this Act. In the event of a conflict between the application of this Section and the Mental Health and Developmental Disabilities Confidentiality Act to a specific situation, the provisions of the Mental Health and Developmental Disabilities Confidentiality Act shall control.

Section 95. Grounds for discipline.

(a) The Department may refuse to issue, renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department deems appropriate, including the issuance of fines not to exceed $1,000 for each violation, with regard to any license for any one or more of the following:

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(1) Material misstatement in furnishing information to the Department or to any other State agency.

(2) Violations or negligent or intentional disregard of this Act, or any of its rules.

(3) Conviction of any crime under the laws of the United States or any state or territory thereof that is a felony, a misdemeanor, an essential element of which is dishonesty, or a crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining a license, or violating any provision of this Act or its rules.

(5) Professional incompetence or gross negligence in the rendering of genetic counseling services.

(6) Gross or repeated negligence.

(7) Aiding or assisting another person in violating any provision of this Act or any rules.

(8) Failing to provide information within 60 days in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department.

(10) Failing to maintain the confidentiality of any information received from a client, unless otherwise authorized or required by law.

(11) Exploiting a client for personal advantage, profit, or interest.

(12) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in inability to practice with reasonable skill, judgment, or safety.

(13) Discipline by another jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(14) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

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(15) A finding by the Department that the licensee, after having the license placed on probationary status has violated the terms of probation.

(16) Failing to refer a client to other health care professionals when the licensee is unable or unwilling to adequately support or serve the client.

(17) Willfully filing false reports relating to a licensee's practice, including but not limited to false records filed with federal or State agencies or departments.

(18) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(19) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(20) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills which results in the inability to practice the profession with reasonable judgment, skill, or safety.

(21) Solicitation of professional services by using false or misleading advertising.

(22) Failure to file a return, or to pay the tax, penalty of interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(23) A finding that licensure has been applied for or obtained by fraudulent means.

(24) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(25) Gross overcharging for professional services, including filing statements for collection of fees or monies for which services are not rendered.

(b) The Department shall deny, without hearing, any application or renewal for a license under this Act to any person who has defaulted on an

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educational loan guaranteed by the Illinois State Assistance Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(c) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in an automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the determination of the Director that the licensee be allowed to resume professional practice.

Section 100. Violations; injunction; cease and desist order.

(a) If any person violates the provisions of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to all other remedies and penalties provided by this Act.

(b) If any person holds himself or herself out as being a licensed genetic counselor under this Act and is not licensed to do so, then any licensed genetic counselor, interested party, or any person injured thereby may petition for relief as provided in subsection (a) of this Section.

(c) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

Section 105. Investigations; notice and hearing. The Department may investigate the actions of any applicant or any person holding or claiming to hold a license. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 95 of this Act, at least 30 days prior to

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the date set for the hearing, (i) notify the accused, in writing, of any charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges with the Department under oath within 20 days after service of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may deem proper. In case the person, after receiving notice, fails to file an answer, his or her license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The written notice may be served by personal delivery or certified mail to the address specified by the accused in his or her last notification to the Department.

Section 110. Record of proceedings; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint, all other documents in the nature of pleadings, written motions filed in the proceedings, the transcript of testimony, the report of the hearing officer and orders of the Department shall be in the record of such proceeding. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

Section 115. Subpoenas; depositions; oaths. The Department has the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State. The Director and the designated hearing officer has the power to administer oaths to witnesses at any hearing which the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

Section 120. Compelling testimony. Any court, upon application of the Department, designated hearing officer, or the applicant or licensee against whom proceedings under Section 95 of this Act are pending, may enter an order requiring the attendance of witnesses and their testimony

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and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 125. Findings and recommendations. At the conclusion of the hearing, the hearing officer shall present to the Director a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether the licensee violated this Act or failed to comply with the conditions required in this Act. The hearing officer shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Director. The report of findings of fact, conclusions of law, and recommendation of the hearing officer shall be the basis for the Department's order for refusal or for the granting of the license. If the Director disagrees with the recommendations of the hearing officer, the Director may issue an order in contravention of the hearing officer's recommendations. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

Section 135. Director; rehearing. Whenever the Director believes justice has not been done in the revocation, suspension, or refusal to issue or renew a license or the discipline of a licensee, he or she may order a rehearing.

Section 140. Appointment of a hearing officer. The Director has the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or permit or to discipline a licensee. The hearing officer has full authority to conduct the hearing. The hearing officer shall report his findings of fact, conclusions of law, and recommendations to the Director.

Section 145. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the Department and purporting to be signed by the Director, is prima facie proof that:

(1) the signature is the genuine signature of the Director; and
(2) the Director is duly appointed and qualified.

Section 150. Restoration of suspended or revoked license. At any time after the suspension or revocation of any license, the Department may restore it to the licensee, unless after an investigation and hearing the Director determines that restoration is not in the public interest.

New matter indicated by italics - deletions by strikeout.
Section 155. Surrender of license. Upon the revocation or suspension of a license, the licensee shall immediately surrender his or her license to the Department. If the licensee fails to do so, the Department has the right to seize the license.

Section 160. Summary suspension of license. The Director may summarily suspend the license of a genetic counselor without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 105 of this Act, if the Director finds that evidence in the possession of the Director indicates that the continuation of practice by the genetic counselor would constitute an imminent danger to the public. In the event that the Director summarily suspends the license of an individual without a hearing, a hearing must be held within 30 days after the suspension has occurred.

Section 165. Administrative review; venue.
(a) All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.
(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois, the venue shall be in Sangamon County.

Section 170. Certification of record; costs. The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file the receipt in court is grounds for dismissal of the action.

Section 175. Violations. Unless otherwise specified, any person found to have violated any provision of this Act is guilty of a Class A misdemeanor.

Section 180. Administrative Procedure Act; application. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of such Act were included in this Act.

Section 185. Home rule. The regulation and licensing of genetic counselors are exclusive powers and functions of the State. A home rule unit may not regulate or license genetic counselors. This Section is a

New matter indicated by italics - deletions by strikeout.
denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 900. The Regulatory Sunset Act is amended by adding Section 4.25 as follows:

(5 ILCS 80/4.25 new)

Sec. 4.25. Act repealed on January 1, 2015. The following Act is repealed on January 1, 2015:

The Genetic Counselor Licensing Act.

Section 905. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

(325 ILCS 5/4) (from Ch. 23, par. 2054)

Sec. 4. Persons required to report; privileged communications; transmitting false report. Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatrist, physician assistant, substance abuse treatment personnel, funeral home director or employee, coroner, medical examiner, emergency medical technician, acupuncturist, crisis line or hotline personnel, school personnel, educational advocate assigned to a child pursuant to the School Code, truant officers, social worker, social services administrator, domestic violence program personnel, registered nurse, licensed practical nurse, genetic counselor, respiratory care practitioner, advanced practice nurse, home health aide, director or staff assistant of a nursery school or a child day care center, recreational program or facility personnel, law enforcement officer, licensed professional counselor, licensed clinical professional counselor, registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist, or field personnel of the Illinois Department of Public Aid, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, supervisor and administrator of general assistance under the Illinois Public Aid Code, probation officer, or any other foster parent, homemaker or child care worker having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional
capacity may be an abused child as defined in item (c) of the definition of "abused child" in Section 3 of this Act shall immediately report or cause a report to be made to the Department.

Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

In addition to the above persons required to report suspected cases of abused or neglected children, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection

New matter indicated by italics - deletions by strikeout.
(a)(7) of Section 26-1 of the "Criminal Code of 1961". Any person who violates this provision a second or subsequent time shall be guilty of a Class 3 felony.

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation; except that if the person acted as part of a plan or scheme having as its object the prevention of discovery of an abused or neglected child by lawful authorities for the purpose of protecting or insulating any person or entity from arrest or prosecution, the person is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense (regardless of whether the second or subsequent offense involves any of the same facts or persons as the first or other prior offense).

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended.

(Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02; 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff. 8-5-03; revised 9-12-03.)

Section 999. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly July 24, 2005.

PUBLIC ACT 93-1042
(House Bill No. 0766)

AN ACT relating to schools.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 18-8.10 as follows:

New matter indicated by italics - deletions by strikeout.
(105 ILCS 5/18-8.10 new)

Sec. 18-8.10. Fast growth grants.

(a) If there has been an increase in a school district's student population over the most recent 2 school years of (i) over 1.5% in a district with over 10,000 pupils in average daily attendance (as defined in Section 18-8.05 of this Code) or (ii) over 7.5% in any other district, then the district is eligible for a grant under this Section, subject to appropriation.

(b) The State Board of Education shall determine a per pupil grant amount for each school district. The total grant amount for a district for any given school year shall equal the per pupil grant amount multiplied by the difference between the number of pupils in average daily attendance for the 2 most recent school years.

(c) Funds for grants under this Section must be appropriated to the State Board of Education in a separate line item for this purpose. If the amount appropriated in any fiscal year is insufficient to pay all grants for a school year, then the amount appropriated shall be prorated among eligible districts. As soon as possible after funds have been appropriated to the State Board of Education, the State Board of Education shall distribute the grants to eligible districts.

(d) If a school district intentionally reports incorrect average daily attendance numbers to receive a grant under this Section, then the district shall be denied State aid in the same manner as State aid is denied for intentional incorrect reporting of average daily attendance numbers under Section 18-8.05 of this Code.

Section 99. Effective date. This Act takes effect upon becoming law.


Effective October 8, 2004.

PUBLIC ACT 93-1043
(Senate Bill No. 2791)

AN ACT concerning mobile homes.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mobile Home Landlord and Tenant Rights Act is amended by adding Sections 6.5 and 20.5 as follows:

New matter indicated by italics - deletions by strikeout.
(765 ILCS 745/6.5 new)
Sec. 6.5. Disclosur. A park owner must disclose in writing the following with every lease or sale and upon renewal of a lease of a mobile home or lot in a mobile home park:

(1) the rent charged for the mobile home or lot in the past 5 years;
(2) the park owner's responsibilities with respect to the mobile home or lot;
(3) information regarding any fees imposed in addition to the base rent;
(4) information regarding late payments;
(5) information regarding any privilege tax that is applicable; and
(6) information regarding security deposits, including the right to the return of security deposits and interest as provided in Section 18 of this Act.

The park owner must update the written disclosure at least once per year. The park owner must advise tenants who are renewing a lease of any changes in the disclosure from any prior disclosure.

(765 ILCS 745/20.5 new)
Sec. 20.5. Publication of false or misleading information; remedies. Any person who pays anything of value toward the purchase of a mobile home or placement of a mobile home in a mobile home park located in this State in reasonable reliance upon any material statement or information that is false or misleading and published by or under authority from the park owner or developer in advertising and promotional materials, including, but not limited to, a prospectus, the items required as exhibits to a prospectus, brochures, and newspaper advertising, shall have a cause of action to rescind the contract or collect damages from the developer, park owner, or mobile home dealer for her or his loss.

Effective June 1, 2005.

PUBLIC ACT 93-1044
(Senate Bill No. 1070)

AN ACT in relation to educational labor relations.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Educational Labor Relations Act is amended by changing Section 2 as follows:

(115 ILCS 5/2) (from Ch. 48, par. 1702)

Sec. 2. Definitions. As used in this Act:

(a) "Educational employer" or "employer" means the governing body of a public school district, combination of public school districts, including the governing body of joint agreements of any type formed by 2 or more school districts, public community college district or State college or university, and any State agency whose major function is providing educational services. "Educational employer" or "employer" does not include a Financial Oversight Panel created pursuant to Section 1A-8 of the School Code due to a district violating a financial plan but does include a School Finance Authority created under Article 1E of the School Code.

(b) "Educational employee" or "employee" means any individual, excluding supervisors, managerial, confidential, short term employees, student, and part-time academic employees of community colleges employed full or part time by an educational employer, but shall not include elected officials and appointees of the Governor with the advice and consent of the Senate, firefighters as defined by subsection (g-1) of Section 3 of the Illinois Public Labor Relations Act, and peace officers employed by a State university. For the purposes of this Act, part-time academic employees of community colleges shall be defined as those employees who provide less than 6 credit hours of instruction per academic semester. In this subsection (b), the term "student" includes graduate students who are research assistants primarily performing duties that involve research or graduate assistants primarily performing duties that are pre-professional, but excludes graduate students who are teaching assistants primarily performing duties that involve the delivery and support of instruction and all other graduate assistants.

(c) "Employee organization" or "labor organization" means an organization of any kind in which membership includes educational employees, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, employee-employer disputes, wages, rates of pay, hours of employment, or conditions of work, but shall not include any organization which practices discrimination in

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membership because of race, color, creed, age, gender, national origin or political affiliation.

(d) "Exclusive representative" means the labor organization which has been designated by the Illinois Educational Labor Relations Board as the representative of the majority of educational employees in an appropriate unit, or recognized by an educational employer prior to January 1, 1984 as the exclusive representative of the employees in an appropriate unit or, after January 1, 1984, recognized by an employer upon evidence that the employee organization has been designated as the exclusive representative by a majority of the employees in an appropriate unit.

(e) "Board" means the Illinois Educational Labor Relations Board.

(f) "Regional Superintendent" means the regional superintendent of schools provided for in Articles 3 and 3A of The School Code.

(g) "Supervisor" means any individual having authority in the interests of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, reward or discipline other employees within the appropriate bargaining unit and adjust their grievances, or to effectively recommend such action if the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. The term "supervisor" includes only those individuals who devote a preponderance of their employment time to such exercising authority.

(h) "Unfair labor practice" or "unfair practice" means any practice prohibited by Section 14 of this Act.

(i) "Person" includes an individual, educational employee, educational employer, legal representative, or employee organization.

(j) "Wages" means salaries or other forms of compensation for services rendered.

(k) "Professional employee" means, in the case of a public community college, State college or university, State agency whose major function is providing educational services, the Illinois School for the Deaf, and the Illinois School for the Visually Impaired, (1) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized
intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or (2) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (1) of this subsection, and (ii) is performing related work under the supervision of a professional person to qualify himself or herself to become a professional as defined in paragraph (l).

(l) "Professional employee" means, in the case of any public school district, or combination of school districts pursuant to joint agreement, any employee who has a certificate issued under Article 21 or Section 34-83 of the School Code, as now or hereafter amended.

(m) "Unit" or "bargaining unit" means any group of employees for which an exclusive representative is selected.

(n) "Confidential employee" means an employee, who (i) in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine and effectuate management policies with regard to labor relations or who (ii) in the regular course of his or her duties has access to information relating to the effectuation or review of the employer's collective bargaining policies.

(o) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of such management policies and practices.

(p) "Craft employee" means a skilled journeyman, craft person, and his or her apprentice or helper.

(q) "Short-term employee" is an employee who is employed for less than 2 consecutive calendar quarters during a calendar year and who does not have a reasonable expectation that he or she will be rehired by the same employer for the same service in a subsequent calendar year. Nothing in this subsection shall affect the employee status of individuals who were covered by a collective bargaining agreement on the effective date of this amendatory Act of 1991.

(Source: P.A. 92-547, eff. 6-13-02; 92-748, eff. 1-1-03; revised 8-26-02.)

Section 99. Effective date. This Act takes effect upon becoming law.

AN ACT relating to schools.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 19-1 as follows:

(105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

Sec. 19-1. Debt limitations of school districts.

(a) School districts shall not be subject to the provisions limiting their indebtedness prescribed in "An Act to limit the indebtedness of counties having a population of less than 500,000 and townships, school districts and other municipal corporations having a population of less than 300,000", approved February 15, 1928, as amended.

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to
the incurring of such indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

(b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or constructing and equipping additional building facilities under the following conditions:

(1) Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by not less than 200 students and the board of education determines that additional school sites or building facilities are required as a result of such increase in enrollment; and

(2) When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and approve the need for such additional school sites or building facilities and the estimated cost thereof; and

(3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has

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previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed 15% of the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation.

(c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which a public question for the issuance of bonds of a proposed school district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 may issue the total amount of bonds approved at such election for the purpose stated in the question.

(d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed $4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (d), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):

(1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the New matter indicated by italics - deletions by strikeout.
issuance of bonds under and in accordance with Section 17-2.11a for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under and in accordance with Section 19-3 for the purpose of increasing the size of, or providing for additional functions in, such replacement school buildings, or both such purposes.

(2) The bonds issued by the school district as provided in paragraph (1) above are issued for the purposes of construction by the school district of a new school building pursuant to Section 17-2.11, to replace an existing school building that, because of mine subsidence damage, is closed as of the end of the 1992-93 school year pursuant to action of the regional superintendent of schools of the educational service region in which the district is located under Section 3-14.22 or are issued for the purpose of increasing the size of, or providing for additional functions in, the new school building being constructed to replace a school building closed as the result of mine subsidence damage, or both such purposes.

(e) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (5) of this subsection (e) may, without referendum, incur an additional indebtedness in an amount not to exceed the lesser of $5,000,000 or 1.5% of the value of the taxable property within the district even though the amount of the additional indebtedness authorized by this subsection (e), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring that additional indebtedness, causes the aggregate indebtedness of the district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that district under subsection (a):

(1) The State Board of Education certifies the school district under Section 19-1.5 as a financially distressed district.

(2) The additional indebtedness authorized by this subsection (e) is incurred by the financially distressed district during the school year or school years in which the certification of the district as a financially distressed district continues in effect through the issuance of bonds for the lawful school purposes of the district, pursuant to resolution of the school board and without referendum, as provided in paragraph (5) of this subsection.

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(3) The aggregate amount of bonds issued by the financially distressed district during a fiscal year in which it is authorized to issue bonds under this subsection does not exceed the amount by which the aggregate expenditures of the district for operational purposes during the immediately preceding fiscal year exceeds the amount appropriated for the operational purposes of the district in the annual school budget adopted by the school board of the district for the fiscal year in which the bonds are issued.

(4) Throughout each fiscal year in which certification of the district as a financially distressed district continues in effect, the district maintains in effect a gross salary expense and gross wage expense freeze policy under which the district expenditures for total employee salaries and wages do not exceed such expenditures for the immediately preceding fiscal year. Nothing in this paragraph, however, shall be deemed to impair or to require impairment of the contractual obligations, including collective bargaining agreements, of the district or to impair or require the impairment of the vested rights of any employee of the district under the terms of any contract or agreement in effect on the effective date of this amendatory Act of 1994.

(5) Bonds issued by the financially distressed district under this subsection shall bear interest at a rate not to exceed the maximum rate authorized by law at the time of the making of the contract, shall mature within 40 years from their date of issue, and shall be signed by the president of the school board and treasurer of the school district. In order to issue bonds under this subsection, the school board shall adopt a resolution fixing the amount of the bonds, the date of the bonds, the maturities of the bonds, the rates of interest of the bonds, and their place of payment and denomination, and shall provide for the levy and collection of a direct annual tax upon all the taxable property in the district sufficient to pay the principal and interest on the bonds to maturity. Upon the filing in the office of the county clerk of the county in which the financially distressed district is located of a certified copy of the resolution, it is the duty of the county clerk to extend the tax therefor in addition to and in excess of all other taxes at any time authorized to be levied by the district. If bond proceeds from the sale of bonds include a premium or if the proceeds of the bonds are invested as authorized by law, the school board shall determine

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by resolution whether the interest earned on the investment of bond
proceeds or the premium realized on the sale of the bonds is to be
used for any of the lawful school purposes for which the bonds
were issued or for the payment of the principal indebtedness and
interest on the bonds. The proceeds of the bond sale shall be
deposited in the educational purposes fund of the district and shall
be used to pay operational expenses of the district. This subsection
is cumulative and constitutes complete authority for the issuance of
bonds as provided in this subsection, notwithstanding any other
law to the contrary.

(f) Notwithstanding the provisions of subsection (a) of this Section
or of any other law, bonds in not to exceed the aggregate amount of
$5,500,000 and issued by a school district meeting the following criteria
shall not be considered indebtedness for purposes of any statutory
limitation and may be issued in an amount or amounts, including existing
indebtedness, in excess of any heretofore or hereafter imposed statutory
limitation as to indebtedness:

(1) At the time of the sale of such bonds, the board of
education of the district shall have determined by resolution that
the enrollment of students in the district is projected to increase by
not less than 7% during each of the next succeeding 2 school years.

(2) The board of education shall also determine by
resolution that the improvements to be financed with the proceeds
of the bonds are needed because of the projected enrollment
increases.

(3) The board of education shall also determine by
resolution that the projected increases in enrollment are the result
of improvements made or expected to be made to passenger rail
facilities located in the school district.

(g) Notwithstanding the provisions of subsection (a) of this Section
or any other law, bonds in not to exceed an aggregate amount of 25% of
the equalized assessed value of the taxable property of a school district and
issued by a school district meeting the criteria in paragraphs (i) through
(iv) of this subsection shall not be considered indebtedness for purposes of
any statutory limitation and may be issued pursuant to resolution of the
school board in an amount or amounts, including existing indebtedness, in
excess of any statutory limitation of indebtedness heretofore or hereafter
imposed:

New matter indicated by italics - deletions by strikeout.
(i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.

(ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.

(iii) The sale of the bonds occurs before July 1, 1997.

(iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than $29,000,000.

(h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $24,000,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(i) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

New matter indicated by italics - deletions by strikeout.
(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $44,600,000;
(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally constructed not less than 80 years ago;
(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996; and
(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(j) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $140,000,000 and a best 3 months average daily attendance for the 1995-96 school year of at least 2,800;
(ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds;
(iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;
(iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and
(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed $4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount of

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indebtedness of the school district existing immediately prior to the school
district incurring such additional indebtedness, causes the aggregate
indebtedness of the school district to exceed or increases the amount by
which the aggregate indebtedness of the district already exceeds the debt
limitation otherwise applicable to that school district under subsection (a):

(1) the school district is located in 2 counties, and a
referendum to authorize the additional indebtedness was approved
by a majority of the voters of the school district voting on the
proposition to authorize that indebtedness;

(2) the additional indebtedness is for the purpose of
financing a multi-purpose room addition to the existing high
school;

(3) the additional indebtedness, together with the existing
indebtedness of the school district, shall not exceed 17.4% of the
value of the taxable property in the school district, to be
ascertained by the last assessment for State and county taxes; and

(4) the bonds evidencing the additional indebtedness are
issued, if at all, within 120 days of the effective date of this

(l) Notwithstanding any other provisions of this Section or the
provisions of any other law, until January 1, 2000, a school district
maintaining grades kindergarten through 8 may issue bonds up to an
amount, including existing indebtedness, not exceeding 15% of the
equalized assessed value of the taxable property in the district if all of the
following conditions are met:

(i) the district has an equalized assessed valuation for
calendar year 1996 of less than $10,000,000;

(ii) the bonds are issued for capital improvement,
renovation, rehabilitation, or replacement of one or more school
buildings of the district, which buildings were originally
constructed not less than 70 years ago;

(iii) the voters of the district approve a proposition for the
issuance of the bonds at a referendum held on or after March 17,
1998; and

(iv) the bonds are issued pursuant to Sections 19-2 through
19-7 of this Code.

(m) Notwithstanding any other provisions of this Section or the
provisions of any other law, until January 1, 1999, an elementary school
district maintaining grades K through 8 may issue bonds up to an amount,
excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 or less than $7,700,000;
(ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2 separate and distinct school districts;
(iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level elementary school building of the school district that is not handicapped accessible at all levels and parts of which were constructed more than 75 years ago;
(iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and
(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:

(i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.
(ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a school construction project issued by, the State Board of Education under the School Construction Law.
(iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive a school construction project grant under the School Construction Law.

(iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law, in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the School Construction Law.

(v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.

(vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.

(o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 20% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the school district has an equalized assessed valuation for calendar year 2001 of at least $737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;

(ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;

(iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;

(iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and

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(v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p) Notwithstanding any other provisions of this Section or the provisions of any other law, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 2001 of at least $295,741,187 and a best 3 months’ average daily attendance for the 2002-2003 school year of at least 2,394.

(ii) The bonds are issued to build and equip 3 elementary school buildings; build and equip one middle school building; and alter, repair, improve, and equip all existing school buildings in the district.

(iii) At the time of the sale of the bonds, the board of education determines by resolution that the project is needed because of expanding growth in the school district and a projected enrollment increase.

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(Source: P.A. 93-13, eff. 6-9-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1046
(Senate Bill No. 2263)

AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Findings; purpose; validation.
(a) The General Assembly finds and declares that:

(1) Public Act 88-669, effective November 29, 1994, contained provisions amending the Casual Deficit Act, including changing the name of that Act to the Short Term Borrowing Act.

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Public Act 88-669 also contained other provisions. The Short Term Borrowing Act has subsequently been amended by Public Act 93-674.

(2) Questions have been raised concerning the validity and content of the Short Term Borrowing Act. The provisions of the Short Term Borrowing Act are of vital concern to the people of this State. Prompt legislative action concerning those provisions is necessary to ensure their continued effect.

(b) The purpose of this Act is to re-enact the Short Term Borrowing Act, as amended by Public Acts 88-669 and 93-674, and to make revisory changes. This re-enactment is intended to remove any question as to the validity and content of those provisions and to validate all actions taken in reliance on those provisions; it is not intended to supersede any other Public Act that amends the text of the Short Term Borrowing Act as set forth in this Act. The re-enacted material is shown in this Act as existing text (i.e., without underscoring), and the revisory changes are shown by striking and underscoring.

(c) The re-enactment by this amendatory Act of the 93rd General Assembly of the Short Term Borrowing Act is not intended, and shall not be construed, to imply that Public Act 88-669 or 93-674 is invalid or to limit or impair any legal argument concerning whether those provisions were substantially re-enacted by other Public Acts.

(d) All otherwise lawful actions taken before the effective date of this amendatory Act of the 93rd General Assembly in reliance on or pursuant to the provisions re-enacted by this amendatory Act of the 93rd General Assembly, as set forth in Public Act 88-669, or as subsequently amended, by any officer, employee, or agency of State government or by any other person or entity, are hereby validated. These actions include, but are not limited to: borrowing; bidding, awarding, contracting, and incurring debt; issuance and sale of certificates, bonds, and other instruments for the payment of money; application of moneys; transfer and deposit of moneys; and repayment of principal and interest and other legal costs and expenses.

(e) This amendatory Act of the 93rd General Assembly applies, without limitation, to actions pending on or after the effective date of this amendatory Act.

Section 5. The Short Term Borrowing Act is amended by re-enacting Sections 0.01, 1, and 1.1 and by re-enacting and changing Sections 2 and 3 as follows:

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Sec. 0.01. Short title. This Act may be cited as the Short Term Borrowing Act. (Source: P.A. 88-669, eff. 11-29-94.)

Sec. 1. Cash flow borrowing. Whenever significant timing variations occur between disbursement and receipt of budgeted funds within a fiscal year, making it necessary to borrow in anticipation of revenues to be collected in a fiscal year, in order to meet the same, the Governor, Comptroller and Treasurer may contract debts, in an amount not exceeding 5% of the State's appropriations for that fiscal year, and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debts thus created, and to no other purpose. All moneys so borrowed shall be repaid by the close of the fiscal year in which borrowed. (Source: P.A. 88-669, eff. 11-29-94.)

Sec. 1.1. Borrowing upon failures in revenue. Whenever failures in revenues of the State occur, in order to meet those failures, the Governor, Comptroller, and Treasurer may contract debts in an amount not exceeding 15% of the State's appropriations for that fiscal year. The moneys thus borrowed shall be applied to the purposes for which they were obtained, or to pay the debts thus created by the borrowing, and to no other purpose. Before incurring debt under this Section, the Governor shall give written notice to the Clerk of the House of Representatives, the Secretary of the Senate, and the Secretary of State setting forth the reasons for the proposed borrowing and the corrective measures recommended to restore the State's fiscal soundness. The notice shall be a public record and open for inspection at the offices of the Secretary of State during normal business hours. No debt may be incurred under this Section until 30 days after the notice is served. All moneys so borrowed shall be borrowed for no longer time than one year. (Source: P.A. 88-669, eff. 11-29-94.)

Sec. 2. Sale of certificates. For borrowing authorized under Sections 1 and 1.1 of this Act, certificates may be issued and sold from time to time, in one or more series, in amounts, at prices and at interest rates, all as directed by the Governor, Comptroller, and Treasurer. Bidders shall submit sealed bids to the Director of the Governor's Office of...

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Management and Budget Bureau of the Budget upon such terms as shall be approved by the Governor, Comptroller, and Treasurer after such notice as shall be determined to be reasonable by the Director of the Governor's Office of Management and Budget. The loan shall be awarded to the bidder offering the lowest effective rate of interest not exceeding the maximum rate authorized by the Bond Authorization Act as amended at the time of the making of the contract.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

(Source: P.A. 88-669, eff. 11-29-94; revised 8-23-03.)

(30 ILCS 340/3) (from Ch. 120, par. 408)

Sec. 3. There shall be prepared under the direction of the officers named in this Act such form of bonds or certificates as they shall deem advisable, which, when issued, shall be signed by the Governor, Comptroller and Treasurer, and shall be recorded by the Comptroller in a book to be kept by him or her for that purpose. The interest and principal of such loan shall be paid by the treasurer out of the General Obligation Bond Retirement and Interest Fund.

There is hereby appropriated out of any money in the Treasury a sum sufficient for the payment of the interest and principal of any debts contracted under this Act.

The Governor, Comptroller, and Treasurer are authorized to order pursuant to the proceedings authorizing those debts the transfer of any moneys on deposit in the treasury into the General Obligation Bond Retirement and Interest Fund at times and in amounts they deem necessary to provide for the payment of that interest and principal.

The Comptroller is hereby authorized and directed to draw his warrant on the State Treasurer for the amount of all such payments.

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The directive authorizing borrowing under Section 1 or 1.1 of this Act shall set forth a pro forma cash flow statement that identifies estimated monthly receipts and expenditures with identification of sources for repaying the borrowed funds.

All proceeds from any borrowing under this Act received by the State on or after June 10, 2004 the effective date of this amendatory Act of the 93rd General Assembly and before July 1, 2004 shall be deposited into the Medicaid Provider Relief Fund.

(Source: P.A. 88-669, eff. 11-29-94; 93-674, eff. 6-10-04.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1047
(Senate Bill No. 1668)

AN ACT concerning veterans' affairs.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois National Guardsman's Compensation Act is amended by changing Section 3 as follows:

(20 ILCS 1825/3) (from Ch. 129, par. 403)

Sec. 3. If a claim therefor is made within one year of the date of the death of the guardsman, compensation shall be paid to the person designated by such guardsman killed while on duty. The amount of compensation shall be equal to the greater of (i) $100,000 or (ii) the amount of compensation payable under Section 3 of the Line of Duty Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees Compensation Act when an individual to whom that Act applies is killed in the line of duty. If no beneficiary is designated or surviving at the death of the guardsman killed while on duty, the compensation shall be paid as follows:

(a) When there is a surviving spouse, the entire sum shall be paid to the spouse.

(b) When there is no surviving spouse, but a surviving descendant of the decedent, the entire sum shall be paid to the decedent's descendants per stirpes.

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(c) When there is neither a surviving spouse nor a surviving descendant, the entire sum shall be paid to the parents of the decedent in equal parts, allowing to the surviving parent, if one is dead, the entire sum.

(d) When there is no surviving spouse, descendant or parent of the decedent, but there are surviving brothers or sisters, or descendants of a brother or sister, who were receiving their principal support from the decedent at his death, the entire sum shall be paid, in equal parts, to the dependent brothers or sisters or dependent descendant of a brother or sister. Dependency shall be determined by the Court of Claims based upon the investigation and report of the Attorney General.

When there is no beneficiary designated or surviving at the death of the guardsman killed while on duty and no surviving spouse, descendant, parent, dependent brother or sister, or dependent descendant of a brother or sister, no compensation shall be payable under this Act.

No part of such compensation may be paid to any other person for any efforts in securing such compensation.

(Source: P.A. 91-357, eff. 7-29-99.)

Section 10. The Court of Claims Act is amended by changing Sections 8 and 21 as follows:

(705 ILCS 505/8) (from Ch. 37, par. 439.8)
Sec. 8. Court of Claims jurisdiction. The court shall have exclusive jurisdiction to hear and determine the following matters:
(a) All claims against the State founded upon any law of the State of Illinois or upon any regulation adopted thereunder by an executive or administrative officer or agency; provided, however, the court shall not have jurisdiction (i) to hear or determine claims arising under the Workers' Compensation Act or the Workers' Occupational Diseases Act, or claims for expenses in civil litigation, or (ii) to review administrative decisions for which a statute provides that review shall be in the circuit or appellate court.
(b) All claims against the State founded upon any contract entered into with the State of Illinois.
(c) All claims against the State for time unjustly served in prisons of this State where the persons imprisoned shall receive a pardon from the governor stating that such pardon is issued on the ground of innocence of the crime for which they were imprisoned; provided, the court shall make no award in excess of the following amounts: for imprisonment of 5 years

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or less, not more than $15,000; for imprisonment of 14 years or less but over 5 years, not more than $30,000; for imprisonment of over 14 years, not more than $35,000; and provided further, the court shall fix attorney's fees not to exceed 25% of the award granted. On December 31, 1996, the court shall make a one-time adjustment in the maximum awards authorized by this subsection (c), to reflect the increase in the cost of living from the year in which these maximum awards were last adjusted until 1996, but with no annual increment exceeding 5%. Thereafter, the court shall annually adjust the maximum awards authorized by this subsection (c) to reflect the increase, if any, in the Consumer Price Index For All Urban Consumers for the previous calendar year, as determined by the United States Department of Labor, except that no annual increment may exceed 5%. For both the one-time adjustment and the subsequent annual adjustments, if the Consumer Price Index decreases during a calendar year, there shall be no adjustment for that calendar year. The changes made by Public Act 89-689 apply to all claims filed on or after January 1, 1995 that are pending on December 31, 1996 and all claims filed on or after December 31, 1996.

(d) All claims against the State for damages in cases sounding in tort, if a like cause of action would lie against a private person or corporation in a civil suit, and all like claims sounding in tort against the Medical Center Commission, the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy; provided, that an award for damages in a case sounding in tort, other than certain cases involving the operation of a State vehicle described in this paragraph, shall not exceed the sum of $100,000 to or for the benefit of any claimant. The $100,000 limit prescribed by this Section does not apply to an award of damages in any case sounding in tort arising out of the operation by a State employee of a vehicle owned, leased or controlled by the State. The defense that the State or the Medical Center Commission or the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board

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of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy is not liable for the negligence of its officers, agents, and employees in the course of their employment is not applicable to the hearing and determination of such claims.

(e) All claims for recoupment made by the State of Illinois against any claimant.

(f) All claims pursuant to the Line of Duty Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees Compensation Act.

(g) All claims filed pursuant to the Crime Victims Compensation Act.

(h) All claims pursuant to the Illinois National Guardsman's Compensation Act.

(i) All claims authorized by subsection (a) of Section 10-55 of the Illinois Administrative Procedure Act for the expenses incurred by a party in a contested case on the administrative level.

(Source: P.A. 89-4, eff. 1-1-96; 89-689, eff. 12-31-96; 90-492, eff. 8-17-97.)

(705 ILCS 505/21) (from Ch. 37, par. 439.21)

Sec. 21. The court is authorized to impose, by uniform rules, a fee of $15 for the filing of a petition in any case in which the award sought is more than $50 and less than $1,000 and $35 in any case in which the award sought is $1,000 or more; and to charge and collect for copies of opinions or other documents filed in the Court of Claims such fees as may be prescribed by the rules of the Court. All fees and charges so collected shall be forthwith paid into the State Treasury.

A petitioner who is a prisoner in an Illinois Department of Corrections facility who files a pleading, motion, or other filing that purports to be a legal document against the State, the Illinois Department of Corrections, the Prisoner Review Board, or any of their officers or employees in which the court makes a specific finding that it is frivolous shall pay all filing fees and court costs in the manner provided in Article XXII of the Code of Civil Procedure.

In claims based upon lapsed appropriations or lost warrant or in claims filed under the Line of Duty Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen,

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Chaplains, and State Employees Compensation Act, the Illinois National Guardsman's Compensation Act, or the Crime Victims Compensation Act or in claims filed by medical vendors for medical services rendered by the claimant to persons eligible for Medical Assistance under programs administered by the Illinois Department of Public Aid, no filing fee shall be required.

(Source: P.A. 90-492, eff. 8-17-97; 90-505, eff. 8-19-97; 90-655, eff. 7-30-98.)

Section 15. The Good Samaritan Act is amended by changing Section 70 as follows:

(745 ILCS 49/70)
Sec. 70. Law enforcement officers or firemen; exemption from civil liability for emergency care. Any law enforcement officer or fireman as defined in Section 2 of the Line of Duty Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees Compensation Act, who in good faith provides emergency care without fee to any person shall not, as a result of his or her acts or omissions, except willful and wanton misconduct on the part of the person, in providing the care, be liable to a person to whom such care is provided for civil damages.

(Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

Section 20. The Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees Compensation Act is amended by changing Sections 1, 2, 3, and 4 as follows:

(820 ILCS 315/1) (from Ch. 48, par. 281)
Sec. 1. This Act shall be known and may be cited as the Line of Duty "Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees Compensation Act".

(Source: P.A. 89-323, eff. 1-1-96.)

(820 ILCS 315/2) (from Ch. 48, par. 282)
Sec. 2. As used in this Act, unless the context otherwise requires:
(a) "Law enforcement officer" or "officer" means any person employed by the State or a local governmental entity as a policeman, peace officer, auxiliary policeman or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life. This includes supervisors, wardens, superintendents and their assistants, guards and keepers, correctional officers, youth

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supervisors, parole agents, school teachers and correctional counsellors in all facilities of both the Juvenile and Adult Divisions of the Department of Corrections, while within the facilities under the control of the Department of Corrections or in the act of transporting inmates or wards from one location to another or while performing their official duties, and all other Department of Correction employees who have daily contact with inmates.

The death of the foregoing employees of the Department of Corrections in order to be included herein must be by the direct or indirect willful act of an inmate, ward, work-releasee, parolee, parole violator, person under conditional release, or any person sentenced or committed, or otherwise subject to confinement in or to the Department of Corrections.

(b) "Fireman" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, including volunteer firemen.

(c) "Local governmental entity" includes counties, municipalities and municipal corporations.

(d) "State" means the State of Illinois and its departments, divisions, boards, bureaus, commissions, authorities and colleges and universities.

(e) "Killed in the line of duty" means losing one's life as a result of injury received in the active performance of duties as a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, or chaplain if the death occurs within one year from the date the injury was received and if that injury arose from violence or other accidental cause. In the case of a State employee, "killed in the line of duty" means losing one's life as a result of injury received in the active performance of one's duties as a State employee, if the death occurs within one year from the date the injury was received and if that injury arose from a willful act of violence by another State employee committed during such other employee's course of employment and after January 1, 1988. The term excludes death resulting from the willful misconduct or intoxication of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee. However, the burden of proof of such willful misconduct or intoxication of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee is on the Attorney General. Subject to the conditions set forth in subsection (a) with respect to inclusion under this Act of Department of Corrections employees described in that subsection, for the purposes of this Act, instances in

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which a law enforcement officer receives an injury in the active performance of duties as a law enforcement officer include but are not limited to instances when:

(1) the injury is received as a result of a wilful act of violence committed other than by the officer and a relationship exists between the commission of such act and the officer's performance of his duties as a law enforcement officer, whether or not the injury is received while the officer is on duty as a law enforcement officer;

(2) the injury is received by the officer while the officer is attempting to prevent the commission of a criminal act by another or attempting to apprehend an individual the officer suspects has committed a crime, whether or not the injury is received while the officer is on duty as a law enforcement officer;

(3) the injury is received by the officer while the officer is travelling to or from his employment as a law enforcement officer or during any meal break, or other break, which takes place during the period in which the officer is on duty as a law enforcement officer.

In the case of an Armed Forces member, "killed in the line of duty" means losing one's life while on active duty in connection with Operation Enduring Freedom or Operation Iraqi Freedom.

(f) "Volunteer fireman" means a person having principal employment other than as a fireman, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district, and includes a volunteer member of a fire department organized under the "General Not for Profit Corporation Act", approved July 17, 1943, as now or hereafter amended, which is under contract with any city, village, incorporated town, fire protection district, or persons residing therein, for fire fighting services. "Volunteer fireman" does not mean an individual who volunteers assistance without being regularly enrolled as a fireman.

(g) "Civil defense worker" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member of a civil defense work force, including volunteer civil defense work forces engaged in serving the public interest during periods of disaster, whether natural or man-made.

New matter indicated by italics - deletions by strikeout.
(h) "Civil air patrol member" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member of the organization commonly known as the "Civil Air Patrol", including volunteer members of the organization commonly known as the "Civil Air Patrol".

(i) "Paramedic" means an Emergency Medical Technician-Paramedic certified by the Illinois Department of Public Health under the Emergency Medical Services (EMS) Systems Act, and all other emergency medical personnel certified by the Illinois Department of Public Health who are members of an organized body or not-for-profit corporation under the jurisdiction of a city, village, incorporated town, fire protection district or county, that provides emergency medical treatment to persons of a defined geographical area.

(j) "State employee" means any employee as defined in Section 14-103.05 of the Illinois Pension Code, as now or hereafter amended.

(k) "Chaplain" means an individual who:

(1) is a chaplain of (i) a fire department or (ii) a police department or other agency consisting of law enforcement officers; and

(2) has been designated a chaplain by (i) the fire department, police department, or other agency or an officer or body having jurisdiction over the department or agency or (ii) a labor organization representing the firemen or law enforcement officers.

(l) "Armed Forces member" means an Illinois resident who is: a member of the Armed Forces of the United States; a member of the Illinois National Guard while on active military service pursuant to an order of the President of the United States; or a member of any reserve component of the Armed Forces of the United States while on active military service pursuant to an order of the President of the United States.

(Source: P.A. 89-323, eff. 1-1-96.)

(820 ILCS 315/3) (from Ch. 48, par. 283)

Sec. 3. Duty death benefit. If a claim therefor is made within one year of the date of death of a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee, or Armed Forces member killed in the line of duty, compensation shall be paid to the person designated by the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee, or Armed Forces

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member. However, if the Armed Forces member was killed in the line of duty before the effective date of this amendatory Act of the 93rd General Assembly, the claim must be made within one year of the effective date of this amendatory Act of the 93rd General Assembly.

The amount of compensation shall be $10,000 if the death in the line of duty occurred prior to January 1, 1974; $20,000 if such death occurred after December 31, 1973 and before July 1, 1983; $50,000 if such death occurred on or after July 1, 1983 and before January 1, 1996; $100,000 if the death occurred on or after January 1, 1996 and before May 18, 2001; $118,000 if the death occurred on or after May 18, 2001 and before the effective date of this amendatory Act of the 92nd General Assembly; and $259,038 if the death occurs on or after the effective date of this amendatory Act of the 92nd General Assembly and before January 1, 2003.

For deaths occurring on or after January 1, 2003, the death compensation rate for death in the line of duty occurring in a particular calendar year shall be the death compensation rate for death occurring in the previous calendar year (or in the case of deaths occurring in 2003, the rate in effect on December 31, 2002) increased by a percentage thereof equal to the percentage increase, if any, in the index known as the Consumer Price Index for All Urban Consumers: U.S. city average, unadjusted, for all items, as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12 months ending with the month of June of that previous calendar year.

If no beneficiary is designated or surviving at the death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee, or Armed Forces member killed in the line of duty, the compensation shall be paid as follows:

(a) when there is a surviving spouse, the entire sum shall be paid to the spouse;

(b) when there is no surviving spouse, but a surviving descendant of the decedent, the entire sum shall be paid to the decedent's descendants per stirpes;

(c) when there is neither a surviving spouse nor a surviving descendant, the entire sum shall be paid to the parents of the decedent in equal parts, allowing to the surviving parent, if one is dead, the entire sum; and

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(d) when there is no surviving spouse, descendant or parent of the decedent, but there are surviving brothers or sisters, or descendants of a brother or sister, who were receiving their principal support from the decedent at his death, the entire sum shall be paid, in equal parts, to the dependent brothers or sisters or dependent descendant of a brother or sister. Dependency shall be determined by the Court of Claims based upon the investigation and report of the Attorney General.

When there is no beneficiary designated or surviving at the death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee, or Armed Forces member killed in the line of duty and no surviving spouse, descendant, parent, dependent brother or sister, or dependent descendant of a brother or sister, no compensation shall be payable under this Act.

No part of such compensation may be paid to any other person for any efforts in securing such compensation.

(Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02.)

(820 ILCS 315/4) (from Ch. 48, par. 284)

Sec. 4. Notwithstanding Section 3, no compensation is payable under this Act unless a claim therefor is filed, within the time specified by that Section with the Court of Claims on an application prescribed and furnished by the Attorney General and setting forth:

(a) the name, address and title or designation of the position in which the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee, or Armed Forces member was serving at the time of his death;

(b) the names and addresses of person or persons designated by the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee, or Armed Forces member to receive the compensation and, if more than one, the percentage or share to be paid to each such person, or if there has been no such designation, the name and address of the personal representative of the estate of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee, or Armed Forces member;

(c) a full, factual account of the circumstances resulting in or the course of events causing the death of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee, or Armed Forces member, and

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(d) such other information as the Court of Claims reasonably requires.

When a claim is filed, the Attorney General shall make an investigation for substantiation of matters set forth in such an application.

(Source: P.A. 89-323, eff. 1-1-96.)

Section 99. Effective date. This Act takes effect upon becoming law.

Effective October 18, 2004.

PUBLIC ACT 93-1048
(Senate Bill No. 2165)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by adding Section 24-10 as follows:

(720 ILCS 5/24-10 new)

Sec. 24-10. Municipal ordinance regulating firearms; affirmative defense to a violation. It is an affirmative defense to a violation of a municipal ordinance that prohibits, regulates, or restricts the private ownership of firearms if the individual who is charged with the violation used the firearm in an act of self-defense or defense of another as defined in Sections 7-1 and 7-2 of this Code when on his or her land or in his or her abode or fixed place of business.

Sent to the Governor June 23, 2004.
Vetoed by the Governor August 20, 2004.

PUBLIC ACT 93-1049
(Senate Bill No. 2196)

AN ACT concerning stormwater management.

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Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 18-185 as follows:

(35 ILCS 200/18-185)
Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:
"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.
"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.
"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.
"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.
"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to

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pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; and (l) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds

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issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 this amendatory Act of the 93rd General Assembly and issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-
8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (o) made by the Chicago Park District for recreational programs for the handicapped under subsection (c) of Section 7.06 of the Chicago Park District Act.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially

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issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); and (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an

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amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); and (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or
(iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-215 through 18-230.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, and (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the

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Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator

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shall not include new property. The denominator shall not include the
recovered tax increment value.
(Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04; 93-606, eff. 11-18-
03; 93-612, eff. 11-18-03; revised 12-10-03.)

Section 10. The Counties Code is amended by changing Section 5-
1062.1 as follows:

(55 ILCS 5/5-1062.1) (from Ch. 34, par. 5-1062.1)
Sec. 5-1062.1. Stormwater management planning councils in Cook
County.

(a) Stormwater management in Cook County shall be conducted as
provided in Section 7h of the Metropolitan Water Reclamation District
Act. As used in this Section, "District" means the Metropolitan Water
Reclamation District of Greater Chicago.

The purpose of this Section is to create planning councils,
organized by watershed, to contribute to the stormwater management
process by advising the Metropolitan Water Reclamation District of
Greater Chicago and representing the needs and interests of the members
of the public and the local governments included within their respective
watersheds. allow management and mitigation of the effects of
urbanization on stormwater drainage in Cook County, and this Section
applies only to Cook County. In addition, this Section is intended to
improve stormwater and floodplain management in Cook County by the
following:

(1) Setting minimum standards for floodplain and
stormwater management.
(2) Preparing plans for the management of floodplains and
stormwater runoff, including the management of natural and man-
made drainage ways.
(b) The purpose of this Section shall be achieved by the following:

(1) Creating 6 Stormwater management planning councils
shall be formed for each of the following according to the
established watersheds of the Chicago Metropolitan Area: North
Branch Chicago River, Lower Des Plaines Tributaries, Cal-Sag
Channel, Little Calumet River, Poplar Creek, and Upper Salt
Creek. In addition a stormwater management planning council
shall be established for the combined sewer areas of Cook County.
Additional stormwater management planning councils may be
formed by the District Stormwater Management Planning
Committee for other watersheds within Cook County. Membership

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on the watershed councils shall consist of the chief elected official, or his or her designee, from each municipality and township within the watershed and the Cook County Board President, or his or her designee, if unincorporated area is included in the watershed. A municipality or township shall be a member of more than one watershed council if the corporate boundaries of that municipality; or township extend into more than one watershed, or if the municipality or township is served in part by separate sewers and combined sewers. Subcommittees of the stormwater management planning councils may be established to assist the stormwater management planning councils in performing their duties preparing and implementing a stormwater management plan. The councils may adopt bylaws to govern the functioning of the stormwater management councils and subcommittees.

(2) Creating, by intergovernmental agreement, a countywide Stormwater Management Planning Committee with its membership consisting of the Chairman of each of the watershed management councils, the Cook County Board President or his designee, and the Northeastern Illinois Planning Commission President or his designee.

(c) The principal duties of the watershed planning councils shall be to advise the District on the development and implementation of the countywide plan for the development of a stormwater management plan with respect to matters relating to their respective watersheds and to advise and represent the concerns of the watershed area and to recommend the plan for adoption to the units of local government in the watershed area. The councils shall meet at least quarterly and shall hold at least one public hearing during the preparation of the plan. Adoption of the watershed plan shall be by each municipality in the watershed and by vote of the County Board.

(d) The District principal duty of the county-wide Stormwater Management Committee shall give careful consideration to the recommendations and concerns of the watershed planning councils throughout the planning process and shall coordinate the 6 watershed plans as developed and to coordinate the planning process with the adjoining counties to ensure that recommended stormwater projects will have no significant adverse impact on the levels or flows of stormwater in the inter-county watershed or on the capacity of existing and planned stormwater retention facilities. The District shall include cost...
benefit analysis in its deliberations and in evaluating priorities for projects from watershed to watershed. The District committee shall identify in an annual published report steps taken by the District to accommodate the concerns and recommendations of the watershed planning councils. committee to coordinate the development of plan recommendations with adjoining counties. The committee shall also publish a coordinated stormwater document of all activity in the Cook County area and agreed upon stormwater planning standards.

(5) The stormwater management planning committee shall submit the coordinated watershed plans to the Office of Water Resources of the Department of Natural Resources and to the Northeastern Illinois Planning Commission for review and recommendation. The Office and the Commission, in reviewing the plan, shall consider those factors as impact on the level or flows in the rivers and streams and the cumulative effects of stormwater discharges on flood levels. The review comments and recommendations shall be submitted to the watershed councils for consideration.

(e) (6) The stormwater management planning councils committee may recommend rules and regulations to the District watershed councils governing the location, width, course, and release rates of all stormwater runoff channels, streams, and basins in their respective watersheds the county.

(f) (7) The Northwest Municipal Conference, the South Suburban Mayors and Managers Association, and the West Central Municipal Conference shall be responsible for the coordination of the planning councils created under this Section.

(Source: P.A. 88-649, eff. 9-16-94; 89-445, eff. 2-7-96.)

Section 15. The Metropolitan Water Reclamation District Act is amended by adding Section 7h and by changing Section 12 as follows:

(70 ILCS 2605/7h new)

Sec. 7h. Stormwater management.

(a) Stormwater management in Cook County shall be under the general supervision of the Metropolitan Water Reclamation District of Greater Chicago. The District has the authority to plan, manage, implement, and finance activities relating to stormwater management in Cook County. The authority of the District with respect to stormwater management extends throughout Cook County and is not limited to the

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area otherwise within the territory and jurisdiction of the District under this Act.

For the purposes of this Section, the term "stormwater management" includes, without limitation, the management of floods and floodwaters.

(b) The District may utilize the resources of cooperating local watershed councils (including the stormwater management planning councils created under Section 5-1062.1 of the Counties Code), councils of local governments, the Northeastern Illinois Planning Commission, and similar organizations and agencies. The District may provide those organizations and agencies with funding, on a contractual basis, for providing information to the District, providing information to the public, or performing other activities related to stormwater management.

The District, in addition to other powers vested in it, may negotiate and enter into agreements with any county for the management of stormwater runoff in accordance with subsection (c) of Section 5-1062 of the Counties Code.

The District may enter into intergovernmental agreements with Cook County or other units of local government that are located in whole or in part outside the District for the purpose of implementing the stormwater management plan and providing stormwater management services in areas not included within the territory of the District.

(c) The District shall prepare and adopt by ordinance a countywide stormwater management plan for Cook County. The countywide plan may incorporate one or more separate watershed plans.

Prior to adopting the countywide stormwater management plan, the District shall hold at least one public hearing thereon and shall afford interested persons an opportunity to be heard.

(d) The District may prescribe by ordinance reasonable rules and regulations for floodplain and stormwater management and for governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in Cook County, in accordance with the adopted stormwater management plan. These rules and regulations shall, at a minimum, meet the standards for floodplain management established by the Office of Water Resources of the Department of Natural Resources and the requirements of the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

(e) The District may impose fees on areas outside the District but within Cook County to mitigate the effects of increased stormwater runoff

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resulting from new development. The fees shall not exceed the cost of satisfying the onsite stormwater retention or detention requirements of the adopted stormwater management plan. The fees shall be used to finance activities undertaken by the District or units of local government within the District to mitigate the effects of urban stormwater runoff by providing regional stormwater retention or detention facilities, as identified in the plan. All such fees collected by the District shall be held in a separate fund and used for implementation of this Section.

(f) Amounts realized from the tax levy for stormwater management purposes authorized in Section 12 may be used by the District for implementing this Section and for the development, design, planning, construction, operation, and maintenance of regional stormwater facilities provided for in the stormwater management plan.

The proceeds of any tax imposed under Section 12 for stormwater management purposes and any revenues generated as a result of the ownership or operation of facilities or land acquired with the proceeds of taxes imposed under Section 12 for stormwater management purposes shall be held in a separate fund and used either for implementing this Section or to abate those taxes.

(g) The District may plan, implement, finance, and operate regional stormwater management projects in accordance with the adopted countywide stormwater management plan.

The District shall provide for public review and comment on proposed stormwater management projects. The District shall conform to State and federal requirements concerning public information, environmental assessments, and environmental impacts for projects receiving State or federal funds.

The District may issue bonds under Section 9.6a of this Act for the purpose of funding stormwater management projects.

The District shall not use Cook County Forest Preserve District land for stormwater or flood control projects without the consent of the Forest Preserve District.

(h) Upon the creation and implementation of a county stormwater management plan, the District may petition the circuit court to dissolve any or all drainage districts created pursuant to the Illinois Drainage Code or predecessor Acts that are located entirely within the District.

However, any active drainage district implementing a plan that is consistent with and at least as stringent as the county stormwater management plan may petition the District for exception from dissolution.
Upon filing of the petition, the District shall set a date for hearing not less than 2 weeks, nor more than 4 weeks, from the filing thereof, and the District shall give at least one week's notice of the hearing in one or more newspapers of general circulation within the drainage district, and in addition shall cause a copy of the notice to be personally served upon each of the trustees of the drainage district. At the hearing, the District shall hear the drainage district’s petition and allow the drainage district trustees and any interested parties an opportunity to present oral and written evidence. The District shall render its decision upon the petition for exception from dissolution based upon the best interests of the residents of the drainage district. In the event that the exception is not allowed, the drainage district may file a petition with the circuit court within 30 days of the decision. In that case, the notice and hearing requirements for the court shall be the same as provided in this subsection for the petition to the District. The court shall render its decision of whether to dissolve the district based upon the best interests of the residents of the drainage district.

The dissolution of a drainage district shall not affect the obligation of any bonds issued or contracts entered into by the drainage district nor invalidate the levy, extension, or collection of any taxes or special assessments upon the property in the former drainage district. All property and obligations of the former drainage district shall be assumed and managed by the District, and the debts of the former drainage district shall be discharged as soon as practicable.

If a drainage district lies only partly within the District, the District may petition the circuit court to disconnect from the drainage district that portion of the drainage district that lies within the District. The property of the drainage district within the disconnected area shall be assumed and managed by the District. The District shall also assume a portion of the drainage district’s debt at the time of disconnection, based on the portion of the value of the taxable property of the drainage district which is located within the area being disconnected.

A drainage district that continues to exist within Cook County shall conform its operations to the countywide stormwater management plan.

(i) The District may assume responsibility for maintaining any stream within Cook County.

(j) The District may, after 10 days written notice to the owner or occupant, enter upon any lands or waters within the county for the
purpose of inspecting stormwater facilities or causing the removal of any obstruction to an affected watercourse. The District shall be responsible for any damages occasioned thereby.

(k) The District shall report to the public annually on its activities and expenditures under this Section and the adopted countywide stormwater management plan.

(l) The powers granted to the District under this Section are in addition to the other powers granted under this Act. This Section does not limit the powers of the District under any other provision of this Act or any other law.

(m) This Section does not affect the power or duty of any unit of local government to take actions relating to flooding or stormwater, so long as those actions conform with this Section and the plans, rules, and ordinances adopted by the District under this Section.

A home rule unit located in whole or in part in Cook County (other than a municipality with a population over 1,000,000) may not regulate stormwater management or planning in Cook County in a manner inconsistent with this Section or the plans, rules, and ordinances adopted by the District under this Section; provided, within a municipality with a population over 1,000,000, the stormwater management planning program of Cook County shall be conducted by that municipality or, to the extent provided in an intergovernmental agreement between the municipality and the District, by the District pursuant to this Section; provided further that the power granted to such municipality shall not be inconsistent with existing powers of the District. Pursuant to paragraph (i) of Section 6 of Article VII of the Illinois Constitution, this Section specifically denies and limits the exercise of any power that is inconsistent with this Section by a home rule unit that is a county with a population of 1,500,000 or more or is located, in whole or in part, within such a county, other than a municipality with a population over 1,000,000.

(70 ILCS 2605/12) (from Ch. 42, par. 332)

Sec. 12. The board of commissioners annually may levy taxes for corporate purposes upon property within the territorial which, exclusive of the amount levied for (a) the payment of bonded indebtedness and the interest on bonded indebtedness (b) employees' annuity and benefit purposes (c) construction purposes, and (d) for the purpose of establishing and maintaining a reserve fund for the payment of claims, awards, losses, judgments or liabilities which might be imposed on such sanitary district under the Workers' Compensation Act or the Workers' Occupational

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Diseases Act, and any claim in tort, including but not limited to, any claim imposed upon such sanitary district under the Local Governmental and Governmental Employees Tort Immunity Act, and for the repair or replacement of any property owned by such sanitary district which is damaged by fire, flood, explosion, vandalism or any other peril, natural or manmade, shall not exceed the sum produced by extending the rate of .46% for each of the years year 1979 through 2004 and by extending the rate of 0.41% for the year 2005 and each year thereafter, upon the assessed valuation of all taxable property within the sanitary district as equalized and determined for State and local taxes.

In addition, for stormwater management purposes, including but not limited to those provided in subsection (f) of Section 7(h), the board of commissioners may levy taxes for the year 2005 and each year thereafter at a rate not to exceed 0.05% of the assessed valuation of all taxable property within the District as equalized and determined for State and local taxes.

And in addition thereto, for construction purposes as defined in Section 5.2 of this Act, the board of commissioners may levy taxes for the year 1985 and each year thereafter which shall be at a rate not to exceed .10% of the assessed valuation of all taxable property within the sanitary district as equalized and determined for State and local taxes. Amounts realized from taxes so levied for construction purposes shall be limited for use to such purposes and shall not be available for appropriation or used to defray the cost of repairs to or expense of maintaining or operating existing or future facilities, but such restrictions, however, shall not apply to additions, alterations, enlargements, and replacements which will add appreciably to the value, utility, or the useful life of said facilities. Such rates shall be extended against the assessed valuation of the taxable property within the corporate limits as the same shall be assessed and equalized for the county taxes for the year in which the levy is made and said board shall cause the amount to be raised by taxation in each year to be certified to the county clerk on or before the thirtieth day of March; provided, however, that if during the budget year the General Assembly authorizes an increase in such rates, the board of commissioners may adopt a supplemental levy and shall make such certification to the County Clerk on or before the thirtieth day of December.

For the purpose of establishing and maintaining a reserve fund for the payment of claims, awards, losses, judgments or liabilities which might be imposed on such sanitary district under the Workers'
Compensation Act or the Workers' Occupational Diseases Act, and any claim in tort, including but not limited to, any claim imposed upon such sanitary district under the Local Governmental and Governmental Employees Tort Immunity Act, and for the repair or replacement, where the cost thereof exceeds the sum of $10,000, of any property owned by such sanitary district which is damaged by fire, flood, explosion, vandalism or any other peril, natural or man-made, such sanitary district may also levy annually upon all taxable property within its territorial limits a tax not to exceed .005% of the assessed valuation of said taxable property as equalized and determined for State and local taxes; provided, however, the aggregate amount which may be accumulated in such reserve fund shall not exceed .05% of such assessed valuation.

All taxes so levied and certified shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the officer collecting the same to the treasurer of the sanitary district, in the manner and at the time provided by the general revenue law. No part of the taxes hereby authorized shall be used by such sanitary district for the construction of permanent, fixed, immovable bridges across any channel constructed under the provisions of this Act. All bridges built across such channel shall not necessarily interfere with or obstruct the navigation of such channel, when the same becomes a navigable stream, as provided in Section 24 of this Act, but such bridges shall be so constructed that they can be raised, swung or moved out of the way of vessels, tugs, boats or other water craft navigating such channel. Nothing in this Act shall be so construed as to compel said district to maintain or operate said bridges, as movable bridges, for a period of 9 years from and after the time when the water has been turned into said channel pursuant to law, unless the needs of general navigation of the Des Plaines and Illinois Rivers, when connected by said channel, sooner require it. In levying taxes the board of commissioners, in order to produce the net amount required by the levies for payment of bonds and interest thereon, shall include an amount or rate estimated to be sufficient to cover losses in collection of taxes, the cost of collecting taxes, abatements in the amount of such taxes as extended on the collector's books and the amount of such taxes collection of which will be deferred; the amount so added for the purpose of producing the net amount required shall not exceed any applicable maximum tax rate or amount.

(Source: P.A. 84-630.)

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the Governor June 10, 2004.
Vetoed by the Governor August 9, 2004.

PUBLIC ACT 93-1050
(Senate Bill No. 2273)

AN ACT concerning recreational trails.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Recreational Trails of Illinois Act is amended by changing Section 15 as follows:

(20 ILCS 862/15)
Sec. 15. Off-Highway Vehicle Trails Fund.
(a) The Off-Highway Vehicle Trails Fund is created as a special fund in the State treasury. Money from federal, State, and private sources may be deposited into the Fund. Fines assessed by the Department of Natural Resources for citations issued to off-highway vehicle operators shall be deposited into the Fund. All interest accrued on the Fund shall be deposited into the Fund.
(b) All money in the Fund shall be used, subject to appropriation, by the Department for the following purposes:

(1) Grants for construction of off-highway vehicle recreational trails on county, municipal, other units of local government, or private lands where a recreational need for the construction is shown.

(2) Grants for maintenance and construction of off-highway vehicle recreational trails on federal lands, where permitted by law.

(3) Grants for development of off-highway vehicle trail-side facilities in accordance with criteria approved by the National Recreational Trails Advisory Committee.

(4) Grants for acquisition of property from willing sellers for off-highway vehicle recreational trails when the objective of a trail cannot be accomplished by other means.

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(5) Grants for development of urban off-highway vehicle trail linkages near homes and workplaces.

(6) Grants for maintenance of existing off-highway vehicle recreational trails, including the grooming and maintenance of trails across snow.

(7) Grants for restoration of areas damaged by usage of off-highway vehicle recreational trails and back country terrain.

(8) Grants for provision of features that facilitate the access and use of off-highway vehicle trails by persons with disabilities.

(9) Grants for acquisition of easements for off-highway vehicle trails or for trail corridors.

(10) Grants for a rider education and safety program.

(11) Administration, enforcement, planning, and implementation of this Act and Sections 11-1426 and 11-1427 of the Illinois Vehicle Code.

Of the money used from the Fund for the purposes set forth in this subsection, at least 92% 60% shall be allocated for motorized recreation and not more than 8% shall be used by the Department for administration, enforcement, planning, and implementation of this Act or diverted from the Fund. The Department shall establish, by rule, measures to verify that recipients of money from the Fund comply with the specified conditions for the use of the money.

(c) The Department may not use the money from the Fund for the following purposes:

(1) Condemnation of any kind of interest in property.

(2) Construction of any recreational trail on National Forest System land for motorized uses unless those lands have been allocated for uses other than wilderness by an approved forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and the construction is otherwise consistent with the management direction in the approved land and resource management plan.

(3) Construction of motorized recreational trails on Department owned or managed land.

(d) The Department shall establish a program to administer grants from the Fund to units of local government, not-for-profit organizations, and other groups to operate, maintain, and acquire land for off-highway vehicle parks that are open and accessible to the public.

(Source: P.A. 90-287, eff. 1-1-98.)

New matter indicated by italics - deletions by strikeout.
AN ACT concerning gaming.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 1. Short title. This Act may be cited as the Native American Gaming Compact Act.
Section 5. General Assembly approval of Native American gaming compacts.
   (a) Before the Governor may enter into a compact with a Native American tribe authorizing the Native American tribe to conduct gambling in Illinois, the Governor must submit a request for authority to enter into the compact to the General Assembly. The Governor must include with that submission a copy of the proposed compact.
   (b) If the General Assembly enacts legislation authorizing the Governor to enter into the compact within 30 session days after the submission of the request by the Governor to the General Assembly under subsection (a), the Governor may enter into the compact. If the General Assembly does not enact legislation authorizing the Governor to enter into the compact within 30 session days after the submission of the request by the Governor to the General Assembly under subsection (a), the Governor may not enter into the compact.

Sent to the Governor June 2, 2004.
Vetoed by the Governor July 30, 2004.
Effective January 1, 2005

New matter indicated by italics - deletions by strikeout.
AN ACT concerning public utilities.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Utilities Act is amended by adding Section 7-210 as follows:

(220 ILCS 5/7-210 new)

Sec. 7-210. Commission oversight of nonpublic, unregulated sales at retail of natural gas by public utilities.

(a) This Section shall apply to any gas utility that served more than 60,000 gas customers but less than 75,000 gas customers in this State on January 1, 2000 and that provides competitive electric power and energy to electric delivery service customers through a business division of its electric utility pursuant to Section 16-116. For the purposes of this Section, terms shall have the same meaning as defined in Section 7-108, Article XVI, and Article XIX.

(b) After the effective date of this amendatory Act of the 93rd General Assembly, unregulated sales of natural gas by a gas utility within or outside its service area shall be subject to the provisions of this Section. This Section shall not be interpreted to invalidate any contract for unregulated sales of natural gas executed by a gas utility prior to the effective date of this amendatory Act of the 93rd General Assembly, but unregulated sales of natural gas pursuant to such contract after the effective date of this amendatory Act of the 93rd General Assembly shall be subject to the provisions of this Section.

(c) A gas utility offering unregulated sales of natural gas to an end-use customer within or outside its service area shall be subject to Sections 7-102(g), 7-205, 7-206, and 9-230 with respect to such sales.

(d) Notwithstanding any language of Article XIX to the contrary, a gas utility offering unregulated sales of natural gas to a residential customer or a small commercial customer within or outside its service area shall be subject to Sections 19-110(e)(2), 19-110(e)(3), 19-110(e)(5), 19-115, and 19-120.

(e) A gas utility offering unregulated sales of natural gas to an end-use customer within or outside its service area shall not subsidize such sales through the utility's regulated business. Costs and revenues from the gas utility's unregulated sales of gas to an end-use customer

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within or outside its service area shall not be included in the calculation of the utility's regulated gas rates and charges.

(f) A gas utility offering unregulated sales of natural gas to an end-use customer within or outside its service area shall not discriminate in the provision of regulated gas service based upon the existence or terms of an unregulated sale of natural gas.

(g) The Commission shall require a gas utility to file reports regarding its unregulated sales of natural gas in the State. The reports shall be treated as confidential documents. To the extent the Commission determines it to be necessary and in the public interest, the Commission may order an audit of a gas utility regarding its unregulated sales of natural gas in the State.

(h) The Commission shall have the authority to require the gas utility to file its contracts for unregulated sales of natural gas in the State. The contracts shall be treated as confidential documents.

(i) Within 120 days after the effective date of this amendatory Act of the 93rd General Assembly, the Commission shall adopt provisions requiring functional separation between a gas utility's unregulated retail sales of natural gas in the State and its regulated retail gas services in the State. In establishing or considering the functional separations provisions, the Commission shall take into account the effects on the cost and reliability of service and the obligation of the gas utility under the Act. The Commission shall adopt separations provisions that are a cost effective means to ensure compliance with this Section. The provisions adopted by the Commission shall permit a gas utility to offer unregulated retail sales of natural gas in the State through the same business division of the utility that offers competitive electric power and energy to electric delivery service customers. Until provisions are adopted by the Commission, the gas utility shall comply with the functional separations rules for electric utilities adopted pursuant to Section 16-119A, to the extent determined applicable by the Commission through emergency rules established within 60 days of the passage of this Act.

(j) A gas utility shall not release or assign gas storage capacity procured for its regulated Illinois retail customers to its business division offering unregulated retail sales of natural gas or allow such storage capacity to be managed by that business division.

(k) Except as approved by the Commission, a gas utility shall not use gas commodity or interstate pipeline services for unregulated retail

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sales of natural gas in the State if such commodity or service was procured for its regulated Illinois retail customers.

(l) In addition to any other remedy provided in the Act, the Commission may order a gas utility to cease offering unregulated retail sales of natural gas in the State if it finds, after notice and hearing, that the gas utility willfully violated this Section.

(m) This Section shall not be applicable to unregulated sales of natural gas by an affiliate of a gas utility. Nothing herein shall be construed as impacting the applicability of other Sections of the Act to the unregulated sale of natural gas by an affiliate.

Sent to the Governor May 31, 2004.
Vetoed by the Governor July 30, 2004.
Effective January 1, 2005.

PUBLIC ACT 93-1053
(House Bill No. 0826)

AN ACT in relation to municipal government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 8-11-6a and 11-74.3-3 and by adding Sections 11-74.3-5 and 11-74.3-6 as follows:

(65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)
Sec. 8-11-6a. Home rule municipalities; preemption of certain taxes. Except as provided in Sections 8-11-1, 8-11-5, 8-11-6, 8-11-6b, and 11-74.3-6 on and after September 1, 1990, no home rule municipality has the authority to impose, pursuant to its home rule authority, a retailer's occupation tax, service occupation tax, use tax, sales tax or other tax on the use, sale or purchase of tangible personal property based on the gross receipts from such sales or the selling or purchase price of said tangible personal property. Notwithstanding the foregoing, this Section does not preempt any home rule imposed tax such as the following: (1) a tax on alcoholic beverages, whether based on gross receipts, volume sold or any other measurement; (2) a tax based on the number of units of cigarettes or tobacco products (provided, however, that a home rule municipality that has not imposed a tax based on the number of units of cigarettes or

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tobacco products before July 1, 1993, shall not impose such a tax after that date); (3) a tax, however measured, based on the use of a hotel or motel room or similar facility; (4) a tax, however measured, on the sale or transfer of real property; (5) a tax, however measured, on lease receipts; (6) a tax on food prepared for immediate consumption and on alcoholic beverages sold by a business which provides for on premise consumption of said food or alcoholic beverages; or (7) other taxes not based on the selling or purchase price or gross receipts from the use, sale or purchase of tangible personal property. This Section is not intended to affect any existing tax on food and beverages prepared for immediate consumption on the premises where the sale occurs, or any existing tax on alcoholic beverages, or any existing tax imposed on the charge for renting a hotel or motel room, which was in effect January 15, 1988, or any extension of the effective date of such an existing tax by ordinance of the municipality imposing the tax, which extension is hereby authorized, in any non-home rule municipality in which the imposition of such a tax has been upheld by judicial determination, nor is this Section intended to preempt the authority granted by Public Act 85-1006. This Section is a limitation, pursuant to subsection (g) of Section 6 of Article VII of the Illinois Constitution, on the power of home rule units to tax.

(Source: P.A. 91-51, eff. 6-30-99.)

(65 ILCS 5/11-74.3-3) (from Ch. 24, par. 11-74.3-3)

Sec. 11-74.3-3. In carrying out a business district development or redevelopment plan, the corporate authorities of each municipality shall have the following powers:

(1) To approve all development and redevelopment proposals for a business district.

(2) To exercise the use of eminent domain for the acquisition of real and personal property for the purpose of a development or redevelopment project.

(3) To acquire, manage, convey or otherwise dispose of real and personal property according to the provisions of a development or redevelopment plan.

(4) To apply for and accept capital grants and loans from the United States and the State of Illinois, or any instrumentality of the United States or the State, for business district development and redevelopment.

(5) To borrow funds as it may be deemed necessary for the purpose of business district development and redevelopment, and

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in this connection issue such obligation or revenue bonds as it shall be deemed necessary, subject to applicable statutory limitations.

(6) To enter into contracts with any public or private agency or person.

(7) To sell, lease, trade or improve real property in connection with business district development and redevelopment plans.

(8) To employ all such persons as may be necessary for the planning, administration and implementation of business district plans.

(9) To expend such public funds as may be necessary for the planning, execution and implementation of the business district plans.

(10) To establish by ordinance or resolution procedures for the planning, execution and implementation of business district plans.

(11) To create a Business District Development and Redevelopment Commission to act as agent for the municipality for the purposes of business district development and redevelopment.

(12) To impose a retailers' occupation tax and a service occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for business district project costs as set forth in the business district plan approved by the municipality.

(13) To impose a hotel operators' occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for the business district project costs as set forth in the business district plan approved by the municipality.

(14) To issue obligations in one or more series bearing interest at rates determined by the corporate authorities of the municipality by ordinance and secured by the business district tax allocation fund set forth in Section 11-74.3-6 for the business district to provide for the payment of business district project costs.

This amendatory Act of the 91st General Assembly is declarative of existing law and is not a new enactment.

(Source: P.A. 91-418, eff. 1-1-00.)

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(65 ILCS 5/11-74.3-5 new)

Sec. 11-74.3-5. Business district; additional procedures for designation of district and approval of development or redevelopment plan. If the corporate authorities of a municipality desire to impose a tax by ordinance pursuant to subsection (12) or (13) of Section 11-74.3-3, the following additional procedures shall apply to the designation of the business district and the approval of the business district development or redevelopment plan:

(1) The corporate authorities of the municipality shall hold public hearings at least one week prior to designation of the business district and approval of the business district development or redevelopment plan.

(2) The area proposed to be designated as a business district must be contiguous and must include only parcels of real property directly and substantially benefited by the proposed business district development or redevelopment plan.

(3) The corporate authorities of the municipality shall make a formal finding of the following: (i) the business district is a blighted area that, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use; and (ii) the business district on the whole has not been subject to growth and development through investment by private enterprises or would not reasonably be anticipated to be developed or redeveloped without the adoption of the business district development or redevelopment plan.

(4) The proposed business district development or redevelopment plan shall set forth in writing: (i) a specific description of the proposed boundaries of the district, including a map illustrating the boundaries; (ii) a general description of each project proposed to be undertaken within the business district, including a description of the approximate location of each project; (iii) the name of the proposed business district; (iv) the estimated business district project costs; (v) the anticipated source

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of funds to pay business district project costs; (vi) the anticipated type and terms of any obligations to be issued; and (vii) the rate of any tax to be imposed pursuant to subsection (12) or (13) of Section 11-74.3-3 and the period of time for which the tax shall be imposed.

(65 ILCS 5/11-74.3-6 new)

Sec. 11-74.3-6. Business district revenue and obligations.

(a) If the corporate authorities of a municipality have approved a business district development or redevelopment plan and have elected to impose a tax by ordinance pursuant to subsections (b), (c), or (d) of this Section, each year after the date of the approval of the ordinance and until all business district project costs and all municipal obligations financing the business district project costs, if any, have been paid in accordance with the business district development or redevelopment plan, but in no event longer than 23 years after the date of adoption of the ordinance approving the business district development or redevelopment plan, all amounts generated by the retailers' occupation tax and service occupation tax shall be collected and the tax shall be enforced by the Department of Revenue in the same manner as all retailers' occupation taxes and service occupation taxes imposed in the municipality imposing the tax and all amounts generated by the hotel operators' occupation tax shall be collected and the tax shall be enforced by the municipality in the same manner as all hotel operators' occupation taxes imposed in the municipality imposing the tax. The corporate authorities of the municipality shall deposit the proceeds of the taxes imposed under subsections (b), (c), and (d) into a special fund held by the corporate authorities of the municipality called the Business District Tax Allocation Fund for the purpose of paying business district project costs and obligations incurred in the payment of those costs.

(b) The corporate authorities of a municipality that has established a business district under this Division 74.3 may, by ordinance or resolution, impose a Business District Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in the business district at a rate not to exceed 1% of the gross receipts from the sales made in the course of such business, to be imposed only in 0.25% increments. The tax may not be imposed on prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the

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purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The certificate of registration that is issued by the Department to a retailer under the Retailers’ Occupation Tax Act shall permit the retailer to engage in a business that is taxable under any ordinance or resolution enacted pursuant to this subsection without registering separately with the Department under such ordinance or resolution or under this subsection. The Department of Revenue shall have full power to administer and enforce this subsection; to collect all taxes and penalties due under this subsection in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of, and compliance with, this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 1, 1a through 1o, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c through 2h, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the Retailers’ Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under this subsection may reimburse themselves for their seller's tax liability under this subsection by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the business district retailers' occupation tax fund.

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The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes, penalties, and interest collected under this subsection for deposit into the business district retailers' occupation tax fund. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities from the business district retailers' occupation tax fund, the municipalities to be those from which retailers have paid taxes or penalties under this subsection to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected under this subsection during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department, less 2% of that amount, which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and enforcing the provisions of this subsection, on behalf of such municipality, and not including any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the municipality. Within 10 days after receipt by the Comptroller of the disbursement certification to the municipalities provided for in this subsection to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in the certification. The proceeds of the tax paid to municipalities under this subsection shall be deposited into the Business District Tax Allocation Fund by the municipality.

An ordinance or resolution imposing or discontinuing the tax under this subsection or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department, if all other requirements of this subsection are met, shall proceed to administer and enforce this subsection as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon, if all other requirements of this subsection are met, the Department shall
proceed to administer and enforce this subsection as of the first day of January next following the adoption and filing.

The Department of Revenue shall not administer or enforce an ordinance imposing, discontinuing, or changing the rate of the tax under this subsection, until the municipality also provides, in the manner prescribed by the Department, the boundaries of the business district in such a way that the Department can determine by its address whether a business is located in the business district. The municipality must provide this boundary information to the Department on or before April 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following July 1 and on or before October 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following January 1. The Department of Revenue shall not administer or enforce any change made to the boundaries of a business district until the municipality reports the boundary change to the Department in the manner prescribed by the Department. The municipality must provide this boundary change information to the Department on or before April 1 for administration and enforcement by the Department of the change beginning on the following July 1 and on or before October 1 for administration and enforcement by the Department of the change beginning on the following January 1. The retailers in the business district shall be responsible for charging the tax imposed under this subsection. If a retailer is incorrectly included or excluded from the list of those required to collect the tax under this subsection, both the Department of Revenue and the retailer shall be held harmless if they reasonably relied on information provided by the municipality.

A municipality that imposes the tax under this subsection must submit to the Department of Revenue any other information as the Department may require for the administration and enforcement of the tax.

When certifying the amount of a monthly disbursement to a municipality under this subsection, the Department shall increase or decrease the amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

Nothing in this subsection shall be construed to authorize the municipality to impose a tax upon the privilege of engaging in any

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business which under the Constitution of the United States may not be made the subject of taxation by this State.

If a tax is imposed under this subsection (b), a tax shall also be imposed under subsection (c) of this Section.

(c) If a tax has been imposed under subsection (b), a Business District Service Occupation Tax shall also be imposed upon all persons engaged, in the business district, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the business district, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax shall be imposed at the same rate as the tax imposed in subsection (b) and shall not exceed 1% of the selling price of tangible personal property so transferred within the business district, to be imposed only in 0.25% increments. The tax may not be imposed on prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers’ Occupation Tax Act or under the Service Occupation Tax Act shall permit such registrant to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this subsection without registering separately with the Department under such ordinance or resolution or under this subsection. The Department of Revenue shall have full power to administer and enforce this subsection; to collect all taxes and penalties due under this subsection; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of, and compliance with this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms and employ the same modes of procedure as are prescribed in Sections 2, 2a through 2d, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the business

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district), 5, 7, 8 (except that the jurisdiction to which the tax shall be a
debt to the extent indicated in that Section 8 shall be the municipality), 9
(except as to the disposition of taxes and penalties collected, and except
that the returned merchandise credit for this tax may not be taken against
any State tax), 10, 11, 12 (except the reference therein to Section 2b of the
Retailers' Occupation Tax Act), 13 (except that any reference to the State
shall mean the municipality), the first paragraph of Section 15, and
Sections 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all
provisions of the Uniform Penalty and Interest Act, as fully as if those
provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in
this subsection may reimburse themselves for their serviceman's tax
liability hereunder by separately stating the tax as an additional charge,
which charge may be stated in combination, in a single amount, with State
tax that servicemen are authorized to collect under the Service Use Tax
Act, in accordance with such bracket schedules as the Department may
prescribe.

Whenever the Department determines that a refund should be
made under this subsection to a claimant instead of issuing credit
memorandum, the Department shall notify the State Comptroller, who
shall cause the order to be drawn for the amount specified, and to the
person named, in such notification from the Department. Such refund shall
be paid by the State Treasurer out of the business district retailers'
occupation tax fund.

The Department shall forthwith pay over to the State Treasurer,
ex-officio, as trustee, all taxes, penalties, and interest collected under this
subsection for deposit into the business district retailers' occupation tax
fund. On or before the 25th day of each calendar month, the Department
shall prepare and certify to the Comptroller the disbursement of stated
sums of money to named municipalities from the business district retailers'
occupation tax fund, the municipalities to be those from which suppliers
and servicemen have paid taxes or penalties under this subsection to the
Department during the second preceding calendar month. The amount to
be paid to each municipality shall be the amount (not including credit
memoranda) collected under this subsection during the second preceding
calendar month by the Department, less 2% of that amount, which shall be
deposited into the Tax Compliance and Administration Fund and shall be
used by the Department, subject to appropriation, to cover the costs of the
Department in administering and enforcing the provisions of this

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subsection, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities, provided for in this subsection to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification. The proceeds of the tax paid to municipalities under this subsection shall be deposited into the Business District Tax Allocation Fund by the municipality.

An ordinance or resolution imposing or discontinuing the tax under this subsection or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department, if all other requirements of this subsection are met, shall proceed to administer and enforce this subsection as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon, if all other conditions of this subsection are met, the Department shall proceed to administer and enforce this subsection as of the first day of January next following the adoption and filing.

The Department of Revenue shall not administer or enforce an ordinance imposing, discontinuing, or changing the rate of the tax under this subsection, until the municipality also provides, in the manner prescribed by the Department, the boundaries of the business district in such a way that the Department can determine by its address whether a business is located in the business district. The municipality must provide this boundary information to the Department on or before April 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following July 1 and on or before October 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following January 1. The Department of Revenue shall not administer or enforce any change made to the boundaries of a business district until the municipality reports the boundary change to the Department in the manner prescribed by the Department. The municipality must provide this boundary change information to the Department on or before April 1 for administration and enforcement by the Department of the change beginning on the following July 1 and on or before October 1 for administration and enforcement by
the Department of the change beginning on the following January 1. The retailers in the business district shall be responsible for charging the tax imposed under this subsection. If a retailer is incorrectly included or excluded from the list of those required to collect the tax under this subsection, both the Department of Revenue and the retailer shall be held harmless if they reasonably relied on information provided by the municipality.

A municipality that imposes the tax under this subsection must submit to the Department of Revenue any other information as the Department may require for the administration and enforcement of the tax.

Nothing in this subsection shall be construed to authorize the municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

If a tax is imposed under this subsection (c), a tax shall also be imposed under subsection (b) of this Section.

(d) By ordinance, a municipality that has established a business district under this Division 74.3 may impose an occupation tax upon all persons engaged in the business district in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, at a rate not to exceed 1% of the gross rental receipts from the renting, leasing, or letting of hotel rooms within the business district, to be imposed only in 0.25% increments, excluding, however, from gross rental receipts the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act, and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Authority Act.

The tax imposed by the municipality under this subsection and all civil penalties that may be assessed as an incident to that tax shall be collected and enforced by the municipality imposing the tax. The municipality shall have full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of and compliance with this subsection, the municipality and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers, and duties, shall be

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subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and shall employ the same modes of procedure as are employed with respect to a tax adopted by the municipality under Section 8-3-14 of this Code.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their tax liability for that tax by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes imposed under the Hotel Operators' Occupation Tax Act, and with any other tax.

Nothing in this subsection shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

The proceeds of the tax imposed under this subsection shall be deposited into the Business District Tax Allocation Fund.

(e) Obligations issued pursuant to subsection (14) of Section 11-74.3-3 shall be retired in the manner provided in the ordinance authorizing the issuance of those obligations by the receipts of taxes levied as authorized in subsections (12) and (13) of Section 11-74.3-3. The ordinance shall pledge all of the amounts in and to be deposited in the Business District Tax Allocation Fund to the payment of business district project costs and obligations. Obligations issued pursuant to subsection (14) of Section 11-74.3-3 may be sold at public or private sale at a price determined by the corporate authorities of the municipality and no referendum approval of the electors shall be required as a condition to the issuance of those obligations. The ordinance authorizing the obligations may require that the obligations contain a recital that they are issued pursuant to subsection (14) of Section 11-74.3-3 and this recital shall be conclusive evidence of their validity and of the regularity of their issuance. The corporate authorities of the municipality may also issue its obligations to refund, in whole or in part, obligations previously issued by the municipality under the authority of this Code, whether at or prior to maturity. All obligations issued pursuant to subsection (14) of Section 11-74.3-3 shall not be regarded as indebtedness of the municipality issuing the obligations for the purpose of any limitation imposed by law.

(f) When business district costs, including, without limitation, all municipal obligations financing business district project costs incurred under Section 11-74.3-3 have been paid, any surplus funds then remaining in the Business District Tax Allocation Fund shall be distributed to the

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municipal treasurer for deposit into the municipal general corporate fund. Upon payment of all business district project costs and retirement of obligations, but in no event more than 23 years after the date of adoption of the ordinance approving the business district development or redevelopment plan, the municipality shall adopt an ordinance immediately rescinding the taxes imposed pursuant to subsections (12) and (13) of Section 11-74.3-3.

Section 99. Effective date. This Act takes effect on January 1, 2005.

Effective January 1, 2005.

PUBLIC ACT 93-1054
(House Bill No. 7029)

AN ACT concerning nursing.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by changing Section 8h as follows:
(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund. Notwithstanding any other State law to the contrary, the Director of the Governor's Office of Management and Budget may from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of 8% of the revenues to be deposited into the fund during that year or 25% of the beginning balance in the fund. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, or to any funds in the Motor Fuel Tax Fund or the

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Hospital Provider Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed 5% of the revenues to be deposited into the fund during that year.

In determining the available balance in a fund, the Director of the Governor's Office of Management and Budget may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year. The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Director of the Governor's Office of Management and Budget. (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04.)

Section 10. The Nursing and Advanced Practice Nursing Act is amended by changing Section 20-40 as follows:

(225 ILCS 65/20-40)

(Sec. 20-40. Fund. There is hereby created within the State Treasury the Nursing Dedicated and Professional Fund. The monies in the Fund may be used by and at the direction of the Department for the administration and enforcement of this Act, including but not limited to:

(a) Distribution and publication of the Nursing and Advanced Practice Nursing Act and the rules at the time of renewal to all persons licensed by the Department under this Act.
(b) Employment of secretarial, nursing, administrative, enforcement, and other staff for the administration of this Act.
(c) Conducting a survey, as prescribed by rule of the Department, once every 4 years during the license renewal period.
(d) Conducting of training seminars for licensees under this Act relating to the obligations, responsibilities, enforcement and other provisions of the Act and its rules.
(e) Disposition of Fees:
   (i) (Blank).
   (ii) All of the fees and fines collected pursuant to this Act shall be deposited in the Nursing Dedicated and Professional Fund.
   (iii) For the fiscal year beginning July 1, 1988, the moneys deposited in the Nursing Dedicated and

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Professional Fund shall be appropriated to the Department for expenses of the Department and the Board in the administration of this Act. All earnings received from investment of moneys in the Nursing Dedicated and Professional Fund shall be deposited in the Nursing Dedicated and Professional Fund and shall be used for the same purposes as fees deposited in the Fund.

(iv) For the fiscal year beginning July 1, 2004 and for each fiscal year thereafter, $1,200,000 of the moneys deposited in the Nursing Dedicated and Professional Fund each year shall be set aside and appropriated to the Illinois Department of Public Health for nursing scholarships awarded pursuant to the Nursing Education Scholarship Law. Representatives of the Department and the Nursing Education Scholarship Program Advisory Council shall review this requirement and the scholarship awards every 2 years.

(v) Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

(f) Moneys set aside for nursing scholarships awarded pursuant to the Nursing Education Scholarship Law as provided in item (iv) of subsection (e) of this Section may not be transferred under Section 8h of the State Finance Act.

(Source: P.A. 91-239, 1-1-00; 92-46, eff. 7-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the Governor June 23, 2004.
Vetoed by the Governor August 20, 2004.
Effective November 18, 2004.

PUBLIC ACT 93-1055
(Senate Bill No. 3197)

AN ACT concerning State Fairs.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The State Fair Act is amended by changing Sections 6,
8, 11.1, 12, and 13 as follows:
(20 ILCS 210/6) (from Ch. 127, par. 1706)
Sec. 6. Policies, procedures, and powers concerning the operation
of fairs.

(a) Policies. The Department shall, pursuant to the Illinois
Administrative Procedure Act, establish by rule:

(1) establish the policy for the operation of the Illinois State
Fair and the DuQuoin State Fair, except those operations
regarding contests as provided for in subparagraphs (b) and (c) of
this Section, and shall set

(2) the policies and procedures for the sale, barter, or
exchange of tickets and for ticket refunds for cancelled events.

(b) Contests. The Department shall establish and make available,
for all contestants and other interested persons, sufficient copies of a
premium book or other publication that establishes the kinds and classes
of events or exhibits for contests at the fairs, the conditions under which
contestants shall be entered into contests, the qualification and
disqualification requirements of contests, the drug testing requirements
for contests (if applicable), the premiums to be offered to contest winners,
the manner in which certificates of award shall be distributed and
premiums paid to contest winners, the penalty for violations of a rule,
condition, instruction, or directive, and requirements of contests,
including but not limited to the return of all premiums paid, the forfeiture
of awards, and the prohibition of participating in future contests, and all
other rules and requirements for contests. These rules, conditions,
instructions, directives, and requirements shall be exempt from the
rulemaking procedures of the Illinois Administrative Procedure Act. All
such publications issued by the Department that relate to a contest, event,
or exhibit shall be maintained as a public record at the Department's
principal office in Springfield, Illinois, and made available for public
inspection and copying during regular business hours.

(c) Fees. The Department shall establish and publish for the Illinois
State Fair and the DuQuoin State Fair a schedule of admission fees, entry
fees, concession fees, space rentals and other fees for activities offered or
provided at each State Fair. These schedules of fees shall be maintained as
a public record at the Department's principal office in Springfield, Illinois,

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and made available for public inspection and copying during regular business, but shall be exempt from the rulemaking procedures of the Illinois Administrative Procedure Act.

(d) Facilities. The Department shall also establish and publish the classes of exhibits, the conditions under which they shall be received, stalled and cared for, the premiums to be offered, and the manner in which certificates of award shall be prepared and premiums paid. The Department may negotiate and enter into contracts for activities and use of facilities for which there is not an established or published schedule. The contract criteria shall be established by rule, pursuant to the Illinois Administrative Procedure Act. The Department may lease any of its facilities for activities during the State Fair.

(e) Advertising. The Illinois State Fair in Springfield and the DuQuoin State Fair shall have the power and authority to sell or exchange advertising rights in all of its publications and printed materials. The sale of advertising shall be subject to the rules promulgated by the Department, pursuant to the Illinois Administrative Procedure Act. All income derived from the sale of advertising at the Illinois State Fair in Springfield shall be deposited into the State Fair Fund. All income derived from the sale of advertising at the DuQuoin State Fair shall be deposited into the Agricultural Premium Fund.

(f) Veterans. On the day set aside as Veterans Day, honorably discharged veterans and members of their families shall be admitted without admission charge upon presentation of identification of any of the following: honorable discharge certificate, or photostatic copy thereof, or a paid up membership card in any recognized veterans organization.

(g) Government functions. The Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Comptroller, President and Minority Leader of the Senate, and Minority Leader of the House of Representatives shall be afforded space for official governmental functions, without charge, during the State Fair and the DuQuoin State Fair.

(Source: P.A. 88-5; 88-571, 89-96, eff. 7-7-95.)

(20 ILCS 210/8) (from Ch. 127, par. 1708)

Sec. 8. There is created a Board of State Fair Advisors consisting of the Director, 4 ex-officio members as hereafter named, and up to 20 persons appointed by the Governor. The Chairman and minority spokesman of the House Agriculture Committee and the Chairman and minority spokesman of the Senate Agriculture, Conservation and Energy

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Committee of the Illinois General Assembly shall serve as ex-officio members. No more than 3 of the Board members shall be appointed from any one county. Members of the State Fair Advisory Board shall serve for 2 year terms commencing on the third Monday of January of each odd-numbered year. The Governor shall in making appointments to the Board provide for a representation of the interests of the State Fair and the State of Illinois. Members of the Board shall receive no compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties. An appointed member's office becomes vacant upon his absence from 2 consecutive regularly scheduled meetings. The Director or his authorized representative from the Department shall act as chairman of the Board. The duties of the Board are to advise the Director and the Department on matters concerning the operation of each State Fair and State Fairgrounds as they pertain to varied interests in the State Fairs and the people of the State of Illinois.
(Source: P.A. 84-1468.)

(20 ILCS 210/11.1) (from Ch. 127, par. 1711.1)
Sec. 11.1. The Department shall establish and promote contests and exhibitions of various classes of livestock to be known as the "Land of Lincoln Breeders Awards for Purebred or Registered Livestock" and to be conducted at the State Fair at Springfield. Only animals bred, born and maintained in Illinois and owned and exhibited by Illinois residents shall be eligible to participate in such contests and exhibitions; however, such animals shall be permitted out of this State for a reasonable period of time for showings, exhibitions, breeding or reproductive purposes, or medical treatment.

An annual appropriation from the Agricultural Premium Fund shall be made for the "Land of Lincoln Breeders Awards for Purebred or Registered Livestock". The percentage of the appropriation for each class or show of livestock shall be set by the Department in premium books rules and regulations. These premium books shall be maintained as a public record at the Department's principal office in Springfield, Illinois, and made available for public inspection and copying during regular business hours, but shall be exempt from the rulemaking procedures of the Illinois Administrative Procedure Act.
(Source: P.A. 84-1468.)

(20 ILCS 210/12) (from Ch. 127, par. 1712)
Sec. 12. The Department shall have the power to promulgate rules and regulations, pursuant to the Illinois Administrative Procedure Act,
governing the holding of each State Fair, the operation of the State Fairgrounds, the conditions under which racing shall be permitted on the State Fairgrounds, the policy for policing the grounds and such other reasonable rules and regulations as are necessary to carry out the intent of the Act. However, the Department shall not be required to promulgate rules and regulations pursuant to the Illinois Administrative Procedure Act concerning those operations stated in subsections (b) and (c) of Section 6 of this Act. Instead, the requirements set forth in subsections (b) and (c) of Section 6 must be followed.

(Source: P.A. 84-1468.)

(20 ILCS 210/13) (from Ch. 127, par. 1713)

Sec. 13. Vendors, concessionaires, exhibitors and persons renting space or using facilities at the State Fairgrounds who violate this Act, or any provision of any rule of the Department issued under this Act, may be prohibited from utilizing the State Fairgrounds or participating in activities conducted upon the State Fairgrounds.

(Source: P.A. 89-96, eff. 7-7-95.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1056
(Senate Bill No. 2277)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 5-1097.5 as follows:

(55 ILCS 5/5-1097.5)

Sec. 5-1097.5. Adult entertainment facility. It is prohibited within a county to locate an adult entertainment facility within 3,000 feet of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship.

For the purposes of this Section, "adult entertainment facility" means (i) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit

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material, shows, or other exhibitions or (ii) an adult bookstore or adult video store whose primary business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions.
(Source: P.A. 90-394, eff. 1-1-98; 90-634, eff. 7-24-98.)
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 93-1057
(House Bill No. 6654)

AN ACT concerning alcoholic liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Retailers' Occupation Tax Act is amended by changing Section 3 as follows:
Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;
4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;
5. Deductions allowed by law;

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6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed;

7. The amount of credit provided in Section 2d of this Act;

8. The amount of tax due;

9. The signature of the taxpayer; and

10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

Prior to October 1, 2003, a retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer prior to October 1, 2003 as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 shall be disallowed. No Manufacturer's Purchase Credit may be used after September 30, 2003 to satisfy any tax liability imposed under this Act, including any audit liability.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;

2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible

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personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due; and
6. Such other reasonable information as the Department may require.

Beginning on October 1, 2003, any person who is not a licensed distributor, importing distributor, or manufacturer, as defined in the Liquor Control Act of 1934, but is engaged in the business of selling, at retail, alcoholic liquor shall file a statement with the Department of Revenue, in a format and at a time prescribed by the Department, showing the total amount paid for alcoholic liquor purchased during the preceding month and such other information as is reasonably required by the Department. The Department may adopt rules to require that this statement be filed in an electronic or telephonic format. Such rules may provide for exceptions from the filing requirements of this paragraph. For the purposes of this paragraph, the term "alcoholic liquor" shall have the meaning prescribed in the Liquor Control Act of 1934.

Beginning on October 1, 2003, every distributor, importing distributor, and manufacturer of alcoholic liquor as defined in the Liquor Control Act of 1934, shall file a statement with the Department of Revenue, no later than the 10th day of the month for the preceding month during which transactions occurred, by electronic means, showing the total amount of gross receipts from the sale of alcoholic liquor sold or distributed during the preceding month to purchasers; identifying the purchaser to whom it was sold or distributed; the purchaser's tax registration number; and such other information reasonably required by the Department. A distributor, importing distributor, or manufacturer of alcoholic liquor must personally deliver, mail, or provide by electronic means to each retailer listed on the monthly statement a report containing a cumulative total of that distributor's, importing distributor's, or manufacturer's total sales of alcoholic liquor to that retailer no later than the 10th day of the month for the preceding month during which the transaction occurred. The distributor, importing distributor, or manufacturer shall notify the retailer as to the method by which the distributor, importing distributor, or manufacturer will provide the sales information. If the retailer is unable to receive the sales information by electronic means, the distributor, importing distributor, or manufacturer

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shall furnish the sales information by personal delivery or by mail. For purposes of this paragraph, the term "electronic means" includes, but is not limited to, the use of a secure Internet website, e-mail, or facsimile. A copy of the monthly statement shall be sent to the retailer no later than the 10th day of the month for the preceding month during which transactions occurred.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.
All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarterly basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarterly and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such

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registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or

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satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

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No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per

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calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the

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taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter periods is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter periods is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to

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anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such
taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than $20,000. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with

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reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

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Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Annual Specified Amount</th>
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</thead>
<tbody>
<tr>
<td>1986</td>
<td>$54,800,000</td>
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<tr>
<td>1987</td>
<td>$76,650,000</td>
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<td>$145,470,000</td>
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<td>1992</td>
<td>$182,730,000</td>
</tr>
<tr>
<td>1993</td>
<td>$206,520,000</td>
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and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in

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aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act

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into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
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<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
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<tr>
<td>2019</td>
<td>221,000,000</td>
</tr>
<tr>
<td>2020</td>
<td>233,000,000</td>
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<tr>
<td>2021</td>
<td>246,000,000</td>
</tr>
<tr>
<td>2022</td>
<td>260,000,000</td>
</tr>
<tr>
<td>2023 and</td>
<td>275,000,000</td>
</tr>
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| each fiscal year thereafter that bonds are outstanding under Section 13.2 of the

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Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2042.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Community Affairs Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

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The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

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The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of

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the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

(Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24, eff. 6-20-03; revised 10-15-03.)

Section 10. The Liquor Control Act of 1934 is amended by changing Sections 3-12, 5-1, 6-2, 6-16.1, 7-5, and 7-6 as follows:

(235 ILCS 5/3-12)(from Ch. 43, par. 108)

Sec. 3-12. Powers and duties of State Commission.
(a) The State commission shall have the following powers, functions and duties:

(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining and cafe cars, airplanes, boats, brokers, and wine maker's premises licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. Except in the case of an action taken pursuant to a violation of Section 6-3, 6-5, or 6-9, any action by the State Commission to suspend or revoke a licensee's license may be limited to the license for the specific premises where the violation occurred.

In lieu of suspending or revoking a license, the commission may impose a fine, upon the State commission's determination and

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notice after hearing, that a licensee has violated any provision of
this Act or any rule or regulation issued pursuant thereto and in
effect for 30 days prior to such violation. The fine imposed under
this paragraph may not exceed $500 for each violation. Each day
that the activity, which gave rise to the original fine, continues is a
separate violation. The maximum fine that may be levied against
any licensee, for the period of the license, shall not exceed
$20,000. The maximum penalty that may be imposed on a licensee
for selling a bottle of alcoholic liquor with a foreign object in it or
serving from a bottle of alcoholic liquor with a foreign object in it
shall be the destruction of that bottle of alcoholic liquor for the first
10 bottles so sold or served from by the licensee. For the eleventh
bottle of alcoholic liquor and for each third bottle thereafter sold or
served from by the licensee with a foreign object in it, the
maximum penalty that may be imposed on the licensee is the
destruction of the bottle of alcoholic liquor and a fine of up to $50.

(2) To adopt such rules and regulations consistent with the
provisions of this Act which shall be necessary to carry on its
functions and duties to the end that the health, safety and welfare of
the People of the State of Illinois shall be protected and temperance
in the consumption of alcoholic liquors shall be fostered and
promoted and to distribute copies of such rules and regulations to
all licensees affected thereby.

(3) To call upon other administrative departments of the
State, county and municipal governments, county and city police
departments and upon prosecuting officers for such information
and assistance as it deems necessary in the performance of its
duties.

(4) To recommend to local commissioners rules and
regulations, not inconsistent with the law, for the distribution and
sale of alcoholic liquors throughout the State.

(5) To inspect, or cause to be inspected, any premises in
this State where alcoholic liquors are manufactured, distributed,
warehoused, or sold.

(5.1) Upon receipt of a complaint or upon having
knowledge that any person is engaged in business as a
manufacturer, importing distributor, distributor, or retailer without
a license or valid license, to notify the local liquor authority, file a
complaint with the State's Attorney's Office of the county where

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the incident occurred, or initiate an investigation with the appropriate law enforcement officials.

(5.2) To issue a cease and desist notice to persons shipping alcoholic liquor into this State from a point outside of this State if the shipment is in violation of this Act.

(5.3) To receive complaints from licensees, local officials, law enforcement agencies, organizations, and persons stating that any licensee has been or is violating any provision of this Act or the rules and regulations issued pursuant to this Act. Such complaints shall be in writing, signed and sworn to by the person making the complaint, and shall state with specificity the facts in relation to the alleged violation. If the Commission has reasonable grounds to believe that the complaint substantially alleges a violation of this Act or rules and regulations adopted pursuant to this Act, it shall conduct an investigation. If, after conducting an investigation, the Commission is satisfied that the alleged violation did occur, it shall proceed with disciplinary action against the licensee as provided in this Act.

(6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in Springfield or Chicago, at whichever location is the more convenient for the majority of persons who are parties to the hearing.

(7) The commission shall establish uniform systems of accounts to be kept by all retail licensees having more than 4 employees, and for this purpose the commission may classify all retail licensees having more than 4 employees and establish a uniform system of accounts for each class and prescribe the manner in which such accounts shall be kept. The commission may also prescribe the forms of accounts to be kept by all retail licensees having more than 4 employees, including but not limited to accounts of earnings and expenses and any distribution, payment, or other distribution of earnings or assets, and any other forms, records and memoranda which in the judgment of the commission may be necessary or appropriate to carry out any of the provisions of this Act, including but not limited to such forms, records and memoranda as will readily and accurately disclose at all times the beneficial ownership of such retail licensed business.
The accounts, forms, records and memoranda shall be available at all reasonable times for inspection by authorized representatives of the State commission or by any local liquor control commissioner or his or her authorized representative. The commission, may, from time to time, alter, amend or repeal, in whole or in part, any uniform system of accounts, or the form and manner of keeping accounts.

(8) In the conduct of any hearing authorized to be held by the commission, to appoint, at the commission's discretion, hearing officers to conduct hearings involving complex issues or issues that will require a protracted period of time to resolve, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; to administer or cause to be administered oaths; for any such purpose to issue subpoena or subpoenas to require the attendance of witnesses and the production of books, which shall be effective in any part of this State, and to adopt rules to implement its powers under this paragraph (8).

Any Circuit Court may by order duly entered, require the attendance of witnesses and the production of relevant books subpoenaed by the State commission and the court may compel obedience to its order by proceedings for contempt.

(9) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him or her to the legislature of this State, such amendments to this Act, if any, as it may think desirable and as will serve to further the general broad purposes contained in Section 1-2 hereof.

(10) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary for the control, sale or disposition of alcoholic liquor damaged as a result of an accident, wreck, flood, fire or other similar occurrence.

(11) To develop industry educational programs related to responsible serving and selling, particularly in the areas of overserving consumers and illegal underage purchasing and consumption of alcoholic beverages.

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(11.1) To license persons providing education and training to alcohol beverage sellers and servers under the Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs and to develop and administer a public awareness program in Illinois to reduce or eliminate the illegal purchase and consumption of alcoholic beverage products by persons under the age of 21. Application for a license shall be made on forms provided by the State Commission.

(12) To develop and maintain a repository of license and regulatory information.

(13) On or before January 15, 1994, the Commission shall issue a written report to the Governor and General Assembly that is to be based on a comprehensive study of the impact on and implications for the State of Illinois of Section 1926 of the Federal ADAMHA Reorganization Act of 1992 (Public Law 102-321). This study shall address the extent to which Illinois currently complies with the provisions of P.L. 102-321 and the rules promulgated pursuant thereto.

As part of its report, the Commission shall provide the following essential information:

(i) the number of retail distributors of tobacco products, by type and geographic area, in the State;

(ii) the number of reported citations and successful convictions, categorized by type and location of retail distributor, for violation of the Sale of Tobacco to Minors Act and the Smokeless Tobacco Limitation Act;

(iii) the extent and nature of organized educational and governamental activities that are intended to promote, encourage or otherwise secure compliance with any Illinois laws that prohibit the sale or distribution of tobacco products to minors; and

(iv) the level of access and availability of tobacco products to individuals under the age of 18.

To obtain the data necessary to comply with the provisions of P.L. 102-321 and the requirements of this report, the Commission shall conduct random, unannounced inspections of a geographically and scientifically representative sample of the State's retail tobacco distributors.

The Commission shall consult with the Department of Public Health, the Department of Human Services, the Illinois State Police and

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any other executive branch agency, and private organizations that may have information relevant to this report.

The Commission may contract with the Food and Drug Administration of the U.S. Department of Health and Human Services to conduct unannounced investigations of Illinois tobacco vendors to determine compliance with federal laws relating to the illegal sale of cigarettes and smokeless tobacco products to persons under the age of 18.

(b) On or before April 30, 1999, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of this amendatory Act of 1998 on the business of soliciting, selling, and shipping alcoholic liquor from outside of this State directly to residents of this State.

As part of its report, the Commission shall provide the following information:

(i) the amount of State excise and sales tax revenues generated as a result of this amendatory Act of 1998;
(ii) the amount of licensing fees received as a result of this amendatory Act of 1998;
(iii) the number of reported violations, the number of cease and desist notices issued by the Commission, the number of notices of violations issued to the Department of Revenue, and the number of notices and complaints of violations to law enforcement officials.

(Source: P.A. 91-553, eff. 8-14-99; 91-922, eff. 7-7-00; 92-378, eff. 8-16-01; 92-813, eff. 8-21-02.)

(235 ILCS 5/5-1)(from Ch. 43, par. 115)

Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:

(b) Distributor's license,
(c) Importing Distributor's license,
(d) Retailer's license,
(e) Special Event Retailer's license (not-for-profit),
(f) Railroad license,
(g) Boat license,
(h) Non-Beverage User's license,

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(i) Wine-maker's premises license,
(j) Airplane license,
(k) Foreign importer's license,
(l) Broker's license,
(m) Non-resident dealer's license,
(n) Brew Pub license,
(o) Auction liquor license,
(p) Caterer retailer license,
(q) Special use permit license.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to no other licensees.

Class 3. A Brewer may make sales and deliveries of beer to importing distributors, distributors, and to non-licensees, and to retailers provided the brewer obtains an importing distributor's license or distributor's license in accordance with the provisions of this Act.

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A first-class wine-maker's license shall allow the sale of no more than 5,000 gallons of the licensee's wine to retailers. The State Commission shall issue only one first-class wine-

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maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 50,000 gallons of wine annually that applies for a first-class wine-maker's license. No subsidiary or affiliate thereof, nor any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine-maker's license by the State Commission.

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 100,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A second-class wine-maker's license shall allow the sale of no more than 10,000 gallons of the licensee's wine directly to retailers. The State Commission shall issue only one second-class wine-maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 100,000 gallons of wine annually that applies for a second-class wine-maker's license. No subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine-maker's license by the State Commission.

Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission.

Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration.

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(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in such license, alcoholic liquor for use or consumption, but not for resale in any form: Provided that any retail license issued to a manufacturer shall only permit such manufacturer to sell beer at retail on the premises actually occupied by such manufacturer.

After January 1, 1995 there shall be 2 classes of licenses issued under a retailers license.

(1) A "retailers on premise consumption license" shall allow the licensee to sell and offer for sale at retail, only on the premises specified in the license, alcoholic liquor for use or consumption on the premises or on and off the premises, but not for resale in any form.

(2) An "off premise sale license" shall allow the licensee to sell, or offer for sale at retail, alcoholic liquor intended only for off premise consumption and not for resale in any form.

Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than $500 of alcoholic liquors for the
special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

New matter indicated by italics - deletions by strikeout.
(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Riverboat Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

Class 1, not to exceed 500 gallons
Class 2, not to exceed 1,000 gallons
Class 3, not to exceed 5,000 gallons
Class 4, not to exceed 10,000 gallons
Class 5, not to exceed 50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act.

New matter indicated by italics - deletions by strikeout.
(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane license shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period and provided further that the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale.

(l) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the

New matter indicated by italics - deletions by strikeout.
order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.

The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

(ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

A broker's license under this subsection (1) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

This subsection (1) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period; and further provided that it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale.

(n) A brew pub license shall allow the licensee to manufacture beer only on the premises specified in the license, to make sales of the beer manufactured on the premises to importing distributors, distributors, and

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to non-licensees for use and consumption, to store the beer upon the premises, and to sell and offer for sale at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(Source: P.A. 91-357, eff. 7-29-99; 92-105, eff. 1-1-02; 92-378, eff. 8-16-01; 92-651, eff. 7-11-02; 92-672, eff. 7-16-02.)

(235 ILCS 5/6-2)(from Ch. 43, par. 120)
Sec. 6-2. Issuance of licenses to certain persons prohibited.
(a) Except as otherwise provided in subsection (b) of this Section and in paragraph (1) of subsection (a) of Section 3-12, no license of any kind issued by the State Commission or any local commission shall be issued to:

(1) A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses.

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(2) A person who is not of good character and reputation in the community in which he resides.

(3) A person who is not a citizen of the United States.

(4) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

(5) A person who has been convicted of being the keeper or is keeping a house of ill fame.

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) A person whose license issued under this Act has been revoked for cause.

(8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

(9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.

(10) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

(10a) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 to transact business in Illinois.

(11) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

(12) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or
has forfeited his bond to appear in court to answer charges for any such violation.

(13) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(14) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city or village with a population of 50,000 or less, to any alderman, member of a city council, or member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected.

(15) A person who is not a beneficial owner of the business to be operated by the licensee.

(16) A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

(17) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.

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(18) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21.

(b) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Commission shall determine if all provisions of this subsection (b) have been met before any action on the corporation's license is initiated.

(Source: P.A. 92-378, eff. 8-16-01; 93-266, eff. 1-1-04.)

(235 ILCS 5/6-16.1)

Sec. 6-16.1. Enforcement actions.

(a) A licensee or an officer, associate, member, representative, agent, or employee of a licensee may sell, give, or deliver alcoholic liquor to a person under the age of 21 years or authorize the sale, gift, or delivery of alcoholic liquor to a person under the age of 21 years pursuant to a plan or action to investigate, patrol, or otherwise conduct a "sting operation" or enforcement action against a person employed by the licensee or on any licensed premises if the licensee or officer, associate, member, representative, agent, or employee of the licensee provides written notice, at least 14 days before the "sting operation" or enforcement action, unless governing body of the municipality or county having jurisdiction sets a shorter period by ordinance, to the law enforcement agency having jurisdiction, the local liquor control commissioner, or both. Notice provided under this Section shall be valid for a "sting operation" or enforcement action conducted within 60 days of the provision of that notice, unless the governing body of the municipality or county having jurisdiction sets a shorter period by ordinance.

(b) A local liquor control commission or unit of local government that conducts alcohol and tobacco compliance operations shall establish a policy and standards for alcohol and tobacco compliance operations to investigate whether a licensee is furnishing (1) alcoholic liquor to persons

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under 21 years of age in violation of this Act or (2) tobacco to persons in violation of the Sale of Tobacco to Minors Act.

(c) The Illinois Law Enforcement Training Standards Board shall develop a model policy and guidelines for the operation of alcohol and tobacco compliance checks by local law enforcement officers. The Illinois Law Enforcement Training Standards Board shall also require the supervising officers of such compliance checks to have met a minimum training standard as determined by the Board. The Board shall have the right to waive any training based on current written policies and procedures for alcohol and tobacco compliance check operations and in-service training already administered by the local law enforcement agency, department, or office.

(d) The provisions of subsections (b) and (c) do not apply to a home rule unit with more than 2,000,000 inhabitants.

(e) A home rule unit, other than a home rule unit with more than 2,000,000 inhabitants, may not regulate enforcement actions in a manner inconsistent with the regulation of enforcement actions under this Section. This subsection (e) is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(f) A licensee who is the subject of an enforcement action or "sting operation" under this Section and is found, pursuant to the enforcement action, to be in compliance with this Act shall be notified by the enforcement agency action that no violation was found within 30 days after the finding.

(Source: P.A. 92-503, eff. 1-1-02.)

(235 ILCS 5/7-5)(from Ch. 43, par. 149)

Sec. 7-5. The local liquor control commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of this Act or of any valid ordinance or resolution enacted by the particular city council, president, or board of trustees or county board (as the case may be) or any applicable rule or regulations established by the local liquor control commissioner or the State commission which is not inconsistent with law. Upon notification by the Illinois Department of Revenue, the State Commission, in accordance with Section 3-12, may refuse the issuance or renewal of a license, fine a licensee, or suspend or shall revoke any license issued by the State Commission if the licensee or license applicant has violated the provisions of Section 3 of the Retailers' Occupation Tax Act. In addition to

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the suspension, the local liquor control commissioner in any county or municipality may levy a fine on the licensee for such violations. The fine imposed shall not exceed $1000 for a first violation within a 12-month period, $1,500 for a second violation within a 12-month period, and $2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than $15,000 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the county or municipal treasury, as the case may be.

However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the local liquor control commissioner with a 3 day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the local liquor control commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than 7 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

The local liquor control commissioner shall within 5 days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the 5 days upon the licensee.

If the premises for which the license was issued are located outside of a city, village or incorporated town having a population of 500,000 or more inhabitants, the licensee after the receipt of such order of suspension or revocation shall have the privilege within a period of 20 days after the receipt of such order of suspension or revocation of appealing the order to the State commission for a decision sustaining, reversing or modifying the order of the local liquor control commissioner. If the State commission affirms the local commissioner's order to suspend or revoke the license at

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the first hearing, the appellant shall cease to engage in the business for which the license was issued, until the local commissioner's order is terminated by its own provisions or reversed upon rehearing or by the courts.

If the premises for which the license was issued are located within a city, village or incorporated town having a population of 500,000 or more inhabitants, the licensee shall have the privilege, within a period of 20 days after the receipt of such order of fine, suspension or revocation, of appealing the order to the local license appeal commission and upon the filing of such an appeal by the licensee the license appeal commission shall determine the appeal upon certified record of proceedings of the local liquor commissioner in accordance with the provisions of Section 7-9. Within 30 days after such appeal was heard the license appeal commission shall render a decision sustaining or reversing the order of the local liquor control commissioner.

(Source: P.A. 93-22, eff. 6-20-03.)

(235 ILCS 5/7-6)(from Ch. 43, par. 150)

Sec. 7-6. All proceedings for the revocation or suspension of licenses of manufacturers, distributors, importing distributors, non-resident dealers, foreign importers, non-beverage users, railroads, airplanes and boats shall be before the State Commission. All such proceedings and all proceedings for the revocation or suspension of a retailer's license before the State commission shall be in accordance with rules and regulations established by it not inconsistent with law. However, no such license shall be so revoked or suspended except after a hearing by the State commission with reasonable notice to the licensee served by registered or certified mail with return receipt requested at least 10 days prior to the hearings at the last known place of business of the licensee and after an opportunity to appear and defend. Such notice shall specify the time and place of the hearing, the nature of the charges, the specific provisions of the Act and rules violated, and the specific facts supporting the charges or violation. The findings of the Commission shall be predicated upon competent evidence. The revocation of a local license shall automatically result in the revocation of a State license. Upon notification by the Illinois Department of Revenue, the State Commission, in accordance with Section 3-12, may refuse the issuance or renewal of a license, fine a licensee, or suspend or shall revoke any license issued by the State Commission if the licensee or license applicant has violated the provisions of Section 3 of the Retailers' Occupation Tax Act. All procedures for the suspension or

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revocation of a license, as enumerated above, are applicable to the levying of fines for violations of this Act or any rule or regulation issued pursuant thereto.
(Source: P.A. 93-22, eff. 6-20-03.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved December 2, 2004.

PUBLIC ACT 93-1058
(Senate Bill No. 2256)

AN ACT in relation to public bodies.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Sections 2-3-5 and 11-151-2 as follows:
(65 ILCS 5/2-3-5) (from Ch. 24, par. 2-3-5)
Sec. 2-3-5. Whenever in any county of less than 150,000 population as determined by the last preceding federal census, any area of contiguous territory, not exceeding 2 square miles, not already included within the corporate limits of any municipality, has residing thereon at least 200 inhabitants living in dwellings other than those designed to be mobile, and is owned by at least 30 different owners, it may be incorporated as a village as follows:
35 electors residing within the area may file with the circuit clerk of the county in which such area is situated a petition addressed to the circuit court for that county.

The petition shall set forth (1) a definite description of the lands intended to be embraced in the proposed village, (2) the number of inhabitants residing therein, (3) the name of the proposed village, and (4) a prayer that a question be submitted to the electors residing within the limits of the proposed village whether they will incorporate as a village under this Code.

If the area contains fewer than 7,500 residents and lies within 1 1/2 miles of the boundary line of any existing municipality, the consent of the existing municipality must be obtained before the area may be incorporated. No area in a county with a population of 150,000 or more

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that is incorporating under the provisions of this Section shall need to obtain the consent of any existing municipality before the area may be incorporated.

In addition, any contiguous territory in a county of 150,000 or more population which otherwise meets the requirements of this Section may be incorporated as a village pursuant to the provisions of this Section if (1) any part of such territory is situated within 10 miles of a county with a population less than 150,000 and a petition is filed pursuant to this Section before January 1, 1991 or (2) any part of the territory is situated within 25 miles of the Illinois state line in a county having a population, according to the 1990 federal decennial census, of at least 150,000 but less than 185,000 and a petition is filed pursuant to this Section before January 1, 1998.

In addition, contiguous territory not exceeding 2 square miles in a county with a population of not less than 187,000 and not more than 190,000 that otherwise meets the requirements of this Section may be incorporated as a village pursuant to the provisions of this Section if (1) any part of the territory is situated within 13 2 miles of a county with a population of less than 38,000 and more than 36,000 and (2) a petition is filed in the manner provided in this Section before January 1, 2005. The requirements of Section 2-3-18 concerning compatibility with the official plan for development of the county shall not apply to any territory seeking incorporation under this paragraph.

(Source: P.A. 90-190, eff. 7-24-97; 91-885, eff. 7-6-00.)

(65 ILCS 5/11-151-2) (from Ch. 24, par. 11-151-2)

Sec. 11-151-2. This Article does not apply to any public water district whose territory is situated in 2 or more municipalities, except where one of the municipalities is incorporated after June 1, 2004 pursuant to the amendatory changes to Section 2-3-5 made by this amendatory Act of the 93rd General Assembly. Nothing in this Article prohibits a municipality from continuing to operate utility facilities which it owns and operates, at the time territory is annexed to the municipality, in that territory even though it is part of a public water district.

(Source: P.A. 76-1356.)

Section 10. The Public Water District Act is amended by changing Section 40 as follows:

(70 ILCS 3705/40) (from Ch. 111 2/3, par. 212.15)

Sec. 40.

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When part of the territory of a district organized under this Act is annexed by a municipality, the board of trustees may enter such agreements as are permitted under Section 11-151-5 of the "Illinois Municipal Code". If all of such territory is annexed by a municipality, the district shall be abolished as provided in Section 11-151-4 of that Act and this Act then becomes inapplicable to that territory. This Section does not apply to any district whose territory is situated in 2 or more municipalities, except where one of the municipalities is incorporated after June 1, 2004 pursuant to the amendatory changes to Section 2-3-5 of the Illinois Municipal Code made by this amendatory Act of the 93rd General Assembly.

Nothing in this Section authorizes a public water district to provide water service to residents in territory within one mile or less of the corporate limits of a municipality that operates a public water supply and furnishes water service.

(Source: P.A. 76-1357.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved December 2, 2004.

PUBLIC ACT 93-1059
(Senate Bill No. 3090)

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by adding Section 17-3.5 as follows:

(105 ILCS 5/17-3.5 new)

Sec. 17-3.5. Maximum-authorized district educational purposes tax rate. If, at any election held prior to March 19, 2004, the voters of a school district having a population of less than 500,000 inhabitants approved the proposition to increase the educational purposes tax rate of the district and the proposition to increase the rate set forth as the existing maximum-authorized educational purposes tax rate of the district the tax rate most recently extended for educational purposes, then, for the purposes of this Code and the Property Tax Code, the maximum-
authorized educational purposes tax rate of the district shall be calculated as follows:

(1) for the first tax year affected by the results of the referendum, the district's tax rates shall be calculated based upon the rates set forth in the proposition; and

(2) for each tax year thereafter, the district's maximum-authorized educational purposes tax rate approved at the referendum shall be equal to the sum of the district's maximum-authorized educational purposes tax rate immediately preceding the referendum plus the difference between the rates set forth in the proposition submitted to the voters of the district at the referendum.

Within 10 days after the effective date of this amendatory Act of the 93rd General Assembly, the school board of any school district affected by this subsection (a) may, notwithstanding the requirements of any other law to the contrary, amend its certificate of tax levy for any year for which its equalized assessed valuation has not yet been certified by the county clerk. The amended certificate of tax levy shall be filed with the county clerk within the 10-day period after the effective date of this amendatory Act of the 93rd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved December 8, 2004.

PUBLIC ACT 93-1060
(Senate Bill No. 2395)

AN ACT concerning professional regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 14-1.09b and 14-6.04 as follows:

(105 ILCS 5/14-1.09b)
Sec. 14-1.09b. Speech-language pathologist.
(a) For purposes of supervision of a speech-language pathology assistant, "speech-language pathologist" means a person who has received a license pursuant to the Illinois Speech-Language Pathology and

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Audiology Practice Act to engage in the practice of speech-language pathology.

(b) The School Service Personnel Certificate with a speech-language endorsement shall be issued under Section 21-25 of this Code to a speech-language pathologist who meets all of the following requirements:

(1) **Holds** (A) Holds a regular license as a speech-language pathologist pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act, (B) holds a current Certificate of Clinical Competence in speech-language pathology from the American Speech-Language-Hearing Association and a regular license in speech-language pathology from another state or territory or the District of Columbia and has applied for a regular license as a speech-language pathologist pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act, or (C) holds or has applied for a temporary license pursuant to Section 8.1 of the Illinois Speech-Language Pathology and Audiology Practice Act and has completed an approved program.

(2) Holds a master's or doctoral degree with a major emphasis in speech-language pathology from an institution whose course of study was approved or program was accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association or its predecessor.

(3) Either (i) has completed a program of study before July 1, 2002 that includes course work and supervised clinical experience sufficient in breadth and depth to demonstrate knowledge and skills related to the specific problems, methods and procedures applicable to students with disabilities in a school setting serving ages 3 through 21 or (ii) meets the content area standards for speech-language pathologists approved adopted by the State Board of Education, in consultation with the State Teachers Certification Board, (ii) has completed a program in another state, territory, or possession of the United States that is comparable to an approved program of study described in item (i), or (iii) holds a certificate issued by another state, territory, or possession of the United States that is comparable to the school service personnel certificate with a speech-language endorsement. If the requirements described in items (i), (ii), or (iii) of this

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paragraph (3) have not been met, a person must provide evidence that he or she has completed at least 150 clock hours of supervised experience in speech-language pathology with students with disabilities in a school setting, including experience required by federal law or federal court order; however, a person who lacks such experience may obtain interim certification as established by the Illinois State Board of Education, in consultation with the State Teacher Certification Board, and shall participate in school-based professional experience of at least 150 clock hours to meet this requirement.

(4) Has successfully completed the required Illinois certification tests.

(5) Has paid the application fee required for certification.

The provisions of this subsection (b) do not preclude the issuance of a teaching certificate to a speech-language pathologist who qualifies for such a certificate.

(Source: P.A. 92-510, eff. 6-1-02; 93-112, eff. 1-1-04.)

(105 ILCS 5/14-6.04)

Sec. 14-6.04. Contracting for speech-language pathology services.

(a) For purposes of this Section:

"Reasonable efforts" means performing all of the following:

(1) placing at least 3 employment advertisements for a speech-language pathologist published in the newspaper of widest distribution within the school district or cooperative;

(2) placing one employment listing in the placement bulletin of a college or university that has a speech-language pathology curriculum that is located in the geographic area of the school district or cooperative, if any; and

(3) posting the position for speech-language pathologist on the Illinois Association of School Administrators' job placement service for at least 30 days. "Speech-language pathologist" means a person who:

(1) holds a master's or doctoral degree with a major emphasis in speech-language pathology from an institution whose course of study was approved or program was accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association or its predecessor; and

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(2) either (i) has completed a program of study prior to July 1, 2002 that includes course work and supervised clinical experience sufficient in breadth and depth to demonstrate knowledge and skills related to the specific problems, methods, and procedures applicable to students with disabilities in a school setting serving ages 3 to 21 or (ii) meets the content-area standards for speech-language pathologists approved adopted by the State Board of Education, in consultation with the State Teacher Certification Board, (ii) has completed a program in another state, territory, or possession of the United States that is comparable to an approved program of study described in item (i), or (iii) holds a certificate issued by another state, territory, or possession of the United States that is comparable to the school service personnel certificate with a speech-language endorsement. If the requirements described in items (i), (ii), or (iii) of this paragraph (2) have not been met, a person must provide evidence that he or she has completed at least 150 clock hours of supervised experience in speech-language pathology with students with disabilities in a school setting, including experience required by federal law or federal court order; however, a person who lacks such experience may obtain interim certification as established by the Illinois State Board of Education, in consultation with the State Teacher Certification Board, and shall participate in school-based professional experience of at least 150 clock hours to meet this requirement.

"Speech-language pathology services" means the application of methods and procedures for identifying, measuring, testing, appraising, predicting, and modifying communication development and disorders or disabilities of speech, language, voice, swallowing, and other speech, language, and voice-related disorders for the purpose of counseling, consulting, and rendering services or participating in the planning, directing, or conducting of programs that are designed to modify communicative disorders and conditions in individuals or groups of individuals involving speech, language, voice, and swallowing functions.

(b) A school district or a cooperative must make reasonable efforts to employ a speech-language pathologist. While making those reasonable efforts or after unsuccessful reasonable efforts have been made, or both, a school district or cooperative may contract for speech-language pathology services with a speech-language pathologist or an entity that employs
speech-language pathologists. A speech-language pathologist who provides speech-language pathology services pursuant to a contract must hold:

(1) hold a speech-language pathology license under the Illinois Speech-Language Pathology and Audiology Practice Act or hold or have applied for a temporary license issued under Section 8.1 of that Act; and

(2) hold a certificate under this Code with an endorsement in speech-language pathology.

(Source: P.A. 93-110, eff. 7-8-03.)

Section 10. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by changing Sections 8.1 and 8.5 as follows:

(225 ILCS 110/8.1)

(Section scheduled to be repealed on January 1, 2008)

Sec. 8.1. Temporary license. On and after July 1, 2005 January 1, 2004, a person who has met the requirements of items (a) through (e) of Section 8 and intends to undertake supervised professional experience as a speech-language pathologist, as required by subsection (f) of Section 8 and the rules adopted by the Department, must first obtain a temporary license from the Department. A temporary license may be issued by the Department only to an applicant pursuing licensure as a speech-language pathologist in this State. A temporary license shall be issued to an applicant upon receipt of the required fee as set forth by rule and documentation on forms prescribed by the Department certifying that his or her professional experience will be supervised by demonstrating that a licensed speech-language pathologist has agreed to supervise the professional experience of the applicant. A temporary license shall be issued for a period of 12 months and may be renewed only once for good cause shown.

(Source: P.A. 93-112, eff. 1-1-04.)

(225 ILCS 110/8.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 8.5. Qualifications for licenses as a speech-language pathology assistant.

(a) A person is qualified to be licensed as a speech-language pathology assistant if that person has applied in writing on forms prescribed by the Department, has paid the required fees, and meets both of the following criteria:

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(1) Is of good moral character. In determining moral character, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate automatically as a complete bar to licensure.

(2) Has received an associate degree from a speech-language pathology assistant program that has been approved by the Department and that meets the minimum requirements set forth in Section 8.6.

(b) Until July 1, 2005 January 1, 2004, a person holding a bachelor's level degree in communication disorders who was employed to assist a speech-language pathologist on June 1, 2002 (the effective date of P.A. 92-510) the effective date of this amendatory Act of the 92nd General Assembly shall be eligible to receive a license as a speech-language pathology assistant from the Department upon completion of forms prescribed by the Department and the payment of the required fee.

(Source: P.A. 92-510, eff. 6-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 93-1061
(Senate Bill No. 2690)

AN ACT concerning child support.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Sections 10-8.1, 10-10, and 10-11 as follows:

(305 ILCS 5/10-8.1)

Sec. 10-8.1. Temporary order for child support. Notwithstanding any other law to the contrary, pending the outcome of an administrative determination of parentage, the Illinois Department shall issue a temporary order for child support, upon motion by a party and a showing of clear and convincing evidence of paternity. In determining the amount of the

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temporary child support award, the Illinois Department shall use the
guidelines and standards set forth in subsection (a) of Section 505 and in
Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the Illinois
Department under this Section shall be deemed to be a series of judgments
against the person obligated to pay support thereunder, each such
judgment to be in the amount of each payment or installment of support
and each judgment to be deemed entered as of the date the corresponding
payment or installment becomes due under the terms of the support order.
Each such judgment shall have the full force, effect, and attributes of any
other judgment of this State, including the ability to be enforced. Any such
judgment is subject to modification or termination only in accordance with
Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A
lien arises by operation of law against the real and personal property of the
noncustodial parent for each installment of overdue support owed by the
noncustodial parent.

All orders for support entered or modified in a case in which a
party is receiving child support enforcement services under this Article X
shall include a provision requiring the non-custodial parent to notify the
Illinois Department, within 7 days, (i) of the name, address, and telephone
number of any new employer of the non-custodial parent, (ii) whether the
non-custodial parent has access to health insurance coverage through the
employer or other group coverage, and, if so, the policy name and number
and the names of persons covered under the policy, and (iii) of any new
residential or mailing address or telephone number of the non-custodial
parent.

In any subsequent action to enforce a support order, upon sufficient
showing that diligent effort has been made to ascertain the location of the
non-custodial parent, service of process or provision of notice necessary in
that action may be made at the last known address of the non-custodial
parent, in any manner expressly provided by the Code of Civil Procedure
or this Act, which service shall be sufficient for purposes of due process.

An order for support shall include a date on which the current
support obligation terminates. The termination date shall be no earlier than
the date on which the child covered by the order will attain the age of 18.
However, if the child will not graduate from high school until after
attaining the age of 18, then the termination date shall be no earlier than
the earlier of the date on which the child's high school graduation will
occur or the date on which the child will attain the age of 19. The order for

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support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the Illinois Department from modifying the order or terminating the order in the event the child is otherwise emancipated.

If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for the enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this paragraph. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this paragraph with regard to the order. This paragraph shall not be construed to prevent or affect the establishment or modification of an order for the support of a minor child or the establishment or modification of an order for the support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; revised 9-27-03.)

(305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

Sec. 10-10. Court enforcement; applicability also to persons who are not applicants or recipients. Except where the Illinois Department, by agreement, acts for the local governmental unit, as provided in Section 10-3.1, local governmental units shall refer to the State's Attorney or to the proper legal representative of the governmental unit, for judicial enforcement as herein provided, instances of non-support or insufficient support when the dependents are applicants or recipients under Article VI. The Child and Spouse Support Unit established by Section 10-3.1 may
institute in behalf of the Illinois Department any actions under this Section for judicial enforcement of the support liability when the dependents are (a) applicants or recipients under Articles III, IV, V or VII; (b) applicants or recipients in a local governmental unit when the Illinois Department, by agreement, acts for the unit; or (c) non-applicants or non-recipients who are receiving child support enforcement services under this Article X, as provided in Section 10-1. Where the Child and Spouse Support Unit has exercised its option and discretion not to apply the provisions of Sections 10-3 through 10-8, the failure by the Unit to apply such provisions shall not be a bar to bringing an action under this Section.

Action shall be brought in the circuit court to obtain support, or for the recovery of aid granted during the period such support was not provided, or both for the obtainment of support and the recovery of the aid provided. Actions for the recovery of aid may be taken separately or they may be consolidated with actions to obtain support. Such actions may be brought in the name of the person or persons requiring support, or may be brought in the name of the Illinois Department or the local governmental unit, as the case requires, in behalf of such persons.

The court may enter such orders for the payment of moneys for the support of the person as may be just and equitable and may direct payment thereof for such period or periods of time as the circumstances require, including support for a period before the date the order for support is entered. The order may be entered against any or all of the defendant responsible relatives and may be based upon the proportionate ability of each to contribute to the person's support.

The Court shall determine the amount of child support (including child support for a period before the date the order for child support is entered) by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. For purposes of determining the amount of child support to be paid for a period before the date the order for child support is entered, there is a rebuttable presumption that the responsible relative's net income for that period was the same as his or her net income at the time the order is entered.

If (i) the responsible relative was properly served with a request for discovery of financial information relating to the responsible relative's ability to provide child support, (ii) the responsible relative failed to comply with the request, despite having been ordered to do so by the court, and (iii) the responsible relative is not present at the hearing to determine

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support despite having received proper notice, then any relevant financial information concerning the responsible relative's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

The Court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

When an order is entered for the support of a minor, the court may provide therein for reasonable visitation of the minor by the person or

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persons who provided support pursuant to the order. Whoever willfully refuses to comply with such visitation order or willfully interferes with its enforcement may be declared in contempt of court and punished therefor.

Except where the local governmental unit has entered into an agreement with the Illinois Department for the Child and Spouse Support Unit to act for it, as provided in Section 10-3.1, support orders entered by the court in cases involving applicants or recipients under Article VI shall provide that payments thereunder be made directly to the local governmental unit. Orders for the support of all other applicants or recipients shall provide that payments thereunder be made directly to the Illinois Department. In accordance with federal law and regulations, the Illinois Department may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. In both cases the order shall permit the local governmental unit or the Illinois Department, as the case may be, to direct the responsible relative or relatives to make support payments directly to the needy person, or to some person or agency in his behalf, upon removal of the person from the public aid rolls or upon termination of services under Article X.

If the notice of support due issued pursuant to Section 10-7 directs that support payments be made directly to the needy person, or to some person or agency in his behalf, and the recipient is removed from the public aid rolls, court action may be taken against the responsible relative hereunder if he fails to furnish support in accordance with the terms of such notice.

Actions may also be brought under this Section in behalf of any person who is in need of support from responsible relatives, as defined in Section 2-11 of Article II who is not an applicant for or recipient of financial aid under this Code. In such instances, the State's Attorney of the county in which such person resides shall bring action against the responsible relatives hereunder. If the Illinois Department, as authorized by Section 10-1, extends the child support enforcement services provided by this Article to spouses and dependent children who are not applicants or recipients under this Code, the Child and Spouse Support Unit established by Section 10-3.1 shall bring action against the responsible relatives hereunder and any support orders entered by the court in such cases shall

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provide that payments thereunder be made directly to the Illinois Department.

Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and where the duty of support is owed to a child receiving child support enforcement services under this Article X, the court may order the unemployed person to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 and Article Ixa of this Code.

Whenever it is determined that a person owes past-due support for a child receiving assistance under this Code, the court shall order at the request of the Illinois Department:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or

(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article Ixa of this Code as the court deems appropriate.

A determination under this Section shall not be administratively reviewable by the procedures specified in Sections 10-12, and 10-13 to 10-13.10. Any determination under these Sections, if made the basis of court action under this Section, shall not affect the de novo judicial determination required under this Section.

A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of this Code and shall be enforced by the court upon petition.

All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which a party is receiving child support enforcement services under this Article X, the Illinois Department, within 7 days, (i) of the

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name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Code, which service shall be sufficient for purposes of due process.

An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for the enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this

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amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this paragraph. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this paragraph with regard to the order. This paragraph shall not be construed to prevent or affect the establishment or modification of an order for the support of a minor child or the establishment or modification of an order for the support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

Upon notification in writing or by electronic transmission from the Illinois Department to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department until the Illinois Department gives notice to the clerk of the court to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department's notification in the court file. The clerk's failure to file a copy of the notification in the court file shall not, however, affect the Illinois Department's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9.1 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; revised 9-27-03.)

(305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

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Sec. 10-11. Administrative Orders. In lieu of actions for court enforcement of support under Section 10-10, the Child and Spouse Support Unit of the Illinois Department, in accordance with the rules of the Illinois Department, may issue an administrative order requiring the responsible relative to comply with the terms of the determination and notice of support due, determined and issued under Sections 10-6 and 10-7. The Unit may also enter an administrative order under subsection (b) of Section 10-7. The administrative order shall be served upon the responsible relative by United States registered or certified mail. In cases in which the responsible relative appeared at the office of the Child and Spouse Support Unit in response to the notice of support obligation issued under Section 10-4, however, or in cases of default in which the notice was served on the responsible relative by certified mail, return receipt requested, or by any method provided by law for service of summons, the administrative determination of paternity or administrative support order may be sent to the responsible relative by ordinary mail addressed to the responsible relative's last known address.

If a responsible relative or a person receiving child support enforcement services under this Article fails to petition the Illinois Department for release from or modification of the administrative order, as provided in Section 10-12 or Section 10-12.1, the order shall become final and there shall be no further administrative or judicial remedy. Likewise a decision by the Illinois Department as a result of an administrative hearing, as provided in Sections 10-13 to 10-13.10, shall become final and enforceable if not judicially reviewed under the Administrative Review Law, as provided in Section 10-14.

Any new or existing support order entered by the Illinois Department under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

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An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent modification of the order by the Department.

If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for the enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this paragraph. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this paragraph with regard to the order. This paragraph shall not be construed to prevent or affect the establishment or modification of an order for the support of a minor child or the establishment or modification of an order for the support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of

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support for a period in excess of 60 days, is indirect criminal contempt.
For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

A one-time charge of 20% is imposaible upon the amount of past-due child support owed on July 1, 1988, which has accrued under a support order entered by the Illinois Department under this Section. The charge shall be imposed in accordance with the provisions of Section 10-21 and shall be enforced by the court in a suit filed under Section 10-15.

An order for support shall include a date on which the support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date that the child's graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the Illinois Department from modifying the order or terminating the order in the event the child is otherwise emancipated.

(Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; revised 9-27-03.)

Section 10. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 505 as follows:

(750 ILCS 5/505) (from Ch. 40, par. 505)
Sec. 505. Child support; contempt; penalties.

(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for his support, without regard to marital misconduct. The duty of support owed to a child

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includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child. For purposes of this Section, the term "child" shall include any child under age 18 and any child under age 19 who is still attending high school.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

<table>
<thead>
<tr>
<th>Number of Children</th>
<th>Percent of Supporting Party's Net Income</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>28%</td>
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<tr>
<td>3</td>
<td>32%</td>
</tr>
<tr>
<td>4</td>
<td>40%</td>
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<tr>
<td>5</td>
<td>45%</td>
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<tr>
<td>6 or more</td>
<td>50%</td>
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</tbody>
</table>

(2) The above guidelines shall be applied in each case unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

(a) the financial resources and needs of the child;
(b) the financial resources and needs of the custodial parent;
(c) the standard of living the child would have enjoyed had the marriage not been dissolved;
(d) the physical and emotional condition of the child, and his educational needs; and
(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:

(a) Federal income tax (properly calculated withholding or estimated payments);
(b) State income tax (properly calculated withholding or estimated payments);
(c) Social Security (FICA payments);

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(d) Mandatory retirement contributions required by law or as a condition of employment;
(e) Union dues;
(f) Dependent and individual health/hospitalization insurance premiums;
(g) Prior obligations of support or maintenance actually paid pursuant to a court order;
(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts. However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of

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the payor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for support based on the respondent's failure to make support payments as required by the order, notice of proceedings to hold the respondent in contempt for that failure may be served on the respondent by personal service or by regular mail addressed to the respondent's last known address. The respondent's last known address may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the Court deems advisable;
(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:
   (A) work; or
   (B) conduct a business or other self-employed occupation.

The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent having custody or to the guardian having

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custody of the children of the sentenced parent for the support of said children until further order of the Court.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

(1) the non-custodial parent and the person, persons, or business entity maintain records together.

(2) the non-custodial parent and the person, persons, or business entity fail to maintain an arms length relationship between themselves with regard to any assets.

(3) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further

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order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2002 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial

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parent for each installment of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(g-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the

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order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of this Act.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a child, or both, would be seriously endangered by disclosure of the party's address.

(i) The court does not lose the powers of contempt, driver's license suspension, or other child support enforcement mechanisms, including, but

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not limited to, criminal prosecution as set forth in this Act, upon the emancipation of the minor child or children.

(Source: P.A. 92-16, eff. 6-28-01; 92-203, eff. 8-1-01; 92-374, eff. 8-15-01; 92-651, eff. 7-11-02; 92-876, eff. 6-1-03; 93-148, eff. 7-10-03.)

Section 15. The Non-Support Punishment Act is amended by changing Section 20 as follows:

(750 ILCS 16/20)

Sec. 20. Entry of order for support; income withholding.

(a) In a case in which no court or administrative order for support is in effect against the defendant:

(1) at any time before the trial, upon motion of the State's Attorney, or of the Attorney General if the action has been instituted by his office, and upon notice to the defendant, or at the time of arraignment or as a condition of postponement of arraignment, the court may enter such temporary order for support as may seem just, providing for the support or maintenance of the spouse or child or children of the defendant, or both, pendente lite; or

(2) before trial with the consent of the defendant, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the penalty provided in this Act, or in addition thereto, the court may enter an order for support, subject to modification by the court from time to time as circumstances may require, directing the defendant to pay a certain sum for maintenance of the spouse, or for support of the child or children, or both.

(b) The court shall determine the amount of child support by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.
(c) The court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

(d) The court may, for violation of any order under this Section, punish the offender as for a contempt of court, but no pendente lite order shall remain in effect longer than 4 months, or after the discharge of any panel of jurors summoned for service thereafter in such court, whichever is sooner.

(e) Any order for support entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support under the judgments, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Each judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(f) An order for support entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of the court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer.

Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment.

An order for support entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or of a minor child, or both, would be seriously endangered by disclosure of the party's address.

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(g) An order for support entered or modified in a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code shall include a provision requiring the noncustodial parent to notify the Illinois Department of Public Aid, within 7 days, of the name and address of any new employer of the noncustodial parent, whether the noncustodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy.

(h) In any subsequent action to enforce an order for support entered under this Act, upon sufficient showing that diligent effort has been made to ascertain the location of the noncustodial parent, service of process or provision of notice necessary in that action may be made at the last known address of the noncustodial parent, in any manner expressly provided by the Code of Civil Procedure or in this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(i-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be

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enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(j) A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2002 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(Source: P.A. 92-374, eff. 8-15-01; 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; revised 9-27-03.)

Section 20. The Income Withholding for Support Act is amended by adding Section 32 as follows:

(750 ILCS 28/32 new)

Sec. 32. Unpaid arrearage or delinquency after current support obligation terminates.

(a) When current support terminates on the date stated in the order for support, or because the child attains the age of majority or is otherwise emancipated, and the amount previously required to be paid for current support of that child automatically continues as an obligation for periodic payment toward satisfaction of unpaid arrearage or delinquency as provided for by law, the obligee or public office may prepare and serve upon the obligor’s payor an income withholding notice that:

(1) contains the information required under subsection (c) of Section 20; and
(2) contains the total amount of the unpaid arrearage or delinquency as of the date of the notice; and

(3) directs the payor to withhold, as a periodic payment toward satisfaction of the unpaid arrearage or delinquency, the total of:

(A) the periodic amount required to be paid as current support immediately prior to the date the current support obligation terminated under the order, or by the child becoming emancipated by age or otherwise, and

(B) any periodic amount previously required for satisfaction of the arrearage or delinquency.

(b) The income withholding notice and the obligor's copy of the income withholding notice shall be served as provided in subsection (g) of Section 20.

(c) The obligor may contest withholding commenced under this Section by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. The grounds for the petition to contest withholding shall be limited to:

(1) a dispute concerning the existence or amount of the unpaid arrearage or delinquency; or

(2) the accuracy of the periodic amount required to be withheld for payments of the unpaid arrearage or delinquency under the income withholding notice; or

(3) the identity of the obligor.

The Clerk of the Circuit Court shall notify the obligor and the obligee or public office of the time and place of the hearing on the petition to contest withholding. The court shall hold the hearing pursuant to the provisions of Section 40.

Section 25. The Illinois Parentage Act of 1984 is amended by changing Sections 13.1 and 14 as follows:

(750 ILCS 45/13.1)

Sec. 13.1. Temporary order for child support. Notwithstanding any other law to the contrary, pending the outcome of a judicial determination of parentage, the court shall issue a temporary order for child support, upon motion by a party and a showing of clear and convincing evidence of paternity. In determining the amount of the temporary child support award, the court shall use the guidelines and standards set forth in subsection (a)

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of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court, and in cases in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage, and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent.

In any subsequent action to enforce a support order, upon sufficient showing that diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in that action may be made at the last known address of the non-custodial parent, in any manner expressly provided by the Code of Civil Procedure or in this Act, which service shall be sufficient for purposes of due process.

An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain

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unpaid on that date. Nothing in this paragraph shall be construed to prevent the court from modifying the order.

_If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for the enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this paragraph. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this paragraph with regard to the order. This paragraph shall not be construed to prevent or affect the establishment or modification of an order for the support of a minor child or the establishment or modification of an order for the support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act._

(Source: P.A. 92-590, eff. 7-1-02.)

(750 ILCS 45/14) (from Ch. 40, par. 2514)


(a) (1) The judgment shall contain or explicitly reserve provisions concerning any duty and amount of child support and may contain provisions concerning the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, which the court shall determine in accordance with the relevant factors set forth in the Illinois Marriage and Dissolution of Marriage Act and any other applicable law of Illinois, to guide the court in a finding in the best interests of the child. In determining custody, joint custody, removal, or visitation, the court shall apply the relevant standards

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of the Illinois Marriage and Dissolution of Marriage Act, including Section 609. Specifically, in determining the amount of any child support award, the court shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. For purposes of Section 505 of the Illinois Marriage and Dissolution of Marriage Act, "net income" of the non-custodial parent shall include any benefits available to that person under the Illinois Public Aid Code or from other federal, State or local government-funded programs. The court shall, in any event and regardless of the amount of the non-custodial parent's net income, in its judgment order the non-custodial parent to pay child support to the custodial parent in a minimum amount of not less than $10 per month. In an action brought within 2 years after a child's birth, the judgment or order may direct either parent to pay the reasonable expenses incurred by either parent related to the mother's pregnancy and the delivery of the child. The judgment or order shall contain the father's social security number, which the father shall disclose to the court; however, failure to include the father's social security number on the judgment or order does not invalidate the judgment or order.

(2) If a judgment of parentage contains no explicit award of custody, the establishment of a support obligation or of visitation rights in one parent shall be considered a judgment granting custody to the other parent. If the parentage judgment contains no such provisions, custody shall be presumed to be with the mother; however, the presumption shall not apply if the father has had physical custody for at least 6 months prior to the date that the mother seeks to enforce custodial rights.

(b) The court shall order all child support payments, determined in accordance with such guidelines, to commence with the date summons is served. The level of current periodic support payments shall not be reduced because of payments set for the period prior to the date of entry of the support order. The Court may order any child support payments to be made for a period prior to the commencement of the action. In determining whether and the extent to which the payments shall be made for any prior period, the court shall consider all relevant facts, including the factors for determining the amount of support specified in the Illinois Marriage and Dissolution of Marriage Act and other equitable factors including but not limited to:

(1) The father's prior knowledge of the fact and circumstances of the child's birth.

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(2) The father's prior willingness or refusal to help raise or support the child.

(3) The extent to which the mother or the public agency bringing the action previously informed the father of the child's needs or attempted to seek or require his help in raising or supporting the child.

(4) The reasons the mother or the public agency did not file the action earlier.

(5) The extent to which the father would be prejudiced by the delay in bringing the action.

For purposes of determining the amount of child support to be paid for any period before the date the order for current child support is entered, there is a rebuttable presumption that the father's net income for the prior period was the same as his net income at the time the order for current child support is entered.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(d) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued under the Vital Records Act.

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(e) On request of the mother and the father, the court shall order a change in the child's name. After hearing evidence the court may stay payment of support during the period of the father's minority or period of disability.

(f) If, upon a showing of proper service, the father fails to appear in court, or otherwise appear as provided by law, the court may proceed to hear the cause upon testimony of the mother or other parties taken in open court and shall enter a judgment by default. The court may reserve any order as to the amount of child support until the father has received notice, by regular mail, of a hearing on the matter.

(g) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(h) All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage.
that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(i-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month’s support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(j) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor’s employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section

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shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; 93-139, eff. 7-10-03; revised 9-15-03.)

Section 99. Effective date. This Act takes effect on January 1, 2005.

Effective January 1, 2005.

PUBLIC ACT 93-1062
(Senate Bill No. 2900)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 9A-11 as follows:

Sec. 9A-11. Child Care.
(a) The General Assembly recognizes that families with children need child care in order to work. Child care is expensive and families with low incomes, including those who are transitioning from welfare to work, often struggle to pay the costs of day care. The General Assembly understands the importance of helping low income working families become and remain self-sufficient. The General Assembly also believes that it is the responsibility of families to share in the costs of child care. It is also the preference of the General Assembly that all working poor families should be treated equally, regardless of their welfare status.

(b) To the extent resources permit, the Illinois Department shall provide child care services to parents or other relatives as defined by rule who are working or participating in employment or Department approved

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education or training programs. At a minimum, the Illinois Department shall cover the following categories of families:

1. recipients of TANF under Article IV participating in work and training activities as specified in the personal plan for employment and self-sufficiency;
2. families transitioning from TANF to work;
3. families at risk of becoming recipients of TANF;
4. families with special needs as defined by rule; and
5. working families with very low incomes as defined by rule.

The Department shall specify by rule the conditions of eligibility, the application process, and the types, amounts, and duration of services. Eligibility for child care benefits and the amount of child care provided may vary based on family size, income, and other factors as specified by rule.

In determining income eligibility for child care benefits, the Department annually, at the beginning of each fiscal year, shall establish, by rule, one income threshold for each family size, in relation to percentage of State median income for a family of that size, that makes families with incomes below the specified threshold eligible for assistance and families with incomes above the specified threshold ineligible for assistance. The specified threshold must be no less than 50% of the then-current State median income for each family size.

In determining eligibility for assistance, the Department shall not give preference to any category of recipients or give preference to individuals based on their receipt of benefits under this Code.

The Department shall allocate $7,500,000 annually for a test program for families who are income-eligible for child care assistance, who are not recipients of TANF under Article IV, and who need child care assistance to participate in education and training activities. The Department shall specify by rule the conditions of eligibility for this test program.

Nothing in this Section shall be construed as conferring entitlement status to eligible families.

The Illinois Department is authorized to lower income eligibility ceilings, raise parent co-payments, create waiting lists, or take such other actions during a fiscal year as are necessary to ensure that child care benefits paid under this Article do not exceed the amounts appropriated for those child care benefits. These changes may be accomplished by
emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply.

The Illinois Department may contract with other State agencies or child care organizations for the administration of child care services.

(c) Payment shall be made for child care that otherwise meets the requirements of this Section and applicable standards of State and local law and regulation, including any requirements the Illinois Department promulgates by rule in addition to the licensure requirements promulgated by the Department of Children and Family Services and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal and is provided in any of the following:

(1) a child care center which is licensed or exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969;
(2) a licensed child care home or home exempt from licensing;
(3) a licensed group child care home;
(4) other types of child care, including child care provided by relatives or persons living in the same home as the child, as determined by the Illinois Department by rule.

(d) The Illinois Department shall, by rule, require co-payments for child care services by any parent, including parents whose only income is from assistance under this Code. The co-payment shall be assessed based on a sliding scale based on family income, family size, and the number of children in care. Co-payments shall not be increased due solely to a change in the methodology for counting family income.

(e) The Illinois Department shall conduct a market rate survey based on the cost of care and other relevant factors which shall be completed by July 1, 1998.

(f) The Illinois Department shall, by rule, set rates to be paid for the various types of child care. Child care may be provided through one of the following methods:

(1) arranging the child care through eligible providers by use of purchase of service contracts or vouchers;
(2) arranging with other agencies and community volunteer groups for non-reimbursed child care;
(3) (blank); or
(4) adopting such other arrangements as the Department determines appropriate.

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(f-5) The Illinois Department, in consultation with its Child Care and Development Advisory Council, shall develop a comprehensive plan to revise the State’s rates for the various types of child care. The plan shall be completed no later than January 1, 2005 and shall include:

1. Base reimbursement rates that are adequate to provide children receiving child care services from the Department equal access to quality child care, utilizing data from the most current market rate survey.

2. A tiered reimbursement rate system that financially rewards providers of child care services that meet defined benchmarks of higher-quality care.

3. Consideration of revisions to existing county groupings and age classifications, utilizing data from the most current market rate survey.

4. Consideration of special rates for certain types of care such as caring for a child with a disability.

(g) Families eligible for assistance under this Section shall be given the following options:

1. receiving a child care certificate issued by the Department or a subcontractor of the Department that may be used by the parents as payment for child care and development services only; or

2. if space is available, enrolling the child with a child care provider that has a purchase of service contract with the Department or a subcontractor of the Department for the provision of child care and development services. The Department may identify particular priority populations for whom they may request special consideration by a provider with purchase of service contracts, provided that the providers shall be permitted to maintain a balance of clients in terms of household incomes and families and children with special needs, as defined by rule.

(Source: P.A. 93-361, eff. 9-1-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


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PUBLIC ACT 93-1063
(Senate Bill No. 2499)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Child Care Act of 1969 is amended by adding Section 14.5 as follows:
(225 ILCS 10/14.5 new)
Sec. 14.5. Offering, providing, or co-signing a loan or other credit accommodation. No person or entity shall offer, provide, or co-sign a loan or other credit accommodation, directly or indirectly, with a biological parent or a relative of a biological parent based on the contingency of a surrender or placement of a child for adoption.

Section 10. The Adoption Compensation Prohibition Act is amended by changing Section 4.1 as follows:
(720 ILCS 525/4.1) (from Ch. 40, par. 1704.1)
Sec. 4.1. Payment of certain expenses.
(a) A person or persons who have filed or intend to file a petition to adopt a child under the Adoption Act shall be permitted to pay the reasonable living expenses of the biological parents of the child sought to be adopted, in addition to those expenses set forth in Section 4, only in accordance with the provisions of this Section.
"Reasonable living expenses" means the reasonable costs of lodging, food, and clothing for the biological parents during the period of the biological mother's pregnancy and for no more than 30 days after the birth of the child. The term does not include expenses for lost wages, gifts, educational expenses, or other similar expenses of the biological parents.
(b) The petitioners may seek leave of the court to pay the reasonable living expenses of the biological parents. They shall be permitted to pay the reasonable living expenses of the biological parents only upon prior order of the circuit court where the petition for adoption will be filed, or if the petition for adoption has been filed in the circuit court where the petition is pending.
(c) Payments under this Section shall be permitted only in those circumstances where there is a demonstrated need for the payment of such
expenses to protect the health of the biological parents or the health of the child sought to be adopted.

(d) Payment of their reasonable living expenses, as provided in this Section, shall not obligate the biological parents to place the child for adoption. In the event the biological parents choose not to place the child for adoption, the petitioners shall have no right to seek reimbursement of moneys paid to the biological parents pursuant to a court order under this Section.

(d-5) No person or entity shall offer, provide, or co-sign a loan or any other credit accommodation, directly or indirectly, with a biological parent or a relative of a biological parent based on the contingency of a surrender or placement of a child for adoption.

(e) Within 14 days after the completion of all payments for reasonable living expenses of the biological parents under this Section, the petitioners shall present a final accounting of all those expenses to the court. The accounting shall include vouchers for all moneys expended, copies of all checks written, and receipts for all cash payments. The accounting shall also include the verified statements of the petitioners, each attorney of record, and the biological parents or parents to whom or on whose behalf the payments were made attesting to the accuracy of the accounting.

(f) If the placement of a child for adoption is made in accordance with the Interstate Compact on the Placement of Children, and if the sending state permits the payment of any expenses of biological parents that are not permitted under this Act, then the payment of those expenses shall not be a violation of this Act. In that event, the petitioners shall file an accounting of all payments of the expenses of the biological parent or parents with the court in which the petition for adoption is filed or is to be filed. The accounting shall include a copy of the statutory provisions of the sending state that permit payments in addition to those permitted by this Act and a copy of all orders entered in the sending state that relate to expenses of the biological parents paid by the petitioners in the sending state.

(g) The petitioners shall be permitted to pay the reasonable attorney's fees of the biological parents' attorney in connection with proceedings under this Act or in connection with proceedings for the adoption of the child. The attorney's fees shall be paid only after a petition seeking leave to pay those fees is filed with the court in which the adoption proceeding is filed or to be filed. The court shall review the

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petition for leave to pay attorney's fees, and if the court determines that the fees requested are reasonable, the court shall permit the petitioners to pay them. If the court determines that the fees requested are not reasonable, the court shall determine and set the reasonable attorney's fees of the biological parents' attorney which may be paid by the petitioners.

(h) The court may appoint a guardian ad litem for an unborn child to represent the interests of the child in proceedings under this Section.

(Source: P.A. 87-1129; 88-148.)

Approved January 6, 2005.
Effective June 1, 2005.

PUBLIC ACT 93-1064
(Senate Bill No. 3188)

AN ACT in relation to executive agencies.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code is amended by changing Section 605-332 as follows:

(20 ILCS 605/605-332)

Sec. 605-332. Financial assistance to energy generation facilities.

(a) As used in this Section:

"New electric generating facility" means a newly-constructed electric generation plant or a newly constructed generation capacity expansion at an existing facility, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which foundation construction commenced not sooner than July 1, 2001, which is designed to provide baseload electric generation operating on a continuous basis throughout the year; and:

(1) which has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site, uses coal or gases derived from coal as its primary fuel source, and supports the creation of at least 150 new Illinois coal mining jobs; or

(2) is (i) funded through a federal Department of Energy grant before July 1, 2005, and (ii) uses coal gasification or integrated gasification-combined cycle units that generate

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electricity or chemicals, or both, and that supports the creation of Illinois coal-mining jobs.

"Eligible business" means an entity that proposes to construct a new electric generating facility and that has applied to the Department to receive financial assistance pursuant to this Section. With respect to use and occupation taxes, wherever there is a reference to taxes, that reference means only those taxes paid on Illinois-mined coal used in a new electric generating facility.

"Department" means the Illinois Department of Commerce and Economic Opportunity Community Affairs.

(b) The Department is authorized to provide financial assistance to eligible businesses for new electric generating facilities from funds appropriated by the General Assembly as further provided in this Section.

An eligible business seeking qualification for financial assistance for a new electric generating facility, for purposes of this Section only, shall apply to the Department in the manner specified by the Department. Any projections provided by an eligible business as part of the application shall be independently verified in a manner as set forth by the Department. An application shall include, but not be limited to:

(1) the projected or actual completion date of the new electric generating facility for which financial assistance is sought;

(2) copies of documentation deemed acceptable by the Department establishing either (i) the total State occupation and use taxes paid on Illinois-mined coal used at the new electric generating facility for a minimum of 4 preceding calendar quarters or (ii) the projected amount of State occupation and use taxes paid on Illinois-mined coal used at the new electric generating facility in 4 calendar year quarters after completion of the new electric generating facility. Bond proceeds subject to this Section shall not be allocated to an eligible business until the eligible business has demonstrated the revenue stream sufficient to service the debt on the bonds; and

(3) the actual or projected amount of capital investment by the eligible business in the new electric generating facility.

The Department shall determine the maximum amount of financial assistance for eligible businesses in accordance with this paragraph. The Department shall not provide financial assistance from general obligation bond funds to any eligible business unless it receives a written certification from the Director of the Bureau of

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the Budget (now Governor's Office of Management and Budget) that 80% of the State occupation and use tax receipts for a minimum of the preceding 4 calendar quarters for all eligible businesses or as included in projections on approved applications by eligible businesses equal or exceed 110% of the maximum annual debt service required with respect to general obligation bonds issued for that purpose. The Department may provide financial assistance not to exceed the amount of State general obligation debt calculated as above, the amount of actual or projected capital investment in the energy generation facility, or $100,000,000, whichever is less. Financial assistance received pursuant to this Section may be used for capital facilities consisting of buildings, structures, durable equipment, and land at the new electric generating facility. Subject to the provisions of the agreement covering the financial assistance, a portion of the financial assistance may be required to be repaid to the State if certain conditions for the governmental purpose of the assistance were not met.

An eligible business shall file a monthly report with the Illinois Department of Revenue stating the amount of Illinois-mined coal purchased during the previous month for use in the new electric generating facility, the purchase price of that coal, the amount of State occupation and use taxes paid on that purchase to the seller of the Illinois-mined coal, and such other information as that Department may reasonably require. In sales of Illinois-mined coal between related parties, the purchase price of the coal must have been determined in an arms-length transaction. The report shall be filed with the Illinois Department of Revenue on or before the 20th day of each month on a form provided by that Department. However, no report need be filed by an eligible business in a month when it made no reportable purchases of coal in the previous month. The Illinois Department of Revenue shall provide a summary of such reports to the Governor's Office of Management and Budget Bureau of the Budget.

Upon granting financial assistance to an eligible business, the Department shall certify the name of the eligible business to the Illinois Department of Revenue. Beginning with the receipt of the first report of State occupation and use taxes paid by an eligible business and continuing for a 25-year period, the Illinois Department of Revenue shall each month

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pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business.  
(Source: P.A. 92-12, eff. 7-1-01; 93-167, eff. 7-10-03; revised 8-23-03.)

Section 10. The Illinois Enterprise Zone Act is amended by changing Section 5.5 as follows:

(20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)
Sec. 5.5. High Impact Business.
(a) In order to respond to unique opportunities to assist in the encouragement, development, growth and expansion of the private sector through large scale investment and development projects, the Department is authorized to receive and approve applications for the designation of "High Impact Businesses" in Illinois subject to the following conditions:

(1) such applications may be submitted at any time during the year;

(2) such business is not located, at the time of designation, in an enterprise zone designated pursuant to this Act;

(3) (A) the business intends to make a minimum investment of $12,000,000 which will be placed in service in qualified property and intends to create 500 full-time equivalent jobs at a designated location in Illinois or intends to make a minimum investment of $30,000,000 which will be placed in service in qualified property and intends to retain 1,500 full-time jobs at a designated location in Illinois. The business must certify in writing that the investments would not be placed in service in qualified property and the job creation or job retention would not occur without the tax credits and exemptions set forth in subsection (b) of this Section. The terms "placed in service" and "qualified property" have the same meanings as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(B) the business intends to establish a new electric generating facility at a designated location in Illinois. "New electric generating facility", for purposes of this Section, means a newly-constructed electric generation plant or a newly-constructed generation capacity expansion at an existing electric generation plant, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which such new foundation construction commenced

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not sooner than July 1, 2001. Such facility shall be designed
to provide baseload electric generation and shall operate on
a continuous basis throughout the year; and shall have an
aggregate rated generating capacity of at least 1,000
megawatts for all new units at one site if it uses natural gas
as its primary fuel and foundation construction of the
facility is commenced on or before December 31, 2004, or
shall have an aggregate rated generating capacity of at least
400 megawatts for all new units at one site if it uses coal or
gases derived from coal as its primary fuel and shall
support the creation of at least 150 new Illinois coal mining
jobs, or, is (i) funded through a federal Department of
Energy grant before July 1, 2005, and (ii) uses coal
gasification or integrated gasification-combined cycle units
that generate electricity or chemicals, or both, and shall
support the creation of Illinois coal-mining jobs. The
business must certify in writing that the investments
necessary to establish a new electric generating facility
would not be placed in service and the job creation in the
case of a coal-fueled plant would not occur without the tax
credits and exemptions set forth in subsection (b-5) of this
Section. The term "placed in service" has the same meaning
as described in subsection (h) of Section 201 of the Illinois
Income Tax Act; or

(C) the business intends to establish production
operations at a new coal mine, re-establish production
operations at a closed coal mine, or expand production at an
existing coal mine at a designated location in Illinois not
sooner than July 1, 2001; provided that the production
operations result in the creation of 150 new Illinois coal
mining jobs as described in subdivision (a)(3)(B) of this
Section, and further provided that the coal extracted from
such mine is utilized as the predominant source for a new
electric generating facility. The business must certify in
writing that the investments necessary to establish a new,
expanded, or reopened coal mine would not be placed in
service and the job creation would not occur without the tax
credits and exemptions set forth in subsection (b-5) of this
Section. The term "placed in service" has the same meaning

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as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(D) the business intends to construct new transmission facilities or upgrade existing transmission facilities at designated locations in Illinois, for which construction commenced not sooner than July 1, 2001. For the purposes of this Section, "transmission facilities" means transmission lines with a voltage rating of 115 kilovolts or above, including associated equipment, that transfer electricity from points of supply to points of delivery and that transmit a majority of the electricity generated by a new electric generating facility designated as a High Impact Business in accordance with this Section. The business must certify in writing that the investments necessary to construct new transmission facilities or upgrade existing transmission facilities would not be placed in service without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; and

(4) no later than 90 days after an application is submitted, the Department shall notify the applicant of the Department's determination of the qualification of the proposed High Impact Business under this Section.

(b) Businesses designated as High Impact Businesses pursuant to subdivision (a)(3)(A) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 9-222 and Section 9-222.1A of the Public Utilities Act, subsection (h) of Section 201 of the Illinois Income Tax Act; and; Section 1d of the Retailers' Occupation Tax Act; provided that these credits and exemptions described in these Acts shall not be authorized until the minimum investments set forth in subdivision (a)(3)(A) of this Section have been placed in service in qualified properties and, in the case of the exemptions described in the Public Utilities Act and Section 1d of the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or full-time jobs set forth in subdivision (a)(3)(A) of this Section have been created or retained. Businesses designated as High Impact Businesses under this Section shall also qualify for the exemption described in Section 51 of the Retailers' Occupation Tax Act. The credit provided in subsection (h) of Section 201

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of the Illinois Income Tax Act shall be applicable to investments in qualified property as set forth in subdivision (a)(3)(A) of this Section.

(b-5) Businesses designated as High Impact Businesses pursuant to subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 51 of the Retailers' Occupation Tax Act, Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act; however, the credits and exemptions authorized under Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act shall not be authorized until the new electric generating facility, the new transmission facility, or the new, expanded, or reopened coal mine is operational, except that a new electric generating facility whose primary fuel source is natural gas is eligible only for the exemption under Section 51 of the Retailers' Occupation Tax Act.

(c) High Impact Businesses located in federally designated foreign trade zones or sub-zones are also eligible for additional credits, exemptions and deductions as described in the following Acts: Section 9-221 and Section 9-222.1 of the Public Utilities Act; and subsection (g) of Section 201, and Section 203 of the Illinois Income Tax Act.

(d) Existing Illinois businesses which apply for designation as a High Impact Business must provide the Department with the prospective plan for which 1,500 full-time jobs would be eliminated in the event that the business is not designated.

(e) New proposed facilities which apply for designation as High Impact Business must provide the Department with proof of alternative non-Illinois sites which would receive the proposed investment and job creation in the event that the business is not designated as a High Impact Business.

(f) In the event that a business is designated a High Impact Business and it is later determined after reasonable notice and an opportunity for a hearing as provided under the Illinois Administrative Procedure Act, that the business would have placed in service in qualified property the investments and created or retained the requisite number of jobs without the benefits of the High Impact Business designation, the Department shall be required to immediately revoke the designation and notify the Director of the Department of Revenue who shall begin proceedings to recover all wrongfully exempted State taxes with interest.

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The business shall also be ineligible for all State funded Department programs for a period of 10 years.

(g) The Department shall revoke a High Impact Business designation if the participating business fails to comply with the terms and conditions of the designation.

(h) Prior to designating a business, the Department shall provide the members of the General Assembly and Illinois Economic and Fiscal Commission with a report setting forth the terms and conditions of the designation and guarantees that have been received by the Department in relation to the proposed business being designated.

(Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised 3-7-02.)

Section 99. Effective date. This Act takes effect upon becoming law.

Governor Returns Bill With Recommendation For Change
General Assembly Accepts Changes January 11, 2005.
Certified By The Governor January 13, 2005.
Effective January 13, 2005.

PUBLIC ACT 93-1065
(Senate Bill No. 1737)

AN ACT in relation to real property.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Director of Agriculture, on behalf of the State of Illinois, is authorized to exchange certain real property in Perry County, Illinois, hereinafter referred to as Parcel 1, for certain real property in Perry County, Illinois, hereinafter referred to as Parcel 2, with David Heal and Lynn A. Heal, such Parcels being described as follows:

PARCEL 1

GENERAL DESCRIPTION
A part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 6 South, Range 1 West of the Third Principal Meridian, Perry County, Illinois

DETAILED DESCRIPTION
Commencing at the Southwest Corner of the said Northwest Quarter of the Northeast Quarter; thence Easterly along the South line of

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the said Northwest Quarter of the Northeast Quarter a distance of 62.62 feet to an iron rebar found in the East Right-of-Way line of U.S. Route 51; thence Northerly along the said East Right-of-Way said line being 60 feet Easterly of the centerline of U.S. Route 51 a distance of 854.56 feet to an iron rebar found being the point of beginning for this description; from said point of beginning continuing Northerly along said Right-of-Way line a distance of 438.91 feet to a point on the proposed South Right-of-Way line of Bob Green Drive; thence Easterly along the proposed South Right-of-Way line of Bob Green Drive with a deflection angle of 90 degrees 24 minutes 35 seconds a distance of 576.05 feet to a point; thence Southerly along a line with a deflection of 89 degrees 35 minutes 25 seconds a distance of 435.46 feet to a point; thence Westerly along a line with a deflection of 90 degrees 03 minutes 56 seconds a distance of 576.04 feet to the point of beginning containing 5.78 acres more or less.

PARCEL 2

Part of the NW 1/4 of the NE 1/4 of Section 20, Township 6 South, Range 1 West of the Third Principal Meridian, Perry County, Illinois, more particularly described as follows, to wit: Commencing at the Northwest corner of the NW 1/4 of the NE 1/4 of Section 20, Township 6 South, Range 1 West of the Third Principal Meridian, Perry County, thence S 00 degrees 02 minutes 14 seconds E, an assumed bearing along the West line of the NW 1/4 of the NE 1/4 of said Section 20, a distance of 1132.54 feet, to the point of beginning for the tract herein described; thence continuing S 00 degrees 02 minutes 14 seconds E, along the West line of the NW 1/4 of the NE 1/4 of said Section 20, a distance of 143.52 feet; thence S 89 degrees 04 minutes 51 seconds E, a distance of 175.04 feet, to an iron pin; thence S 00 degrees 00 minutes 30 seconds E, a distance of 75.00 feet, to an iron pin in the South line of the NW 1/4 of the NE 1/4 of said Section 20; thence S 89 degrees 03 minutes 51 seconds E, along the South line of the NW 1/4 of the NE 1/4 of said Section 20, a distance of 1137.90 feet, to an iron pin; thence N 00 degrees 00 minutes 58 seconds W, a distance of 363.05 feet, to an iron pin; thence N 89 degrees 03 minutes 51 seconds W, a distance of 654.24 feet, to an iron pin; thence S 00 degrees 12 minutes 17 seconds E, a distance of 112.02 feet, to an iron pin; thence N 88 degrees 46 minutes 16 seconds W, a distance of 420.40 feet, to an iron pin; thence S 41 degrees 29 minutes 05 seconds W, a distance of 38.74 feet, to an iron pin;

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thence S 89 degrees 03 minutes 07 seconds W, a distance of 
154.42 feet, to the point of beginning, containing 8.80 acres, more 
or less.

Section 10. Whereas, the transaction described in Section 5 will be 
to the mutual advantages of both parties, each party shall be responsible 
for any and all title costs associated with their respective properties

Section 15. The Director of Agriculture shall obtain an opinion of 
title from the Illinois Attorney General certifying that the State of Illinois 
will receive merchantable title to the real property referred to as Parcel 2 in 
Section 5.

Section 20. The Director of Agriculture shall obtain a certified 
copy of the portions of this Act containing the title, the enacting clause, the 
effective date, the appropriate Sections containing the land descriptions of 
property listed in Section 5 to be transferred, and this Section within 60 
days after this Act's effective date and, upon receipt of payment or other 
consideration required by the appropriate Sections, shall record the 
certified document in the Recorder's office in the county in which the land 
is located.

Section 25. The Code of Civil Procedure is amended by adding 
Sections 7-103.113, 7-103.114, 7-103.115, 7-103.116, 7-103.117, 7- 
103.118, 7-103.119, 7-103.120, 7-103.121, and 7-103.122 as follows:

(735 ILCS 5/7-103.113 new)

Sec. 7-103.113. Quick-take; Village of Bridgeview. Quick-take 
proceedings under Section 7-103 may be used for a period of 12 months 
after the effective date of this amendatory Act of the 93rd General 
Assembly by the Village of Bridgeview for the purpose of acquiring 
property for a municipal sports stadium and parking areas, team practice 
facilities, and other related uses as follows:

Parcel 1:
That part of the West half of the Southwest Quarter of Section 30, 
Township 38 North, Range 13 East of the Third Principal Meridian, 
described as follows:
Beginning on the East line of the West half of the Southwest quarter with 
the North line of M.S.A. Bridgeview Court Subdivision recorded on June 
8, 1988, as Document Number 88246171, also being the South line of the 
North 1090 feet of the said Southwest quarter of Section 30; thence South 
89 degrees 49 minutes 10 seconds West along said line 33.00 feet; thence North 16 degrees 00 minutes 23 seconds West 70.00 feet; thence South 88 
degrees 47 minutes 22 seconds West 444.48 feet; thence South 47 degrees

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23 minutes 28 seconds West 65.00 feet to the North line of said M.S.A. Bridgeview Court Subdivision, also being the South line of the North 1090 feet of the Southwest quarter of Section 30; thence South 89 degrees 49 minutes 10 seconds East along said lines to the point of beginning.

ALSO

That part of the West half of the Southwest Quarter of Section 30, Township 38 North, Range 13 East of the Third Principal Meridian, described as follows:

Beginning at the intersection of the South line of the North 1090 feet of said Southwest quarter also being the North line of M.S.A. Bridgeview Court and the West line of Harlem Avenue as dedicated, being 50 feet East of the West of said Southwest quarter; thence North 0 degrees 16 minutes 38 seconds West 349.88 feet along the said East line of Harlem Avenue to the Southwest corner of the land conveyed by Document 0333942009; thence North 89 degrees 46 minutes 35 seconds East to the Northwest corner of the land conveyed by document 99855126; thence South along the West line of the land conveyed by said Document 99855126, 350 feet to the South line of the North 1090 feet also being the North line of M.S.A. Bridgeview Court; thence West along said line to the point of beginning, in Cook County, Illinois.

Parcel 2:

Lots 1, 2, 4, 6, 7 and 8, in M.S.A. Bridgeview Court, being a Subdivision of part of the West half of the southwest quarter of Section 30, Township 38 North, Range 13 East of the Third Principal Meridian, recorded June 7, 1988 as Document 88246171, except that part of Lot 1 conveyed by Deed recorded as document No. 99016579, except that part of Lot 6 conveyed by Deed recorded as Document No. 93589062, except that part of Lot 7 conveyed in Deed recorded as Document No. 91540434, and except that part of Lot 8 recorded as Document No. 0010326872, in Cook County, Illinois.

Parcel 3:

Easement appurtenant to Parcel 2 for ingress, egress, access, parking, deposit and retention of storm water over the common areas as described and set forth in Construction, Operation and Reciprocal Easement Agreement made by and between Bridgeview Associates, the May Department Stores Company, and Midfield, Inc., dated July 25, 1988 and recorded July 29, 1988 as Document No. 88340706.

(735 ILCS 5/7-103.114 new)

New matter indicated by italics - deletions by strikeout.
Sec. 7-103.114. Quick-take; City of Ottawa. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the City of Ottawa for the acquisition of property for the purpose of immediate eradication of a blighted area resulting from the destruction of most improvements because of fire as follows:

All lots in Block 18 in the Original Town of Ottawa, now the City of Ottawa, in LaSalle County, Illinois.

(735 ILCS 5/7-103.115 new)

Sec. 7-103.115. Quick-take; City of Ottawa. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the City of Ottawa for the acquisition of property for the purpose of installation of public utilities as follows:

That part of the Southeast Quarter of Section 8, Township 33 North, Range 4 East of the Third Principal Meridian described as follows:

Commencing at the Northwest corner of the Southeast Quarter of said Section 8; thence South 89 degrees 41 minutes 32 seconds East 48.60 feet along the North line of the said Southeast Quarter to the intersection of said North line and the North Right of Way line of the CSX Railroad which point is also the Point of Beginning; thence continuing South 89 degrees 41 minutes 32 seconds East 1303.50 feet along said North line to the Northeast corner of the West Half of the Southeast Quarter of said Section 8; thence Southeasterly on a 573.75 foot radius curve to the right 564.56 feet, whose chord bears South 33 degrees 50 minutes 57 seconds East 542.06 feet to a point on the North Right of Way line of the CSX railroad; thence North 74 degrees 06 minutes 16 seconds West 1669.24 feet to the Point of Beginning containing 6.140 acres more or less and all situated in LaSalle County, Illinois.

(735 ILCS 5/7-103.116 new)

Sec. 7-103.116. Quick-take; City of Ottawa. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the City of Ottawa for the acquisition of property for the purpose of installing a rail spur as follows:

New matter indicated by italics - deletions by strikeout.
That Portion of the East Half of the Northeast Quarter of Section 8, Township 33 North, Range 4 East of the Third Principal Meridian lying South of the public highway between Ottawa and Marseilles which crosses the said East Half of the Northeast Quarter aforesaid on the northeast portion thereof; ALSO that portion of the Southeast Quarter of Section 8, Township 33 North, Range 4 East of the Third Principal Meridian lying North of the right of way of the Chicago, Rock Island & Pacific Railroad Company; EXCEPTING therefrom that part conveyed to the State of Illinois for highway purposes by deed recorded as Document #558356, all situated in LaSalle County, Illinois.

(735 ILCS 5/7-103.117 new)

Sec. 7-103.117. Quick-take; City of Oakbrook Terrace. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the City of Oakbrook Terrace for the acquisition of property for the purpose of water main construction as follows:

Beginning at a point on the east line of the southeast ¼ of Section 21-39-11, located a distance of 520 feet north of the point of intersection of the east line of the southeast ¼ of Section 21 with the present northerly right of way line of Butterfield Road; Thence westerly along a line which forms an angle of 90 degrees 00 minutes 00 seconds to the east line of the southeast ¼ of Section 21, a distance of 340 feet, to an angle point; Thence southwesterly from said angle point along a line which forms an angle of 137 degrees 49 minutes 39 seconds as measured clockwise from west to south, a distance of 297 feet, to a point located 30 feet southwest and perpendicular to the south edge of the existing private road; Thence northwesterly along a curved line located 30 feet south of and parallel to the south edge of the existing private road, through an internal angle of 101 degrees 2 minutes 40 seconds, measured counterclockwise from the northeast to the northwest, a distance of 441.7 feet, to a point located 30 feet southeast and perpendicular to the south edge of the existing private road; Thence, northwesterly along a straight line perpendicular to the existing private road, a distance of 30 feet to a point on the south edge of the existing private road; Thence northeasterly and southeasterly along the curved south edge of the existing private road, a distance of 461.5 feet, to a point on the south edge of the existing private

New matter indicated by italics - deletions by strikeout.
road; Thence northeasterly along a straight line and perpendicular to the south edge of the existing private road, a distance of 277 feet, to an angle point (iron pipe); Thence easterly along a straight line, from said angle point, which forms an angle of 137 degrees 49 minutes 39 seconds as measured counterclockwise from south to east, a distance of 350 feet to a point located on the east line of the southeast ¼ of Section 21-39-11 a distance of 30 feet to the point of beginning.

(735 ILCS 5/7-103.118 new)

Sec. 7-103.118. Quick-take; Ogle County. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by Ogle County for the acquisition of property for the purpose of the construction of a railroad overpass as follows:

A tract of land in the Northeast Quarter in Section 32, Township 40 North, Range 1 East of the Third Principal Meridian, the Township of Flagg, the County of Ogle and the State of Illinois, bounded and described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 32; thence North 0 degrees 37 minutes 41 seconds West along the East line of said Northeast Quarter, a distance of 420.21 feet to the intersection of said East Line and the Northwesterly Right-of-Way Line of the Union Pacific Railroad, said point being the Point of Beginning of the hereinafter described tract of land; thence continuing North 0 degrees 37 minutes 41 seconds West along said East Line, a distance of 1466.85 feet; thence South 89 degrees 22 minutes 02 seconds West, a distance of 32.74 feet to the existing Westerly Right-of-Way Line of a public road designated Thorpe Road; thence South 2 degrees 41 minutes 56 seconds West, a distance of 67.11 feet; thence South 42 degrees 09 minutes 09 seconds West, a distance of 34.04 feet to the beginning of a curve; thence Southwesterly along a line being curved to the left, having a radius of 183.00 feet a central angle of 90 degrees 00 minutes 00 seconds, a chord bearing of South 44 degrees 22 minutes 02 seconds West and an arc distance of 287.46 feet to the termination of said curve; thence South 0 degrees 37 minutes 58 seconds East parallel with the Centerline of said Thorpe Road, a distance of 949.35 feet to the beginning of a curve; thence Southwesterly a line being curved to the right, having a

New matter indicated by italics - deletions by strikeout.
radius of 487.87 feet a central angle of 62 degrees 20 minutes 35
seconds, a chord bearing of South 30 degrees 32 minutes 20
seconds West and an arc distance of 330.95 feet to the
Northwesterly Right-of-Way Line of a public road designated Titus
Road; thence South 28 degrees 17 minutes 23 seconds East, a
distance of 66.00 to the Northwesterly Right-of-Way Line of the
Union Pacific Railroad; thence Northeasterly along a line being
curved to the left, Having a radius of 602.66 feet, a central angle
of 62 degrees 20 minutes 35 seconds, a chord bearing of North 30
degrees 32 minutes 20 seconds East and an arc distance of 602.66
to the termination of said curve; thence North 0 degrees 37
minutes 58 seconds, West parallel with the Centerline of said
Thorpe Road, a distance of 949.35 feet to the beginning of a curve;
thence Northeasterly along a line being curved to the right, having
a radius of 117.00 feet, a central angle of 90 degrees; 00 minutes
00 seconds, a chord bearing of North 44 degrees 22 minutes 02
seconds East and an arc distance of 183.79 Feet to the termination
of said curve; thence South 33 degrees 48 minutes 48 seconds
East, a distance of 29.87 feet to the Westerly Right-of-Way Line of
said Thorpe Road; thence South 2 degrees 41 minutes 56 seconds
West, a distance of 1141.69 feet; thence South 0 degrees 37
minutes 58 seconds East parallel with the Centerline of said
Thorpe Road, a distance of 201.54 feet to the Northwesterly Right-
of-Way Line of the Union Pacific Railroad; thence North 61
degrees 42 minutes 17 seconds East along said Northwesterly
Right-of-Way Line, a distance of 123.77 feet to the Point of
Beginning.
Containing 5.292 acres, more or less.
(735 ILCS 5/7-103.119 new)
Sec. 7-103.119. Quick-take; Village of Plainfield. Quick-take
proceedings under Section 7-103 may be used for the period of 12 months
after the effective date of this amendatory Act of the 93rd General
Assembly by the Village of Plainfield for the acquisition of the following
described property for the purposes of water, sewer, and roadway
extensions:

That part of Outlot "A" in Indian Oaks Estates Unit Six, a
subdivision of part of the Southeast Quarter of Section 17 in
Township 36 North and Range 9 East of the Third Principal
Meridian, in Will County, Illinois, according to the plat thereof

New matter indicated by italics - deletions by strikeout.
recorded April 6, 1989 as Document Number R89-15582, described as follows:

Beginning at the southeasterly corner of Outlot A, thence South 45 degrees 31 minutes 50 seconds West along the south line of the aforesaid Outlot 147.49 feet to the southwesterly corner of the aforesaid Outlot; thence North 0 degrees 0 minutes 26 seconds East along the west line of the aforesaid Outlot 221.82 feet; thence on a northwesterly bearing 134.05 feet to a point on the east line of the aforesaid Outlot that is 201.53 feet north of the southeasterly corner; thence southerly along the east line of the aforesaid Outlot 201.53 feet to the point of beginning; containing 0.511 acres, more or less, all in Will County, Illinois.

Pin No: 03-17-048-023-0000

(735 ILCS 5/7-103.120 new)

Sec. 7-103.120. Quick-take; Village of Plainfield. Quick-take proceedings under Section 7-103 may be used for the period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the Village of Plainfield for the acquisition of the following described property for the purposes of roadway extensions and traffic signal installation:

Beginning at a P.K. Nail marking the southwest corner of said Section 33; thence on an assumed bearing of North 00 degrees 30 minutes 36 seconds West 523.00 feet along the west line of the Southwest Quarter of said Section 33; thence North 89 degrees 29 minutes 19 seconds East 40.00 feet; thence South 00 degrees 30 minutes 36 seconds East 379.66 feet along a line 40.00 feet easterly of and parallel to the west line of the Southwest Quarter of said Section 33; thence South 26 degrees 12 minutes 37 seconds East 115.56 feet to a point on the northerly existing right of way line of 135th Street (Pilcher Road); thence South 00 degrees 00 minutes 24 seconds East 40.00 feet to a point on the south line of the Southwest Quarter of said Section 33; thence South 89 degrees 59 minutes 36 seconds West 89.76 feet along the south line of the Southwest Quarter of said Section 33 to the Point of Beginning.

Pin No: 01-33-300-008

(735 ILCS 5/7-103.121 new)

Sec. 7-103.121. Quick-take; Rochester Road District. Quick-take proceedings under Section 7-103 may be used for a period of 12 months from the effective date of this amendatory Act of the 93rd General

New matter indicated by italics - deletions by strikeout.
Assembly by Rochester Road District, for the purpose of road construction and maintenance, for the acquisition of property legally described as:

Parcel No. 3
A part of the East Half of the Southwest Quarter of Section 6, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:
Commencing at the Northeast corner of the Southwest Quarter of said Section 6; thence South 0 degrees 44 minutes 49 seconds East along the east line of the Southwest Quarter of said Section 6, a distance of 326.11 feet to the point of beginning; thence continuing South 0 degrees 44 minutes 49 seconds East, 359.27 feet; thence North 86 degrees 59 minutes 03 seconds West, 35.08 feet; thence North 0 degrees 44 minutes 49 seconds West, 359.27 feet; thence South 86 degrees 59 minutes 03 seconds East, 35.08 feet to the point of beginning.

All of the above excludes that portion now in use as a public road, said tract to be conveyed containing 0.124 acres, more or less. Said tract being shown by the plat hereto attached and considered a part hereof.

Parcel No. 6
A part of the East Half of the Southwest Quarter of Section 6, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:
Commencing at the Northeast corner of the Southwest Quarter of said Section 6; thence South 0 degrees 44 minutes 49 seconds East along the east line of the Southwest Quarter of said Section 6, a distance of 276.00 feet to the point of beginning; thence continuing South 0 degrees 44 minutes 49 seconds East, 50.11 feet; thence North 86 degrees 59 minutes 03 seconds West, 35.08 feet; thence North 0 degrees 44 minutes 49 seconds West, 50.11 feet; thence South 86 degrees 59 minutes 03 seconds East, 35.08 feet to the point of beginning.

All of the above excludes that portion now in use as a public road, said tract to be conveyed containing 0.017 acres, more or less. Said tract being shown by the plat hereto attached and considered a part hereof.

Parcel No. 9

New matter indicated by italics - deletions by strikeout.
A part of the East Half of the Southwest Quarter of Section 6, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:
Beginning at the Northeast corner of the Southwest Quarter of said Section 6; thence South 0 degrees 44 minutes 49 seconds East along the east line of the Southwest Quarter of said Section 6, a distance of 276.00 feet; thence North 86 degrees 59 minutes 03 seconds West, 35.08 feet; thence North 0 degrees 44 minutes 49 seconds West, 224.01 feet; thence South 89 degrees 15 minutes 11 seconds West, 5.00 feet; thence North 0 degrees 44 minutes 49 seconds West, 49.07 feet to the north line of the Southwest Quarter of said Section 6; thence North 88 degrees 22 minutes 11 seconds East, 40.00 feet to the point of beginning.
All of the above excludes that portion now in use as a public road, said tract to be conveyed containing 0.100 acres, more or less. Said tract being shown by the plat hereto attached and considered a part hereof.

(735 ILCS 5/7-103.122 new)
Sec. 7-103.122. Quick-take; Village of Skokie. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the Village of Skokie for the acquisition of property for the purpose of open space and the development of a park as follows:
8148 Lincoln Avenue
Index Numbers (PINS): 10-21-409-002-0000 and 10-21-409-003-0000
Lot 2 and the North 1/2 of Lot 3 in the Subdivision of Lot 28 in the Subdivision of the South 105 acres of the Southeast 1/4 of Section 21, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.
8158 Lincoln Avenue
Index Number (PIN) 10-21-409-001-0000
Lot 1 in the Subdivision of Lot 28 in the Subdivision of the South 105 acres of the Southeast 1/4 of Section 21, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.
Section 30. Upon the payment of the sum of $155,450.00 to the State of Illinois, and subject to the conditions set forth in Section 90 of this Act, the Secretary of the Department of Transportation is authorized to

New matter indicated by italics - deletions by strikeout.
convey by quitclaim deed all right, title and interest in and to the following described land in Tazewell County, Illinois, to the City of East Peoria:
Parcel No. 409564V

TRACT 1

A PART OF LOT 12 AS SHOWN ON THE ASSESSORS PLAT FOR TAXATION AND RECORDED IN PLAT BOOK G, PAGE 60 AT THE TAZEWELL COUNTY RECODERS OFFICE, SAID ASSESSORS PLAT BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF WASHINGTON STREET WITH THE FORMER SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE TOLEDO, PEORIA AND WESTERN RAILWAY COMPANY (CONVEYED TO THE CITY OF EAST PEORIA PER DOCUMENT #01-56295 AS RECORDED AT THE TAZEWELL COUNTY RECODERS OFFICE), SAID INTERSECTION ALSO BEING THE NORTH MOST CORNER OF SAID LOT 12, THENCE SOUTH 18°-12'-34" EAST (BEARINGS ARE FOR DESCRIPTIVE PURPOSES ONLY), ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF WASHINGTON STREET, SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 12, A DISTANCE OF 36.73 FEET TO A POINT 50.00 FEET NORMALLY DISTANT NORTHWEST OF THE EXISTING CENTERLINE OF WASHINGTON STREET STATION 295+64.09, SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED:

FROM THE POINT OF BEGINNING, THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 55.00 FEET AND AN ARC LENGTH OF 47.95 FEET BEING SUBTENDED BY A CHORD BEARING SOUTH 18°-12'-34" EAST, AND A CHORD LENGTH OF 46.45 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF WASHINGTON STREET, SAID POINT BEING 50.00 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF WASHINGTON STREET STATION 296+10.54; THENCE NORTH 18°-12'-34" WEST, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 46.45 FEET TO THE POINT OF BEGINNING, CONTAINING 0.004 ACRES

New matter indicated by italics - deletions by strikeout.
(161 SQUARE FEET) MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

TRACT 2

A PART OF LOTS 10 AND 11 AS SHOWN ON THE ASSESSORS PLAT FOR TAXATION AND RECORDED IN PLAT BOOK G, PAGE 60 AT THE TAZEWELL COUNTY RECORDERS OFFICE, AND PART OF THE WEST HALF OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


FROM THE POINT OF BEGINNING, THENCE SOUTH 18°-12'-34" EAST (BEARINGS ARE FOR DESCRIPTIVE PURPOSES ONLY), ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF WASHINGTON STREET, A DISTANCE OF 31.84 FEET TO A POINT ON THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF FAU ROUTE 6713, SAID POINT BEING 233.45 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF F.A.U. ROUTE 6713 STATION 35+50.27; THENCE SOUTH 71°-53'-19" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 101.16 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF F.A.U. ROUTE 6713, SAID POINT BEING 132.32 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF F.A.U. ROUTE 6713 STATION 35+47.76; THENCE SOUTH 18°-29'-25" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 153.11 FEET TO A POINT 129.54 FEET NORMALLY DISTANT WEST OF SAID EXISTING CENTERLINE STATION 37+00.82; THENCE NORTH 19°-31'-49" WEST, A DISTANCE OF 204.49 FEET TO A POINT ON THE EXISTING NORTHERLY RIGHT OF WAY LINE OF FAU ROUTE 6713, SAID POINT BEING 75.00 FEET NORMALLY DISTANT

New matter indicated by italics - deletions by strikeout.
NORTHEAST OF SAID EXISTING CENTERLINE STATION 34+96.33; THENCE NORTH 71°-53'-19" EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 159.65 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF WASHINGTON STREET, SAID POINT BEING 234.60 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF F.A.U. ROUTE 6713 STATION 35+00.28; THENCE SOUTH 18°-12'-34" EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 18.16 FEET TO THE POINT OF BEGINNING, CONTAINING 0.380 ACRES (16,555 SQUARE FEET) MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

THE TOTAL AREA OF SAID TRACT 1 AND TRACT 2 COMBINED IS 0.384 ACRES (16,716 SQUARE FEET), MORE OR LESS.

Parcel No. 409568V

A tract of land being part of west half of the Southeast Quarter of Section 29, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois and being more particularly described as follows:

Commencing at the intersection of the former southerly right-of-way line of the Toledo, Peoria and Western Railway Company with the northeasterly right-of-way line of Washington Street, said point also being the most northerly corner of Lot 12 of the Assessor's Plat as recorded in Plat Book "G", Page 60 at the Tazewell County Recorders Office (the following 3 courses are along said former right-of-way line of the Toledo, Peoria and Western Railway Company); thence South 30 degrees 16 minutes 06 seconds East, (bearings are for descriptive purposes only) a distance of 214.54 feet; thence North 71 degrees 47 minutes 26 seconds East, a distance of 12.27 feet; thence South 30 degrees 16 minutes 06 seconds East, a distance of 167.90 feet to a point on the northerly right-of-way line of River Road, said point being 52.03 feet normally distant northwest of the existing centerline of said River Road station 115+74.49 as the Point of Beginning:

Thence South 30 degrees 16 minutes 06 seconds East, a distance of 5.69 feet to a point being 46.36 feet normally distant northwest from said centerline station 115+74.49; thence South 59 degrees 46 minutes 11 seconds West, a distance of 12.00 feet to a point being on the easterly line of Lot 16 of said Assessor's Plat and being 47.41 feet normally distant

New matter indicated by italics - deletions by strikeout.
northwest from said centerline station 115+86.94; thence North 30 degrees 16 minutes 06 seconds West, along said easterly line, a distance of 8.12 feet to a point being 55.49 feet normally distant northwest from said centerline station 115+86.24, said point also being on said existing northerly right-of-way line of River Road; thence North 71 degrees 10 minutes 59 seconds East, along said existing northerly right-of-way line, a distance of 12.24 feet to the Point of Beginning and containing 83 square feet, more or less, or 0.002 acres, more or less.

Parcel No. 409569V

A tract of land being part of former Lot 16 of the Assessor's Plat as recorded in Plat Book "G", Page 60 at the Tazewell County Recorders Office and all being a part of the west half of the Southeast Quarter of Section 29, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois and being more particularly described as follows:

Commencing at the intersection of the former southwesterly right-of-way line of the Toledo, Peoria and Western Railway Company with the northeasterly right-of-way line of Washington Street, said point also being the most northerly corner of Lot 12 of said Assessor's Plat; thence South 18 degrees 12 minutes 34 seconds East, ( bearings are for descriptive purposes only ) a distance of 374.81 feet to the northwesterly corner of said Lot 16 said point being 78.10 feet normally distant northwest of the existing centerline of River Road station 116+62.87 and on the existing northerly right-of-way line of said River Road as the Point of Beginning:

Thence North 71 degrees 10 minutes 59 seconds East, along said northerly right-of-way line, a distance of 79.90 feet to the northeasterly corner of said Lot 16 and being 55.49 feet normally distant northwest of said existing centerline of River Road station 115+86.24; thence South 30 degrees 16 minutes 06 seconds East, along the easterly line of said Lot 16, a distance of 8.12 feet to a point being 47.41 feet normally distant northwest of said existing centerline of River Road station 115+86.94; thence South 59 degrees 46 minutes 11 seconds West, a distance of 83.42 feet to a point being 54.71 feet normally distant northwest of the said existing centerline of River Road station 116+70.04; thence North 18 degrees 12 minutes 34 seconds West, a distance of 24.46 feet to the Point of Beginning and containing 1,316 square feet, more or less, or 0.030 acres, more or less.

The total area contained is 74,653 square feet, more or less, or 1.713 acre, more or less.

New matter indicated by italics - deletions by strikeout.
AND

The easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Tazewell County, Illinois.

Parcel No. 409562V

A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 AS SHOWN ON THE ASSESSORS PLAT FOR TAXATION IN PART OF SECTION 29, SAID POINT BEING 272.78 FEET NORMALLY DISTANT NORTHEAST OF THE EXISTING CENTERLINE OF CAMP STREET (S.B.I. ROUTE 8) STATION 320+71.75 AND ALSO BEING ON THE GOVERNMENT HARBOR LINE OF THE ILLINOIS RIVER; THENCE SOUTH 77'-39'-25" WEST (BEARINGS ARE FOR DESCRIPTIVE PURPOSES ONLY), ALONG SAID GOVERNMENT HARBOR LINE, A DISTANCE OF 242.08 FEET TO A POINT 64.12 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF CAMP STREET (S.B.I. ROUTE 8) STATION 319+49.03, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF CAMP STREET (S.B.I. ROUTE 8) AND THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED:

FROM THE POINT OF BEGINNING, THENCE SOUTH 28'-25'-46" EAST, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF CAMP STREET, A DISTANCE OF 81.18 FEET TO A POINT 43.96 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF CAMP STREET (S.B.I. ROUTE 8) STATION 320+27.66, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE TOLEDO, PEORIA AND WESTERN RAILWAY COMPANY, SAID LINE ALSO BEING THE EASTERLY LINE OF AN UNRECORDED PERPETUAL EASEMENT FOR ROADWAY PURPOSES DATED OCTOBER 3, 1925; THENCE IN A NORTHWESTERLY DIRECTION, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1196.28 FEET AND AN ARC LENGTH OF 90.00 FEET BEING SUBLTENDED BY A CHORD BEARING NORTH 37'-43'-36" WEST, AND A CHORD LENGTH OF 89.98 FEET TO A POINT 51.93 FEET NORMALLY DISTANT

New matter indicated by italics - deletions by strikeout.
NORTHEAST OF SAID EXISTING CENTERLINE OF CAMP STREET (S.B.I. ROUTE 8) STATION 319+38.04; THENCE NORTH 18'-00'-22" WEST, A DISTANCE OF 43.00 FEET TO A POINT 69.96 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF CAMP STREET (S.B.I. ROUTE 8) STATION 318+99.00; THENCE NORTH 46'-59'-38" EAST, A DISTANCE OF 6.98 FEET TO A POINT 76.95 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF CAMP STREET (S.B.I. ROUTE 8) STATION 318+98.98, SAID POINT BEING ON SAID EASTERLY RIGHT-OF-WAY LINE OF CAMP STREET; THENCE SOUTH 28'-25'-46" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 51.67 FEET TO THE POINT OF BEGINNING, CONTAINING 0.024 ACRES (1,051 SQUARE FEET), MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

Parcel No. 409567V

A PART OF THE NORTH HALF AND SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9 AS SHOWN ON THE ASSESSORS PLAT FOR TAXATION IN PART OF SECTION 29, SAID POINT ALSO BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF CAMP STREET (S.B.I. ROUTE 8) AND 29.79 FEET NORMALLY DISTANT NORTHEAST OF THE EXISTING CENTERLINE OF CAMP STREET STATION 328+16.11 AS THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; FROM THE POINT OF BEGINNING, THENCE SOUTH 30'-16'-06" EAST (BEARINGS ARE FOR DESCRIPTIVE PURPOSES ONLY), ALONG SAID RIGHT-OF-WAY LINE OF CAMP STREET, A DISTANCE OF 21.55 FEET TO A POINT 29.73 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF CAMP STREET STATION 328+37.66; THENCE SOUTH 66'-41'-57" WEST, A DISTANCE OF 60.45 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CAMP STREET, SAID POINT BEING 30.25 FEET NORMALLY DISTANT SOUTHWEST OF SAID EXISTING CENTERLINE OF CAMP STREET STATION 328+30.17; THENCE NORTH 30'-16'-06" WEST, ALONG
SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 696.88 FEET TO A POINT 24.96 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF CAMP STREET STATION 321+36.70; THENCE IN A NORTHWESTERLY DIRECTION, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1196.28 FEET AND AN ARC LENGTH OF 31.60 FEET BEING SUBTENDED BY A CHORD BEARING NORTH 31°-01'-31" WEST, AND A CHORD LENGTH OF 31.60 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF CAMP STREET, SAID POINT BEING 31.41 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF CAMP STREET STATION 321+05.77; (THE FOLLOWING 3 COURSES ARE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE) THENCE SOUTH 42°-58'-09" EAST, A DISTANCE OF 157.39 FEET TO A POINT 31.86 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF CAMP STREET STATION 322+63.15; THENCE IN A SOUTHEASTERLY DIRECTION, ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1303.60 FEET AND AN ARC LENGTH OF 163.00 FEET BEING SUBTENDED BY A CHORD BEARING SOUTH 39°-23'-13" EAST, AND A CHORD LENGTH OF 162.89 FEET TO A POINT 33.30 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF CAMP STREET STATION 324+21.41; THENCE SOUTH 30°-16'-06" EAST, A DISTANCE OF 399.89 FEET TO THE POINT OF BEGINNING, CONTAINING 0.815 ACRES (35,515 SQUARE FEET), MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

Parcel No. 409560V

A PART OF THE NORTH HALF OF SECTION 29, TOWNSHIP-26-NORTH, RANGE-4-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE FORMER SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID TOLEDO, PEORIA AND WESTERN RAILWAY COMPANY WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF WASHINGTON STREET; THENCE NORTH 18°-12'-34" WEST (BEARINGS ARE FOR DESCRIPTIVE PURPOSES ONLY), ALONG SAID

New matter indicated by italics - deletions by strikeout.
NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 106.18 FEET TO A POINT 50.00 FEET NORMALLY DISTANT NORTHEAST OF THE EXISTING CENTERLINE OF WASHINGTON STREET STATION 294+21.19, SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED:

FROM THE POINT OF BEGINNING, THENCE CONTINUING
NORTH 18'-12'-34" WEST, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 183.08 FEET TO THE INTERSECTION OF SAID NORTHEASTERLY RIGHT-OF-WAY LINE WITH THE SOUTHWESTERLY LINE OF A PERPETUAL EASEMENT FOR HIGHWAY PURPOSES GRANTED TO THE STATE OF ILLINOIS, DEPARTMENT OF PUBLIC WORKS AND BUILDINGS, DIVISION OF HIGHWAYS ON OCTOBER 3, 1925 BY THE TOLEDO, PEORIA AND WESTERN RAILWAY COMPANY AND SAMUEL M. RUSSELL, RECEIVER, SAID POINT BEING 50.00 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF WASHINGTON STREET STATION 292+38.10;

THENCE SOUTH 30'-05'-41" EAST, ALONG SAID SOUTHWESTERLY LINE OF A PERPETUAL EASEMENT, A DISTANCE OF 97.44 FEET TO A POINT 70.07 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF WASHINGTON STREET STATION 293+33.45; THENCE SOUTH 37'-03'-22" EAST, ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 117.06 FEET TO A POINT 107.88 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF WASHINGTON STREET STATION 294+44.24; THENCE NORTH 78'-11'-34" WEST, A DISTANCE OF 46.06 FEET TO A POINT 68.00 FEET NORMALLY DISTANT NORTHEAST OF SAID EXISTING CENTERLINE OF WASHINGTON STREET STATION 294+21.19; THENCE SOUTH 71'-49'-14" WEST, A DISTANCE OF 18.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.101 ACRES (4,400 SQUARE FEET) MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

Parcel No. 409561V

A PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

New matter indicated by italics - deletions by strikeout.
COMMENCING AT THE INTERSECTION OF THE FORMER SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE TOLEDO, PEORIA AND WESTERN RAILWAY COMPANY WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF WASHINGTON STREET (THE FOLLOWING 3 COURSES ARE ALONG SAID FORMER RIGHT-OF-WAY LINE OF THE TOLEDO, PEORIA AND WESTERN RAILWAY COMPANY); THENCE SOUTH 30'-16'-06" EAST (BEARINGS ARE FOR DESCRIPTIVE PURPOSES ONLY), A DISTANCE OF 214.54 FEET; THENCE NORTH 71'-47'-26" EAST, A DISTANCE OF 12.27 FEET; THENCE SOUTH 30'-16'-06" EAST, A DISTANCE OF 167.90 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF RIVER ROAD (F.A.U. ROUTE 6713), SAID POINT BEING 52.03 FEET NORMALLY DISTANT NORTHWEST OF THE EXISTING CENTERLINE OF RIVER ROAD STATION 115+74.49 AND THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED:

FROM THE POINT OF BEGINNING, THENCE NORTH 27'-32'-28" EAST, A DISTANCE OF 103.98 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CAMP STREET (S.B.I. ROUTE 8), SAID POINT BEING 99.57 FEET NORMALLY DISTANT NORTHWEST OF SAID EXISTING CENTERLINE OF RIVER ROAD STATION 114+82.01; THENCE SOUTH 30'-16'-06" EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 68.91 FEET TO A POINT 30.93 FEET NORMALLY DISTANT NORTHWEST OF SAID EXISTING CENTERLINE OF RIVER ROAD STATION 114+88.00; THENCE SOUTH 66'-41'-57" WEST, A DISTANCE OF 42.61 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF RIVER ROAD, SAID POINT BEING 39.75 FEET NORMALLY DISTANT NORTHWEST OF SAID EXISTING CENTERLINE OF RIVER ROAD STATION 115+29.68; THENCE IN A SOUTHWESTERLY DIRECTION, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 32.46 FEET AND AN ARC LENGTH OF 1.36 FEET BEING SUBTENDED BY A CHORD BEARING SOUTH 67'-53'-51" WEST, AND A CHORD LENGTH OF 1.36 FEET TO A POINT 40.06 FEET NORMALLY DISTANT NORTHWEST OF SAID EXISTING CENTERLINE OF RIVER ROAD STATION 115+31.00; THENCE IN A NORTHWESTERLY DIRECTION, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE,

New matter indicated by italics - deletions by strikeout.
ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1238.25 FEET AND AN ARC LENGTH OF 45.11 FEET BEING SUBTENDED BY A CHORD BEARING SOUTH 70°-08'-22" WEST, AND A CHORD LENGTH OF 45.11 FEET TO THE POINT OF BEGINNING, CONTAINING 0.071 ACRES (3,098 SQUARE FEET) MORE OR LESS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

Section 90. The Secretary of Transportation shall obtain a certified copy of the portion of this Act containing the title, enacting clause, the effective date, the appropriate Section containing the land description of the property listed in Section 30 to be transferred or otherwise affected under this Act within 60 days after its effective date and, upon receipt of payment required by the Section shall record the certified document in the Recorder's Office in the county which the land is located.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved January 15, 2005.
Effective January 15, 2005.

PUBLIC ACT 93-1066
(Senate Bill No. 2212)

AN ACT in relation to budget implementation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Sections 5A-1, 5A-2, 5A-4, and 5A-12 as follows:

(305 ILCS 5/5A-1) (from Ch. 23, par. 5A-1)
Sec. 5A-1. Definitions. As used in this Article, unless the context requires otherwise:
"Fund" means the Hospital Provider Fund.
"Hospital" means an institution, place, building, or agency located in this State that is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act, whether public or private and whether organized for profit or not-for-profit.
"Hospital provider" means a person licensed by the Department of Public Health to conduct, operate, or maintain a hospital, regardless of whether the person is a Medicaid provider. For purposes of this paragraph,

New matter indicated by italics - deletions by strikeout.
"person" means any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

"Occupied bed days" means the sum of the number of days that each bed was occupied by a patient for all beds during calendar year 2001. Occupied bed days shall be computed separately for each hospital operated or maintained by a hospital provider.

"Proration factor" means a fraction, the numerator of which is 53 and the denominator of which is 365.

(Source: P.A. 93-659, eff. 2-3-04.)

(305 ILCS 5/5A-2) (from Ch. 23, par. 5A-2)
(Section scheduled to be repealed on July 1, 2005)
Sec. 5A-2. Assessment; no local authorization to tax.

(a) Subject to Sections 5A-3 and 5A-10, an annual assessment on inpatient services is imposed on each hospital provider in an amount equal to the hospital's occupied bed days multiplied by $84.19 multiplied by the proration factor for State fiscal year years 2004 and the hospital's occupied bed days multiplied by $84.19 for State fiscal year 2005, if the payment methodologies required under 5A-12 and the waiver granted under 42 CFR 433.68 are approved with an effective date prior to July 1, 2004, or the assessment will be imposed for fiscal year 2005 only, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved with an effective date on or after July 1, 2004.

The Department of Public Aid shall use the number of occupied bed days as reported by each hospital on the Annual Survey of Hospitals conducted by the Department of Public Health to calculate the hospital's annual assessment. If the sum of a hospital's occupied bed days is not reported on the Annual Survey of Hospitals or if there are data errors in the reported sum of a hospital's occupied bed days as determined by the Department of Public Aid, then the Department of Public Aid may obtain the sum of occupied bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department of Public Aid or its duly authorized agents and employees.

(b) Nothing in this amendatory Act of the 93rd General Assembly shall be construed to authorize any home rule unit or other unit of local

New matter indicated by italics - deletions by strikeout.
government to license for revenue or to impose a tax or assessment upon hospital providers or the occupation of hospital provider, or a tax or assessment measured by the income or earnings of a hospital provider.

(c) As provided in Section 5A-14, this Section is repealed on July 1, 2005.

(Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04.)

(305 ILCS 5/5A-4) (from Ch. 23, par. 5A-4)

Sec. 5A-4. Payment of assessment; penalty.

(a) The annual assessment imposed by Section 5A-2 for State fiscal year 2004 shall be due and payable on June 18 of the year. The assessment imposed by Section 5A-2 for State fiscal year 2005 shall be due and payable in quarterly installments, each equalling one-fourth of the assessment for the year, on July 19, October 19, January 18, and April 19 of the year. No installment payment of an assessment imposed by Section 5A-2 shall be due and payable, however, until after: (i) the hospital provider receives written notice from the Department of Public Aid that the payment methodologies to hospitals required under Section 5A-12 have been approved by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services and the waiver under 42 CFR 433.68 for the assessment imposed by Section 5A-2 has been granted by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services; and (ii) the hospital has received the payments required under Section 5A-12. Upon notification to the Department of approval of the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68, all quarterly installments otherwise due under Section 5A-2 prior to the date of notification shall be due and payable to the Department upon written direction from the Department within 30 days of the date of notification.

(b) The Illinois Department is authorized to establish delayed payment schedules for hospital providers that are unable to make installment payments when due under this Section due to financial difficulties, as determined by the Illinois Department.

(c) If a hospital provider fails to pay the full amount of an installment when due (including any extensions granted under subsection (b)), there shall, unless waived by the Illinois Department for reasonable cause, be added to the assessment imposed by Section 5A-2 a penalty assessment equal to the lesser of (i) 5% of the amount of the installment not paid on or before the due date plus 5% of the portion thereof remaining unpaid on the last day of each 30-day period thereafter or (ii) 100% of the

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installment amount not paid on or before the due date. For purposes of this subsection, payments will be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

(Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04.)

(305 ILCS 5/5A-12)

(Section scheduled to be repealed on July 1, 2005)

Sec. 5A-12. Hospital access improvement payments.

(a) To improve access to hospital services, for hospital services rendered on or after June 1, 2004, the Department of Public Aid shall make payments to hospitals as set forth in this Section, except for hospitals described in subsection (b) of Section 5A-3. These payments shall be paid on a quarterly basis. For State fiscal year 2004, if the effective date of the approval of the payment methodology required under this Section and the waiver granted under 42 CFR 433.68 by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services is prior to July 1, 2004, the Department shall pay the total amounts required for fiscal year 2004 under this Section within 75 days of the latest notification. No payment shall be made for State fiscal year 2004 if the effective date of the approval is on or after July 1, 2004. In State fiscal year 2005, the total amounts required under this Section shall be paid in 4 equal installments on or before July 15, October 15, January 14, and April 15 of the year, except that if the date of notification of the approval of the payment methodologies required under this Section and the waiver granted under 42 CFR 433.68 is on or after July 1, 2004, the sum of amounts required under this Section prior to the date of notification shall be paid within 75 days of the date of the last notification. Payments under this Section are not due and payable, however, until (i) the methodologies described in this Section are approved by the federal government in an appropriate State Plan amendment, (ii) the assessment imposed under this Article is determined to be a permissible tax under Title XIX of the Social Security Act, and (iii) the assessment is in effect.

(b) High volume payment. In addition to rates paid for inpatient hospital services, the Department of Public Aid shall pay, to each Illinois hospital that provided more than 20,000 Medicaid inpatient days of care during State fiscal year 2001 (except for hospitals that qualify for adjustment payments under Section 5-5.02 for the 12-month period beginning on October 1, 2002), $190 for each Medicaid inpatient day of care provided during that fiscal year. A hospital that provided less than

New matter indicated by italics - deletions by strikeout.
30,000 Medicaid inpatient days of care during that period, however, is not entitled to receive more than $3,500,000 per year in such payments.

(c) Medicaid inpatient utilization rate adjustment. In addition to rates paid for inpatient hospital services, the Department of Public Aid shall pay each Illinois hospital (except for hospitals described in Section 5A-3), for each Medicaid inpatient day of care provided during State fiscal year 2001, an amount equal to the product of $57.25 multiplied by the quotient of 1 divided by the greater of 1.6% or the hospital's Medicaid inpatient utilization rate (as used to determine eligibility for adjustment payments under Section 5-5.02 for the 12-month period beginning on October 1, 2002). The total payments under this subsection to a hospital may not exceed $10,500,000 annually.

(d) Psychiatric base rate adjustment.

(1) In addition to rates paid for inpatient psychiatric services, the Department of Public Aid shall pay each Illinois general acute care hospital with a distinct part-psychiatric unit, for each Medicaid inpatient psychiatric day of care provided in State fiscal year 2001, an amount equal to $400 less the hospital's per-diem rate for Medicaid inpatient psychiatric services as in effect on October 1, 2003. In no event, however, shall that amount be less than zero.

(2) For distinct part-psychiatric units of Illinois general acute care hospitals, except for all hospitals excluded in Section 5A-3, whose inpatient per-diem rate as in effect on October 1, 2003 is greater than $400, the Department shall pay, in addition to any other amounts authorized under this Code, $25 for each Medicaid inpatient psychiatric day of care provided in State fiscal year 2001.

(e) Supplemental tertiary care adjustment. In addition to rates paid for inpatient services, the Department of Public Aid shall pay to each Illinois hospital eligible for tertiary care adjustment payments under 89 Ill. Adm. Code 148.296, as in effect for State fiscal year 2003, a supplemental tertiary care adjustment payment equal to the tertiary care adjustment payment required under 89 Ill. Adm. Code 148.296, as in effect for State fiscal year 2003.

(f) Medicaid outpatient utilization rate adjustment. In addition to rates paid for outpatient hospital services, the Department of Public Aid shall pay each Illinois hospital (except for hospitals described in Section 5A-3), an amount equal to the product of 2.45% multiplied by the

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hospital's Medicaid outpatient charges multiplied by the quotient of 1 divided by the greater of 1.6% or the hospital's Medicaid outpatient utilization rate. The total payments under this subsection to a hospital may not exceed $6,750,000 annually.

For purposes of this subsection:
"Medicaid outpatient charges" means the charges for outpatient services provided to Medicaid patients for State fiscal year 2001 as submitted by the hospital on the UB-92 billing form or under the ambulatory procedure listing and adjudicated by the Department of Public Aid on or before September 12, 2003.

"Medicaid outpatient utilization rate" means a fraction, the numerator of which is the hospital's Medicaid outpatient charges and the denominator of which is the total number of the hospital's charges for outpatient services for the hospital's fiscal year ending in 2001.

(g) State outpatient service adjustment. In addition to rates paid for outpatient hospital services, the Department of Public Aid shall pay each Illinois hospital an amount equal to the product of 75.5% multiplied by the hospital's Medicaid outpatient services submitted to the Department on the UB-92 billing form for State fiscal year 2001 multiplied by the hospital's outpatient access fraction.

For purposes of this subsection, "outpatient access fraction" means a fraction, the numerator of which is the hospital's Medicaid payments for outpatient services for ambulatory procedure listing services submitted to the Department on the UB-92 billing form for State fiscal year 2001, and the denominator of which is the total Medicaid visits for outpatient services for ambulatory procedure listing services submitted to the Department on the UB-92 billing form for State fiscal year 2001.

The total payments under this subsection to a hospital may not exceed $3,000,000 annually.

(h) Rural hospital outpatient adjustment. In addition to rates paid for outpatient hospital services, the Department of Public Aid shall pay each Illinois rural hospital an amount equal to the product of $14,500,000 multiplied by the rural hospital outpatient adjustment fraction.

For purposes of this subsection, "rural hospital outpatient adjustment fraction" means a fraction, the numerator of which is the hospital's Medicaid visits for outpatient services for ambulatory procedure listing services submitted to the Department on the UB-92 billing form for State fiscal year 2001, and the denominator of which is the total Medicaid visits for outpatient services for ambulatory procedure listing services for state fiscal year.

For purposes of this subsection, "rural hospital" has the same meaning as in 89 Ill. Adm. Code 148.25, as in effect on September 30, 2003.

(i) Merged/closed hospital adjustment. If any hospital files a combined Medicaid cost report with another hospital after January 1, 2001, and if that hospital subsequently closes, then except for the payments described in subsection (e), all payments described in the various subsections of this Section shall, before the application of the annual limitation amount specified in each such subsection, be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the number of occupied bed days of each open hospital and each closed hospital. For purposes of this subsection, "occupied bed days" has the same meaning as the term is defined in subsection (a) of Section 5A-2.

(j) For purposes of this Section, the terms "Medicaid days", "Medicaid charges", and "Medicaid services" do not include any days, charges, or services for which Medicare was liable for payment.

(j-5) For State fiscal year 2004, all payments described in this Section shall be multiplied by the proration factor.

(k) As provided in Section 5A-14, this Section is repealed on July 1, 2005.

(Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly January 1, 2005.
Approved January 15, 2005.
Effective January 15, 2005.
Sec. 3. Definitions. Unless the context otherwise requires, the following words and phrases as used in this Act shall have the following meanings. The Department may define these and other words and phrases separately for the purpose of implementing specific programs providing benefits under this Act.

(a) "Administrative service organization" means any person, firm or corporation experienced in the handling of claims which is fully qualified, financially sound and capable of meeting the service requirements of a contract of administration executed with the Department.

(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14 (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity), 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government or a qualified rehabilitation facility or a qualified domestic violence shelter or service. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the...
Illinois Pension Code (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of that Code in lieu of an annuity), and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-7) "New TRS State annuitant" means a person who, on or after July 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 16 of the Illinois Pension Code based on service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(c) "Carrier" means (1) an insurance company, a corporation organized under the Limited Health Service Organization Act or the Voluntary Health Services Plan Act, a partnership, or other nongovernmental organization, which is authorized to do group life or group health insurance business in Illinois, or (2) the State of Illinois as a self-insurer.

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or

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wages paid to an employee of any qualified local government or qualified rehabilitation facility or a qualified domestic violence shelter or service.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability as established by the Legislative Commission Reorganization Act of 1984.

(f) "Contributory", when referred to as contributory coverage, shall mean optional coverages or benefits elected by the member toward the cost of which such member makes contribution, or which are funded in whole or in part through the acceptance of a reduction in earnings or the foregoing of an increase in earnings by an employee, as distinguished from noncontributory coverage or benefits which are paid entirely by the State of Illinois without reduction of the member's salary.

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Finance Authority.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any unmarried child (1) from birth to age 19 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or recognized child who lives with the member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of the child, or (2) age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, or (3) age 19 or over who is mentally or physically handicapped. For the health plan only, the term "dependent" also includes any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes; no

New matter indicated by italics - deletions by strikeout.
other such person may be enrolled. For the health plan only, the term "dependent" also includes any person who has received after June 30, 2000 an organ transplant and who is financially dependent upon the member and eligible to be claimed as a dependent for income tax purposes.

(i) "Director" means the Director of the Illinois Department of Central Management Services.

(j) "Eligibility period" means the period of time a member has to elect enrollment in programs or to select benefits without regard to age, sex or health.

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers'
Compensatio
n Act o
r Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, and each employee in the service of a qualified rehabilitation facility and each full-time employee in the service of a qualified domestic violence shelter or service, as determined according to rules promulgated by the Director.

(l) "Member" means an employee, annuitant, retired employee or survivor.

(m) "Optional coverages or benefits" means those coverages or benefits available to the member on his or her voluntary election, and at his or her own expense.

(n) "Program" means the group life insurance, health benefits and other employee benefits designed and contracted for by the Director under this Act.

(o) "Health plan" means a health benefits program offered by the State of Illinois for persons eligible for the plan.

(p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving

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dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (3) the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-2) "SERS" means the State Employees' Retirement System of Illinois, created under Article 14 of the Illinois Pension Code.

(q-3) "SURS" means the State Universities Retirement System, created under Article 15 of the Illinois Pension Code.

(q-4) "TRS" means the Teachers' Retirement System of the State of Illinois, created under Article 16 of the Illinois Pension Code.

(q-5) "New SERS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 14 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SERS annuitant as defined in subsection (b-5). "New SERS survivor" includes the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-6) "New SURS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 15 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SURS annuitant as defined in subsection (b-6).

(q-7) "New TRS State survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 16 of the Illinois Pension Code and is based on the death of (i) an employee who is a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code and whose death occurs on or after July 1, 1998, or (ii) a new TRS State annuitant as defined in subsection (b-7).

(r) "Medical services" means the services provided within the scope of their licenses by practitioners in all categories licensed under the Medical Practice Act of 1987.
(s) "Unit of local government" means any county, municipality, township, school district (including a combination of school districts under the Intergovernmental Cooperation Act), special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; and the Illinois Association of Park Districts. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

(u) "Qualified domestic violence shelter or service" means any Illinois domestic violence shelter or service and its administrative offices funded by the Department of Human Services (as successor to the Illinois Department of Public Aid), approved by the Director and participating in a program created under subsection (k) of Section 10.

(v) "TRS benefit recipient" means a person who:

1. is not a "member" as defined in this Section; and
2. is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and
3. either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the
health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

(w) "TRS dependent beneficiary" means a person who:

(1) is not a "member" or "dependent" as defined in this Section; and

(2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically handicapped.

(x) "Military leave with pay and benefits" refers to individuals in basic training for reserves, special/advanced training, annual training, emergency call up, or activation by the President of the United States with approved pay and benefits.

(y) "Military leave without pay and benefits" refers to individuals who enlist for active duty in a regular component of the U.S. Armed Forces or other duty not specified or authorized under military leave with pay and benefits.

(z) "Community college benefit recipient" means a person who:

(1) is not a "member" as defined in this Section; and

(2) is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and

(3) either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the

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time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).

(aa) "Community college dependent beneficiary" means a person who:

(1) is not a "member" or "dependent" as defined in this Section; and
(2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be claimed as a dependent for income tax purposes and under age 23, or (iii) age 19 or over and mentally or physically handicapped.

(Source: P.A. 92-16, eff. 6-28-01; 92-186, eff. 1-1-02; 92-204, eff. 8-1-01; 92-651, eff. 7-11-02; 93-205, eff. 1-1-04; 93-839, eff. 7-30-04.)

Section 10. The State Budget Law of the Civil Administrative Code of Illinois is amended by changing Section 50-5 as follows:

(15 ILCS 20/50-5) (was 15 ILCS 20/38)

Sec. 50-5. Governor to submit State budget. The Governor shall, as soon as possible and not later than the second Wednesday in April in 2003 and the third Wednesday in February of each year beginning in 2004, except as otherwise provided in this Section, submit a State budget, embracing therein the amounts recommended by the Governor to be appropriated to the respective departments, offices, and institutions, and for all other public purposes, the estimated revenues from taxation, the estimated revenues from sources other than taxation, and an estimate of the amount required to be raised by taxation. In 2004 only, the Governor shall submit the capital development section of the State budget not later than the fourth Tuesday of March (March 23, 2004). The amounts recommended by the Governor for appropriation to the respective departments, offices and institutions shall be formulated according to the various functions and activities for which the respective department, office or institution of the State government (including the elective officers in the executive department and including the University of Illinois and the judicial department) is responsible. The amounts relating to particular

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functions and activities shall be further formulated in accordance with the object classification specified in Section 13 of the State Finance Act.

The Governor shall not propose expenditures and the General Assembly shall not enact appropriations that exceed the resources estimated to be available, as provided in this Section.

For the purposes of Article VIII, Section 2 of the 1970 Illinois Constitution, the State budget for the following funds shall be prepared on the basis of revenue and expenditure measurement concepts that are in concert with generally accepted accounting principles for governments:

1. General Revenue Fund.
2. Common School Fund.
4. Road Fund.

These funds shall be known as the "budgeted funds". The revenue estimates used in the State budget for the budgeted funds shall include the estimated beginning fund balance, plus revenues estimated to be received during the budgeted year, plus the estimated receipts due the State as of June 30 of the budgeted year that are expected to be collected during the lapse period following the budgeted year, minus the receipts collected during the first 2 months of the budgeted year that became due to the State in the year before the budgeted year. Revenues shall also include estimated federal reimbursements associated with the recognition of Section 25 of the State Finance Act liabilities. For any budgeted fund for which current year revenues are anticipated to exceed expenditures, the surplus shall be considered to be a resource available for expenditure in the budgeted fiscal year.

Expenditure estimates for the budgeted funds included in the State budget shall include the costs to be incurred by the State for the budgeted year, to be paid in the next fiscal year, excluding costs paid in the budgeted year which were carried over from the prior year, where the payment is authorized by Section 25 of the State Finance Act. For any budgeted fund for which expenditures are expected to exceed revenues in the current fiscal year, the deficit shall be considered as a use of funds in the budgeted fiscal year.

Revenues and expenditures shall also include transfers between funds that are based on revenues received or costs incurred during the budget year.

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By March 15 of each year, the Economic and Fiscal Commission on Government Forecasting and Accountability shall prepare revenue and fund transfer estimates in accordance with the requirements of this Section and report those estimates to the General Assembly and the Governor.

For all funds other than the budgeted funds, the proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget. Appropriation for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

(Source: P.A. 93-1, eff. 2-6-03; 93-662, eff. 2-11-04.)

Section 13. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-410 as follows:

(20 ILCS 405/405-410)

Sec. 405-410. Transfer of Information Technology functions.

(a) Notwithstanding any other law to the contrary, the Director of Central Management Services, working in cooperation with the Director of any other agency, department, board, or commission directly responsible to the Governor, may direct the transfer, to the Department of Central Management Services, of those information technology functions at that agency, department, board, or commission that are suitable for centralization.

Upon receipt of the written direction to transfer information technology functions to the Department of Central Management Services, the personnel, equipment, and property (both real and personal) directly relating to the transferred functions shall be transferred to the Department of Central Management Services, and the relevant documents, records, and correspondence shall be transferred or copied, as the Director may prescribe.

(b) Upon receiving written direction from the Director of Central Management Services, the Comptroller and Treasurer are authorized to transfer the unexpended balance of any appropriations related to the information technology functions transferred to the Department of Central Management Services and shall make the necessary fund transfers from any special fund in the State Treasury or from any other federal or State trust fund held by the Treasurer to the General Revenue Fund, the Statistical Services Revolving Fund, or the Communications Revolving Fund, as designated by the Director of Central Management Services, for use by the Department of Central Management Services in support of

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information technology functions or any other related costs or expenses of the Department of Central Management Services.

(c) The rights of employees and the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by any transfer under this Section.

(d) The functions transferred to the Department of Central Management Services by this Section shall be vested in and shall be exercised by the Department of Central Management Services. Each act done in the exercise of those functions shall have the same legal effect as if done by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.

Every person or other entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such rights, powers, and duties as had been exercised by the agencies, offices, divisions, departments, bureaus, boards, and commissions from which they were transferred.

Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person in regards to the functions transferred to or upon the agencies, offices, divisions, departments, bureaus, boards, and commissions from which the functions were transferred, the same shall be made, given, furnished or served in the same manner to or upon the Department of Central Management Services.

This Section does not affect any act done, ratified, or cancelled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause regarding the functions transferred, but those proceedings may be continued by the Department of Central Management Services.

This Section does not affect the legality of any rules in the Illinois Administrative Code regarding the functions transferred in this Section that are in force on the effective date of this Section. If necessary, however, the affected agencies shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Section.

(Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04.)

Section 15. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-335 as follows:

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Sec. 605-335. Incentives to foreign firms.

(a) For purposes of this Section:
"Foreign firm" means any industrial or manufacturing enterprise that is domiciled in a nation other than the United States.
"Incentives" means a loan or grant or offering, abatement, reduction, or deferral of any tax or regulation imposed by the State of Illinois or a unit of local government when the aggregate total of all those incentives will exceed $10,000.

(b) Whenever the Department offers incentives to a foreign firm designed to result in the location or relocation of a facility in this State that will result in the creation of more than 25 new jobs, the Department shall prepare an economic impact study prior to the consummation of an agreement with the foreign firm. An economic impact study pursuant to this Section shall, if practical, include but not be limited to the following:

1. An analysis of the number of direct jobs to be created, the number of indirect jobs to be created, and the net gain in employment in relation to jobs to be potentially lost by other similar and competing firms within the industry located within this State.

2. The effect on local and regional competition within the industry from the industry or business to be located or relocated.

3. The degree of economic benefits of awarding the same incentives to similar and existing industries or businesses located within the State.

4. An examination of how the location or relocation of the foreign firm complements existing industries or businesses located within this State.

5. The relationship of the fiscal costs to the State or unit of local government resulting from the incentives relative to the fiscal return to the State or units of local government derived from the location or relocation of the firm.

(c) A report of any economic impact studies prepared by the Department in the previous 3 months pursuant to this Section shall be transmitted to the Governor, members of the General Assembly, and the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability quarterly. In addition to the report, the Department shall include a statement of incentives subject to the agreement with the foreign firm, the name and type of foreign firm involved and a description

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of its business or industrial activity, the proposed location of the foreign
firm, and a statement describing the rationale for the location relative to
other locations within the State. The Illinois Economic and Fiscal
Commission on Government Forecasting and Accountability shall
evaluate each report received from the Department and present the
evaluation and report to the Commission members and legislative leaders
within 30 days upon receipt of each report from the Department.
(Source: P.A. 91-239, eff. 1-1-00.)

Section 20. The Illinois Enterprise Zone Act is amended by
changing Section 5.5 as follows:
(20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)
Sec. 5.5. High Impact Business.
(a) In order to respond to unique opportunities to assist in the
encouragement, development, growth and expansion of the private sector
through large scale investment and development projects, the Department
is authorized to receive and approve applications for the designation of
"High Impact Businesses" in Illinois subject to the following conditions:
(1) such applications may be submitted at any time during
the year;
(2) such business is not located, at the time of designation,
in an enterprise zone designated pursuant to this Act;
(3) (A) the business intends to make a minimum investment
of $12,000,000 which will be placed in service in qualified
property and intends to create 500 full-time equivalent jobs
at a designated location in Illinois or intends to make a
minimum investment of $30,000,000 which will be placed
in service in qualified property and intends to retain 1,500
full-time jobs at a designated location in Illinois. The
business must certify in writing that the investments would
not be placed in service in qualified property and the job
creation or job retention would not occur without the tax
credits and exemptions set forth in subsection (b) of this
Section. The terms "placed in service" and "qualified
property" have the same meanings as described in
subsection (h) of Section 201 of the Illinois Income Tax
Act; or
(B) the business intends to establish a new electric
generating facility at a designated location in Illinois. "New
electric generating facility", for purposes of this Section,

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means a newly-constructed electric generation plant or a newly-constructed generation capacity expansion at an existing electric generation plant, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which such new foundation construction commenced not sooner than July 1, 2001. Such facility shall be designed to provide baseload electric generation and shall operate on a continuous basis throughout the year; and shall have an aggregate rated generating capacity of at least 1,000 megawatts for all new units at one site if it uses natural gas as its primary fuel and foundation construction of the facility is commenced on or before December 31, 2004, or shall have an aggregate rated generating capacity of at least 400 megawatts for all new units at one site if it uses coal or gases derived from coal as its primary fuel and shall support the creation of at least 150 new Illinois coal mining jobs. The business must certify in writing that the investments necessary to establish a new electric generating facility would not be placed in service and the job creation in the case of a coal-fueled plant would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(C) the business intends to establish production operations at a new coal mine, re-establish production operations at a closed coal mine, or expand production at an existing coal mine at a designated location in Illinois not sooner than July 1, 2001; provided that the production operations result in the creation of 150 new Illinois coal mining jobs as described in subdivision (a)(3)(B) of this Section, and further provided that the coal extracted from such mine is utilized as the predominant source for a new electric generating facility. The business must certify in writing that the investments necessary to establish a new, expanded, or reopened coal mine would not be placed in service and the job creation would not occur without the tax credits and exemptions set forth in subsection (b-5) of this

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Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(D) the business intends to construct new transmission facilities or upgrade existing transmission facilities at designated locations in Illinois, for which construction commenced not sooner than July 1, 2001. For the purposes of this Section, "transmission facilities" means transmission lines with a voltage rating of 115 kilovolts or above, including associated equipment, that transfer electricity from points of supply to points of delivery and that transmit a majority of the electricity generated by a new electric generating facility designated as a High Impact Business in accordance with this Section. The business must certify in writing that the investments necessary to construct new transmission facilities or upgrade existing transmission facilities would not be placed in service without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; and

(4) no later than 90 days after an application is submitted, the Department shall notify the applicant of the Department's determination of the qualification of the proposed High Impact Business under this Section.

(b) Businesses designated as High Impact Businesses pursuant to subdivision (a)(3)(A) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 9-222 and Section 9-222.1A of the Public Utilities Act, subsection (h) of Section 201 of the Illinois Income Tax Act; and Section 1d of the Retailers' Occupation Tax Act; provided that these credits and exemptions described in these Acts shall not be authorized until the minimum investments set forth in subdivision (a)(3)(A) of this Section have been placed in service in qualified properties and, in the case of the exemptions described in the Public Utilities Act and Section 1d of the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or full-time jobs set forth in subdivision (a)(3)(A) of this Section have been created or retained. Businesses designated as High Impact Businesses under this Section shall also qualify for the exemption described in Section 5l of the Retailers'

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Occupation Tax Act. The credit provided in subsection (h) of Section 201 of the Illinois Income Tax Act shall be applicable to investments in qualified property as set forth in subdivision (a)(3)(A) of this Section.

(b-5) Businesses designated as High Impact Businesses pursuant to subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 51 of the Retailers' Occupation Tax Act, Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act; however, the credits and exemptions authorized under Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act shall not be authorized until the new electric generating facility, the new transmission facility, or the new, expanded, or reopened coal mine is operational, except that a new electric generating facility whose primary fuel source is natural gas is eligible only for the exemption under Section 51 of the Retailers' Occupation Tax Act.

(c) High Impact Businesses located in federally designated foreign trade zones or sub-zones are also eligible for additional credits, exemptions and deductions as described in the following Acts: Section 9-221 and Section 9-222.1 of the Public Utilities Act; and subsection (g) of Section 201, and Section 203 of the Illinois Income Tax Act.

(d) Existing Illinois businesses which apply for designation as a High Impact Business must provide the Department with the prospective plan for which 1,500 full-time jobs would be eliminated in the event that the business is not designated.

(e) New proposed facilities which apply for designation as High Impact Business must provide the Department with proof of alternative non-Illinois sites which would receive the proposed investment and job creation in the event that the business is not designated as a High Impact Business.

(f) In the event that a business is designated a High Impact Business and it is later determined after reasonable notice and an opportunity for a hearing as provided under the Illinois Administrative Procedure Act, that the business would have placed in service in qualified property the investments and created or retained the requisite number of jobs without the benefits of the High Impact Business designation, the Department shall be required to immediately revoke the designation and notify the Director of the Department of Revenue who shall begin proceedings to recover all wrongfully exempted State taxes with interest.

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The business shall also be ineligible for all State funded Department programs for a period of 10 years.

(g) The Department shall revoke a High Impact Business designation if the participating business fails to comply with the terms and conditions of the designation.

(h) Prior to designating a business, the Department shall provide the members of the General Assembly and Illinois Economic and Fiscal Commission on Government Forecasting and Accountability with a report setting forth the terms and conditions of the designation and guarantees that have been received by the Department in relation to the proposed business being designated.

(Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised 3-7-02.)

Section 25. The State and Regional Development Strategy Act is amended by changing Section 20-10 as follows:

(20 ILCS 695/20-10)

Sec. 20-10. Strategic Planning. The Department of Commerce and Economic Opportunity Community Affairs may prepare an economic development strategy for Illinois. By no later than February 1, 2001 and biennially thereafter, the Department may make modifications in the economic development strategy as the modifications are warranted by changes in economic conditions or by other factors, including changes in policy. In preparing the strategy and in making modifications to the strategy, the Department may take cognizance of the special economic attributes of the various component areas of the State.

(1) The "component areas" shall be determined by the Department and may group counties that are close in geographical proximity and share common economic traits such as commuting zones, labor market areas, or other economically integrated regions.

(2) The strategy may recommend actions for promoting sustained economic growth at or above national rates of economic growth.

(3) The strategy may include an assessment of historical patterns of economic activity for the State and projections of future economic trends using national economic trends and projections for comparative purposes. All assumptions made in the formulation of the economic projections shall be clearly and explicitly set forth in the strategy.

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(4) The strategy may identify those community economic improvement characteristics that will positively influence the rate of overall State economic growth.

(5) The strategy may recommend actions to foster and promote economic growth, taking into account indigenous resources and prevalent economic factors.

(A) The strategy may identify the critical business development approaches being considered or to be considered. The approaches may include, but are not limited to: investment recruitment, such as industry attraction, expansion and retention; trade development efforts including international trade, support for small businesses' efforts to export products and services, tourism attraction and development including cultural tourism; technology development efforts including technology commercialization and manufacturing modernization; and business development efforts, including entrepreneurship and entrepreneurial education, small business management assistance, and business financing.

(B) The strategy may identify for the State and each region the critical workforce training and development approaches being considered or to be considered. The approaches may include, but are not limited to: customized job training, retraining and skill upgrading, economic adjustment, job creation and addressing labor shortages in areas of high demand; the market for and quality of the local labor force; the quality of the education and workforce infrastructure; and related issues.

(C) The strategy may identify the critical community development approaches being considered or to be considered. The approaches may include, but are not limited to: community growth management such as regional planning and smart growth; area revitalization including brownfields redevelopment and facility reuse; and family self-sufficiency such as through housing conservation and economic opportunity.

(D) The strategy may identify the critical public facilities development approaches being considered or to be considered. The approaches may include, but are not
limited to: local public services; the local, regional, and State tax and regulatory climate; the physical infrastructure, including communications and transportation systems; the capacity of area utilities; and the quality of public institutions such as schools.

(E) The strategy may identify the other critical marketplace systems, including: the financial marketplace; the competitive advantages of the area in terms of natural resources, capital resources or technology resources; and other factors affecting area development.

(6) In preparing the strategy or modifications to the strategy, the Department may work with State agencies, boards, and commissions whose programs and activities significantly affect economic activity in the State as appropriate. The Directors of the agencies, boards, and commissions shall provide the assistance to the Department as the Governor deems appropriate.

(7) In preparing the strategy or the modifications to the strategy, the Department may consult with local and regional economic development organizations, local elected officials, community-based organizations, service delivery providers, and other organizations whose programs and activities significantly affect economic activity.

(8) In preparing the strategy or the modifications to the strategy, the Department may take into consideration any decisions or recommendations related to programs, services, and government regulations that have been rendered as a result of a Statewide Performance Review.

(9) The strategy shall be presented to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the members of the Illinois Economic Development Board, and the Chair of the Economic and Fiscal Commission on Government Forecasting and Accountability on February 1, 2001 and biennially thereafter, as warranted by changes in economic conditions or by other factors, including changes in policy.

(10) The strategy shall be published and made available to the public in both paper and electronic media.

(Source: P.A. 91-476, eff. 8-11-99; 92-490, eff. 8-23-01; revised 12-6-03.)

New matter indicated by italics - deletions by strikeout.
Section 30. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-550 as follows:

(20 ILCS 2505/2505-550) (was 20 ILCS 2505/39b51)

Sec. 2505-550. Jobs Impact Committee and report. With respect to the credits provided for by Sections 209 and 210 of the Illinois Income Tax Act, Section 3-50 of the Use Tax Act, Section 2 of the Service Use Tax Act, Section 2 of the Service Occupation Tax Act, and Section 2-45 of the Retailers' Occupation Tax Act, there is hereby created a Jobs Impact Committee, which shall consist of the Director or the person or persons the Director may designate, and the representative or representatives that shall be designated to serve on the Committee by the Department of Commerce and Economic Opportunity Community Affairs, the Governor's Office of Management and Budget Bureau, and the Economic and Fiscal Commission on Government Forecasting and Accountability. The Committee, so assembled, shall invite and appoint 2 members of the businesses that are eligible for the credits provided by those Sections. The Committee shall study the use and effectiveness of these credits with regard to job creation relative to the revenue loss to the State from the provision of these credits. The Director shall, on behalf of the Committee, submit the Committee's report to the General Assembly on or before June 30, 1998.

(Source: P.A. 90-552, eff. 12-12-97; 91-239, eff. 1-1-00; revised 8-23-03.)

Section 35. The Governor's Office of Management and Budget Act is amended by changing Sections 2.5 and 2.6 as follows:

(20 ILCS 3005/2.5) (from Ch. 127, par. 412.5)

Sec. 2.5. Effective January 1, 1980, to require the preparation and submission of an annual long-range capital expenditure plan for all State agencies. Such Capital Plan shall detail each project for each of the following 3 fiscal years, including the project cost in current dollar amounts, the future maintenance costs for the completed project, the anticipated life expectancy of the project and the impact the project will have on the annual operating budget for the agency. Each State agency's annual capital plan shall include energy conservation projects intended to reduce energy costs to the greatest extent possible in those agency's buildings and facilities included in the capital plan. Each State agency's annual capital plan shall be submitted to the Office no later than January 15th of each year. A summary of all capital plans and future needs assessments shall be included in the Governor's Budget Request and the

New matter indicated by italics - deletions by strikeout.
Detail of the capital plans shall be delivered to the Chairmen and Minority Spokesmen of the House and Senate Appropriations Committees and the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability on the date of the Governor's Budget Address to the General Assembly; except that, in 2004 only, the summary and detail shall be delivered not later than the fourth Tuesday in March (March 23, 2004).
(Source: P.A. 93-25, eff. 6-20-03; 93-662, eff. 2-11-04.)

Sec. 2.6. To provide bond indentures to the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability not later than 7 calendar days following the sale or issuance of any bonds.
(Source: P.A. 81-1094.)

Section 40. The Illinois Capital Budget Act is amended by changing Sections 3 and 6 as follows:

Sec. 3. Each capital improvement program shall include, but not be limited to, roads, bridges, buildings, including schools, prisons, recreational facilities and conservation areas, and other infrastructure facilities that are owned by the State of Illinois.

Each capital improvement program shall include a needs assessment of the State's capital facilities. Each needs assessment shall include where possible the inventory, age, condition, use, sources of financing, past investment, maintenance history, trends in condition, financing and investment, and projected dollar amount of need in the next 5 years, 10 years, and until the year 2000. Needs assessment of State facilities shall use, to the fullest extent possible, existing studies and data from other agencies such as the Illinois Department of Transportation, the Illinois Environmental Protection Agency, the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability, the Capital Development Board, the Governor's Task Force on the Future of Illinois, and relevant federal agencies, so that studies can be completed as efficiently as possible, and so information on needs can be used to seek federal funds as soon as possible.

Each capital improvement program shall include an identification and analysis of factors that affect estimated capital investment needs, including but not limited to, economic assumptions, engineering standards, estimates of spending for operations and maintenance, federal and State regulations, and estimation of demand for services.

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Each capital improvement program shall include an identification and analysis of the principal policy issues that affect estimated capital investment needs, including but not limited to, economic development policy, equity considerations, policies regarding alternative technologies, political jurisdiction over different infrastructure systems, and the role of the private sector in planning for and investing in infrastructure.  
(Source: P.A. 92-16, eff. 6-28-01.)

(20 ILCS 3010/6) (from Ch. 127, par. 3106)

Sec. 6. The Governor's Office of Management and Budget Bureau of the Budget shall prepare and submit an assessment of the State's capital project needs to the following: the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate and the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability. The assessment shall be included in the Governor's annual State budget and shall discuss the State's needs in the next fiscal year and in the next 5 fiscal years.  
(Source: P.A. 86-192; revised 8-23-03.)

Section 45. The Asbestos Abatement Finance Act is amended by changing Section 10 as follows:

(20 ILCS 3510/10) (from Ch. 111 1/2, par. 8110)

Sec. 10. Authority records and reports. The accounts and books of the Authority in connection with this Act shall be set up on and maintained in a manner approved by the Auditor General, and the Authority shall file with the Auditor General a certified annual report of its acts and doings under this Act within 120 days after the close of its fiscal year. The Authority shall also file with the Governor, the Secretary of the Senate, the Clerk of the House of Representatives, and the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability, by March 1 of each year, commencing March 1, 1990, a written report covering its activities under this Act for the previous fiscal year. After such filing, such report shall be a public record and open for inspection at the offices of the Authority during normal business hours.  
(Source: P.A. 86-976.)

Section 50. The Illinois Environmental Facilities Financing Act is amended by changing Section 7 as follows:

(20 ILCS 3515/7) (from Ch. 127, par. 727)

Sec. 7. Powers. In addition to the powers otherwise authorized by law, for the purposes of this Act, the State authority shall have the

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following powers together with all powers incidental thereto or necessary for the performance thereof:

(1) to have perpetual succession as a body politic and corporate;

(2) to adopt bylaws for the regulation of its affairs and the conduct of its business;

(3) to sue and be sued and to prosecute and defend actions in the courts;

(4) to have and to use a corporate seal and to alter the same at pleasure;

(5) to maintain an office at such place or places as it may designate;

(6) to determine the location, pursuant to the Environmental Protection Act, and the manner of construction of any environmental or hazardous waste treatment facility to be financed under this Act and to acquire, construct, reconstruct, repair, alter, improve, extend, own, finance, lease, sell and otherwise dispose of the facility, to enter into contracts for any and all of such purposes, to designate a person as its agent to determine the location and manner of construction of an environmental or hazardous waste treatment facility undertaken by such person under the provisions of this Act and as agent of the authority to acquire, construct, reconstruct, repair, alter, improve, extend, own, lease, sell and otherwise dispose of the facility, and to enter into contracts for any and all of such purposes;

(7) to finance and to lease or sell to a person any or all of the environmental or hazardous waste treatment facilities upon such terms and conditions as the directing body considers proper, and to charge and collect rent or other payments therefor and to terminate any such lease or sales agreement or financing agreement upon the failure of the lessee, purchaser or debtor to comply with any of the obligations thereof; and to include in any such lease or other agreement, if desired, provisions that the lessee, purchaser or debtor thereunder shall have options to renew the term of the lease, sales or other agreement for such period or periods and at such rent or other consideration as shall be determined by the directing body or to purchase any or all of the environmental or hazardous waste treatment facilities for a nominal amount or otherwise or that at or prior to the payment of all of the indebtedness incurred by the authority for the financing of such environmental or hazardous waste treatment facilities the authority may convey any or all of the environmental or hazardous

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waste treatment facilities to the lessee or purchaser thereof with or without consideration;

(8) to issue bonds for any of its corporate purposes, including a bond issuance for the purpose of financing a group of projects involving environmental facilities, and to refund those bonds, all as provided for in this Act and subject to Section 13 of this Act;

(9) generally to fix and revise from time to time and charge and collect rates, rents, fees and charges for the use of and services furnished or to be furnished by any environmental or hazardous waste treatment facility or any portion thereof and to contract with any person, firm or corporation or other body public or private in respect thereof;

(10) to employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees and agents as may be necessary in its judgment and to fix their compensation;

(11) to receive and accept from any public agency loans or grants for or in aid of the construction of any environmental facility and any portion thereof, or for equipping the facility, and to receive and accept grants, gifts or other contributions from any source;

(12) to refund outstanding obligations incurred by any person to finance the cost of an environmental or hazardous waste treatment facility including obligations incurred for environmental or hazardous waste treatment facilities undertaken and completed prior to or after the enactment of this Act when the authority finds that such financing is in the public interest;

(13) to prohibit the financing of environmental facilities for new coal-fired electric steam generating plants and new coal-fired industrial boilers which do not use Illinois coal as the primary source of fuel;

(14) to set and impose appropriate financial penalties on any person who receives financing from the State authority based on a commitment to use Illinois coal as the primary source of fuel at a new coal-fired electric utility steam generating plant or new coal-fired industrial boiler and later uses non-Illinois coal as the primary source of fuel;

(15) to fix, determine, charge and collect any premiums, fees, charges, costs and expenses, including, without limitation, any application fees, program fees, commitment fees, financing charges or publication fees in connection with its activities under this Act; all expenses of the State authority incurred in carrying out this Act are payable solely from funds
provided under the authority of this Act and no liability shall be incurred
by any authority beyond the extent to which moneys are provided under
this Act. All fees and moneys accumulated by the Authority as provided in
this Act or the Illinois Finance Authority Act shall be held outside of the
State treasury and in the custody of the Treasurer of the Authority; and

(16) to do all things necessary and convenient to carry out the
purposes of this Act.

The State authority may not operate any environmental or
hazardous waste treatment facility as a business except for the purpose of
protecting or maintaining such facility as security for bonds of the State
authority. No environmental or hazardous waste treatment facilities
completed prior to January 1, 1970 may be financed by the State authority
under this Act, but additions and improvements to such environmental or
hazardous waste treatment facilities which are commenced subsequent to
January 1, 1970 may be financed by the State authority. Any lease, sales
agreement or other financing agreement in connection with an
environmental or hazardous waste treatment facility entered into pursuant
to this Act must be for a term not shorter than the longest maturity of any
bonds issued to finance such environmental or hazardous waste treatment
facility or a portion thereof and must provide for rentals or other payments
adequate to pay the principal of and interest and premiums, if any, on such
bonds as the same fall due and to create and maintain such reserves and
accounts for depreciation, if any, as the directing body determines to be
necessary.

The Authority shall give priority to providing financing for the
establishment of hazardous waste treatment facilities necessary to achieve
the goals of Section 22.6 of the Environmental Protection Act.

The Authority shall give special consideration to small businesses
in authorizing the issuance of bonds for the financing of environmental
facilities pursuant to subsection (c) of Section 2.

The Authority shall make a financial report on all projects financed
under this Section to the General Assembly, to the Governor, and to the
Illinois Economic and Fiscal Commission on Government Forecasting
and Accountability by April 1 of each year. Such report shall be a public
record and open for inspection at the offices of the Authority during
normal business hours. The report shall include: (a) all applications for
loans and other financial assistance presented to the members of the
Authority during such fiscal year, (b) all projects and owners thereof
which have received any form of financial assistance from the Authority

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during such year, (c) the nature and amount of all such assistance, and (d) projected activities of the Authority for the next fiscal year, including projection of the total amount of loans and other financial assistance anticipated and the amount of revenue bonds or other evidences of indebtedness that will be necessary to provide the projected level of assistance during the next fiscal year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.
(Source: P.A. 93-205, eff. 1-1-04.)

Section 55. The Illinois Housing Development Act is amended by changing Section 5 as follows:
(20 ILCS 3805/5) (from Ch. 67 1/2, par. 305)
Sec. 5. The Governor shall designate the Chairman, from time to time, and the Authority shall annually elect from its membership a vice chairman a treasurer, and a secretary. The Chairman shall be the chief executive officer of the Authority. The secretary shall keep a record of the proceedings of the Authority. The treasurer of the Authority shall be custodian of all Authority funds, and shall be bonded in such amount as the other members of the Authority may designate. The accounts and books of the Authority shall be set up and maintained in a manner approved by the Auditor General, and the Authority shall file with the Auditor General a certified annual report within 120 days after the close of its fiscal year. The Authority shall also file with the Governor, the Secretary of the Senate, the Clerk of the House of Representatives and the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability, by March 1 of each year, a written report covering its activities, and any activities of any instrumentality corporation established pursuant to this Act, for the previous fiscal year and, when so filed, such report shall be a public record and open for inspection at the offices of the Authority during normal business hours. The report shall include a complete list of (a) all applications for mortgage loans and other financial assistance regarding developments of more than four living units presented

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to the members of the Authority during such fiscal year, (b) all developments and housing related commercial facilities and the owners thereof which have received any form of financial assistance from the Authority during such fiscal year, (c) the nature and amount of all such financial assistance, (d) the dwelling unit distribution and estimated rent structure for each development financed by the Authority during such fiscal year, (e) projected activities of the Authority for the next fiscal year, including a projection of the total amount of mortgages and other financial assistance anticipated and the amount of revenue bonds or other evidences of indebtedness that will be necessary to provide the projected level of assistance during the next fiscal year, and (f) activities related to allocation of low-income housing credits.

(Source: P.A. 85-612.)

Section 60. The Pension Impact Note Act is amended by changing Section 2 as follows:

(25 ILCS 55/2) (from Ch. 63, par. 42.42)

Sec. 2. Pension impact notes. The Illinois Economic and Fiscal Commission on Government Forecasting and Accountability, hereafter in this Act referred to as the "Commission", shall prepare a written pension system impact note in relation to any bill introduced in either house of the General Assembly which proposes to amend, revise, or add to any provision of the Illinois Pension Code or the State Pension Funds Continuing Appropriation Act. Upon the introduction of any such bill, the Clerk of the House or the Secretary of the Senate shall forward the bill to the Commission, which shall prepare such a note within 7 calendar days after receiving the request. The bill shall be held on second reading until the note has been received.

Copies of each pension impact note shall be furnished by the Commission to the presiding officer of each house, the minority leader of each house, the Clerk of the House of Representatives, the Secretary of the Senate, the sponsor of the bill which is the subject of the note, the member, if any, who initiated the request for the note, the Chairman of the House Committee on Personnel and Pensions, and the Chairman of the Senate Committee on Insurance, Pensions and Licensed Activities.

(Source: P.A. 93-632, eff. 2-1-04.)

Section 65. The State Debt Impact Note Act is amended by changing the title of the Act and Sections 3, 5, and 7 as follows:

(25 ILCS 65/Act title)

New matter indicated by italics - deletions by strikeout.
An Act in relation to the providing of information on the State's long-term debt service requirements and to amend in connection therewith Section 3 of "An Act creating the Illinois Economic and Fiscal Commission, defining its powers and duties, making an appropriation therefor, repealing an Act therein named, and providing for the transfer of appropriations in connection therewith", approved July 13, 1972, as amended.

(25 ILCS 65/3) (from Ch. 63, par. 42.73)

Sec. 3. The Illinois Economic and Fiscal Commission on Government Forecasting and Accountability shall prepare a written State Debt Impact Note in relation to any bill introduced in either house of the General Assembly which proposes to increase or add new long term debt authorization or would require, through appropriation, the use of bond financed funds. Upon the assignment of any such bill to Committee, the chairperson of the Committee on Assignments in the House of Representatives or the chairperson of the Committee on Assignment of Bills in the Senate shall forward the bill to the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability which shall prepare such a note within 7 calendar days after receiving the request and the bill shall be held on second reading until the note has been received, except that whenever, because of the complexity of the measure, additional time is required for preparation of the note, the Commission may so inform the sponsor of the bill, who may approve an extension of the time within which the note is to be furnished for an additional 7 calendar days. Copies of each State Debt Impact Note shall be furnished by the Commission to the presiding officer of each house, the minority leader of each house, the Clerk of the House of Representatives, the Secretary of the Senate, the sponsor of the bill which is the subject of the note, the member, if any, who initiated the request for the note, the Chairperson and Minority Spokespersons of the House and Senate Appropriations and Revenue Committees.

(Source: P.A. 81-615.)

(25 ILCS 65/5) (from Ch. 63, par. 42.75)

Sec. 5. The Illinois Economic and Fiscal Commission on Government Forecasting and Accountability may include in any State Debt Impact Note any comment or opinion which it deems appropriate with regard to the fiscal and financial impact of the measure for which the note is prepared.

(Source: P.A. 81-615.)

(25 ILCS 65/7) (from Ch. 63, par. 42.77)

New matter indicated by italics - deletions by strikeout.
Sec. 7. Whenever any committee of either house reports any bill which is required by this Act to have a long-term debt note with an amendment or whenever any bill is amended on the floor of either house in such manner as to substantially affect the impact of the bill on the State's debt service capacity, the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability shall upon request by any member of the house by which the bill is being considered prepare a new or revised State Debt Impact Note in relation to the amended bill. Copies of each new or revised State Debt Impact Note shall be furnished to the persons named in Section 2.

Whenever any member of either House is of the opinion that a State Debt Impact Note should be prepared on any bill and such note has not been requested, the member may at any time before the bill is moved to third reading request that such a note be obtained, in which case the bill shall be submitted to the Economic and Fiscal Commission on Government Forecasting and Accountability for preparation of the note. If the sponsor is of the opinion that a long-term debt note is not required, the matter shall be decided by majority vote of those present and voting in the House of which he is a member.

(Source: P.A. 81-615.)

Section 70. The Legislative Commission Reorganization Act of 1984 is amended by changing Sections 1-3, 3-1, and 3A-1 as follows:

(25 ILCS 130/1-3) (from Ch. 63, par. 1001-3)
Sec. 1-3. Legislative support services agencies. The Joint Committee on Legislative Support Services is responsible for establishing general policy and coordinating activities among the legislative support services agencies. The legislative support services agencies include the following:

(1) Joint Committee on Administrative Rules;
(2) Illinois Economic and Fiscal Commission on Government Forecasting and Accountability;
(3) Legislative Information System;
(4) Legislative Reference Bureau;
(5) Legislative Audit Commission;
(6) Legislative Printing Unit;
(7) Legislative Research Unit; and

(Source: P.A. 93-632, eff. 2-1-04.)
(25 ILCS 130/3-1) (from Ch. 63, par. 1003-1)

New matter indicated by italics - deletions by strikeout.
Sec. 3-1. The Illinois Economic and Fiscal Commission on Government Forecasting and Accountability is hereby established as a legislative support services agency. The Commission is subject to the provisions of this Act and shall perform the powers and duties delegated to it under "An Act creating the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability, defining its powers and duties, making an appropriation therefor, repealing an Act therein named, and providing for the transfer of appropriations in connection therewith", approved July 13, 1972, as amended, and such other functions as may be provided by law.
(Source: P.A. 83-1257.)
(25 ILCS 130/3A-1)
Sec. 3A-1. Economic and Fiscal Commission on Government Forecasting and Accountability; pension laws.
(a) The Economic and Fiscal Commission on Government Forecasting and Accountability shall have the powers, duties, and functions that may be provided by law.
(b) The Commission shall make a continuing study of the laws and practices pertaining to pensions and related retirement and disability benefits for persons in State or local government service and their survivors and dependents, shall evaluate existing laws and practices, and shall review and make recommendations on proposed changes to those laws and practices.
(c) The Commission shall be responsible for the preparation of Pension Impact Notes as provided in the Pension Impact Note Act.
(d) The Commission shall report to the General Assembly annually or as it deems necessary or useful on the results of its studies and the performance of its duties.
(e) The Commission may request assistance from any other entity as necessary or useful for the performance of its duties.
(f) For purposes of the Successor Agency Act and Section 9b of the State Finance Act, the Economic and Fiscal Commission on Government Forecasting and Accountability is the successor to the Pension Laws Commission. The Economic and Fiscal Commission on Government Forecasting and Accountability succeeds to and assumes all powers, duties, rights, responsibilities, personnel, assets, liabilities, and indebtedness of the Pension Laws Commission. Any reference in any law, rule, form, or other document to the Pension Laws Commission is deemed

New matter indicated by italics - deletions by strikeout.
to be a reference to the Economic and Fiscal Commission on Government Forecasting and Accountability.
(Source: P.A. 93-632, eff. 2-1-04.)

Section 75. The Illinois Economic and Fiscal Commission Act is amended by changing the title of the Act and Sections 2 and 6.2 as follows:

(25 ILCS 155/Act title)
An Act creating the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability, defining its powers and duties, making an appropriation therefor, repealing an Act therein named, and providing for the transfer of appropriations in connection therewith.
(25 ILCS 155/2) (from Ch. 63, par. 342)
Sec. 2. The Illinois Economic and Fiscal Commission on Government Forecasting and Accountability, hereafter in this Act referred to as the Commission, is created and is established as a legislative support services agency subject to the Legislative Commission Reorganization Act of 1984.

On the effective date of this amendatory Act of the 93rd General Assembly, the name of the Illinois Economic and Fiscal Commission is changed to the Commission on Government Forecasting and Accountability. References in any law, appropriation, rule, form, or other document to the Illinois Economic and Fiscal Commission are deemed, in appropriate contexts, to be references to the Commission on Government Forecasting and Accountability for all purposes. References in any law, appropriation, rule, form, or other document to the Executive Director of the Illinois Economic and Fiscal Commission are deemed, in appropriate contexts, to be references to the Executive Director of the Commission on Government Forecasting and Accountability for all purposes. For purposes of Section 9b of the State Finance Act, the Commission on Government Forecasting and Accountability is the successor to the Illinois Economic and Fiscal Commission.
(Source: P.A. 83-1257.)

(25 ILCS 155/6.2) (from Ch. 63, par. 346.2)
Sec. 6.2. Short title. This Act may be cited as the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability Act.
(Source: P.A. 93-632, eff. 2-1-04.)

Section 80. The Fiscal Control and Internal Auditing Act is amended by changing Section 2004 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 2004. Consultations by internal auditor. Each chief internal auditor may consult with the Auditor General, the Department of Central Management Services, the Economic and Fiscal Commission on Government Forecasting and Accountability, the appropriations committees of the General Assembly, the Governor's Office of Management and Budget, or the Internal Audit Advisory Board on matters affecting the duties or responsibilities of the chief internal auditor under this Act.
(Source: P.A. 86-936; revised 8-23-03.)

Section 83. The State Finance Act is amended by changing Sections 8g, 8h, and 14.1 as follows:

(30 ILCS 105/8g)
Sec. 8g. Fund transfers.
(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by $50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and
the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2004, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and

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upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
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<tbody>
<tr>
<td>From the General Revenue Fund.............</td>
<td>$8,450,000</td>
</tr>
<tr>
<td>From the Public Utility Fund...............</td>
<td>1,700,000</td>
</tr>
<tr>
<td>From the Transportation Regulatory Fund...</td>
<td>2,650,000</td>
</tr>
<tr>
<td>From the Title III Social Security and Employment Fund</td>
<td>3,700,000</td>
</tr>
<tr>
<td>From the Professions Indirect Cost Fund...</td>
<td>4,050,000</td>
</tr>
<tr>
<td>From the Underground Storage Tank Fund.....</td>
<td>550,000</td>
</tr>
<tr>
<td>From the Agricultural Premium Fund.........</td>
<td>750,000</td>
</tr>
<tr>
<td>From the State Pensions Fund..............</td>
<td>200,000</td>
</tr>
<tr>
<td>From the Road Fund.......................</td>
<td>2,000,000</td>
</tr>
<tr>
<td>From the Health Facilities Planning Fund..</td>
<td>1,000,000</td>
</tr>
<tr>
<td>From the Savings and Residential Finance Regulatory Fund</td>
<td>130,800</td>
</tr>
<tr>
<td>From the Appraisal Administration Fund.....</td>
<td>28,600</td>
</tr>
<tr>
<td>From the Pawnbroker Regulation Fund........</td>
<td>3,600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
From the Auction Regulation Administration Fund.......................... 35,800
From the Bank and Trust Company Fund........... 634,800
From the Real Estate License Administration Fund.......................... 313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

- Appraisal Administration Fund.................. $150,000
- General Revenue Fund.......................... 10,440,000
- Savings and Residential Finance Regulatory Fund.................. 200,000
- State Pensions Fund......................... 100,000
- Bank and Trust Company Fund.................. 100,000
- Professions Indirect Cost Fund............. 3,400,000
- Public Utility Fund......................... 2,081,200
- Real Estate License Administration Fund...... 150,000
- Title III Social Security and Employment Fund.................. 1,000,000
- Transportation Regulatory Fund........... 3,052,100
- Underground Storage Tank Fund............. 50,000

New matter indicated by italics - deletions by strikeout.
(l) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by law, on July 1, 2002 and on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(n) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,800,000 from the General Revenue Fund to the DHS Recoveries Trust Fund.

(o) On or after July 1, 2003, and no later than June 30, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Vehicle Inspection Fund:

From the Underground Storage Tank Fund ...... $35,000,000.

(p) On or after July 1, 2003 and until May 1, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2004.

(q) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of

New matter indicated by italics - deletions by strikeout.
$1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $50,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(u) On or after July 1, 2004 and until May 1, 2005, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2005.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,445,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(x) In addition to any other transfers that may be provided for by law, on January 15, 2005, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer to the General Revenue Fund the following sums:

From the State Crime Laboratory Fund, $200,000;
From the State Police Wireless Service Emergency Fund, $200,000;
From the State Offender DNA Identification System Fund, $800,000; and

New matter indicated by italics - deletions by strikeout.
From the State Police Whistleblower Reward and Protection Fund, $500,000.
(Source: P.A. 92-11, eff. 6-11-01; 92-505, eff. 12-20-01; 92-600, eff. 6-28-02; 93-32, eff. 6-20-03; 93-648, eff. 1-8-04; 93-839, eff. 7-30-04.)
(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.
(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 this amendatory Act of the 93rd General Assembly to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, or the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, the Wireless Carrier Reimbursement Fund, or the Mandatory Arbitration Fund.

New matter indicated by italics - deletions by strikeout.
In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; revised 12-1-04.)

(30 ILCS 105/14.1) (from Ch. 127, par. 150.1)

Sec. 14.1. Appropriations for State contributions to the State Employees' Retirement System; payroll requirements.

(a) Appropriations for State contributions to the State Employees' Retirement System of Illinois shall be expended in the manner provided in this Section. Except as otherwise provided in subsection (a-1), at the time of each payment of salary to an employee under the personal services line item, payment shall be made to the State Employees' Retirement System, from the amount appropriated for State contributions to the State Employees' Retirement System, of an amount calculated at the rate certified for the applicable fiscal year by the Board of Trustees of the State Employees' Retirement System under Section 14-135.08 of the Illinois Pension Code. If a line item appropriation to an employer for this purpose is unavailable or exhausted or is unavailable due to any limitation on appropriations that may apply, (including, but not limited to, limitations on appropriations from the Road Fund under Section 8.3 of the State Finance Act), the amounts shall be paid under the continuing appropriation for this purpose contained in the State Pension Funds Continuing Appropriation Act.

(a-1) Beginning on the effective date of this amendatory Act of the 93rd General Assembly through the payment of the final payroll from fiscal year 2004 appropriations, appropriations for State contributions to the State Employees' Retirement System of Illinois shall be expended in the manner provided in this subsection (a-1). At the time of each payment of salary to an employee under the personal services line item from a fund other than the General Revenue Fund, payment shall be made for deposit into the General Revenue Fund from the amount appropriated for State contributions to the State Employees' Retirement System of an amount

New matter indicated by italics - deletions by strikeout.
calculated at the rate certified for fiscal year 2004 by the Board of Trustees of the State Employees' Retirement System under Section 14-135.08 of the Illinois Pension Code. This payment shall be made to the extent that a line item appropriation to an employer for this purpose is available or unexhausted. No payment from appropriations for State contributions shall be made in conjunction with payment of salary to an employee under the personal services line item from the General Revenue Fund.

(b) Except during the period beginning on the effective date of this amendatory Act of the 93rd General Assembly and ending at the time of the payment of the final payroll from fiscal year 2004 appropriations, the State Comptroller shall not approve for payment any payroll voucher that (1) includes payments of salary to eligible employees in the State Employees' Retirement System of Illinois and (2) does not include the corresponding payment of State contributions to that retirement system at the full rate certified under Section 14-135.08 for that fiscal year for eligible employees, unless the balance in the fund on which the payroll voucher is drawn is insufficient to pay the total payroll voucher, or unavailable due to any limitation on appropriations that may apply, including, but not limited to, limitations on appropriations from the Road Fund under Section 8.3 of the State Finance Act. If the State Comptroller approves a payroll voucher under this Section for which the fund balance is insufficient to pay the full amount of the required State contribution to the State Employees' Retirement System, the Comptroller shall promptly so notify the Retirement System.

(Source: P.A. 93-665, eff. 3-5-04.)

Section 85. The General Obligation Bond Act is amended by changing Sections 8 and 21 as follows:

(30 ILCS 330/8) (from Ch. 127, par. 658)

Sec. 8. Bond sale expenses.

(a) An amount not to exceed 0.5 percent of the principal amount of the proceeds of sale of each bond sale is authorized to be used to pay the reasonable costs of issuance and sale, including, without limitation, underwriter's discounts and fees, but excluding bond insurance, of State of Illinois general obligation bonds authorized and sold pursuant to this Act, provided that no salaries of State employees or other State office operating expenses shall be paid out of non-appropriated proceeds. The Governor's Office of Management and Budget shall compile a summary of all costs of issuance on each sale (including both costs paid out of proceeds and those paid out of appropriated funds) and post that summary on its web site

New matter indicated by italics - deletions by strikeout.
within 20 business days after the issuance of the Bonds. The summary shall include, as applicable, the respective percentages of participation and compensation of each underwriter that is a member of the underwriting syndicate, legal counsel, financial advisors, and other professionals for the bond issue and an identification of all costs of issuance paid to minority owned businesses, female owned businesses, and businesses owned by persons with disabilities. The terms "minority owned businesses", "female owned businesses", and "business owned by a person with a disability" have the meanings given to those terms in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. That posting shall be maintained on the web site for a period of at least 30 days. In addition, the Governor's Office of Management and Budget shall provide a written copy of each summary of costs to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability within 20 business days after each issuance of the Bonds. In addition, the Governor's Office of Management and Budget shall provide copies of all contracts under which any costs of issuance are paid or to be paid to the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability within 20 business days after the issuance of Bonds for which those costs are paid or to be paid. Instead of filing a second or subsequent copy of the same contract, the Governor's Office of Management and Budget may file a statement that specified costs are paid under specified contracts filed earlier with the Commission.

(b) The Director of the Governor's Office of Management and Budget shall not, in connection with the issuance of Bonds, contract with any underwriter, financial advisor, or attorney unless that underwriter, financial advisor, or attorney certifies that the underwriter, financial advisor, or attorney has not and will not pay a contingent fee, whether directly or indirectly, to a third party for having promoted the selection of the underwriter, financial advisor, or attorney for that contract. In the event that the Governor's Office of Management and Budget determines that an underwriter, financial advisor, or attorney has filed a false certification with respect to the payment of contingent fees, the Governor's Office of Management and Budget shall not contract with that underwriter, financial advisor, or attorney, or with any firm employing any person who signed false certifications, for a period of 2 calendar years, beginning with the

New matter indicated by italics - deletions by strikeout.
date the determination is made. The validity of Bonds issued under such circumstances of violation pursuant to this Section shall not be affected.
(Source: P.A. 93-2, eff. 4-7-03; 93-839, eff. 7-30-04.)

(30 ILCS 330/21)
Sec. 21. Truth in borrowing disclosures.
(a) Within 20 business days after the issuance of any Bonds under this Act, the Director of the Governor's Office of Management and Budget shall publish a truth in borrowing disclosure that discloses the total principal and interest payments to be paid on the Bonds over the full stated term of the Bonds. The disclosure also shall include principal and interest payments to be made by each fiscal year over the full stated term of the Bonds and total principal and interest payments to be made by each fiscal year on all other outstanding Bonds issued under this Act over the full stated terms of those Bonds.

(b) Within 20 business days after the issuance of any refunding bonds under Section 16 of this Act, the Director of the Governor's Office of Management and Budget shall publish a truth in borrowing disclosure that discloses the estimated present-valued savings to be obtained through the refunding, in total and by each fiscal year that the refunding Bonds may be outstanding.

(c) The disclosures required in subsections (a) and (b) shall be published by posting the disclosures for no less than 30 days on the website of the Governor's Office of Management and Budget and by providing the disclosures in written form to the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability. These disclosures shall be calculated assuming Bonds are not redeemed or refunded prior to their stated maturities. Amounts included in these disclosures as payment of interest on variable rate Bonds shall be computed at an interest rate equal to the rate at which the variable rate Bonds are first set upon issuance, plus 2.5%, after taking into account any credits permitted in the related indenture or other instrument against the amount of such interest for each fiscal year. Amounts included in these disclosures as payment of interest on variable rate Bonds shall include the amounts certified by the Director of the Governor's Office of Management and Budget under subsection (b) of Section 9 of this Act.
(Source: P.A. 93-839, eff. 7-30-04.)

Section 90. The Metropolitan Civic Center Support Act is amended by changing Section 6 as follows:

(30 ILCS 355/6) (from Ch. 85, par. 1396)

New matter indicated by italics - deletions by strikeout.
Sec. 6. Annual statements of assets and expenses and annual audit reports shall be submitted to the Department and to the Legislative Audit Commission by each Authority receiving or having received State financial support. Each Authority receiving or having received State financial support shall prepare an annual operating plan which details income and expenditures for the proposed budget year of the Authority. This plan shall contain the appropriate detail for the proposed budget year and a 3 year plan which will justify the project's ability to meet financial obligations by producing sufficient revenue and detailing depreciation and maintenance requirements. Such annual operating plan shall be submitted to the Department and to the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability no later than January 15th of each year.

(Source: P.A. 84-245.)

Section 95. The Build Illinois Bond Act is amended by changing Sections 5 and 8.5 as follows:

(30 ILCS 425/5) (from Ch. 127, par. 2805)

Sec. 5. Bond Sale Expenses.

(a) An amount not to exceed 0.5% of the principal amount of the proceeds of each bond sale is authorized to be used to pay reasonable costs of each issuance and sale of Bonds authorized and sold pursuant to this Act, including, without limitation, underwriter's discounts and fees, but excluding bond insurance, advertising, printing, bond rating, travel of outside vendors, security, delivery, legal and financial advisory services, initial fees of trustees, registrars, paying agents and other fiduciaries, initial costs of credit or liquidity enhancement arrangements, initial fees of indexing and remarketing agents, and initial costs of interest rate swaps, guarantees or arrangements to limit interest rate risk, as determined in the related Bond Sale Order, from the proceeds of each Bond sale, provided that no salaries of State employees or other State office operating expenses shall be paid out of non-appropriated proceeds. The Governor's Office of Management and Budget shall compile a summary of all costs of issuance on each sale (including both costs paid out of proceeds and those paid out of appropriated funds) and post that summary on its web site within 20 business days after the issuance of the bonds. That posting shall be maintained on the web site for a period of at least 30 days. In addition, the Governor's Office of Management and Budget shall provide a written copy of each summary of costs to the Speaker and Minority Leader of the House of Representatives, the

New matter indicated by italics - deletions by strikeout.
President and Minority Leader of the Senate, and the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability within 20 business days after each issuance of the bonds. This summary shall include, as applicable, the respective percentage of participation and compensation of each underwriter that is a member of the underwriting syndicate, legal counsel, financial advisors, and other professionals for the Bond issue, and an identification of all costs of issuance paid to minority owned businesses, female owned businesses, and businesses owned by persons with disabilities. The terms "minority owned businesses", "female owned businesses", and "business owned by a person with a disability" have the meanings given to those terms in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. In addition, the Governor's Office of Management and Budget shall provide copies of all contracts under which any costs of issuance are paid or to be paid to the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability within 20 business days after the issuance of Bonds for which those costs are paid or to be paid. Instead of filing a second or subsequent copy of the same contract, the Governor's Office of Management and Budget may file a statement that specified costs are paid under specified contracts filed earlier with the Commission.

(b) The Director of the Governor's Office of Management and Budget shall not, in connection with the issuance of Bonds, contract with any underwriter, financial advisor, or attorney unless that underwriter, financial advisor, or attorney certifies that the underwriter, financial advisor, or attorney has not and will not pay a contingent fee, whether directly or indirectly, to any third party for having promoted the selection of the underwriter, financial advisor, or attorney for that contract. In the event that the Governor's Office of Management and Budget determines that an underwriter, financial advisor, or attorney has filed a false certification with respect to the payment of contingent fees, the Governor's Office of Management and Budget shall not contract with that underwriter, financial advisor, or attorney, or with any firm employing any person who signed false certifications, for a period of 2 calendar years, beginning with the date the determination is made. The validity of Bonds issued under such circumstances of violation pursuant to this Section shall not be affected.

(Source: P.A. 93-839, eff. 7-30-04.)

(30 ILCS 425/8.5)
Sec. 8.5. Truth in borrowing disclosures.

New matter indicated by italics - deletions by strikeout.
(a) Within 20 business days after the issuance of any Bonds under this Act, the Director of the Governor's Office of Management and Budget shall publish a truth in borrowing disclosure that discloses the total principal and interest payments to be paid on the Bonds over the full stated term of the Bonds. The disclosure also shall include principal and interest payments to be made by each fiscal year over the full stated term of the Bonds and total principal and interest payments to be made by each fiscal year on all other outstanding Bonds issued under this Act over the full stated terms of those Bonds.

(b) Within 20 business days after the issuance of any refunding bonds under Section 15 of this Act, the Director of the Governor's Office of Management and Budget shall publish a truth in borrowing disclosure that discloses the estimated present-valued savings to be obtained through the refunding, in total and by each fiscal year that the refunding Bonds may be outstanding.

(c) The disclosures required in subsections (a) and (b) shall be published by posting the disclosures for no less than 30 days on the web site of the Governor's Office of Management and Budget and by providing the disclosures in written form to the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability. These disclosures shall be calculated assuming Bonds are not redeemed or refunded prior to their stated maturities. Amounts included in these disclosures as payment of interest on variable rate Bonds shall be computed at an interest rate equal to the rate at which the variable rate Bonds are first set upon issuance, plus 2.5%, after taking into account any credits permitted in the related indenture or other instrument against the amount of such interest for each fiscal year. Amounts included in these disclosures as payments of interest shall include those amounts paid pursuant to arrangements authorized pursuant to subsection (b) of Section 6 of this Act.

(Source: P.A. 93-839, eff. 7-30-04.)

Section 100. The State Facilities Closure Act is amended by changing Sections 5-5 and 99-995 as follows:

(30 ILCS 608/5-5)

Sec. 5-5. Definitions. In this Act:

"Commission" means the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability.

"State facility" means any facility (i) that is owned and operated by the State or leased and operated by the State and (ii) that is the primary

New matter indicated by italics - deletions by strikeout.
stationary work location for 25 or more State employees. "State facility" does not include any facility under the jurisdiction of the legislative branch, including the Auditor General, or the judicial branch.
(Source: P.A. 93-839, eff. 7-30-04.)

(30 ILCS 608/99-995)
Sec. 99-995. Closed meetings; vote requirement. This Act authorizes the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability to hold closed meetings in certain circumstances. In order to meet the requirements of subsection (c) of Section 5 of Article IV of the Illinois Constitution, the General Assembly determines that closed meetings of the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability are required by the public interest. Thus, this Act is enacted by the affirmative vote of two-thirds of the members elected to each house of the General Assembly.
(Source: P.A. 93-839, eff. 7-30-04.)

Section 105. The Illinois Pension Code is amended by changing Sections 1-103.3, 3-109.3, 14-108.3, 14-108.5, 15-158.3, 16-133.3, 22-803, 22-1001, 22-1002, and 22-1003 as follows:
(40 ILCS 5/1-103.3)
Sec. 1-103.3. Application of 1994 amendment; funding standard.
(a) The provisions of this amendatory Act of 1994 that change the method of calculating, certifying, and paying the required State contributions to the retirement systems established under Articles 2, 14, 15, 16, and 18 shall first apply to the State contributions required for State fiscal year 1996.

(b) The General Assembly declares that a funding ratio (the ratio of a retirement system's total assets to its total actuarial liabilities) of 90% is an appropriate goal for State-funded retirement systems in Illinois, and it finds that a funding ratio of 90% is now the generally-recognized norm throughout the nation for public employee retirement systems that are considered to be financially secure and funded in an appropriate and responsible manner.

(c) Every 5 years, beginning in 1999, the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability, in consultation with the affected retirement systems and the Governor's Office of Management and Budget (formerly Bureau of the Budget), shall consider and determine whether the 90% funding ratio adopted in subsection (b) continues to represent an appropriate goal for State-funded retirement systems in Illinois, and it shall report its findings and

New matter indicated by italics - deletions by strikeout.
recommendations on this subject to the Governor and the General Assembly.
(Source: P.A. 88-593, eff. 8-22-94; revised 8-23-03.)

(40 ILCS 5/3-109.3)

Sec. 3-109.3. Self-managed plan.

(a) Purpose. The General Assembly finds that it is important for municipalities to be able to attract and retain the most qualified police officers and that in order to attract and retain these police officers, municipalities should have the flexibility to provide a defined contribution plan as an alternative for eligible employees who elect not to participate in a defined benefit retirement program provided under this Article. Accordingly, a self-managed plan shall be provided, which shall offer participating employees the opportunity to accumulate assets for retirement through a combination of employee and employer contributions that may be invested in mutual funds, collective investment funds, or other investment products and used to purchase annuity contracts, either fixed or variable, or a combination thereof. The plan must be qualified under the Internal Revenue Code of 1986.

(b) Study by Commission; Adoption of plan. The Illinois Pension Laws Commission (or its successor, the Economic and Fiscal Commission on Government Forecasting and Accountability) shall study and evaluate the creation of a statewide self-managed plan for eligible employees under this Article. The Commission shall report its findings and recommendations to the General Assembly no later than January 1, 2002.

In accordance with the recommendations of the Commission and any action taken by the General Assembly in response to those recommendations, a statewide self-managed plan shall be adopted for eligible employees under this Article. The self-managed plan shall take effect as specified in the plan, but in no event earlier than July 1, 2002 or the date of its approval by the U.S. Internal Revenue Service, whichever occurs later.

The self-managed plan shall include a plan document and shall provide for the adoption of such rules and procedures as are necessary or desirable for the administration of the self-managed plan. Consistent with fiduciary duty to the participants and beneficiaries of the self-managed plan, it may provide for delegation of suitable aspects of plan administration to companies authorized to do business in this State.

(c) Selection of service providers and funding vehicles. The principal administrator of the self-managed plan shall solicit proposals to
provide administrative services and funding vehicles for the self-managed plan from insurance and annuity companies and mutual fund companies, banks, trust companies, or other financial institutions authorized to do business in this State. In reviewing the proposals received and approving and contracting with no fewer than 2 and no more than 7 companies, the principal administrator shall consider, among other things, the following criteria:

(1) the nature and extent of the benefits that would be provided to the participants;
(2) the reasonableness of the benefits in relation to the premium charged;
(3) the suitability of the benefits to the needs and interests of the participating employees and the employer;
(4) the ability of the company to provide benefits under the contract and the financial stability of the company; and
(5) the efficacy of the contract in the recruitment and retention of employees.

The principal administrator shall periodically review each approved company. A company may continue to provide administrative services and funding vehicles for the self-managed plan only so long as it continues to be an approved company under contract with the principal administrator.

(d) Employee Direction. Employees who are participating in the program must be allowed to direct the transfer of their account balances among the various investment options offered, subject to applicable contractual provisions. The participant shall not be deemed a fiduciary by reason of providing such investment direction. A person who is a fiduciary shall not be liable for any loss resulting from such investment direction and shall not be deemed to have breached any fiduciary duty by acting in accordance with that direction. The self-managed plan does not guarantee any of the investments in the employee's account balances.

(e) Participation. An eligible employee must make a written election in accordance with the provisions of Section 3-109.2 and the procedures established under the self-managed plan. Participation in the self-managed plan by an eligible employee who elects to participate in the self-managed plan shall begin on the first day of the first pay period following the later of the date the employee's election is filed with the fund or the employer, but in no event sooner than the effective date of the self-managed plan.

New matter indicated by italics - deletions by strikeout.
A police officer who has elected to participate in the self-managed plan under this Section must continue participation while employed in an eligible position, and may not participate in any other retirement program administered by the municipality while employed as a police officer by that municipality. Participation in the self-managed plan under this Section shall constitute membership in an Article 3 pension fund.

(f) No Duplication of Service Credit. Notwithstanding any other provision of this Article, a police officer may not purchase or receive service or service credit applicable to any other retirement program administered by a fund under this Article for any period during which the police officer was a participant in the self-managed plan established under this Section.

(g) Contributions. The self-managed plan shall be funded by contributions from participants in the self-managed plan and employer contributions as provided in this Section.

The contribution rate for a participant in the self-managed plan under this Section shall be a minimum of 10% of his or her salary. This required contribution shall be made as an "employer pick-up" under Section 414(h) of the Internal Revenue Code of 1986 or any successor Section thereof. An employee may make additional contributions to the self-managed plan in accordance with the terms of the plan.

The self-managed plan shall provide for employer contributions to be credited to each self-managed plan participant at a rate of 10% of the participating employee's salary, less the amount of the employer contribution used to provide disability benefits for the employee. The amounts so credited shall be paid into the participant's self-managed plan accounts in the manner prescribed by the plan.

An amount of employer contribution, not exceeding 1.5% of the participating employee's salary, shall be used for the purpose of providing disability benefits to the participating employee. Prior to the beginning of each plan year under the self-managed plan, the principal administrator shall determine, as a percentage of salary, the amount of employer contributions to be allocated during that plan year for providing disability benefits for employees in the self-managed plan.

(h) Vesting; Withdrawal; Return to Service. A participant in the self-managed plan becomes fully vested in the employer contributions credited to his or her account in the self-managed plan on the earliest to occur of the following:

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(1) completion of 6 years of service with the municipality;

or

(2) the death of the participating employee while employed by the municipality, if the participant has completed at least 1.5 years of service.

A participant in the self-managed plan who receives a distribution of his or her vested amounts from the self-managed plan upon or after termination of employment shall forfeit all service credit and accrued rights in the fund of his or her employer; if subsequently re-employed, the participant shall be considered a new employee. If a former participant again becomes a participating employee and continues as such for at least 2 years, all such rights, service credit, and previous status as a participant shall be restored upon repayment of the amount of the distribution without interest.

(i) Benefit amounts. If a participating employee who is fully vested in employer contributions terminates employment, the participating employee shall be entitled to a benefit which is based on the account values attributable to both employer and employee contributions and any investment return thereon.

If a participating employee who is not fully vested in employer contributions terminates employment, the employee shall be entitled to a benefit based on the account values attributable to the employee's contributions and any investment return thereon, plus the following percentage of employer contributions and any investment return thereon: 20% after the second year; 40% after the third year; 60% after the fourth year; 80% after the fifth year; and 100% after the sixth year. The remainder of employer contributions and investment return thereon shall be forfeited. Any employer contributions that are forfeited shall be held in escrow by the company investing those contributions and shall be used as directed by the municipality for future allocations of employer contributions or for the restoration of amounts previously forfeited by former participants who again become participating employees.

(Source: P.A. 93-632, eff. 2-1-04.)

(40 ILCS 5/14-108.3)

Sec. 14-108.3. Early retirement incentives.

(a) To be eligible for the benefits provided in this Section, a person must:

(1) be a member of this System who, on any day during June, 2002, is (i) in active payroll status in a position of
employment with a department and an active contributor to this System with respect to that employment, and terminates that employment before the retirement annuity under this Article begins, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) receiving benefits under Section 14-123, 14-123.1 or 14-124, but only if the member has not been receiving those benefits for a continuous period of more than 2 years as of the date of application;

(2) not have received any retirement annuity under this Article beginning earlier than August 1, 2002;

(3) file with the Board on or before December 31, 2002 a written application requesting the benefits provided in this Section;

(4) terminate employment under this Article no later than December 31, 2002 (or the date established under subsection (d), if applicable);

(5) by the date of termination of service, have at least 8 years of creditable service under this Article, without the use of any creditable service established under this Section;

(6) by the date of termination of service, have at least 5 years of membership service earned while an employee under this Article, which may include military service for which credit is established under Section 14-105(b), service during the qualifying period for which credit is established under Section 14-104(a), and service for which credit has been established by repaying a refund under Section 14-130, but shall not include service for which any other optional service credit has been established; and

(7) not receive any early retirement benefit under Section 16-133.3 of this Code.

(b) An eligible person may establish up to 5 years of creditable service under this Article, in increments of one month, by making the contributions specified in subsection (c). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final average compensation under Section 14-103.12 or the determination of compensation under this or any other Article of this Code.

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The age enhancement established under this Section may not be used to enable any person to begin receiving a retirement annuity calculated under Section 14-110 before actually attaining age 50 (without any age enhancement under this Section). The age enhancement established under this Section may be used for all other purposes under this Article (including calculation of a proportionate annuity payable by this System under the Retirement Systems Reciprocal Act), except for purposes of the level income option in Section 14-112, the reversionary annuity under Section 14-113, and the required distributions under Section 14-121.1.

The age enhancement established under this Section may be used in determining benefits payable under Article 16 of this Code under the Retirement Systems Reciprocal Act, if the person has at least 5 years of service credit in the Article 16 system that was earned while participating in that system as a teacher (as defined in Section 16-106) employed by a department (as defined in Section 14-103.04). Age enhancement established under this Section shall not otherwise be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, a person must pay to the System an employee contribution to be determined by the System, based on the member's rate of compensation on June 1, 2002 (or the last date before June 1, 2002 for which a rate can be determined) and the retirement contribution rate in effect on June 1, 2002 for the member (or for members with the same social security and alternative formula status as the member).

If the member receives a lump sum payment for accumulated vacation, sick leave and personal leave upon withdrawal from service, and the net amount of that lump sum payment is at least as great as the amount of the contribution required under this Section, the entire contribution must be paid by the employee by payroll deduction. If there is no such lump sum payment, or if it is less than the contribution required under this Section, the member shall make an initial payment by payroll deduction, equal to the net amount of the lump sum payment for accumulated vacation, sick leave, and personal leave, and have the remaining amount due treated as a reduction from the retirement annuity in 24 equal monthly installments beginning in the month in which the retirement annuity takes effect. The required contribution may be paid as a pre-tax deduction from earnings. For federal and Illinois tax purposes, the monthly amount by

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which the annuitant's benefit is reduced shall not be treated as a contribution by the annuitant, but rather as a reduction of the annuitant's monthly benefit.

(c-5) The reduction in retirement annuity provided in subsection (c) of Section 14-108 does not apply to the annuity of a person who retires under this Section. A person who has received any age enhancement or creditable service under this Section may begin to receive an unreduced retirement annuity upon attainment of age 55 with at least 25 years of creditable service (including any age enhancement and creditable service established under this Section).

(d) In order to ensure that the efficient operation of State government is not jeopardized by the simultaneous retirement of large numbers of key personnel, the director or other head of a department may, for key employees of that department, extend the December 31, 2002 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than April 30, 2003 by so notifying the System in writing by December 31, 2002.

(e) Notwithstanding Section 14-111, a person who has received any age enhancement or creditable service under this Section and who reenters service under this Article (or as an employee of a department under Article 16) other than as a temporary employee thereby forfeits that age enhancement and creditable service and is entitled to a refund of the contributions made pursuant to this Section.

(f) The System shall determine the amount of the increase in the present value of future benefits resulting from the granting of early retirement incentives under this Section and shall report that amount to the Governor and the Economic and Fiscal Commission on Government Forecasting and Accountability on or after the effective date of this amendatory Act of the 93rd General Assembly and on or before November 15, 2004. The increase reported under this subsection (f) shall not be included in the calculation of the required State contribution under Section 14-131.

(g) In addition to the contributions otherwise required under this Article, the State shall appropriate and pay to the System (1) an amount equal to $70,000,000 in State fiscal years 2004 and 2005 and (2) in each of State fiscal years 2006 through 2015, a level dollar-payment based upon the increase in the present value of future benefits provided by the early retirement incentives provided under this Section amortized at 8.5% interest.

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(h) The Economic and Fiscal Commission on Government Forecasting and Accountability (i) shall hold one or more hearings on or before the last session day during the fall veto session of 2004 to review recommendations relating to funding of early retirement incentives under this Section and (ii) shall file its report with the General Assembly on or before December 31, 2004 making its recommendations relating to funding of early retirement incentives under this Section; the Commission's report may contain both majority recommendations and minority recommendations. The System shall recalculate and recertify to the Governor by January 31, 2005 the amount of the required State contribution to the System for State fiscal year 2005 with respect to those incentives. The Pension Laws Commission (or its successor, the Economic and Fiscal Commission on Government Forecasting and Accountability) shall determine and report to the General Assembly, on or before January 1, 2004 and annually thereafter through the year 2013, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early retirement of persons receiving early retirement incentives under this Section and (2) the net annual savings or cost to the State from the program of early retirement incentives created under this Section.

The System, the Department of Central Management Services, the Governor's Office of Management and Budget (formerly Bureau of the Budget), and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its reports under this Section. The Commission may require departments to provide it with any information that it deems necessary or useful with respect to its reports under this Section, including without limitation information about (1) the final earnings of former department employees who elected to receive benefits under this Section, (2) the earnings of current department employees holding the positions vacated by persons who elected to receive benefits under this Section, and (3) positions vacated by persons who elected to receive benefits under this Section that have not yet been refilled.

(i) The changes made to this Section by this amendatory Act of the 92nd General Assembly do not apply to persons who retired under this Section on or before May 1, 1992.
(Source: P.A. 92-566, eff. 6-25-02; 93-632, eff. 2-1-04; 93-839, eff. 7-30-04.)

(40 ILCS 5/14-108.5)

New matter indicated by italics - deletions by strikeout.
Sec. 14-108.5. Alternative retirement cancellation payment.
(a) To be eligible for the alternative retirement cancellation payment provided in this Section, a person must:
   (1) be a member of this System who, on any day during June 2004, was (i) in active payroll status as an employee in a position listed in subsection (b) of this Section and continuously employed in a position listed in subsection (b) on and after January 1, 2004 and (ii) an active contributor to this System with respect to that employment;
   (2) have not previously received any retirement annuity under this Article;
   (3) not accept an incentive payment under Section 14a.5 of the State Finance Act;
   (4) in the case of persons employed in a position title listed under paragraph (1) of subsection (b), be among the first 3,000 persons to file with the Board on or before September 30, 2004 a written application requesting the alternative retirement cancellation payment provided in this Section;
   (5) in the case of persons employed in a position title listed under paragraph (2) of subsection (b), have received written authorization from the director or other head of his or her department and filed that authorization with the system on or before September 1, 2004;
   (6) if there is a QILDRO in effect against the person, file with the Board the written consent of all alternate payees under the QILDRO to the election of an alternative retirement cancellation payment under this Section; and
   (7) terminate employment under this Article within 2 weeks after approval of the person's application requesting the alternative retirement cancellation payment, but in no event later than October 31, 2004.

(b)(1) Position titles eligible for the alternative retirement cancellation payment provided in this Section are:
911 Analyst III; Brickmason; Account Clerk I and II; Budget Analyst I and II; Account Technician I and II; Budget Operations Director; Accountant; Budget Principal; Accountant Advanced; Building Services Worker; Accountant Supervisor; Building/Grounds Laborer; Accounting Fiscal Administrative Career Trainee; Building/Grounds Lead 1 and 2; Accounts Payable

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Processing Analyst; Building/Grounds Maintenance Worker; Accounts Payable Specialist; Building/Grounds Supervisor; Accounts Processing Analyst; Bureau Chief; Actuarial Assistant; Business Administrative Specialist; Administrative and Technology Director; Business Analyst I through IV; Administrative Assistant I through III; Business Manager; Administrative Clerk; Buyer; Administrative Coordinator; Buyer Assistant; Administrator; Capital Budget Analyst I and II; Administrator of Capital Programs; Capital Budget Director; Administrator of Construction Administration; Capital Programs Analyst I and II; Administrator of Contract Administration; Capital Programs Technician; Administrator of Fair Employment Practices; Carpenter; Administrator of Fiscal; Carpenter Foreman; Administrator of Information Management; Cartographer I through III; Administrator of Information Systems; Chief - Police; Administrator of Personnel; Chief Veterans Technician; Administrator of Professional Services; Circuit Provisioning Specialist; Administrator of Public Affairs; Civil Engineer I through IX; Administrator of Quality-Based Selection; Civil Engineer Trainee; Administrator of Strategic Planning and Training; Clerical Trainee; Appeals & Orders Coordinator; Communications Director; Appraisal Specialist 1 through 3; Community Planner 3; Assignment Coordinator; Commander; Assistant Art-in-Architecture Coordinator; Compliance Specialist; Assistant Chief - Police; Conservation Education Representative; Assistant Internal Auditor; Conservation Grant Administrator 1 through 3; Assistant Manager; Construction Supervisor I and II; Assistant Personnel Officer; Consumer Policy Analyst; Assistant Professor Scientist; Consumer Program Coordinator; Assistant Reimbursement Officer; Contract Executive; Assistant Steward; Coordinator of Administrative Services; Associate Director for Administrative Services; Coordinator of Art-in-Architecture; Associate Museum Director; Corrections Clerk I through III; Associate Professor Scientist; Corrections Maintenance Supervisor; Corrections Caseworker Supervisor; Corrections Food Service Supervisor; Auto Parts Warehouse Specialist; Corrections Maintenance Worker; Auto Parts Warehouser; Curator I through III; Automotive Attendant I and II; Data Processing Administrative Specialist; Automotive Mechanic; Data Processing Assistant;

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Automotive Shop Supervisor; Data Processing Operator; Baker; Data Processing Specialist; Barber; Data Processing Supervisor 1 through 3; Beautician; Data Processing Technician; Brickmason; Deputy Chief Counsel; Director of Licensing; Desktop Technician; Director of Security; Human Resources Officer; Division Chief; Human Resources Representative; Division Director; Human Resources Specialist; Economic Analyst I through IV; Human Resources Trainee; Electrical Engineer; Human Services Casework Manager; Electrical Engineer I through V; Human Services Grant Coordinator 2 and 3; Electrical Equipment Installer/Repairer; Iconographer; Electrical Equipment Installer/Repairer Lead Worker; Industry and Commercial Development Representative 1 and 2; Electrician; Industry Services Consultant 1 and 2; Electronics Technician; Information Services Intern; Elevator Operator; Information Services Specialist I and II; Endangered Species Secretary; Information Systems Analyst I through III; Engineering Aide; Information Systems Manager; Engineering Analyst I through IV; Information Systems Planner; Engineering Manager I and II; Institutional Maintenance Worker; Engineering Technician I through V; Instrument Designer; Environmental Scientist I and II; Insurance Analyst I through IV; Executive I through VI; Executive Assistant; Intermittent Clerk; Executive Assistant I through IV; Intermittent Laborer Maintenance; Executive Secretary I through 3; Intern; Federal Funding and Public Safety Director; Internal Auditor 1; Financial & Budget Assistant; Internal Communications Officer; Financial & Budget Supervisor; International Marketing Representative 1; Financial Management Director; IT Manager; Fiscal Executive; Janitor I and II; Fiscal Officer; Junior State Veterinarian; Gas Engineer I through IV; Junior Supervisor Scientist; General Counsel and Regulatory Director; Laboratory Manager II; General Services Administrator I; Labor Maintenance Lead Worker; General Services Technician; Laborer; Geographic Information Specialist 1 and 2; Laborer (Building); Geologist I through IV; Laborer (Maintenance); Graphic Arts Design Supervisor; Landscape Architect; Graphic Arts Designer; Landscape Architect I through IV; Graphic Arts Technician; Landscape Planner; Grounds Supervisor; Laundry Manager I; Highway Construction Supervisor I; Legislative Liaison I and II; Historical Research Editor 2; Liability Claims Adjuster 1

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and 2; Historical Research Specialist; Librarian 1 and 2; Horse Custodian; Library Aide I through III; Horse Identifier; Library Associate; Hourly Assistant; Library Technical Assistant; Human Resource Coordinator; Licensing Assistant; Human Resources Analyst; Line Technician I through II; Human Resources Assistant; Local History Service Representative; Human Resources Associate; Local Housing Advisor 2 and 3; Human Resources Manager; Local Revenue and Fiscal Advisor 3; Machinist; Locksmith; Maintenance Equipment Operator; Operations Communications Specialist Trainee; Maintenance Worker; Operations Technician; Maintenance Worker Power Plant; Painter; Management Information Technician; Paralegal Assistant; Management Operations Analyst 1 and 2; Performance Management Analyst; Management Secretary I; Personnel Manager; Management Systems Specialist; Photogrammetrist I through IV; Management Technician I through IV; Physician; Manager; Physician Specialist Operations A through D; Manpower Planner I through 3; Planning Director; Medical Administrator III and V; Plant Maintenance Engineer 1 and 2; Methods & Processes Advisor 1, 2 and III; Plumber; Methods & Processes Career Associate 1 and 2; Policy Advisor; Microfilm Operator I through III; Policy Analyst I through IV; Military Administrative Assistant I; Power Shovel Operator (Maintenance); Military Administrative Clerk; Principal Economist; Military Administrative Officer-Legal; Principal Scientist; Military Administrative Specialist; Private Secretary 1 and 2; Military Community Relations Specialist; Private Secretary I and II; Military Cooperative Agreement Specialist; Procurement Representative; Military Crash, Fire, Rescue I through III; Professor & Scientist; Military Energy Manager; Program Manager; Military Engineer Technician; Program Specialist; Military Environmental Specialist I through III; Project Coordinator; Military Facilities Engineer; Project Designer; Military Facilities Officer I; Project Manager I through III; Military Maintenance Engineer; Project Manager; Military Museum Director; Project Manager/Technical Specialist I thru III; Military Program Supervisor; Project Specialist I through IV; Military Property Custodian II; Projects Director; Military Real Property Clerk; Property & Supply Clerk I through III; Motorist Assistance Specialist; Property Control Officer; Museum Director;

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Public Administration Intern; Museum Security Head I through III; Public Information Coordinator; Museum Technician I through III; Public Information Officer; Network Control Center Specialist; Public Information Officer 2 through 4; Network Control Center Technician 2; Public Service Administrator; Network Engineer I through IV; Race Track Maintenance 1 and 2; Office Administration Specialist; Radio Technician Program Coordinator; Office Administrator I through 5; Realty Specialist I through V; Office Aide; Receptionist; Office Assistant; Regional Manager; Office Associate; Regulatory Accountant IV; Office Clerk; Reimbursement Officer I and 2; Office Coordinator; Representative I and II; Office Manager; Representative Trainee; Office Occupations Trainee; School Construction Manager; Office Specialist; Secretary I and IV; Operations Communications Specialist I and II; Security Guard; Senior Economic Analyst; Security Supervisor; Senior Editor; Systems Developer I through IV; Senior Electrical Engineer; Systems Developer Trainee; Senior Financial & Budget Assistant; Systems Engineer I through IV; Senior Gas Engineer; Systems Engineer Trainee; Senior Policy Analyst; Tariff & Order Coordinator; Senior Programs Analyst; Tariff Administrator III; Senior Project Consultant; Tariff Analyst IV; Senior Project Manager; Teacher of Barbering; Senior Public Information Officer; Teacher of Beauty Culture; Senior Public Service Administrator; Technical Advisor 2 and 3; Senior Rate Analyst; Technical Advisor I through VII; Senior Technical Assistant; Technical Analyst; Technical Manager I through IX; Senior Technical Supervisor; Technical Assistant; Senior Technology Specialist; Technical Manager 1; Senior Transportation Industry Analyst; Technical Manager I through X; Sewage Plant Operator; Technical Specialist; Sign Hanger; Technical Support Specialist; Sign Hanger Foreman; Technical Specialist I thru III; Sign Painter; Technician Trainee; Sign Shop Foreman; Telecom Systems Analyst; Silk Screen Operator; Telecom Systems Consultant; Senior Administrative Assistant; Telecom Systems Technician 1 and 2; Site Superintendent; Telecommunication Supervisor; Software Architect; Tinsmith; Special Assistant; Trades Tender; Special Assistant to the Executive Director; Training Coordinator; Staff Development Specialist I; Transportation Counsel; Staff Development

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Technician II; Transportation Industry Analyst III; State Police Captain; Transportation Industry Customer Service; State Police Lieutenant; Transportation Officer; State Police Major; Transportation Policy Analyst III and IV; State Police Master Sergeant; Urban Planner I through VI; Stationary Engineer; Utility Engineer I and II; Stationary Engineer Assistant Chief; Veteran Secretary; Stationary Engineer Chief; Veteran Technician; Stationary Fireman; Water Engineer I through IV; Statistical Research Specialist I through 3; Water Plant Operator; Statistical Research Supervisor; Web and Publications Manager; Statistical Research Technician; Steamfitter; Steward; Steward Secretary; Storekeeper I through III; Stores Clerk; Student Intern; Student Worker; Supervisor; Supervisor & Assistant Scientist; Supervisor & Associate Scientist; Switchboard Operator 1 through 3; Administrative Assistant to the Superintendent; Assistant Legal Advisor; Legal Assistant; Senior Human Resources Specialist; Principal Internal Auditor; Division Administrator; Division Supervisor; and Private Secretary I through III.

(2) In addition, any position titles with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Attorney General, the Secretary of State, the Comptroller, the Treasurer, the Auditor General, the Supreme Court, the Court of Claims, and each legislative agency are eligible for the alternative retirement cancellation payment provided in this Section.

(c) In lieu of any retirement annuity or other benefit provided under this Article, a person who qualifies for and elects to receive the alternative retirement cancellation payment under this Section shall be entitled to receive a one-time lump sum retirement cancellation payment equal to the amount of his or her contributions to the System (including any employee contributions for optional service credit and including any employee contributions paid by the employer or credited to the employee during disability) as of the date of termination, with regular interest, multiplied by 2.

(d) Notwithstanding any other provision of this Article, a person who receives an alternative retirement cancellation payment under this Section thereby forfeits the right to any other retirement or disability benefit or refund under this Article, and no widow's, survivor's, or death

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benefit deriving from that person shall be payable under this Article. Upon accepting an alternative retirement cancellation payment under this Section, the person's creditable service and all other rights in the System are terminated for all purposes, except for the purpose of determining State group life and health benefits for the person and his or her survivors as provided under the State Employees Group Insurance Act of 1971.

(e) To the extent permitted by federal law, a person who receives an alternative retirement cancellation payment under this Section may direct the System to pay all or a portion of that payment as a rollover into another retirement plan or account qualified under the Internal Revenue Code of 1986, as amended.

(f) Notwithstanding Section 14-111, a person who has received an alternative retirement cancellation payment under this Section and who reenters service under this Article other than as a temporary employee must repay to the System the amount by which that alternative retirement cancellation payment exceeded the amount of his or her refundable employee contributions within 60 days of resuming employment under this System. For the purposes of re-establishing creditable service that was terminated upon election of the alternative retirement cancellation payment, the portion of the alternative retirement cancellation payment representing refundable employee contributions shall be deemed a refund repayable in accordance with Section 14-130.

(g) The Economic and Fiscal Commission on Government Forecasting and Accountability shall determine and report to the Governor and the General Assembly, on or before January 1, 2006, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early termination of persons receiving the alternative retirement cancellation payment under this Section and (2) the net annual savings or cost to the State from the program of alternative retirement cancellation payments under this Section.

The System, the Department of Central Management Services, the Governor's Office of Management and Budget, and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its report under this Section. The Commission may require departments to provide it with any information that it deems necessary or useful with respect to its reports under this Section, including without limitation information about (1) the final earnings of former department employees who elected to receive alternative retirement cancellation payments under this Section, (2) the earnings of current

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Department employees holding the positions vacated by persons who elected to receive alternative retirement cancellation payments under this Section, and (3) positions vacated by persons who elected to receive alternative retirement cancellation payments under this Section that have not yet been refilled.

(Source: P.A. 93-839, eff. 7-30-04.)

Sec. 15-158.3. Reports on cost reduction; effect on retirement at any age with 30 years of service.

(a) On or before November 15, 2001 and on or before November 15th of each year thereafter, the Board shall have the System's actuary prepare a report showing, on a fiscal year by fiscal year basis, the actual rate of participation in the self-managed plan authorized by Section 15-158.2, (i) by employees of the System's covered higher educational institutions who were hired on or after the implementation date of the self-managed plan and (ii) by other System participants.

The actuary's report must also quantify the extent to which employee optional retirement plan participation has reduced the State's required contributions to the System, expressed both in dollars and as a percentage of covered payroll, in relation to what the State's contributions to the System would have been (1) if the self-managed plan had not been implemented, and (2) if 45% of employees of the System's covered higher educational institutions who were hired on or after the implementation date of the self-managed plan had elected to participate in the self-managed plan and 10% of other System participants had transferred to the self-managed plan following its implementation.

(b) On or before November 15th of each year thereafter, the Illinois Board of Higher Education, in conjunction with the Bureau of the Budget (now Governor's Office of Management and Budget) shall prepare a report showing, on a fiscal year by fiscal year basis, the amount by which the costs associated with compensable sick leave have been reduced as a result of the termination of compensable sick leave accrual on and after January 1, 1998 by employees of higher education institutions who are participants in the System.

(c) On or before November 15 of 2001 and on or before November 15th of each year thereafter, the Department of Central Management Services shall prepare a report showing, on a fiscal year by fiscal year basis, the amount by which the State's cost for health insurance coverage

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under the State Employees Group Insurance Act of 1971 for retirees of the State's universities and their survivors has declined as a result of requiring some of those retirees and survivors to contribute to the cost of their basic health insurance. These year-by-year reductions in cost must be quantified both in dollars and as a level percentage of payroll covered by the System.

(d) The reports required under subsections (a), (b), and (c) shall be disseminated to the Board, the Pension Laws Commission (until it ceases to exist), the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability, the Illinois Board of Higher Education, and the Governor.

(e) The reports required under subsections (a), (b), and (c) shall be taken into account by the Pension Laws Commission (or its successor, the Economic and Fiscal Commission on Government Forecasting and Accountability) in making any recommendation to extend by legislation beyond December 31, 2002 the provision that allows a System participant to retire at any age with 30 or more years of service as authorized in Section 15-135. If that provision is extended beyond December 31, 2002, and if the most recent report under subsection (a) indicates that actual State contributions to the System for the period during which the self-managed plan has been in operation have exceeded the projected State contributions under the assumptions in clause (2) of subsection (a), then any extension of the provision beyond December 31, 2002 must require that the System's higher educational institutions and agencies cover any funding deficiency through an annual payment to the System out of appropriate resources of their own.

(Source: P.A. 93-632, eff. 2-1-04.)

(40 ILCS 5/16-133.3) (from Ch. 108 1/2, par. 16-133.3)

Sec. 16-133.3. Early retirement incentives for State employees.

(a) To be eligible for the benefits provided in this Section, a person must:

(1) be a member of this System who, on any day during June, 2002, is (i) in active payroll status as a full-time teacher employed by a department and an active contributor to this System with respect to that employment, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) receiving a disability benefit under Section 16-149 or 16-149.1, but only if the member has not been receiving that benefit for a continuous period of more than 2 years as of the date of application;

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(2) not have received any retirement annuity under this Article beginning earlier than August 1, 2002;
(3) file with the Board on or before December 31, 2002 a written application requesting the benefits provided in this Section;
(4) terminate employment under this Article no later than December 31, 2002 (or the date established under subsection (d), if applicable);
(5) by the date of termination of service, have at least 8 years of creditable service under this Article, without the use of any creditable service established under this Section;
(6) by the date of termination of service, have at least 5 years of service credit earned while participating in the System as a teacher employed by a department; and
(7) not receive any early retirement benefit under Section 14-108.3 of this Code.

For the purposes of this Section, "department" means a department as defined in Section 14-103.04 that employs a teacher as defined in this Article.

(b) An eligible person may establish up to 5 years of creditable service under this Article by making the contributions specified in subsection (c). In addition, for each period of creditable service established under this Section, a person's age at retirement shall be deemed to be enhanced by an equivalent period.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final average salary, the determination of salary or compensation under this Article or any other Article of this Code, or the determination of eligibility for or the computation of benefits under Section 16-133.2.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of a proportionate annuity payable by this System under the Retirement Systems Reciprocal Act), except for purposes of a retirement annuity under Section 16-133(a)(A), a reversionary annuity under Section 16-136, the required distributions under Section 16-142.3, and the determination of eligibility for or the computation of benefits under Section 16-133.2. Age enhancement established under this Section may be used in determining benefits payable under Article 14 of this Code under the Retirement Systems Reciprocal Act (subject to the limitations on the use of age

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enhancement provided in Section 14-108.3); age enhancement established under this Section shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, a person must pay to the System an employee contribution to be determined by the System, equal to 9.0% of the member's highest annual salary rate that would be used in the determination of the average salary for retirement annuity purposes if the member retired immediately after withdrawal, for each year of creditable service established under this Section.

If the member receives a lump sum payment for accumulated vacation, sick leave, and personal leave upon withdrawal from service, and the net amount of that lump sum payment is at least as great as the amount of the contribution required under this Section, the entire contribution must be paid by the employee by payroll deduction. If there is no such lump sum payment, or if it is less than the contribution required under this Section, the member shall make an initial payment by payroll deduction, equal to the net amount of the lump sum payment for accumulated vacation, sick leave, and personal leave, and have the remaining amount due treated as a reduction from the retirement annuity in 24 equal monthly installments beginning in the month in which the retirement annuity takes effect. The required contribution may be paid as a pre-tax deduction from earnings.

(d) In order to ensure that the efficient operation of State government is not jeopardized by the simultaneous retirement of large numbers of key personnel, the director or other head of a department may, for key employees of that department, extend the December 31, 2002 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than April 30, 2003 by so notifying the System in writing by December 31, 2002.

(e) A person who has received any age enhancement or creditable service under this Section and who reenters contributing service under this Article or Article 14 shall thereby forfeit that age enhancement and creditable service, and become entitled to a refund of the contributions made pursuant to this Section.

(f) The System shall determine the amount of the increase in the present value of future benefits resulting from the granting of early retirement incentives under this Section and shall report that amount to the Governor and the Economic and Fiscal Commission on Government

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Forecasting and Accountability on or after the effective date of this amendatory Act of the 93rd General Assembly and on or before November 15, 2004. The increase in liability reported under this subsection (f) shall not be included in the calculation of the required State contribution under Section 16-158.

(g) In addition to the contributions otherwise required under this Article, the State shall appropriate and pay to the System (1) an amount equal to $1,000,000 in State fiscal year 2004 and (2) in each of State fiscal years 2006 through 2015, a level dollar-payment based upon the increase in the present value of future benefits provided by the early retirement incentives provided under this Section amortized at 8.5% interest.

(h) The Pension Laws Commission (or its successor, the Economic and Fiscal Commission on Government Forecasting and Accountability) shall determine and report to the General Assembly, on or before January 1, 2004 and annually thereafter through the year 2013, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early retirement of persons receiving early retirement incentives under this Section and (2) the net annual savings or cost to the State from the program of early retirement incentives created under this Section.

The System, the Department of Central Management Services, the Governor's Office of Management and Budget (formerly Bureau of the Budget), and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its reports under this Section. The Commission may require departments to provide it with any information that it deems necessary or useful with respect to its reports under this Section, including without limitation information about (1) the final earnings of former department employees who elected to receive benefits under this Section, (2) the earnings of current department employees holding the positions vacated by persons who elected to receive benefits under this Section, and (3) positions vacated by persons who elected to receive benefits under this Section that have not yet been refilled.

(i) The changes made to this Section by this amendatory Act of the 92nd General Assembly do not apply to persons who retired under this Section on or before May 1, 1992. (Source: P.A. 92-566, eff. 6-25-02; 93-632, eff. 2-1-04; 93-839, eff. 7-30-04.)

(40 ILCS 5/22-803)
Sec. 22-803. Economic and Fiscal Commission on Government Forecasting and Accountability. The Illinois State Board of Investment and all pension funds and retirement systems subject to this Code shall cooperate with the Economic and Fiscal Commission on Government Forecasting and Accountability and shall upon request provide the Commission with such information and other assistance as it may find necessary or useful for the performance of its duties.

(Source: P.A. 93-632, eff. 2-1-04.)

(40 ILCS 5/22-1001) (from Ch. 108 1/2, par. 22-1001)

Sec. 22-1001. Submission of information. By March 1 of each year, the retirement systems created under Articles 2, 14, 15, 16 and 18 of this Code shall each submit the following information to the Economic and Fiscal Commission on Government Forecasting and Accountability:

(1) the most recent actuarial valuation computed using the projected unit credit actuarial cost method for retirement and ancillary benefits.

(2) a full disclosure of the provisions of the plan; economic, mortality, termination, and demographic assumptions used for the valuation; methods used to determine the actuarial values; the impact of significant changes in the actuarial assumptions and methods; the most recent experience review; and other information affecting the plan's actuarial status.

(3) the State's share of the amount necessary to fund the normal cost plus interest on the unfunded accrued liability for the next fiscal year as determined by the projected unit credit computations.

(4) a five-year history of the system's liabilities, assets (valued at cost), and unfunded liabilities.

(5) the July 1 market value of system assets and a five-year history of annual and annualized investment returns of the system's total portfolio and each segment of the portfolio; and

(6) measures of financial status, including ten-year trends of: unfunded liabilities, funded ratios, quick liability ratios, current reserves, and other solvency tests requested by the Commission.

For plan years ending prior to December 31, 1984, the historical data submitted by the retirement systems pursuant to items (4) and (6) above may be based on a cost method other than the projected unit credit actuarial cost method. In submitting the data, the retirement systems shall specify the method used.

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Sec. 22-1002. Within 3 days of the Governor's submission of the State Budget, the Director of the Governor's Office of Management and Budget shall provide the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability with the recommendations for budgeted annual appropriations for each system as specified in the Governor's budget recommendations.

Sec. 22-1003. The Economic and Fiscal Commission on Government Forecasting and Accountability shall receive the information specified in Section 22-1001 and Section 22-1002 of this Act. Commission staff shall examine the information and submit a report of the analysis thereof to the General Assembly. The report shall also include either an analysis of the effect of the different economic assumptions used by the 5 systems, or supplemental valuations using the same economic assumptions for all 5 systems. The Commission shall compare (1) each system's required actuarial funding computed using the projected unit credit actuarial cost method, and (2) the required State contribution levels established by Public Act 88-593. The report shall also identify the amount of the required funding for each system expected to come from (i) budgeted annual appropriations and (ii) continuing appropriations under the State Pension Funds Continuing Appropriation Act.

The Commission shall also compute multiple year projections showing the effect on system liabilities and the State's annual cost (1) if the systems were to be funded according to actuarial recommendations that the Commission deems reasonable, (2) if each system were to be funded according to recommendations made by the system's actuary, and (3) if the systems were to be funded according to the required State contribution levels established by Public Act 88-593; including (i) comparisons of State costs with projected benefit payments, payroll, and the general funds budget, and (ii) comparisons of unfunded liabilities, funded ratios, solvency tests, and projected reserves. The Commission may conduct additional analyses and projections as it deems useful.
Sec. 1. Appropriations from State Pensions Fund. For the purpose of making up any deficiency in the appropriations to the designated retirement systems that are required to be made under Section 8.12 of the State Finance Act, there is hereby appropriated, on a continuing annual basis in each fiscal year, from the State Pensions Fund to each designated retirement system, the amount, if any, by which the total appropriation to that system from the State Pensions Fund for that fiscal year is less than the amount required to be appropriated to that retirement system under Section 8.12 of the State Finance Act.

The annual appropriation under this Section to each designated retirement system shall take effect on July 1 for the State fiscal year beginning on that date.

The amount of any continuing appropriation used by a retirement system under this Section for a given fiscal year shall be charged against the unexpended amount of any appropriation to that retirement system for that fiscal year under Section 8.12 of the State Finance Act that subsequently becomes available, subject to Section 8.3 of the State Finance Act.

"Designated retirement systems" means the State Employees' Retirement System of Illinois, the Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, the Judges Retirement System of Illinois, and the General Assembly Retirement System.

The appropriations made in this Section are appropriated to the designated retirement systems as a part of the annual State contribution required by the laws providing for the funding of those systems.

(Source: P.A. 87-923; 88-593, eff. 8-22-94.)

(40 ILCS 15/1.2)

Sec. 1.2. Appropriations for the State Employees' Retirement System.

(a) From each fund from which an amount is appropriated for personal services to a department or other employer under Article 14 of the Illinois Pension Code, there is hereby appropriated to that department or other employer, on a continuing annual basis for each State fiscal year, an additional amount equal to the amount, if any, by which (1) an amount equal to the percentage of the personal services line item for that department or employer from that fund for that fiscal year that the Board of Trustees of the State Employees' Retirement System of Illinois has certified under Section 14-135.08 of the Illinois Pension Code to be

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necessary to meet the State's obligation under Section 14-131 of the Illinois Pension Code for that fiscal year, exceeds (2) the amounts otherwise appropriated to that department or employer from that fund for State contributions to the State Employees' Retirement System for that fiscal year. From the effective date of this amendatory Act of the 93rd General Assembly through the final payment from a department or employer's personal services line item for fiscal year 2004, payments to the State Employees' Retirement System that otherwise would have been made under this subsection (a) shall be governed by the provisions in subsection (a-1).

(a-1) If a Fiscal Year 2004 Shortfall is certified under subsection (f) of Section 14-131 of the Illinois Pension Code, there is hereby appropriated to the State Employees' Retirement System of Illinois on a continuing basis from the General Revenue Fund an additional aggregate amount equal to the Fiscal Year 2004 Shortfall.

(b) The continuing appropriations provided for by this Section shall first be available in State fiscal year 1996.

(c) Beginning in Fiscal Year 2005, any continuing appropriation under this Section arising out of an appropriation for personal services from the Road Fund to the Department of State Police or the Secretary of State shall be payable from the General Revenue Fund rather than the Road Fund.

(Source: P.A. 93-665, eff. 3-5-04.)

Section 110. The Illinois Sports Facilities Authority Act is amended by changing Section 18 as follows:

(70 ILCS 3205/18) (from Ch. 85, par. 6018)

Sec. 18. Records and Reports of the Authority. The secretary shall keep a record of the proceedings of the Authority. The treasurer of the Authority shall be custodian of all Authority funds, and shall be bonded in such amount as the other members of the Authority may designate. The accounts and books of the Authority shall be set up and maintained in a manner approved by the Auditor General, and the Authority shall file with the Auditor General a certified annual report within 120 days after the close of its fiscal year. The Authority shall also file with the Governor, the Secretary of the Senate, the Clerk of the House of Representatives, the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability, by March 1 of each year, a written report covering its activities for the previous fiscal year and so filed, such report shall be a

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public record and open for inspection at the offices of the Authority during normal business hours.
(Source: P.A. 84-1470.)

Section 115. The Downstate Illinois Sports Facilities Authority Act is amended by changing Section 75 as follows:
(70 ILCS 3210/75)
Sec. 75. Records and reports of the Authority. The secretary shall keep a record of the proceedings of the Authority. The treasurer of the Authority shall be custodian of all Authority funds and shall be bonded in the amount the other members of the Authority may designate. The accounts and books of the Authority shall be set up and maintained in a manner approved by the Auditor General, and the Authority shall file with the Auditor General a certified annual report within 120 days after the close of its fiscal year. The Authority shall also file with the Governor, the Secretary of the Senate, the Clerk of the House of Representatives, and the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability, by March 1 of each year, a written report covering its activities for the previous fiscal year. So filed, the report shall be a public record and open for inspection at the offices of the Authority during normal business hours.
(Source: P.A. 93-227, eff. 1-1-04.)

Section 120. The Board of Higher Education Act is amended by changing Sections 9.11 and 9.18 as follows:
(110 ILCS 205/9.11) (from Ch. 144, par. 189.11)
Sec. 9.11. Effective January 1, 1980, to require the preparation of an annual capital plan which details the proposed budget year and 3 year capital needs of the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, and the Board of Trustees of Western Illinois University. Such plan shall detail capital expenditures to finance revenue producing facilities through the issuance of revenue bonds. This plan shall detail each project and the project cost in current dollar amounts. The plan shall contain the appropriate detail for the proposed budget year and the 3 year plan which will justify the projects ability to meet: the debt service requirements by producing sufficient revenue, life expectancy and

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maintenance requirements. Such annual capital plans shall be submitted to the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability no later than March 15th of each year.
(Source: P.A. 89-4, eff. 1-1-96.)

(110 ILCS 205/9.18) (from Ch. 144, par. 189.18)
Sec. 9.18. To review the annual budget proposals of the Illinois Mathematics and Science Academy and to submit to the Governor, the General Assembly, the Governor's Office of Management and Budget Bureau of the Budget, and the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability its analysis and recommendations on such budget proposals.
(Source: P.A. 85-1019; revised 8-23-03.)

Section 125. The Illinois Horse Racing Act of 1975 is amended by changing Section 1.3 as follows:
(230 ILCS 5/1.3)
Sec. 1.3. Legislative findings.
(a) The General Assembly finds that the Illinois gaming industry is a single industry consisting of horse racing and riverboat gambling. Reports issued by the legislative Economic and Fiscal Commission on Government Forecasting and Accountability in 1992, 1994, and 1998 have found that horse racing and riverboat gambling:
(1) "share many of the same characteristics" and are "more alike than different";
(2) are planned events;
(3) have similar odds of winning;
(4) occur in similar settings; and
(5) compete with each other for limited gaming dollars.
(b) The General Assembly declares it to be the public policy of this State to ensure the viability of both horse racing and riverboat aspects of the Illinois gaming industry.
(Source: P.A. 91-40, eff. 6-25-99.)

Section 130. The Toll Highway Act is amended by changing Section 23 as follows:
(605 ILCS 10/23) (from Ch. 121, par. 100-23)
Sec. 23. The Authority shall file with the Governor, the Clerk of the House of Representatives, the Secretary of the Senate, and the Illinois Economic and Fiscal Commission on Government Forecasting and Accountability, on or prior to March 15th of each year, a written statement and report covering its activities for the preceding calendar year. The

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Authority shall present, to the committees of the House of Representatives designated by the Speaker of the House and to the committees of the Senate designated by the President of the Senate, an annual report outlining its planned revenues and expenditures. The Authority shall prepare an annual capital plan which identifies capital projects by location and details the project costs in correct dollar amounts. The Authority shall also prepare and file a ten-year capital plan that includes a listing of all capital improvement projects contemplated during the ensuing ten-year period. The first ten-year capital plan shall be filed in 1991 and thereafter on the anniversary of each ten-year period.

It shall also be the duty of the Auditor General of the State of Illinois, annually to audit or cause to be audited the books and records of the Authority and to file a certified copy of the report of such audit with the Governor and with the Legislative Audit Commission, which audit reports, when so filed, shall be open to the public for inspection.
(Source: P.A. 91-256, eff. 1-1-00.)

Section 135. The Illinois Vehicle Code is amended by changing Sections 3-820 and 3-821 as follows:

(625 ILCS 5/3-820) (from Ch. 95 1/2, par. 3-820)

Sec. 3-820. Duplicate Number Plates. Upon filing in the Office of the Secretary of State an affidavit to the effect that an original number plate for a vehicle is lost, stolen or destroyed, a duplicate number plate shall be furnished upon payment of a fee of $6 for each duplicate plate and a fee of $9 for a pair of duplicate plates.

Upon filing in the Office of the Secretary of State an affidavit to the effect that an original registration sticker for a vehicle is lost, stolen or destroyed, a new registration sticker shall be furnished upon payment of a fee of $5 for registration stickers issued on or before February 28, 2005 and $20 for registration stickers issued on or after March 1, 2005.

The Secretary of State may, in his discretion, assign a new number plate or plates in lieu of a duplicate of the plate or plates so lost, stolen or destroyed, but such assignment of a new plate or plates shall not affect the right of the owner to secure a reassignment of his original registration number in the manner provided in this Act. The fee for one new number plate shall be $6, and for a pair of new number plates, $9.

For the administration of this Section, the Secretary shall consider the loss of a registration plate or plates with properly affixed registration stickers as requiring the payment of:

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(i) $11 for each duplicate is issued on or before February 28, 2005 and $26 for each duplicate sued on or after March 1, 2005; or
(ii) $14 for a pair of duplicate plates issued on or before February 28, 2005 and $29 for a pair of duplicate plates issued on or after March 1, 2005; or
(iii) $39 for a pair of duplicate plates on or after January 1, 2005, which includes a fee of $20 for the replacement sticker.

(Source: P.A. 93-840, eff. 7-30-04.)

(625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

Sec. 3-821. Miscellaneous Registration and Title Fees.

(a) The fee to be paid to the Secretary of State for the following certificates, registrations or evidences of proper registration, or for corrected or duplicate documents shall be in accordance with the following schedule:

Certificate of Title, except for an all-terrain vehicle or off-highway motorcycle $65
Certificate of Title for an all-terrain vehicle or off-highway motorcycle $30
Certificate of Title for an all-terrain vehicle or off-highway motorcycle used for production agriculture, or accepted by a dealer in trade 13
Transfer of Registration or any evidence of proper registration 15
Duplicate Registration Card for plates or other evidence of proper registration 3
Duplicate Registration Sticker or Stickers issued on or before February 28, 2005, each 5
Duplicate Registration Sticker or Stickers issued on or after March 1, 2005, each 20
Duplicate Certificate of Title 65
Corrected Registration Card or Card for other evidence of proper registration 3
Corrected Certificate of Title 65
Salvage Certificate 4
Fleet Reciprocity Permit 15
Prorate Decal 1
Prorate Backing Plate 3

There shall be no fee paid for a Junking Certificate.

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(b) The Secretary may prescribe the maximum service charge to be imposed upon an applicant for renewal of a registration by any person authorized by law to receive and remit or transmit to the Secretary such renewal application and fees therewith.

(c) If a check is delivered to the Office of the Secretary of State as payment of any fee or tax under this Code, and such check is not honored by the bank on which it is drawn for any reason, the registrant or other person tendering the check remains liable for the payment of such fee or tax. The Secretary of State may assess a service charge of $19 in addition to the fee or tax due and owing for all dishonored checks.

If the total amount then due and owing exceeds the sum of $50 and has not been paid in full within 60 days from the date such fee or tax became due to the Secretary of State, the Secretary of State shall assess a penalty of 25% of such amount remaining unpaid.

All amounts payable under this Section shall be computed to the nearest dollar.

(d) The minimum fee and tax to be paid by any applicant for apportionment of a fleet of vehicles under this Code shall be $15 if the application was filed on or before the date specified by the Secretary together with fees and taxes due. If an application and the fees or taxes due are filed after the date specified by the Secretary, the Secretary may prescribe the payment of interest at the rate of 1/2 of 1% per month or fraction thereof after such due date and a minimum of $8.

(e) Trucks, truck tractors, truck tractors with loads, and motor buses, any one of which having a combined total weight in excess of 12,000 lbs. shall file an application for a Fleet Reciprocity Permit issued by the Secretary of State. This permit shall be in the possession of any driver operating a vehicle on Illinois highways. Any foreign licensed vehicle of the second division operating at any time in Illinois without a Fleet Reciprocity Permit or other proper Illinois registration, shall subject the operator to the penalties provided in Section 3-834 of this Code. For the purposes of this Code, "Fleet Reciprocity Permit" means any second division motor vehicle with a foreign license and used only in interstate transportation of goods. The fee for such permit shall be $15 per fleet which shall include all vehicles of the fleet being registered.

(f) For purposes of this Section, "all-terrain vehicle or off-highway motorcycle used for production agriculture" means any all-terrain vehicle or off-highway motorcycle used in the raising of or the propagation of livestock, crops for sale for human consumption, crops for livestock

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consumption, and production seed stock grown for the propagation of feed grains and the husbandry of animals or for the purpose of providing a food product, including the husbandry of blood stock as a main source of providing a food product. "All-terrain vehicle or off-highway motorcycle used in production agriculture" also means any all-terrain vehicle or off-highway motorcycle used in animal husbandry, floriculture, aquaculture, horticulture, and viticulture.

(Source: P.A. 92-16, eff. 6-28-01; 93-840, eff. 7-30-04; revised 10-6-04.)

Section 999. Effective date. This Act takes effect upon becoming law.

Approved January 15, 2005.
Effective January 15, 2005.

PUBLIC ACT 93-1068
(Senate Bill No. 3196)

AN ACT in relation to budget implementation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Use Tax Act is amended by changing Section 3-55 as follows:

(35 ILCS 105/3-55) (from Ch. 120, par. 439.3-55)

Sec. 3-55. Multistate exemption. To prevent actual or likely multistate taxation, the tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:

(a) The use, in this State, of tangible personal property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.

(b) The use, in this State, of tangible personal property by an interstate carrier for hire as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer executed or in effect at the time of purchase of tangible personal property by interstate carriers for-hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for-hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal

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Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(c) The use, in this State, by owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(d) The use, in this State, of tangible personal property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another State in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other State.

(e) The temporary storage, in this State, of tangible personal property that is acquired outside this State and that, after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(f) The temporary storage in this State of building materials and fixtures that are acquired either in this State or outside this State by an Illinois registered combination retailer and construction contractor, and that the purchaser thereafter uses outside this State by incorporating that property into real estate located outside this State.

(g) The use or purchase of tangible personal property by a common carrier by rail or motor that receives the physical possession of the property in Illinois, and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(h) \textit{Except as provided in subsection (h-1), the use, in this State, of a motor vehicle that was sold in this State to a nonresident, even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates

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to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred shall be prima facie evidence that the motor vehicle will not be titled in this State.

(h-1) The exemption under subsection (h) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for the use in that state of a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state’s rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state’s rate of tax on taxable property in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this subsection shall be construed to require the removal of the vehicle from this State following the filing of an intent to title the vehicle in the purchaser’s state of residence if the purchaser titles the vehicle in his or her state of residence within 30 days after the date of sale. The tax collected under this Act in accordance with this subsection (h-1) shall be proportionately distributed as if the tax were collected at the 6.25% general rate imposed under this Act.

(i) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-90.

(j) Beginning on January 1, 2002, the use of tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or

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incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this subsection (j). The permit issued under this subsection (j) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 92-16, eff. 6-28-01; 92-488, eff. 8-23-01; 92-680, eff. 7-16-02; 92-23, eff. 6-20-03.)

Section 10. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery

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and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Until July 1, 2003 and beginning again September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

New matter indicated by italics - deletions by strikeout.
(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications...
Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(12-5) On and after July 1, 2003 and through June 30, 2004, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

New matter indicated by italics - deletions by strikeout.
(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Until July 1 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

New matter indicated by italics - deletions by strikeout.
(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) Except as provided in item (25-5) of this Section, a motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(25-5) The exemption under item (25) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state's rate of tax on taxable property in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this item shall be construed to require the removal of the vehicle from this state following the filing of an intent to title the vehicle in the purchaser's state of residence if the purchaser titles the vehicle in his or her state of residence within 30 days after the date of sale. The tax collected under this Act in accordance with this item (25-5) shall be proportionately distributed as if the tax were collected at the 6.25% general rate imposed under this Act.

New matter indicated by italics - deletions by strikeout.
(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure

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approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

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(35-5) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all

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necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff. 7-11-02; 92-680, eff. 7-16-02; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; 93-840, eff. 7-30-04; 93-1033, eff. 9-3-04; revised 9-14-04.)

Section 12. The Uniform Penalty and Interest Act is amended by changing Section 3-3 as follows:

(35 ILCS 735/3-3) (from Ch. 120, par. 2603-3)

Sec. 3-3. Penalty for failure to file or pay.

(a) This subsection (a) is applicable before January 1, 1996. A penalty of 5% of the tax required to be shown due on a return shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing (penalty for late filing or nonfiling). If any unprocessable return is corrected and filed within 21 days after notice by the Department, the late filing or nonfiling penalty shall not apply. If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty. Beginning on the effective date of this amendatory Act of 1995, in the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and has not occurred in the 2 years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a) shall be abated.

(a-5) This subsection (a-5) is applicable to returns due on and after January 1, 1996 and on or before December 31, 2000. A penalty equal to 2% of the tax required to be shown due on a return, up to a maximum amount of $250, determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed, shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing. However, if any return is not filed within 30 days after notice of nonfiling mailed by the Department to the last known address of the taxpayer contained in Department records, an additional penalty amount shall be imposed equal to the greater of $250 or 2% of the tax shown on the return. However, the additional penalty amount may not exceed $5,000 and is determined without regard to any

New matter indicated by italics - deletions by strikeout.
part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed (penalty for late filing or nonfiling). If any unprocessable return is corrected and filed within 30 days after notice by the Department, the late filing or nonfiling penalty shall not apply. If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty. In the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and has not occurred in the 2 years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a-5) shall be abated.

(a-10) This subsection (a-10) is applicable to returns due on and after January 1, 2001. A penalty equal to 2% of the tax required to be shown due on a return, up to a maximum amount of $250, reduced by any tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed, shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing. However, if any return is not filed within 30 days after notice of nonfiling mailed by the Department to the last known address of the taxpayer contained in Department records, an additional penalty amount shall be imposed equal to the greater of $250 or 2% of the tax shown on the return. However, the additional penalty amount may not exceed $5,000 and is determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed (penalty for late filing or nonfiling). If any unprocessable return is corrected and filed within 30 days after notice by the Department, the late filing or nonfiling penalty shall not apply. If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty. In the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and has not occurred in the 2 years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a-10) shall be abated.

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(b) This subsection is applicable before January 1, 1998. A penalty of 15% of the tax shown on the return or the tax required to be shown due on the return shall be imposed for failure to pay:

1. the tax shown due on the return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability); or

2. the full amount of any tax required to be shown due on a return and which is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising following a protest and hearing, the 30-day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review has expired without proceedings for a review having been instituted. In the case of a notice of tax liability that becomes a final assessment without a protest and hearing, the penalty provided in this paragraph (2) shall be imposed at the expiration of the period provided for the filing of a protest.

(b-5) This subsection is applicable to returns due on and after January 1, 1998 and on or before December 31, 2000. A penalty of 20% of the tax shown on the return or the tax required to be shown due on the return shall be imposed for failure to pay:

1. the tax shown due on the return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability); or

2. the full amount of any tax required to be shown due on a return and which is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising

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following a protest and hearing, the 30-day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review has expired without proceedings for a review having been instituted. In the case of a notice of tax liability that becomes a final assessment without a protest and hearing, the penalty provided in this paragraph (2) shall be imposed at the expiration of the period provided for the filing of a protest. (b-10) This subsection (b-10) is applicable to returns due on and after January 1, 2001 and on or before December 31, 2003. A penalty shall be imposed for failure to pay:

(1) the tax shown due on a return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability). The amount of penalty imposed under this subsection (b-10)(1) shall be 2% of any amount that is paid no later than 30 days after the due date, 5% of any amount that is paid later than 30 days after the due date and not later than 90 days after the due date, 10% of any amount that is paid later than 90 days after the due date and not later than 180 days after the due date, and 15% of any amount that is paid later than 180 days after the due date. If notice and demand is made for the payment of any amount of tax due and if the amount due is paid within 30 days after the date of the notice and demand, then the penalty for late payment or nonpayment of admitted liability under this subsection (b-10)(1) on the amount so paid shall not accrue for the period after the date of the notice and demand.

(2) the full amount of any tax required to be shown due on a return and that is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising following a protest and hearing, the 30-day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review has expired without proceedings for a review having been instituted. The amount of penalty imposed under this subsection (b-10)(2) shall be
20% of any amount that is not paid within the 30-day period. In the
case of a notice of tax liability that becomes a final assessment
without a protest and hearing, the penalty provided in this
subsection (b-10)(2) shall be imposed at the expiration of the
period provided for the filing of a protest.

(b-15) This subsection (b-15) is applicable to returns due on and
after January 1, 2004 and on or before December 31, 2004. (1) A penalty
shall be imposed for failure to pay the tax shown due or required to be
shown due on a return on or before the due date prescribed for payment of
that tax, an amount of underpayment of estimated tax, or an amount that is
reported in an amended return other than an amended return timely filed as
required by subsection (b) of Section 506 of the Illinois Income Tax Act
(penalty for late payment or nonpayment of admitted liability). The
amount of penalty imposed under this subsection (b-15)(1) shall be 2% of
any amount that is paid no later than 30 days after the due date, 10% of
any amount that is paid later than 30 days after the due date and not later
than 90 days after the due date, 15% of any amount that is paid later than
90 days after the due date and not later than 180 days after the due date,
and 20% of any amount that is paid later than 180 days after the due date.
If notice and demand is made for the payment of any amount of tax due
and if the amount due is paid within 30 days after the date of this notice
and demand, then the penalty for late payment or nonpayment of admitted
liability under this subsection (b-15)(1) on the amount so paid shall not
accrue for the period after the date of the notice and demand.

(2) A penalty shall be imposed for failure to file a return or
to show on a timely return the full amount of any tax required to be
shown due. The amount of penalty imposed under this subsection
(b-15)(2) shall be:

(A) 5% of any amount of tax (other than an amount
properly reported on an amended return timely filed as
required by subsection (b) of Section 506 of the Illinois
Income Tax Act) that is shown on a return or amended
return filed prior to the date the Department has initiated an
audit or investigation of the taxpayer;

(B) 10% of any amount of tax (other than an amount
properly reported on an amended return timely filed as
required by subsection (b) of Section 506 of the Illinois
Income Tax Act) that is shown on a return or amended
return filed on or after the date the Department has initiated

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an audit or investigation of the taxpayer, but prior to the date any notice of deficiency, notice of tax liability, notice of assessment or notice of final assessment is issued by the Department with respect to any portion of such underreported amount; or

(C) 20% of any amount that is not reported on a return or amended return filed prior to the date any notice of deficiency, notice of tax liability, notice of assessment or notice of final assessment is issued by the Department with respect to any portion of such underreported amount.

(b-20) This subsection (b-20) is applicable to returns due on and after January 1, 2005.

(1) A penalty shall be imposed for failure to pay, prior to the due date for payment, any amount of tax the payment of which is required to be made prior to the filing of a return or without a return (penalty for late payment or nonpayment of estimated or accelerated tax). The amount of penalty imposed under this paragraph (1) shall be 2% of any amount that is paid no later than 30 days after the due date and 10% of any amount that is paid later than 30 days after the due date.

(2) A penalty shall be imposed for failure to pay the tax shown due or required to be shown due on a return on or before the due date prescribed for payment of that tax or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of tax). The amount of penalty imposed under this paragraph (2) shall be 2% of any amount that is paid no later than 30 days after the due date, 10% of any amount that is paid later than 30 days after the due date and prior to the date the Department has initiated an audit or investigation of the taxpayer, and 20% of any amount that is paid after the date the Department has initiated an audit or investigation of the taxpayer; provided that the penalty shall be reduced to 15% if the entire amount due is paid not later than 30 days after the Department has provided the taxpayer with an amended return (following completion of an occupation, use, or excise tax audit) or a form for waiver of restrictions on assessment (following completion of an income tax audit); provided further that the reduction to 15% shall be rescinded if the taxpayer makes

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any claim for refund or credit of the tax, penalties, or interest
determined to be due upon audit, except in the case of a claim filed
pursuant to subsection (b) of Section 506 of the Illinois Income Tax
Act or to claim a carryover of a loss or credit, the availability of
which was not determined in the audit. For purposes of this
paragraph (2), any overpayment reported on an original return
that has been allowed as a refund or credit to the taxpayer shall be
deemed to have not been paid on or before the due date for
payment and any amount paid under protest pursuant to the
provisions of the State Officers and Employees Money Disposition
Act shall be deemed to have been paid after the Department has
initiated an audit and more than 30 days after the Department has
provided the taxpayer with an amended return (following
completion of an occupation, use, or excise tax audit) or a form for
waiver of restrictions on assessment (following completion of an
income tax audit).

(3) The penalty imposed under this subsection (b-20) shall
be deemed assessed at the time the tax upon which the penalty is
computed is assessed, except that, if the reduction of the penalty
imposed under paragraph (2) of this subsection (b-20) to 15% is
rescinded because a claim for refund or credit has been filed, the
increase in penalty shall be deemed assessed at the time the claim
for refund or credit is filed.

(c) For purposes of the late payment penalties, the basis of the
penalty shall be the tax shown or required to be shown on a return,
whichever is applicable, reduced by any part of the tax which is paid on
time and by any credit which was properly allowable on the date the return
was required to be filed.

(d) A penalty shall be applied to the tax required to be shown even
if that amount is less than the tax shown on the return.

(e) This subsection (e) is applicable to returns due before January
1, 2001. If both a subsection (b)(1) or (b-5)(1) penalty and a subsection
(b)(2) or (b-5)(2) penalty are assessed against the same return, the
subsection (b)(2) or (b-5)(2) penalty shall be assessed against only the
additional tax found to be due.

(e-5) This subsection (e-5) is applicable to returns due on and after
January 1, 2001. If both a subsection (b-10)(1) penalty and a subsection (b-
10)(2) penalty are assessed against the same return, the subsection (b-
10)(2) penalty shall be assessed against only the additional tax found to be due.

(f) If the taxpayer has failed to file the return, the Department shall determine the correct tax according to its best judgment and information, which amount shall be prima facie evidence of the correctness of the tax due.

(g) The time within which to file a return or pay an amount of tax due without imposition of a penalty does not extend the time within which to file a protest to a notice of tax liability or a notice of deficiency.

(h) No return shall be determined to be unprocessable because of the omission of any information requested on the return pursuant to Section 2505-575 of the Department of Revenue Law (20 ILCS 2505/2505-575).

(i) If a taxpayer has a tax liability that is eligible for amnesty under the Tax Delinquency Amnesty Act and the taxpayer fails to satisfy the tax liability during the amnesty period provided for in that Act, then the penalty imposed by the Department under this Section shall be imposed in an amount that is 200% of the amount that would otherwise be imposed under this Section.

(Source: P.A. 92-742, eff. 7-25-02; 93-26, eff. 6-20-03; 93-32, eff. 6-20-03; revised 8-1-03.)

Section 15. The Local Mass Transit District Act is amended by changing Section 5.01 as follows:

(70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

Sec. 5.01. Metro East Mass Transit District; use and occupation taxes.

(a) The Board of Trustees of any Metro East Mass Transit District may, by ordinance adopted with the concurrence of two-thirds of the then trustees, impose throughout the District any or all of the taxes and fees provided in this Section. All taxes and fees imposed under this Section shall be used only for public mass transportation systems, and the amount used to provide mass transit service to unserved areas of the District shall be in the same proportion to the total proceeds as the number of persons residing in the unserved areas is to the total population of the District. Except as otherwise provided in this Act, taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes.

New matter indicated by italics - deletions by strikeout.
(b) The Board may impose a Metro East Mass Transit District Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the district at a rate of 1/4 of 1%, or as authorized under subsection (d-5) of this Section, of the gross receipts from the sales made in the course of such business within the district. The tax imposed under this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the Section may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Metro East Mass Transit District tax fund established under paragraph (g) of this Section.

If a tax is imposed under this subsection (b), a tax shall also be imposed under subsections (c) and (d) of this Section.

New matter indicated by italics - deletions by strikeout.
For the purpose of determining whether a tax authorized under this Section is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

_No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State._

Nothing in this Section shall be construed to authorize the Metro East Mass Transit District to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

(c) If a tax has been imposed under subsection (b), a Metro East Mass Transit District Service Occupation Tax shall also be imposed upon all persons engaged, in the district, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the District, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax rate shall be 1/4%, or as authorized under subsection (d-5) of this Section, of the selling price of tangible personal property so transferred within the district. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure as are prescribed in Sections 1a-1, 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the Authority), 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the Authority), 5, 7, 8

New matter indicated by italics - deletions by strikeout.
(except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the District), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the District), the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Metro East Mass Transit District tax fund established under paragraph (g) of this Section.

Nothing in this paragraph shall be construed to authorize the District to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(d) If a tax has been imposed under subsection (b), a Metro East Mass Transit District Use Tax shall also be imposed upon the privilege of using, in the district, any item of tangible personal property that is purchased outside the district at retail from a retailer, and that is titled or registered with an agency of this State's government, at a rate of 1/4%, or as authorized under subsection (d-5) of this Section, of the selling price of the tangible personal property within the District, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the District. The tax shall be collected by the Department of Revenue for the Metro East Mass Transit District. The tax must be paid to the State, or an exemption determination must be obtained from the Department of

New matter indicated by italics - deletions by strikeout.
Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, that are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Metro East Mass Transit District tax fund established under paragraph (g) of this Section.

(d-5) (A) The county board of any county participating in the Metro East Mass Transit District may authorize, by ordinance, a referendum on the question of whether the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East Mass Transit District Use Tax for the District should be increased from 0.25% to 0.75%.
Upon adopting the ordinance, the county board shall certify the proposition to the proper election officials who shall submit the proposition to the voters of the District at the next election, in accordance with the general election law.

The proposition shall be in substantially the following form:

Shall the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East Mass Transit District Use Tax be increased from 0.25% to 0.75%?

(B) Two thousand five hundred electors of any Metro East Mass Transit District may petition the Chief Judge of the Circuit Court, or any judge of that Circuit designated by the Chief Judge, in which that District is located to cause to be submitted to a vote of the electors the question whether the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East Mass Transit District Use Tax for the District should be increased from 0.25% to 0.75%.

Upon submission of such petition the court shall set a date not less than 10 nor more than 30 days thereafter for a hearing on the sufficiency thereof. Notice of the filing of such petition and of such date shall be given in writing to the District and the County Clerk at least 7 days before the date of such hearing.

If such petition is found sufficient, the court shall enter an order to submit that proposition at the next election, in accordance with general election law.

The form of the petition shall be in substantially the following form: To the Circuit Court of the County of (name of county):

We, the undersigned electors of the (name of transit district), respectfully petition your honor to submit to a vote of the electors of (name of transit district) the following proposition:

Shall the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East Mass Transit District Use Tax be increased from 0.25% to 0.75%?

Name Address, with Street and Number.

...........................................................................................
...........................................................................................

(C) The votes shall be recorded as "YES" or "NO". If a majority of all votes cast on the proposition are for the increase in the tax rates, the

New matter indicated by italics - deletions by strikeout.
Metro East Mass Transit District shall begin imposing the increased rates in the District, and the Department of Revenue shall begin collecting the increased amounts, as provided under this Section. An ordinance imposing or discontinuing a tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing.

(D) If the voters have approved a referendum under this subsection, before November 1, 1994, to increase the tax rate under this subsection, the Metro East Mass Transit District Board of Trustees may adopt by a majority vote an ordinance at any time before January 1, 1995 that excludes from the rate increase tangible personal property that is titled or registered with an agency of this State's government. The ordinance excluding titled or registered tangible personal property from the rate increase must be filed with the Department at least 15 days before its effective date. At any time after adopting an ordinance excluding from the rate increase tangible personal property that is titled or registered with an agency of this State's government, the Metro East Mass Transit District Board of Trustees may adopt an ordinance applying the rate increase to that tangible personal property. The ordinance shall be adopted, and a certified copy of that ordinance shall be filed with the Department, on or before October 1, whereupon the Department shall proceed to administer and enforce the rate increase against tangible personal property titled or registered with an agency of this State's government as of the following January 1. After December 31, 1995, any reimposed rate increase in effect under this subsection shall no longer apply to tangible personal property titled or registered with an agency of this State's government. Beginning January 1, 1996, the Board of Trustees of any Metro East Mass Transit District may never reimpose a previously excluded tax rate increase on tangible personal property titled or registered with an agency of this State's government.

(d-6) If the Board of Trustees of any Metro East Mass Transit District has imposed a rate increase under subsection (d-5) and filed an ordinance with the Department of Revenue excluding titled property from the higher rate, then that Board may, by ordinance adopted with the concurrence of two-thirds of the then trustees, impose throughout the District a fee. The fee on the excluded property shall not exceed $20 per retail transaction or an amount equal to the amount of tax excluded,

New matter indicated by italics - deletions by strikeout.
whichever is less, on tangible personal property that is titled or registered with an agency of this State's government. No fee shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

(d-7) If a fee has been imposed under subsection (d-6), a fee shall also be imposed upon the privilege of using, in the district, any item of tangible personal property that is titled or registered with any agency of this State's government, in an amount equal to the amount of the fee imposed under subsection (d-6).

(d-8) No item of titled property shall be subject to both the higher rate approved by referendum, as authorized under subsection (d-5), and any fee imposed under subsection (d-6) or (d-7).

(d-9) If fees have been imposed under subsections (d-6) and (d-7), the Board shall forward a copy of the ordinance adopting such fees, which shall include all zip codes in whole or in part within the boundaries of the district, to the Secretary of State within thirty days. By the 25th of each month, the Secretary of State shall subsequently provide the Illinois Department of Revenue with a list of identifiable retail transactions subject to the .25% rate occurring within the zip codes which are in whole or in part within the boundaries of the district and a list of title applications for addresses within the boundaries of the district for the previous month.

(d-10) In the event that a retailer fails to pay applicable fees within 30 days of the date of the transaction, a penalty shall be assessed at the rate of 25% of the amount of fees. Interest on both late fees and penalties shall be assessed at the rate of 1% per month. All fees, penalties, and attorney fees shall constitute a lien on the personal and real property of the retailer.

(e) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (c) or (d) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(f) The Board may impose a replacement vehicle tax of $50 on any passenger car, as defined in Section 1-157 of the Illinois Vehicle Code, purchased within the district area by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss.
claim. The tax imposed may not become effective before the first day of the month following the passage of the ordinance imposing the tax and receipt of a certified copy of the ordinance by the Department of Revenue. The Department of Revenue shall collect the tax for the district in accordance with Sections 3-2002 and 3-2003 of the Illinois Vehicle Code.

The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named districts, the districts to be those from which retailers have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each district shall be the amount collected hereunder during the second preceding calendar month by the Department, less any amount determined by the Department to be necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the disbursement certification to the districts, provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in the certification.

(g) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the Metro East Mass Transit District as of September 1 next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, except as provided in subsection (d-5) of this Section, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing.

(h) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the District. The taxes shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the
State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the District, which shall be the then balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the District, the Comptroller shall cause an order to be drawn for payment for the amount in accordance with the direction in the certification.

(Source: P.A. 93-590; eff. 1-1-04.)

Section 20. The Regional Transportation Authority Act is amended by changing Section 4.03 as follows:

(70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)
Sec. 4.03. Taxes.

(a) In order to carry out any of the powers or purposes of the Authority, the Board may by ordinance adopted with the concurrence of 9 of the then Directors, impose throughout the metropolitan region any or all of the taxes provided in this Section. Except as otherwise provided in this Act, taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes.

(b) The Board may impose a public transportation tax upon all persons engaged in the metropolitan region in the business of selling at retail motor fuel for operation of motor vehicles upon public highways. The tax shall be at a rate not to exceed 5% of the gross receipts from the sales of motor fuel in the course of the business. As used in this Act, the term "motor fuel" shall have the same meaning as in the Motor Fuel Tax Law. The Board may provide for details of the tax. The provisions of any tax shall conform, as closely as may be practicable, to the provisions of the Municipal Retailers Occupation Tax Act, including without limitation, conformity to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed, except that reference in the Act to any municipality shall refer to the Authority and the tax shall be imposed only with regard to receipts from sales of motor fuel in the metropolitan region, at rates as limited by this Section.

New matter indicated by italics - deletions by strikeout.
(c) In connection with the tax imposed under paragraph (b) of this Section the Board may impose a tax upon the privilege of using in the metropolitan region motor fuel for the operation of a motor vehicle upon public highways, the tax to be at a rate not in excess of the rate of tax imposed under paragraph (b) of this Section. The Board may provide for details of the tax.

(d) The Board may impose a motor vehicle parking tax upon the privilege of parking motor vehicles at off-street parking facilities in the metropolitan region at which a fee is charged, and may provide for reasonable classifications in and exemptions to the tax, for administration and enforcement thereof and for civil penalties and refunds thereunder and may provide criminal penalties thereunder, the maximum penalties not to exceed the maximum criminal penalties provided in the Retailers' Occupation Tax Act. The Authority may collect and enforce the tax itself or by contract with any unit of local government. The State Department of Revenue shall have no responsibility for the collection and enforcement unless the Department agrees with the Authority to undertake the collection and enforcement. As used in this paragraph, the term "parking facility" means a parking area or structure having parking spaces for more than 2 vehicles at which motor vehicles are permitted to park in return for an hourly, daily, or other periodic fee, whether publicly or privately owned, but does not include parking spaces on a public street, the use of which is regulated by parking meters.

(e) The Board may impose a Regional Transportation Authority Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the metropolitan region. In Cook County the tax rate shall be 1% of the gross receipts from sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, and 3/4% of the gross receipts from other taxable sales made in the course of that business. In DuPage, Kane, Lake, McHenry, and Will Counties, the tax rate shall be 1/4% of the gross receipts from all taxable sales made in the course of that business. The tax imposed under this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties so
collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination in a single amount with State taxes that sellers are required to collect under the Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

If a tax is imposed under this subsection (e), a tax shall also be imposed under subsections (f) and (g) of this Section.

For the purpose of determining whether a tax authorized under this Section is applicable, a retail sale by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

New matter indicated by italics - deletions by strikeout.
Nothing in this Section shall be construed to authorize the Regional Transportation Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(f) If a tax has been imposed under paragraph (e), a Regional Transportation Authority Service Occupation Tax shall also be imposed upon all persons engaged, in the metropolitan region in the business of making sales of service, who as an incident to making the sales of service, transfer tangible personal property within the metropolitan region, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. In Cook County, the tax rate shall be: (1) 1% of the serviceman's cost price of food prepared for immediate consumption and transferred incident to a sale of service subject to the service occupation tax by an entity licensed under the Hospital Licensing Act or the Nursing Home Care Act that is located in the metropolitan region; (2) 1% of the selling price of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics; and (3) 3/4% of the selling price from other taxable sales of tangible personal property transferred. In DuPage, Kane, Lake, McHenry and Will Counties the rate shall be 1/4% of the selling price of all tangible personal property transferred.

The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the Authority), 5, 7, 8
(except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the Authority), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the Authority), the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, that charge may be stated in combination in a single amount with State tax that servicemen are authorized to collect under the Service Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

Nothing in this paragraph shall be construed to authorize the Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by the State.

(g) If a tax has been imposed under paragraph (e), a tax shall also be imposed upon the privilege of using in the metropolitan region, any item of tangible personal property that is purchased outside the metropolitan region at retail from a retailer, and that is titled or registered with an agency of this State's government. In Cook County the tax rate shall be 3/4% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. In DuPage, Kane, Lake, McHenry and Will counties the tax rate shall be 1/4% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the metropolitan region. The tax shall be collected by the Department of Revenue for the Regional Transportation Authority. The tax must be paid to the State, or an

New matter indicated by italics - deletions by strikeout.
exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act, and are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

(h) The Authority may impose a replacement vehicle tax of $50 on any passenger car as defined in Section 1-157 of the Illinois Vehicle Code purchased within the metropolitan region by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. The tax imposed may not become effective before the first day of the month following the passage of the ordinance imposing the tax.

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and receipt of a certified copy of the ordinance by the Department of Revenue. The Department of Revenue shall collect the tax for the Authority in accordance with Sections 3-2002 and 3-2003 of the Illinois Vehicle Code.

The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the Authority. The amount to be paid to the Authority shall be the amount collected hereunder during the second preceding calendar month by the Department, less any amount determined by the Department to be necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the disbursement certification to the Authority provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for that amount in accordance with the directions contained in the certification.

(i) The Board may not impose any other taxes except as it may from time to time be authorized by law to impose.

(j) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers’ Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (e), (f) or (g) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(k) The provisions of any tax imposed under paragraph (c) of this Section shall conform as closely as may be practicable to the provisions of the Use Tax Act, including without limitation conformity as to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed. The taxes shall be imposed only on use within the metropolitan region and at rates as provided in the paragraph.

(l) The Board in imposing any tax as provided in paragraphs (b) and (c) of this Section, shall, after seeking the advice of the State Department of Revenue, provide means for retailers, users or purchasers of motor fuel for purposes other than those with regard to which the taxes may be imposed as provided in those paragraphs to receive refunds of

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taxes improperly paid, which provisions may be at variance with the refund provisions as applicable under the Municipal Retailers Occupation Tax Act. The State Department of Revenue may provide for certificates of registration for users or purchasers of motor fuel for purposes other than those with regard to which taxes may be imposed as provided in paragraphs (b) and (c) of this Section to facilitate the reporting and nontaxability of the exempt sales or uses.

(m) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the Regional Transportation Authority as of September 1 next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing.

(n) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the Authority. The taxes shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the Authority, which shall be the then balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds. The State Department of Revenue shall also certify to the Authority the amount of taxes collected in each County other than Cook County in the metropolitan region less the amount necessary for the payment of refunds to taxpayers in the County. With regard to the County of Cook, the certification shall specify the amount of taxes collected within the City of Chicago less the amount necessary for the payment of refunds to taxpayers in the City of Chicago and the amount collected in that portion of Cook County outside of Chicago less the amount necessary for the payment of refunds to
taxpayers in that portion of Cook County outside of Chicago. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the Authority, the Comptroller shall cause an order to be drawn for the payment for the amount in accordance with the direction in the certification.

In addition to the disbursement required by the preceding paragraph, an allocation shall be made in July 1991 and each year thereafter to the Regional Transportation Authority. The allocation shall be made in an amount equal to the average monthly distribution during the preceding calendar year (excluding the 2 months of lowest receipts) and the allocation shall include the amount of average monthly distribution from the Regional Transportation Authority Occupation and Use Tax Replacement Fund. The distribution made in July 1992 and each year thereafter under this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding calendar year. The Department of Revenue shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

(o) Failure to adopt a budget ordinance or otherwise to comply with Section 4.01 of this Act or to adopt a Five-year Program or otherwise to comply with paragraph (b) of Section 2.01 of this Act shall not affect the validity of any tax imposed by the Authority otherwise in conformity with law.

(p) At no time shall a public transportation tax or motor vehicle parking tax authorized under paragraphs (b), (c) and (d) of this Section be in effect at the same time as any retailers' occupation, use or service occupation tax authorized under paragraphs (e), (f) and (g) of this Section is in effect.

Any taxes imposed under the authority provided in paragraphs (b), (c) and (d) shall remain in effect only until the time as any tax authorized by paragraphs (e), (f) or (g) of this Section are imposed and becomes effective. Once any tax authorized by paragraphs (e), (f) or (g) is imposed the Board may not reimpose taxes as authorized in paragraphs (b), (c) and (d) of the Section unless any tax authorized by paragraphs (e), (f) or (g) of this Section becomes ineffective by means other than an ordinance of the Board.

(q) Any existing rights, remedies and obligations (including enforcement by the Regional Transportation Authority) arising under any tax imposed under paragraphs (b), (c) or (d) of this Section shall not be
affected by the imposition of a tax under paragraphs (e), (f) or (g) of this Section.
(Source: P.A. 91-51, eff. 6-30-99; 92-221, eff. 8-2-01; 92-651, eff. 7-11-02.)

Section 25. The Water Commission Act of 1985 is amended by changing Section 4 as follows:

(70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

Sec. 4. (a) The board of commissioners of any county water commission may, by ordinance, impose throughout the territory of the commission any or all of the taxes provided in this Section for its corporate purposes. However, no county water commission may impose any such tax unless the commission certifies the proposition of imposing the tax to the proper election officials, who shall submit the proposition to the voters residing in the territory at an election in accordance with the general election law, and the proposition has been approved by a majority of those voting on the proposition.

The proposition shall be in the form provided in Section 5 or shall be substantially in the following form:

-------------------------------------------------------------
Shall the (insert corporate name of county water commission) YES
impose (state type of tax or taxes to be imposed) at the NO
rate of 1/4%?
-------------------------------------------------------------

Taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes.

(b) The board of commissioners may impose a County Water Commission Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the territory of the commission at a rate of 1/4% of the gross receipts from the sales made in the course of such business within the territory. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose

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of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicine, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act and under subsection (e) of Section 4.03 of the Regional Transportation Authority Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

For the purpose of determining whether a tax authorized under this paragraph is applicable, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does

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not apply to coal or other mineral when it is delivered or shipped by the
seller to the purchaser at a point outside Illinois so that the sale is exempt
under the Federal Constitution as a sale in interstate or foreign commerce.

If a tax is imposed under this subsection (b) a tax shall also be
imposed under subsections (c) and (d) of this Section.

No tax shall be imposed or collected under this subsection on the
sale of a motor vehicle in this State to a resident of another state if that
motor vehicle will not be titled in this State.

Nothing in this paragraph shall be construed to authorize a county
water commission to impose a tax upon the privilege of engaging in any
business which under the Constitution of the United States may not be
made the subject of taxation by this State.

(c) If a tax has been imposed under subsection (b), a County Water
Commission Service Occupation Tax shall also be imposed upon all
persons engaged, in the territory of the commission, in the business of
making sales of service, who, as an incident to making the sales of service,
transfer tangible personal property within the territory. The tax rate shall
be 1/4% of the selling price of tangible personal property so transferred
within the territory. The tax imposed under this paragraph and all civil
penalties that may be assessed as an incident thereof shall be collected and
enforced by the State Department of Revenue. The Department shall have
full power to administer and enforce this paragraph; to collect all taxes and
penalties due hereunder; to dispose of taxes and penalties so collected in
the manner hereinafter provided; and to determine all rights to credit
memoranda arising on account of the erroneous payment of tax or penalty
hereunder. In the administration of, and compliance with, this paragraph,
the Department and persons who are subject to this paragraph shall have
the same rights, remedies, privileges, immunities, powers and duties, and
be subject to the same conditions, restrictions, limitations, penalties,
exclusions, exemptions and definitions of terms, and employ the same
modes of procedure, as are prescribed in Sections 1a-1, 2 (except that the
reference to State in the definition of supplier maintaining a place of
business in this State shall mean the territory of the commission), 2a, 3
through 3-50 (in respect to all provisions therein other than the State rate
of tax except that food for human consumption that is to be consumed off
the premises where it is sold (other than alcoholic beverages, soft drinks,
and food that has been prepared for immediate consumption) and
prescription and nonprescription medicines, drugs, medical appliances and
insulin, urine testing materials, syringes, and needles used by diabetics, for

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human use, shall not be subject to tax hereunder), 4 (except that the reference to the State shall be to the territory of the commission), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the commission), 9 (except as to the disposition of taxes and penalties collected and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the territory of the commission), the first paragraph of Section 15, 15.5, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, and any tax for which servicemen may be liable under subsection (f) of Sec. 4.03 of the Regional Transportation Authority Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

Nothing in this paragraph shall be construed to authorize a county water commission to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(d) If a tax has been imposed under subsection (b), a tax shall also imposed upon the privilege of using, in the territory of the commission, any item of tangible personal property that is purchased outside the territory at retail from a retailer, and that is titled or registered with an agency of this State's government, at a rate of 1/4% of the selling price of the tangible personal property within the territory, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the territory. The tax shall be collected by the Department of Revenue for a

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county water commission. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of, and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers, and except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act and Section 3-7 of the Uniform Penalty and Interest Act that are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall

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be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

(e) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (c) or (d) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(f) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the county water commission as of September 1 next following the adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing.

(g) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the commission. The taxes shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the commission, which shall be the then balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the commission, the Comptroller shall cause an order to be drawn for the payment for the amount in accordance with the direction in the certification.

(Source: P.A. 91-51, eff. 6-30-99; 92-221, eff. 8-2-01.)

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to State employees.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 14-103.05 and 18-127 and by adding Section 1-123 as follows:

Sec. 1-123. Service as legal counsel. Notwithstanding any provision in this Code to the contrary, if a person is a participant under Article 18 and files a written election by July 1, 2005 with the Judges Retirement System of Illinois, then that person may serve either as legal counsel in the Office of the Governor or as Chief Deputy Attorney General and (A) no retirement annuity or other benefit of that person under Article 18 is subject to forfeiture, diminishment, suspension, or other impairment solely by virtue of that service and (B) that person does not participate in any pension fund or retirement system under this Code with respect to that service. This Section applies without regard to whether the person is in active service under Article 18 of this Code on or after the effective date of this amendatory Act of the 93rd General Assembly.

Sec. 14-103.05. Employee.
(a) Any person employed by a Department who receives salary for personal services rendered to the Department on a warrant issued pursuant to a payroll voucher certified by a Department and drawn by the State Comptroller upon the State Treasurer, including an elected official described in subparagraph (d) of Section 14-104, shall become an employee for purpose of membership in the Retirement System on the first day of such employment.

A person entering service on or after January 1, 1972 and prior to January 1, 1984 shall become a member as a condition of employment and shall begin making contributions as of the first day of employment.

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A person entering service on or after January 1, 1984 shall, upon completion of 6 months of continuous service which is not interrupted by a break of more than 2 months, become a member as a condition of employment. Contributions shall begin the first of the month after completion of the qualifying period.

The qualifying period of 6 months of service is not applicable to:
(1) a person who has been granted credit for service in a position covered by the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, the General Assembly Retirement System, or the Judges Retirement System of Illinois unless that service has been forfeited under the laws of those systems; (2) a person entering service on or after July 1, 1991 in a noncovered position; or (3) a person to whom Section 14-108.2a or 14-108.2b applies.

(b) The term "employee" does not include the following:
  (1) members of the State Legislature, and persons electing to become members of the General Assembly Retirement System pursuant to Section 2-105;
  (2) incumbents of offices normally filled by vote of the people;
  (3) except as otherwise provided in this Section, any person appointed by the Governor with the advice and consent of the Senate unless that person elects to participate in this system;
  (3.1) any person serving as a commissioner of an ethics commission created under the State Officials and Employees Ethics Act unless that person elects to participate in this system with respect to that service as a commissioner;
  (3.2) any person serving as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, or staff of the Legislative Ethics Commission, regardless of whether he or she is in active service on or after July 8, 2004 (the effective date of Public Act 93-685) this amendatory Act of the 93rd General Assembly, unless that person elects to participate in this System with respect to that service; in this item (3.2), a "part-time employee" is a person who is not required to work at least 35 hours per week;
(3.3) any person who has made an election under Section 1-123 and who is serving either as legal counsel in the Office of the Governor or as Chief Deputy Attorney General;

(4) except as provided in Section 14-108.2 or 14-108.2c, any person who is covered or eligible to be covered by the Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, or the Judges Retirement System of Illinois;

(5) an employee of a municipality or any other political subdivision of the State;

(6) any person who becomes an employee after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and whose wages or fringe benefits are paid in whole or in part by funds provided under such Act;

(7) enrollees of the Illinois Young Adult Conservation Corps program, administered by the Department of Natural Resources, authorized grantee pursuant to Title VIII of the "Comprehensive Employment and Training Act of 1973", 29 USC 993, as now or hereafter amended;

(8) enrollees and temporary staff of programs administered by the Department of Natural Resources under the Youth Conservation Corps Act of 1970;

(9) any person who is a member of any professional licensing or disciplinary board created under an Act administered by the Department of Professional Regulation or a successor agency or created or re-created after the effective date of this amendatory Act of 1997, and who receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 (P.A. 84-1472) is not intended to effect any change in the status of such persons;

(10) any person who is a member of the Illinois Health Care Cost Containment Council, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership

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of this System, and this amendatory Act of 1987 is not intended to
effect any change in the status of such persons;

(11) any person who is a member of the Oil and Gas Board
created by Section 1.2 of the Illinois Oil and Gas Act, and receives
per diem compensation rather than a salary, notwithstanding that
such per diem compensation is paid by warrant issued pursuant to a
payroll voucher; or

(12) a person employed by the State Board of Higher
Education in a position with the Illinois Century Network as of
June 30, 2004, who remains continuously employed after that date
by the Department of Central Management Services in a position
with the Illinois Century Network and participates in the Article 15
system with respect to that employment.

(Source: P.A. 92-14, eff. 6-28-01; 93-685, eff. 7-8-04; 93-839, eff. 7-30-
04; revised 9-8-04.)

(40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)
Sec. 18-127. Retirement annuity - suspension on reemployment.
(a) A participant receiving a retirement annuity who is regularly
employed for compensation by an employer other than a county, in any
capacity, shall have his or her retirement annuity payments suspended
during such employment. Upon termination of such employment, retirement annuity payments at the previous rate shall be resumed.

If such a participant resumes service as a judge, he or she shall receive credit for any additional service. Upon subsequent retirement, his or her retirement annuity shall be the amount previously granted, plus the amount earned by the additional judicial service under the provisions in effect during the period of such additional service. However, if the participant was receiving the maximum rate of annuity at the time of re-employment, he or she may elect, in a written direction filed with the board, not to receive any additional service credit during the period of re-employment. In such case, contributions shall not be required during the period of re-employment. Any such election shall be irrevocable.

(b) Beginning January 1, 1991, any participant receiving a
retirement annuity who accepts temporary employment from an employer
other than a county for a period not exceeding 75 working days in any
calendar year shall not be deemed to be regularly employed for
compensation or to have resumed service as a judge for the purposes of
this Article. A day shall be considered a working day if the annuitant

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performs on it any of his duties under the temporary employment agreement.

(c) Except as provided in subsection (a), beginning January 1, 1993, retirement annuities shall not be subject to suspension upon resumption of employment for an employer, and any retirement annuity that is then so suspended shall be reinstated on that date.

(d) The changes made in this Section by this amendatory Act of 1993 shall apply to judges no longer in service on its effective date, as well as to judges serving on or after that date.

(e) A participant receiving a retirement annuity under this Article who serves as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, or staff of the Legislative Ethics Commission, but has not elected to participate in the Article 14 System with respect to that service, shall not be deemed to be regularly employed for compensation by an employer other than a county, nor to have resumed service as a judge, on the basis of that service, and the retirement annuity payments and other benefits of that person under this Code shall not be suspended, diminished, or otherwise impaired solely as a consequence of that service. This subsection (e) applies without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 93rd General Assembly. In this subsection, a "part-time employee" is a person who is not required to work at least 35 hours per week.

(f) A participant receiving a retirement annuity under this Article who has made an election under Section 1-123 and who is serving either as legal counsel in the Office of the Governor or as Chief Deputy Attorney General shall not be deemed to be regularly employed for compensation by an employer other than a county, nor to have resumed service as a judge, on the basis of that service, and the retirement annuity payments and other benefits of that person under this Code shall not be suspended, diminished, or otherwise impaired solely as a consequence of that service. This subsection (f) applies without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 93rd General Assembly.

(Source: P.A. 93-685, eff. 7-8-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout.
Approved January 15, 2005.
Effective January 15, 2005.

PUBLIC ACT 93-1070
(Senate Bill No. 3362)

AN ACT making appropriations.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 1
Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Sections 5, 30 and 60 of Article 76 as follows:
(P.A. 93-842, Art. 76, Sec. 5)
Sec. 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:
MANAGEMENT AND ADMINISTRATIVE SUPPORT
Payable from General Revenue Fund:
For Personal Services......................... 590,000
For Employee Retirement Contributions
   Paid by Employer................................ 0
For State Contributions to State
   Employees' Retirement System............. 95,000
For State Contributions to
   Social Security.............................. 45,250
For Contractual Services..................... 368,600
For Travel...................................... 3,800
For Commodities............................. 3,500
For Printing.................................. 7,600
For Equipment................................ 6,900
For Electronic Data Processing............... 19,600
For Telecommunications....................... 15,200
For Operation of Auto Equipment .......... 5,300
For Training and Education.................. 206,300
Total $1,367,050
Payable from Radiation Protection Fund:
For Personal Services....................... 186,900

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
  Paid by Employer............................... 5,600
For State Contributions to State
  Employees' Retirement System............... 30,100
For State Contributions to
  Social Security............................... 14,300
For Group Insurance............................ 48,000
For Contractual Services......................... 220,800
For Travel........................................ 10,000
For Commodities.................................. 5,400
For Printing...................................... 51,500
For Electronic Data Processing.................... 42,700
For Telecommunications Services............... 11,700
For Operation of Auto Equipment................ 16,100
Total                                                                              $643,100
Payable from Nuclear Safety Emergency Preparedness Fund:
  For Personal Services......................... 2,406,650
  For Employee Retirement Contributions
    Paid by Employer............................... 72,200
For State Contributions to State
  Employees' Retirement System............... 387,600
For State Contributions to
  Social Security............................... 184,150
For Group Insurance............................ 540,000
For Contractual Services......................... 762,200
For Travel........................................ 18,300
For Commodities.................................. 54,500
For Printing...................................... 2,000
For Equipment.................................... 61,500
For Electronic Data Processing.................... 32,300
For Telecommunications Services............... 26,200
For Operation of Auto Equipment.............. 31,250
Total                                                                              $4,578,850
Payable from Nuclear Civil Protection Planning Fund:
  For Federal Projects......................... 300,000
Payable from the Emergency Management Preparedness Fund:
  For an Emergency Management

New matter indicated by italics - deletions by strikeout.
Preparedness Program.......................... 5,675,000
Payable from Federal Civil Preparedness Administrative Fund:
For Training and Education....................... 717,300
For Terrorism Preparedness and Training costs in the current and prior years....................... 281,093,000
Total................................................................ $287,785,300

Whenever it becomes necessary for the State or any governmental unit to furnish in a disaster area emergency services directly related to or required by a disaster and existing funds are insufficient to provide such services, the Governor may, when he considers such action in the best interest of the State, release funds from the General Revenue disaster relief appropriation in order to provide such services or to reimburse local governmental bodies furnishing such services. Such appropriation may be used for payment of the Illinois National Guard when called to active duty in case of disaster, and for the emergency purchase or renting of equipment and commodities. Such appropriation shall be used for emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.

Payable from General Revenue Fund:
For disaster relief costs incurred
*in current and prior years*.......................... 894,500
*in current and prior years*.......................... 839,500

(P.A. 93-842, Art. 76, Sec. 30)

Sec. 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

**OPERATIONS**

Payable from General Revenue Fund:
For Personal Services.......................... 1,137,400
For Employee Retirement Contributions
  Paid by Employer................................. 0
For State Contributions to State Employees' Retirement System................................. 183,200
For State Contributions to Social Security ....... 87,000
For Contractual Services.......................... 84,700
For Travel........................................... 6,000

New matter indicated by italics - deletions by strikeout.
For Commodities.......................... 2,800
For Printing............................... 4,500
For Equipment............................. 38,400
For Electronic Data Processing.......... 10,600
For Telecommunications................... 190,600
For Operation of Auto Equipment......... 22,300
Total $1,767,500

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services.................... 810,300
For Employee Retirement Contributions
  Paid by Employer.......................... 24,300
For State Contributions to State Employees'
  Retirement System....................... 130,500
For State Contributions to Social Security .... 62,000
For Group Insurance....................... 240,000
For Contractual Services.................. 373,900
For Travel.................................. 39,500
For Commodities........................... 54,300
For Printing............................... 4,000
For Equipment............................. 84,500
For Electronic Data Processing.......... 7,000
For Telecommunications................... 383,500
For Operation of Auto Equipment.......... 18,000
Total $2,231,800

Payable from the Emergency Management Preparedness Fund:
For an Emergency Management
  Preparedness Program.................... 3,000,000

Payable from Federal Civil Preparedness Administrative Fund:
For Training and Education............... 350,000
(P.A. 93-842, Art. 76, Sec. 60)

Sec. 60. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER ASSISTANCE AND PREPAREDNESS

Payable from General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services............................... 394,000
For Employee Retirement Contributions
   Paid by Employer.................................. 0
For State Contributions to State
   Employees’ Retirement System.................... 63,500
For State Contributions to Social
   Security........................................... 30,100
For Commodities..................................... 1,000
For Printing......................................... 1,300
For Electronic Data Processing..................... 5,100
For Telecommunications Services................... 8,200
For Operation of Automotive Equipment.......... 6,500
State Share of Individual and Household
   Grant Program for Disaster
   Declarations:
   In current year.................................... 299,700
   In prior years..................................... 192,000
   Total .............................................. $1,001,400
Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services............................... 437,050
For Employee Retirement Contributions
   Paid by Employer.................................. 13,100
For State Contributions to State
   Employees’ Retirement System.................... 70,400
For State Contributions to Social
   Security........................................... 33,450
For Group Insurance................................ 108,000
For Contractual Services............................ 82,250
For Travel............................................ 38,000
For Commodities.................................... 11,850
For Printing......................................... 6,000
For Equipment....................................... 20,800
For Electronic Data Processing..................... 5,000
For Telecommunications Services................... 7,500
For Operation of Automotive Equipment.......... 14,000
For compensation to local governments
   for expenses attributable to implementation
   and maintenance of plans and programs
   authorized by the Nuclear Safety

New matter indicated by italics - deletions by strikeout.
Preparedness Act including expenses incurred prior to July 1, 1997............... 650,000
Total $1,497,400

Payable from the Federal Aid Disaster Fund:
Federal Share of Individual and Household Program for Disaster Declarations:
In Current Year.............................. 21,000,000
In prior years................................. 1,500,000
For State administration of the Individual and Household Grant Program...... 1,000,000
For Federal Disaster Declarations:
In Prior Years............................... 45,000,000
In Current Year............................. 30,000,000
For State administration of the Federal Disaster Relief Program.............. 1,000,000
Disaster Relief - Hazard Mitigation in Current Year.............................. 8,000,000
in Prior Years................................. 35,000,000
For State administration of the Hazard Mitigation Program.................... 1,000,000
Total $143,500,000

Payable from the Emergency Planning and Training Fund:
For Activities as a Result of the Illinois Emergency Planning and Community Right To Know Act.............................. 150,000

Payable from the Nuclear Civil Protection Planning Fund:
For Federal Projects......................... 500,000
For Flood Mitigation Assistance............... 3,000,000
Total $3,650,000

Payable from the Federal Civil Preparedness Administrative Fund:
For Training and Education.................. 2,994,000
For Training and Education.................. 1,194,000

Payable from the Emergency Management Preparedness Fund:
For Emergency Management Preparedness......... 3,025,000

ARTICLE 2
Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Section 115 and 120 of Article 54 as follows:
(P.A. 93-842, Art. 54, Sec. 115)

New matter indicated by italics - deletions by strikeout.
Sec. 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDICTION PREVENTION
GRANTS-IN-AID
For Addiction Prevention and Related Services:
Payable from General Revenue Fund.......... 5,268,000
Payable from the Youth Alcoholism and Substance Abuse Fund......................... 1,050,000
Payable from Alcoholism and Substance Abuse Fund.......................... 6,009,300
Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund...................... 16,000,000
Total $25,327,300

(P.A. 93-842, Art. 54, Sec. 120)

Sec. 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDICTION TREATMENT
GRANTS-IN-AID
Payable from the General Revenue Fund:
For Costs Associated with Addiction Treatment Services For Special Populations......................... 8,793,600
For Costs Associated with Community Based Addiction Treatment to Medicaid Eligible and KidCare clients, Including Prior Year Costs............... 50,713,500
For Costs Associated with Community Based Addiction Treatment Services................. 81,483,700
For Addiction Treatment Services for DCFS clients................................ 11,688,300
For Grants and Administrative Expenses Related to the Welfare Reform Pilot Project.......................... 2,787,200
Total $155,466,300
Payable from Illinois State Gaming Fund

New matter indicated by italics - deletions by strikeout.
For Costs Associated with Treatment of Individuals who are Compulsive Gamblers ........................................  $960,000
Total                                                                                                           $960,000

For Addiction Treatment and Related Services:
Payable from Prevention and Treatment of Alcoholism and Substance Abuse
Block Grant Fund ........................................  57,500,000
Payable from Drug Treatment Fund ..............................  5,000,000
Payable from Youth Drug Abuse Prevention Fund .........................  530,000
Total                                                                                                           $63,030,000

For underwriting the cost of housing for groups of recovering individuals:
Payable from Group Home Loan Revolving Fund .........................  100,000

For Grants and Administrative Expenses Related to the Domestic Violence and Substance Abuse Demonstration Project:
Payable from General Revenue Fund .........................  641,800

For Grants and Administrative Expenses Related to Addiction Treatment and Related Services:
Payable from Drunk and Drugged Driving Prevention Fund .........................  3,082,900
Payable from Alcoholism and Substance Abuse Fund .........................  22,102,900

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total appropriation of General Revenue Funds in Section 15 above "Addiction Treatment" among the purposes therein enumerated.

ARTICLE 3

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Section 30 of Article 53 as follows:

(P.A. 93-842, Art. 53, Sec. 30)
Sec. 30. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary,

New matter indicated by italics - deletions by strikeout.
respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN’S HEALTH INSURANCE PROGRAM ACT

Payable from Care Provider Fund for Persons With A Developmental Disability:
For Administrative Expenditures................. 94,200

Payable from Long Term Care Provider Fund:
For Skilled, Intermediate, and Other Related Long Term Care Services............... 821,328,300
For Administrative Expenditures............... 1,233,000
Total $822,655,500

Payable from Hospital Provider Fund:
For Hospitals.................................. 984,037,200
For Hospitals................................... 860,000,000
For Medical Assistance Providers............. 36,000,000
Total $1,020,037,200
Total $896,000,000

ARTICLE 4

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by adding new Section 60 to Article 21 as follows:

(P.A. 93-842, Art. 21, Sec. 60, new)

Sec. 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission to administer the Police Program:

Payable from Transportation Regulatory Fund:
For Personal Services......................... 681,950
For Employee Retirement Contributions
Paid by Employer................................. 20,500
For State Contributions to State
Employees’ Retirement System............... 109,900
For State Contributions to Social Security.................. 52,050
For Group Insurance............................ 132,000
For Contractual Services....................... 27,600
For Travel........................................ 16,500

New matter indicated by italics - deletions by strikeout.
For Commodities................................. 7,200  
For Equipment........................................ 0  
For Telecommunications Services............... 100,000  
For Operation of Auto Equipment............... 44,000  
Total                                    $1,191,700  

Section 10. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Sections 5, 20, 25, 65, and 75 of Article 77 as follows:  
(P.A. 93-842, Art. 77, Sec. 5)  
Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:  

DIVISION OF ADMINISTRATION  
Payable from General Revenue Fund:  
For Personal Services.......................... 6,581,700  
For Employee Retirement Contributions  
Paid by Employer.................................. 0  
For State Contributions to State  
Employees' Retirement System................. 1,060,100  
For State Contributions to  
Social Security................................. 436,800  
For Contractual Services..................... 3,717,500  
For Travel........................................ 40,500  
For Commodities............................... 494,500  
For Printing.................................. 93,200  
For Equipment................................. 35,600  
For Telecommunications Services........... 164,200  
For Operation of Auto Equipment............. 223,100  
For Expenses of Apprehension of  
Fugitives......................................... 0  
For Contractual Services:  
For Payment of Tort Claims.................... 58,000  
For Refunds...................................... 7,100  
For Expenses regarding implementation  
of the Juvenile Justice Reform  
provisions....................................... 174,700  
For Expenses associated with the  
Videotaping of Interrogations............... 0  
For deposit into the General  

New matter indicated by italics - deletions by strikeout.
Obligation Bond Retirement and Interest Fund for costs associated with the debt service payments of rolling stock and capital equipment ........................................... 0
Total .......................................................... $13,087,000 $13,564,000

Payable from Missing and Exploited Children Trust Fund:
For the Administration and fulfillment of its responsibilities under the Intergovernmental Missing Child Recovery Act of 1984 ........................................... 0

Payable from the State Police Wireless Service Emergency Fund:
For costs associated with the administration and fulfillment of its responsibilities under the Wireless Emergency Telephone Safety Act ........................................ 2,000,000

Payable from the State Police Vehicle Fund:
For equipment ........................................... 150,000

(P.A. 93-842, Art. 77, Sec. 20)

Sec. 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

INFORMATION SERVICES BUREAU

Payable from General Revenue Fund:
For Personal Services ...................................... 4,856,900
For Employee Retirement Contributions
Paid by Employer ........................................... 0
For State Contributions to State Employees' Retirement System .......................... 782,300
For State Contributions to Social Security ........................................... 363,500
For Contractual Services .......................... 905,700 948,200
For Travel .................................................. 28,000 38,000
For Commodities ........................................... 34,000
For Printing .................................................. 35,200
For Equipment ........................................... 3,100

New matter indicated by italics - deletions by strikeout.
New matter indicated by italics - deletions by strikeout.

<table>
<thead>
<tr>
<th>For Electronic Data Processing</th>
<th>2,165,200</th>
<th>2,222,700</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Telecommunications Services</td>
<td></td>
<td>625,500</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$9,799,400</td>
</tr>
</tbody>
</table>

Payable from LEADS Maintenance Fund:

| For Expenses Related to LEADS System | 3,500,000 |

(P.A. 93-842, Art. 77, Sec. 25)

Sec. 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF OPERATIONS

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>For Personal Services</th>
<th>60,908,200</th>
<th>53,346,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>9,048,600</td>
<td>8,592,100</td>
</tr>
<tr>
<td>For Social Security</td>
<td>1,996,200</td>
<td>2,256,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,343,800</td>
<td>5,597,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>538,400</td>
<td>600,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>556,900</td>
<td>678,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>106,000</td>
<td>122,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>84,900</td>
<td>1,058,800</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>5,900</td>
<td>88,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>2,041,900</td>
<td>2,263,000</td>
</tr>
<tr>
<td>For Expenses Regarding Implementation of the Statewide Radio Communication System</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>7,874,900</td>
<td>7,074,900</td>
</tr>
<tr>
<td>For Expenses Associated with Project X</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$87,505,700</td>
<td>$81,680,000</td>
</tr>
</tbody>
</table>

Payable from the Road Fund:

<table>
<thead>
<tr>
<th>For Personal Services</th>
<th>87,487,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>9,036,300</td>
</tr>
</tbody>
</table>
Social Security................................. 786,700
Total $97,310,000

Payable from Transportation Regulatory Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>681,950</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>20,500</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>109,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>52,050</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>132,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>27,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>16,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>7,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>132,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>27,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>44,000</td>
</tr>
<tr>
<td>Total</td>
<td>1,191,700</td>
</tr>
</tbody>
</table>

Payable from the Traffic and Criminal Conviction Surcharge Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>3,024,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>486,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>52,050</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>132,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>27,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>16,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>7,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>132,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>27,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>44,000</td>
</tr>
<tr>
<td>Total</td>
<td>5,137,600</td>
</tr>
</tbody>
</table>

Payable from the State Police Services Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Payment of Expenses:</td>
<td></td>
</tr>
<tr>
<td>Fingerprint Program</td>
<td>8,000,000</td>
</tr>
<tr>
<td>For Payment of Expenses:</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Federal & IDOT Programs.......................... 3,780,000
For Payment of Expenses:
Riverboat Gambling............................... 9,300,000
For Payment of Expenses:
Miscellaneous Programs.......................... 3,270,000
Total $24,350,000

Payable from the Illinois State Police
Federal Projects Fund:
For Payment of Expenses.......................... 15,350,000

Payable from the Motor Carrier Safety Inspection Fund:
For expenses associated with the
enforcement of Federal Motor Carrier
Safety Regulations and related
Illinois Motor Carrier
Safety Laws........................................ 2,400,000
(P.A. 93-842, Art. 77, Sec. 65)
Sec. 65. The following named amounts, or so much thereof as may
be necessary, respectively, are appropriated to the Department of State
Police for the following purposes:
DIVISION OF FORENSIC SERVICES AND IDENTIFICATION

Payable from the General Revenue Fund:
For Personal Services............................ 33,628,900
For Employee Retirement Contributions
Paid by Employer...................................... 0
For State Contributions to State
Employees' Retirement System................... 5,416,300
For State Contributions to
Social Security.................................. 2,289,100 2,379,100
For Contractual Services................. 5,554,300 7,660,800
For Travel........................................... 56,000 116,200
For Commodities.............................. 1,580,600 1,810,600
For Printing........................................ 67,900 77,900
For Equipment................................. 1,136,600 1,981,400
For Electronic Data Processing.......... 8,300 179,300
For Telecommunications Services...... 570,300 571,000
For Operation of Auto Equipment........... 164,200
For Administration of a Statewide Sexual
Assault Evidence Collection Program........... 97,200
For Operational Expenses Related to the

New matter indicated by italics - deletions by strikeout.
Combined DNA Index System ....................... 4,102,100
Total ............................................ $54,671,800 $58,185,000
For Administration and Operation
of State Crime Laboratories:
Payable from State Crime Laboratory Fund ........ 650,000
Payable from State Police DUI Fund ..................... 650,000
Payable from State Offender DNA
Identification System Fund ......................... 1,300,000
(P.A. 93-842, Art. 77, Sec. 75)
Sec. 75. The following amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of State Police
for Internal Investigation expenses as follows:
DIVISION OF INTERNAL INVESTIGATION
Payable from the General Revenue Fund:
For Personal Services .......................... 1,484,000
For Employee Retirement Contributions
Paid by Employer ................................. 0
For State Contributions to State
Employees' Retirement System ............... 239,000
For State Contributions to
Social Security ................................. 40,700
For Contractual Services ....................... 123,600
For Travel ........................................ 5,000 16,300
For Commodities .............................. 17,600 22,400
For Printing ....................................... 3,600
For Equipment ................................. 7,800 17,200
For Telecommunications Services ............ 86,400
For Operation of Auto Equipment ............... 90,800
Total ............................................. $2,098,500 $2,124,000

ARTICLE 5
Section 5. “AN ACT making appropriations”, Public Act 93-842,
approved July 30, 2004, is amended by adding new Section 140 to Article
25 as follows:
(P.A. 93-842, Art. 25, Sec. 140, new)
Sec. 140. The amount of $1,310,371, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Financial and Professional Regulation to pay for the

New matter indicated by italics - deletions by strikeout.
judgment and related costs arising from Harvey et al vs. State of Illinois, Office of Banks and Real Estate suit.

ARTICLE 6

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by adding Section 212 to Article 44 as follows:

(P.A. 93-842, Art. 44, Sec. 212, new)

Sec. 212. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for any operations, alterations, rehabilitation, new construction, and maintenance of the interior and exterior of the various buildings and facilities under the jurisdiction of the Secretary of State to enhance security measures in the Capitol Complex:

From General Revenue Fund................. $4,979,175

ARTICLE 7

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Sections 5 and 7 and adding new Section 8 of Article 2 as follows:

(P.A. 93-842, Art. 2, Sec. 5)

Sec. 5. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2004:

ANALYSIS AND REPORTING DIVISION

From the General Revenue Fund:

For Personal Services.............................. 678,800
For Personal Services.............................. 653,800
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions.......................... 40,400
For Social Security Contributions................. 29,900
For Social Security Contributions................... 49,900
Total ................................................................ $744,100

From the State Board of Education Federal Department of Education Fund:

For Personal Services.............................. 349,400
For Employee Retirement Contributions
Paid by Employer...................................... 11,700
For Retirement Contributions....................... 43,500

New matter indicated by italics - deletions by strikeout.
For Social Security Contributions.......... 26,600
For Group Insurance............................... 60,000
Total $491,200

BUDGET DIVISION

From the General Revenue Fund:

For Personal Services.......................... 343,700
For Personal Services........................... 339,700
For Employee Retirement Contributions
Paid by Employer........................................ 0
For Retirement Contributions................... 8,000
For Social Security Contributions............... 12,000
For Social Security Contributions................ 26,000
Total $373,700

From the State Board of Education Federal Department of Agriculture Fund:

For Personal Services........................... 37,700
For Employee Retirement Contributions
Paid by Employer........................................ 700
For Retirement Contributions................... 4,200
For Social Security Contributions............... 2,900
For Group Insurance................................... 6,000
Total $51,500

From the State Board of Education Federal Department of Education Fund:

For Personal Services........................... 194,000
For Employee Retirement Contributions
Paid by Employer...................................... 7,500
For Retirement Contributions................... 25,300
For Social Security Contributions............... 14,800
For Group Insurance................................... 33,000
Total $274,600

DATA SYSTEMS DIVISION

From the General Revenue Fund:

For Personal Services........................... 1,686,600
For Personal Services........................... 1,636,600
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions................... 34,700
For Social Security Contributions................ 65,100

New matter indicated by italics - deletions by strikeout.
For Social Security Contributions .................. 125,100
Total .................................................................. $1,796,400

From the Teacher Certificate Fee Revolving Fund:
For Personal Services ................................................. 75,000
For Employee Retirement Contributions
  Paid by Employer .................................................. 3,000
For Retirement Contributions ................................. 8,300
For Social Security Contributions .......................... 5,700
For Group Insurance ................................................. 12,000
Total .................................................................. $104,000

From the State Board of Education Federal Department of Agriculture Fund:
For Personal Services ................................................. 260,600
For Employee Retirement Contributions
  Paid by Employer .................................................. 10,400
For Retirement Contributions ................................. 28,900
For Social Security Contributions .......................... 19,900
For Group Insurance ................................................. 48,000
Total .................................................................. $367,800

From the State Board of Education Federal Department of Education Fund:
For Personal Services ................................................. 212,900
For Employee Retirement Contributions
  Paid by Employer .................................................. 8,400
For Retirement Contributions ................................. 23,600
For Social Security Contributions .......................... 16,300
For Group Insurance ................................................. 36,000
Total .................................................................. $297,200

EXTERNAL ASSURANCE DIVISION
From the General Revenue Fund:
For Personal Services ................................................. 404,900
For Personal Services ................................................. 399,900
For Employee Retirement Contributions
  Paid by Employer .................................................. 0
For Retirement Contributions ................................... 33,000
For Social Security Contributions .......................... 25,600
For Social Security Contributions .......................... 30,600
Total .................................................................. $463,500

New matter indicated by italics - deletions by strikeout.
From the State Board of Education Federal Department of Education Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,011,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>70,700</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>245,300</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>153,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>348,000</td>
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<tr>
<td>Total</td>
<td>$2,829,300</td>
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</table>

FINANCE AND ADMINISTRATION DIVISION

From the General Revenue Fund:

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<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>130,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>800</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>3,800</td>
</tr>
<tr>
<td>Total</td>
<td>$141,300</td>
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</table>

FISCAL AND ADMINISTRATIVE SERVICES DIVISION

From the General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,765,400</td>
</tr>
<tr>
<td>For Personal Services</td>
<td>1,740,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>3,200</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>128,700</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>82,400</td>
</tr>
<tr>
<td>Total</td>
<td>$2,001,500</td>
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</table>

From the State Board of Education Federal Department of Agriculture Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>162,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>3,200</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>22,000</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>12,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>48,000</td>
</tr>
<tr>
<td>Total</td>
<td>$248,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
From the State Board of Education Federal Department of Education Fund:

For Personal Services .................................................. 111,500
For Employee Retirement Contributions
  Paid by Employer .................................................. 4,700
  For Retirement Contributions .................................... 18,900
  For Social Security Contributions ................................ 8,500
  For Group Insurance ................................................ 36,000
  Total ........................................................................ 179,600

FUNDING AND DISBURSEMENT DIVISION

From the General Revenue Fund:

  For Personal Services .................................................. 827,800
  For Personal Services .................................................. 797,800
  For Employee Retirement Contributions
    Paid by Employer .................................................. 0
    For Retirement Contributions .................................... 36,800
  For Social Security Contributions .................................. 61,000
  Total ........................................................................ 895,600

From the Drivers Education Fund:

  For Personal Services .................................................. 57,300
  For Employee Retirement Contributions
    Paid by Employer .................................................. 1,700
    For Retirement Contributions .................................... 2,300
  For Social Security Contributions .................................. 4,400
  For Group Insurance .................................................. 15,000
  Total ........................................................................ 80,700

From the State Board of Education Federal Department of Agriculture Fund:

  For Personal Services .................................................. 222,600
  For Employee Retirement Contributions
    Paid by Employer .................................................. 7,300
    For Retirement Contributions .................................... 30,800
  For Social Security Contributions .................................. 17,000
  For Group Insurance .................................................. 60,000
  Total ........................................................................ 337,700

From the State Board of Education Federal Department of Education Fund:

  For Personal Services .................................................. 756,200

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>23,900</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>102,900</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>57,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>186,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$1,126,900</strong></td>
</tr>
</tbody>
</table>

**GENERAL COUNSEL DIVISION**

From the General Revenue Fund:

- **For Personal Services**: 840,400
- **For Personal Services**: 890,400

For Employee Retirement Contributions

- Paid by Employer: 0
- For Retirement Contributions: 90,200
- For Social Security Contributions: 50,600

**Total**: $1,046,200

From the State Board of Education Federal Department of Agriculture Fund:

- For Personal Services: 60,000
- For Employee Retirement Contributions
  - Paid by Employer: 2,400
  - For Retirement Contributions: 6,600
  - For Social Security Contributions: 4,600
  - For Group Insurance: 12,000

**Total**: $85,600

From the State Board of Education Federal Department of Education Fund:

- For Personal Services: 244,200
- For Employee Retirement Contributions
  - Paid by Employer: 8,500
  - For Retirement Contributions: 27,100
  - For Social Security Contributions: 17,400
  - For Group Insurance: 36,000

**Total**: $333,200

**GOVERNMENTAL RELATIONS DIVISION**

From the General Revenue Fund:

- **For Personal Services**: 204,800
- **For Personal Services**: 219,800

For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-1070

Paid by Employer.............................. 0
For Retirement Contributions............... 8,100
For Social Security Contributions.......... 15,900
Total $243,800

From the State Board of Education Federal Department of Education Fund:
For Personal Services........................ 113,600
For Employee Retirement Contributions
Paid by Employer.............................. 2,600
For Retirement Contributions............... 12,600
For Social Security Contributions.......... 7,100
For Group Insurance.......................... 12,000
Total $147,900

HUMAN RESOURCES DIVISION
From the General Revenue Fund:
For Personal Services......................... 764,100
For Employee Retirement Contributions
Paid by Employer.............................. 0
For Retirement Contributions............... 59,200
For Social Security Contributions.......... 57,600
Total $880,900

INFORMATION TECHNOLOGY DIVISION
From the General Revenue Fund:
For Personal Services......................... 146,700
For Employee Retirement Contributions
Paid by Employer.............................. 0
For Retirement Contributions............... 900
For Social Security Contributions.......... 10,200
Total $157,800

INTERNAL AUDIT DIVISION
From the General Revenue Fund:
For Personal Services........................ 200,400
For Personal Services......................... 325,400
For Employee Retirement Contributions
Paid by Employer.............................. 0
For Retirement Contributions............... 19,800
For Social Security Contributions.......... 19,900
For Social Security Contributions.......... 24,900
Total $370,100

New matter indicated by italics - deletions by strikeout.
OPERATIONS ADMINISTRATION DIVISION

From the General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>171,300</td>
</tr>
<tr>
<td>For Personal Services</td>
<td>166,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>8,200</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>5,700</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>10,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>14,876,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>16,981,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>313,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>69,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>105,200</td>
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<tr>
<td>For Equipment</td>
<td>78,900</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>476,800</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>11,800</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$16,082,400</strong></td>
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</table>

From the State Board of Education Federal Agency Services Fund:

<table>
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<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>847,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>122,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>22,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>13,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>11,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>75,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,033,500</strong></td>
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From the State Board of Education Federal Department of Agriculture Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>2,900,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>370,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>75,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>150,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>75,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>75,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,255,000</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
From the State Board of Education Federal Department of Education Fund:

- For Contractual Services .................. 43,012,400
- For Travel .................................. 1,387,500
- For Commodities .......................... 440,600
- For Printing ................................. 609,000
- For Equipment ............................. 383,500
- For Telecommunications ..................... 612,500
- Total .................................. $46,445,500

**PUBLIC INFORMATION DIVISION**

From the General Revenue Fund:

- Personal Services ......................... 708,900
- Employee Retirement Contributions
  - Paid by Employer .......................... 0
- Retirement Contributions ................ 59,000
  - Social Security Contributions .... 39,200
  - Social Security Contributions .... 54,200
- Total .................................. $822,100

From the State Board of Education Federal Department of Agriculture Fund:

- Personal Services ......................... 15,900
- Employee Retirement Contributions
  - Paid by Employer .......................... 600
- Retirement Contributions ................ 1,800
  - Social Security Contributions .... 1,200
- Group Insurance ......................... 3,000
- Total .................................. $22,500

SPECIAL EDUCATION ADMINISTRATION DIVISION

New matter indicated by italics - deletions by strikeout.
From the State Board of Education Federal Department of Education Fund:
For Personal Services.......................... 158,700
For Employee Retirement Contributions
  Paid by Employer............................. 5,900
  For Retirement Contributions................. 19,700
For Social Security Contributions.......... 11,000
For Group Insurance.......................... 24,000
Total........................................ 219,300

STATE SUPERINTENDENT DIVISION
From the General Revenue Fund:
  For Personal Services......................... 332,500
  For Personal Services........................ 217,500
For Employee Retirement Contributions
  Paid by Employer............................. 0
  For Retirement Contributions............... 14,800
For Social Security Contributions........... 15,800
Total........................................ 348,100

ACCOUNTABILITY DIVISION
From the General Revenue Fund:
  For Personal Services......................... 1,173,900
  For Personal Services........................ 823,900
For Employee Retirement Contributions
  Paid by Employer............................. 0
  For Retirement Contributions............... 56,800
  For Social Security Contributions.......... 37,700
  For Social Security Contributions.......... 62,700
Total........................................ 943,400
From the State Board of Education Federal Department of Agriculture Fund:
For Personal Services........................ 42,100
For Employee Retirement Contributions
  Paid by Employer............................. 1,700
  For Retirement Contributions............... 4,700
For Social Security Contributions.......... 3,200
For Group Insurance.......................... 12,000
Total........................................ 63,700

From the State Board of Education Federal Department of Education Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services.................... 186,100
For Employee Retirement Contributions
   Paid by Employer............................ 6,900
   For Retirement Contributions.............. 21,800
For Social Security Contributions......... 14,200
For Group Insurance........................ 30,000
Total........................................ $259,000

BUSINESS AND SUPPORT SERVICES DIVISION
From the General Revenue Fund:
   For Personal Services.................... 961,700
   For Personal Services.................... 926,700
   For Employee Retirement Contributions
      Paid by Employer........................... 0
   For Retirement Contributions.............. 65,800
   For Social Security Contributions........ 45,900
   For Social Security Contributions........ 70,900
Total........................................ $1,063,400
From the School Infrastructure Fund:
   For Personal Services.................... 69,900
   For Employee Retirement Contributions
      Paid by Employer........................... 3,000
   For Retirement Contributions.............. 2,800
   For Social Security Contributions........ 5,300
   For Group Insurance........................ 12,000
Total........................................ $93,000

CAREER DEVELOPMENT DIVISION
From the General Revenue Fund:
   For Personal Services.................... 247,900
   For Personal Services.................... 235,900
   For Employee Retirement Contributions
      Paid by Employer........................... 0
   For Retirement Contributions.............. 1,400
   For Social Security Contributions........ 6,000
   For Social Security Contributions........ 18,000
Total........................................ $255,300
From the State Board of Education Federal Department of Education Fund:
   For Personal Services.................... 485,900
   For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
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<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Paid by Employer</td>
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<td>For Retirement Contributions</td>
<td>63,900</td>
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<tr>
<td>For Social Security Contributions</td>
<td>37,200</td>
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<tr>
<td>For Group Insurance</td>
<td>96,000</td>
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<tr>
<td>Total</td>
<td>$699,800</td>
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</table>

**CURRICULUM AND INSTRUCTION DIVISION**

From the General Revenue Fund:

*For Personal Services* .................................. 190,700

*For Personal Services* .................................. 185,700

For Employee Retirement Contributions

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>8,100</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>9,200</td>
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<tr>
<td>For Group Insurance</td>
<td>14,200</td>
</tr>
<tr>
<td>Total</td>
<td>$208,000</td>
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From the State Board of Education Federal Agency Services Fund:

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>37,200</td>
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</tbody>
</table>
| For Employee Retirement Contributions
| Paid by Employer                                | 3,000   |
| For Retirement Contributions                    | 4,100   |
| For Social Security Contributions                | 2,800   |
| For Group Insurance                              | 6,000   |
| Total                                           | $53,100 |

From the State Board of Education Federal Department of Education Fund:

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<tr>
<th>Description</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>69,900</td>
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</tbody>
</table>
| For Employee Retirement Contributions
| Paid by Employer                                | 2,900   |
| For Retirement Contributions                    | 7,700   |
| For Social Security Contributions                | 5,300   |
| For Group Insurance                              | 12,000  |
| Total                                           | $97,800 |

From the State Board of Education Federal Department of Education Fund:

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>862,700</td>
</tr>
</tbody>
</table>
| For Employee Retirement Contributions
| Paid by Employer                                | 27,600  |
| For Retirement Contributions                    | 100,100 |
| For Social Security Contributions                | 66,000  |
| For Group Insurance                              | 159,000 |

New matter indicated by italics - deletions by strikeout.
EARLY CHILDHOOD DIVISION

From the General Revenue Fund:
- For Personal Services: 133,700
- For Employee Retirement Contributions
  - Paid by Employer: 0
  - Retirement Contributions: 13,000
  - Social Security Contributions: 10,200
- Total: $156,900

From the State Board of Education Federal Department of Education Fund:
- For Personal Services: 601,900
- For Employee Retirement Contributions
  - Paid by Employer: 24,000
  - Retirement Contributions: 78,300
  - Social Security Contributions: 46,000
  - Group Insurance: 108,000
- Total: $858,200

E-LEARNING DIVISION

From the General Revenue Fund:
- For Personal Services: 90,300
- For Personal Services: 190,300
- For Employee Retirement Contributions
  - Paid by Employer: 0
  - Retirement Contributions: 1,100
  - Social Security Contributions: 9,600
  - Group Insurance: 12,000
- Total: $206,000

From the State Board of Education Federal Department of Education Fund:
- For Personal Services: 77,100
- For Employee Retirement Contributions
  - Paid by Employer: 3,000
  - Retirement Contributions: 8,500
  - Social Security Contributions: 5,900
  - Group Insurance: 12,000
- Total: $106,500

ENGLISH LANGUAGE DIVISION

From the State Board of Education Federal Agency Services Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services................................. 72,800
For Employee Retirement Contributions
  Paid by Employer...................................... 3,000
For Retirement Contributions....................... 8,000
For Social Security Contributions.................... 5,600
For Group Insurance.................................. 15,000
  Total                                            $104,400

From the State Board of Education Federal Department of Education Fund:
For Personal Services................................. 785,400
For Employee Retirement Contributions
  Paid by Employer...................................... 30,200
For Retirement Contributions........................ 119,100
For Social Security Contributions................... 59,700
For Group Insurance.................................. 129,000
  Total                                            $1,123,400

NUTRITION PROGRAMS DIVISION
From the General Revenue Fund:
For Personal Services................................. 21,700
For Employee Retirement Contributions
  Paid by Employer...................................... 0
For Retirement Contributions........................ 100
For Social Security Contributions................... 1,700
  Total                                            $23,500

From the State Board of Education Federal Department of Agriculture Fund:
For Personal Services................................. 2,820,400
For Employee Retirement Contributions
  Paid by Employer...................................... 117,000
For Retirement Contributions........................ 344,200
For Social Security Contributions................... 139,300
For Group Insurance.................................. 416,000
  Total                                            $3,836,900

PLANNING AND PERFORMANCE DIVISION
From the General Revenue Fund:
For Personal Services................................. 103,400
For Employee Retirement Contributions
  Paid by Employer...................................... 0
For Retirement Contributions........................ 7,600

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-1070

For Social Security Contributions.................. 7,000
Total $118,000

From the State Board of Education Federal Department of Education Fund:
For Personal Services......................... 58,200
For Employee Retirement Contributions
Paid by Employer................................. 3,500
For Retirement Contributions................... 6,400
For Social Security Contributions.............. 3,600
For Group Insurance............................ 6,000
Total $77,700

SCHOOL FINANCE DIVISION

From the General Revenue Fund:
For Personal Services........................... 132,500
For Employee Retirement Contributions
Paid by Employer................................. 0
For Retirement Contributions................... 6,400
For Social Security Contributions............... 10,000
Total $148,900

SPECIAL EDUCATION – CHICAGO DIVISION

From the State Board of Education Federal Department of Education Fund:
For Personal Services........................... 1,600,600
For Employee Retirement Contributions
Paid by Employer................................. 68,100
For Retirement Contributions................... 180,300
For Social Security Contributions............... 122,700
For Group Insurance............................ 296,500
Total $2,267,800

SPECIAL EDUCATION – SPRINGFIELD DIVISION

From the State Board of Education Federal Department of Education Fund:
For Personal Services........................... 1,960,900
For Employee Retirement Contributions
Paid by Employer................................. 76,100
For Retirement Contributions................... 234,900
For Social Security Contributions............... 150,000
For Group Insurance............................ 372,000
Total $2,793,900

New matter indicated by italics - deletions by strikeout.
STUDENT ASSESSMENT DIVISION

From the General Revenue Fund:

For Personal Services: 687,400
For Personal Services: 607,400
For Employee Retirement Contributions
Paid by Employer: 0
For Retirement Contributions: 15,800
For Social Security Contributions: 21,500
For Social Security Contributions: 46,500
Total: $669,700

From the State Board of Education Federal Agency Services Fund:

For Personal Services: 65,600
For Employee Retirement Contributions
Paid by Employer: 2,800
For Retirement Contributions: 7,200
For Social Security Contributions: 5,000
For Group Insurance: 12,000
Total: $92,600

SYSTEM OF SUPPORT DIVISION

From the General Revenue Fund:

For Personal Services: 89,300
For Personal Services: 87,300
For Employee Retirement Contributions
Paid by Employer: 0
For Retirement Contributions: 500
For Social Security Contributions: 4,700
For Social Security Contributions: 6,700
Total: $94,500

From the State Board of Education Federal Department of Education Fund:

For Personal Services: 1,437,800
For Employee Retirement Contributions
Paid by Employer: 55,200
For Retirement Contributions: 159,300
For Social Security Contributions: 110,000
For Group Insurance: 264,000
Total: $2,026,300

TEACHER CERTIFICATION AND PROFESSIONAL DEVELOPMENT DIVISION

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-1070

From the General Revenue Fund:
For Personal Services......................... 1,462,100
For Employee Retirement Contributions
  Paid by Employer........................................... 0
For Retirement Contributions.................. 70,600
For Social Security Contributions............. 75,500
For Social Security Contributions............. 110,500
Total $1,643,200

From the State Board of Education Federal Department of Education Fund:
For Personal Services.......................... 182,700
For Employee Retirement Contributions
  Paid by Employer........................................... 8,300
For Retirement Contributions................... 20,200
For Social Security Contributions............. 14,000
For Group Insurance............................... 36,000
Total $261,200

TECHNOLOGY SUPPORT DIVISION
From the General Revenue Fund:
  For Personal Services.......................... 1,059,400
  For Personal Services.......................... 1,024,400
For Employee Retirement Contributions
  Paid by Employer........................................... 0
For Retirement Contributions................... 56,100
For Social Security Contributions............. 42,700
For Social Security Contributions............. 77,700
Total $1,158,200

From the State Board of Education Federal Department of Education Fund:
For Personal Services......................... 48,700
For Employee Retirement Contributions
  Paid by Employer........................................... 1,900
For Retirement Contributions................... 5,400
For Social Security Contributions............. 3,700
For Group Insurance............................... 12,000
Total $71,700

From the State Board of Education Federal Department of Education Fund:
For Personal Services......................... 81,700

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
  Paid by Employer.................................. 2,800
  For Retirement Contributions....................... 9,100
  For Social Security Contributions.................. 6,200
  For Group Insurance............................... 21,000
Total                                                                                              $120,800

P.A. 93-842, Art. 2, Sec. 7)

Sec. 7. The following amounts or so much thereof as may be necessary, which shall be used by the Illinois State Board of Education exclusively for the foregoing purposes and not, under any circumstances, for personal services expenditures or other operational or administrative costs, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2004:

From the General Revenue Fund:
  For Bilingual Education (over 500,000 population), 34-18.2 of the School Code...... 35,896,600
  For Bilingual Education (under 500,000 population), 10-22.38a of the School Code........ 28,655,400
  For Blind/Dyslexic Persons......................... 168,800
  For Career and Technical Education............... 36,062,100
  For Charter Schools................................ 3,421,500
  For Disabled Student Services/Materials...... 360,000,000
  For Disabled Student Transportation Reimbursement................................ 317,100,000
  For Disabled Student Tuition, Private Tuition.................. 66,811,500
  For District Consolidation Costs/Supplemental Payments to School Districts, 18-8.2, 18-18.3, 18-8.5, 18-8.05(l) of the School Code............... 3,518,800
  For the Early Childhood Block Grant............ 243,254,500
  For Extraordinary Special Education, 14-7.02 of the School Code............... 243,048,000
  For Fast Growth Grants............................. 10,000,000
  For General State Aid – Hold Harmless........... 30,129,800
  For the Illinois Governmental Internship Program................................ 129,900
  *For Jobs for Illinois Graduates.................. 3,000,000

New matter indicated by italics - deletions by strikeout.
For the Metro East Consortium for
Child Advocacy.............................. 217,100
For Parental Guardian Programs/
Transportation Reimbursement.......... 14,454,700
For the Philip J. Rock Center
and School................................. 2,855,500
For the Reading Improvement Block
Grant.................................. 76,139,800
For Reimbursement for the Free Breakfast/
Lunch Program............................ 20,500,000
For the School Breakfast Incentive
Program................................ 723,500
For the School Safety and Educational
Improvement Block Grant............... 54,841,000
For Standards, Assessments and
Accountability........................... 3,552,700
For the Summer Bridges Program....... 22,238,100
For Summer School Payments, 18-4.3
of the School Code...................... 6,762,000
For Tax-Equivalent Grants, 18-4.4 of
the School Code......................... 222,600
For Teacher Education................... 4,740,000
For Technology for Success............. 4,134,700
For Textbook Loans, 18-17 of the
School Code............................ 29,126,500
For Transitional Assistance............... 7,700,000
For Transition of Minority Students.... 578,800
For Transportation-Regular/Vocational,
Common School Transportation
Reimbursement, 29-5 of the School Code.... 261,630,000
For Visually Impaired/Educational
Materials Coordinating Unit, 14-11.01
of the School Code....................... 1,121,000
For Regular Education Reimbursement
Per 18-3 of the School Code............ 17,400,000
For Special Education Reimbursement
Per 14-7.03 of the School Code......... 106,100,000
For all costs associated with Alternative
Education/Regional Safe Schools........... 17,035,500

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For South Cook Intermediate Service Center</td>
<td>300,000</td>
</tr>
<tr>
<td>For Truant Alternative and Optional Education Program</td>
<td>15,578,100</td>
</tr>
<tr>
<td>For costs associated with Teach for America</td>
<td>450,000</td>
</tr>
<tr>
<td>For grants to Local Education Agencies to conduct Agriculture Education Programs</td>
<td>1,881,200</td>
</tr>
<tr>
<td>For deposit into the Temporary Relocation Expenses Revolving Fund for use by the State Board of Education as provided in Section 2-3.77 of the School Code</td>
<td>400,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$2,051,879,700</td>
</tr>
<tr>
<td>From the Education Assistance Fund:</td>
<td></td>
</tr>
<tr>
<td>For General State Aid</td>
<td>731,900,000</td>
</tr>
<tr>
<td>From the Common School Fund:</td>
<td></td>
</tr>
<tr>
<td>For General State Aid</td>
<td>2,950,301,200</td>
</tr>
<tr>
<td>From the Common School Fund:</td>
<td></td>
</tr>
<tr>
<td>For Regional Superintendents’ and Assistants’ Compensation</td>
<td>8,150,000</td>
</tr>
<tr>
<td>From the General Revenue Fund:</td>
<td></td>
</tr>
<tr>
<td>For Regional Superintendent’s Services</td>
<td>5,470,000</td>
</tr>
<tr>
<td>For all costs associated with the Teachers’ Academy of Math and Science</td>
<td>500,000</td>
</tr>
<tr>
<td>From the School District Emergency Financial Assistance Fund:</td>
<td></td>
</tr>
<tr>
<td>For Emergency Financial Assistance, 1B-8 of the School Code</td>
<td>5,333,000</td>
</tr>
<tr>
<td>From the Drivers Education Fund:</td>
<td></td>
</tr>
<tr>
<td>For Drivers Education</td>
<td>15,750,000</td>
</tr>
<tr>
<td>From the School Technology Revolving Fund:</td>
<td></td>
</tr>
<tr>
<td>For the Statewide Educational Network</td>
<td>125,000</td>
</tr>
<tr>
<td>From the Charter Schools Revolving Loan Fund:</td>
<td></td>
</tr>
<tr>
<td>For Charter Schools Loans</td>
<td>20,000</td>
</tr>
<tr>
<td>From the ISBE GED Testing Fund:</td>
<td></td>
</tr>
<tr>
<td>For all costs associated with administering GED tests</td>
<td>800,000</td>
</tr>
<tr>
<td>From the School Technology Revolving Loan Fund:</td>
<td></td>
</tr>
<tr>
<td>For School Technology Loans, 2-3.117a of the School Code</td>
<td>7,000,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
From the Temporary Relocation Expenses Revolving Grant Fund:
For Temporary Relocation Expenses, 2-3.77 of the School Code............... 1,000,000

From the State Board of Education Federal Agency Services Fund:
For Learn and Serve America.................... 2,500,000

From the State Board of Education Federal Agency Services Fund:
For Refugee Services................................ 2,500,000

From the State Board of Education Federal Department of Agriculture Fund:
For Child Nutrition................................ 450,000,000

From the State Board of Education Federal Department of Education Fund:
For Title I.................................. 650,200,000
For Title I, Reading First....................... 50,000,000
For Title II, Teacher/Principal Training..... 150,000,000
For Title III, English Language Acquisition................................. 40,000,000
For Title IV, 21st Century/Community Service Programs....................... 45,000,000
For Title IV, Safe and Drug Free Schools..... 25,000,000
For Title V, Innovation Programs.............. 21,000,000
For Title VI, Renovation/Special Education/Technology...................... 10,000,000
For Title VI, Rural and Low Income Students................................. 1,500,000
For Title X, McKinney Homeless Assistance................................... 3,000,000
For Enhancing Education through Technology.... 35,000,000
For Individuals with Disabilities Act, Deaf/Blind................................. 380,000
For Individuals with Disabilities Act, IDEA.................................. 550,000,000
For Individuals with Disabilities Act, Improvement Program.............. 2,500,000
For Individuals with Disabilities Act, Model Outreach Program Grants........... 400,000
For Individuals with Disabilities Act,
Pre-School.................................. 25,000,000
For Grants for Vocational
   Education – Basic.......................... 50,000,000
For Grants for Vocational
   Education – Technical Preparation........ 5,000,000
For Charter Schools.......................... 2,500,000
For Transition to Teaching....................... 500,000
For Advanced Placement Fee..................... 2,000,000
For Math/Science Partnerships.................. 8,000,000
For Special Federal Congressional Projects... 10,000,000
Total                                                                                  $1,688,080,000

ARTICLE 8

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Section 5 of Article 15 as follows:

(P.A. 93-842, Art. 15, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Chicago State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

Payable from the General Revenue Fund:
  For Personal Services, including payment
to the university for personal services
costs incurred during the fiscal year
and salaries accrued but unpaid to academic
personnel for personal services rendered
during the academic year 2003-2005.......... 34,861,700
  For State Contributions to Social
  Security, for Medicare......................... 369,100
  For Contractual Services............. 2,026,200
  For Travel........................................ 16,000
  For Commodities............................. 16,000
  For Equipment................................. 313,700
  For Telecommunications Services........... 304,400
  For Operation of Automotive Equipment..... 1,000
  For Awards and Grants..................... 102,200
  For Permanent Improvements.................. 816,600
Total                                                                                  $38,010,300

New matter indicated by italics - deletions by strikeout.
ARTICLE 9

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Section 43 of Article 33 as follows:

(P.A. 93-842, Art. 33, Sec. 43)

Sec. 43. The amount of $250,000 is appropriated from the General Revenue Fund to the Illinois Historic Preservation Agency for a grant for the establishment of the Vernon Jarrett Museum of Civil Rights a civil rights museum.

ARTICLE 10

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Section 5 and adding Section 6 to Article 39 as follows:

(P.A. 93-842, Art. 39, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Economic and Fiscal Commission:

For Personal Services..................  727,450  674,950
For Employee Retirement Contributions
  Paid by Employer......................  31,481  25,038
For State Contributions to State Employees’
  Retirement System.................... 110,307  108,707
For State Contribution to Social
  Security............................... 50,945   47,885
For Contractual Services...............  71,636  46,626
For Travel................................  3,100   2,100
For Commodities........................  2,363
For Printing............................  4,283
For Equipment..........................  900
For Electronic Data Processing.........  1,500
For Telecommunications Services.......  8,550  8,300
For additional costs associated with
  the assumption of duties of the
  Pension Laws Commission............... 158,000
Total                                  $1,170,515 $1,080,662

(P.A. 93-842, Art. 39, Sec. 6, new)

Sec. 6. The sum of $300,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Illinois

New matter indicated by italics - deletions by strikeout.
Economic and Fiscal Commission in order to conduct an independent review of proposals presented to the Medicaid Managed Care Task Force.

ARTICLE 11

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Section 25 of Article 14 as follows:

(P.A. 93-842, Art. 14, Sec. 25)

Sec. 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purposes:

Grants and Scholarships
For payment of matching grants to Illinois institutions to supplement scholarship programs, as provided by law.................. 950,000
For payment of Merit Recognition Scholarships to undergraduate students under the Merit Recognition Scholarship Program provided for in Section 31 of the Higher Education Student Assistance Act......................... 5,400,000
For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are dependents of correctional officers killed or permanently disabled in the line of duty, as provided by law.............. 350,000
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law.................. 4,500,000
For payment of military Veterans’ scholarships at State-controlled universities and at public community colleges for students eligible, as provided by law........... 19,230,000
For payment of Minority Teacher Scholarships..... 3,100,000
For payment of Illinois Scholars Scholarships.... 3,020,000

New matter indicated by italics - deletions by strikeout.
For payment of Illinois Incentive for Access grants, as provided by law................. 7,200,000
*For college savings bond grants to students eligible to receive such awards*........ 650,000
Total ........................................... $44,400,000

**ARTICLE 12**

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Section 65 of Article 52 as follows:

(P.A. 93-842, Art. 52, Sec. 65)

Sec. 65. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:

**GRANTS-IN-AID REGIONAL OFFICES**

**PAYABLE FROM GENERAL REVENUE FUND**

For Foster Homes and Specialized
  Foster Care and Prevention.................. 161,733,000
*For Counseling and Auxiliary Services*........ 8,425,300
*For Counseling and Auxiliary Services*........ 8,435,300
*For Institution and Group Home Care and Prevention*........................ 92,635,700
*For Institution and Group Home Care and Prevention*........................ 92,620,700
For Services Associated with the Foster Care Initiative............................. 7,613,800
For Purchase of Adoption and Guardianship Services............................... 175,745,500
For Health Care Network............................ 4,328,300
For Cash Assistance and Housing Locator Service to Families in the Class Defined in the Norman Consent Order .... 3,632,000
*For Youth in Transition Program*.................. 878,400
*For Youth in Transition Program*.................. 858,400
For Children's Personal and Physical Maintenance................................. 4,625,800
For MCO Technical Assistance and Program Development.......................... 1,663,500
For Pre Admission/Post Discharge

New matter indicated by italics - deletions by strikeout.
Psychiatric Screening.......................... 8,071,800
For Assisting in the Development
of Children's Advocacy Centers.......... 2,169,500
For Psychological Assessments
including Operations and
Administrative Expenses..................... 3,211,900
Total $474,734,500
Total $474,709,500

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Foster Homes and Specialized
Foster Care and Prevention................... 137,972,200
For Counseling and Auxiliary Services..... 19,263,600
For Institution and Group Home Care and
Prevention..................................... 92,143,300
For Assisting in the development
of Children's Advocacy Centers............ 1,505,400
For Services Associated with the Foster
Care Initiative............................... 1,620,700
For Purchase of Adoption and
Guardianship Services....................... 121,754,000
For Family Preservation Services........... 20,462,500
For Purchase of Children's Services........ 710,000
Federal Compliance/Program Improvement
Plan Implementation.......................... 19,550,000
For Family Centered Services Initiative.... 17,476,800
Total $432,458,500

ARTICLE 13

Section 5. “AN ACT making appropriations”, Public Act 93-842,
approved July 30, 2004, is amended by changing Section 55 of Article 75
as follows:

(P.A. 93-842, Art. 75, Sec. 55)

Sec. 55. The sum of $296,000 $0, or so much thereof as may be
necessary, and remains unexpended at the close of business of June 30,
2004, is reappropriated from the Road Fund to the Department of
Transportation for grants to Illinois Universities for applied research on
Transportation.

New matter indicated by italics - deletions by strikeout.
Section 10. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by adding new Section 321 of Article 98 as follows:

(P.A. 93-842, Art. 98, Sec. 321, new)

Sec. 321. The sum of $5,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2004, from the reappropriation concerning Public Transportation heretofore made in Article 8A, Section 8b3 of Public Act 93-91 as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 15. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Sections 5, 20, 25, 55, 80, 85, 90, 100, 105, 110, 115, 120, 125, 130, 155, 230, 235 and 240 of Article 74 as follows:

(P.A. 93-842, Art. 74, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

CENTRAL OFFICES, ADMINISTRATION AND PLANNING OPERATIONS

For Personal Services........................................ 21,965,500
For Personal Services........................................ 21,800,500
For Employee Retirement Contribution
Paid by State.................................................... 0
For State Contributions to State
Employees' Retirement System.............................. 3,511,200
For State Contributions to Social Security ....... 1,620,000
For Contractual Services................................. 4,774,800
For Travel.................................................. 657,200
For Commodities............................................. 471,100
For Printing................................................. 800,400
For Equipment.............................................. 116,400
For Equipment:
Purchase of Cars & Trucks................................. 0
For Telecommunications Services...................... 399,300
For Operation of Automotive Equipment.............. 159,400
Total...................................................... $34,475,300
Total...................................................... $34,310,300

New matter indicated by italics - deletions by strikeout.
Sec. 20. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**BUREAU OF INFORMATION PROCESSING OPERATIONS**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,434,400</td>
</tr>
<tr>
<td>For Personal Services</td>
<td>5,342,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td><em>Employees' Retirement System</em></td>
<td>872,500</td>
</tr>
<tr>
<td><em>Employees' Retirement System</em></td>
<td>860,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,503,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>4,465,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,043,300</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>489,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$13,441,500</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$13,337,500</strong></td>
</tr>
</tbody>
</table>

Sec. 25. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**CENTRAL OFFICES, DIVISION OF HIGHWAYS OPERATIONS**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>27,076,700</td>
</tr>
<tr>
<td>For Personal Services</td>
<td>26,746,700</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>976,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td><em>Employees' Retirement System</em></td>
<td>4,503,000</td>
</tr>
<tr>
<td><em>Employees' Retirement System</em></td>
<td>4,465,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,043,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>489,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$13,441,500</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$13,337,500</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Commodities................................. 357,300
For Equipment................................. 243,600
For Equipment:
   Purchase of Cars and Trucks............... 0
For Telecommunications Services............ 2,473,000
For Operation of Automotive Equipment..... 267,600
Total $43,295,000
Total $42,937,000

(P.A. 93-842, Art. 74, Sec. 55)
Sec. 55. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses of the Division of Traffic Safety:

TRAFFIC SAFETY
OPERATIONS

For Personal Services........................ 5,187,000
For Personal Services......................... 5,102,000
For Employee Retirement Contributions
   Paid by State.................................. 0
For State Contributions to State
   Employees' Retirement System............. 821,700
   For State Contributions to Social Security .. 363,400
   For Contractual Services................... 1,269,300
   For Travel.................................... 51,600
   For Commodities............................ 92,200
   For Printing.................................. 273,600
   For Equipment............................. 11,000
For Equipment:
   Purchase of Cars and Trucks............... 0
   For Telecommunications Services.......... 102,300
   For Operation of Automotive Equipment.... 70,400
Total $8,242,500
Total $8,157,500

(P.A. 93-842, Art. 74, Sec. 80)
Sec. 80. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DAY LABOR
OPERATIONS

New matter indicated by italics - deletions by strikeout.
For Personal Services........................................... 4,315,900  
For Personal Services........................................... 4,260,900  
For Employee Retirement Contributions  
Paid by State.......................................................... 0  
For State Contributions to State  
*Employees' Retirement System*.......................... 781,300  
*Employees' Retirement System*.......................... 686,300  
For State Contributions to Social Security ...... 325,300  
For Contractual Services................................. 912,700  
For Travel.......................................................... 226,800  
For Commodities..................................................... 95,400  
For Equipment..................................................... 186,600  
For Equipment:  
Purchase of Cars and Trucks............................. 71,400  
For Telecommunications Services.......................... 22,300  
For Operation of Automotive Equipment............. 248,300  
**Total**.................................................................. $7,186,000  
**Total**.................................................................. $7,036,000  

*(P.A. 93-842, Art. 74, Sec. 85)*  
Sec. 85. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:  
**DISTRICT 1, SCHAUMBURG OFFICE OPERATIONS**

For Personal Services........................................... 79,728,800  
For Personal Services........................................... 75,479,600  
For Extra Help..................................................... 5,704,770  
For Employee Retirement Contributions  
Paid by State.......................................................... 0  
For State Contributions to State  
*Employees' Retirement System*.......................... 13,705,600  
*Employees' Retirement System*.......................... 13,075,600  
*For State Contributions to Social Security* .... 6,292,000  
*For State Contributions to Social Security* .... 6,102,000  
For Contractual Services................................. 14,351,300  
For Travel.......................................................... 207,500  
For Commodities..................................................... 5,303,300  
For Equipment..................................................... 1,657,500  
For Equipment:

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services.............. 354,000
For Operation of Automotive Equipment......... 2,040,100
Total......................................... $45,879,400
Total......................................... $43,619,400

(P.A. 93-842, Art. 74, Sec. 95)
Sec. 95. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRIBUTION 3, OTTAWA OFFICE
OPERATIONS

For Personal Services......................... 24,100,100
For Personal Services......................... 22,360,100

New matter indicated by italics - deletions by strikeout.
For Extra Help................................. 2,276,900
For Employee Retirement Contributions
Paid by State....................................... 0
For State Contributions to State

Employees' Retirement System............... 4,168,100
Employees' Retirement System............... 3,968,100
For State Contributions to Social Security ... 1,898,400
For State Contributions to Social Security ... 1,848,400
For Contractual Services.......................... 2,668,200
For Travel........................................ 101,100
For Commodities.................................. 2,493,800
For Equipment................................... 1,172,000
For Equipment:
Purchase of Cars and Trucks.................... 1,030,200
For Telecommunications Services............... 220,100
For Operation of Automotive Equipment.......... 2,175,600
Total                                                                                       $42,304,500
Total                                                                                       $40,314,500

(P.A. 93-842, Art. 74, Sec. 100)

Sec. 100. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 4, PEORIA OFFICE
OPERATIONS

For Personal Services.......................... 21,155,400
For Personal Services.......................... 19,485,400
For Extra Help.................................. 2,141,800
For Employee Retirement Contributions
Paid by State....................................... 0
For State Contributions to State

Employees' Retirement System............... 3,633,300
Employees' Retirement System............... 3,482,300
For State Contributions to Social Security ... 1,644,300
For State Contributions to Social Security ... 1,614,300
For Contractual Services.......................... 3,595,300
For Travel........................................ 120,000
For Commodities.................................. 1,155,000
For Equipment................................... 903,600
For Equipment:

New matter indicated by italics - deletions by strikeout.
Sec. 105. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 5, PARIS OFFICE
OPERATIONS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>22,554,200</td>
</tr>
<tr>
<td>For Personal Services</td>
<td>20,939,200</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>1,652,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>3,808,600</td>
</tr>
<tr>
<td>Employees’ Retirement System</td>
<td>3,638,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,723,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,599,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>76,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,538,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>978,600</td>
</tr>
<tr>
<td>Purchase of Cars and Trucks</td>
<td>782,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>137,200</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>1,765,100</td>
</tr>
<tr>
<td>Total</td>
<td>$37,616,400</td>
</tr>
</tbody>
</table>

(P.A. 93-842, Art. 74, Sec. 110)

Sec. 110. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 6, SPRINGFIELD OFFICE
OPERATIONS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>24,507,400</td>
</tr>
<tr>
<td>For Personal Services</td>
<td>22,722,400</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Extra Help........................................ 1,500,000
For Employee Retirement Contributions
Paid by State........................................ 0
For State Contributions to State
Employees' Retirement System..................... 4,116,300
Employees' Retirement System..................... 3,901,300
For State Contributions to Social Security .... 1,858,000
For State Contributions to Social Security .... 1,808,000
For Contractual Services.......................... 2,973,600
For Travel........................................... 114,200
For Commodities................................... 1,689,800
For Equipment..................................... 808,900
For Equipment:
Purchase of Cars and Trucks......................... 711,100
For Telecommunications Services................... 225,300
For Operation of Automotive Equipment........... 2,219,700
Total$40,724,300

Total$38,674,300

(P.A. 93-842, Art. 74, Sec. 115)

Sec. 115. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 7, EFFINGHAM OFFICE
OPERATIONS

For Personal Services............................ 16,580,800
For Personal Services............................ 15,165,800
For Extra Help..................................... 1,113,700
For Employee Retirement Contributions
Paid by State........................................ 0
For State Contributions to State
Employees’ Retirement System..................... 2,797,000
Employees’ Retirement System..................... 2,622,000
For State Contributions to Social Security .... 1,260,000
For State Contributions to Social Security .... 1,210,000
For Contractual Services........................... 1,811,300
For Travel........................................... 139,900
For Commodities................................... 1,101,700
For Equipment.................................... 753,300
For Equipment:

New matter indicated by italics - deletions by strikeout.
Sec. 120. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 8, COLLINSVILLE OFFICE**

**OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>31,049,800</td>
</tr>
<tr>
<td>For Personal Services</td>
<td>28,439,800</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>1,849,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by State</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>5,268,400</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>4,878,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>2,375,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>2,260,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,169,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>184,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,615,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,296,600</td>
</tr>
</tbody>
</table>

For Equipment:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase of Cars and Trucks</td>
<td>1,292,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>703,100</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>1,831,500</td>
</tr>
<tr>
<td>Total</td>
<td>$52,635,900</td>
</tr>
<tr>
<td>Total</td>
<td>$49,520,900</td>
</tr>
</tbody>
</table>

(P.A. 93-842, Art. 74, Sec. 125)

Sec. 125. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 9, CARBONDALE OFFICE**

**OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>15,714,800</td>
</tr>
<tr>
<td>For Personal Services</td>
<td>15,039,800</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Extra Help................................. 1,265,600
For Employee Retirement Contributions
  Paid by State........................................ 0
For State Contributions to State
  Employees' Retirement System ...................... 2,736,200
  Employees' Retirement System ...................... 2,626,200
For State Contributions to Social Security .... 1,206,100
For State Contributions to Social Security .... 1,191,100
For Contractual Services....................... 2,068,800
For Travel........................................ 63,600
For Commodities................................. .795,600
For Equipment.................................... 718,800
For Equipment:
  Purchase of Cars and Trucks...................... 597,900
For Telecommunications Services.................. 100,300
For Operation of Automotive Equipment........ 1,053,700
Total                                                                 $26,321,400
Total                                                                 $25,521,400

(P.A. 93-842, Art. 74, Sec. 130)
Sec. 130. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to the Department of Transportation for the ordinary and contingent expenses of Aeronautics Operations:

AERONAUTICS DIVISION
OPERATIONS

For Personal Services:
  Payable from the Road Fund...................... 4,423,500
  Payable from the Road Fund...................... 4,235,500
For Employee Retirement Contributions
  Paid by State:
    Payable from the Road Fund...................... 0
For State Contributions to State
  Employees' Retirement System:
    Payable from the Road Fund...................... 717,200
    Payable from the Road Fund...................... 682,200
For State Contributions to Social Security:
  Payable from the Road Fund...................... 329,700
  Payable from the Road Fund...................... 319,700
For Contractual Services:

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 93-1070 4766

Payable from the Road Fund..................... 2,905,800
Payable from Air Transportation
Revolving Fund.................................. 800,000
For Travel:
Payable from the Road Fund..................... 109,300
For Travel: Executive Air Transportation
Expenses of the General Assembly:
Payable from the General Revenue Fund........ 190,100
For Travel: Executive Air Transportation
Expenses of the Governor's Office:
Payable from the General Revenue Fund........ 181,600
For Commodities:
Payable from Aeronautics Fund................... 149,500
Payable from the Road Fund..................... 454,000
For Equipment:
Payable from the General Revenue Fund........ 2,104,900
Payable from the Road Fund..................... 269,800
For Equipment: Purchase of Cars and Trucks:
Payable from the Road Fund..................... 0
For Telecommunications Services:
Payable from the Road Fund..................... 95,000
For Operation of Automotive Equipment:
Payable from the Road Fund..................... 20,100
Total $12,750,500
Total $12,517,500

(P.A. 93-842, Art. 74, Sec. 155)

Sec. 155. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses incident to Public Transportation and Railroads Operations:

PUBLIC TRANSPORTATION DIVISION
OPERATIONS

For Personal Services......................... 1,519,300
For Personal Services......................... 1,500,800
For Employee Retirement
Contributions.................................... 0
For State Contributions to State
Employees' Retirement System............... 241,700

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security
For Contractual Services
For Travel
For Commodities
For Equipment
For Equipment: Purchase of Cars and Trucks
For Telecommunications Services
For Operation of Automotive Equipment
Total

Total

(P.A. 93-842, Art. 74, Sec. 230)
Sec. 230. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Commercial Motor Vehicle Safety Program under provisions of Title IV of the Surface Transportation Assistance Act of 1982, as amended by the Transportation Equity Act for the 21st Century:

FOR THE DIVISION OF TRAFFIC SAFETY
For Personal Services
For Employee Retirement Contributions
Paid by the State
For State Contributions to State Employees' Retirement System
For State Contributions to Social Security
For Contractual Services
For Travel
For Commodities
For Printing
For Equipment
For Telecommunications Services
For Operation of Automotive Equipment
Total

$1,335,800

FOR THE DEPARTMENT OF STATE POLICE
For Personal Services
For Personal Services
For Employee Retirement Contributions
Paid by the State
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
$714,400

$705,100

$68,500

$457,100

$325,800

$249,700

$89,800

$618,300

$595,100

$243,300

$309,100

$8,263,500

$8,039,400

(P.A. 93-842, Art. 74, Sec. 235)

Sec. 235. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended:

FOR THE SECRETARY OF STATE

For Personal Services

173,900

165,300

For Employee Retirement Contributions

Paid by the State

0

For State Contributions to State Employees' Retirement System

26,600

20,300

For Contractual Services

76,000

12,300

For Commodities

18,500

18,500

For Printing

47,700

47,700

For Equipment

28,500

28,500

For Operation of Automotive Equipment

26,000

26,000

Total

$429,500

$420,900

FOR THE DEPARTMENT OF STATE POLICE

For Personal Services

2,363,800

2,267,300

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>For Employee Retirement Contributions</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>For State Contributions to State</td>
<td>365,200</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>32,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>17,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>10,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>12,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>14,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>150,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$2,966,200</td>
</tr>
</tbody>
</table>

**FOR THE DIVISION OF TRAFFIC SAFETY**

<table>
<thead>
<tr>
<th>For Personal Services</th>
<th>501,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>497,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>0</td>
</tr>
<tr>
<td>Paid by the State</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>80,100</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>39,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,034,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>79,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>192,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>174,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>15,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>2,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$4,119,900</td>
</tr>
</tbody>
</table>

**FOR THE DEPARTMENT OF PUBLIC HEALTH**

| For Contractual Services             | 108,900 |
| For Travel                           | 1,000   |
| For Commodities                      | 1,600   |
| **Total**                            | $111,500 |

**FOR THE ILLINOIS LAW ENFORCEMENT STANDARDS TRAINING BOARD**

| For Contractual Services             | 120,000 |
| For Printing                         | 5,000   |
| **Total**                            | $125,000 |

**FOR LOCAL GOVERNMENTS**

New matter indicated by italics - deletions by strikeout.
For local highway safety projects
by county and municipal governments,
state and private universities and other
other private entities.....................  5,269,200
P.A. 93-842, Art. 74, Sec. 240)
Sec. 240. The following named sums, or so much thereof as may
be necessary for the agencies hereafter named, are appropriated from the
Road Fund to the Department of Transportation for implementation of the
Alcohol Traffic Safety Programs of Title XXIII of the Surface
Transportation Assistance Act of 1982, as amended by the Transportation
Equity Act for the 21st Century:
FOR THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS
(410)
For Contractual Services.......................  13,000
For Travel........................................  19,000
Total                                                                 $32,000

FOR THE DIVISION OF TRAFFIC SAFETY (410)
For Contractual Services........................  0
For Travel........................................  3,100
For Commodities................................  142,300
For Printing......................................  108,900
For Equipment.................................  424,000
Total                                                                 $678,300

FOR THE SECRETARY OF STATE (410)
For Personal Services..........................  33,900
For Personal Services..........................  32,000
For Employee Retirement Contributions
Paid by the State............................  0
For the State Contribution to State
Employees' Retirement System...............  5,200
For the State Contribution to Social
Security..........................................  500
For Contractual Services......................  28,100
For Travel.......................................  3,000
For Commodities..............................  70,100
For Printing....................................  59,500
For Equipment.................................  42,400
For Telecommunication Services.............  1,000
For Operation of Auto Equipment............  1,800

New matter indicated by italics - deletions by strikeout.
ARTICLE 14

Section 1. “AN ACT making appropriations”, Public Act 93-0842, approved July 30, 2004, is amended by changing Section 20 of Article 19 as follows:

(P.A. 93-0842, Art. 19, Sec. 20)

Sec. 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

BUREAU OF STRATEGIC SOURCING AND PROCUREMENT
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services

For Personal Services

For Employee Retirement Contributions
Paid by the State

For the State Contribution to State
Employees' Retirement System

For the State Contribution to Social
Security

For Commodities

For Equipment

For Operation of Auto Equipment

Total

$1,087,300

Total

$1,049,600

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$3,200</td>
</tr>
<tr>
<td>Total</td>
<td>$2,475,000</td>
</tr>
</tbody>
</table>

**PAYABLE FROM STATE GARAGE REVOLVING FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$8,548,100</td>
</tr>
<tr>
<td>For Personal Services</td>
<td>$7,570,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$227,100</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$1,354,600</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>$1,219,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$653,500</td>
</tr>
<tr>
<td>Security</td>
<td>$579,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$2,419,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$1,752,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$1,107,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>$39,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$135,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>$34,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$750,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$151,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$19,361,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$21,217,100</td>
</tr>
<tr>
<td>For Refunds</td>
<td>$10,000</td>
</tr>
<tr>
<td>Total</td>
<td>$34,793,000</td>
</tr>
</tbody>
</table>

**PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,405,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$42,100</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>$226,300</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>$107,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$336,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$520,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$31,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>$13,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$5,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$19,000</td>
</tr>
<tr>
<td>Total</td>
<td>$34,793,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Electronic Data Processing................. 9,200  
For Telecommunications Services.............. 21,000  
Total                                      $2,736,900  

PAYABLE FROM PAPER AND PRINTING REVOLVING FUND
For Personal Services......................... 128,500  
For Employee Retirement Contributions  
Paid by Employer............................... 3,900  
For State Contributions to State  
Employees' Retirement System................. 20,700  
For State Contributions to Social  
Security......................................... 9,900  
For Group Insurance......................... 36,000  
For Contractual Services.................... 113,300  
For Travel.................................... 6,600  
For Commodities............................. 25,000  
For Printing.................................. 5,000  
For Equipment................................ 70,000  
For Telecommunications Services............. 3,700  
For Operation of Auto Equipment............. 4,500  
For Warehouse Stock for all State  
Agencies and for printing and  
distribution of wall certificates............ 1,971,100  
For Refunds.................................. 5,000  
Total                                      $2,403,200  

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services......................... 460,000  
For Employee Retirement Contributions  
Paid by Employer............................... 13,800  
For State Contributions to State  
Employees' Retirement System................. 74,100  
For State Contributions to Social  
Security......................................... 35,200  
For Group Insurance......................... 108,000  
For Contractual Services.................... 9,000  
For Travel.................................... 8,000  
For Commodities............................. 2,700  
For Printing.................................. 900  
For Equipment................................ 9,700  
For Electronic Data Processing............... 13,300  

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services................. 7,800
  Total $742,500

  PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For Personal Services.......................... 411,400
For Employee Retirement Contributions
  Paid by Employer................................. 12,300
For State Contributions to State
  Employees' Retirement System..................... 66,300
For State Contributions to Social Security......................... 31,500
For Group Insurance............................ 84,000
For Contractual Services........................... 7,000
For Travel........................................ 21,500
For Commodities.................................... 2,100
For Printing......................................... 700
For Equipment...................................... 8,100
For Electronic Data Processing.................... 12,300
For Telecommunications Services................. 6,800
  Total........................................ $664,000

ARTICLE 15
Section 5. “AN ACT making appropriations”, Public Act 93-0842, approved July 30, 2004, is amended by changing Sections 95 and 100 of Article 18 as follows:

(P.A. 93-842, Art. 18, Sec. 95)
Sec. 95. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

DUQUOIN BUILDINGS AND GROUNDS
Payable from General Revenue Fund:
For Personal Services.......................... 1,011,100
For Personal Services.......................... 930,400
For Employee Retirement Contributions
  Paid by Employer................................. 0
For State Contributions to State
  Employees' Retirement System..................... 162,900
  Employees' Retirement System.................... 149,900
For State Contributions to Social Security................. 77,900
  Social Security................................. 71,700

New matter indicated by italics - deletions by strikeout.
For Contractual Services ......................... 475,700
For Contractual Services ......................... 325,700
For Travel ......................................... 6,900
For Commodities ................................... 60,500
For Equipment ................................. 90,200
For Telecommunications Services ................... 16,900
For Operation of Auto Equipment ................... 7,100
Total                                                                                    $1,909,200
Total                                                                                    $1,659,300

(P.A. 93-842, Art. 18, Sec. 100)
Sec. 100. The sum of $450,000 $316,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture to conduct activities at the Illinois State Fairgrounds at DuQuoin other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairgrounds uses sufficient to offset such expenditures have been collected and deposited into the Agricultural Premium Fund.

ARTICLE 16
Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Section 45 of Article 59 as follows:

(P.A. 93-842, Art. 59, Sec. 45)
Sec. 45. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION
Payable from the General Revenue Fund:
For Grants for Vision and Hearing Screening Programs ......................... 674,800
For Grants Associated with Donated Dental Services ......................... 73,300
For a grant to the Amyotrophic Lateral Sclerosis (ALS) Association for Research into discovering the cause and cure for Amyotrophic Lateral Sclerosis ......................... 1,000,000
Total                                                                             $1,748,100

Payable from the Public Health Special State Projects Fund:

New matter indicated by italics - deletions by strikeout.
New matter indicated by italics - deletions by strikeout.

For Grants Associated with Donated Dental Services........................................ 75,000
Payable from the Alzheimer’s Disease Research Fund:
For Grants Pursuant to the Alzheimer’s Disease Research Act..................... 200,000
Payable from the Public Health Services Fund:
For Grants for Public Health Programs, Including Operational Expenses........ 6,000,000
Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Grants for the Lead Poisoning Screening and Prevention Program........... 2,000,000
Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants for Maternal and Child Health Programs...................................... 495,000
Payable from the Preventive Health and Health Services Block Grant Fund:
For Grants for Prevention Programs including operational expenses............. 2,000,000
Payable from the Metabolic Screening and Treatment Fund:
For Grants for Metabolic Screening Follow-up Services............................ 2,200,000
For Grants for Free Distribution of Medical Preparations and Food Supplies....... 1,250,000
Total $3,450,000
Payable from the General Revenue Fund:
For Grants to the University of Chicago Transplant Section for Juvenile Diabetes Research........................................ 2,500,000
Payable from the Tobacco Settlement Recovery Fund:
For Certified Local Health Department Grants for Anti-Smoking Programs........ 5,000,000
For Grants and Administrative Expenses for the Tobacco Use Prevention Program.................................. 5,000,000
Total $10,000,000
PUBLIC ACT 93-1070

ARTICLE 17
Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by adding new Section 105 to Article 28, as follows:

(P.A. 93-842, Art. 28, Sec. 105, new)
Sec. 105. The amount of $3,000,000, or so such thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for contributions of funds to park districts and other entities as provided by the “Illinois Horse Racing Act of 1975” and to public museums and aquariums located in park districts, as provided by “AN ACT concerning aquariums and museums in public parks” and the “Illinois Horse Racing Act of 1975” as now or hereafter amended.

ARTICLE 98
Section 1. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for payment of line of duty awards.

Section 2. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 98-CC-4105, Theresa A. Werneth. Personal Injury, against the Illinois State Police..... $40,000.00
No. 00-CC-1731, Vicki Norris. Personal Injury, against Northern Illinois University......................... $80,000.00
No. 02-CC-0046, Lynn Martin, as father and next friend of Jeffery and Bradley Martin. Personal Injury, against the Illinois State Police............................... $8,750.00
No. 03-CC-0191, Tyrone Robinson. Personal Injury, against the Department of Corrections................................. $75,000.00
No. 04-CC-4511, Addus Healthcare Inc. Debt, against the Department of Corrections.............. $112,829.58

Section 3. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from Road Fund 011, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
No. 01-CC-4187, Allstate Insurance Company  
a/s/o Edward Bonkowski. Property Damage,  
against the Department of  
Transportation.............................................. $5,200.12

Section 4. The following named amount, or so much thereof as  
may be necessary, is appropriated to the Court of Claims from Federal  
Fund 063, Public Health Services Fund, to pay claims in conformity with  
awards and recommendations made by the Court of Claims as follows:  
For payments of awards for lapsed appropriation  
claims less than $50,000.......................... $17,373.58  

Section 5. The following named amount, or so much thereof as  
may be necessary, is appropriated to the Court of Claims from Federal  
Fund 081, Vocational Rehabilitation Fund, to pay claims in conformity with  
awards and recommendations made by the Court of Claims as follows:  
For payments of awards for lapsed appropriation  
claims less than $50,000.......................... $22,419.72  

Section 6. The following named amount, or so much thereof as  
may be necessary, is appropriated to the Court of Claims from State  
Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with  
awards and recommendations made by the Court of Claims as follows:  
For payments of awards for lapsed appropriation  
claims less than $50,000.......................... $36,527.00  

Section 7. The following named amount, or so much thereof as  
may be necessary, is appropriated to the Court of Claims from State  
Fund 344, Care Provider Fund for Persons with Developmental Disability, to  
pay claims in conformity with awards and recommendations made by the  
Court of Claims as follows:  
For payments of awards for lapsed appropriation  
claims less than $50,000.......................... $39,374.06  

Section 8. The following named amount, or so much thereof as  
may be necessary, is appropriated to the Court of Claims from Federal  
Fund 408, Special Purposes Trust Fund, to pay claims in conformity with  
awards and recommendations made by the Court of Claims as follows:  
No. 04-CC-2073, TIA/Chicago Connections.  
Debt, against the Department of  
Human Services................................. $58,229.18  

Section 9. The following named amount, or so much thereof as  
may be necessary, is appropriated to the Court of Claims from Federal  

New matter indicated by italics - deletions by strikeout.
Fund 065, US Environmental Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 97-CC-4339, Kimmins Corporation.
Debt, against the Illinois Environmental Protection Agency.................... $632,342.70

Section 10. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from State Fund 581, Juvenile Accountability Incentive Block Grant Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 04-CC-4346, Bloom Township Government.
Debt, against the Criminal Justice Information Authority........................ $67,500.00

Section 11. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from State Fund 757, Child Support Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000................ $38,799.76

Section 12. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from Federal Fund 911, Juvenile Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............... $12,891.46

Section 99. Effective date. This Act takes effect immediately upon becoming law.
Approved January 15, 2005.
Effective January 15, 2005.

PUBLIC ACT 93-1071
(House Bill No. 0640)

AN ACT in relation to elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Election Code is amended by adding Section 1A-25 and changing Section 18A-5 as follows:

(10 ILCS 5/1A-25 new)
Sec. 1A-25. Centralized statewide voter registration list. The centralized statewide voter registration list required by Title III, Subtitle A, Section 303 of the Help America Vote Act of 2002 shall be created and maintained by the State Board of Elections as provided in this Section.

(1) The centralized statewide voter registration list shall be compiled from the voter registration data bases of each election authority in this State.

(2) All new voter registration forms and applications to register to vote shall be transmitted to the appropriate election authority. The election authority shall process and verify each voter registration form and electronically enter verified registrations on an expedited basis onto the statewide voter registration list. All original registration cards shall remain permanently in the office of the election authority as required by Sections 4-20, 5-28, and 6-65.

(3) The centralized statewide voter registration list shall:
   (i) Be designed to allow election authorities to utilize the registration data on the statewide voter registration list pertinent to voters registered in their election jurisdiction on locally maintained software programs that are unique to each jurisdiction.
   (ii) Allow each election authority to perform essential election management functions, including but not limited to production of voter lists, processing of absentee voters, production of individual, pre-printed applications to vote, administration of election judges, and polling place administration, but shall not prevent any election authority from using information from that election authority's own systems.

(4) The registration information maintained by each election authority shall at all times be synchronized with that authority's information on the statewide list on a constant, real-time basis.

To protect the privacy and confidentiality of voter registration information, the disclosure of any portion of the centralized statewide voter registration list to any person or entity other than to a State or local
political committee and other than to a governmental entity for a governmental purpose is specifically prohibited.

(10 ILCS 5/18A-5)
Sec. 18A-5. Provisional voting; general provisions.
(a) A person who claims to be a registered voter is entitled to cast a provisional ballot under the following circumstances:

(1) The person's name does not appear on the official list of eligible voters, whether a list of active or inactive voters, for the precinct in which the person seeks to vote. The official list is the centralized statewide voter registration list established and maintained in accordance with Section 1A-25;

(2) The person's voting status has been challenged by an election judge, a pollwatcher, or any legal voter and that challenge has been sustained by a majority of the election judges; or

(3) A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period.

(b) The procedure for obtaining and casting a provisional ballot at the polling place shall be as follows:

(1) An election judge at the polling place shall notify a person who is entitled to cast a provisional ballot pursuant to subsection (a) that he or she may cast a provisional ballot in that election. An election judge must accept any information provided by a person who casts a provisional ballot that the person believes supports his or her claim that he or she is a duly registered voter and qualified to vote in the election.

(2) The person shall execute a written form provided by the election judge that shall state or contain all of the following:

(i) an affidavit stating the following:
State of Illinois, County of ................,
Township ............., Precinct ........, Ward ........,
I, ........................, do solemnly swear (or affirm) that: I am a citizen of the United States; I am 18 years of age or older; I have resided in this State and in this precinct for 30 days preceding this election; I have not voted in this election; I am a duly registered voter in every respect; and I am eligible to vote in this election. Signature ...... Printed Name of Voter ...... Printed Residence Address of Voter ...... City ...... State .... Zip Code ..... Telephone Number ...... Date of

New matter indicated by italics - deletions by strikeout.
Birth ...... and Driver's License Number ...... Last 4 digits of Social Security Number ...... or State Identification Card Number.

(ii) Written instruction stating the following:

In order to expedite the verification of your voter registration status, the .... (insert name of county clerk of board of election commissioners here) requests that you include your phone number and both the last four digits of your social security number and your driver's license number or State Identification Card Number issued to you by the Secretary of State. At minimum, you are required to include either (A) your driver's license number or State Identification Card Number issued to you by the Secretary of State or (B) the last 4 digits of your social security number.

(iii) A box for the election judge to check one of the 3 reasons why the person was given a provisional ballot under subsection (a) of Section 18A-5.

(iv) An area for the election judge to affix his or her signature and to set forth any facts that support or oppose the allegation that the person is not qualified to vote in the precinct in which the person is seeking to vote.

The written affidavit form described in this subsection (b)(2) must be printed on a multi-part form prescribed by the county clerk or board of election commissioners, as the case may be.

(3) After the person executes the portion of the written affidavit described in subsection (b)(2)(i) of this Section, the election judge shall complete the portion of the written affidavit described in subsection (b)(2)(iii) and (b)(2)(iv).

(4) The election judge shall give a copy of the completed written affidavit to the person. The election judge shall place the original written affidavit in a self-adhesive clear plastic packing list envelope that must be attached to a separate envelope marked as a "provisional ballot envelope". The election judge shall also place any information provided by the person who casts a provisional ballot in the clear plastic packing list envelope. Each county clerk or board of election commissioners, as the case may be, must design, obtain or procure self-adhesive clear plastic packing list envelopes and provisional ballot envelopes that are suitable for implementing this subsection (b)(4) of this Section.

New matter indicated by italics - deletions by strikeout.
(5) The election judge shall provide the person with a provisional ballot, written instructions for casting a provisional ballot, and the provisional ballot envelope with the clear plastic packing list envelope affixed to it, which contains the person's original written affidavit and, if any, information provided by the provisional voter to support his or her claim that he or she is a duly registered voter. An election judge must also give the person written information that states that any person who casts a provisional ballot shall be able to ascertain, pursuant to guidelines established by the State Board of Elections, whether the provisional vote was counted in the official canvass of votes for that election and, if the provisional vote was not counted, the reason that the vote was not counted.

(6) After the person has completed marking his or her provisional ballot, he or she shall place the marked ballot inside of the provisional ballot envelope, close and seal the envelope, and return the envelope to an election judge, who shall then deposit the sealed provisional ballot envelope into a securable container separately identified and utilized for containing sealed provisional ballot envelopes. Upon the closing of the polls, the securable container shall be sealed with filament tape provided for that purpose, which shall be wrapped around the box lengthwise and crosswise, at least twice each way, and each of the election judges shall sign the seal.

(c) Instead of the affidavit form described in subsection (b), the county clerk or board of election commissioners, as the case may be, may design and use a multi-part affidavit form that is imprinted upon or attached to the provisional ballot envelope described in subsection (b). If a county clerk or board of election commissioners elects to design and use its own multi-part affidavit form, then the county clerk or board of election commissioners shall establish a mechanism for accepting any information the provisional voter has supplied to the election judge to support his or her claim that he or she is a duly registered voter. In all other respects, a county clerk or board of election commissioners shall establish procedures consistent with subsection (b).

(d) The county clerk or board of election commissioners, as the case may be, shall use the completed affidavit form described in subsection (b) to update the person's voter registration information in the State voter registration database and voter registration database of the county clerk or board of election commissioners, as the case may be. If a person is later determined not to be a registered voter based on Section 18A-15 of this Code, then the affidavit shall be processed by the county

New matter indicated by italics - deletions by strikeout.
clerk or board of election commissioners, as the case may be, as a voter registration application.
(Source: P.A. 93-574, eff. 8-21-03.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved January 18, 2005.
Effective January 18, 2005.

PUBLIC ACT 93-1072
(Senate Bill No. 0184)

AN ACT concerning port districts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Heart of Illinois Regional Port District Act is amended by changing Section 120 as follows:

(70 ILCS 1807/120)
Sec. 120. Meetings; ordinances and resolutions; public records. Regular meetings of the Board shall be held at least once in each calendar month, the time and place of the meeting to be fixed by the Board. Five members of the Board shall constitute a quorum for the transaction of business. All action of the Board shall be by motion, ordinance, or resolution, except that any action authorizing the expenditure of funds in excess of $5,000 must be by ordinance. The affirmative vote of at least 5 members shall be necessary for the adoption of any ordinance or resolution. All ordinances and resolutions before taking effect shall be approved by the chairperson of the Board. If the chairperson shall approve the ordinance or resolution, he or she shall sign it. Those ordinances or resolutions the chairperson shall not approve the chairperson shall return to the Board with his or her objections in writing at the next regular meeting of the Board occurring after the passage of the ordinances or resolutions. If the chairperson shall fail to return any ordinance or resolution with his or her objections by the time required in this Section, he or she shall be deemed to have approved it and it shall take effect accordingly. Upon the return of any ordinance or resolution by the chairperson with his or her objections, the vote by which the ordinance or resolution was passed shall be reconsidered by the Board. If upon reconsideration the ordinance or resolution is passed by the affirmative

New matter indicated by italics - deletions by strikeout.
vote of at least 6 members, it shall go into effect notwithstanding the veto of the chairperson. All ordinances, resolutions, all proceedings of the district, and all documents and records in its possession shall be public records, and open to public inspection, except any documents and records that shall be kept or prepared by the Board for use in negotiations, actions, or proceedings to which the district is a party.

(Source: P.A. 93-262, eff. 7-22-03.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved January 18, 2005.
Effective January 18, 2005.

PUBLIC ACT 93-1073
(Senate Bill No. 1641)

AN ACT concerning the military.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Line of Duty Compensation Act is amended by changing Sections 2 and 3 as follows:

(820 ILCS 315/2) (from Ch. 48, par. 282)
Sec. 2. As used in this Act, unless the context otherwise requires:
(a) "Law enforcement officer" or "officer" means any person employed by the State or a local governmental entity as a policeman, peace officer, auxiliary policeman or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life. This includes supervisors, wardens, superintendents and their assistants, guards and keepers, correctional officers, youth supervisors, parole agents, school teachers and correctional counsellors in all facilities of both the Juvenile and Adult Divisions of the Department of Corrections, while within the facilities under the control of the Department of Corrections or in the act of transporting inmates or wards from one location to another or while performing their official duties, and all other Department of Correction employees who have daily contact with inmates.

The death of the foregoing employees of the Department of Corrections in order to be included herein must be by the direct or indirect willful act of an inmate, ward, work-releasee, parolee, parole violator,
person under conditional release, or any person sentenced or committed, or otherwise subject to confinement in or to the Department of Corrections.

(b) "Fireman" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, including volunteer firemen.

(c) "Local governmental entity" includes counties, municipalities and municipal corporations.

(d) "State" means the State of Illinois and its departments, divisions, boards, bureaus, commissions, authorities and colleges and universities.

(e) "Killed in the line of duty" means losing one's life as a result of injury received in the active performance of duties as a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, or chaplain if the death occurs within one year from the date the injury was received and if that injury arose from violence or other accidental cause. In the case of a State employee, "killed in the line of duty" means losing one's life as a result of injury received in the active performance of one's duties as a State employee, if the death occurs within one year from the date the injury was received and if that injury arose from a willful act of violence by another State employee committed during such other employee's course of employment and after January 1, 1988. The term excludes death resulting from the willful misconduct or intoxication of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee. However, the burden of proof of such willful misconduct or intoxication of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee is on the Attorney General. Subject to the conditions set forth in subsection (a) with respect to inclusion under this Act of Department of Corrections employees described in that subsection, for the purposes of this Act, instances in which a law enforcement officer receives an injury in the active performance of duties as a law enforcement officer include but are not limited to instances when:

(1) the injury is received as a result of a willful act of violence committed other than by the officer and a relationship exists between the commission of such act and the officer's performance of his duties as a law enforcement officer, whether or not the injury is received while the officer is on duty as a law enforcement officer;

New matter indicated by italics - deletions by strikeout.
(2) the injury is received by the officer while the officer is attempting to prevent the commission of a criminal act by another or attempting to apprehend an individual the officer suspects has committed a crime, whether or not the injury is received while the officer is on duty as a law enforcement officer;

(3) the injury is received by the officer while the officer is travelling to or from his employment as a law enforcement officer or during any meal break, or other break, which takes place during the period in which the officer is on duty as a law enforcement officer.

In the case of an Armed Forces member, "killed in the line of duty" means losing one's life while on active duty in connection with the September 11, 2001 terrorist attacks on the United States, Operation Enduring Freedom, or Operation Iraqi Freedom.

(f) "Volunteer fireman" means a person having principal employment other than as a fireman, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district, and includes a volunteer member of a fire department organized under the "General Not for Profit Corporation Act", approved July 17, 1943, as now or hereafter amended, which is under contract with any city, village, incorporated town, fire protection district, or persons residing therein, for fire fighting services. "Volunteer fireman" does not mean an individual who volunteers assistance without being regularly enrolled as a fireman.

(g) "Civil defense worker" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member of a civil defense work force, including volunteer civil defense work forces engaged in serving the public interest during periods of disaster, whether natural or man-made.

(h) "Civil air patrol member" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member of the organization commonly known as the "Civil Air Patrol", including volunteer members of the organization commonly known as the "Civil Air Patrol".

(i) "Paramedic" means an Emergency Medical Technician-Paramedic certified by the Illinois Department of Public Health under the Emergency Medical Services (EMS) Systems Act, and all other emergency

New matter indicated by italics - deletions by strikeout.
medical personnel certified by the Illinois Department of Public Health who are members of an organized body or not-for-profit corporation under the jurisdiction of a city, village, incorporated town, fire protection district or county, that provides emergency medical treatment to persons of a defined geographical area.

(j) "State employee" means any employee as defined in Section 14-103.05 of the Illinois Pension Code, as now or hereafter amended.

(k) "Chaplain" means an individual who:

(1) is a chaplain of (i) a fire department or (ii) a police department or other agency consisting of law enforcement officers; and

(2) has been designated a chaplain by (i) the fire department, police department, or other agency or an officer or body having jurisdiction over the department or agency or (ii) a labor organization representing the firemen or law enforcement officers.

(l) "Armed Forces member" means an Illinois resident who is: a member of the Armed Forces of the United States; a member of the Illinois National Guard while on active military service pursuant to an order of the President of the United States; or a member of any reserve component of the Armed Forces of the United States while on active military service pursuant to an order of the President of the United States.

(Source: P.A. 93-1047, eff. 10-18-04.)

(820 ILCS 315/3) (from Ch. 48, par. 283)

Sec. 3. Duty death benefit.

(a) If a claim therefor is made within one year of the date of death of a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, State employee, or Armed Forces member killed in the line of duty, compensation shall be paid to the person designated by the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, State employee, or Armed Forces member. However, if the Armed Forces member was killed in the line of duty before October 18, 2004 the effective date of this amendatory Act of the 93rd General Assembly, the claim must be made within one year of October 18, 2004 the effective date of this amendatory Act of the 93rd General Assembly.

(b) The amount of compensation, except for an Armed Forces member, shall be $10,000 if the death in the line of duty occurred prior to January 1, 1974; $20,000 if such death occurred after December 31, 1973.

New matter indicated by italics - deletions by strikeout.
and before July 1, 1983; $50,000 if such death occurred on or after July 1, 1983 and before January 1, 1996; $100,000 if the death occurred on or after January 1, 1996 and before May 18, 2001; $118,000 if the death occurred on or after May 18, 2001 and before July 1, 2002 the effective date of this amendatory Act of the 92nd General Assembly, and $259,038 if the death occurred on or after July 1, 2002 the effective date of this amendatory Act of the 92nd General Assembly and before January 1, 2003. For an Armed Forces member killed in the line of duty (i) at any time before January 1, 2005, the compensation is $259,038 plus amounts equal to the increases for 2003 and 2004 determined under subsection (c) and (ii) on or after January 1, 2005, the compensation is the amount determined under item (i) plus the applicable increases for 2005 and thereafter determined under subsection (c).

(c) Except as provided in subsection (b), for deaths occurring on or after January 1, 2003, the death compensation rate for death in the line of duty occurring in a particular calendar year shall be the death compensation rate for death occurring in the previous calendar year (or in the case of deaths occurring in 2003, the rate in effect on December 31, 2002) increased by a percentage thereof equal to the percentage increase, if any, in the index known as the Consumer Price Index for All Urban Consumers: U.S. city average, unadjusted, for all items, as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12 months ending with the month of June of that previous calendar year.

(d) If no beneficiary is designated or surviving at the death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, State employee, or Armed Forces member killed in the line of duty, the compensation shall be paid as follows:

(1) (a) when there is a surviving spouse, the entire sum shall be paid to the spouse;

(2) (b) when there is no surviving spouse, but a surviving descendant of the decedent, the entire sum shall be paid to the decedent's descendants per stirpes;

(3) (c) when there is neither a surviving spouse nor a surviving descendant, the entire sum shall be paid to the parents of the decedent in equal parts, allowing to the surviving parent, if one is dead, the entire sum; and

(4) (d) when there is no surviving spouse, descendant or parent of the decedent, but there are surviving brothers or sisters, or descendants of a brother or sister, who were receiving their

New matter indicated by italics - deletions by strikeout.
principal support from the decedent at his death, the entire sum shall be paid, in equal parts, to the dependent brothers or sisters or dependent descendant of a brother or sister. Dependency shall be determined by the Court of Claims based upon the investigation and report of the Attorney General.

(e) When there is no beneficiary designated or surviving at the death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, State employee, or Armed Forces member killed in the line of duty and no surviving spouse, descendant, parent, dependent brother or sister, or dependent descendant of a brother or sister, no compensation shall be payable under this Act.

(f) No part of such compensation may be paid to any other person for any efforts in securing such compensation.

(g) This amendatory Act of the 93rd General Assembly applies to claims made on or after October 18, 2004 with respect to an Armed Forces member killed in the line of duty.

(Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02; 93-1047, eff. 10-18-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved January 18, 2005.
Effective January 18, 2005.
specified in Section 5-100, 5-105, 5-110, 5-120, or 5-130 and would constitute a serious threat to the public interest, safety, or welfare, the Joint Committee may issue a statement to that effect at any time before the proposed rule, amendment, or repealer takes effect. The statement may be issued by the Joint Committee only upon the affirmative vote of three-fifths of the members appointed to the Joint Committee. The Joint Committee, however, may withdraw a statement within 180 days after it is issued upon the affirmative vote of a majority of the members appointed to the Joint Committee. A certified copy of each statement and withdrawal shall be transmitted to the proposing agency and to the Secretary of State for publication in the next available issue of the Illinois Register.

(b) The proposed rule, amendment, or repealer or the portion of the proposed rule, amendment, or repealer to which the Joint Committee has issued a statement under subsection (a) shall not be accepted for filing by the Secretary of State and shall not take effect unless the statement is withdrawn or a joint resolution is passed as provided in subsection (c). The agency may not enforce or invoke for any reason a proposed rule, amendment, or repealer or any portion thereof that is prohibited from being filed by this subsection.

(c) After the issuance of a statement under subsection (a), any member of the General Assembly may introduce in the General Assembly a joint resolution stating that the General Assembly desires to discontinue the prohibition against the proposed rule, amendment, or repealer or the portion thereof to which the statement was issued being filed and taking effect. If the joint resolution is not passed by both houses of the General Assembly within 180 days after receipt of the statement by the Secretary of State or the statement is not withdrawn as provided in subsection (a), the agency shall be prohibited from filing the proposed rule, amendment, or repealer or the portion thereof and the proposed rule, amendment, or repealer or the portion thereof shall not take effect. The Secretary of State shall not accept for filing the proposed rule, amendment, or repealer or the portion thereof with respect to which the Joint Committee has issued a statement under subsection (a) unless that statement is withdrawn or a joint resolution is passed as provided in this subsection. If the 180-day period expires before passage of the joint resolution, the agency may not file the proposed rule, amendment, or repealer or the portion thereof as adopted and it shall not take effect.

(d) If a statement is issued under this Section, then, in response to an objection or suggestion of the Joint Committee, the agency may

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propose changes to the proposed rule, amendment, or repealer or portion of a proposed rule, amendment, or repealer. If the agency proposes changes, it must provide additional notice to the Joint Committee under the same terms and conditions and shall be subject to the same requirements and limitations as those set forth for a second notice period under subsection (c) of Section 5-40.

(Source: P.A. 93-1035, eff. 9-10-04.)

(5 ILCS 100/5-120) (from Ch. 127, par. 1005-120)

Sec. 5-120. Responsibilities of the Joint Committee with respect to emergency, peremptory, and other existing rules.

(a) The Joint Committee may examine any rule to determine whether the rule is within the statutory authority upon which it is based and whether the rule is in proper form.

(b) If the Joint Committee objects to a rule, it shall, within 5 days of the objection, certify the fact to the adopting agency and include within the certification a statement of its specific objections.

(c) Within 90 days after receiving the certification, the agency shall do one of the following:

(1) Notify the Joint Committee that it has elected to amend the rule to meet the Joint Committee's objection.

(2) Notify the Joint Committee that it has elected to repeal the rule.

(3) Notify the Joint Committee that it refuses to amend or repeal the rule.

(d) If the agency elects to amend a rule to meet the Joint Committee's objections, it shall notify the Joint Committee in writing and shall initiate rulemaking procedures for that purpose by giving notice as required by Section 5-35. The Joint Committee shall give priority to rules so amended when setting its agenda.

(e) If the agency elects to repeal a rule as a result of the Joint Committee's objections, it shall notify the Joint Committee in writing of its election and shall initiate rulemaking procedures for that purpose by giving notice as required by Section 5-35.

(f) If the agency elects to amend or repeal a rule as a result of the Joint Committee's objections, it shall complete the process within 180 days after giving notice in the Illinois Register.

(g) Failure of the agency to respond to the Joint Committee's objections to a rule within the time prescribed in subsection (c) shall constitute a refusal to amend or repeal the rule.

New matter indicated by italics - deletions by strikeout.
(h) If an agency refuses to amend or repeal a rule to remedy an objection stated by the Joint Committee, it shall notify the Joint Committee in writing of its refusal and shall submit a notice of refusal to the Secretary of State. The notice shall be published in the next available issue of the Illinois Register. If the Joint Committee, in response to an agency refusal, decides to suspend a rule adopted under Section 5-45 or 5-50, then it may do so pursuant to Section 5-125. Any member of the General Assembly may introduce legislation in the General Assembly to implement the recommendations of the Joint Committee concerning emergency, peremptory, and other existing rules.

(Source: P.A. 93-1035, eff. 9-10-04.)

(5 ILCS 100/5-125) (from Ch. 127, par. 1005-125)
Sec. 5-125. Other Joint Committee action with respect to emergency or peremptory rulemaking.

(a) If the Joint Committee determines that a rule or portion of a rule adopted under Section 5-45 or 5-50 is objectionable under any of the standards for the Joint Committee's review specified in Section 5-100, 5-105, 5-110, 5-120, or 5-130 and constitutes a serious threat to the public interest, safety, or welfare, the Joint Committee may issue a statement to that effect. The statement may be issued by the Joint Committee only upon the affirmative vote of three-fifths of the members appointed to the Joint Committee. The Joint Committee, however, may withdraw a statement within 180 days after it is issued upon the affirmative vote of a majority of the members appointed to the Joint Committee. A certified copy of each statement and withdrawal shall be transmitted to the affected agency and to the Secretary of State for publication in the next available issue of the Illinois Register. Within 30 days of transmittal of the statement to the agency, the agency shall notify the Joint Committee in writing whether it has elected to repeal or amend the rule. Failure of the agency to notify the Joint Committee and Secretary of State within 30 days constitutes a decision by the agency to not repeal the rule.

(b) The effectiveness of the rule or the portion of a rule shall be suspended immediately upon receipt of the certified statement by the Secretary of State. The Secretary of State shall indicate the suspension prominently and clearly on the face of the affected rule or the portion of a rule filed in the Office of the Secretary of State. Rules or portions of rules suspended under this subsection shall not become effective again unless the statement is withdrawn as provided in subsection (a) or unless within 180 days from receipt of the statement by the Secretary of State, the

New matter indicated by italics - deletions by strikeout.
General Assembly discontinues the suspension by joint resolution under subsection (c). The agency may not enforce, or invoke for any reason, a rule or portion of a rule that has been suspended under this subsection. During the 180-day period, the agency may not file, and nor may the Secretary of State may not accept for filing, any rule that (i) has the same purpose and effect as rules or portions of rules suspended under this subsection or (ii) does not substantially address the statement issued under subsection (a), except as otherwise provided in this Section.

(c) After the issuance of a statement under subsection (a), any member of the General Assembly may introduce in the General Assembly a joint resolution stating that the General Assembly desires to discontinue the suspension of effectiveness of a rule or the portion of the rule to which the statement was issued. If the joint resolution is not passed by both houses of the General Assembly within the 180-day period provided in subsection (b) or the statement is not withdrawn, the rule or the portion of the rule shall be considered repealed and the Secretary of State shall immediately remove the rule or portion of a rule from the collection of effective rules.

(d) If a statement is issued under this Section, then, in response to an objection or suggestion of the Joint Committee, the agency may propose changes to the rule, amendment, or repealer or portion of a rule, amendment, or repealer. If the agency proposes changes, it must provide additional notice to the Joint Committee under the same terms and conditions and shall be subject to the same requirements and limitations as those set forth for a second notice period under subsection (c) of Section 5-40.

(Source: P.A. 93-1035, eff. 9-10-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved January 18, 2005.
Effective January 18, 2005.
Section 5. The Pharmacy Practice Act of 1987 is amended by changing Section 3 as follows:

(225 ILCS 85/3) (from Ch. 111, par. 4123)
(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions. For the purpose of this Act, except where otherwise limited therein:

(a) "Pharmacy" or "drugstore" means and includes every store, shop, pharmacy department, or other place where pharmaceutical care is provided by a pharmacist (1) where drugs, medicines, or poisons are dispensed, sold or offered for sale at retail, or displayed for sale at retail; or (2) where prescriptions of physicians, dentists, veterinarians, podiatrists, or therapeutically certified optometrists, within the limits of their licenses, are compounded, filled, or dispensed; or (3) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore", "Medicine Store", "Prescriptions", "Drugs", "Medicines", or any word or words of similar or like import, either in the English language or any other language; or (4) where the characteristic prescription sign (Rx) or similar design is exhibited; or (5) any store, or shop, or other place with respect to which any of the above words, objects, signs or designs are used in any advertisement.

(b) "Drugs" means and includes (1) articles recognized in the official United States Pharmacopoeia/National Formulary (USP/NF), or any supplement thereto and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (2) all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (3) articles (other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and (4) articles having for their main use and intended for use as a component or any articles specified in clause (1), (2) or (3); but does not include devices or their components, parts or accessories.

(c) "Medicines" means and includes all drugs intended for human or veterinary use approved by the United States Food and Drug Administration.

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(d) "Practice of pharmacy" means the provision of pharmaceutical care to patients as determined by the pharmacist's professional judgment in the following areas, which may include but are not limited to (1) patient counseling, (2) interpretation and assisting in the monitoring of appropriate drug use and prospective drug utilization review, (3) providing information on the therapeutic values, reactions, drug interactions, side effects, uses, selection of medications and medical devices, and outcome of drug therapy, (4) participation in drug selection, drug monitoring, drug utilization review, evaluation, administration, interpretation, application of pharmacokinetic and laboratory data to design safe and effective drug regimens, (5) drug research (clinical and scientific), and (6) compounding and dispensing of drugs and medical devices.

(e) "Prescription" means and includes any written, oral, facsimile, or electronically transmitted order for drugs or medical devices, issued by a physician licensed to practice medicine in all its branches, dentist, veterinarian, or podiatrist, or therapeutically certified optometrist, within the limits of their licenses, by a physician assistant in accordance with subsection (f) of Section 4, or by an advanced practice nurse in accordance with subsection (g) of Section 4, containing the following: (1) name of the patient; (2) date when prescription was issued; (3) name and strength of drug or description of the medical device prescribed; and (4) quantity, (5) directions for use, (6) prescriber's name, address and signature, and (7) DEA number where required, for controlled substances. DEA numbers shall not be required on inpatient drug orders.

(f) "Person" means and includes a natural person, copartnership, association, corporation, government entity, or any other legal entity.

(g) "Department" means the Department of Professional Regulation.

(h) "Board of Pharmacy" or "Board" means the State Board of Pharmacy of the Department of Professional Regulation.

(i) "Director" means the Director of Professional Regulation.

(j) "Drug product selection" means the interchange for a prescribed pharmaceutical product in accordance with Section 25 of this Act and Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

(k) "Inpatient drug order" means an order issued by an authorized prescriber for a resident or patient of a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3,
1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections.

(k-5) "Pharmacist" means an individual health care professional and provider currently licensed by this State to engage in the practice of pharmacy.

(l) "Pharmacist in charge" means the licensed pharmacist whose name appears on a pharmacy license and who is responsible for all aspects of the operation related to the practice of pharmacy.

(m) "Dispense" means the delivery of drugs and medical devices, in accordance with applicable State and federal laws and regulations, to the patient or the patient's representative authorized to receive these products, including the preparation, compounding, packaging, and labeling necessary for delivery, computer entry, and verification of medication orders and prescriptions, and any recommending or advising concerning the contents and therapeutic values and uses thereof. "Dispense" does not mean the physical delivery to a patient or a patient's representative in a home or institution by a designee of a pharmacist or by common carrier. "Dispense" also does not mean the physical delivery of a drug or medical device to a patient or patient's representative by a pharmacist's designee within a pharmacy or drugstore while the pharmacist is on duty and the pharmacy is open.

(n) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(o) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or medical device: (1) as the result of a practitioner's prescription drug order or initiative that is dispensed pursuant to a prescription in the course of professional practice; or (2) for the purpose of, or incident to, research, teaching, or chemical analysis; or (3) in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.

(p) "Confidential information" means information, maintained by the pharmacist in the patient's records, released only (i) to the patient or, as the patient directs, to other practitioners and other pharmacists or (ii) to any other person authorized by law to receive the information.

(q) "Prospective drug review" or "drug utilization evaluation" means a screening for potential drug therapy problems due to therapeutic

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duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse.

(r) "Patient counseling" means the communication between a pharmacist or a student pharmacist under the direct supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. The offer to counsel by the pharmacist or the pharmacist's designee, and subsequent patient counseling by the pharmacist or student pharmacist, shall be made in a face-to-face communication with the patient or patient's representative unless, in the professional judgment of the pharmacist, a face-to-face communication is deemed inappropriate or unnecessary. In that instance, the offer to counsel or patient counseling may be made in a written communication, by telephone, or in a manner determined by the pharmacist to be appropriate.

(s) "Patient profiles" or "patient drug therapy record" means the obtaining, recording, and maintenance of patient prescription information, including prescriptions for controlled substances, and personal information.

(t) "Pharmaceutical care" includes, but is not limited to, the act of monitoring drug use and other patient care services intended to achieve outcomes that improve the patient's quality of life but shall not include the sale of over-the-counter drugs by a seller of goods and services who does not dispense prescription drugs.

(u) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician". A seller of goods and services who, only for the purpose of retail sales, compounds, sells, rents, or leases medical devices shall not, by reasons thereof, be required to be a licensed pharmacy.

(v) "Unique identifier" means an electronic signature, handwritten signature or initials, thumbprint, or other acceptable individual biometric or electronic identification process as approved by the Department.

(Source: P.A. 92-880, eff. 1-1-04; 93-571, eff. 8-20-03.)

Section 99. Effective date. This Act takes effect upon becoming law.

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AN ACT concerning taxes.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

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(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

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(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the
development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or

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that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably
distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused railyards, railroad tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area
located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate

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natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be
documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

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(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales
Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment

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annually generated within a State Sales Tax Boundary. If, however, a
municipality established a tax increment financing district in a county with
a population in excess of 3,000,000 before January 1, 1986, and the
municipality entered into a contract or issued bonds after January 1, 1986,
but before December 31, 1986, to finance redevelopment project costs
within a State Sales Tax Boundary, then the Net State Sales Tax Increment
means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100%
of the State Sales Tax Increment annually generated within a State Sales
Tax Boundary; and notwithstanding any other provision of this Act, for
those fiscal years the Department of Revenue shall distribute to those
municipalities 100% of their Net State Sales Tax Increment before any
distribution to any other municipality and regardless of whether or not
those other municipalities will receive 100% of their Net State Sales Tax
Increment. For Fiscal Year 1999, and every year thereafter until the year
2007, for any municipality that has not entered into a contract or has not
issued bonds prior to June 1, 1988 to finance redevelopment project costs
within a State Sales Tax Boundary, the Net State Sales Tax Increment
shall be calculated as follows: By multiplying the Net State Sales Tax
Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal
Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal
Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal
Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal
Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be
made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a
redevelopment project in a redevelopment project area within the State
Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in
connection with a redevelopment project in a redevelopment project area
before June 1, 1988, shall continue to receive their proportional share of
the Illinois Tax Increment Fund distribution until the date on which the
redevelopment project is completed or terminated. If, however, a
municipality that issued bonds in connection with a redevelopment project
in a redevelopment project area within the State Sales Tax Boundary prior
to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality
that entered into contracts in connection with a redevelopment project in a
redevelopment project area before June 1, 1988 completes the contracts
prior to June 30, 2007, then so long as the redevelopment project is not
completed or is not terminated, the Net State Sales Tax Increment shall be
calculated, beginning on the date on which the bonds are retired or the

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contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State

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Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

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(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of

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the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized

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on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or

(L) if the ordinance was adopted in September 1988 by Sauk Village, or

(M) if the ordinance was adopted in October 1993 by Sauk Village, or

(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or

(O) if the ordinance was adopted in March 1991 by the City of Centreville, or

(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or

(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or

(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or

(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or

(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or

(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or

(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or

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(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or

(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or

(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or

(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or

(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or

(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or

(CC) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or

(DD) if the ordinance was adopted on September 21, 1998 by the City of Waukegan.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be

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not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study

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need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and

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very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the

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adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

1. Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

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(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

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(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the

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boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since
the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

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Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by

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school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from

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other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of

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day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

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(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount".

For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this

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calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(i) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality

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taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the

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funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

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In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the

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municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a

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municipality with a population in 1990 of less than 3,600 that is located in
a county with a population in 1990 of less than 34,000 and for which at
least $250,000 of tax increment bonds were authorized on June 17, 1997,
or (H) if the ordinance was adopted on October 5, 1982 by the City of
Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by
East St. Louis, or if the ordinance was adopted on November 12, 1991 by
the Village of Sauget, or (J) if the ordinance was adopted on February 11,
1985 by the City of Rock Island, or (K) if the ordinance was adopted
before December 18, 1986 by the City of Moline, or (L) if the ordinance
was adopted in September 1988 by Sauk Village, or (M) if the ordinance
was adopted in October 1993 by Sauk Village, or (N) if the ordinance was
adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance
was adopted in March 1991 by the City of Centreville, or (P) if the
ordinance was adopted on January 23, 1991 by the City of East St.
Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the
City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by
the City of Clinton, or (S) if the ordinance was adopted on September 6,
1994 by the City of Freeport, or (T) if the ordinance was adopted on
December 22, 1986 by the City of Tuscola, or (U) if the ordinance was
adopted on December 23, 1986 by the City of Sparta, or (V) if the
ordinance was adopted on December 23, 1986 by the City of Beardstown,
or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985,
or December 30, 1986 by the City of Belleville, or (X) if the ordinance
was adopted on December 29, 1986 by the City of Collinsville, or (Y) if
the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of
Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by
the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991
or June 3, 1992 by the City of Markham, or (CC) if the ordinance was
adopted on January 19, 1988 by the City of Waukegan, or (DD) if the
ordinance was adopted on September 21, 1998 by the City of Waukegan
and, for redevelopment project areas for which bonds were issued before
July 29, 1991, in connection with a redevelopment project in the area
within the State Sales Tax Boundary and which were extended by
municipal ordinance under subsection (n) of Section 11-74.4-3, the last
maturity of the refunding obligations shall not be expressed to mature later
than the date on which the redevelopment project area is terminated or
December 31, 2013, whichever date occurs first.

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In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624, eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved January 18, 2005.
Effective January 18, 2005.

PUBLIC ACT 93-1077
(Senate Bill No. 2617)

AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by adding Section 364.2 as follows:
(215 ILCS 5/364.2 new)
Sec. 364.2. Purchase of ophthalmic goods or services. An insurer may not require a provider, as a condition of participation by the provider, to purchase ophthalmic goods or services, including but not limited to eyeglass frames, in a quantity or dollar amount in excess of the quantity or dollar amount an enrollee purchases under the terms of the policy.

Section 10. The Health Maintenance Organization Act is amended by adding Section 4-19 as follows:
(215 ILCS 125/4-19 new)
Sec. 4-19. Purchase of ophthalmic goods or services. A health maintenance organization may not require a provider, as a condition of

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participation in the health maintenance organization's health care plan, to purchase ophthalmic goods or services, including but not limited to eyeglass frames, in a quantity or dollar amount in excess of the quantity or dollar amount an enrollee purchases under the terms of the health care plan.

Section 15. The Limited Health Service Organization Act is amended by adding Section 3010 as follows:

(215 ILCS 130/3010 new)

Sec. 3010. Purchase of ophthalmic goods or services. An organization may not require a provider, as a condition of participation in the organization's limited health care plan, to purchase ophthalmic goods or services, including but not limited to eyeglass frames, in a quantity or dollar amount in excess of the quantity or dollar amount an enrollee purchases under the terms of the limited health care plan.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved January 18, 2005.
Effective January 18, 2005.

PUBLIC ACT 93-1078
(Senate Bill No. 3186)

AN ACT concerning human rights.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Human Rights Act is amended by changing Sections 1-102, 1-103, 3-103, and 3-106 and the heading of Article 1 and adding Section 1-101.1 as follows:

(775 ILCS 5/Art. 1 heading)

ARTICLE 1.
GENERAL PROVISIONS TITLE, POLICY AND DEFINITIONS
(775 ILCS 5/1-101.1 new)

Sec. 1-101.1. Construction. Nothing in this Act shall be construed as requiring any employer, employment agency, or labor organization to give preferential treatment or special rights based on sexual orientation or to implement affirmative action policies or programs based on sexual orientation.

(775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

New matter indicated by italics - deletions by strikeout.
Sec. 1-102. Declaration of Policy. It is the public policy of this State:

(A) Freedom from Unlawful Discrimination. To secure for all individuals within Illinois the freedom from discrimination against any individual because of his or her race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

(B) Freedom from Sexual Harassment-Employment and Higher Education. To prevent sexual harassment in employment and sexual harassment in higher education.

(C) Freedom from Discrimination Based on Citizenship Status-Employment. To prevent discrimination based on citizenship status in employment.

(D) Freedom from Discrimination Based on Familial Status-Real Estate Transactions. To prevent discrimination based on familial status in real estate transactions.

(E) Public Health, Welfare and Safety. To promote the public health, welfare and safety by protecting the interest of all people in Illinois in maintaining personal dignity, in realizing their full productive capacities, and in furthering their interests, rights and privileges as citizens of this State.

(F) Implementation of Constitutional Guarantees. To secure and guarantee the rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution of 1970.

(G) Equal Opportunity, Affirmative Action. To establish Equal Opportunity and Affirmative Action as the policies of this State in all of its decisions, programs and activities, and to assure that all State departments, boards, commissions and instrumentalities rigorously take affirmative action to provide equality of opportunity and eliminate the effects of past discrimination in the internal affairs of State government and in their relations with the public.

(H) Unfounded Charges. To protect citizens of this State against unfounded charges of unlawful discrimination, sexual harassment in employment and sexual harassment in higher education, and discrimination based on citizenship status in employment.

(Source: P.A. 87-579; 88-178.)

(775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

New matter indicated by italics - deletions by strikeout.
Sec. 1-103. General Definitions. When used in this Act, unless the context requires otherwise, the term:

(A) Age. "Age" means the chronological age of a person who is at least 40 years old, except with regard to any practice described in Section 2-102, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, for the purposes of Section 2-102, "age" means the chronological age of a person who is 18 but not yet 40 years old.

(B) Aggrieved Party. "Aggrieved party" means a person who is alleged or proved to have been injured by a civil rights violation or believes he or she will be injured by a civil rights violation under Article 3 that is about to occur.

(C) Charge. "Charge" means an allegation filed with the Department by an aggrieved party or initiated by the Department under its authority.

(D) Civil Rights Violation. "Civil rights violation" includes and shall be limited to only those specific acts set forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104, 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this Act.


(F) Complaint. "Complaint" means the formal pleading filed by the Department with the Commission following an investigation and finding of substantial evidence of a civil rights violation.

(G) Complainant. "Complainant" means a person including the Department who files a charge of civil rights violation with the Department or the Commission.

(H) Department. "Department" means the Department of Human Rights created by this Act.

(I) Handicap. "Handicap" means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic:

(1) For purposes of Article 2 is unrelated to the person's ability to perform the duties of a particular job or position and,

New matter indicated by italics - deletions by strikeout.
pursuant to Section 2-104 of this Act, a person's illegal use of drugs or alcohol is not a handicap;

(2) For purposes of Article 3, is unrelated to the person's ability to acquire, rent or maintain a housing accommodation;

(3) For purposes of Article 4, is unrelated to a person's ability to repay;

(4) For purposes of Article 5, is unrelated to a person's ability to utilize and benefit from a place of public accommodation.

(J) Marital Status. "Marital status" means the legal status of being married, single, separated, divorced or widowed.

(J-1) Military Status. "Military status" means a person's status on active duty in the armed forces of the United States, status as a current member of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast Guard Reserve, or status as a current member of the Illinois Army National Guard or Illinois Air National Guard.

(K) National Origin. "National origin" means the place in which a person or one of his or her ancestors was born.

(L) Person. "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees, or union labor associations, corporations, the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

(M) Public Contract. "Public contract" includes every contract to which the State, any of its political subdivisions or any municipal corporation is a party.

(N) Religion. "Religion" includes all aspects of religious observance and practice, as well as belief, except that with respect to employers, for the purposes of Article 2, "religion" has the meaning ascribed to it in paragraph (F) of Section 2-101.

(O) Sex. "Sex" means the status of being male or female.

(O-1) Sexual orientation. "Sexual orientation" means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. "Sexual orientation" does not include a physical or sexual attraction to a minor by an adult.

New matter indicated by italics - deletions by strikeout.
(P) Unfavorable Military Discharge. "Unfavorable military discharge" includes discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".

(Q) Unlawful Discrimination. "Unlawful discrimination" means discrimination against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, handicap, military status, sexual orientation, or unfavorable discharge from military service as those terms are defined in this Section.

(Source: P.A. 93-941, eff. 8-16-04.)

(775 ILCS 5/3-103) (from Ch. 68, par. 3-103)
Sec. 3-103. Blockbusting. It is a civil rights violation for any person to:

(A) Solicitation. Solicit for sale, lease, listing or purchase any residential real estate within this State, on the grounds of loss of value due to the present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, sexual orientation, marital status, familial status or handicap.

(B) Statements. Distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate in this State to sell or lease his or her property because of any present or prospective changes in the race, color, religion, national origin, ancestry, age, sex, sexual orientation, marital status, familial status or handicap of residents in the vicinity of the property involved.

(C) Creating Alarm. Intentionally create alarm, among residents of any community, by transmitting communications in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any owner of residential real estate in this state to sell or lease his or her property because of any present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, sexual orientation, marital status, familial status or handicap.

(Source: P.A. 86-910.)

(775 ILCS 5/3-106) (from Ch. 68, par. 3-106)
Sec. 3-106. Exemptions. Nothing contained in Section 3-102 shall prohibit:

New matter indicated by italics - deletions by strikeout.
(A) Private Sales of Single Family Homes. Any sale of a single family home by its owner so long as the following criteria are met:
   (1) The owner does not own or have a beneficial interest in more than three single family homes at the time of the sale;
   (2) The owner or a member of his or her family was the last current resident of the home;
   (3) The home is sold without the use in any manner of the sales or rental facilities or services of any real estate broker or salesman, or of any employee or agent of any real estate broker or salesman;
   (4) The home is sold without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of paragraph (F) of Section 3-102.

(B) Apartments. Rental of a housing accommodation in a building which contains housing accommodations for not more than five families living independently of each other, if the lessor or a member of his or her family resides in one of the housing accommodations;

(C) Private Rooms. Rental of a room or rooms in a private home by an owner if he or she or a member of his or her family resides therein or, while absent for a period of not more than twelve months, if he or she or a member of his or her family intends to return to reside therein;

(D) Reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(E) Religious Organizations. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

(F) Sex. Restricting the rental of rooms in a housing accommodation to persons of one sex.

(G) Persons Convicted of Drug-Related Offenses. Conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the federal Controlled Substances Act (21 U.S.C. 802).

New matter indicated by italics - deletions by strikeout.
(H) Persons engaged in the business of furnishing appraisals of real property from taking into consideration factors other than those based on unlawful discrimination or familial status in furnishing appraisals.

(H-1) The owner of an owner-occupied residential building with 5 or fewer units (including the unit in which the owner resides) from making decisions regarding whether to rent to a person based upon that person’s sexual orientation.

(I) Housing for Older Persons. No provision in this Article regarding familial status shall apply with respect to housing for older persons.

(1) As used in this Section, "housing for older persons" means housing:

(a) provided under any State or Federal program that the Department determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or
(b) intended for, and solely occupied by, persons 62 years of age or older; or
(c) intended and operated for occupancy by persons 55 years of age or older and:

(i) at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older;
(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subdivision (c); and
(iii) the housing facility or community complies with rules adopted by the Department for verification of occupancy, which shall:

(aa) provide for verification by reliable surveys and affidavits; and
(bb) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii).

These surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.
(2) Housing shall not fail to meet the requirements for housing for older persons by reason of:

   (a) persons residing in such housing as of the effective date of this amendatory Act of 1989 who do not meet the age requirements of subsections (1)(b) or (c); provided, that new occupants of such housing meet the age requirements of subsections (1)(b) or (c) of this subsection; or

   (b) unoccupied units; provided, that such units are reserved for occupancy by persons who meet the age requirements of subsections (1)(b) or (c) of this subsection.

(3) (a) A person shall not be held personally liable for monetary damages for a violation of this Article if the person reasonably relied, in good faith, on the application of the exemption under this subsection (I) relating to housing for older persons.

   (b) For the purposes of this item (3), a person may show good faith reliance on the application of the exemption only by showing that:

      (i) the person has no actual knowledge that the facility or community is not, or will not be, eligible for the exemption; and

      (ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for the exemption.

(Source: P.A. 89-520, eff. 7-18-96.)


Approved January 21, 2005.

Effective January 1, 2006.

PUBLIC ACT 93-1079
(House Bill No. 0757)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Sections 9-11.2, 9-12, 9-18, 26-2, 26-8, and 26-16 and by adding Section 14-16 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 9-11.2. For all school districts electing candidates to a board of education in a manner other than at large, candidates not elected at large who file nominating petitions for a full term shall be grouped together by area of residence as follows:

(1) by congressional townships, or
(2) according to incorporated or unincorporated areas, or
(3) by affected school districts, if the form of ballot prescribed by Format 2a or 2b of Section 9-12 is required to be used for the election.

For all school districts electing candidates to a board of education in a manner other than at large, candidates not elected at large who file nominating petitions for an unexpired term shall be grouped together by area of residence as follows:

(1) by congressional townships, or
(2) according to incorporated or unincorporated areas, or
(3) by affected school districts, if the form of ballot prescribed by Format 2a or 2b of Section 9-12 is required to be used for the election.

Candidate Except in those instances when the ballot under Format 5 of Section 9-12 is required to be used, candidate groupings by area of residence for unexpired full terms shall precede the candidate groupings by area of residence for full unexpired terms on the ballot. In all instances, however, the ballot order of each candidate grouping shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1 in the following manner:

The area of residence of the candidate determined to be first by order of petition filing or by lottery shall be listed first among the candidate groupings on the ballot. All other candidates from the same area of residence will follow according to order of petition filing or the lottery. The area of residence of the candidate determined to be second by the order of petition filing or the lottery shall be listed second among the candidate groupings on the ballot. All other candidates from the same area of residence will follow according to the order of petition filing or the lottery. The ballot order of additional candidate groupings by area of residence shall be established in a like manner.

In any school district that elects its board members according to area of residence and that has one or more unexpired terms to be filled at an election, the winner or winners of the unexpired term or terms shall be determined first and independently of those running for full terms. The winners of the full terms shall then be determined taking into
consideration the areas of residence of those elected to fill the unexpired
term or terms.

"Area of Residence" means congressional township and ;
incorporated and unincorporated territories, and, if the form of ballot
prescribed by Format 2a or 2b of Section 9-12 is required to be used in
electing candidates to a board of education, affected school districts.

"Affected school district" means either of the 2 entire elementary
school districts that are formed into a combined school district established
as provided in subsection (a-5) of Section 11B-7.

(Source: P.A. 89-579, eff. 7-30-96; 90-59, eff. 7-3-97; 90-459, eff. 8-17-
97; 90-655, eff. 7-30-98.)

(105 ILCS 5/9-12) (from Ch. 122, par. 9-12)

Sec. 9-12. Ballots for the election of school officers shall be in one
of the following forms:

(FORMAT 1

Ballot position for candidates shall be determined by the order of
petition filing or lottery held pursuant to Section 9-11.1.

This format is used by Boards of School Directors. School
Directors are elected at large.)

OFFICIAL BALLOT

FOR MEMBERS OF THE BOARD OF SCHOOL
DIRECTORS TO SERVE AN UNEXPIRED 2-YEAR TERM

VOTE FOR ....

( ) ........................................

( ) ........................................

( ) ........................................

FOR MEMBERS OF THE BOARD OF SCHOOL
DIRECTORS TO SERVE A FULL 4-YEAR TERM

VOTE FOR ....

( ) ........................................

( ) ........................................

( ) ........................................

FOR MEMBERS OF THE BOARD OF SCHOOL
DIRECTORS TO SERVE AN UNEXPIRED 2-YEAR TERM

VOTE FOR ....

( ) ........................................

( ) ........................................

( ) ........................................

(FORMAT 2

New matter indicated by italics - deletions by strikeout.
Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used when school board members are elected at large. Membership on the school board is not restricted by area of residence.

Types of school districts generally using this format are:

- Common school districts;
- Community unit and community consolidated school districts formed on or after January 1, 1975;
- Community unit school districts formed prior to January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8;
- Community unit, community consolidated and combined school districts in which more than 90% of the population is in one congressional township;
- High school districts in which less than 15% of the taxable property is located in unincorporated territory; and unit districts (OLD TYPE);
- Combined school districts formed on or after July 1, 1983;
- Combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7.)

OFFICIAL BALLOT

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM

VOTE FOR ....

( ) .......................................
( ) .......................................
( ) .....................................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE A FULL 4-YEAR TERM

VOTE FOR ....

( ) .......................................
( ) .......................................
( ) .....................................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM

VOTE FOR ....

New matter indicated by italics - deletions by strikeout.
Ballot position for at-large candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1 and ballot position for candidates grouped by "affected school district", as that term is defined in Section 9-11.2, shall be determined by order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

Format 2a is used only in electing, to unstaggered terms expiring on the date of the regular school election held in calendar year 2001, the initial 7 members of the board of education of a combined school district that is established as provided in subsection (a-5) of Section 11B-7, and Format 2b is used only in electing, when required under Section 10-10, a successor to serve the remainder of the unstaggered, unexpired term of any such initial board member in whose office a vacancy has occurred.

Format 2a:

OFFICIAL BALLOT
FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE A FULL TERM EXPIRING ON
(Insert date of regular school election in 2001)

Instructions to voter: One member of the board of education is to be elected at large from within the territory included within the boundaries of (insert name of the combined school district as proposed or formed), 3 members are to be elected from the territory included within the boundaries of (former) Elementary School District No. ...., and 3 members are to be elected from the territory included within the boundaries of (former) Elementary School District No. ....:

FOR THE MEMBER
OF THE BOARD OF EDUCATION
TO BE ELECTED AT LARGE
VOTE FOR ONE

() .......................................
() .......................................
() .......................................

FORMATS 2a and 2b

New matter indicated by italics - deletions by strikeout.
OFFICIAL BALLOT
FOR A MEMBER OF THE BOARD OF EDUCATION
TO BE ELECTED AT LARGE
TO SERVE AN UNEXPIRED TERM ENDING ON
(I insert date of regular school election in 2001)
VOTE FOR ONE

( ) .......................................
( ) .......................................

FOR MEMBERS (A MEMBER)
of the Board of Education
TO BE ELECTED FROM
 Former Elementary School District No. ....
TO SERVE AN UNEXPIRED TERM ENDING ON
(I insert date of regular school election in 2001)
VOTE FOR ....

( ) .......................................
( ) .......................................

New matter indicated by italics - deletions by strikeout.
Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by community unit, community consolidated and combined school districts when the territory is less than 2 congressional townships, or 72 square miles, but consists of more than one congressional township, or 36 square miles, outside of the corporate limits of any city, village or incorporated town within the school district. The School Code requires that not more than 5 board members shall be selected from any city, village or incorporated town in the school district. At least two board members must reside in the unincorporated area of the school district.

Except for those community unit school districts formed before January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 and except for combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7, this format applies to community unit and community consolidated school districts formed prior to January 1, 1975 and combined school districts formed prior to July 1, 1983.

OFFICIAL BALLOT

Instructions to voter: The board of education shall be composed of members from both the incorporated and the unincorporated area; not more than 5 board members shall be selected from any city, village or incorporated town.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, NOT MORE THAN .... MAY BE ELECTED FROM THE INCORPORATED AREAS. On the basis of existing board membership, not more than .... may be elected from the incorporated areas.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE

New matter indicated by italics - deletions by strikeout.
FULL TERMS.

VOTE FOR A TOTAL OF ....

............... Area
( ) .................
( ) .................
............... Area
( ) .................
( ) .................

FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....

............... Area
( ) .................
( ) .................

FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

............... Area
( ) .................
( ) .................

FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

............... Area
( ) .................
( ) .................

...... (FORMAT 4)

Ballot position for township areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

Except for those community unit school districts formed prior to January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 and except for those combined school districts formed before July

New matter indicated by italics - deletions by strikeout.
1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7, this format applies to community unit and community consolidated school districts formed prior to January 1, 1975 and combined school districts formed prior to July 1, 1983 when the territory of the school district is greater than 2 congressional townships, or 72 square miles. This format applies only when less than 75% of the population is in one congressional township. Congressional townships of less than 100 inhabitants shall not be considered for the purpose of such mandatory board representation. In this case, not more than 3 board members may be selected from any one congressional township.)

OFFICIAL BALLOT

Instructions to voter: Membership on the board of education is restricted to a maximum of 3 members from any congressional township.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL TOWNSHIP. On the basis of existing board membership, members may be elected in the following numbers from each congressional township.

NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP ....
RANGE .... Not more than .... may be elected from Township .... Range ....
NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP ....
RANGE .... Not more than .... may be elected from Township .... Range ....
NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP ....
RANGE .... Not more than .... may be elected from Township .... Range ....

(Include each remaining congressional township in district as needed)

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE AN UNEXPRIED 2-YEAR TERM
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPRIED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.

VOTE FOR A TOTAL OF ....

Township ............ Range ...............
Ballot position for township areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

Except for those community unit school districts formed before January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 and except for those combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7, this format is used by
community unit and community consolidated school districts formed prior to January 1, 1975, and combined school districts formed prior to July 1, 1983, when the territory of the school district is greater than 2 congressional townships, or 72 square miles and when at least 75%, but not more than 90%, of the population resides in one congressional township. In this case, 4 school board members shall be selected from that one congressional township and the 3 remaining board members shall be selected from the rest of the district. If a school district from which school board members are to be selected is located in a county under township organization and if the surveyed boundaries of a congressional township from which one or more of those school board members is to be selected, as described by township number and range, are coterminous with the boundaries of the township as identified by the township name assigned to it as a political subdivision of the State, then that township may be referred to on the ballot by both its township name and by township number and range.)

OFFICIAL BALLOT

Instructions to voter: Membership on the board of education is to consist of 4 members from the congressional township that has at least 75% but not more than 90% of the population, and 3 board members from the remaining congressional townships in the school district.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL TOWNSHIP. On the basis of existing board membership, members may be elected in the following numbers from each congressional township:

FOR MEMBER OF THE BOARD OF EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM
FROM (name)........ TOWNSHIP ..... RANGE ..... VOTE FOR ONE
( )..........................
( )..........................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....
..... shall be elected from (name)...... Township ..... Range ......
(name)...... TOWNSHIP ..... RANGE ..... 
( ) .........................
( ) .........................

New matter indicated by italics - deletions by strikeout.
VOTE FOR ....

...... board members shall be elected from the remaining congressional townships.

The Remaining Congressional Townships

( ) ____________________________
( ) ____________________________

(FORMAT 6

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used by school districts in which voters have approved a referendum to elect school board members by school board district. The school district is then divided into 7 school board districts, each of which elects one member to the board of education.)

OFFICIAL BALLOT

DISTRICT ...... (1 through 7)

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE AN UNEXPRIED 2-YEAR TERM

VOTE FOR ONE

( ) ____________________________
( ) ____________________________
( ) ____________________________

(-OR-)

OFFICIAL BALLOT

DISTRICT ...... (1 through 7)

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE A FULL 4-YEAR TERM

VOTE FOR ONE

( ) ____________________________
( ) ____________________________
( ) ____________________________

(-OR-)

OFFICIAL BALLOT

DISTRICT ...... (1 through 7)

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE AN UNEXPRIED 2-YEAR TERM

VOTE FOR ONE

( ) ____________________________
( ) ____________________________
( ) ____________________________

New matter indicated by italics - deletions by strikeout.
OFFICIAL BALLOT
DISTRICT ....... (1 through 7)
(Precinct name or number)
School District No. ......., ........... County, Illinois
Election Tuesday (insert date)
(facsimile signature of Election Authority)
(County)

(FORMAT 7
Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.
This format is used by high school districts if more than 15% but less than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least one board member shall be a resident of the unincorporated territory.)

OFFICIAL BALLOT
Instructions to voter: More than 15% but less than 30% of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least one board member shall be a resident of the unincorporated areas.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

On the basis of existing board membership, at least one member shall be elected from the unincorporated area.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM

THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.

VOTE FOR A TOTAL OF ....

.................. Area
( ) ......................
( ) ......................
.................. Area
( ) ......................
( ) ......................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

New matter indicated by italics - deletions by strikeout.
A FULL 4-YEAR TERM
VOTE FOR A TOTAL OF ....

............... Area
( ) .........................
( ) .........................
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....

............... Area
( ) .........................
( ) .........................
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPired 2-YEAR TERM
VOTE FOR ....

............... Area
( ) .........................
( ) .........................
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPired 2-YEAR TERM
VOTE FOR ....

............... Area
( ) .........................
( ) .........................
(FORMAT 7a

Ballot position for candidates shall be determined by the order of
petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 15% but
less than 30% of the taxable property is located in the unincorporated
territory of the school district and on the basis of existing board
membership no board member is required to be elected from the
unincorporated area.)

OFFICIAL BALLOT
Instruction to voter: More than 15% but less than 30% of the
taxable property of this high school district is located in the
unincorporated territory of the district, therefore, at least one board
member shall be a resident of the unincorporated areas.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP,
MEMBERS MAY BE ELECTED FROM ANY AREA OR AREAS. On the

New matter indicated by italics - deletions by strikeout.
basis of existing board membership, members may be elected from any area or areas.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....
( ) ........................................
( ) ........................................
( ) ........................................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....
( ) ........................................
( ) ........................................
( ) ........................................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....
( ) ........................................
( ) ........................................
( ) ........................................

(FORMAT 8

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT
LEAST 2 MEMBERS SHALL BE ELECTED FROM THE
UNINCORPORATED AREA. On the basis of existing board membership at least 2 members shall be elected from the unincorporated area.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM

New matter indicated by italics - deletions by strikeout.
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL
UNEXPIRED TERMS
IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS
OF THE FULL TERMS.
VOTE FOR A TOTAL OF ....

............... Area
( ) ......................
( ) ......................
............... Area
( ) ......................
( ) ......................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR A TOTAL OF ....

............... Area
( ) ......................
( ) ......................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....

............... Area
( ) ......................
( ) ......................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

............... Area
( ) ......................
( ) ......................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

............... Area
( ) ......................
( ) ......................

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

New matter indicated by italics - deletions by strikeout.
This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.)

**OFFICIAL BALLOT**

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

*ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA.* On the basis of existing board membership at least one member shall be elected from the unincorporated area.

*FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM*

*THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.*

VOTE FOR A TOTAL OF ....


FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE A FULL 4-YEAR TERM

VOTE FOR A TOTAL OF ....


FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE A FULL 4-YEAR TERM

VOTE FOR ....


FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

New matter indicated by italics - deletions by strikeout.
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

............... Area
( ) ....................
( ) ....................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

............... Area
( ) ....................
( ) ....................

(FORMAT 8b

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED FROM ANY AREA OR AREAS. On the basis of existing board membership, members may be elected from any area or areas.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

( ) ....................
( ) ....................
( ) ....................
( ) ....................

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....

( ) ....................

New matter indicated by italics - deletions by strikeout.
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR....

( ) ................................
( ) ................................
( ) ................................
( ) ................................

(Source: P.A. 93-706, eff. 7-9-04.)
(105 ILCS 5/9-18) (from Ch. 122, par. 9-18)
Sec. 9-18. Canvass of elections. A canvass of the votes at any election held in districts governed by a board of education shall be made by the board of education within 21 7 days after the election.
A canvass of the votes at an election ordered by the regional superintendent of schools shall be made by the regional superintendent of schools within 21 7 days after the election.
A canvass of the votes at an election ordered by the Board of Directors shall be made by the Board of Directors within 21 7 days after the election.

(Source: P.A. 81-1490.)
(105 ILCS 5/14-16 new)
Sec. 14-16. Participation in graduation ceremony.
(a) This Section may be referred to as Brittany's Law. The General Assembly finds the following:
(1) Each year, school districts across this State celebrate their students' accomplishments through graduation ceremonies at which high school diplomas are bestowed upon students who have completed their high school requirements.
(2) There are children with disabilities in this State who have finished 4 years of high school, but whose individualized education programs prescribe the continuation of special education, transition planning, transition services, or related services beyond the completion of 4 years of high school.
(3) It is well-established that the awarding of a high school diploma to and the high school graduation of a child with a disability is tantamount to the termination of eligibility for special

New matter indicated by italics - deletions by strikeout.
education and related services for the student under applicable federal law.

(4) Many children with disabilities who will continue their public education in accordance with their individualized education programs after finishing 4 years of high school wish to celebrate their accomplishments by participating in a graduation ceremony with their classmates.

(5) The opportunity for classmates with disabilities and those without disabilities to celebrate their accomplishments together only occurs once, and the opportunity to celebrate the receipt of a diploma several years after one's classmates have graduated diminishes the experience for students whose age peers have left high school several years earlier.

(b) Beginning March 1, 2005, each school district that operates a high school must have a policy and procedures that allow a child with a disability who will have completed 4 years of high school at the end of a school year to participate in the graduation ceremony of the student's high school graduating class and receive a certificate of completion if the student's individualized education program prescribes special education, transition planning, transition services, or related services beyond the student's 4 years of high school. The policy and procedures must require timely and meaningful written notice to children with disabilities and their parents or guardians about the school district's policy and procedures adopted in accordance with this Section.

(c) The State Board of Education shall monitor and enforce compliance with the provisions of this Section and is authorized to adopt rules for that purpose.

(105 ILCS 5/26-2) (from Ch. 122, par. 26-2)
(Text of Section from P.A. 93-803)
Sec. 26-2. Enrolled pupils below 7 or over 17.

(a) Any person having custody or control of a child who is below the age of 7 years or is 17 years of age or above and who is enrolled in any of grades 1 through 12, in the public school shall cause him to attend the public school in the district wherein he resides when it is in session during the regular school term, unless he is excused under paragraph paragraphs 2, 3, 4, or 6 of Section 26-1.

(b) A school district shall deny reenrollment in its secondary schools to any child above the age of 19 years of age or above who has dropped out of school and who could not, because of age and lack of

New matter indicated by italics - deletions by strikeout.
credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. A district may, however, enroll the child in a graduation incentives program under Section 26-16 of this Code or an alternative learning opportunities program established under Article 13B. No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to alternative educational programs, including adult education programs, that lead to graduation or receipt of a GED diploma.

(c) A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic standards if all of the following conditions are met:

(1) The student achieved a grade point average of less than "D" (or its equivalent) in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is failing academically and is subject to denial from enrollment for one semester unless a "D" average (or its equivalent) or better is attained in the current semester.

(3) The parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with an academic improvement plan and academic remediation services.

(5) The student fails to achieve a "D" average (or its equivalent) or better in the current semester.

A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum attendance standards if all of the following conditions are met:

(1) The student was absent without valid cause for 20% or more of the attendance days in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is subject to denial from enrollment for one semester unless the student is absent

New matter indicated by italics - deletions by strikeout.
without valid cause less than 20% of the attendance days in the current semester.

(3) The student's parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with attendance remediation services, including without limitation assessment, counseling, and support services.

(5) The student is absent without valid cause for 20% or more of the attendance days in the current semester.

A school or school district may not deny enrollment to a student (or reenrollment to a dropout) who is at least 17 years of age or older but below not more than 19 years for more than one consecutive semester for failure to meet academic or attendance standards.

(d) No child may be denied enrollment or reenrollment under this Section in violation of the Individuals with Disabilities Education Act or the Americans with Disabilities Act.

(e) In this subsection (e), "reenrolled student" means a dropout who has reenrolled full-time in a public school. Each school district shall identify, track, and report on the educational progress and outcomes of reenrolled students as a subset of the district's required reporting on all enrollments. A reenrolled student who again drops out must not be counted again against a district's dropout rate performance measure. The State Board of Education shall set performance standards for programs serving reenrolled students.

(f) The State Board of Education shall adopt any rules necessary to implement the changes to this Section made by Public Act 93-803 this amendatory Act of the 93rd General Assembly.

(Source: P.A. 92-42, eff. 1-1-02; 93-803, eff. 7-23-04.)

(Text of Section from P.A. 93-858)

Sec. 26-2. Enrolled pupils below 7 or over 17.

(a) Any person having custody or control of a child who is below the age of 7 years or is 17 years of age or above and who is enrolled in any of grades 1 through 12 in the public school shall cause him to attend the public school in the district wherein he resides when it is in session during the regular school term, unless he is excused under paragraph 2, 3, 4, 5, or 6 of Section 26-1.

(b) A school district shall deny reenrollment in its secondary schools to any child 19 years of age or above who has dropped out of

New matter indicated by italics - deletions by strikeout.
school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. A district may, however, enroll the child in a graduation incentives program under Section 26-16 of this Code or an alternative learning opportunities program established under Article 13B. No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to alternative educational programs, including adult education programs, that lead to graduation or receipt of a GED diploma.

(c) A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic standards if all of the following conditions are met:

1. The student achieved a grade point average of less than "D" (or its equivalent) in the semester immediately prior to the current semester.

2. The student and the student's parent or guardian are given written notice warning that the student is failing academically and is subject to denial from enrollment for one semester unless a "D" average (or its equivalent) or better is attained in the current semester.

3. The parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

4. The student is provided with an academic improvement plan and academic remediation services.

5. The student fails to achieve a "D" average (or its equivalent) or better in the current semester.

A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum attendance standards if all of the following conditions are met:

1. The student was absent without valid cause for 20% or more of the attendance days in the semester immediately prior to the current semester.

2. The student and the student's parent or guardian are given written notice warning that the student is subject to denial from enrollment for one semester unless the student is absent

New matter indicated by italics - deletions by strikeout.
without valid cause less than 20% of the attendance days in the current semester.

(3) The student's parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with attendance remediation services, including without limitation assessment, counseling, and support services.

(5) The student is absent without valid cause for 20% or more of the attendance days in the current semester.

A school or school district may not deny enrollment to a student (or reenrollment to a dropout) who is at least 17 years of age or older but below 19 years for more than one consecutive semester for failure to meet academic or attendance standards.

(d) No child may be denied enrollment or reenrollment under this Section in violation of the Individuals with Disabilities Education Act or the Americans with Disabilities Act.

(e) In this subsection (e), "reenrolled student" means a dropout who has reenrolled full-time in a public school. Each school district shall identify, track, and report on the educational progress and outcomes of reenrolled students as a subset of the district's required reporting on all enrollments. A reenrolled student who again drops out must not be counted again against a district's dropout rate performance measure. The State Board of Education shall set performance standards for programs serving reenrolled students.

(f) The State Board of Education shall adopt any rules necessary to implement the changes to this Section made by Public Act 93-803.

(Source: P.A. 92-42, eff. 1-1-02; 93-858, eff. 1-1-05.)

(105 ILCS 5/26-8) (from Ch. 122, par. 26-8)

Sec. 26-8. Determination as to compliance - Complaint in circuit court. A truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee, after giving the notice provided in Section 26-7, shall determine whether the notice has been complied with. If 3 notices have been given and the notices have not been complied with, and if the persons having custody or control have knowingly and willfully permitted the truant behavior to continue, the regional superintendent of schools, or his or her designee, of the school district where the child resides shall conduct a truancy hearing. If the regional superintendent determines as a result of the hearing that the

New matter indicated by italics - deletions by strikeout.
child is truant, the regional superintendent shall, if age appropriate at the discretion of the regional superintendent, require the student to complete 20 to 40 hours of community service over a period of 90 days. If the truancy persists, the regional superintendent shall (i) make complaint against the persons having custody or control to the state's attorney or in the circuit court in the county where such person resides for failure to comply with the provisions of this Article or (ii) conduct truancy mediation and encourage the student to enroll in a graduation incentives program under Section 26-16 of this Code. If, however, after giving the notice provided in Section 26-7 the truant behavior has continued, and the child is beyond the control of the parents, guardians or custodians, a truancy petition shall be filed under the provisions of Article III of the Juvenile Court Act of 1987.

(Source: P.A. 93-858, eff. 1-1-05.)

(105 ILCS 5/26-16)

Sec. 26-16. Graduation incentives program.

(a) The General Assembly finds that it is critical to provide options for children to succeed in school. The purpose of this Section is to provide incentives for and encourage all Illinois students who have experienced or are experiencing difficulty in the traditional education system to enroll in alternative programs.

(b) Any student who is below the age of 20 years no more than 18 years of age is eligible to enroll in a graduation incentives program if he or she:

1. is considered a dropout pursuant to Section 26-2a of this Code;
2. has been suspended or expelled pursuant to Section 10-22.6 or 34-19 of this Code;
3. is pregnant or is a parent;
4. has been assessed as chemically dependent; or
5. is enrolled in a bilingual education or LEP program.

(c) The following programs qualify as graduation incentives programs for students meeting the criteria established in this Section:

1. Any public elementary or secondary education graduation incentives program established by a school district or by a regional office of education.
2. Any alternative learning opportunities program established pursuant to Article 13B of this Code.
(3) Vocational or job training courses approved by the State Superintendent of Education that are available through the Illinois public community college system. Students may apply for reimbursement of 50% of tuition costs for one course per semester or a maximum of 3 courses per school year. Subject to available funds, students may apply for reimbursement of up to 100% of tuition costs upon a showing of employment within 6 months after completion of a vocational or job training program. The qualifications for reimbursement shall be established by the State Superintendent of Education by rule.

(4) Job and career programs approved by the State Superintendent of Education that are available through Illinois-accredited private business and vocational schools. Subject to available funds, pupils may apply for reimbursement of up to 100% of tuition costs upon a showing of employment within 6 months after completion of a job or career program. The State Superintendent of Education shall establish, by rule, the qualifications for reimbursement, criteria for determining reimbursement amounts, and limits on reimbursement.

(5) Adult education courses that offer preparation for the General Educational Development Test.

(d) Graduation incentives programs established by school districts are entitled to claim general State aid, subject to Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code. Graduation incentives programs operated by regional offices of education are entitled to receive general State aid at the foundation level of support per pupil enrolled. A school district must ensure that its graduation incentives program receives supplemental general State aid, transportation reimbursements, and special education resources, if appropriate, for students enrolled in the program.

(Source: P.A. 93-858, eff. 1-1-05.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect upon becoming law, except that the provisions changing Sections 26-2, 26-8, and 26-16 of the School Code take effect January 1, 2005.

Approved January 21, 2005.
Effective January 21, 2005.

PUBLIC ACT 93-1080
(House Bill No. 2577)

AN ACT concerning public labor relations.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Labor Relations Act is amended by changing Section 20 as follows:

(a) Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee be deemed a strike under this Act.

(b) This Act shall not be applicable to units of local government employing less than 5 employees, except with respect to bargaining units in existence on the effective date of this Act and fire protection districts required by the Fire Protection District Act to appoint a Board of Fire Commissioners.

(Source: P.A. 87-736.)

Approved January 21, 2005.
Effective June 1, 2005.

PUBLIC ACT 93-1081
(Senate Bill No. 2375)

AN ACT concerning procurement.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Procurement Code is amended by adding Section 25-65 as follows:

(30 ILCS 500/25-65 new)

Sec. 25-65. Contracts performed outside the United States. Prior to contracting or as a requirement of solicitation of any State contracts for services as defined in Section 1-15.90, whichever is appropriate, prospective vendors shall disclose in a statement of work where services will be performed under that contract, including any subcontracts, and whether any services under that contract, including any subcontracts, are anticipated to be performed outside the United States.

In awarding the contract or evaluating the bid or offer, the chief procurement officer may consider such disclosure and the economic impact to the State of Illinois and its residents.

If the chief procurement officer awards a contract to a vendor based upon disclosure that work will be performed in the United States and during the term of the contract the contractor or a subcontractor proceeds to shift work outside of the United States, the contractor shall be deemed in breach of contract, unless the chief procurement officer shall have first determined in writing that circumstances require the shift of work or that termination of the contract would not be in the State's best interest.

Nothing in this Section is intended to contravene any existing treaty, law, agreement, or regulation of the United States.

The Department of Central Management Services shall prepare and deliver to the General Assembly, no later than September 1, 2007, a report on the impact of outsourcing services on the State's cost of procurement that identifies those contracts where it was disclosed that services were provided outside of the United States and a description and value of those services.

Approved February 4, 2005.
Effective June 1, 2005.

PUBLIC ACT 93-1082
(Senate Bill No. 2133)

AN ACT concerning elections.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by adding Sections 4-50, 5-50, and 6-100 as follows:

(10 ILCS 5/4-50 new)

Sec. 4-50. Grace period. Notwithstanding any other provision of this Code to the contrary, each election authority shall establish procedures for the registration of voters and for change of address during the period from the close of registration for a primary or election and until the 14th day before the primary or election. During this grace period, an unregistered qualified elector may register to vote, and a registered voter may submit a change of address form, in person in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. The election authority shall register that individual, or change a registered voter's address, in the same manner as otherwise provided by this Article for registration and change of address.

If a voter who registers or changes address during this grace period wishes to vote at the first election or primary occurring after the grace period, he or she must do so by grace period voting, either in person in the office of the election authority or at a location specifically designated for this purpose by the election authority, or by mail, at the discretion of the election authority. Grace period voting shall be in a manner substantially similar to voting under Article 19. Ballots cast by persons who register or change address during the grace period must be transmitted to and counted at the election authority's central ballot counting location and shall not be transmitted to and counted at precinct polling places.

(10 ILCS 5/5-50 new)

Sec. 5-50. Grace period. Notwithstanding any other provision of this Code to the contrary, each election authority shall establish procedures for the registration of voters and for change of address during the period from the close of registration for a primary or election and until the 14th day before the primary or election. During this grace period, an unregistered qualified elector may register to vote, and a registered voter may submit a change of address form, in person in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. The election authority shall register that individual, or change a registered voter's address, in the same manner as otherwise provided by this Article for registration and change of address.

New matter indicated by italics - deletions by strikeout.
voter's address, in the same manner as otherwise provided by this Article for registration and change of address.

If a voter who registers or changes address during this grace period wishes to vote at the first election or primary occurring after the grace period, he or she must do so by grace period voting, either in person in the office of the election authority or at a location specifically designated for this purpose by the election authority, or by mail, at the discretion of the election authority. Grace period voting shall be in a manner substantially similar to voting under Article 19. Ballots cast by persons who register or change address during the grace period must be transmitted to and counted at the election authority's central ballot counting location and shall not be transmitted to and counted at precinct polling places.

(10 ILCS 5/6-100 new)

Sec. 6-100. Grace period. Notwithstanding any other provision of this Code to the contrary, each election authority shall establish procedures for the registration of voters and for change of address during the period from the close of registration for a primary or election and until the 14th day before the primary or election. During this grace period, an unregistered qualified elector may register to vote, and a registered voter may submit a change of address form, in person in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. The election authority shall register that individual, or change a registered voter's address, in the same manner as otherwise provided by this Article for registration and change of address.

If a voter who registers or changes address during this grace period wishes to vote at the first election or primary occurring after the grace period, he or she must do so by grace period voting, either in person in the office of the election authority or at a location specifically designated for this purpose by the election authority, or by mail, at the discretion of the election authority. Grace period voting shall be in a manner substantially similar to voting under Article 19. Ballots cast by persons who register or change address during the grace period must be transmitted to and counted at the election authority's central ballot counting location and shall not be transmitted to and counted at precinct polling places.

Section 99. Effective date. This Act takes effect July 1, 2005.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Sections 143, 204, 209, and 408 as follows:
(215 ILCS 5/143) (from Ch. 73, par. 755)
Sec. 143. Policy forms.
(1) Life, accident and health. No company transacting the kind or kinds of business enumerated in Classes 1 (a), 1 (b) and 2 (a) of Section 4 shall issue or deliver in this State a policy or certificate of insurance or evidence of coverage, attach an endorsement or rider thereto, incorporate by reference bylaws or other matter therein or use an application blank in this State until the form and content of such policy, certificate, evidence of coverage, endorsement, rider, bylaw or other matter incorporated by reference or application blank has been filed electronically with the Director, either through the System for Electronic Rate and Form Filing (SERFF) or as otherwise prescribed by the Director, and approved by the Director. The Department shall mail a quarterly invoice to the company for the appropriate filing fees required under Section 408, and the appropriate filing fee under Section 408 has been paid, except that Any such endorsement or rider that unilaterally reduces benefits and is to be attached to a policy subsequent to the date the policy is issued must be filed with, reviewed, and formally approved by the Director prior to the date it is attached to a policy issued or delivered in this State. It shall be the duty of the Director to withhold approval of any such policy, certificate, endorsement, rider, bylaw or other matter incorporated by reference or application blank filed with him if it contains provisions which encourage misrepresentation or are unjust, unfair, inequitable, ambiguous, misleading, inconsistent, deceptive, contrary to law or to the public policy of this State, or contains exceptions and conditions that unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the policy. In all cases the Director shall approve or disapprove any such form within 60 days after submission unless the

New matter indicated by italics - deletions by strikeout.
Director extends by not more than an additional 30 days the period within which he shall approve or disapprove any such form by giving written notice to the insurer of such extension before expiration of the initial 60 days period. The Director shall withdraw his approval of a policy, certificate, evidence of coverage, endorsement, rider, bylaw, or other matter incorporated by reference or application blank if he subsequently determines that such policy, certificate, evidence of coverage, endorsement, rider, bylaw, other matter, or application blank is misrepresentative, unjust, unfair, inequitable, ambiguous, misleading, inconsistent, deceptive, contrary to law or public policy of this State, or contains exceptions or conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the policy or evidence of coverage.

If a previously approved policy, certificate, evidence of coverage, endorsement, rider, bylaw or other matter incorporated by reference or application blank is withdrawn for use, the Director shall serve upon the company an order of withdrawal of use, either personally or by mail, and if by mail, such service shall be completed if such notice be deposited in the post office, postage prepaid, addressed to the company's last known address specified in the records of the Department of Insurance. The order of withdrawal of use shall take effect 30 days from the date of mailing but shall be stayed if within the 30-day period a written request for hearing is filed with the Director. Such hearing shall be held at such time and place as designated in the order given by the Director. The hearing may be held either in the City of Springfield, the City of Chicago or in the county where the principal business address of the company is located. The action of the Director in disapproving or withdrawing such form shall be subject to judicial review under the Administrative Review Law.

This subsection shall not apply to riders or endorsements issued or made at the request of the individual policyholder relating to the manner of distribution of benefits or to the reservation of rights and benefits under his life insurance policy.

(2) Casualty, fire, and marine. The Director shall require the filing of all policy forms issued or delivered by any company transacting the kind or kinds of business enumerated in Classes 2 (except Class 2 (a)) and 3 of Section 4. In addition, he may require the filing of any generally used riders, endorsements, certificates, application blanks, and other matter incorporated by reference in any such policy or contract of insurance. The Department shall mail a quarterly invoice to the company for the

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appropriate filing fees required under Section 408 along with the appropriate filing fee under Section 408. Companies that are members of an organization, bureau, or association may have the same filed for them by the organization, bureau, or association. If the Director shall find from an examination of any such policy form, rider, endorsement, certificate, application blank, or other matter incorporated by reference in any such policy so filed that it (i) violates any provision of this Code, (ii) contains inconsistent, ambiguous, or misleading clauses, or (iii) contains exceptions and conditions that will unreasonably or deceptively affect the risks that are purported to be assumed by the policy, he shall order the company or companies issuing these forms to discontinue their use. Nothing in this subsection shall require a company transacting the kind or kinds of business enumerated in Classes 2 (except Class 2 (a)) and 3 of Section 4 to obtain approval of these forms before they are issued nor in any way affect the legality of any policy that has been issued and found to be in conflict with this subsection, but such policies shall be subject to the provisions of Section 442.

(3) This Section shall not apply (i) to surety contracts or fidelity bonds, (ii) to policies issued to an industrial insured as defined in Section 121-2.08 except for workers' compensation policies, nor (iii) to riders or endorsements prepared to meet special, unusual, peculiar, or extraordinary conditions applying to an individual risk.

(Source: P.A. 90-794, eff. 8-14-98.)

(215 ILCS 5/204) (from Ch. 73, par. 816)

Sec. 204. Prohibited and voidable transfers and liens.

(a)(1) A preference is a transfer of any of the property of a company to or for the benefit of a creditor, for or on account of an antecedent debt, made or suffered by the company within 2 years before the filing of a complaint under this Article, the effect of which may be to enable the creditor to obtain a greater percentage of this debt than another creditor of the same class would receive.

(2) Any preference may be avoided by the Director as rehabilitator, liquidator, or conservator if:

(A) the company was insolvent at the time of the transfer; and

(B) the transfer was made within 4 months before the filing of the complaint; or the creditor receiving it was (i) an officer, or any employee or attorney or other person who was in fact in a position of comparable influence in the company to an officer

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whether or not that person held such a position, (ii) any shareholder holding, directly or indirectly, more than 5% of any class of any equity security issued by the company, or (iii) any other person, firm, corporation, association, or aggregation of individuals with whom the company did not deal at arm's length.

(3) Where the preference is voidable, the Director as rehabilitator, liquidator, or conservator may recover the property or, if it has been converted, its value from any person who has received or converted the property; except where a bona fide purchaser or lienor has given less than fair equivalent value, the purchaser or lienor shall have a lien upon the property to the extent of the consideration actually given. Where a preference by way of lien or security title is voidable, the court may on due notice order the lien or title to be preserved for the benefit of the estate, in which event the lien or title shall pass to the Director as rehabilitator or liquidator.

(b) (1) A transfer of property other than real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent lien obtainable by legal or equitable proceedings on a simple contract could become superior to the rights of the transferee.

(2) A transfer of real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent bona fide purchaser from the company could obtain rights superior to the rights of the transferee.

(3) A transfer that creates an equitable lien shall not be deemed to be perfected if there are available means by which a legal lien could be created.

(4) A transfer not perfected before the filing of a complaint shall be deemed to be made immediately before the filing of the complaint.

(5) The provisions of this subsection apply whether or not there are or were creditors who might have obtained liens or persons who might have become bona fide purchasers.

(c) For purposes of this Section:

(1) A lien obtainable by legal or equitable proceedings upon a simple contract is one arising in the ordinary course of the proceedings upon the entry or docketing of a judgment or decree, or upon attachment, garnishment, execution, or like process, whether before, upon, or after judgment or decree and whether before or upon levy. It does not include liens that, under applicable

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(2) A lien obtainable by legal or equitable proceedings could become superior to the rights of a transferee, or a purchaser could obtain rights superior to the rights of a transferee within the meaning of subsection (b) of this Section, if such consequences would follow only from the lien or purchase itself, or from the lien or purchase followed by any step wholly within the control of the respective lienholder or purchaser, with or without the aid of ministerial action by public officials. A lien could not, however, become superior and a purchase could not create superior rights for the purpose of subsection (b) of this Section through any acts subsequent to an obtaining of the lien or subsequent to a purchase that requires the agreement or concurrence of any third party or that requires any further judicial action or ruling.

(d) A transfer of property for or on account of a new and contemporaneous consideration which is deemed under subsection (b) of this Section to be made or suffered after the transfer because of delay in perfecting it does not thereby become a transfer for or on account of an antecedent debt if any acts required by the applicable law to be performed in order to perfect the transfer as against liens or bona fide purchasers' rights are performed within 21 days or any period expressly allowed by the law, whichever is less. A transfer to secure a future loan, if the loan is actually made, or a transfer that becomes security for a future loan, shall have the same effect as a transfer for or on account of a new and contemporaneous consideration.

(e) If any lien deemed voidable under part (2) of subsection (a) of this Section has been dissolved by the furnishing of a bond or other obligation, the surety on which has been indemnified directly or indirectly by the transfer of or the creation of a lien upon any property of a company before the filing of a complaint under this Article, the indemnifying transfer or lien shall also be deemed voidable.

(f) The property affected by any lien deemed voidable under subsections (a) and (e) of this Section shall be discharged from the lien, and that property and any of the indemnifying property transferred to or for the benefit of a surety shall pass to the Director as rehabilitator or liquidator, except that the court may, on due notice, order any such lien to be preserved for the benefit of the estate and the court may direct that such

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conveyance be executed as may be proper or adequate to evidence the title of the Director as rehabilitator or liquidator.

(g) The court shall have summary jurisdiction over any proceeding by the Director as rehabilitator, liquidator, or conservator to hear and determine the rights of any parties under this Section. Reasonable notice of any hearings in the proceeding shall be given to all parties in interest, including the obligee of a releasing bond or other life obligation. Where an order is entered for the recovery of indemnifying property in kind or for the avoidance of an indemnifying lien, the court, upon application of any party in interest, shall in the same proceeding ascertain the value of the property or lien, and if the value is less than the amount for which the property is indemnity or than the amount of the lien, the transferee or lienholder may elect to retain the property or lien upon payment of its value, as ascertained by the court, to the Director as rehabilitator, liquidator, or conservator, within such reasonable times as the court shall fix.

(h) The liability of the surety under the releasing bond or other similar obligation shall be discharged to the extent of the value of the indemnifying property recovered or the indemnifying lien nullified and avoided by the Director as rehabilitator, liquidator, or conservator. Where the property is retained under subsection (g) of this Section, the liability shall be discharged to the extent of the amount paid to the Director as rehabilitator, liquidator, or conservator.

(i) If a creditor has been preferred and thereafter in good faith gives the company further credit without security of any kind, for property which becomes a part of the company's estate, the amount of the new credit remaining unpaid at the time of the petition may be set off against the preference which would otherwise be recoverable from the creditor.

(j) If a company shall, directly or indirectly, within 4 months before the filing of a complaint under this Article, or at any time in contemplation of such a proceeding, pay money or transfer property to any attorney for services rendered or to be rendered, the transactions may be examined by the court on its own motion or shall be examined by the court on petition of the Director as rehabilitator, liquidator, or conservator and shall be held valid only to the extent of a reasonable amount to be determined by the court, and the excess may be recovered by the Director as rehabilitator, liquidator, or conservator for the benefit of the estate provided that where the attorney is in a position of influence in the company or an affiliate thereof payment of any money or the transfer of any property to the

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attorney for services rendered or to be rendered shall be governed by item (B) of part (2) of subsection (a) of this Section.

(k) (1) An officer, director, manager, employee, shareholder, member, subscriber, attorney, or other person acting on behalf of the company who knowingly participates in giving any preference when that officer, director, manager, employee, shareholder, member, subscriber, attorney, or other person has reasonable cause to believe the company is or is about to become insolvent at the time of the preference shall be personally liable to the Director as rehabilitator, liquidator, or conservator for the amount of the preference. There is a reasonable cause to so believe if the transfer was made within 4 months before the date of filing of the complaint.

(2) A person receiving any property from the company or the benefit thereof as a preference voidable under subsection (a) of this Section shall be personally liable therefor and shall be bound to account to the Director as rehabilitator, liquidator, or conservator.

(3) Nothing in this Section shall prejudice any other claim by the Director as rehabilitator, liquidator, or conservator against any person.

(l) For purposes of this Section, the company is presumed to have been insolvent on and during the 4 month period immediately preceding the date of the filing of the complaint.

(m) The Director as rehabilitator, liquidator, or conservator may not avoid a transfer under this Section to the extent that the transfer was:

(A) Intended by the company and the creditor to or for whose benefit the transfer was made to be a contemporaneous exchange for new value given to the company, and was in fact a substantially contemporaneous exchange; or:

(B) In payment of a debt incurred by the company in the ordinary course of business or financial affairs of the company and the transferee; made in the ordinary course of business or financial affairs of the company and the transferee; and made according to ordinary business terms; or:

(C) In the case of a transfer by a company where the Director has determined that an event described in Section 35A-25 or 35A-30 has occurred, specifically approved by the Director in writing pursuant to this subsection, whether or not the company is in receivership under this Article. Upon approval by the Director, such a transfer cannot later be found to constitute a prohibited or voidable transfer based solely upon a deviation from the statutory

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payment priorities established by law for any subsequent receivership.

(n) The Director as rehabilitator, liquidator, or conservator may avoid any transfer of or lien upon the property of a company that the estate of the company or a policyholder, creditor, member, or stockholder of the company may have avoided, and the Director as rehabilitator, liquidator, or conservator may recover and collect the property so transferred or its value from the person to whom it was transferred unless the property was transferred to a bona fide holder for value before the filing of the complaint. The Director as rehabilitator, liquidator, or conservator shall be deemed a creditor for purposes of pursuing claims under the Uniform Fraudulent Transfer Act.

(Source: P.A. 89-206, eff. 7-21-95.)

(215 ILCS 5/209) (from Ch. 73, par. 821)

Sec. 209. Proof and allowance of claims.

(1) A proof of claim shall consist of a written statement signed under oath setting forth the claim, the consideration for it, whether the claim is secured and, if so, how, what payments have been made on the claim, if any, and that the sum claimed is justly owing from the company. Whenever a claim is based upon a document, the document, unless lost or destroyed, shall be filed with the proof of claim. If the document is lost or destroyed, a statement of that fact and of the circumstances of the loss or destruction shall be included in the proof of claim. A claim may be allowed even if contingent or unliquidated as of the date fixed by the court pursuant to subsection (a) of Section 194 if it is filed in accordance with this subsection. Except as otherwise provided in subsection (7), a proof of claim required under this Section must identify a known loss or occurrence particular claim.

(2) At any time, the Director may require the claimant to present information or evidence supplementary to that required under subsection (l) and may take testimony under oath, require production of affidavits or depositions, or otherwise obtain additional information or evidence.

(3) Upon the liquidation, rehabilitation, or conservation of any company which has issued policies insuring the lives of persons, the Director shall, within a reasonable time, after the last day set for the filing of claims, make a list of the persons who have not filed proofs of claim with him and whose rights have not been reinsured, to whom it appears from the books of the company, there are owing amounts on such policies and he shall set opposite the name of each person such amount so owing to

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such person. The Director shall incur no personal liability by reason of any mistake in such list. Each person whose name shall appear upon said list shall be deemed to have duly filed prior to the last day set for filing of claims a proof of claim for the amount set opposite his name on said list.

(4)(a) When a Liquidation, Rehabilitation, or Conservation Order has been entered in a proceeding against an insurer under this Code, any insured under an insurance policy shall have the right to file a contingent claim. The Court at the time of the entry of the Order of Liquidation, Rehabilitation or Conservation shall fix the final date for the liquidation of insureds' contingent claims, but in no event shall said date be more than 3 years after the last day fixed for the filing of claims, provided, such date may be extended by the Court on petition of the Director should the Director determine that such extension will not delay distribution of assets under Section 210. Such a contingent claim shall be allowed if such claim is liquidated and the insured claimant presents evidence of payment of such claim to the Director on or before the last day fixed by the Court.

(b) When an insured has been unable to liquidate its claim under paragraph (a) of this subsection (4), the insured may have its claim allowed by estimation if (i) it may be reasonably inferred from the proof presented upon the claim that a claim exists under the policy; (ii) the insured has furnished suitable proof, unless the court for good cause shown shall otherwise direct, that no further valid claims against the insurer arising out of the cause of action other than those already presented can be made, and (iii) the total liability of the insurer to all claimants arising out of the same act shall be no greater than its total liability would be were it not in liquidation, rehabilitation, or conservation.

(5) The obligation of the insurer, if any, to defend or continue the defense of any claim or suit under a liability insurance policy shall terminate on the entry of the Order of Liquidation, Rehabilitation or Conservation, except during the appeal of an Order of Liquidation as provided by Section 190.1 or, unless upon the petition of the Director, the court directs otherwise. Insureds may include in contingent claims reasonable attorneys fees for services rendered subsequent to the date of Liquidation, Rehabilitation or Conservation in defense of claims or suits covered by the insured's policy provided such attorneys fees have actually been paid by the assured and evidence of payment presented in the manner required for insured's contingent claims.

(6) When a liquidation, rehabilitation, or conservation order has been entered in a proceeding against an insurer under this Code, any
person who has a cause of action against an insured of the insurer under an
insurance policy issued by the insurer shall have the right to file a claim in
the proceeding, regardless of the fact that the claim may be contingent, and
the claim may be allowed by estimation (a) if it may be reasonably,
inferred from proof presented upon the claim that the claimant would be
able to obtain a judgment upon the cause of action against the insured; and
(b) if the person has furnished suitable proof, unless the court for good
cause shown shall otherwise direct, that no further valid claims against
the insurer arising out of the cause of action other than those already
presented can be made, and (c) the total liability of the insurer to all
claimants arising out of the same act shall be no greater than its total
liability would be were it not in liquidation, rehabilitation, or conservation.

(7) Contingent or unliquidated general creditors' and ceding
insurers' claims that are not made absolute and liquidated by the last day
fixed by the court pursuant to subsection (4) may be determined and
allowed by estimation. Any such estimate shall be based upon an actuarial
evaluation made with reasonable actuarial certainty or upon another
accepted method of valuing claims with reasonable certainty and, with
respect to ceding insurers' claims, may include an estimate of incurred but
not reported losses.

(7.5) (a) The estimation and allowance of the loss development on
a known loss or occurrence shall trigger a reinsurer's obligation to pay
pursuant to its reinsurance contract with the insolvent company, provided
that the allowance is made in accordance with paragraph (b) of
subsection (4) or subsection (6). The Director shall have the authority to
exercise all available remedies on behalf of the insolvent company to
marshal these reinsurance recoverables.

(b) That portion of any estimated and allowed contingent claim
that is attributable to claims incurred but not reported to the insolvent company's
reinsured shall not be billable to the insolvent company's
reinsurers, except to the extent that (A) such claims develop into known
losses or occurrences and become billable under paragraph (a) of this
subsection or (B) the reinsurance contract specifically provides for the
payment of such losses or reserves.

(c) Notwithstanding any other provision of this Code, the
liquidator may negotiate a voluntary commutation and release of all
obligations arising from reinsurance contracts or other agreements.

(8) No judgment against such an insured or an insurer taken after
the date of the entry of the liquidation, rehabilitation, or conservation order

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shall be considered in the proceedings as evidence of liability, or of the amount of damages, and no judgment against an insured or an insurer taken by default, or by collusion prior to the entry of the liquidation order shall be considered as conclusive evidence in the proceeding either of the liability of such insured to such person upon such cause of action or of the amount of damages to which such person is therein entitled.

(9) The value of securities held by secured creditors shall be determined by converting the same into money according to the terms of the agreement pursuant to which such securities were delivered to such creditors, or by such creditors and the Director by agreement, or by the court, and the amount of such value shall be credited upon the claims of such secured creditors and their claims allowed only for the balance.

(10) Claims of creditors or policyholders who have received preferences voidable under Section 204 or to whom conveyances or transfers, assignments or incumbrances have been made or given which are void under Section 204, shall not be allowed unless such creditors or policyholders shall surrender such preferences, conveyances, transfers, assignments or incumbrances.

(11)(a) When the Director denies a claim or allows a claim for less than the amount requested by the claimant, written notice of the determination and of the right to object shall be given promptly to the claimant or the claimant's representative by first class mail at the address shown on the proof of claim. Within 60 days from the mailing of the notice, the claimant may file his written objections with the Director. If no such filing is made on a timely basis, the claimant may not further object to the determination.

(b) Whenever objections are filed with the Director and he does not alter his determination as a result of the objection and the claimant continues to object, the Director shall petition the court for a hearing as soon as practicable and give notice of the hearing by first class mail to the claimant or his representative and to any other persons known by the Director to be directly affected, not less than 10 days before the date of the hearing.

(12) The Director shall review all claims duly filed in the liquidation, rehabilitation, or conservation proceeding, unless otherwise directed by the court, and shall make such further investigation as he considers necessary. The Director may compound, compromise, or in any other manner negotiate the amount for which claims will be recommended.
to the court. Unresolved disputes shall be determined under subsection (11).

(13)(a) The Director shall present to the court reports of claims reviewed under subsection (12) with his recommendations as to each claim.

(b) The court may approve or disapprove any recommendations contained in the reports of claims filed by the Director, except that the Director's agreements with claimants shall be accepted as final by the court on claims settled for $10,000 or less.

(14) The changes made in this Section by this amendatory Act of 1993 apply to all liquidation, rehabilitation, or conservation proceedings that are pending on the effective date of this amendatory Act of 1993 and to all future liquidation, rehabilitation, or conservation proceedings, except that the changes made to the provisions of this Section by this amendatory Act of 1993 shall not apply to any company ordered into liquidation on or before January 1, 1982.

(15) The changes made in this Section by this amendatory Act of the 93rd General Assembly do not apply to any company ordered into liquidation on or before January 1, 2004.

(Source: P.A. 91-357, eff. 7-29-99.)

(215 ILCS 5/408) (from Ch. 73, par. 1020)

Sec. 408. Fees and charges.

(1) The Director shall charge, collect and give proper acquittances for the payment of the following fees and charges:

(a) For filing all documents submitted for the incorporation or organization or certification of a domestic company, except for a fraternal benefit society, $2,000.

(b) For filing all documents submitted for the incorporation or organization of a fraternal benefit society, $500.

(c) For filing amendments to articles of incorporation and amendments to declaration of organization, except for a fraternal benefit society, a mutual benefit association, a burial society or a farm mutual, $200.

(d) For filing amendments to articles of incorporation of a fraternal benefit society, a mutual benefit association or a burial society, $100.

(e) For filing amendments to articles of incorporation of a farm mutual, $50.

(f) For filing bylaws or amendments thereto, $50.

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(g) For filing agreement of merger or consolidation:
   (i) for a domestic company, except for a fraternal benefit society, a mutual benefit association, a burial society, or a farm mutual, $2,000.
   (ii) for a foreign or alien company, except for a fraternal benefit society, $600.
   (iii) for a fraternal benefit society, a mutual benefit association, a burial society, or a farm mutual, $200.
(h) For filing agreements of reinsurance by a domestic company, $200.
   (i) For filing all documents submitted by a foreign or alien company to be admitted to transact business or accredited as a reinsurer in this State, except for a fraternal benefit society, $5,000.
   (j) For filing all documents submitted by a foreign or alien fraternal benefit society to be admitted to transact business in this State, $500.
   (k) For filing declaration of withdrawal of a foreign or alien company, $50.
   (l) For filing annual statement, except a fraternal benefit society, a mutual benefit association, a burial society, or a farm mutual, $200.
   (m) For filing annual statement by a fraternal benefit society, $100.
   (n) For filing annual statement by a farm mutual, a mutual benefit association, or a burial society, $50.
   (o) For issuing a certificate of authority or renewal thereof except to a fraternal benefit society, $200.
   (p) For issuing a certificate of authority or renewal thereof to a fraternal benefit society, $100.
   (q) For issuing an amended certificate of authority, $50.
   (r) For each certified copy of certificate of authority, $20.
   (s) For each certificate of deposit, or valuation, or compliance or surety certificate, $20.
   (t) For copies of papers or records per page, $1.
   (u) For each certification to copies of papers or records, $10.
   (v) For multiple copies of documents or certificates listed in subparagraphs (r), (s), and (u) of paragraph (1) of this Section, $10 for the first copy of a certificate of any type and $5 for each
additional copy of the same certificate requested at the same time, unless, pursuant to paragraph (2) of this Section, the Director finds these additional fees excessive.

(w) For issuing a permit to sell shares or increase paid-up capital:

(i) in connection with a public stock offering, $300;
(ii) in any other case, $100.

(x) For issuing any other certificate required or permissible under the law, $50.

(y) For filing a plan of exchange of the stock of a domestic stock insurance company, a plan of demutualization of a domestic mutual company, or a plan of reorganization under Article XII, $2,000.

(z) For filing a statement of acquisition of a domestic company as defined in Section 131.4 of this Code, $2,000.

(aa) For filing an agreement to purchase the business of an organization authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act or of a health maintenance organization or a limited health service organization, $2,000.

(bb) For filing a statement of acquisition of a foreign or alien insurance company as defined in Section 131.12a of this Code, $1,000.

(cc) For filing a registration statement as required in Sections 131.13 and 131.14, the notification as required by Sections 131.16, 131.20a, or 141.4, or an agreement or transaction required by Sections 124.2(2), 141, 141a, or 141.1, $200.

(dd) For filing an application for licensing of:

(i) a religious or charitable risk pooling trust or a workers' compensation pool, $1,000;
(ii) a workers' compensation service company, $500;
(iii) a self-insured automobile fleet, $200; or
(iv) a renewal of or amendment of any license issued pursuant to (i), (ii), or (iii) above, $100.

(ee) For filing articles of incorporation for a syndicate to engage in the business of insurance through the Illinois Insurance Exchange, $2,000.
(ff) For filing amended articles of incorporation for a syndicate engaged in the business of insurance through the Illinois Insurance Exchange, $100.

(gg) For filing articles of incorporation for a limited syndicate to join with other subscribers or limited syndicates to do business through the Illinois Insurance Exchange, $1,000.

(hh) For filing amended articles of incorporation for a limited syndicate to do business through the Illinois Insurance Exchange, $100.

(ii) For a permit to solicit subscriptions to a syndicate or limited syndicate, $100.

(jj) For the filing of each form as required in Section 143 of this Code, $50 per form. The fee for advisory and rating organizations shall be $200 per form.

(i) For the purposes of the form filing fee, filings made on insert page basis will be considered one form at the time of its original submission. Changes made to a form subsequent to its approval shall be considered a new filing.

(ii) Only one fee shall be charged for a form, regardless of the number of other forms or policies with which it will be used.

(iii) (Blank). Fees charged for a policy filed as it will be issued regardless of the number of forms comprising that policy shall not exceed $1,000 or $2,000 for advisory or rating organizations.

(iv) The Director may by rule exempt forms from such fees.

(kk) For filing an application for licensing of a reinsurance intermediary, $500.

(ll) For filing an application for renewal of a license of a reinsurance intermediary, $200.

(2) When printed copies or numerous copies of the same paper or records are furnished or certified, the Director may reduce such fees for copies if he finds them excessive. He may, when he considers it in the public interest, furnish without charge to state insurance departments and persons other than companies, copies or certified copies of reports of examinations and of other papers and records.

(3) The expenses incurred in any performance examination authorized by law shall be paid by the company or person being examined.

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The charge shall be reasonably related to the cost of the examination including but not limited to compensation of examiners, electronic data processing costs, supervision and preparation of an examination report and lodging and travel expenses. All lodging and travel expenses shall be in accord with the applicable travel regulations as published by the Department of Central Management Services and approved by the Governor's Travel Control Board, except that out-of-state lodging and travel expenses related to examinations authorized under Section 132 shall be in accordance with travel rates prescribed under paragraph 301-7.2 of the Federal Travel Regulations, 41 C.F.R. 301-7.2, for reimbursement of subsistence expenses incurred during official travel. All lodging and travel expenses may be reimbursed directly upon authorization of the Director. With the exception of the direct reimbursements authorized by the Director, all performance examination charges collected by the Department shall be paid to the Insurance Producers Administration Fund, however, the electronic data processing costs incurred by the Department in the performance of any examination shall be billed directly to the company being examined for payment to the Statistical Services Revolving Fund.

(4) At the time of any service of process on the Director as attorney for such service, the Director shall charge and collect the sum of $20, which may be recovered as taxable costs by the party to the suit or action causing such service to be made if he prevails in such suit or action.

(5) (a) The costs incurred by the Department of Insurance in conducting any hearing authorized by law shall be assessed against the parties to the hearing in such proportion as the Director of Insurance may determine upon consideration of all relevant circumstances including: (1) the nature of the hearing; (2) whether the hearing was instigated by, or for the benefit of a particular party or parties; (3) whether there is a successful party on the merits of the proceeding; and (4) the relative levels of participation by the parties.

(b) For purposes of this subsection (5) costs incurred shall mean the hearing officer fees, court reporter fees, and travel expenses of Department of Insurance officers and employees; provided however, that costs incurred shall not include hearing officer fees or court reporter fees unless the Department has retained the services of independent contractors or outside experts to perform such functions.

(c) The Director shall make the assessment of costs incurred as part of the final order or decision arising out of the proceeding; provided,
however, that such order or decision shall include findings and conclusions in support of the assessment of costs. This subsection (5) shall not be construed as permitting the payment of travel expenses unless calculated in accordance with the applicable travel regulations of the Department of Central Management Services, as approved by the Governor's Travel Control Board. The Director as part of such order or decision shall require all assessments for hearing officer fees and court reporter fees, if any, to be paid directly to the hearing officer or court reporter by the party(s) assessed for such costs. The assessments for travel expenses of Department officers and employees shall be reimbursable to the Director of Insurance for deposit to the fund out of which those expenses had been paid.

(d) The provisions of this subsection (5) shall apply in the case of any hearing conducted by the Director of Insurance not otherwise specifically provided for by law.

(6) The Director shall charge and collect an annual financial regulation fee from every domestic company for examination and analysis of its financial condition and to fund the internal costs and expenses of the Interstate Insurance Receivership Commission as may be allocated to the State of Illinois and companies doing an insurance business in this State pursuant to Article X of the Interstate Insurance Receivership Compact. The fee shall be the greater fixed amount based upon the combination of nationwide direct premium income and nationwide reinsurance assumed premium income or upon admitted assets calculated under this subsection as follows:

(a) Combination of nationwide direct premium income and nationwide reinsurance assumed premium.

(i) $150, if the premium is less than $500,000 and there is no reinsurance assumed premium;

(ii) $750, if the premium is $500,000 or more, but less than $5,000,000 and there is no reinsurance assumed premium; or if the premium is less than $5,000,000 and the reinsurance assumed premium is less than $10,000,000;

(iii) $3,750, if the premium is less than $5,000,000 and the reinsurance assumed premium is $10,000,000 or more;

(iv) $7,500, if the premium is $5,000,000 or more, but less than $10,000,000;

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(v) $18,000, if the premium is $10,000,000 or more, but less than $25,000,000;
   (vi) $22,500, if the premium is $25,000,000 or more, but less than $50,000,000;
   (vii) $30,000, if the premium is $50,000,000 or more, but less than $100,000,000;
   (viii) $37,500, if the premium is $100,000,000 or more.

(b) Admitted assets.
   (i) $150, if admitted assets are less than $1,000,000;
   (ii) $750, if admitted assets are $1,000,000 or more, but less than $5,000,000;
   (iii) $3,750, if admitted assets are $5,000,000 or more, but less than $25,000,000;
   (iv) $7,500, if admitted assets are $25,000,000 or more, but less than $50,000,000;
   (v) $18,000, if admitted assets are $50,000,000 or more, but less than $100,000,000;
   (vi) $22,500, if admitted assets are $100,000,000 or more, but less than $500,000,000;
   (vii) $30,000, if admitted assets are $500,000,000 or more, but less than $1,000,000,000;
   (viii) $37,500, if admitted assets are $1,000,000,000 or more.

(c) The sum of financial regulation fees charged to the domestic companies of the same affiliated group shall not exceed $250,000 in the aggregate in any single year and shall be billed by the Director to the member company designated by the group.

(7) The Director shall charge and collect an annual financial regulation fee from every foreign or alien company, except fraternal benefit societies, for the examination and analysis of its financial condition and to fund the internal costs and expenses of the Interstate Insurance Receivership Commission as may be allocated to the State of Illinois and companies doing an insurance business in this State pursuant to Article X of the Interstate Insurance Receivership Compact. The fee shall be a fixed amount based upon Illinois direct premium income and nationwide reinsurance assumed premium income in accordance with the following schedule:

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(a) $150, if the premium is less than $500,000 and there is no reinsurance assumed premium;
(b) $750, if the premium is $500,000 or more, but less than $5,000,000 and there is no reinsurance assumed premium; or if the premium is less than $5,000,000 and the reinsurance assumed premium is less than $10,000,000;
(c) $3,750, if the premium is less than $5,000,000 and the reinsurance assumed premium is $10,000,000 or more;
(d) $7,500, if the premium is $5,000,000 or more, but less than $10,000,000;
(e) $18,000, if the premium is $10,000,000 or more, but less than $25,000,000;
(f) $22,500, if the premium is $25,000,000 or more, but less than $50,000,000;
(g) $30,000, if the premium is $50,000,000 or more, but less than $100,000,000;
(h) $37,500, if the premium is $100,000,000 or more.

The sum of financial regulation fees under this subsection (7) charged to the foreign or alien companies within the same affiliated group shall not exceed $250,000 in the aggregate in any single year and shall be billed by the Director to the member company designated by the group.

(8) Beginning January 1, 1992, the financial regulation fees imposed under subsections (6) and (7) of this Section shall be paid by each company or domestic affiliated group annually. After January 1, 1994, the fee shall be billed by Department invoice based upon the company's premium income or admitted assets as shown in its annual statement for the preceding calendar year. The invoice is due upon receipt and must be paid no later than June 30 of each calendar year. All financial regulation fees collected by the Department shall be paid to the Insurance Financial Regulation Fund. The Department may not collect financial examiner per diem charges from companies subject to subsections (6) and (7) of this Section undergoing financial examination after June 30, 1992.

(9) In addition to the financial regulation fee required by this Section, a company undergoing any financial examination authorized by law shall pay the following costs and expenses incurred by the Department: electronic data processing costs, the expenses authorized under Section 131.21 and subsection (d) of Section 132.4 of this Code, and lodging and travel expenses.

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Electronic data processing costs incurred by the Department in the performance of any examination shall be billed directly to the company undergoing examination for payment to the Statistical Services Revolving Fund. Except for direct reimbursements authorized by the Director or direct payments made under Section 131.21 or subsection (d) of Section 132.4 of this Code, all financial regulation fees and all financial examination charges collected by the Department shall be paid to the Insurance Financial Regulation Fund.

All lodging and travel expenses shall be in accordance with applicable travel regulations published by the Department of Central Management Services and approved by the Governor's Travel Control Board, except that out-of-state lodging and travel expenses related to examinations authorized under Sections 132.1 through 132.7 shall be in accordance with travel rates prescribed under paragraph 301-7.2 of the Federal Travel Regulations, 41 C.F.R. 301-7.2, for reimbursement of subsistence expenses incurred during official travel. All lodging and travel expenses may be reimbursed directly upon the authorization of the Director.

In the case of an organization or person not subject to the financial regulation fee, the expenses incurred in any financial examination authorized by law shall be paid by the organization or person being examined. The charge shall be reasonably related to the cost of the examination including, but not limited to, compensation of examiners and other costs described in this subsection.

(10) Any company, person, or entity failing to make any payment of $150 or more as required under this Section shall be subject to the penalty and interest provisions provided for in subsections (4) and (7) of Section 412.

(11) Unless otherwise specified, all of the fees collected under this Section shall be paid into the Insurance Financial Regulation Fund.

(12) For purposes of this Section:

(a) "Domestic company" means a company as defined in Section 2 of this Code which is incorporated or organized under the laws of this State, and in addition includes a not-for-profit corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act, a health maintenance organization, and a limited health service organization.

(b) "Foreign company" means a company as defined in Section 2 of this Code which is incorporated or organized under
the laws of any state of the United States other than this State and in addition includes a health maintenance organization and a limited health service organization which is incorporated or organized under the laws of any state of the United States other than this State.

(c) "Alien company" means a company as defined in Section 2 of this Code which is incorporated or organized under the laws of any country other than the United States.

(d) "Fraternal benefit society" means a corporation, society, order, lodge or voluntary association as defined in Section 282.1 of this Code.

(e) "Mutual benefit association" means a company, association or corporation authorized by the Director to do business in this State under the provisions of Article XVIII of this Code.

(f) "Burial society" means a person, firm, corporation, society or association of individuals authorized by the Director to do business in this State under the provisions of Article XIX of this Code.

(g) "Farm mutual" means a district, county and township mutual insurance company authorized by the Director to do business in this State under the provisions of the Farm Mutual Insurance Company Act of 1986.

(Source: P.A. 93-32, eff. 7-1-03.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved February 7, 2005.
Effective February 7, 2005.

PUBLIC ACT 93-1084
(Senate Bill No. 3007)

AN ACT concerning the sealing of criminal records.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Identification Act is amended by changing Sections 5, 12, and 13 as follows:
(20 ILCS 2630/5) (from Ch. 38, par. 206-5)

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Sec. 5. Arrest reports; expungement.
(a) All policing bodies of this State shall furnish to the Department, daily, in the form and detail the Department requires, fingerprints and descriptions of all persons who are arrested on charges of violating any penal statute of this State for offenses that are classified as felonies and Class A or B misdemeanors and of all minors of the age of 10 and over who have been arrested for an offense which would be a felony if committed by an adult, and may forward such fingerprints and descriptions for minors arrested for Class A or B misdemeanors. Moving or nonmoving traffic violations under the Illinois Vehicle Code shall not be reported except for violations of Chapter 4, Section 11-204.1, or Section 11-501 of that Code. In addition, conservation offenses, as defined in the Supreme Court Rule 501(c), that are classified as Class B misdemeanors shall not be reported.

Whenever an adult or minor prosecuted as an adult, not having previously been convicted of any criminal offense or municipal ordinance violation, charged with a violation of a municipal ordinance or a felony or misdemeanor, is acquitted or released without being convicted, whether the acquittal or release occurred before, on, or after the effective date of this amendatory Act of 1991, the Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial may upon verified petition of the defendant order the record of arrest expunged from the official records of the arresting authority and the Department and order that the records of the clerk of the circuit court be sealed until further order of the court upon good cause shown and the name of the defendant obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. The Department may charge the petitioner a fee equivalent to the cost of processing any order to expunge or seal the records, and the fee shall be deposited into the State Police Services Fund. The records of those arrests, however, that result in a disposition of supervision for any offense shall not be expunged from the records of the arresting authority or the Department nor impounded by the court until 2 years after discharge and dismissal of supervision. Those records that result from a supervision for a violation of Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Section 12-3.2, 12-15

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or 16A-3 of the Criminal Code of 1961, or probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as those provisions existed before their deletion by Public Act 89-313), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act when the judgment of conviction has been vacated, or Section 10 of the Steroid Control Act shall not be expunged from the records of the arresting authority nor impounded by the court until 5 years after termination of probation or supervision. Those records that result from a supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, shall not be expunged. All records set out above may be ordered by the court to be expunged from the records of the arresting authority and impounded by the court after 5 years, but shall not be expunged by the Department, but shall, on court order be sealed by the Department and may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual. 

(a-5) Those records maintained by the Department for persons arrested prior to their 17th birthday shall be expunged as provided in Section 5-915 of the Juvenile Court Act of 1987.

(b) Whenever a person has been convicted of a crime or of the violation of a municipal ordinance, in the name of a person whose identity he has stolen or otherwise come into possession of, the aggrieved person from whom the identity was stolen or otherwise obtained without authorization, upon learning of the person having been arrested using his identity, may, upon verified petition to the chief judge of the circuit wherein the arrest was made, have a court order entered nunc pro tunc by the chief judge to correct the arrest record, conviction record, if any, and all official records of the arresting authority, the Department, other criminal justice agencies, the prosecutor, and the trial court concerning such arrest, if any, by removing his name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender, if known or ascertainable, in lieu of the aggrieved's name. The records of the clerk of the circuit court clerk shall

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be sealed until further order of the court upon good cause shown and the name of the aggrieved person obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Nothing in this Section shall limit the Department of State Police or other criminal justice agencies or prosecutors from listing under an offender's name the false names he or she has used. For purposes of this Section, convictions for moving and nonmoving traffic violations other than convictions for violations of Chapter 4, Section 11-204.1 or Section 11-501 of the Illinois Vehicle Code shall not be a bar to expunging the record of arrest and court records for violation of a misdemeanor or municipal ordinance.

(c) Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, he may, upon verified petition to the chief judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, may have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the clerk of the circuit court and the Department be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he had been pardoned but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Department may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual. Upon entry of the order of expungement, the clerk of the circuit court shall promptly mail a copy of the order to the person who was pardoned.

(c-5) Whenever a person has been convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, the victim of that offense may request that the State's Attorney of
the county in which the conviction occurred file a verified petition with the presiding trial judge at the defendant's trial to have a court order entered to seal the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning that offense. However, the records of the arresting authority and the Department of State Police concerning the offense shall not be sealed. The court, upon good cause shown, shall make the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning the offense available for public inspection.

(c-6) If a conviction has been set aside on direct review or on collateral attack and the court determines by clear and convincing evidence that the defendant was factually innocent of the charge, the court shall enter an expungement order as provided in subsection (b) of Section 5-5-4 of the Unified Code of Corrections.

(d) Notice of the petition for subsections (a), (b), and (c) shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government affecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to the petition within 30 days from the date of the notice, the court shall enter an order granting or denying the petition. The clerk of the court shall promptly mail a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge.

(e) Nothing herein shall prevent the Department of State Police from maintaining all records of any person who is admitted to probation upon terms and conditions and who fulfills those terms and conditions pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act.

(f) No court order issued under pursuant to the expungement provisions of this Section shall become final for purposes of appeal until 30 days after notice is received by the Department. Any court order contrary to the provisions of this Section is void.

(g) Except as otherwise provided in subsection (c-5) of this Section, the court shall not order the sealing or expungement of the arrest

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records and records of the circuit court clerk of any person granted supervision for or convicted of any sexual offense committed against a minor under 18 years of age. For the purposes of this Section, "sexual offense committed against a minor" includes but is not limited to the offenses of indecent solicitation of a child or criminal sexual abuse when the victim of such offense is under 18 years of age.

(h) (1) Applicability. Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, this subsection authorizes the sealing of criminal records of adults and of minors prosecuted as adults.

(2) Sealable offenses. The following offenses may be sealed:

(A) All municipal ordinance violations and misdemeanors, with the exception of the following:

(i) violations of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance;

(ii) violations of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance, except Section 11-14 of the Criminal Code of 1961 as provided in clause B(i) of this subsection (h);

(iii) violations of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance;

(iv) violations that are a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance;

(v) Class A misdemeanor violations of the Humane Care for Animals Act; and

(vi) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(B) Misdemeanor and Class 4 felony violations of:

(i) Section 11-14 of the Criminal Code of 1961;

(ii) Section 4 of the Cannabis Control Act;

(iii) Section 402 of the Illinois Controlled Substances Act; and

(iv) However, for purposes of this subsection (h), a sentence of first offender probation under Section 10 of the Cannabis Control Act and Section 410 of the Illinois

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Controlled Substances Act shall be treated as a Class 4 felony conviction.

(3) Requirements for sealing. Records identified as sealable under clause (h)(2) may be sealed when the individual was:

(A) Acquitted of the offense or offenses or released without being convicted.

(B) Convicted of the offense or offenses and the conviction or convictions were reversed.

(C) Placed on misdemeanor supervision for an offense or offenses; and

(i) at least 3 years have elapsed since the completion of the term of supervision, or terms of supervision, if more than one term has been ordered; and

(ii) the individual has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor or felony during the period specified in clause (i).

(D) Convicted of an offense or offenses; and

(i) at least 4 years have elapsed since the last such conviction or term of any sentence, probation, parole, or supervision, if any, whichever is last in time; and

(ii) the individual has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor or felony during the period specified in clause (i).

(4) Requirements for sealing of records when more than one charge and disposition have been filed. When multiple offenses are petitioned to be sealed under this subsection (h), the requirements of the relevant provisions of clauses (h)(3)(A) through (D) each apply. In instances in which more than one waiting period is applicable under clauses (h)(C)(i) and (ii) and (h)(D)(i) and (ii), the longer applicable period applies, and the requirements of clause (h)(3) shall be considered met when the petition is filed after the passage of the longer applicable waiting period. That period commences on the date of the completion of the last sentence or the end of supervision, probation, or parole, whichever is last in time.

(5) Subsequent convictions. A person may not have subsequent felony conviction records sealed as provided in this subsection (h) if he or

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she is convicted of any felony offense after the date of the sealing of prior felony records as provided in this subsection (h).

(6) Notice of eligibility for sealing. Upon acquittal, release without conviction, or being placed on supervision for a sealable offense, or upon conviction of a sealable offense, the person shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records.

(7) Procedure. Upon becoming eligible for the sealing of records under this subsection (h), the person who seeks the sealing of his or her records shall file a petition requesting the sealing of records with the clerk of the court where the charge or charges were brought. The records may be sealed by the Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, if any. If charges were brought in multiple jurisdictions, a petition must be filed in each such jurisdiction. The petitioner shall pay the applicable fee, if not waived.

(A) Contents of petition. The petition shall contain the petitioner's name, date of birth, current address, each charge, each case number, the date of each charge, the identity of the arresting authority, and such other information as the court may require. During the pendency of the proceeding, the petitioner shall promptly notify the clerk of the court of any change of address.

(B) Drug test. A person filing a petition to have his or her records sealed for a Class 4 felony violation of Section 4 of the Cannabis Control Act or for a Class 4 felony violation of Section 402 of the Illinois Controlled Substances Act must attach to the petition proof that the petitioner has passed a test taken within the previous 30 days before the filing of the petition showing the absence within his or her body of all illegal substances in violation of either the Illinois Controlled Substances Act or the Cannabis Control Act.

(C) Service of petition. The clerk shall promptly serve a copy of the petition on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest.

(D) Entry of order. Unless the State’s Attorney or prosecutor, the Department of State Police, the arresting agency or
such chief legal officer objects to sealing of the records within 90 days of notice the court shall enter an order sealing the defendant's records.

(E) Hearing upon objection. If an objection is filed, the court shall set a date for a hearing and notify the petitioner and the parties on whom the petition had been served, and shall hear evidence on whether the sealing of the records should or should not be granted, and shall make a determination on whether to issue an order to seal the records based on the evidence presented at the hearing.

(F) Service of order. After entering the order to seal records, the court must provide copies of the order to the Department, in a form and manner prescribed by the Department, to the petitioner, to the State's Attorney or prosecutor charged with the duty of prosecuting the offense, to the arresting agency, to the chief legal officer of the unit of local government effecting the arrest, and to such other criminal justice agencies as may be ordered by the court.

(8) Fees. Notwithstanding any provision of the Clerk of the Courts Act to the contrary, and subject to the approval of the county board, the clerk may charge a fee equivalent to the cost associated with the sealing of records by the clerk and the Department of State Police. The clerk shall forward the Department of State Police portion of the fee to the Department and it shall be deposited into the State Police Services Fund.

(h) (1) Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, whenever an adult or minor prosecuted as an adult charged with a violation of a municipal ordinance or a misdemeanor is acquitted or released without being convicted, or if the person is convicted but the conviction is reversed, or if the person has been placed on supervision for a misdemeanor and has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor within 3 years after the acquittal or release or reversal of conviction, or the completion of the terms and conditions of the supervision, if the acquittal, release, finding of not guilty, or reversal of conviction occurred on or after the effective date of this amendatory Act of the 93rd General Assembly, the Chief Judge of the circuit in which the charge was brought may have the official records of the arresting authority, the Department, and the clerk of the circuit court sealed 3 years after the dismissal of the charge, the finding of not guilty,
the reversal of conviction, or the completion of the terms and conditions of the supervision, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices. This subsection (h) does not apply to persons placed on supervision for: (1) a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12-15, 12-20, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(2) Upon acquittal, release without conviction, or being placed on supervision, the person charged with the offense shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records. Three years after the dismissal of the charge, the finding of not guilty, the reversal of conviction, or the completion of the terms and conditions of the supervision, the defendant shall provide the clerk of the court with a notice of request for sealing of records and payment of the applicable fee and shall promptly notify the clerk of the court of any change of address. The clerk shall promptly serve notice that the person's records are to be sealed on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to sealing of the records within 90 days of notice the court shall enter an order sealing the defendant's records 3 years after the dismissal of the charge, the finding of not guilty, the reversal of conviction, or the completion of the terms and conditions of the supervision. The clerk of the court shall promptly serve by mail or in person a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge. If an objection is filed, the

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court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted:

(3) The clerk may charge a fee equivalent to the cost associated with the sealing of records by the clerk and the Department of State Police. The clerk shall forward the Department of State Police portion of the fee to the Department and it shall be deposited into the State Police Services Fund:

'(4) Whenever sealing of records is required under this subsection (h), the notification of the sealing must be given by the circuit court where the arrest occurred to the Department in a form and manner prescribed by the Department:

(5) An adult or a minor prosecuted as an adult who was charged with a violation of a municipal ordinance or a misdemeanor who was acquitted, released without being convicted, convicted and the conviction was reversed, or placed on supervision for a misdemeanor before the date of this amendatory Act of the 93rd General Assembly and was not convicted of a felony or misdemeanor or placed on supervision for a misdemeanor for 3 years after the acquittal or release or reversal of conviction, or completion of the terms and conditions of the supervision may petition the Chief Judge of the circuit in which the charge was brought, any judge of that circuit in which the charge was brought, any judge of the circuit designated by the Chief Judge, or, in counties of less than 3,000,000 inhabitants, the presiding trial judge at that defendant's trial, to seal the official records of the arresting authority, the Department, and the clerk of the court, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies, the Department of Corrections, and State's Attorneys and other prosecutors in carrying out the duties of their offices. This subsection (h) does not apply to persons placed on supervision for:
(1) a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for

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An Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act. The State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest shall be served with a copy of the verified petition and shall have 90 days to object. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted. The person whose records are sealed under the provisions of this Act shall pay to the clerk of the court and the Department of State Police a fee equivalent to the cost associated with the sealing of records. The fees shall be paid to the clerk of the court who shall forward the appropriate portion to the Department at the time the court order to seal the defendant's record is forwarded to the Department for processing. The Department of State Police portion of the fee shall be deposited into the State Police Services Fund.

(i) (1) any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, whenever an adult or minor prosecuted as an adult charged with a violation of a municipal ordinance or a misdemeanor is convicted of a misdemeanor and has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor within 4 years after the completion of the sentence, if the conviction occurred on or after the effective date of this amendatory Act of the 93rd General Assembly, the Chief Judge of the circuit in which the charge was brought may have the official records of the arresting authority, the Department, and the clerk of the circuit court sealed 4 years after the completion of the sentence, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices. This subsection (i) does not apply to persons convicted of: (1) a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class

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A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(2) Upon the conviction of such offense, the person charged with the offense shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records. Four years after the completion of the sentence, the defendant shall provide the clerk of the court with a notice of request for sealing of records and payment of the applicable fee and a current address and shall promptly notify the clerk of the court of any change of address. The clerk shall promptly serve notice that the person's records are to be sealed on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to sealing of the records within 90 days of notice the court shall enter an order sealing the defendant's records 4 years after the completion of the sentence. The clerk of the court shall promptly serve by mail or in person a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted.

(3) The clerk may charge a fee equivalent to the cost associated with the sealing of records by the clerk and the Department of State Police. The clerk shall forward the Department of State Police portion of the fee to the Department and it shall be deposited into the State Police Services Fund.

(4) Whenever sealing of records is required under this subsection (i), the notification of the sealing must be given by the circuit court where the arrest occurred to the Department in a form and manner prescribed by the Department.

(5) An adult or a minor prosecuted as an adult who was charged with a violation of a municipal ordinance or a misdemeanor who was convicted of a misdemeanor before the date of this amendatory Act of the 93rd General Assembly and was not convicted of a felony or misdemeanor or placed on supervision for a misdemeanor for 4 years after the completion of the sentence may petition the Chief Judge of the circuit in

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which the charge was brought, any judge of that circuit in which the charge was brought, any judge of the circuit designated by the Chief Judge, or, in counties of less than 3,000,000 inhabitants, the presiding trial judge at that defendant's trial, to seal the official records of the arresting authority, the Department, and the clerk of the court, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies, the Department of Corrections, and State's Attorneys and other prosecutors in carrying out the duties of their offices. This subsection (i) does not apply to persons convicted of: (1) a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act. The State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest shall be served with a copy of the verified petition and shall have 90 days to object. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted. The person whose records are sealed under the provisions of this Act shall pay to the clerk of the court and the Department of State Police a fee equivalent to the cost associated with the sealing of records. The fees shall be paid to the clerk of the court who shall forward the appropriate portion to the Department at the time the court order to seal the defendant's record is forwarded to the Department for processing. The Department of State Police portion of the fee shall be deposited into the State Police Services Fund:

(i) Subject to available funding, the Illinois Department of Corrections shall conduct a study of the impact of sealing, especially on employment and recidivism rates, utilizing a random sample of those who apply for the sealing of their criminal records under Public Act 93-211, in accordance to rules adopted by the Department. At the request of the

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Illinois Department of Corrections, records of the Illinois Department of Employment Security shall be utilized as appropriate to assist in the study. The study shall not disclose any data in a manner that would allow the identification of any particular individual or employing unit. The study shall be made available to the General Assembly no later than September 1, 2006.

(Source: P.A. 92-651, eff. 7-11-02; 93-210, eff. 7-18-03; 93-211, eff. 1-1-04; revised 8-25-03.)

20 ILCS 2630/12)

Sec. 12. Entry of order; effect of expungement or sealing records.

(a) Except with respect to law enforcement agencies, the Department of Corrections, State's Attorneys, or other prosecutors, and as provided in Section 13 of this Act, an expunged or sealed record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment must contain specific language which states that the applicant is not obligated to disclose sealed or expunged records of conviction or arrest. Employers may not ask if an applicant has had records expunged or sealed.

(b) A person whose records have been sealed or expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of the sealing or expungement. This amendatory Act of the 93rd General Assembly does not affect the right of the victim of a crime to prosecute or defend a civil action for damages. Persons engaged in civil litigation involving criminal records that have been sealed may petition the court to open the records for the limited purpose of using them in the course of litigation.

(Source: P.A. 93-211, eff. 1-1-04.)

20 ILCS 2630/13)

Sec. 13. Retention and release of sealed records. Prohibited conduct; misdemeanor; penalty.

(a) The Department of State Police shall retain records sealed under subsection (h) and (i) of Section 5 and shall release them only as authorized by this Act. Felony records The sealed under subsection (h) of Section 5 records shall be used and disseminated by the Department only as otherwise specifically required or authorized by a federal or State law, rule, or regulation that requires inquiry into and release of criminal records, including, but not limited to, subsection (A) of Section 3 of this Act. However, all requests for records that have been
expunged, sealed, and impounded and the use of those records are subject to the provisions of Section 2-103 of the Illinois Human Rights Act allowed by law. Upon conviction for any offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual.

(b) Notwithstanding the foregoing, all sealed records are subject to inspection and use by the court and inspection and use by law enforcement agencies and State’s Attorneys or other prosecutors in carrying out the duties of their offices.

(c) The sealed records maintained under subsection (a) are exempt from disclosure under the Freedom of Information Act.

(d) The Department of State Police shall commence the sealing of records of felony arrests and felony convictions pursuant to the provisions of subsection (h) of Section 5 of this Act no later than one year from the date that funds have been made available for purposes of establishing the technologies necessary to implement the changes made by this amendatory Act of the 93rd General Assembly.

(775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

Sec. 2-103. Arrest Record.

(A) Unless otherwise authorized by law, it is a civil rights violation for any employer, employment agency or labor organization to inquire into or to use the fact of an arrest or criminal history record information ordered expunged, sealed or impounded under Section 5 of the Criminal Identification Act as a basis to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment. This Section does not prohibit a State agency, unit of local government or school district, or private organization from requesting or utilizing sealed felony conviction information obtained from the Department of State Police under the provisions of Section 3 of the Criminal Identification Act or under other State or federal laws or regulations that require criminal background checks in evaluating the qualifications and character of an employee or a prospective employee.

(B) The prohibition against the use of the fact of an arrest contained in this Section shall not be construed to prohibit an employer,

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employment agency, or labor organization from obtaining or using other information which indicates that a person actually engaged in the conduct for which he or she was arrested.
(Source: P.A. 89-370, eff. 8-18-95.)
Approved February 7, 2005.
Effective June 1, 2005.

PUBLIC ACT 93-1085
(Senate Bill No. 2216)
AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 371 as follows:
(20 ILCS 2310/371 new)
Sec. 371. Heartsaver AED Fund; grants. Subject to appropriation, the Department of Public Health has the power to make matching grants from the Heartsaver AED Fund, a special fund created in the State treasury, to any public school, public park district, public college, or public university required to have an Automated External Defibrillator pursuant to the Physical Fitness Facility Medical Emergency Preparedness Act (Colleen O'Sullivan Law). Applicants for AED grants must demonstrate that they have funds to pay 50% of the cost of the AED's for which matching grant moneys are sought. Matching grants authorized under this Section shall be limited to one AED per eligible physical fitness facility. The State Treasurer shall accept and deposit into the Fund all gifts, grants, transfers, appropriations, and other amounts from any legal source, public or private, that are designated for deposit into the Fund.
Section 10. The State Finance Act is amended by adding Section 5.640 as follows:
(30 ILCS 105/5.640 new)
Sec. 5.640. The Heartsaver AED Fund.
Section 99. Effective date. This Act takes effect upon becoming law.
Approved February 14, 2005.

New matter indicated by italics - deletions by strikeout.
Effective February 14, 2005.

PUBLIC ACT 93-1086
(House Bill No. 0756)

AN ACT regarding schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Childhood Hunger Relief Act.

Section 5. State policy and legislative intent. The General Assembly recognizes that hunger and food security are serious problems in the State of Illinois with as many as one million citizens being affected. These citizens have lost their sense of food security. Food insecurity occurs whenever the availability of nutritionally adequate and safe foods or the ability to acquire acceptable foods in socially acceptable ways is limited or uncertain. Hunger is a painful or uneasy sensation caused by a recurrent or involuntary lack of food and is a potential, although not necessary, consequence of food insecurity. Over time, hunger may result in malnutrition. It is estimated that just under 600,000 Illinois children experience hunger or food insecurity, meaning that they either go without eating meals, or their parents or guardians cannot provide the kinds of food they need. At present, the Illinois economy is steadily experiencing a 6% unemployment rate, people are being laid off who thought they had job security, and the unemployed are remaining unemployed beyond the terms of unemployment benefits. Emergency food providers throughout the State are experiencing an increase in the number of working poor families requesting emergency food. In October 2003, Illinois was ranked 48th in the nation in providing school breakfasts to low-income children of families who meet the criteria for free and reduced-price lunches. Because low-income children are not being adequately nourished, even to the point where many are arriving at school hungry, the General Assembly believes it is in the best interest of Illinois to utilize resources available through existing child nutrition programs, to the fullest extent possible.

The General Assembly also recognizes a definite correlation between adequate child nutrition and a child's physical, emotional, and cognitive development. There is also a correlation between adequate nutrition and a child's ability to perform well in school. Documented research has proven that school breakfasts improve attendance and

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increase a child's readiness to learn. In this regard, the General Assembly realizes the importance of the National School Breakfast Program and the Summer Food Service Program as effective measures that must be widely implemented to ensure more adequate nutrition for Illinois children.

Section 10. Definitions. In this Act:

"Hunger" means a symptom of poverty caused by a lack of resources that prevents the purchasing of a nutritionally adequate diet resulting in a chronic condition of being undernourished.

"Food insecurity" means a limited or uncertain availability of nutritionally adequate foods.

"Food security" means ensured access to enough food for an active, healthy life.

"School Breakfast Program" means the federal child nutrition entitlement program that helps serve nourishing low-cost breakfast meals to school children. In addition to cash assistance, participating schools get foods donated by and technical guidance from the United States Department of Agriculture. Payments to schools are higher for meals served to children who qualify, on the basis of family size and income, for free or reduced-price meals. The program is administered in Illinois by the State Board of Education.

"Summer Food Service Program" means the federal child nutrition entitlement program that helps communities serve meals to needy children when school is not in session. The United States Department of Agriculture reimburses sponsors for operating costs of food services up to a specific maximum rate for each meal served. In addition, sponsors receive some reimbursement for planning and supervising expenses. The program in Illinois is administered by the State Board of Education.

Section 15. School breakfast program.

(a) Within 90 days after the effective date of this amendatory Act of the 93rd General Assembly and then each school year thereafter, the board of education of each school district in this State shall implement and operate a school breakfast program, if a breakfast program does not currently exist, in accordance with federal guidelines in each school building within its district in which at least 40% or more of the students are eligible for free or reduced-price lunches based upon the count on October 31 of the previous year.

Using the data from the previous school year, the board of education of each school district in the State shall determine which schools
within their districts will be required to implement and operate a school breakfast program.

(b) School districts may charge students who do not meet federal criteria for free school meals for the breakfasts served to these students within the allowable limits set by federal regulations.

(c) School breakfast programs established under this Section shall be supported entirely by federal funds and commodities, charges to students and other participants, and other available State and local resources, including under the School Breakfast and Lunch Program Act. Allowable costs for reimbursement to school districts, in accordance with the United States Department of Agriculture, include compensation of employees for the time devoted and identified specifically to implement the school breakfast program; the cost of materials acquired, consumed, or expended specifically to implement the school breakfast program; equipment and other approved capital expenditures necessary to implement the school breakfast program; and transportation expenses incurred specifically to implement and operate the school breakfast program.

(d) A school district shall be allowed to opt out of the school breakfast program requirement of this Section if it is determined that, due to circumstances specific to that school district, the expense reimbursement would not fully cover the costs of implementing and operating a school breakfast program. The school district shall petition its regional superintendent of schools by November 15 to request to be exempt from the school breakfast program requirement. The petition shall include all legitimate costs associated with implementing and operating a school breakfast program, the estimated reimbursement from State and federal sources, and any unique circumstances the school district can verify that exist that would cause the implementation and operation of such a program to be cost prohibitive.

The regional superintendent of schools shall review the petition. He or she shall convene a public hearing to hear testimony from the school district and interested community members. The regional superintendent shall, by December 15, inform the school district of his or her decision, along with the reasons why the exemption was granted or denied, in writing. If the regional superintendent grants an exemption to the school district, then the school district is relieved from the requirement to establish and implement a school breakfast program.

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If the regional superintendent of schools does not grant an exemption to the school district, then the school district shall implement and operate a school breakfast program in accordance with this Section by September 1 of the subsequent school year. However, the school district or a resident of the school district may appeal the decision of the regional superintendent to the State Superintendent of Education. No later than February 15 of each year, the State Superintendent shall hear appeals on the decisions of regional superintendents of schools. The State Superintendent shall make a final decision at the conclusion of the hearing on the school district's request for an exemption from the school breakfast program requirement. If the State Superintendent grants an exemption to the school district, then the school district is relieved from the requirement to implement and operate a school breakfast program. If the State Superintendent does not grant an exemption to the school district, then the school district shall implement and operate a school breakfast program in accordance with this Section by September 1 of the subsequent school year.

A school district may not attempt to opt out of the school breakfast program requirement of this Section by requesting a waiver under Section 2-3.25g of the School Code.

Section 20. Summer food service program.
(a) The State Board of Education shall promulgate a State plan for summer food service programs, in accordance with 42 U.S.C. Sec. 1761 and any other applicable federal laws and regulations, by January 15, 2006.
(b) By the summer of 2006 and then each summer thereafter, it is strongly encouraged that the board of education of each school district in this State in which at least 50% of the students are eligible for free or reduced-price school meals operate a summer food service program or identify a non-profit or private agency to sponsor a summer food service program within the school district's boundaries.
(c) Summer food service programs established under this Section may be supported by federal funds and commodities and other available State and local resources.

Section 95. The School Breakfast and Lunch Program Act is amended by changing Sections 2.5, 4, and 5 as follows:

(105 ILCS 125/2.5)
Sec. 2.5. Breakfast incentive program. The State Board of Education shall fund a breakfast incentive program comprised of the

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components described in paragraphs (1), (2), and (3) of this Section, provided that a separate appropriation is made for the purposes of this Section. The State Board of Education may allocate the appropriation among the program components in whatever manner the State Board of Education finds will best serve the goal of increasing participation in school breakfast programs. If the amount of the appropriation allocated under paragraph (1), (2), or (3) of this Section is insufficient to fund all claims submitted under that particular paragraph, the claims under that paragraph shall be prorated.

(1) The State Board of Education may reimburse each sponsor of a school breakfast program an additional $0.10 for each free, reduced-price, and paid breakfast served over and above the number of such breakfasts served in the same month during the preceding year, provided that the number of breakfasts served in a participating school building by the sponsor in that month is at least 10% greater than the number of breakfasts served in the same month during the preceding year.

(2) The State Board of Education may make grants to school boards and welfare centers that agree to start a school breakfast program in one or more schools or other sites. First priority for these grants shall be given to schools in which 40% 50% or more of their students are eligible for free and reduced price meals under the National School Lunch Act (42 U.S.C. 1751 et seq.). Depending on the availability of funds and the rate at which funds are being utilized, the State Board of Education is authorized to allow additional schools or other sites to receive these grants. In making additional grants, the State Board of Education shall provide for priority to be given to schools with the highest percentage of students eligible for free and reduced price lunches under the National School Lunch Act. The amount of the grant shall be $3,500 for each qualifying school or site in which a school breakfast program is started. The grants shall be used to pay the start-up costs for the school breakfast program, including equipment, supplies, and program promotion, but shall not be used for food, labor, or other recurring operational costs. Applications for the grants shall be made to the State Board of Education on forms designated by the State Board of Education. Any grantee that fails to operate a school breakfast program for at least 3 years after
receipt of a grant shall refund the amount of the grant to the State Board of Education.

(3) The State Board of Education may reimburse a school board for each free, reduced-price, or paid breakfast served in a school breakfast program located in a school in which 80% or more of the students are eligible to receive free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.) in an amount equal to the difference between (i) the current amount reimbursed by the federal government for a free breakfast and (ii) the amount actually reimbursed by the federal government for that free, reduced-price, or paid breakfast. A school board that receives reimbursement under this paragraph (3) shall not be eligible in the same year to receive reimbursement under paragraph (1) of this Section.

(Source: P.A. 91-843, eff. 6-22-00.)

Sec. 4. Accounts; copies of menus served; free lunch program required; report. School boards and welfare centers shall keep an accurate, detailed and separate account of all moneys expended for school breakfast programs, school lunch programs, free breakfast programs, and free lunch programs, and summer food service programs, and of the amounts for which they are reimbursed by any governmental agency, moneys received from students and from any other contributors to the program. School boards and welfare centers shall also keep on file a copy of all menus served under the programs, which together with all records of receipts and disbursements, shall be made available to representatives of the State Board of Education at any time.

Every public school must have a free lunch program.

In 2001 and in each subsequent year, the State Board of Education shall provide to the Governor and the General Assembly, by a date not later than March 1, a report that provides all of the following:

(1) A list by school district of all schools, the total student enrollment, and the number of children eligible for free, reduced price, and paid breakfasts and lunches.

(2) A list of schools that have started breakfast programs during the past year along with information on which schools have utilized the $3,500 start-up grants and the additional $0.10 per meal increased participation incentives established under Section 2.5 of this Act.

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(3) A list of schools that have used the school breakfast program option outlined in this Act, a list of schools that have exercised Provision Two or Provision Three under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), and a list of schools that have dropped either school lunch or school breakfast programs during the past year and the reasons why.

In 2007, 2009, and 2011 the report required by this Section shall also include information that documents the results of surveys designed to identify parental interest in school breakfast programs and documents barriers to establishing school breakfast programs. To develop the surveys for school administrators and for parents, the State Board of Education shall work in coordination with the State Board of Education's Child Nutrition Advisory Council and local committees that involve parents, teachers, principals, superintendents, business, and anti-hunger advocates, organized by the State Board of Education to foster community involvement. The State Board of Education is authorized to distribute the surveys in all schools where there are no school breakfast programs.

(Source: P.A. 91-843, eff. 6-22-00.)

(105 ILCS 125/5) (from Ch. 122, par. 712.5)

Sec. 5. Application for participation in programs. Applications for participation in the school breakfast program, the school lunch program, the free breakfast program, and the free lunch program, and the summer food service program shall be made on forms provided by the State Board of Education and filed with the State Board, through the Regional Superintendent of Schools.

(Source: P.A. 91-843, eff. 6-22-00.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved February 15, 2005.
Effective February 15, 2005.

PUBLIC ACT 93-1087
(House Bill No. 0699)

AN ACT in relation to public aid.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2005, unless specifically provided for in this Section. The changes made by this amendatory Act of the 93rd General Assembly extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care

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Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department of Public Aid shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 2 years after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the
date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

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Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

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(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 92-10, eff. 6-11-01; 92-31, eff. 6-28-01; 92-597, eff. 6-28-02; 92-651, eff. 7-11-02; 92-848, eff. 1-1-03; 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; 93-841, eff. 7-30-04.)

Section 99. Effective date. This Act takes effect January 1, 2005.
Passed in the General Assembly January 10, 2005.
Approved February 28, 2005.
Effective February 28, 2005.

PUBLIC ACT 93-1088
(Senate Bill No. 1994)

AN ACT in relation to unemployment insurance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unemployment Insurance Act is amended by changing Section 604 as follows:

(820 ILCS 405/604) (from Ch. 48, par. 434)

Sec. 604. Labor dispute. An individual shall be ineligible for benefits for any week with respect to which it is found that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he

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is or was last employed. The term "labor dispute" does not include an individual's refusal to work because of his employer's failure to pay accrued earned wages within 10 working days from the date due, or to pay any other uncontested accrued obligation arising out of his employment within 10 working days from the date due.

For the purpose of disqualification under this Section the term "labor dispute" does not include a lockout by an employer, and no individual shall be denied benefits by reason of a lockout, provided that no individual shall be eligible for benefits during a lockout who is ineligible for benefits under another Section of this Act, and provided further that no individual locked out by an employer shall be eligible for benefits for any week during which (1) the employer refuses to meet under reasonable conditions with the recognized or certified collective bargaining representative of the locked out employees refuses to meet under reasonable conditions with the employer to discuss the issues giving rise to the lockout or (2) there is a final adjudication under the National Labor Relations Act that during the period of the lockout the employer has refused to bargain in good faith with the recognized or certified collective bargaining representative of the locked-out employees has refused to bargain in good faith with the employer over issues giving rise to the lockout, or (3) the lockout has resulted as a direct consequence of a violation by the recognized or certified collective bargaining representative of the locked out employees violates the provisions of an existing collective bargaining agreement. An individual's total or partial unemployment resulting from any reduction in operations or reduction of force or layoff of employees by an employer made in the course of or in anticipation of collective bargaining negotiations between a labor organization and such employer, is not due to a stoppage of work which exists because of a labor dispute until the date of actual commencement of a strike or lockout.

This Section shall not apply if it is shown that (A) the individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work and (B) he does not belong to a grade or class of workers of which immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; provided, that a lockout by the employer or an individual's failure to cross a picket line at such factory, establishment, or other premises shall not, in itself, be deemed to be participation by him in

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the labor dispute. If in any case, separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this Section, be deemed to be a separate factory, establishment, or other premises.

Whenever any claim involves the provisions of this Section, the claims adjudicator referred to in Section 702 shall make a separate determination as to the eligibility or ineligibility of the claimant with respect to the provisions of this Section. This separate determination may be appealed to the Director in the manner prescribed by Section 800.

(Source: P.A. 85-956.)

Approved March 7, 2005.
Effective January 1, 2006.

PUBLIC ACT 93-1089
(Senate Bill No. 2220)

AN ACT in relation to economic development.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Section 11-74.3-6 as follows:

(65 ILCS 5/11-74.3-6)
Sec. 11-74.3-6. Business district revenue and obligations.
(a) If the corporate authorities of a municipality have approved a business district development or redevelopment plan and have elected to impose a tax by ordinance pursuant to subsections (b), (c), or (d) of this Section, each year after the date of the approval of the ordinance and until all business district project costs and all municipal obligations financing the business district project costs, if any, have been paid in accordance with the business district development or redevelopment plan, but in no event longer than 23 years after the date of adoption of the ordinance approving the business district development or redevelopment plan, all amounts generated by the retailers' occupation tax and service occupation tax shall be collected and the tax shall be enforced by the Department of Revenue in the same manner as all retailers' occupation taxes and service occupation taxes imposed in the municipality imposing the tax and all amounts generated by the hotel operators' occupation tax shall be collected

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and the tax shall be enforced by the municipality in the same manner as all hotel operators' occupation taxes imposed in the municipality imposing the tax. The corporate authorities of the municipality shall deposit the proceeds of the taxes imposed under subsections (b), (c), and (d) into a special fund held by the corporate authorities of the municipality called the Business District Tax Allocation Fund for the purpose of paying business district project costs and obligations incurred in the payment of those costs.

(b) The corporate authorities of a municipality that has established a business district under this Division 74.3 may, by ordinance or resolution, impose a Business District Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in the business district at a rate not to exceed 1% of the gross receipts from the sales made in the course of such business, to be imposed only in 0.25% increments. The tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable under any ordinance or resolution enacted pursuant to this subsection without registering separately with the Department under such ordinance or resolution or under this subsection. The Department of Revenue shall have full power to administer and enforce this subsection; to collect all taxes and penalties due under this subsection in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of, and compliance with, this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions,

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exemptions, and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 1, 1a through 1o, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c through 2h, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the Retailers' Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under this subsection may reimburse themselves for their seller's tax liability under this subsection by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the business district retailers' occupation tax fund.

The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes, penalties, and interest collected under this subsection for deposit into the business district retailers' occupation tax fund. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities from the business district retailers' occupation tax fund, the municipalities to be those from which retailers have paid taxes or penalties under this subsection to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected under this subsection during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department, less 2% of that amount, which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and

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enforcing the provisions of this subsection, on behalf of such municipality, and not including any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the municipality. Within 10 days after receipt by the Comptroller of the disbursement certification to the municipalities provided for in this subsection to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in the certification. The proceeds of the tax paid to municipalities under this subsection shall be deposited into the Business District Tax Allocation Fund by the municipality.

An ordinance or resolution imposing or discontinuing the tax under this subsection or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department, if all other requirements of this subsection are met, shall proceed to administer and enforce this subsection as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon, if all other requirements of this subsection are met, the Department shall proceed to administer and enforce this subsection as of the first day of January next following the adoption and filing.

The Department of Revenue shall not administer or enforce an ordinance imposing, discontinuing, or changing the rate of the tax under this subsection, until the municipality also provides, in the manner prescribed by the Department, the boundaries of the business district in such a way that the Department can determine by its address whether a business is located in the business district. The municipality must provide this boundary information to the Department on or before April 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following July 1 and on or before October 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following January 1. The Department of Revenue shall not administer or enforce any change made to the boundaries of a business district until the municipality reports the boundary change to the Department in the manner prescribed by the Department. The municipality must provide this boundary change information to the Department on or before April 1 for administration and enforcement by the Department of the change beginning on the following

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July 1 and on or before October 1 for administration and enforcement by
the Department of the change beginning on the following January 1. The
retailers in the business district shall be responsible for charging the tax
imposed under this subsection. If a retailer is incorrectly included or
excluded from the list of those required to collect the tax under this
subsection, both the Department of Revenue and the retailer shall be held
harmless if they reasonably relied on information provided by the
municipality.

A municipality that imposes the tax under this subsection must
submit to the Department of Revenue any other information as the
Department may require for the administration and enforcement of the tax.

When certifying the amount of a monthly disbursement to a
municipality under this subsection, the Department shall increase or
decrease the amount by an amount necessary to offset any misallocation of
previous disbursements. The offset amount shall be the amount
erroneously disbursed within the previous 6 months from the time a
misallocation is discovered.

Nothing in this subsection shall be construed to authorize the
municipality to impose a tax upon the privilege of engaging in any
business which under the Constitution of the United States may not be
made the subject of taxation by this State.

If a tax is imposed under this subsection (b), a tax shall also be
imposed under subsection (c) of this Section.

(c) If a tax has been imposed under subsection (b), a Business
District Service Occupation Tax shall also be imposed upon all persons
engaged, in the business district, in the business of making sales of
service, who, as an incident to making those sales of service, transfer
tangible personal property within the business district, either in the form of
tangible personal property or in the form of real estate as an incident to a
sale of service. The tax shall be imposed at the same rate as the tax
imposed in subsection (b) and shall not exceed 1% of the selling price of
tangible personal property so transferred within the business district, to be
imposed only in 0.25% increments. The tax may not be imposed on food
d for human consumption that is to be consumed off the premises where it is
sold (other than alcoholic beverages, soft drinks, and food that has been
prepared for immediate consumption), prescription and nonprescription
medicines, drugs, medical appliances, modifications to a motor vehicle for
the purpose of rendering it usable by a disabled person, and insulin, urine
testing materials, syringes, and needles used by diabetics, for human use.

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The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit such registrant to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this subsection without registering separately with the Department under such ordinance or resolution or under this subsection. The Department of Revenue shall have full power to administer and enforce this subsection; to collect all taxes and penalties due under this subsection; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of, and compliance with this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms and employ the same modes of procedure as are prescribed in Sections 2, 2a through 2d, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the business district), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the municipality), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the municipality), the first paragraph of Section 15, and Sections 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

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Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the business district retailers' occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee, all taxes, penalties, and interest collected under this subsection for deposit into the business district retailers' occupation tax fund. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities from the business district retailers' occupation tax fund, the municipalities to be those from which suppliers and servicemen have paid taxes or penalties under this subsection to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected under this subsection during the second preceding calendar month by the Department, less 2% of that amount, which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and enforcing the provisions of this subsection, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities, provided for in this subsection to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification. The proceeds of the tax paid to municipalities under this subsection shall be deposited into the Business District Tax Allocation Fund by the municipality.

An ordinance or resolution imposing or discontinuing the tax under this subsection or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department, if all other requirements of this subsection are met, shall proceed to administer and enforce this subsection as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon, if all other

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conditions of this subsection are met, the Department shall proceed to administer and enforce this subsection as of the first day of January next following the adoption and filing.

The Department of Revenue shall not administer or enforce an ordinance imposing, discontinuing, or changing the rate of the tax under this subsection, until the municipality also provides, in the manner prescribed by the Department, the boundaries of the business district in such a way that the Department can determine by its address whether a business is located in the business district. The municipality must provide this boundary information to the Department on or before April 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following July 1 and on or before October 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following January 1. The Department of Revenue shall not administer or enforce any change made to the boundaries of a business district until the municipality reports the boundary change to the Department in the manner prescribed by the Department. The municipality must provide this boundary change information to the Department on or before April 1 for administration and enforcement by the Department of the change beginning on the following July 1 and on or before October 1 for administration and enforcement by the Department of the change beginning on the following January 1. The retailers in the business district shall be responsible for charging the tax imposed under this subsection. If a retailer is incorrectly included or excluded from the list of those required to collect the tax under this subsection, both the Department of Revenue and the retailer shall be held harmless if they reasonably relied on information provided by the municipality.

A municipality that imposes the tax under this subsection must submit to the Department of Revenue any other information as the Department may require for the administration and enforcement of the tax.

Nothing in this subsection shall be construed to authorize the municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

If a tax is imposed under this subsection (c), a tax shall also be imposed under subsection (b) of this Section.

(d) By ordinance, a municipality that has established a business district under this Division 74.3 may impose an occupation tax upon all

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persons engaged in the business district in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, at a rate not to exceed 1% of the gross rental receipts from the renting, leasing, or letting of hotel rooms within the business district, to be imposed only in 0.25% increments, excluding, however, from gross rental receipts the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act, and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Authority Act.

The tax imposed by the municipality under this subsection and all civil penalties that may be assessed as an incident to that tax shall be collected and enforced by the municipality imposing the tax. The municipality shall have full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of and compliance with this subsection, the municipality and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers, and duties, shall be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and shall employ the same modes of procedure as are employed with respect to a tax adopted by the municipality under Section 8-3-14 of this Code.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their tax liability for that tax by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes imposed under the Hotel Operators' Occupation Tax Act, and with any other tax.

Nothing in this subsection shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

The proceeds of the tax imposed under this subsection shall be deposited into the Business District Tax Allocation Fund.

(e) Obligations issued pursuant to subsection (14) of Section 11-74.3-3 shall be retired in the manner provided in the ordinance authorizing the issuance of those obligations by the receipts of taxes levied as authorized in subsections (12) and (13) of Section 11-74.3-3. The

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ordinance shall pledge all of the amounts in and to be deposited in the Business District Tax Allocation Fund to the payment of business district project costs and obligations. Obligations issued pursuant to subsection (14) of Section 11-74.3-3 may be sold at public or private sale at a price determined by the corporate authorities of the municipality and no referendum approval of the electors shall be required as a condition to the issuance of those obligations. The ordinance authorizing the obligations may require that the obligations contain a recital that they are issued pursuant to subsection (14) of Section 11-74.3-3 and this recital shall be conclusive evidence of their validity and of the regularity of their issuance. The corporate authorities of the municipality may also issue its obligations to refund, in whole or in part, obligations previously issued by the municipality under the authority of this Code, whether at or prior to maturity. All obligations issued pursuant to subsection (14) of Section 11-74.3-3 shall not be regarded as indebtedness of the municipality issuing the obligations for the purpose of any limitation imposed by law.

(f) When business district costs, including, without limitation, all municipal obligations financing business district project costs incurred under Section 11-74.3-3 have been paid, any surplus funds then remaining in the Business District Tax Allocation Fund shall be distributed to the municipal treasurer for deposit into the municipal general corporate fund. Upon payment of all business district project costs and retirement of obligations, but in no event more than 23 years after the date of adoption of the ordinance approving the business district development or redevelopment plan, the municipality shall adopt an ordinance immediately rescinding the taxes imposed pursuant to subsections (12) and (13) of Section 11-74.3-3.

(Source: P.A. 93-1053, eff. 1-1-05.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved March 7, 2005.
Effective March 7, 2005.

PUBLIC ACT 93-1090
(House Bill No. 0612)

AN ACT in relation to pensions.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 4-109.3, 4-110, 4-110.1, 4-111, and 4-114 as follows:

(40 ILCS 5/4-109.3)
Sec. 4-109.3. Employee creditable service.
(a) As used in this Section:
"Final monthly salary" means the monthly salary attached to the rank held by the firefighter at the time of his or her last withdrawal from service under a particular pension fund.
"Last pension fund" means the pension fund in which the firefighter was participating at the time of his or her last withdrawal from service.

(b) The benefits provided under this Section are available only to a firefighter who:

(1) is a firefighter at the time of withdrawal from the last pension fund and for at least the final 3 years of employment prior to that withdrawal;
(2) has established service credit with at least one pension fund established under this Article other than the last pension fund;
(3) has a total of at least 20 years of service under the various pension funds established under this Article and has attained age 50; and
(4) is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(c) A firefighter who is eligible for benefits under this Section may elect to receive a retirement pension from each pension fund under this Article in which the firefighter has at least one year of service credit but has not received a refund under Section 4-116 (unless the firefighter repays that refund under subsection (g)) or subsection (c) of Section 4-118.1, by applying in writing and paying the contribution required under subsection (i).

(d) From each such pension fund other than the last pension fund, in lieu of any retirement pension otherwise payable under this Article, a firefighter to whom this Section applies may elect to receive a monthly pension of 1/12th of 2.5% of his or her final monthly salary under that fund for each month of service in that fund, subject to a maximum of 75% of that final monthly salary.

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(e) From the last pension fund, in lieu of any retirement pension otherwise payable under this Article, a firefighter to whom this Section applies may elect to receive a monthly pension calculated as follows:

The last pension fund shall calculate the retirement pension that would be payable to the firefighter under subsection (a) of Section 4-109 as if he or she had participated in that last pension fund during his or her entire period of service under all pension funds established under this Article (excluding any period of service for which the firefighter has received a refund under Section 4-116, unless the firefighter repays that refund under subsection (g), or for which the firefighter has received a refund under subsection (c) of Section 4-118.1). From this hypothetical pension there shall be subtracted the original amounts of the retirement pensions payable to the firefighter by all other pension funds under subsection (d). The remainder is the retirement pension payable to the firefighter by the last pension fund under this subsection (e).

(f) Pensions elected under this Section shall be subject to increases as provided in subsection (d) of Section 4-109.1.

(g) A current firefighter may reinstate creditable service in a pension fund established under this Article that was terminated upon receipt of a refund, by payment to that pension fund of the amount of the refund together with interest thereon at the rate of 6% per year, compounded annually, from the date of the refund to the date of payment. A repayment of a refund under this Section may be made in equal installments over a period of up to 10 years, but must be paid in full prior to retirement.

(h) As a condition of being eligible for the benefits provided in this Section, a person who is hired to a position as a firefighter on or after July 1, 2004 the effective date of this amendatory Act of the 93rd General Assembly, a firefighter must, within 21 months after being hired, notify the new employer, all of his or her previous employers under this Article, and the Public Pension Division of the Division Department of Insurance of the Department of Financial and Professional Regulation, within one year of being hired, of his or her intent to receive the benefits provided under this Section all periods of service of at least one year under a pension fund established under this Article.

(i) In order to receive a pension under this Section or an occupational disease disability pension for which he or she becomes eligible due to the application of subsection (m) of this Section, a firefighter must pay to each pension fund from which he or she has elected

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to receive a pension under this Section a contribution equal to 1/12th of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with interest thereon at the rate of 6% per annum, compounded annually, from the firefighter's first day of employment with that fund or the first day of the fiscal year of that fund that immediately precedes the firefighter's first day of employment with that fund, whichever is earlier.

In order for a firefighter who, as of the effective date of this amendatory Act of the 93rd General Assembly, has not begun to receive a pension under this Section or an occupational disease disability pension under subsection (m) of this Section and who has contributed 1/12th of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with the required interest thereon, to receive a pension under this Section or an occupational disease disability pension for which he or she becomes eligible due to the application of subsection (m) of this Section, the firefighter must, within one year after the effective date of this amendatory Act of the 93rd General Assembly, make an additional contribution equal to 11/12ths of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with interest thereon at the rate of 6% per annum, compounded annually, from the firefighter's first day of employment with that fund or the first day of the fiscal year of that fund that immediately precedes the firefighter's first day of employment with the fund, whichever is earlier. A firefighter who, as of the effective date of this amendatory Act of the 93rd General Assembly, has not begun to receive a pension under this Section or an occupational disease disability pension under subsection (m) of this Section and who has contributed 1/12th of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with the required interest thereon, in order to receive a pension under this Section or an occupational disease disability pension under subsection (m) of this Section, may elect, within one year after the effective date of this

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amendatory Act of the 93rd General Assembly to forfeit the benefits provided under this Section and receive a refund of that contribution. The time the service was rendered to the date of payment.

(j) A retired firefighter who is receiving pension payments under Section 4-109 may reenter active service under this Article. Subject to the provisions of Section 4-117, the firefighter may receive credit for service performed after the reentry if the firefighter (1) applies to receive credit for that service, (2) suspends his or her pensions under this Section, and (3) makes the contributions required under subsection (i).

(k) A firefighter who is newly hired or promoted to a position as a firefighter shall not be denied participation in a fund under this Article based on his or her age.

(l) If a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to a disability pension under Section 4-110, the last pension fund is responsible to pay that disability pension and the amount of that disability pension shall be based only on the firefighter's service with the last pension fund.

(m) Notwithstanding any provision in Section 4-110.1 to the contrary, if a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to an occupational disease disability pension under Section 4-110.1, each pension fund to which the firefighter has made contributions under subsection (c) of Section 4-118.1 must pay a portion of that occupational disease disability pension equal to the proportion that the firefighter's service credit with that pension fund for which the contributions under subsection (c) of Section 4-118.1 have been made bears to the firefighter's total service credit with all of the pension funds for which the contributions under subsection (c) of Section 4-118.1 have been made. A firefighter who has made contributions under subsection (c) of Section 4-118.1 for at least 5 years of creditable service shall be deemed to have met the 5-year creditable service requirement under Section 4-110.1, regardless of whether the firefighter has 5 years of creditable service with the last pension fund.

(n) If a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to a disability pension under Section 4-111, the last pension fund is responsible to pay that disability pension, provided
that the firefighter has at least 7 years of creditable service with the last pension fund.
(Source: P.A. 93-689, eff. 7-1-04.)

(40 ILCS 5/4-110) (from Ch. 108 1/2, par. 4-110)

Sec. 4-110. Disability pension - Line of duty. If a firefighter, as the result of sickness, accident or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty, is found, pursuant to Section 4-112, to be physically or mentally permanently disabled for service in the fire department, so as to render necessary his or her being placed on disability pension, the firefighter shall be entitled to a disability pension equal to the greater of (1) 65% of the monthly salary attached to the rank held by him or her in the fire department at the date he or she is removed from the municipality's fire department payroll or (2) the retirement pension that the firefighter would be eligible to receive if he or she retired (but not including any automatic annual increase in that retirement pension). A firefighter shall be considered "on duty" while on any assignment approved by the chief of the fire department, even though away from the municipality he or she serves as a firefighter, if the assignment is related to the fire protection service of the municipality.

Such firefighter shall also be entitled to a child's disability benefit of $20 a month on account of each unmarried child less than 18 years of age and dependent upon the firefighter for support, either the issue of the firefighter or legally adopted by him or her. The total amount of child's disability benefit payable to the firefighter, when added to his or her disability pension, shall not exceed 75% of the amount of salary which the firefighter was receiving at the date of retirement.

Benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged to be disabled persons pursuant to Article X1a of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

If a firefighter dies while still disabled and receiving a disability pension under this Section, the disability pension shall continue to be paid to the firefighter's survivors in the sequence provided in Section 4-114 but shall, from the date of death, become subject to the requirements,

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including limitations on amount, that are provided for pensions to survivors under Section 4-114. A pension previously granted under Section 4-114 to a survivor of a firefighter who died while receiving a disability pension under this Section shall be deemed to be a continuation of the pension provided under this Section and shall be deemed to be in the nature of worker's compensation payments. The changes to this Section made by this amendatory Act of 1995 are intended to be retroactive and are not limited to persons in service on or after its effective date.

(40 ILCS 5/4-110.1) (from Ch. 108 1/2, par. 4-110.1)

Sec. 4-110.1. Occupational disease disability pension. The General Assembly finds that service in the fire department requires firefighters in times of stress and danger to perform unusual tasks; that firefighters are subject to exposure to extreme heat or extreme cold in certain seasons while performing their duties; that they are required to work in the midst of and are subject to heavy smoke fumes, and carcinogenic, poisonous, toxic or chemical gases from fires; and that these conditions exist and arise out of or in the course of employment.

An active firefighter with 5 or more years of creditable service who is found, pursuant to Section 4-112, unable to perform his or her duties in the fire department by reason of heart disease, stroke, tuberculosis, or any disease of the lungs or respiratory tract, resulting from service as a firefighter, is entitled to an occupational disease disability pension during any period of such disability for which he or she has no right to receive salary.

Any active firefighter who has completed 5 or more years of service and is unable to perform his or her duties in the fire department by reason of a disabling cancer, which develops or manifests itself during a period while the firefighter is in the service of the fire department, shall be entitled to receive an occupational disease disability benefit during any period of such disability for which he or she does not have a right to receive salary. In order to receive this occupational disease disability benefit, (i) the type of cancer involved must be a type which may be caused by exposure to heat, radiation or a known carcinogen as defined by the International Agency for Research on Cancer and (ii) the cancer must (and is rebuttably presumed to) arise as a result of service as a firefighter.

A firefighter who enters the service after August 27, 1971 shall be examined by one or more practicing physicians appointed by the board. If the examination discloses impairment of the heart, lungs or respiratory

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tract, or the existence of any cancer, the firefighter shall not be entitled to the occupational disease disability pension unless and until a subsequent examination reveals no such impairment or cancer.

The occupational disease disability pension shall be equal to the greater of (1) 65% of the salary attached to the rank held by the firefighter in the fire service at the time of his or her removal from the municipality's fire department payroll or (2) the retirement pension that the firefighter would be eligible to receive if he or she retired (but not including any automatic annual increase in that retirement pension).

The firefighter is also entitled to a child's disability benefit of $20 a month for each natural or legally adopted unmarried child less than age 18 dependent upon the firefighter for support. The total child's disability benefit when added to the occupational disease disability pension shall not exceed 75% of the firefighter's salary at the time of the grant of occupational disease disability pension.

The occupational disease disability pension is payable to the firefighter during the period of the disability. If the disability ceases before the death of the firefighter, the disability pension payable under this Section shall also cease and the firefighter thereafter shall receive such pension benefits as are provided in accordance with other provisions of this Article.

If a firefighter dies while still disabled and receiving a disability pension under this Section, the disability pension shall continue to be paid to the firefighter's survivors in the sequence provided in Section 4-114 but shall, from the date of death, become subject to the requirements, including limitations on amount, that are provided for pensions to survivors under Section 4-114. A pension previously granted under Section 4-114 to a survivor of a firefighter who died while receiving a disability pension under this Section shall be deemed to be a continuation of the pension provided under this Section and shall be deemed to be in the nature of worker's occupational disease compensation payments. The changes to this Section made by this amendatory Act of 1995 are intended to be retroactive and are not limited to persons in service on or after its effective date.

The child's disability benefit shall terminate if the disability ceases while the firefighter is alive or when the child or children attain age 18 or marry, whichever event occurs first, except that benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by

New matter indicated by italics - deletions by strikeout.
reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged as a disabled person pursuant to Article XIA of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.
(Source: P.A. 91-466, eff. 8-6-99.)

(40 ILCS 5/4-111) (from Ch. 108 1/2, par. 4-111)

Sec. 4-111. Disability pension - Not in duty. A firefighter having at least 7 years of creditable service who becomes disabled as a result of any cause other than an act of duty, and who is found, pursuant to Section 4-112, to be physically or mentally permanently disabled so as to render necessary his or her being placed on disability pension, shall be granted a disability pension of 50% of the monthly salary attached to the rank held by the firefighter in the fire service at the date he or she is removed from the municipality's fire department payroll. If a firefighter dies while still disabled and receiving a disability pension under this Section, the disability pension shall continue to be paid to the firefighter's survivors in the sequence provided in Section 4-114 if that disability pension is greater than the survivors pension provided under subsection (a) of Section 4-114.
(Source: P.A. 83-1440.)

(40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

Sec. 4-114. Pension to survivors. If a firefighter who is not receiving a disability pension under Section 4-110 or 4-110.1 dies (1) as a result of any illness or accident, or (2) from any cause while in receipt of a disability pension under this Article, or (3) during retirement after 20 years service, or (4) while vested for or in receipt of a pension payable under subsection (b) of Section 4-109, or (5) while a deferred pensioner, having made all required contributions, a pension shall be paid to his or her survivors, based on the monthly salary attached to the firefighter's rank on the last day of service in the fire department, as follows:

(a) To the surviving spouse, a monthly pension of 40% of the monthly salary, and to the guardian of any minor child or children including a child which has been conceived but not yet born, 12% of such monthly salary for each such child until attainment of age 18 or until the child's marriage, whichever occurs first. Beginning July 1, 1993, the monthly pension to the surviving spouse shall be 54% of the monthly salary for all persons receiving a surviving spouse pension under this Article, regardless of

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whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

(2) Beginning July 1, 2004, unless the amount provided under paragraph (1) of this subsection (a) is greater, the total monthly pension payable under this paragraph (a), including any amount payable on account of children, to the surviving spouse of a firefighter who died (i) while receiving a retirement pension, (ii) while he or she was a deferred pensioner with at least 20 years of creditable service, or (iii) while he or she was in active service having at least 20 years of creditable service, regardless of age, including any amount payable on account of children, shall be no less than 100% of the monthly retirement pension earned by that the deceased firefighter at the time of death, regardless of whether death occurs before or after attainment of age 50, was receiving at the time of death; including any increases under Section 4-109.1. This minimum applies to all such surviving spouses who are eligible to receive a surviving spouse pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly, and notwithstanding any limitation on maximum pension under paragraph (d) or any other provision of this Article.

(3) If the pension paid on and after July 1, 2004 to the surviving spouse of a firefighter who died on or after July 1, 2004 and before the effective date of this amendatory Act of the 93rd General Assembly was less than the minimum pension payable under paragraph (1) or (2) of this subsection (a), the fund shall pay a lump sum equal to the difference within 90 days after the effective date of this amendatory Act of the 93rd General Assembly.

The pension to the surviving spouse shall terminate in the event of the surviving spouse's remarriage prior to July 1, 1993; remarriage on or after that date does not affect the surviving spouse's pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

The surviving spouse's pension shall be subject to the minimum established in Section 4-109.2.

(b) Upon the death of the surviving spouse leaving one or more minor children, to the duly appointed guardian of each such child, for support and maintenance of each such child until the child reaches age 18

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or marries, whichever occurs first, a monthly pension of 20% of the monthly salary.

(c) If a deceased firefighter leaves no surviving spouse or unmarried minor children under age 18, but leaves a dependent father or mother, to each dependent parent a monthly pension of 18% of the monthly salary. To qualify for the pension, a dependent parent must furnish satisfactory proof that the deceased firefighter was at the time of his or her death the sole supporter of the parent or that the parent was the deceased's dependent for federal income tax purposes.

(d) The total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 75% of the monthly salary of the deceased firefighter (1) when paid to the survivor of a firefighter who has attained 20 or more years of service credit and who receives or is eligible to receive a retirement pension under this Article, or (2) when paid to the survivor of a firefighter who dies as a result of illness or accident, or (3) when paid to the survivor of a firefighter who dies from any cause while in receipt of a disability pension under this Article, or (4) when paid to the survivor of a deferred pensioner. For all other survivors of deceased firefighters, the total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 50% of the retirement annuity the firefighter would have received on the date of death.

The maximum pension limitations in this paragraph (d) do not control over any contrary provision of this Article explicitly establishing a minimum amount of pension or granting a one-time or annual increase in pension.

(e) If a firefighter leaves no eligible survivors under paragraphs (a), (b) and (c), the board shall refund to the firefighter's estate the amount of his or her accumulated contributions, less the amount of pension payments, if any, made to the firefighter while living.

(f) An adopted child is eligible for the pension provided under paragraph (a) if the child was adopted before the firefighter attained age 50.

(g) If a judgment of dissolution of marriage between a firefighter and spouse is judicially set aside subsequent to the firefighter's death, the surviving spouse is eligible for the pension provided in paragraph (a) only if the judicial proceedings are filed within 2 years after the date of the dissolution of marriage and within one year after the firefighter's death and the board is made a party to the proceedings. In such case the pension shall

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be payable only from the date of the court's order setting aside the judgment of dissolution of marriage.

(h) Benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged as a disabled person pursuant to Article XIa of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

(i) Beginning January 1, 2000, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1994 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding subsection (d) or any other provision of this Article.

(j) Beginning July 1, 2004, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1988 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding subsection (d) or any other provision of this Article.

(Source: P.A. 93-689, eff. 7-1-04.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly January 10, 2005.
Approved March 11, 2005.
Effective March 11, 2005.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning the departments of State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by changing Sections 1A-9 and 1A-12 as follows:

(10 ILCS 5/1A-9) (from Ch. 46, par. 1A-9)

Sec. 1A-9. The State Board of Elections shall appoint an executive director and an assistant executive director. The Subject to the provisions of the "Personnel Code", the annual compensation of the executive director and assistant executive director shall be determined by the Board.

The executive director and assistant executive director may be removed from office at any time by a vote of at least 5 members of the Board. Upon any such removal a vacancy is created which shall be filled as provided for the initial appointments.

The Board, upon the affirmative vote of a majority of its members, may from time to time contract with technical consultants to assist it in the performance of its duties. Such technical consultants shall be compensated only under contracts which specify the duties to be performed and the compensation therefor. Except as otherwise provided in this Section, contracts with technical consultants, other than hearing officers and attorneys representing the Board in litigation, shall terminate no more than 60 days after the commencement of the specified duties and may be extended once for a period of no more than 30 days upon the affirmative vote of a majority of the Board. The time limitations imposed by this Section on contracts with technical consultants shall not apply to a contract with a technical consultant for the provision of electronic data processing services in connection with the Board's performance of the duties assigned to it pursuant to paragraph (11) of Section 1A-8 or in connection with the Board's performance of the duties assigned to it pursuant to Sections 4-8, 5-7 and 6-35 concerning the furnishing of electronic data or compilations containing voter registration information to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act. No technical consultant, other than a hearing officer or an attorney engaged to represent the Board in litigation, may be compensated under more than one contract in any fiscal year.

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(Source: P.A. 84-1026.)

(10 ILCS 5/1A-12) (from Ch. 46, par. 1A-12)
Sec. 1A-12. The Subject to the provisions of the "Personnel Code", approved July 18, 1955, as heretofore or hereafter amended, the State Board of Elections may employ, promote or discharge such additional persons as are necessary for the proper performance of its duties under this Code, including investigators, examiners and hearing officers. However, persons employed by the State Board of Elections prior to January 1, 1978 and previously certified under a merit plan adopted by the Board shall not be subject to any probationary period nor required to qualify by examination under "The Personnel Code" to continue in their positions. No employee or consultant may appear before the Board in any representative capacity within 6 months after termination of his employment or contractual relationship with the Board.
(Source: P.A. 80-1437.)

Section 10. The Personnel Code is amended by changing Section 4c as follows:

(20 ILCS 415/4c) (from Ch. 127, par. 63b104c)
Sec. 4c. General exemptions. The following positions in State service shall be exempt from jurisdictions A, B, and C, unless the jurisdictions shall be extended as provided in this Act:

(1) All officers elected by the people.

(2) All positions under the Lieutenant Governor, Secretary of State, State Treasurer, State Comptroller, State Board of Education, Clerk of the Supreme Court, and Attorney General, and State Board of Elections.

(3) Judges, and officers and employees of the courts, and notaries public.

(4) All officers and employees of the Illinois General Assembly, all employees of legislative commissions, all officers and employees of the Illinois Legislative Reference Bureau, the Legislative Research Unit, and the Legislative Printing Unit.

(5) All positions in the Illinois National Guard and Illinois State Guard, paid from federal funds or positions in the State Military Service filled by enlistment and paid from State funds.

(6) All employees of the Governor at the executive mansion and on his immediate personal staff.

(7) Directors of Departments, the Adjutant General, the Assistant Adjutant General, the Director of the Illinois Emergency

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Management Agency, members of boards and commissions, and all other positions appointed by the Governor by and with the consent of the Senate.

(8) The presidents, other principal administrative officers, and teaching, research and extension faculties of Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, and the administrative officers and scientific and technical staff of the Illinois State Museum.

(9) All other employees except the presidents, other principal administrative officers, and teaching, research and extension faculties of the universities under the jurisdiction of the Board of Regents and the colleges and universities under the jurisdiction of the Board of Governors of State Colleges and Universities, Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, Board of Governors of State Colleges and Universities, the Board of Regents, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, so long as these are subject to the provisions of the State Universities Civil Service Act.

(10) The State Police so long as they are subject to the merit provisions of the State Police Act.

(11) The scientific staff of the State Scientific Surveys and the Waste Management and Research Center.

(12) The technical and engineering staffs of the Department of Transportation, the Department of Nuclear Safety, the Pollution Control Board, and the Illinois Commerce Commission, and the technical and engineering staff providing architectural and engineering services in the Department of Central Management Services.

(13) All employees of the Illinois State Toll Highway Authority.

(14) The Secretary of the Illinois Workers' Compensation Commission.

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(15) All persons who are appointed or employed by the Director of Insurance under authority of Section 202 of the Illinois Insurance Code to assist the Director of Insurance in discharging his responsibilities relating to the rehabilitation, liquidation, conservation, and dissolution of companies that are subject to the jurisdiction of the Illinois Insurance Code.

(16) All employees of the St. Louis Metropolitan Area Airport Authority.

(17) All investment officers employed by the Illinois State Board of Investment.


(19) Seasonal employees of the Department of Agriculture for the operation of the Illinois State Fair and the DuQuoin State Fair, no one person receiving more than 29 days of such employment in any calendar year.

(20) All "temporary" employees hired under the Department of Natural Resources' Illinois Conservation Service, a youth employment program that hires young people to work in State parks for a period of one year or less.

(21) All hearing officers of the Human Rights Commission.

(22) All employees of the Illinois Mathematics and Science Academy.

(23) All employees of the Kankakee River Valley Area Airport Authority.

(24) The commissioners and employees of the Executive Ethics Commission.

(25) The Executive Inspectors General, including special Executive Inspectors General, and employees of each Office of an Executive Inspector General.

(26) The commissioners and employees of the Legislative Ethics Commission.

(27) The Legislative Inspector General, including special Legislative Inspectors General, and employees of the Office of the Legislative Inspector General.

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(Source: P.A. 93-617, eff. 12-9-03; 93-721, eff. 1-1-05; revised 10-14-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved March 29, 2005.
Effective March 29, 2005.

PUBLIC ACT 93-1092
(House Bill No. 0552)

AN ACT in relation to minors.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Child Curfew Act is amended by changing Section 1 as follows:
(720 ILCS 555/1) (from Ch. 23, par. 2371)
Sec. 1. Curfew.
(a) Definitions. In this Section.
(1) "Curfew hours" means:
(A) Between 12:01 a.m. and 6:00 a.m. Saturday;
(B) Between 12:01 a.m. and 6:00 a.m. on Sunday;
and
(C) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(2) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) "Establishment" means any privately-owned place of business operated for a profit to which the public is invited including but not limited to any place of amusement or entertainment.

(4) "Guardian" means:
(A) a person who, under court order, is the guardian of the person of a minor; or

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(B) a public or private agency with whom a minor has been placed by a court.

(5) "Minor" means any person under 17 years of age.

(6) "Parent" means a person who is:
   (A) a natural parent, adoptive parent, or step-parent of another person; or
   (B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(7) "Public Place" means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(8) "Remain" means to:
   (A) linger or stay; or
   (B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(9) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) Offenses.

(1) A minor commits an offense if he or she remains in any public place or on the premises of any establishment during curfew hours.

(2) A parent or guardian of a minor or other person in custody or control of a minor commits an offense if he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

(c) Defenses. It is a defense to prosecution under subsection (b) that the minor was:

   (A) accompanied by the minor's parent or guardian or other person in custody or control of the minor;
   (B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
   (C) in a motor vehicle involved in interstate travel;

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(D) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;

(E) involved in an emergency;

(F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;

(H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(I) married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(d) Enforcement. Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (c) is present. It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian, or other responsible companion at least 18 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than 17 years of age to perform:

1. Between 12:01 a.m. and 6:00 a.m. Saturday;
2. Between 12:01 a.m. and 6:00 a.m. Sunday; and
3. Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

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(b) It is unlawful for a parent, legal guardian, or other person to knowingly permit a person in his or her custody or control to violate subparagraph (a) of this Section.

(e) A person convicted of a violation of any provision of this Section shall be guilty of a petty offense and shall be fined not less than $10 nor more than $500, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this Section, the court may order a parent, legal guardian, or other person convicted of a violation of subsection (b) of this Section to perform community service as determined by the court, except that the legal guardian of a person who has been made a ward of the court under the Juvenile Court Act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of subsection (b) of this Section shall not conflict with the dates and times that the person is employed in his or her regular occupation.

(Source: P.A. 89-682, eff. 1-1-97.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly January 10, 2005.
Approved March 29, 2005.
Effective March 29, 2005.

PUBLIC ACT 93-1093
(House Bill No. 0734)

AN ACT in relation to transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

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(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:
(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.
(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory

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minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony. (2.1) If the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony, and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are

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revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).
(c-5)(1) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(1) subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(2) (c-6) Except as provided in subdivisions (c-5)(3) and (c-5)(4) subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subdivision (c-5)(2) subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.
subsection (c-5)(2) subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(3) (c-7) Except as provided in subdivision (c-5)(4) subsection (c-8), any person convicted of violating subdivision (c-5)(2) subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subdivision (c-5)(3) subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(4) (c-8) Any person convicted of violating subdivision (c-5)(2) subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subdivision (c-5)(4) subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(5) (c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(5) subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(6) (c-10) Any person convicted of violating subdivision (c-5)(5) subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of

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community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(6) subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(7) (c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-6)(1) (c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(2) (c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(3) (c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16

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or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(4) (c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been

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convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This

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mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(i) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as

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follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a

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motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; revised 10-21-04.)

Section 99. Effective date. This Act takes effect January 1, 2005.
Passed in the General Assembly January 10, 2005.
Approved March 29, 2005.
Effective March 29, 2005.

PUBLIC ACT 93-1094
(House Bill No. 0768)

AN ACT in relation to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Construction Law is amended by changing Section 5-5 as follows:
(105 ILCS 230/5-5)
Sec. 5-5. Definitions. As used in this Article:
"Approved school construction bonds" mean bonds that were approved by referendum after January 1, 1996 but prior to January 1, 1998 as provided in Sections 19-2 through 19-7 of the School Code to provide funds for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, and installation of capital facilities consisting of buildings, structures, durable-equipment, and land for educational purposes.
"Grant index" means a figure for each school district equal to one minus the ratio of the district's equalized assessed valuation per pupil in average daily attendance to the equalized assessed valuation per pupil in

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average daily attendance of the district located at the 90th percentile for all
districts of the same category. For the purpose of calculating the grant
index, school districts are grouped into 2 categories, Category I and
Category II. Category I consists of elementary and unit school districts.
The equalized assessed valuation per pupil in average daily attendance of
each school district in Category I shall be computed using its grades
kindergarten through 8 average daily attendance figure. A unit school
district's Category I grant index shall be used for projects or portions of
projects constructed for elementary school pupils. Category II consists of
high school and unit school districts. The equalized assessed valuation per
pupil in average daily attendance of each school district in Category II
shall be computed using its grades 9 through 12 average daily attendance
figure. A unit school district's Category II grant index shall be used for
projects or portions of projects constructed for high school pupils. The
changes made by this amendatory Act of the 92nd General Assembly
apply to all grants made on or after the effective date of this amendatory
Act, provided that for grants not yet made on the effective date of this
amendatory Act but made in fiscal year 2001 and for grants made in fiscal
year 2002, the grant index for a school district shall be the greater of (i) the
grant index as calculated under this Law on or after the effective date of
this amendatory Act or (ii) the grant index as calculated under this Law
before the effective date of this amendatory Act. The grant index shall be
no less than 0.35 and no greater than 0.75 for each district; provided that
the grant index for districts whose equalized assessed valuation per pupil
in average daily attendance is at the 99th percentile and above for all
districts of the same type shall be 0.00.

"School construction project" means the acquisition, development,
construction, reconstruction, rehabilitation, improvement, architectural
planning, and installation of capital facilities consisting of buildings,
structures, durable equipment, and land for educational purposes.

"School district" includes a cooperative high school, which shall
be considered a high school district for the purpose of calculating its
grant index.

"School maintenance project" means a project, other than a school
construction project, intended to provide for the maintenance or upkeep of
buildings or structures for educational purposes, but does not include
ongoing operational costs.

(Source: P.A. 91-38, eff. 6-15-99; 92-168, eff. 7-26-01.)

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly January 10, 2005.
Approved March 29, 2005.
Effective March 29, 2005.

PUBLIC ACT 93-1095
(House Bill No. 1021)

AN ACT concerning family law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Parentage Act of 1984 is amended by changing Section 6 as follows:

(750 ILCS 45/6) (from Ch. 40, par. 2506)
Sec. 6. Establishment of Parent and Child Relationship by Consent of the Parties.

(a) A parent and child relationship may be established voluntarily by the signing and witnessing of a voluntary acknowledgment of parentage in accordance with Section 12 of the Vital Records Act, Section 10-17.7 of the Illinois Public Aid Code, or the provisions of the Gestational Surrogacy Act. The voluntary acknowledgment of parentage shall contain the social security numbers of the persons signing the voluntary acknowledgment of parentage; however, failure to include the social security numbers of the persons signing a voluntary acknowledgment of parentage does not invalidate the voluntary acknowledgment of parentage.

(1) A parent-child relationship may be established in the event of gestational surrogacy if all of the following conditions are met prior to the birth of the child:

(A) The gestational surrogate certifies that she is not the biological mother of the child, and that she is carrying the child for the intended parents.

(B) The husband, if any, of the gestational surrogate certifies that he is not the biological father of the child.

(C) The intended mother certifies that she provided or an egg donor donated the egg from which the child being carried by the gestational surrogate was conceived.

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(D) The intended father certifies that he provided or a sperm donor donated the sperm from which the child being carried by the gestational surrogate was conceived.

(E) A physician licensed to practice medicine in all its branches in the State of Illinois certifies that the child being carried by the gestational surrogate is the biological child of the intended mother or the intended father or both and that neither the gestational surrogate nor the gestational surrogate's husband, if any, is a biological parent of the child being carried by the gestational surrogate.

(E-5) The attorneys for the intended parents and the gestational surrogate each certifies that the parties entered into a gestational surrogacy contract intended to satisfy the requirements of Section 25 of the Gestational Surrogacy Act with respect to the child.

(F) All certifications shall be in writing and witnessed by 2 competent adults who are not the gestational surrogate, gestational surrogate's husband, if any, intended mother, or intended father. Certifications shall be on forms prescribed by the Illinois Department of Public Health, shall be executed prior to the birth of the child, and shall be placed in the medical records of the gestational surrogate prior to the birth of the child. Copies of all certifications shall be delivered to the Illinois Department of Public Health prior to the birth of the child.

(2) Unless otherwise determined by order of the Circuit Court, the child shall be presumed to be the child of the gestational surrogate and of the gestational surrogate's husband, if any, if all requirements of subdivision (a)(1) are not met prior to the birth of the child. This presumption may be rebutted by clear and convincing evidence. The circuit court may order the gestational surrogate, gestational surrogate's husband, intended mother, intended father, and child to submit to such medical examinations and testing as the court deems appropriate.

(b) Notwithstanding any other provisions of this Act, paternity established in accordance with subsection (a) has the full force and effect of a judgment entered under this Act and serves as a basis for seeking a child support order without any further proceedings to establish paternity.

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(c) A judicial or administrative proceeding to ratify paternity established in accordance with subsection (a) is neither required nor permitted.

(d) A signed acknowledgment of paternity entered under this Act may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. Pending outcome of the challenge to the acknowledgment of paternity, the legal responsibilities of the signatories shall remain in full force and effect, except upon order of the court upon a showing of good cause.

(e) Once a parent and child relationship is established in accordance with subsection (a), an order for support may be established pursuant to a petition to establish an order for support by consent filed with the clerk of the circuit court. A copy of the properly completed acknowledgment of parentage form shall be attached to the petition. The petition shall ask that the circuit court enter an order for support. The petition may ask that an order for visitation, custody, or guardianship be entered. The filing and appearance fees provided under the Clerks of Courts Act shall be waived for all cases in which an acknowledgment of parentage form has been properly completed by the parties and in which a petition to establish an order for support by consent has been filed with the clerk of the circuit court. This subsection shall not be construed to prohibit filing any petition for child support, visitation, or custody under this Act, the Illinois Marriage and Dissolution of Marriage Act, or the Non-Support Punishment Act. This subsection shall also not be construed to prevent the establishment of an administrative support order in cases involving persons receiving child support enforcement services under Article X of the Illinois Public Aid Code.

(Source: P.A. 92-16, eff. 6-28-01; 93-921, eff. 1-1-05.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly January 10, 2005.
Approved March 29, 2005.
Effective March 29, 2005.

PUBLIC ACT 93-1096
(House Bill No. 3641)

AN ACT concerning boards and commissions.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 10. The Southern Illinois University Management Act is amended by changing Section 4 as follows:

(110 ILCS 520/4) (from Ch. 144, par. 654)

Sec. 4. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by any non-voting student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to such member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State or Federal Government. This section does not prohibit the student members of the Board from maintaining normal and official status as enrolled students or normal student employment at Southern Illinois University.
(Source: P.A. 79-932.)

Section 15. The Chicago State University Law is amended by changing Section 5-20 as follows:

(110 ILCS 660/5-20)

Sec. 5-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State or Federal Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Chicago State University.
(Source: P.A. 89-4, eff. 1-1-96.)

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Section 20. The Eastern Illinois University Law is amended by changing Section 10-20 as follows:

(110 ILCS 665/10-20)

Sec. 10-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State or Federal Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Eastern Illinois University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 25. The Governors State University Law is amended by changing Section 15-20 as follows:

(110 ILCS 670/15-20)

Sec. 15-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State or Federal Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Governors State University.

(Source: P.A. 89-4, eff. 1-1-96.)
Section 30. The Illinois State University Law is amended by changing Section 20-20 as follows:

(110 ILCS 675/20-20)

Sec. 20-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State or Federal Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Illinois State University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 35. The Northeastern Illinois University Law is amended by changing Section 25-20 as follows:

(110 ILCS 680/25-20)

Sec. 25-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State or Federal Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Northeastern Illinois University.

(Source: P.A. 89-4, eff. 1-1-96.)
Section 40. The Northern Illinois University Law is amended by changing Section 30-20 as follows:

(110 ILCS 685/30-20)

Sec. 30-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State or Federal Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Northern Illinois University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 45. The Western Illinois University Law is amended by changing Section 35-20 as follows:

(110 ILCS 690/35-20)

Sec. 35-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State or Federal Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Western Illinois University.

(Source: P.A. 89-4, eff. 1-1-96.)

Passed in the General Assembly January 10, 2005.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning grain.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Grain Code is amended by changing Section 5-30 as follows:

(240 ILCS 40/5-30)
Sec. 5-30. Grain Insurance Fund assessments. The Illinois Grain Insurance Fund is established as a continuation of the fund created under the Illinois Grain Insurance Act, now repealed. Licensees, applicants for a new license, first sellers of grain to grain dealers at Illinois locations, and lenders to licensees shall pay assessments as set forth in this Section.

(a) Subject to subsection (e) of this Section, a licensee that is newly licensed after the effective date of this Code shall pay an assessment into the Fund for 3 consecutive years. These assessments are known as "newly licensed assessments". Except as provided in item (6) of subsection (b) of this Section, the first installment shall be paid at the time of or before the issuance of a new license, the second installment shall be paid on or before the first anniversary date of the issuance of the new license, and the third installment shall be paid on or before the second anniversary date of the issuance of the new license. For a grain dealer, the payment of each of the 3 installments shall be based upon the total estimated value of grain purchases by the grain dealer for the applicable year with the final installment amount determined as set forth in item (6) of subsection (b) of this Section. After the licensee has paid or was required to pay the last 3 installments of the newly licensed assessments, the licensee shall be subject to subsequent assessments as set forth in subsection (d) of this Section.

(b) Grain dealer newly licensed assessments.

(1) The first installment for a grain dealer shall be an amount equal to:

(A) $0.000145 multiplied by the total value of grain purchases for the grain dealer's first fiscal year as shown in
the final financial statement for that year provided to the Department under Section 5-20; and

(B) $0.000255 multiplied by that portion of the value of grain purchases for the grain dealer's first fiscal year that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's first fiscal year provided to the Department under Section 5-20.

(2) The minimum amount for the first installment shall be $500 and the maximum shall be $15,000.

(3) The second installment for a grain dealer shall be an amount equal to:

(A) $0.0000725 multiplied by the total value of grain purchases for the grain dealer's second fiscal year as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) $0.0001275 multiplied by that portion of the value of grain purchases for the grain dealer's second fiscal year that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's second fiscal year provided to the Department under Section 5-20.

(4) The third installment for a grain dealer shall be an amount equal to:

(A) $0.0000725 multiplied by the total value of grain purchases for the grain dealer's third fiscal year as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) $0.0001275 multiplied by that portion of the value of grain purchases for the grain dealer's third fiscal year that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's third fiscal year.

(5) The minimum amount of the second and third installments shall be $250 per year and the maximum for each year shall be $7,500.

(6) Each of the newly licensed assessments shall be adjusted up or down based upon the actual annual grain purchases for each year as shown in the final financial statement for that year.

New matter indicated by italics - deletions by strikeout.
provided to the Department under Section 5-20. The adjustments shall be determined by the Department within 30 days of the date of approval of renewal of a license. Refunds shall be paid out of the Fund within 60 days after the Department's determination. Additional amounts owed for any installment shall be paid within 30 days after notification by the Department.

(7) For the purposes of grain dealer newly licensed assessments under subsection (b) of this Section, the total value of grain purchases shall be the total value of first time grain purchases by Illinois locations from producers.

(8) The second and third installments shall be paid to the Department within 60 days after the date posted on the written notice of assessment. The Department shall immediately deposit all paid installments into the Fund.

(c) Warehouseman newly licensed assessments.

(1) The first assessment for a warehouseman shall be an amount equal to:

(A) $0.00085 multiplied by the total permanent storage capacity of the warehouseman at the time of license issuance; and

(B) $0.00099 multiplied by that portion of the permanent storage capacity of the warehouseman at the time of license issuance that exceeds the adjusted equity of the licensee multiplied by 5, all as shown on the final financial statement for the licensee provided to the Department under Section 5-10.

(2) The minimum amount for the first installment shall be $500 and the maximum shall be $15,000.

(3) The second and third installments shall be an amount equal to:

(A) $0.000425 multiplied by the total permanent storage capacity of the warehouseman at the time of license issuance; and

(B) $0.000495 multiplied by that portion of the permanent licensed storage capacity of the warehouseman at the time of license issuance that exceeds the adjusted equity of the licensee multiplied by 5, as shown on the final financial statement for the licensee's last completed fiscal year provided to the Department under Section 5-20.

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(4) The minimum amount for the second and third installments shall be $250 per installment and the maximum for each installment shall be $7,500.

(5) Every warehouseman shall pay an assessment when increasing available permanent storage capacity in an amount equal to $0.001 multiplied by the total number of bushels to be added to permanent storage capacity. The minimum assessment on any increase in permanent storage capacity shall be $50 and the maximum assessment shall be $20,000. The assessment based upon an increase in permanent storage capacity shall be paid at or before the time of approval of the increase in permanent storage capacity. This assessment on the increased permanent storage capacity does not relieve the warehouseman of any assessments as set forth in subsection (d) of this Section.

(6) Every warehouseman shall pay an assessment of $0.0005 per bushel when increasing available storage capacity by use of temporary storage space. The minimum assessment on temporary storage space shall be $100. The assessment based upon temporary storage space shall be paid at or before the time of approval of the amount of the temporary storage space. This assessment on the temporary storage space capacity does not relieve the warehouseman of any assessments as set forth in subsection (d) of this Section.

(7) Every warehouseman shall pay an assessment of $0.001 per bushel of emergency storage space. The minimum assessment on any emergency storage space shall be $100. The assessment based upon emergency storage space shall be paid at or before the time of approval of the amount of the emergency storage space. This assessment on the emergency storage space does not relieve the warehouseman of any assessments as set forth in subsection (d) of this Section.

(8) The second and third installments shall be paid to the Department within 60 days after the date posted on the written notice of assessment. The Department shall immediately deposit all paid installments into the Fund.

(d) Grain dealer subsequent assessments; warehouseman subsequent assessments.

(1) Subject to paragraph (4) of this subsection (d), if on the first working day of a calendar quarter when a licensee is not
already subject to an assessment under this subsection (d) (the assessment determination date), if the equity in the Fund is less than $6,000,000, every grain dealer who has, or was required to have, already paid the newly licensed assessments shall be assessed by the Department in a total amount equal to:

(A) $0.0000725 multiplied by the total value of grain purchases for the grain dealer's last completed fiscal year prior to the assessment determination date as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) $0.0001275 multiplied by that portion of the value of grain purchases for the grain dealer's last completed fiscal year prior to the assessment determination date that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's last completed fiscal year provided to the Department under Section 5-20.

The minimum total amount for the grain dealer's subsequent assessment shall be $250 per 12-month period and the maximum amount shall be $7,500 per 12-month period. For the purposes of grain dealer assessments under this item (1) of subsection (d) of this Section, the total value of grain purchases shall be the total value of first time grain purchases by Illinois locations from producers.

(2) Subject to paragraph (4) of this subsection (d), if on the first working day of a calendar quarter when a licensee is not subject to an assessment under this subsection (d) (the assessment determination date), if the equity in the Fund is less than $6,000,000, every warehouseman who has, or was required to have, already paid the newly licensed assessments shall be assessed a warehouseman subsequent assessment by the Department in a total amount equal to:

(A) $0.000425 multiplied by the total licensed storage capacity of the warehouseman as of the first day of September that immediately precedes the assessment determination date; and

(B) $0.000495 multiplied by that portion of the licensed storage capacity of the warehouseman as of the first day of September that immediately precedes the

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assessment determination date that exceeds the adjusted equity of the licensee multiplied by 5, as shown on the final financial statement for the licensee’s last completed fiscal year provided to the Department under Section 5-20.

The minimum total amount for a warehouseman subsequent assessment shall be $250 per 12-month period and the maximum amount shall be $7,500 per 12-month period.

(3) Subject to paragraph (4) of this subsection (d), if the equity in the Fund is below $6,000,000 on the first working day of a calendar quarter when a licensee is not already subject to an assessment under this subsection (d) (the assessment determination date), every incidental grain dealer who has, or was required to have, already paid all 3 installments of the newly licensed assessments shall be assessed by the Department in a total amount equal to $100. It shall be paid to the Department within 60 days after the date posted on the written notification by the Department, which shall be sent after the first day of the calendar quarter immediately following the assessment determination date.

(4) Following the payment of the final quarterly installment by grain dealers and warehousemen, the next assessment determination date can be no sooner than the first working day of the sixth full calendar month following the payment.

(5) All assessments under paragraphs (1) and (2) of this subsection (d) shall be effective as of the first day of the calendar quarter immediately following the assessment determination date and shall be paid to the Department by licensees in 4 equal installments by the twentieth day of each consecutive calendar quarter following notice by the Department of the assessment. The Department shall give written notice to all licensees of when the assessment is effective, and the rate of the assessment, by mail within 20 days after the assessment determination date.

(6) After an assessment under paragraph (1) and (2) of this subsection (d) is instituted, the amount of any unpaid installments for the assessment shall not be adjusted based upon any change in the financial statements or licensed storage capacity of a licensee.

(7) If the due date for the payment by a licensee of the third assessment under subsections (b) and (c) of this Section 5-30 is after the assessment determination date, that licensee shall not be
subject to any of the 4 installments of an assessment under paragraphs (1) and (2) of this subsection (d).

(8) The Department shall immediately deposit all paid assessments into the Fund.

(e) Newly licensed; exemptions.

(1) For the purpose of assessing fees for the Fund under subsection (a) of this Section, and subject to the provisions of item (e)(2) of this Section, the Department shall consider the following to be newly licensed:

(A) A person that becomes a licensee for the first time after the effective date of this Code.

(B) A licensee who has a lapse in licensing of more than 30 days. A license shall not be considered to be lapsed after its revocation or termination if an administrative or judicial action is pending or if an order from an administrative or judicial body continues an existing license.

(C) A grain dealer that is a general partnership in which there is a change in partnership interests and that change is greater than 50% during the partnership's fiscal year.

(D) A grain dealer that is a limited partnership in which there is a change in the controlling interest of a general partner and that change is greater than 50% of the total controlling interest during the limited partnership's fiscal year.

(E) A grain dealer that is a limited liability company in which there is a change in membership interests and that change is greater than 50% during the limited liability company's fiscal year.

(F) A grain dealer that is the result of a statutory consolidation if that person has adjusted equity of less than 90% of the combined adjusted equity of the predecessor persons who consolidated. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person. For the purpose of this paragraph, the combined adjusted equity of the predecessor

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persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement of each predecessor person submitted to the Department.

(G) A grain dealer that is the result of a statutory merger if that person has adjusted equity of less than 90% of the combined adjusted equity of the predecessor persons who merged. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person ending after the merger. For the purposes of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement submitted to the Department for the last fiscal year of each predecessor person ending on the date of or before the merger.

(H) A grain dealer that is a general partnership in which there is a change in partnership interests and that change is 50% or less during the partnership's fiscal year if the adjusted equity of the partnership after the change is less than 90% of the adjusted equity of the partnership before the change. For the purpose of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

I) A grain dealer that is a limited partnership in which there is a change in the controlling interest of a general partner and that change is 50% or less of the total controlling interest during the partnership's fiscal year if the adjusted equity of the partnership after the change is less

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than 90% of the adjusted equity of the partnership before the change. For the purposes of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(J) A grain dealer that is a limited liability company in which there is a change in membership interests and that change is 50% or less of the total membership interests during the limited liability company's fiscal year if the adjusted equity of the limited liability company after the change is less than 90% of the adjusted equity of the limited liability company before the change. For the purposes of this paragraph, the adjusted equity of the limited liability company after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the limited liability company before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the limited liability company ending on the date of or before the change.

(K) A grain dealer that is the result of a statutory consolidation or merger if one or more of the predecessor persons that consolidated or merged into the resulting grain dealer was not a licensee under this Code at the time of the consolidation or merger.

(2) For the purpose of assessing fees for the Fund as set forth in subsection (a) of this Section, the Department shall consider the following as not being newly licensed and, therefore, exempt from further assessment unless an assessment is required by subsection (d) of this Section:

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(A) A person resulting solely from a name change of a licensee.

(B) A warehouseman changing from a Class I warehouseman to a Class II warehouseman or from a Class II warehouseman to a Class I warehouseman under this Code.

(C) A licensee that becomes a wholly owned subsidiary of another licensee.

(D) Subject to item (e)(1)(K) of this Section, a person that is the result of a statutory consolidation if that person has adjusted equity greater than or equal to 90% of the combined adjusted equity of the predecessor persons who consolidated. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person. For the purpose of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement of each predecessor person submitted to the Department.

(E) Subject to item (e)(1)(K) of this Section, a person that is the result of a statutory merger if that person has adjusted equity greater than or equal to 90% of the combined adjusted equity of the predecessor persons who merged. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person ending after the merger. For the purposes of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement, submitted to the Department for the last fiscal year of each predecessor person ending on the date of or before the merger.

(F) A general partnership in which there is a change in partnership interests and that change is 50% or less

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during the partnership's fiscal year and the adjusted equity of the partnership after the change is greater than or equal to 90% of the adjusted equity of the partnership before the change. For the purposes of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(G) A limited partnership in which there is a change in the controlling interest of a general partner and that change is 50% or less of the total controlling interest during the partnership's fiscal year and the adjusted equity of the partnership after the change is greater than or equal to 90% of the adjusted equity of the partnership before the change. For the purposes of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(H) A limited liability company in which there is a change in membership interests and that change is 50% or less of the total membership interests during the limited liability company's fiscal year if the adjusted equity of the limited liability company after the change is greater than or equal to 90% of the adjusted equity of the limited liability company before the change. For the purposes of this paragraph, the adjusted equity of the limited liability company after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change.

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Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the limited liability company before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the limited liability company ending on the date of or before the change.

(I) A licensed warehouseman that is the result of a statutory merger or consolidation to the extent the combined storage capacity of the resulting warehouseman has been assessed under this Code before the statutory merger or consolidation, except that any storage capacity of the resulting warehouseman that has not previously been assessed under this Code shall be assessed as provided in items (c)(5), (c)(6), and (c)(7) of this Section.

(J) A federal warehouseman who participated in the Fund under Section 30-10 and who subsequently received an Illinois license to the extent the storage capacity of the warehouseman was assessed under this Code prior to Illinois licensing.

(f) Grain seller initial assessments and regular assessments. Assessments under this subsection (f) apply only to the first sale of grain to a grain dealer at an Illinois location.

(1) The grain seller initial assessment period is that period of time beginning on the effective date of this amendatory Act of the 93rd General Assembly and ending on the first assessment determination date thereafter when the equity in the fund is at least $6,000,000.

(2) Subject to paragraph (3) of this subsection (f) (i) if during the grain seller initial assessment period the equity in the Fund is less than $3,000,000 or (ii) if at any time after the grain seller initial assessment period the equity in the Fund is less than $2,000,000, on the first working day of a calendar quarter when a grain seller is not already subject to an assessment under this subsection (f) (the assessment determination date), each person who settles for grain (sold to a grain dealer at an Illinois location) during the 12-month period commencing on the first day of the succeeding calendar quarter (the assessment period) shall pay an
assessment equal to $0.0004 multiplied by the net market value of grain settled for (payment received for grain sold).

(3) The next assessment determination date can be no sooner than the first working day of the fourth full calendar month following the end of the assessment period.

(4) "Net market value" of grain means the gross sales price of that grain adjusted by application of the grain dealer's discount schedule in effect at the time of sale and after deduction of any statutory commodity check-offs. Other charges such as storage charges, drying charges, and transportation costs shall not be deducted in arriving at the net market value of grain sold to a grain dealer. The net market value of grain shall be determined from the settlement sheet or other applicable written evidence of the sale of grain to the grain dealer.

(5) All assessments under this subsection (f) shall commence on the first day of the calendar quarter immediately following the assessment determination date and shall continue for a period of 12 consecutive calendar months. The assessments shall be collected by licensees at the time of settlement during the assessment period, and shall be remitted by licensees to the Department by the twentieth day of each calendar quarter, commencing with the second calendar quarter following the assessment determination date. The Department shall give written notice to all licensees of when an assessment under this subsection (f) is to begin and end, and the appropriate level of the assessment, by mail within 20 days after the assessment determination date.

(6) Assessments under this subsection (f) apply only to grain for which settlement is made during the assessment period, without regard to the date the grain was sold to the licensee.

(7) The collection and remittance of assessments from first sellers of grain under this subsection (f) is the sole responsibility of the licensees to whom the grain is sold. Sellers of grain shall not be penalized by reason of any licensee's failure to comply with this subsection (f). Failure of a licensee to collect any assessment shall not relive the grain seller from paying the assessment, and the grain seller shall promptly remit the uncollected assessments upon demand by the licensee, which may be accounted for in settlement of grain subsequently sold to that licensee. Licensees who do not collect assessments as required by this subsection (f), or who do
not remit those assessments to the Department within the time deadlines required by this subsection (f), shall remit the amount of the assessments that should have been remitted to the Department and in addition shall be subject to a monetary penalty in an amount not to exceed $1,000.

(8) Notwithstanding the other provisions of this subsection (f), no assessment shall be levied against grain sold by the Department as a result of a failure.

(g) Lender assessments.

(1) Subject to the provisions of this subsection (g), if on the first working day of a calendar quarter when a person is not already subject to an assessment under this subsection (g) the equity in the Fund is less than $6,000,000, each person holding warehouse receipts issued from an Illinois location on grain owned or stored by a licensee to secure a loan to that licensee shall be assessed a quarterly lender assessment for each of 4 consecutive calendar quarters beginning with the calendar quarter next succeeding the assessment determination date.

(2) Each quarterly lender assessment shall be at the rate of $0.00000055 per bushel per day for bushels covered by a warehouse receipt held as security for the loan during that calendar quarter times the applicable commodity price times the lender assessment multiplier, if any, determined by the Department in accordance with paragraph (3) of this subsection (g). With respect to each calendar quarter within the assessment period, the "applicable commodity price" shall be the closing price paid by the licensee on the last working day of that calendar quarter for the base commodity for which the warehouse receipt was issued.

(3) With respect to the second assessment period beginning after June 30, 2003, the Department shall determine and apply a lender assessment multiplier equal to 250,000 divided by the aggregate dollar amount of lender assessments imposed under this subsection (g) under the first assessment period beginning after June 30, 2003. With respect to the third assessment period beginning after June 30, 2003, the Department shall determine and apply a lender assessment multiplier equal to 250,000 divided by the average of aggregate dollar amounts of lender assessments imposed under this subsection (g) under the first 2 assessment periods beginning after June 30, 2003. With respect to assessment

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periods thereafter, the Department shall determine and apply a lender assessment multiplier equal to 250,000 divided by the average of the 3 most recent aggregate dollar amounts of lender assessments imposed under this subsection (g).

(4) The next assessment determination date can be no sooner than the first working day of the fourth full calendar month following the end of the assessment period.

(5) The Department shall give written notice by mail within 20 days after the assessment determination date to all licensees of when assessments under this subsection (g) are to begin and end, the rate of the lender assessment, and the lender assessment multiplier, if any, that shall apply.

(6) It is the responsibility of a licensee to inform each of its lenders and other persons by virtue of whose relationship with the licensee this subsection (g) will apply as to the onset of an assessment for which that person might be liable and the applicable lender assessment multiplier, if any. The notification must be in writing and, as to persons subject to assessment under this subsection (g) on the assessment determination date, must be sent no later than 20 days after the licensee receives notice of an assessment from the Department. As to persons not subject to assessment under this subsection (g) as of the assessment determination date, the notice shall be sent or given no later than the closing of any transaction subsequent to the assessment determination date involving the licensee and by virtue of which transaction the person is made subject to assessment under this subsection (g).

(7) Within 20 days after the end of each calendar quarter within the assessment period, each licensee shall send to each lender with which it has been associated during that calendar quarter and to the Department a written notice of quarterly assessment together with the information needed to determine the amount of the quarterly assessment owing with respect to loans from that lender. This information shall include the number of bushels covered by each warehouse receipt, organized by commodity, held as security for the loan owing to that lender, the number of days each of those warehouse receipts was outstanding during that calendar quarter, the applicable commodity price, the applicable lender assessment multiplier, the amount of the resulting

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quarterly lender assessment, and the due date of the quarterly assessment.

(8) Each quarterly assessment shall be due and paid by the lender or its designee to the Department within 20 days after the end of the calendar quarter to which the assessment pertains.

(9) Lenders shall not be penalized by reason of any licensee's failure to comply with this subsection (g). Failure of a licensee to comply with this subsection (g) shall not relieve the lender from paying the assessment, and the lender shall promptly remit the uncollected assessments by the due date as set forth in the notice from the licensee.

(10) This subsection (g) applies to any person who holds a grain warehouse receipt issued by a licensee from an Illinois location pursuant to any transaction, regardless of its form, that creates a security interest in the grain including, without limitation, the advancing of money or other value to or for the benefit of a licensee upon the licensee's issuance or negotiation of a grain warehouse receipt and pursuant to or in connection with an agreement between the licensee and a counter-party for the repurchase of the grain by the licensee or designee of the licensee. For purposes of this subsection (g), any such transaction shall be treated as one in which grain is held as security for a loan outstanding to a licensee within the meaning of this subsection (g), and such a person shall be treated as a lender.

(11) The Department shall immediately deposit all paid assessments under this subsection (g) into the Fund. (h) Equity in the Fund shall exclude moneys owing to the State or the Reserve Fund as a result of transfers to the Fund from the General Revenue Fund or the Reserve Fund under subsection (h) of Section 25-20. Notwithstanding the foregoing, for purposes of calculating equity in the Fund during the grain seller initial assessment period and assessing grain sellers, it shall be presumed that the State is owed, prior to repayment, only $2,000,000 and the Reserve Fund contains a balance of $2,000,000. Under no circumstances, however, shall there be more than 2 consecutive grain seller assessments during the initial assessment period, unless there is a failure that reduces the equity in the Fund to below $3,000,000.

(i) Notwithstanding the provisions of subsections (d)(4), (f)(3), and (g)(4) of this Section or any other law to the contrary, until the equity in

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the Fund reaches a level of $6,000,000 for the first time, assessment periods shall continue without interruption, subject to the termination of assessments on grain sellers provided in subsections (f)(2) and (h) of this Section.

(Source: P.A. 93-225, eff. 7-21-03.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly January 10, 2005
Approved March 31, 2005.
Effective March 31, 2005.

PUBLIC ACT 93-1098
(House Bill No. 0834)

AN ACT in relation to municipal government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 7-1-1 and 11-74.4-4 as follows:

(65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)
Sec. 7-1-1. Annexation of contiguous territory. Any territory that is not within the corporate limits of any municipality but is contiguous to a municipality may be annexed to the municipality as provided in this Article. For the purposes of this Article any territory to be annexed to a municipality shall be considered to be contiguous to the municipality notwithstanding that the territory is separated from the municipality by a strip parcel or railroad or public utility right-of-way, but upon annexation the area included within that strip parcel or right-of-way shall not be considered to be annexed to the municipality. For purposes of this Section, "strip parcel" means a separation no wider than 30 feet between the territory to be annexed and the municipal boundary.

Except in counties with a population of more than 500,000 but less than 3,000,000, territory which is not contiguous to a municipality but is separated therefrom only by a forest preserve district or open land or open space that is part of an open space program, as defined in Section 115-5 of the Township Code, may be annexed to the municipality pursuant to Sections 7-1-7 or 7-1-8, but only if the annexing municipality can show that the forest preserve district, open land, or open space creates an artificial barrier preventing the annexation and that the location of the

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forest preserve district, open land, or open space property prevents the orderly natural growth of the annexing municipality. It shall be conclusively presumed that the forest preserve district, open land, or open space does not create an artificial barrier if the property sought to be annexed is bounded on at least 3 sides by (i) one or more other municipalities (other than the municipality seeking annexation through the existing forest preserve district, open land, or open space), (ii) forest preserve district property, open land, or open space, or (iii) a combination of other municipalities and forest preserve district property, open land, or open space. It shall also be conclusively presumed that the forest preserve district, open land, or open space does not create an artificial barrier if the municipality seeking annexation is not the closest municipality to the property to be annexed. The territory included within such forest preserve district, open land, or open space shall not be annexed to the municipality nor shall the territory of the forest preserve district, open land, or open space be subject to rights-of-way for access or services between the parts of the municipality separated by the forest preserve district, open land, or open space without the consent of the governing body of the forest preserve district. The changes made to this Section by this amendatory Act of 91st General Assembly are declaratory of existing law and shall not be construed as a new enactment.

In counties that are contiguous to the Mississippi River with populations of more than 200,000 but less than 255,000, a municipality that is partially located in territory that is wholly surrounded by the Mississippi River and a canal, connected at both ends to the Mississippi River and located on property owned by the United States of America, may annex noncontiguous territory in the surrounded territory under Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated from the municipality by property owned by the United States of America, but that federal property shall not be annexed without the consent of the federal government.

When any land proposed to be annexed is part of any Fire Protection District or of any Public Library District and the annexing municipality provides fire protection or a public library, as the case may be, the Trustees of each District shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. The notice shall be served 10 days in advance. An affidavit that service of notice has been had as provided by this Section must be filed with the clerk of the court in which the annexation proceedings are

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pending or will be instituted or, when no court proceedings are involved, with the recorder for the county where the land is situated. No annexation of that land is effective unless service is had and the affidavit filed as provided in this Section.

The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation. When any land proposed to be annexed includes any highway under the jurisdiction of any township, the Township Commissioner of Highways and the Board of Town Trustees shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. In the event that a municipality fails to notify the Township Commissioner of Highways and the Board of Town Trustees of the annexation of an area within the township, the municipality shall reimburse that township for any loss or liability caused by the failure to give notice. If any municipality has annexed any area before October 1, 1975, and the legal description in the petition for annexation did not include the entire adjacent highway, any such annexation shall be valid and any highway adjacent to the area annexed shall be considered to be annexed notwithstanding the failure of the petition to annex to include the description of the entire adjacent highway.

Any annexation, disconnection and annexation, or disconnection under this Article of any territory must be reported by certified or registered mail by the corporate authority initiating the action to the election authorities having jurisdiction in the territory and the post office branches serving the territory within 30 days of the annexation, disconnection and annexation, or disconnection.

Failure to give notice to the required election authorities or post office branches will not invalidate the annexation or disconnection. For purposes of this Section "election authorities" means the county clerk where the clerk acts as the clerk of elections or the clerk of the election commission having jurisdiction.

No annexation, disconnection and annexation, or disconnection under this Article of territory having electors residing therein made (1) before any primary election to be held within the municipality affected thereby and after the time for filing petitions as a candidate for nomination to any office to be chosen at the primary election or (2) within 60 days before any general election to be held within the municipality shall be

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effective until the day after the date of the primary or general election, as the case may be.

For the purpose of this Section, a toll highway or connection between parcels via an overpass bridge over a toll highway shall not be considered a deterrent to the definition of contiguous territory.

When territory is proposed to be annexed by court order under this Article, the corporate authorities or petitioners initiating the action shall notify each person who pays real estate taxes on property within that territory unless the person is a petitioner. The notice shall be served by certified or registered mail, return receipt requested, at least 20 days before a court hearing or other court action. If the person who pays real estate taxes on the property is not the owner of record, then the payor shall notify the owner of record of the proposed annexation.

(Source: P.A. 90-14, eff. 7-1-97; 91-824, eff. 6-13-00.)

(65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

Sec. 11-74.4-4. Municipal powers and duties; redevelopment project areas. A municipality may:

(a) The changes made by this amendatory Act of the 91st General Assembly do not apply to a municipality that, (i) before the effective date of this amendatory Act of the 91st General Assembly, has adopted an ordinance or resolution fixing a time and place for a public hearing under Section 11-74.4-5 or (ii) before July 1, 1999, has adopted an ordinance or resolution providing for a feasibility study under Section 11-74.4-4.1, but has not yet adopted an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section, until after that municipality adopts an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section; thereafter the changes made by this amendatory Act of the 91st General Assembly apply to the same extent that they apply to redevelopment plans and redevelopment projects that were approved and redevelopment projects that were designated before the effective date of this amendatory Act of the 91st General Assembly.

By ordinance introduced in the governing body of the municipality within 14 to 90 days from the completion of the hearing specified in Section 11-74.4-5 approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to notice and hearing required by this Act. No redevelopment project area shall be designated unless a plan and project are approved prior to the designation

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of such area and such area shall include only those contiguous parcels of real property and improvements thereon substantially benefited by the proposed redevelopment project improvements. Upon adoption of the ordinances, the municipality shall forthwith transmit to the county clerk of the county or counties within which the redevelopment project area is located a certified copy of the ordinances, a legal description of the redevelopment project area, a map of the redevelopment project area, identification of the year that the county clerk shall use for determining the total initial equalized assessed value of the redevelopment project area consistent with subsection (a) of Section 11-74.4-9, and a list of the parcel or tax identification number of each parcel of property included in the redevelopment project area.

(b) Make and enter into all contracts with property owners, developers, tenants, overlapping taxing bodies, and others necessary or incidental to the implementation and furtherance of its redevelopment plan and project. Contract provisions concerning loan repayment obligations in contracts entered into on or after the effective date of this amendatory Act of the 93rd General Assembly shall terminate no later than the last to occur of the estimated dates of completion of the redevelopment project and retirement of the obligations issued to finance redevelopment project costs as required by item (3) of subsection (n) of Section 11-74.4-3. Payments received under contracts entered into by the municipality prior to the effective date of this amendatory Act of the 93rd General Assembly that are received after the redevelopment project area has been terminated by municipal ordinance shall be deposited into a special fund of the municipality to be used for other community redevelopment needs within the redevelopment project area.

(c) Within a redevelopment project area, acquire by purchase, donation, lease or eminent domain; own, convey, lease, mortgage or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality determines is reasonably necessary to achieve the objectives of the redevelopment plan and project. No conveyance, lease, mortgage, disposition of land or other property owned by a municipality, or agreement relating to the development of such municipal property shall be made except upon the adoption of an ordinance by the corporate authorities of the municipality. Furthermore, no conveyance, lease, mortgage, or other disposition of land owned by a municipality or agreement relating to the development of such

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municipal property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. The procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids.

(d) Within a redevelopment project area, clear any area by demolition or removal of any existing buildings and structures.

(e) Within a redevelopment project area, renovate or rehabilitate or construct any structure or building, as permitted under this Act.

(f) Install, repair, construct, reconstruct or relocate streets, utilities and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan.

(g) Within a redevelopment project area, fix, charge and collect fees, rents and charges for the use of any building or property owned or leased by it or any part thereof, or facility therein.

(h) Accept grants, guarantees and donations of property, labor, or other things of value from a public or private source for use within a project redevelopment area.

(i) Acquire and construct public facilities within a redevelopment project area, as permitted under this Act.

(j) Incur project redevelopment costs and reimburse developers who incur redevelopment project costs authorized by a redevelopment agreement; provided, however, that on and after the effective date of this amendatory Act of the 91st General Assembly, no municipality shall incur redevelopment project costs (except for planning costs and any other eligible costs authorized by municipal ordinance or resolution that are subsequently included in the redevelopment plan for the area and are incurred by the municipality after the ordinance or resolution is adopted) that are not consistent with the program for accomplishing the objectives of the redevelopment plan as included in that plan and approved by the municipality until the municipality has amended the redevelopment plan as provided elsewhere in this Act.

(k) Create a commission of not less than 5 or more than 15 persons to be appointed by the mayor or president of the municipality with the consent of the majority of the governing board of the municipality. Members of a commission appointed after the effective date of this amendatory Act of 1987 shall be appointed for initial terms of 1, 2, 3, 4 and 5 years, respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their

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successors shall be appointed for a term of 5 years. The commission, subject to approval of the corporate authorities may exercise the powers enumerated in this Section. The commission shall also have the power to hold the public hearings required by this division and make recommendations to the corporate authorities concerning the adoption of redevelopment plans, redevelopment projects and designation of redevelopment project areas.

(l) Make payment in lieu of taxes or a portion thereof to taxing districts. If payments in lieu of taxes or a portion thereof are made to taxing districts, those payments shall be made to all districts within a project redevelopment area on a basis which is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment project area.

(m) Exercise any and all other powers necessary to effectuate the purposes of this Act.

(n) If any member of the corporate authority, a member of a commission established pursuant to Section 11-74.4-4(k) of this Act, or an employee or consultant of the municipality involved in the planning and preparation of a redevelopment plan, or project for a redevelopment project area or proposed redevelopment project area, as defined in Sections 11-74.4-3(i) through (k) of this Act, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates and terms and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the corporate authorities and entered upon the minute books of the corporate authorities. If an individual holds such an interest then that individual shall refrain from any further official involvement in regard to such redevelopment plan, project or area, from voting on any matter pertaining to such redevelopment plan, project or area, or communicating with other members concerning corporate authorities, commission or employees concerning any matter pertaining to said redevelopment plan, project or area. Furthermore, no such member or employee shall acquire of any interest direct, or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan, project or area or (b) first public notice of such plan, project or area pursuant to Section 11-74.4-6 of this Division, whichever occurs first. For the purposes of this subsection, a property interest acquired in a single parcel of property by a member of the

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corporate authority, which property is used exclusively as the member's primary residence, shall not be deemed to constitute an interest in any property included in a redevelopment area or proposed redevelopment area that was established before December 31, 1989, but the member must disclose the acquisition to the municipal clerk under the provisions of this subsection. For the purposes of this subsection, a month-to-month leasehold interest in a single parcel of property by a member of the corporate authority shall not be deemed to constitute an interest in any property included in any redevelopment area or proposed redevelopment area, but the member must disclose the interest to the municipal clerk under the provisions of this subsection.

(o) Create a Tax Increment Economic Development Advisory Committee to be appointed by the Mayor or President of the municipality with the consent of the majority of the governing board of the municipality, the members of which Committee shall be appointed for initial terms of 1, 2, 3, 4 and 5 years respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The Committee shall have none of the powers enumerated in this Section. The Committee shall serve in an advisory capacity only. The Committee may advise the governing Board of the municipality and other municipal officials regarding development issues and opportunities within the redevelopment project area or the area within the State Sales Tax Boundary. The Committee may also promote and publicize development opportunities in the redevelopment project area or the area within the State Sales Tax Boundary.

(p) Municipalities may jointly undertake and perform redevelopment plans and projects and utilize the provisions of the Act wherever they have contiguous redevelopment project areas or they determine to adopt tax increment financing with respect to a redevelopment project area which includes contiguous real property within the boundaries of the municipalities, and in doing so, they may, by agreement between municipalities, issue obligations, separately or jointly, and expend revenues received under the Act for eligible expenses anywhere within contiguous redevelopment project areas or as otherwise permitted in the Act.

(q) Utilize revenues, other than State sales tax increment revenues, received under this Act from one redevelopment project area for eligible costs in another redevelopment project area that is:

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(i) either contiguous to the redevelopment project area from which the revenues are received;

(ii) or is separated only by a public right of way from the redevelopment project area from which the revenues are received; or

(iii) separated only by forest preserve property from the redevelopment project area from which the revenues are received if the closest boundaries of the redevelopment project areas that are separated by the forest preserve property are less than one mile apart.

Utilize tax increment revenues for eligible costs that are received from a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or is separated only by a public right of way from, the redevelopment project area created under this Act which initially receives these revenues. Utilize revenues, other than State sales tax increment revenues, by transferring or loaning such revenues to a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or separated only by a public right of way from the redevelopment project area that initially produced and received those revenues; and, if the redevelopment project area (i) was established before the effective date of this amendatory Act of the 91st General Assembly and (ii) is located within a municipality with a population of more than 100,000, utilize revenues or proceeds of obligations authorized by Section 11-74.4-7 of this Act, other than use or occupation tax revenues, to pay for any redevelopment project costs as defined by subsection (q) of Section 11-74.4-3 to the extent that the redevelopment project costs involve public property that is either contiguous to, or separated only by a public right of way from, a redevelopment project area whether or not redevelopment project costs or the source of payment for the costs are specifically set forth in the redevelopment plan for the redevelopment project area.

(r) If no redevelopment project has been initiated in a redevelopment project area within 7 years after the area was designated by ordinance under subsection (a), the municipality shall adopt an ordinance repealing the area's designation as a redevelopment project area; provided, however, that if an area received its designation more than 3 years before the effective date of this amendatory Act of 1994 and no redevelopment project has been initiated within 4 years after the effective date of this amendatory Act of 1994, the municipality shall adopt an ordinance

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repealing its designation as a redevelopment project area. Initiation of a redevelopment project shall be evidenced by either a signed redevelopment agreement or expenditures on eligible redevelopment project costs associated with a redevelopment project.
(Source: P.A. 92-16, eff. 6-28-01; 93-298, eff. 7-23-03; 93-961, eff. 1-1-05.)

Passed in the General Assembly January 10, 2005.
Approved March 31, 2005.
Effective January 1, 2006.

PUBLIC ACT 93-1099
(House Bill No. 0867)

AN ACT in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Sections 31-5, 31-10, and 31-20 as follows:
(35 ILCS 200/31-5)
(Text of Section after amendment by P.A. 93-657)
Sec. 31-5. Definitions.
"Recordation" includes the issuance of certificates of title by Registrars of Title under the Registered Titles (Torrens) Act pursuant to the filing of deeds or trust documents for that purpose, as well as the recording of deeds or trust documents by recorders.
"Department" means the Department of Revenue.
"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.
"Value" means the amount of the full actual consideration for the real property or the beneficial interest in real property located in Illinois, including the amount of any lien on the real property assumed by the transferee buyer.
"Trust document" means a document required to be recorded under the Land Trust Recordation and Transfer Tax Act and, beginning June 1, 2005, also means any document relating to the transfer of a taxable beneficial interest under this Article.
"Beneficial interest" includes, but is not limited to:

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(1) the beneficial interest in an Illinois land trust;
(2) the lessee interest in a ground lease (including any
interest of the lessee in the related improvements) that provides for
a term of 30 or more years when all options to renew or extend are
included, whether or not any portion of the term has expired; or
(3) the indirect interest in real property as reflected by a
controlling interest in a real estate entity.

"Controlling interest" means more than 50% of the fair market
value of all ownership interests or beneficial interests in a real estate
entity.

"Real estate entity" means any person including, but not limited to,
any partnership, corporation, limited liability company, trust, other entity,
or multi-tiered entity, that exists or acts substantially for the purpose of
holding directly or indirectly title to or beneficial interest in real property.
There is a rebuttable presumption that an entity is a real estate entity if it
owns, directly or indirectly, real property having a fair market value
greater than 75% of the total fair market value of all of the entity's assets,
determined without deduction for any mortgage, lien, or encumbrance.
(Source: P.A. 92-651, eff. 7-11-02; 93-657, eff. 6-1-04.)

(35 ILCS 200/31-10)
(Text of Section after amendment by P.A. 93-657)
Sec. 31-10. Imposition of tax. A tax is imposed on the privilege of
transferring title to real estate located in Illinois, on the privilege of
transferring a beneficial interest in real property located in Illinois, and on
the privilege of transferring a controlling interest in a real estate entity
owning property located in Illinois, at the rate of 50¢ for each $500 of
value or fraction of $500 stated in the declaration required by Section 31-
25. If, however, the transferring document states that the real estate,
beneficial interest, or controlling interest is transferred subject to a
mortgage, the amount of the mortgage remaining outstanding at the time
of transfer shall not be included in the basis of computing the tax. The tax
is due if the transfer is made by one or more related transactions or
involves one or more persons or entities and whether or not a document is
recorded.
(Source: P.A. 93-657, eff. 6-1-04.)

(35 ILCS 200/31-20)
(Text of Section after amendment by P.A. 93-657)
Sec. 31-20. Affixing of stamps. Payment of the tax shall be
evidenced by revenue stamps in the amount required to show full payment

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of the tax imposed by Section 31-10. Except as provided in Section 31-45, a deed, document transferring a controlling interest in real property, or trust document shall not be accepted for filing by any recorder or registrar of titles unless revenue stamps in the required amount have been purchased from the recorder or registrar of titles of the county where the deed, document transferring a controlling interest in real property, or trust document is being filed for recordation. The revenue stamps shall be affixed to the deed, document transferring a controlling interest in real property, or trust document by the recorder or the registrar of titles either before or after recording as requested by the grantee. The Department may prescribe a form to which stamps must be affixed that a transferee must file for recordation at the time a declaration is presented if a transferring document is not presented for recordation within 3 business days after the transfer is effected. A person using or affixing a revenue stamp shall cancel it and so deface it as to render it unfit for reuse by marking it with his or her initials and the day, month and year when the affixing occurs. The marking shall be made by writing or stamping in indelible ink or by perforating with a machine or punch. However, the revenue stamp shall not be so defaced as to prevent ready determination of its denomination and genuineness.

(Source: P.A. 93-657, eff. 6-1-04.)

Section 10. The Stock, Commodity, or Options Transaction Tax Exemption Act is amended by changing Section 3 as follows:

(35 ILCS 820/3)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 3. Construction of Act. Nothing in this Act shall be construed as prohibiting or otherwise invalidating any real estate transfer tax or fee authorized or permitted by Section 31-10 of the Property Tax Code, Sections 5-1031 and Section 5-1031.1 of the Counties Code, or Section 8-3-19 of the Illinois Municipal Code. This Section is intended as a clarification and not as a change to existing law.

(Source: P.A. 93-657, eff. 6-1-04.)

Section 15. The Counties Code is amended by changing Section 5-1031 as follows:

(55 ILCS 5/5-1031) (from Ch. 34, par. 5-1031)

Sec. 5-1031. County real estate transfer tax.

(a) The county board of a county may impose a tax upon the privilege of transferring title to real estate, as represented by the deed that

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is filed for recordation, and upon the privilege of transferring a beneficial interest in a land trust holding legal title to real estate located in such county as represented by the trust document that is filed for recordation, at the rate of 25 cents for each $500 of value or fraction thereof stated in the declaration required by Section 31-25 of the Property Tax Code. If, however, the real estate is transferred subject to a mortgage, the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax.

A tax imposed pursuant to this Section shall be collected by the recorder or registrar of titles of the county prior to recording the deed or trust document or registering the title subject to the tax. All deeds or trust documents exempted in Section 31-45 of the Property Tax Code shall also be exempt from any tax imposed pursuant to this Section. A tax imposed pursuant to this Section shall be in addition to all other occupation and privilege taxes imposed by the State of Illinois or any municipal corporation or political subdivision thereof.

(b) The county board may impose a tax at the same rate on the transfer of a beneficial interest, as defined in Section 31-5 of the Property Tax Code. If, however, the transferring document states that the real estate or beneficial interest is transferred subject to a mortgage, then the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax.

The tax must be paid at the time of recordation or, if a document is not recorded, at the time of presentation of the transfer declaration to the recorder, as provided in Section 31-25 of the Property Tax Code. All deeds or documents relating to the transfer of a beneficial interest exempted in Sections 31-45 or 31-46 of the Property Tax Code are also exempt from any tax imposed under this Section. A tax imposed under this Section is in addition to all other occupation and privilege taxes imposed by the State of Illinois or any municipal corporation or political subdivision thereof.

(c) Beginning June 1, 2005, a tax imposed under this Section is due if the transfer is made by one or more related transactions or involves one or more persons or entities, regardless of whether a document is recorded.

(Source: P.A. 89-626, eff. 8-9-96.)

Section 99. Effective date. This Act takes effect June 1, 2005.
Passed in the General Assembly January 10, 2005.
Approved March 31, 2005.

New matter indicated by italics - deletions by strikeout.
Effective June 1, 2005.

PUBLIC ACT 93-1100
(House Bill No. 1007)

AN ACT in relation to executive agencies.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by changing Section 2705-555 as follows:

(20 ILCS 2705/2705-555) (was 20 ILCS 2705/49.13)
Sec. 2705-555. Lease of land or property.

(a) The Department has the power from time to time to lease any land or property, with or without appurtenances, of which the Department has jurisdiction and that is not immediately to be used or developed by the State; provided that no such lease be for a longer period of time than that in which it can reasonably be expected the State will not have use for the property, and further provided that no such lease be for a longer period of time than 5 years, except as provided in subsection (b).

(b) In counties with a population of not less than 500,000 and not more than 800,000, a lease to any other department of State government, any authority, commission, or agency of the State, or a municipality, county, or township of the State, including in any land lease the corresponding vertical rights, subterranean and air rights, and sublease rights, may be for a period of time no longer than 25 years.

(c) In counties with a population of not less than 3,000,000, a lease initially entered into within one year after the effective date of this amendatory Act of the 93rd General Assembly, including in any land lease the corresponding vertical rights, subterranean and air rights, and sublease rights, may be for a period of time no longer than 35 years. The land or property shall be leased by the Department at fair market value.

(Source: P.A. 91-239, eff. 1-1-00; 91-783, eff. 6-9-00.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly January 10, 2005.
Approved March 31, 2005.
Effective March 31, 2005.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Finance Authority Act is amended by changing Sections 801-10, 801-25, and 845-5 as follows:

(20 ILCS 3501/801-10)

Sec. 801-10. Definitions. The following terms, whenever used or referred to in this Act, shall have the following meanings, except in such instances where the context may clearly indicate otherwise:

(a) The term "Authority" means the Illinois Finance Authority created by this Act.

(b) The term "project" means an industrial project, housing project, public purpose project, higher education project, health facility project, cultural institution project, agricultural facility or agribusiness, and "project" may include any combination of one or more of the foregoing undertaken jointly by any person with one or more other persons, but "project" shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination or the training of ministers, priests, rabbis or other professional persons in the field of religion.

(c) The term "public purpose project" means any project or facility including without limitation land, buildings, structures, machinery, equipment and all other real and personal property, which is authorized or required by law to be acquired, constructed, improved, rehabilitated, reconstructed, replaced or maintained by any unit of government or any other lawful public purpose which is authorized or required by law to be undertaken by any unit of government.

(d) The term "industrial project" means the acquisition, construction, refurbishment, creation, development or redevelopment of any facility, equipment, machinery, real property or personal property for use by any instrumentality of the State or its political subdivisions, for use by any person or institution, public or private, for profit or not for profit, or for use in any trade or business including, but not limited to, any industrial, manufacturing or commercial enterprise and which is (1) a

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capital project including but not limited to: (i) land and any rights therein, one or more buildings, structures or other improvements, machinery and equipment, whether now existing or hereafter acquired, and whether or not located on the same site or sites; (ii) all appurtenances and facilities incidental to the foregoing, including, but not limited to utilities, access roads, railroad sidings, track, docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling or related equipment, site preparation and landscaping; and (iii) all non-capital costs and expenses relating thereto or (2) any addition to, renovation, rehabilitation or improvement of a capital project or (3) any activity or undertaking which the Authority determines will aid, assist or encourage economic growth, development or redevelopment within the State or any area thereof, will promote the expansion, retention or diversification of employment opportunities within the State or any area thereof or will aid in stabilizing or developing any industry or economic sector of the State economy. The term "industrial project" also means the production of motion pictures.

(e) The term "bond" or "bonds" shall include bonds, notes (including bond, grant or revenue anticipation notes), certificates and/or other evidences of indebtedness representing an obligation to pay money, including refunding bonds.

(f) The terms "lease agreement" and "loan agreement" shall mean: (i) an agreement whereby a project acquired by the Authority by purchase, gift or lease is leased to any person, corporation or unit of local government which will use or cause the project to be used as a project as heretofore defined upon terms providing for lease rental payments at least sufficient to pay when due all principal of, interest and premium, if any, on any bonds of the Authority issued with respect to such project, providing for the maintenance, insuring and operation of the project on terms satisfactory to the Authority, providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, and such other terms as may be deemed desirable by the Authority, or (ii) any agreement pursuant to which the Authority agrees to loan the proceeds of its bonds issued with respect to a project or other funds of the Authority to any person which will use or cause the project to be used as a project as heretofore defined upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, interest and premium, if any, on any bonds of the Authority, if any, issued
with respect to the project, and providing for maintenance, insurance and other matters as may be deemed desirable by the Authority.

(g) The term "financial aid" means the expenditure of Authority funds or funds provided by the Authority through the issuance of its bonds, notes or other evidences of indebtedness or from other sources for the development, construction, acquisition or improvement of a project.

(h) The term "person" means an individual, corporation, unit of government, business trust, estate, trust, partnership or association, 2 or more persons having a joint or common interest, or any other legal entity.

(i) The term "unit of government" means the federal government, the State or unit of local government, a school district, or any agency or instrumentality, office, officer, department, division, bureau, commission, college or university thereof.

(j) The term "health facility" means: (a) any public or private institution, place, building, or agency required to be licensed under the Hospital Licensing Act; (b) any public or private institution, place, building, or agency required to be licensed under the Nursing Home Care Act; (c) any public or licensed private hospital as defined in the Mental Health and Developmental Disabilities Code; (d) any such facility exempted from such licensure when the Director of Public Health attests that such exempted facility meets the statutory definition of a facility subject to licensure; (e) any other public or private health service institution, place, building, or agency which the Director of Public Health attests is subject to certification by the Secretary, U.S. Department of Health and Human Services under the Social Security Act, as now or hereafter amended, or which the Director of Public Health attests is subject to standard-setting by a recognized public or voluntary accrediting or standard-setting agency; (f) any public or private institution, place, building or agency engaged in providing one or more supporting services to a health facility; (g) any public or private institution, place, building or agency engaged in providing training in the healing arts, including but not limited to schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy or nursing, schools for the training of x-ray, laboratory or other health care technicians and schools for the training of para-professionals in the health care field; (h) any public or private congregate, life or extended care or elderly housing facility or any public or private home for the aged or infirm, including, without limitation, any Facility as defined in the Life Care Facilities Act; (i) any public or private mental, emotional or physical rehabilitation facility or any public or private educational, counseling, or

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rehabilitation facility or home, for those persons with a developmental disability, those who are physically ill or disabled, the emotionally disturbed, those persons with a mental illness or persons with learning or similar disabilities or problems; (j) any public or private alcohol, drug or substance abuse diagnosis, counseling treatment or rehabilitation facility, (k) any public or private institution, place, building or agency licensed by the Department of Children and Family Services or which is not so licensed but which the Director of Children and Family Services attests provides child care, child welfare or other services of the type provided by facilities subject to such licensure; (l) any public or private adoption agency or facility; and (m) any public or private blood bank or blood center. "Health facility" also means a public or private structure or structures suitable primarily for use as a laboratory, laundry, nurses or interns residence or other housing or hotel facility used in whole or in part for staff, employees or students and their families, patients or relatives of patients admitted for treatment or care in a health facility, or persons conducting business with a health facility, physician's facility, surgicenter, administration building, research facility, maintenance, storage or utility facility and all structures or facilities related to any of the foregoing or required or useful for the operation of a health facility, including parking or other facilities or other supporting service structures required or useful for the orderly conduct of such health facility.

(k) The term "participating health institution" means a private corporation or association or public entity of this State, authorized by the laws of this State to provide or operate a health facility as defined in this Act and which, pursuant to the provisions of this Act, undertakes the financing, construction or acquisition of a project or undertakes the refunding or refinancing of obligations, loans, indebtedness or advances as provided in this Act.

(l) The term "health facility project", means a specific health facility work or improvement to be financed or refinanced (including without limitation through reimbursement of prior expenditures), acquired, constructed, enlarged, remodeled, renovated, improved, furnished, or equipped, with funds provided in whole or in part hereunder, any accounts receivable, working capital, liability or insurance cost or operating expense financing or refinancing program of a health facility with or involving funds provided in whole or in part hereunder, or any combination thereof.

(m) The term "bond resolution" means the resolution or resolutions authorizing the issuance of, or providing terms and conditions related to,
bonds issued under this Act and includes, where appropriate, any trust agreement, trust indenture, indenture of mortgage or deed of trust providing terms and conditions for such bonds.

(n) The term "property" means any real, personal or mixed property, whether tangible or intangible, or any interest therein, including, without limitation, any real estate, leasehold interests, appurtenances, buildings, easements, equipment, furnishings, furniture, improvements, machinery, rights of way, structures, accounts, contract rights or any interest therein.

(o) The term "revenues" means, with respect to any project, the rents, fees, charges, interest, principal repayments, collections and other income or profit derived therefrom.

(p) The term "higher education project" means, in the case of a private institution of higher education, an educational facility to be acquired, constructed, enlarged, remodeled, renovated, improved, furnished, or equipped, or any combination thereof.

(q) The term "cultural institution project" means, in the case of a cultural institution, a cultural facility to be acquired, constructed, enlarged, remodeled, renovated, improved, furnished, or equipped, or any combination thereof.

(r) The term "educational facility" means any property located within the State constructed or acquired before or after the effective date of this Act, which is or will be, in whole or in part, suitable for the instruction, feeding, recreation or housing of students, the conducting of research or other work of a private institution of higher education, the use by a private institution of higher education in connection with any educational, research or related or incidental activities then being or to be conducted by it, or any combination of the foregoing, including, without limitation, any such property suitable for use as or in connection with any one or more of the following: an academic facility, administrative facility, agricultural facility, assembly hall, athletic facility, auditorium, boating facility, campus, communication facility, computer facility, continuing education facility, classroom, dining hall, dormitory, exhibition hall, firefighting facility, fire prevention facility, food service and preparation facility, gymnasium, greenhouse, health care facility, hospital, housing, instructional facility, laboratory, library, maintenance facility, medical facility, museum, offices, parking area, physical education facility, recreational facility, research facility, stadium, storage facility, student union, study facility, theatre or utility. An educational facility shall not

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include any property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship nor any property which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination:

(s) The term "cultural facility" means any property located within the State constructed or acquired before or after the effective date of this Act, which is or will be, in whole or in part, suitable for the particular purposes or needs of a cultural institution, including, without limitation, any such property suitable for use as or in connection with any one or more of the following: an administrative facility, aquarium, assembly hall, auditorium, botanical garden, exhibition hall, gallery, greenhouse, library, museum, scientific laboratory, theater or zoological facility, and shall also include, without limitation, books, works of art or music, animal, plant or aquatic life or other items for display, exhibition or performance. The term "cultural facility" includes buildings on the National Register of Historic Places which are owned or operated by nonprofit entities. A cultural facility shall not include any property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship nor any property which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination:

(t) "Private institution of higher education" means a not-for-profit educational institution which is not owned by the State or any political subdivision, agency, instrumentality, district or municipality thereof, which is authorized by law to provide a program of education beyond the high school level and which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Provides an educational program for which it awards a bachelor's degree, or provides an educational program, admission into which is conditioned upon the prior attainment of a bachelor's degree or its equivalent, for which it awards a postgraduate degree, or provides not less than a 2-year program which is acceptable for full credit toward such a degree, or offers a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other

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technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(3) Is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than 3 institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, and holds an unrevoked certificate of approval under the Private College Act from the Board of Higher Education, or is qualified as a "degree granting institution" under the Academic Degree Act; and

(4) Does not discriminate in the admission of students on the basis of race or color or creed. "Private institution of higher education" also includes any "academic institution".

(u) The term "academic institution" means any not-for-profit institution which is not owned by the State or any political subdivision, agency, instrumentality, district or municipality thereof, which institution engages in, or facilitates academic, scientific, educational or professional research or learning in a field or fields of study taught at a private institution of higher education. Academic institutions include, without limitation, libraries, archives, academic, scientific, educational or professional societies, institutions, associations or foundations having such purposes. Academic institution does not include any school or any institution primarily engaged in religious or sectarian activities.

(v) The term "cultural institution" means any not-for-profit institution which is not owned by the State or any political subdivision, agency, instrumentality, district or municipality thereof, which institution engages in the cultural, intellectual, scientific, educational or artistic enrichment of the people of the State. Cultural institutions include, without limitation, aquaria, botanical societies, historical societies, libraries, museums, performing arts associations or societies, scientific societies and zoological societies. Cultural institution does not include any institution primarily engaged in religious or sectarian activities.

(w) The term "affiliate" means, with respect to financing of an agricultural facility or an agribusiness, any lender, any person, firm or corporation controlled by, or under common control with, such lender, and any person, firm or corporation controlling such lender.

(x) The term "agricultural facility" means land, any building or other improvement thereon or thereto, and any personal properties deemed

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necessary or suitable for use, whether or not now in existence, in farming, ranching, the production of agricultural commodities (including, without limitation, the products of aquaculture, hydroponics and silviculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming.

(y) The term "lender" with respect to financing of an agricultural facility or an agribusiness, means any federal or State chartered bank, Federal Land Bank, Production Credit Association, Bank for Cooperatives, federal or State chartered savings and loan association or building and loan association, Small Business Investment Company or any other institution qualified within this State to originate and service loans, including, but without limitation to, insurance companies, credit unions and mortgage loan companies. "Lender" also means a wholly owned subsidiary of a manufacture, seller or distributor of goods or services that makes loans to businesses or individuals, commonly known as a "captive finance company".

(z) The term "agribusiness" means any sole proprietorship, limited partnership, co-partnership, joint venture, corporation or cooperative which operates or will operate a facility located within the State of Illinois that is related to the processing of agricultural commodities (including, without limitation, the products of aquaculture, hydroponics and silviculture) or the manufacturing, production or construction of agricultural buildings, structures, equipment, implements, and supplies, or any other facilities or processes used in agricultural production. Agribusiness includes but is not limited to the following:

(1) grain handling and processing, including grain storage, drying, treatment, conditioning, mailing and packaging;
(2) seed and feed grain development and processing;
(3) fruit and vegetable processing, including preparation, canning and packaging;
(4) processing of livestock and livestock products, dairy products, poultry and poultry products, fish or apiarian products, including slaughter, shearing, collecting, preparation, canning and packaging;
(5) fertilizer and agricultural chemical manufacturing, processing, application and supplying;
(6) farm machinery, equipment and implement manufacturing and supplying;

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(7) manufacturing and supplying of agricultural commodity processing machinery and equipment, including machinery and equipment used in slaughter, treatment, handling, collecting, preparation, canning or packaging of agricultural commodities;

(8) farm building and farm structure manufacturing, construction and supplying;

(9) construction, manufacturing, implementation, supplying or servicing of irrigation, drainage and soil and water conservation devices or equipment;

(10) fuel processing and development facilities that produce fuel from agricultural commodities or byproducts;

(11) facilities and equipment for processing and packaging agricultural commodities specifically for export;

(12) facilities and equipment for forestry product processing and supplying, including sawmilling operations, wood chip operations, timber harvesting operations, and manufacturing of prefabricated buildings, paper, furniture or other goods from forestry products;

(13) facilities and equipment for research and development of products, processes and equipment for the production, processing, preparation or packaging of agricultural commodities and byproducts.

(a) The term "asset" with respect to financing of any agricultural facility or any agribusiness, means, but is not limited to the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interests in trusts; government payments or grants; and any other assets.

(b) The term "liability" with respect to financing of any agricultural facility or any agribusiness shall include, but not be limited to the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; and any other liability.

(c) The term "Predecessor Authorities" means those authorities as described in Section 845-75.

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(dd) The term "housing project" means a specific work or improvement undertaken to provide residential dwelling accommodations, including the acquisition, construction or rehabilitation of lands, buildings and community facilities and in connection therewith to provide nonhousing facilities which are part of the housing project, including land, buildings, improvements, equipment and all ancillary facilities for use for offices, stores, retirement homes, hotels, financial institutions, service, health care, education, recreation or research establishments, or any other commercial purpose which are or are to be related to a housing development.

(Source: P.A. 93-205, eff. 1-1-04.)

(20 ILCS 3501/801-25)

Sec. 801-25. All official acts of the Authority shall require the approval of at least 8 members. All meetings of the Authority and the Advisory Councils shall be conducted in accordance with the Open Meetings Act. Eight members of the Authority shall constitute a quorum. All meetings shall be conducted at a single location within this State with a quorum of members physically present at this location. Other members who are not physically present at this location may participate in the meeting and vote on all matters by means of a video or audio conference among members physically present at this location. The Auditor General shall conduct financial audits and program audits of the Authority, in accordance with the Illinois State Auditing Act.

(Source: P.A. 93-205, eff. 1-1-04.)

(20 ILCS 3501/845-5)

Sec. 845-5. The Authority may not have outstanding at any one time bonds for any of its corporate purposes in an aggregate principal amount exceeding $24,000,000,000 $23,000,000,000, excluding bonds issued to refund the bonds of the Authority or bonds of the Predecessor Authorities.

(Source: P.A. 93-205, eff. 1-1-04.)

Section 99. Effective date. This Act takes effect upon becoming law.


Approved March 31, 2005.

Effective March 31, 2005.
AN ACT concerning courts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Judicial Circuits Apportionment Act of 2005.

Section 5. The 12th Judicial Circuit is divided into 5 subcircuits, with the numerical order 1, 2, 3, 4, and 5, as follows:

JUDICIAL SUBCIRCUIT 1
Tract 8803.01
Tract 8803.02
Tract 8804.04
Tract 8804.05
Tract 8804.07
Will (Part)
  VTD DU30
  VTD DU31
  VTD DU32
  VTD DU34
  VTD DU36
  VTD DU40
  VTD DU44
  VTD LO27
  VTD PL04
  VTD PL05
  VTD PL07
  VTD PL09
  VTD PL20
  VTD PL21
VTD WH10 (Part)
  Tract 8801.03 / Block 1994
  Tract 8805.01 / Block 1026
  Tract 8805.01 / Block 1042
  Tract 8805.01 / Block 1043

JUDICIAL SUBCIRCUIT 2
Tract 8812.00
Tract 8813.00

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Tract 8832.04  
Tract 8832.05  
Tract 8832.06  
Tract 8832.07  
Will (Part)  
  VTD JO46  
  VTD JO69  
  VTD PL12  
Will (Part)  
  BG 1  
  BG 3  
  BG 2  
  BG 3  
  BG 3  
VTD JO48 (Part)  
  Tract 8820.00 / Block 2003  
  Tract 8820.00 / Block 2004  
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Tract 8831.00 / Block 3047
Tract 8831.00 / Block 3048
Tract 8831.00 / Block 3049
Tract 8831.00 / Block 3050
Tract 8831.00 / Block 3051
Tract 8831.00 / Block 3052
Tract 8831.00 / Block 3053
Tract 8831.00 / Block 3054
Tract 8831.00 / Block 3055
Tract 8831.00 / Block 3056
Tract 8831.00 / Block 3057
Tract 8831.00 / Block 3058
Tract 8831.00 / Block 3059

New matter indicated by italics - deletions by strikeout.
Tract 8831.00 / Block 3060
Tract 8831.00 / Block 3061
Tract 8831.00 / Block 3062
Tract 8831.00 / Block 3063
Tract 8831.00 / Block 3064
Tract 8831.00 / Block 3065
Tract 8831.00 / Block 3066
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Tract 8831.00 / Block 3088
Tract 8831.00 / Block 3089
Tract 8831.00 / Block 3090
Tract 8831.00 / Block 3091
Tract 8831.00 / Block 3092
Tract 8831.00 / Block 3093
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Tract 8831.00 / Block 3095
Tract 8831.00 / Block 3096
Tract 8831.00 / Block 3097
Tract 8831.00 / Block 3098

New matter indicated by italics - deletions by strikeout.
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Tract 8831.00 / Block 3100
Tract 8831.00 / Block 3101
Tract 8831.00 / Block 3102
Tract 8831.00 / Block 3103
Tract 8831.00 / Block 3104
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Tract 8831.00 / Block 3106
Tract 8831.00 / Block 3107
Tract 8831.00 / Block 3108
Tract 8831.00 / Block 3109
Tract 8831.00 / Block 3110
Tract 8831.00 / Block 3111
Tract 8831.00 / Block 3112
Tract 8831.00 / Block 3113
Tract 8831.00 / Block 3114
Tract 8831.00 / Block 3991
Tract 8831.00 / Block 3992
Tract 8831.00 / Block 3993
Tract 8831.00 / Block 3994
Tract 8831.00 / Block 3995
Tract 8831.00 / Block 3996
Tract 8831.00 / Block 3997
Tract 8831.00 / Block 3998
Tract 8831.00 / Block 3999

JUDICIAL SUBCIRCUIT 3
Tract 8824.00
Tract 8830.00
Tract 8833.01
Tract 8833.02
Tract 8834.00
Tract 8835.06
Tract 8836.02
Tract 8836.03
Tract 8836.04
Tract 8837.00
Tract 8838.03
Tract 8838.04
Tract 8838.05

New matter indicated by italics - deletions by strikeout.
Tract 8838.06
Tract 8838.07
Tract 8839.01
Tract 8839.02
Tract 8840.01
Tract 8840.02
Will (Part)
  VTD JO39
  VTD JO54
  VTD JO56
  VTD JO68
Will (Part)
  BG 2
VTD JO60 (Part)
  Tract 8820.00 / Block 2000
  Tract 8820.00 / Block 2001
  Tract 8820.00 / Block 2002
  Tract 8820.00 / Block 2006
  Tract 8820.00 / Block 2011
  Tract 8821.00 / Block 2008
  Tract 8821.00 / Block 2009
  Tract 8821.00 / Block 2010
  Tract 8821.00 / Block 2011
  Tract 8821.00 / Block 2012
  Tract 8821.00 / Block 2013
  Tract 8821.00 / Block 2014
  Tract 8821.00 / Block 2015
  Tract 8821.00 / Block 2016
  Tract 8821.00 / Block 2017
  Tract 8821.00 / Block 2018
  Tract 8821.00 / Block 2019
  Tract 8822.00 / Block 4000
  Tract 8822.00 / Block 4001
  Tract 8822.00 / Block 4002
  Tract 8822.00 / Block 4003
  Tract 8822.00 / Block 4004
  Tract 8822.00 / Block 4066
  Tract 8822.00 / Block 4079
  Tract 8822.00 / Block 4080

New matter indicated by italics - deletions by strikeout.
Tract 8822.00 / Block 4081
Tract 8822.00 / Block 4082
Tract 8822.00 / Block 4083
Tract 8822.00 / Block 4084
Tract 8822.00 / Block 4085
Tract 8822.00 / Block 4086
Tract 8822.00 / Block 4089
Tract 8822.00 / Block 4090
Tract 8822.00 / Block 4091
Tract 8822.00 / Block 4092
Tract 8822.00 / Block 5023
Tract 8822.00 / Block 5037
Tract 8822.00 / Block 5038
Tract 8822.00 / Block 5039
Tract 8822.00 / Block 5040
Tract 8822.00 / Block 5041
Tract 8822.00 / Block 5042
Tract 8822.00 / Block 5043
Tract 8822.00 / Block 5044
Tract 8822.00 / Block 5045
Tract 8823.00 / Block 1002
Tract 8823.00 / Block 1003
Tract 8823.00 / Block 1004
Tract 8823.00 / Block 1005
Tract 8823.00 / Block 1006
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Tract 8823.00 / Block 1013
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Tract 8823.00 / Block 1015
Tract 8823.00 / Block 1016
Tract 8823.00 / Block 1017
Tract 8823.00 / Block 1018
Tract 8823.00 / Block 1019
Tract 8823.00 / Block 1020
Tract 8823.00 / Block 1023

New matter indicated by italics - deletions by strikeout.
Tract 8823.00 / Block 1024
Tract 8823.00 / Block 1025
Tract 8823.00 / Block 1026
Tract 8823.00 / Block 1027
Tract 8823.00 / Block 1028
Tract 8823.00 / Block 1038
Tract 8823.00 / Block 1039
Tract 8823.00 / Block 1040
Tract 8823.00 / Block 1041
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Tract 8823.00 / Block 1050
Tract 8823.00 / Block 1051
Tract 8823.00 / Block 1052
Tract 8823.00 / Block 2008
Tract 8823.00 / Block 2009
Tract 8823.00 / Block 2017
Tract 8823.00 / Block 2020
Tract 8823.00 / Block 2021
Tract 8823.00 / Block 2022
Tract 8823.00 / Block 2023
Tract 8823.00 / Block 2024
Tract 8823.00 / Block 2025
Tract 8823.00 / Block 2026
Tract 8823.00 / Block 3005
Tract 8823.00 / Block 3006
Tract 8823.00 / Block 3007
Tract 8823.00 / Block 3008
Tract 8823.00 / Block 3010
Tract 8823.00 / Block 3029
Tract 8823.00 / Block 3030
Tract 8823.00 / Block 3031
Tract 8823.00 / Block 3032

New matter indicated by italics - deletions by strikeout.
Tract 8823.00 / Block 3033
Tract 8823.00 / Block 3034
Tract 8825.00 / Block 1000
Tract 8825.00 / Block 1001
Tract 8825.00 / Block 1002
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Tract 8825.00 / Block 1007
Tract 8825.00 / Block 1008
Tract 8825.00 / Block 1009
Tract 8825.00 / Block 2000
Tract 8825.00 / Block 2001
Tract 8825.00 / Block 2002
Tract 8825.00 / Block 2003
Tract 8825.00 / Block 2004
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Tract 8825.00 / Block 2006
Tract 8825.00 / Block 2008
Tract 8825.00 / Block 2009
Tract 8825.00 / Block 2010
Tract 8825.00 / Block 2011
Tract 8825.00 / Block 2012
Tract 8825.00 / Block 2013
Tract 8831.00 / Block 1000
Tract 8831.00 / Block 1001
Tract 8831.00 / Block 1002
Tract 8831.00 / Block 1003
Tract 8831.00 / Block 1004
Tract 8831.00 / Block 1005
Tract 8831.00 / Block 1006
Tract 8831.00 / Block 1007
Tract 8831.00 / Block 1008
Tract 8831.00 / Block 1010
Tract 8831.00 / Block 1011
Tract 8831.00 / Block 1012
Tract 8831.00 / Block 1013
Tract 8831.00 / Block 1033
Tract 8831.00 / Block 1036
Tract 8831.00 / Block 1037

New matter indicated by italics - deletions by strikeout.
Tract 8831.00 / Block 1038
Tract 8831.00 / Block 1039
Tract 8831.00 / Block 3000
Tract 8831.00 / Block 3001
Tract 8831.00 / Block 3002
Tract 8831.00 / Block 3003
Tract 8831.00 / Block 3004
Tract 8831.00 / Block 3005
Tract 8831.00 / Block 3006
Tract 8831.00 / Block 3007
Tract 8831.00 / Block 3008
Tract 8831.00 / Block 3009
Tract 8831.00 / Block 3010
Tract 8831.00 / Block 3011
Tract 8831.00 / Block 3012
Tract 8831.00 / Block 3013
Tract 8831.00 / Block 3014
Tract 8831.00 / Block 3015
Tract 8831.00 / Block 3016
Tract 8831.00 / Block 3017
Tract 8831.00 / Block 3018
JUDICIAL SUBCIRCUIT 4
Tract 8801.05
Tract 8801.06
Tract 8801.07
Tract 8801.08
Tract 8801.09
Tract 8801.10
Tract 8801.11
Tract 8801.12
Tract 8801.13
Tract 8805.02
Tract 8806.00
Tract 8807.00
Tract 8808.00
Tract 8809.00
Will (Part)
VTD DU01
VTD DU02

New matter indicated by italics - deletions by strikeout.
VTD DU03
VTD DU04
VTD DU05
VTD DU21
VTD DU22
VTD DU27
VTD DU33
VTD DU42
VTD DU43
VTD DU45
VTD DU46
VTD LO23
VTD LO24

Will (Part)
BG 5
VTD DU14 (Part)
Tract 8801.03 / Block 2047
Tract 8801.03 / Block 2049
Tract 8801.03 / Block 2991
Tract 8801.03 / Block 2992
Tract 8801.04 / Block 1000
Tract 8801.04 / Block 1001
Tract 8801.04 / Block 1032
Tract 8801.04 / Block 1033
Tract 8801.04 / Block 1034
Tract 8801.04 / Block 1035
Tract 8801.04 / Block 1036
Tract 8801.04 / Block 1037
Tract 8801.04 / Block 1038
Tract 8801.04 / Block 1039
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Tract 8801.04 / Block 1041
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Tract 8801.04 / Block 1082
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Tract 8801.04 / Block 1084
Tract 8801.04 / Block 1085
Tract 8801.04 / Block 1086
Tract 8801.04 / Block 1087

New matter indicated by italics - deletions by strikeout.
Tract 8801.04 / Block 1088
Tract 8801.04 / Block 1089
Tract 8801.04 / Block 1090
Tract 8801.04 / Block 1091
Tract 8801.04 / Block 1092
Tract 8801.04 / Block 1093
Tract 8801.04 / Block 1094
Tract 8801.04 / Block 1095
Tract 8801.04 / Block 1096
Tract 8801.04 / Block 1097
Tract 8801.04 / Block 1098
Tract 8801.04 / Block 1099
Tract 8801.04 / Block 1100
Tract 8801.04 / Block 1101
Tract 8801.04 / Block 1102
Tract 8801.04 / Block 1103
Tract 8801.04 / Block 1104
Tract 8801.04 / Block 1105
Tract 8801.04 / Block 1106
Tract 8801.04 / Block 1107
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Tract 8801.04 / Block 1110
Tract 8801.04 / Block 1111
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Tract 8801.04 / Block 1118
Tract 8801.04 / Block 1119
Tract 8801.04 / Block 1163
Tract 8801.04 / Block 1164
Tract 8801.04 / Block 1165
Tract 8801.04 / Block 1166
Tract 8801.04 / Block 1167
Tract 8801.04 / Block 1168
Tract 8801.04 / Block 1999

New matter indicated by italics - deletions by strikeout.
Tract 8805.01 / Block 1002
Tract 8805.01 / Block 1024
Tract 8805.01 / Block 1025
Tract 8805.01 / Block 1044
Tract 8805.01 / Block 1045
Tract 8805.01 / Block 1046
Tract 8805.01 / Block 1047
Tract 8805.01 / Block 1048
Tract 8805.01 / Block 1049
Tract 8805.01 / Block 1050
Tract 8805.01 / Block 1051
Tract 8805.01 / Block 1052
Tract 8805.01 / Block 3000
Tract 8805.01 / Block 3001
Tract 8805.01 / Block 3002
Tract 8805.01 / Block 3008
Tract 8805.01 / Block 3009
Tract 8805.01 / Block 3010
Tract 8805.01 / Block 3011
Tract 8805.01 / Block 3012
Tract 8805.01 / Block 3013
Tract 8805.01 / Block 3014
Tract 8805.01 / Block 4000
Tract 8805.01 / Block 4001
Tract 8805.01 / Block 4002
Tract 8805.01 / Block 4003
Tract 8805.01 / Block 4009
Tract 8805.01 / Block 4010
Tract 8805.01 / Block 4011
Tract 8805.01 / Block 4012
Tract 8805.01 / Block 4013
Tract 8805.01 / Block 4014

JUDICIAL SUBCIRCUIT 5
Tract 8810.01
Tract 8810.02
Tract 8810.03
Tract 8810.04
Tract 8810.05
Tract 8810.06

New matter indicated by italics - deletions by strikeout.
Section 10. The 16th Judicial Circuit is divided into 4 subcircuits, with the numerical order 1, 2, 3, and 4, as follows:

**JUDICIAL SUBCIRCUIT 1**

<table>
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Kane (Part)

VTD BA005
VTD GE010

New matter indicated by italics - deletions by strikeout.
VTD GE011
VTD GE012
VTD GE015
VTD BA001 (Part)
  Tract 8528.01 / Block 1001
  Tract 8528.01 / Block 3076
  Tract 8528.01 / Block 3079
  Tract 8528.01 / Block 3080
  Tract 8528.01 / Block 3081
  Tract 8528.01 / Block 3082
  Tract 8528.01 / Block 3083
  Tract 8528.01 / Block 3084
  Tract 8528.01 / Block 3085
  Tract 8528.01 / Block 3086
  Tract 8528.01 / Block 3087
  Tract 8528.01 / Block 3088
  Tract 8528.01 / Block 3089
  Tract 8528.01 / Block 3090
  Tract 8528.01 / Block 3091
  Tract 8528.01 / Block 3092
  Tract 8528.01 / Block 3093
  Tract 8528.01 / Block 3094
  Tract 8528.01 / Block 3095
  Tract 8528.01 / Block 3096
  Tract 8528.01 / Block 3097
  Tract 8528.01 / Block 3995
  Tract 8528.01 / Block 3996
  Tract 8528.01 / Block 3997

JUDICIAL SUBCIRCUIT 2
  Tract 8501.00
  Tract 8502.01
  Tract 8502.02
  Tract 8503.01
  Tract 8503.02
  Tract 8504.00
  Tract 8505.00
  Tract 8506.00
  Tract 8508.00
  Tract 8509.00

New matter indicated by italics - deletions by strikeout.
Tract 8510.00
Tract 8511.00
Tract 8512.00
Tract 8513.00
Tract 8514.00
Tract 8515.00
Tract 8516.00
Tract 8517.00
Tract 8518.01
Tract 8518.02
Kane (Part)
  VTD EL007
  VTD EL008
  VTD EL010
  VTD EL014
  VTD EL015
  VTD EL043
  VTD EL046
  VTD EL048
  VTD EL050
  VTD EL052
  VTD EL054
  VTD EL057
VTD EL053 (Part)
  Tract 8519.02 / Block 2048
  Tract 8519.02 / Block 2049
  Tract 8519.02 / Block 2050
  Tract 8519.02 / Block 2051
  Tract 8519.02 / Block 2052
  Tract 8519.02 / Block 2053
  Tract 8519.02 / Block 2072
  Tract 8519.02 / Block 2080
  Tract 8519.02 / Block 2081
  Tract 8519.02 / Block 2082
  Tract 8519.02 / Block 2086
  Tract 8519.02 / Block 2087
  Tract 8519.02 / Block 2088
  Tract 8519.02 / Block 2099
  Tract 8519.02 / Block 2125

New matter indicated by italics - deletions by strikeout.
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<td>Tract 8519.03 / Block 4048</td>
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</table>

**JUDICIAL SUBCIRCUIT 3**

Kendall County

Tract 0017.00
Tract 0018.00

New matter indicated by italics - deletions by strikeout.
Tract 0019.00
Tract 0020.00
Tract 0021.00
Tract 8522.01
Tract 8526.01
Tract 8526.02
Tract 8545.01
Tract 8545.02
Kane (Part)
  Township Big Rock
  Township Kaneville
Kane (Part)
  VTD BA002
  VTD BA003
  VTD BA007
  VTD BA008
  VTD BA009
  VTD BA010
  VTD BA015
  VTD BA016
  VTD GE009
  VTD GE018
  VTD SC004
  VTD SC006
  VTD SC013
  VTD SC015
  VTD SC023
  VTD SC025
Kane (Part)
  BG 4
VTD MI01 (Part)
  Tract 0003.00 / Block 2054
  Tract 0003.00 / Block 2055
  Tract 0003.00 / Block 2056
  Tract 0003.00 / Block 2057
  Tract 0003.00 / Block 2058
  Tract 0003.00 / Block 2059
  Tract 0003.00 / Block 2060
  Tract 0003.00 / Block 2061

New matter indicated by italics - deletions by strikeout.
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Tract 0003.00 / Block 2070
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Tract 0003.00 / Block 2073
Tract 0003.00 / Block 2074
Tract 0003.00 / Block 2075
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Tract 0003.00 / Block 2084
Tract 0003.00 / Block 2085
Tract 0003.00 / Block 2086
Tract 0003.00 / Block 2087
Tract 0014.00 / Block 4029
Tract 0014.00 / Block 4030
Tract 0014.00 / Block 4031
Tract 0014.00 / Block 4032
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Tract 0014.00 / Block 4034
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Tract 0014.00 / Block 4040
Tract 0014.00 / Block 4041
Tract 0014.00 / Block 4042
Tract 0014.00 / Block 4043
Tract 0014.00 / Block 4044
Tract 0014.00 / Block 4045

New matter indicated by italics - deletions by strikeout.
Tract 0014.00 / Block 4046
Tract 0014.00 / Block 4047
Tract 0014.00 / Block 4048
Tract 0014.00 / Block 4049
Tract 0014.00 / Block 4050
Tract 0014.00 / Block 4051
Tract 0014.00 / Block 4052
Tract 0014.00 / Block 4053
Tract 0014.00 / Block 4054
Tract 0014.00 / Block 4055
Tract 0015.00 / Block 3045
Tract 0015.00 / Block 3046
Tract 0015.00 / Block 3047
Tract 0015.00 / Block 3048
Tract 0015.00 / Block 3049
Tract 0015.00 / Block 3051
Tract 0015.00 / Block 3052
Tract 0015.00 / Block 3053
Tract 0015.00 / Block 3054
Tract 0015.00 / Block 3055
Tract 0015.00 / Block 3056
Tract 0015.00 / Block 3057
Tract 0015.00 / Block 3058
Tract 0015.00 / Block 3059
Tract 0015.00 / Block 3060
Tract 0015.00 / Block 3061
Tract 0015.00 / Block 3062
Tract 0016.00 / Block 1046
Tract 0016.00 / Block 1047
Tract 0016.00 / Block 1048
Tract 0016.00 / Block 1049
Tract 0016.00 / Block 1050
Tract 0016.00 / Block 2086
Tract 0016.00 / Block 2087
Tract 0016.00 / Block 2092
Tract 0016.00 / Block 2093
Tract 0016.00 / Block 2094
Tract 0016.00 / Block 2095
Tract 0016.00 / Block 2096

New matter indicated by italics - deletions by strikeout.
VTD SC005 (Part)
  Tract 8522.02 / Block 2000
  Tract 8522.02 / Block 2001
  Tract 8522.02 / Block 2013
  Tract 8522.02 / Block 2014
  Tract 8522.02 / Block 2015
  Tract 8522.02 / Block 2016
  Tract 8522.02 / Block 2017
  Tract 8522.02 / Block 2018
  Tract 8522.02 / Block 3005
  Tract 8522.02 / Block 3006
  Tract 8522.02 / Block 3007
  Tract 8522.02 / Block 3008
  Tract 8522.02 / Block 3009
  Tract 8522.02 / Block 4045
  Tract 8522.02 / Block 4047
  Tract 8522.02 / Block 4048
  Tract 8522.02 / Block 4049
  Tract 8522.02 / Block 4050
  Tract 8522.02 / Block 4051
  Tract 8522.02 / Block 4052
  Tract 8522.02 / Block 5000
  Tract 8522.02 / Block 5001
  Tract 8522.02 / Block 5002
  Tract 8522.02 / Block 5003
  Tract 8522.02 / Block 5004
  Tract 8522.02 / Block 5005
  Tract 8522.02 / Block 5006
  Tract 8522.02 / Block 5007
  Tract 8522.02 / Block 5008
  Tract 8522.02 / Block 5009
  Tract 8522.02 / Block 5010
  Tract 8522.02 / Block 5011
  Tract 8522.02 / Block 5012
  Tract 8522.02 / Block 5013
  Tract 8522.02 / Block 5014
  Tract 8522.02 / Block 5015
  Tract 8522.02 / Block 5016
  Tract 8522.02 / Block 5018

New matter indicated by italics - deletions by strikeout.
Tract 8522.02 / Block 5019  
Tract 8522.02 / Block 5020  
Tract 8522.02 / Block 5021  
Tract 8523.00 / Block 3009  
Tract 8523.00 / Block 3010  
Tract 8523.00 / Block 3011  
Tract 8523.00 / Block 3012  
Tract 8523.00 / Block 3013  
Tract 8523.00 / Block 3014  
Tract 8523.00 / Block 3015  
Tract 8523.00 / Block 3016  
Tract 8523.00 / Block 3017  
Tract 8523.00 / Block 3998  
Tract 8525.00 / Block 2028  
Tract 8525.00 / Block 2995  
Tract 8528.01 / Block 1066  
Tract 8528.01 / Block 2034  
Tract 8528.01 / Block 2035  
Tract 8528.01 / Block 2994  
Tract 8528.01 / Block 3043  
Tract 8528.01 / Block 3044  
Tract 8528.01 / Block 3045  
Tract 8528.01 / Block 3056  
Tract 8528.01 / Block 3057  
Tract 8528.01 / Block 3058  
Tract 8528.01 / Block 3059  
Tract 8528.01 / Block 3060  
Tract 8528.01 / Block 3061  
Tract 8528.01 / Block 3062  
Tract 8528.01 / Block 3063  
Tract 8528.01 / Block 3064  
Tract 8528.01 / Block 3065  
Tract 8528.01 / Block 3066  
Tract 8528.01 / Block 3067  
Tract 8528.01 / Block 3068  
Tract 8528.01 / Block 3069  
Tract 8528.01 / Block 3070  
Tract 8528.01 / Block 3071  
Tract 8528.01 / Block 3072  

New matter indicated by italics - deletions by strikeout.
Tract 8528.01 / Block 3073
Tract 8528.01 / Block 3074
Tract 8528.01 / Block 3075
Tract 8528.01 / Block 3077
Tract 8528.01 / Block 3078
Tract 8528.01 / Block 3098
Tract 8528.01 / Block 3099
Tract 8528.01 / Block 3100
Tract 8528.01 / Block 3101
Tract 8528.01 / Block 3102
Tract 8528.01 / Block 3103
Tract 8528.01 / Block 3104
Tract 8528.01 / Block 3105
Tract 8528.01 / Block 3106
Tract 8528.01 / Block 3107
Tract 8528.01 / Block 3108
Tract 8528.01 / Block 3109
Tract 8528.01 / Block 3110
Tract 8528.01 / Block 3111
Tract 8528.01 / Block 3112
Tract 8528.01 / Block 3113
Tract 8528.01 / Block 3114
Tract 8528.01 / Block 3115
Tract 8528.01 / Block 3116
Tract 8528.01 / Block 3117
Tract 8528.01 / Block 3118
Tract 8528.01 / Block 3119
Tract 8528.01 / Block 3121
Tract 8528.01 / Block 3122
Tract 8528.01 / Block 3123
Tract 8528.01 / Block 3998

JUDICIAL SUBCIRCUIT 4
Tract 0001.00
Tract 0002.00
Tract 0004.00
Tract 0005.00
Tract 0006.00
Tract 0007.00
Tract 0008.00

New matter indicated by italics - deletions by strikeout.
Tract 0009.00
Tract 0010.00
Tract 0011.00
Tract 0012.00
Tract 0013.00
Tract 8507.01
Tract 8507.02
Tract 8507.03
Tract 8520.01
Tract 8520.03
Tract 8521.00
Tract 8524.01
Tract 8524.02
DeKalb (Part)
  Township Malta
  Township South Grove
  Township Virgil
DeKalb (Part)
  VTD DK26
  VTD DK27
  VTD DK29
  VTD DK31
  VTD DK32
  VTD DK34
Kane (Part)
  VTD EL016
  VTD EL024
  VTD EL047
  VTD SC003
Kane (Part)
  BG 1
VTD MF01 (Part)
  Tract 0003.00 / Block 1000
  Tract 0003.00 / Block 1001
  Tract 0003.00 / Block 1002
  Tract 0003.00 / Block 1003
  Tract 0003.00 / Block 1022
  Tract 0003.00 / Block 1023
  Tract 0003.00 / Block 1024

New matter indicated by italics - deletions by strikeout.
Tract 0003.00 / Block 1025
Tract 0003.00 / Block 1026
Tract 0003.00 / Block 1027
Tract 0003.00 / Block 1028
Tract 0003.00 / Block 1029
Tract 0003.00 / Block 1063
Tract 0003.00 / Block 1064
Tract 0003.00 / Block 1065
Tract 0003.00 / Block 1066
Tract 0003.00 / Block 1073
Tract 0003.00 / Block 1074
Tract 0003.00 / Block 1075
Tract 0003.00 / Block 3000
Tract 0003.00 / Block 3006
Tract 0003.00 / Block 3007
Tract 0003.00 / Block 3008
Tract 0003.00 / Block 3009
Tract 0003.00 / Block 3010
Tract 0003.00 / Block 3011
Tract 0003.00 / Block 3012
Tract 0014.00 / Block 3000
Tract 0014.00 / Block 3001
Tract 0014.00 / Block 4000
Tract 0014.00 / Block 4001
Tract 0014.00 / Block 4002
Tract 0014.00 / Block 4003
Tract 0014.00 / Block 4004
Tract 0014.00 / Block 4005
Tract 0014.00 / Block 4006
Tract 0014.00 / Block 4007
Tract 0014.00 / Block 4009
Tract 0014.00 / Block 4014
Tract 0014.00 / Block 4015
Tract 0015.00 / Block 4000
Tract 0015.00 / Block 4001
Tract 0015.00 / Block 4002
Tract 0015.00 / Block 4003
Tract 0015.00 / Block 4004
Tract 0015.00 / Block 4005

New matter indicated by italics - deletions by strikeout.
Tract 0015.00 / Block 4006
Tract 0015.00 / Block 4007
Tract 0015.00 / Block 4008
Tract 0015.00 / Block 4009
Tract 0015.00 / Block 4039
Tract 0015.00 / Block 4040
Tract 0015.00 / Block 4043
Tract 0015.00 / Block 4044
Tract 0015.00 / Block 4045
Tract 0015.00 / Block 4046
Tract 0015.00 / Block 4047
Tract 0015.00 / Block 4048
Tract 0015.00 / Block 4049
Tract 0016.00 / Block 1000
Tract 0016.00 / Block 1001
Tract 0016.00 / Block 1002
Tract 0016.00 / Block 1003
Tract 0016.00 / Block 1004
Tract 0016.00 / Block 1005
Tract 0016.00 / Block 1006
Tract 0016.00 / Block 1007
Tract 0016.00 / Block 1008
Tract 0016.00 / Block 1009
Tract 0016.00 / Block 1010
Tract 0016.00 / Block 1011
Tract 0016.00 / Block 1012
Tract 0016.00 / Block 1013
Tract 0016.00 / Block 1014
Tract 0016.00 / Block 1015
Tract 0016.00 / Block 1016
Tract 0016.00 / Block 1017
Tract 0016.00 / Block 1018
Tract 0016.00 / Block 1019
Tract 0016.00 / Block 1020
Tract 0016.00 / Block 1021
Tract 0016.00 / Block 1022
Tract 0016.00 / Block 1023
Tract 0016.00 / Block 1024
Tract 0016.00 / Block 1025

New matter indicated by italics - deletions by strikeout.
Tract 0016.00 / Block 1026
Tract 0016.00 / Block 1027
Tract 0016.00 / Block 1028
Tract 0016.00 / Block 1029
Tract 0016.00 / Block 1030
Tract 0016.00 / Block 1031
Tract 0016.00 / Block 1032
Tract 0016.00 / Block 1033
Tract 0016.00 / Block 1034
Tract 0016.00 / Block 1035
Tract 0016.00 / Block 1036
Tract 0016.00 / Block 1037
Tract 0016.00 / Block 1038
Tract 0016.00 / Block 1039
Tract 0016.00 / Block 1040
Tract 0016.00 / Block 1041
Tract 0016.00 / Block 1042
Tract 0016.00 / Block 1043
Tract 0016.00 / Block 1044
Tract 0016.00 / Block 1045
Tract 0016.00 / Block 2000
Tract 0016.00 / Block 2001
Tract 0016.00 / Block 2002
Tract 0016.00 / Block 2003
Tract 0016.00 / Block 2004
Tract 0016.00 / Block 2005
Tract 0016.00 / Block 2006
Tract 0016.00 / Block 2007
Tract 0016.00 / Block 2008
Tract 0016.00 / Block 2009
Tract 0016.00 / Block 2010
Tract 0016.00 / Block 2011
Tract 0016.00 / Block 2012
Tract 0016.00 / Block 2013
Tract 0016.00 / Block 2014
Tract 0016.00 / Block 2015
Tract 0016.00 / Block 2016
Tract 0016.00 / Block 2017
Tract 0016.00 / Block 2018

New matter indicated by italics - deletions by strikeout.
Tract 0016.00 / Block 2019
Tract 0016.00 / Block 2020
Tract 0016.00 / Block 2021
Tract 0016.00 / Block 2022
Tract 0016.00 / Block 2023
Tract 0016.00 / Block 2024
Tract 0016.00 / Block 2025
Tract 0016.00 / Block 2026
Tract 0016.00 / Block 2027
Tract 0016.00 / Block 2028
Tract 0016.00 / Block 2029
Tract 0016.00 / Block 2030
Tract 0016.00 / Block 2031
Tract 0016.00 / Block 2032
Tract 0016.00 / Block 2033
Tract 0016.00 / Block 2034
Tract 0016.00 / Block 2035
Tract 0016.00 / Block 2036
Tract 0016.00 / Block 2037
Tract 0016.00 / Block 2038
Tract 0016.00 / Block 2039
Tract 0016.00 / Block 2040
Tract 0016.00 / Block 2041
Tract 0016.00 / Block 2042
Tract 0016.00 / Block 2043
Tract 0016.00 / Block 2044
Tract 0016.00 / Block 2045
Tract 0016.00 / Block 2046
Tract 0016.00 / Block 2047
Tract 0016.00 / Block 2048
Tract 0016.00 / Block 2049
Tract 0016.00 / Block 2050
Tract 0016.00 / Block 2051
Tract 0016.00 / Block 2052
Tract 0016.00 / Block 2053
Tract 0016.00 / Block 2054
Tract 0016.00 / Block 2055
Tract 0016.00 / Block 2056
Tract 0016.00 / Block 2057

New matter indicated by italics - deletions by strikeout.
Tract 0016.00 / Block 2058
Tract 0016.00 / Block 2059
Tract 0016.00 / Block 2060
Tract 0016.00 / Block 2061
Tract 0016.00 / Block 2062
Tract 0016.00 / Block 2063
Tract 0016.00 / Block 2064
Tract 0016.00 / Block 2065
Tract 0016.00 / Block 2066
Tract 0016.00 / Block 2067
Tract 0016.00 / Block 2068
Tract 0016.00 / Block 2069
Tract 0016.00 / Block 2070
Tract 0016.00 / Block 2071
Tract 0016.00 / Block 2072
Tract 0016.00 / Block 2073
Tract 0016.00 / Block 2074
Tract 0016.00 / Block 2075
Tract 0016.00 / Block 2076
Tract 0016.00 / Block 2077
Tract 0016.00 / Block 2078
Tract 0016.00 / Block 2079
Tract 0016.00 / Block 2080
Tract 0016.00 / Block 2081
Tract 0016.00 / Block 2082
Tract 0016.00 / Block 2083
Tract 0016.00 / Block 2084
Tract 0016.00 / Block 2085
Tract 0016.00 / Block 2088
Tract 0016.00 / Block 2089
Tract 0016.00 / Block 2090
Tract 0016.00 / Block 2091
Tract 0016.00 / Block 2097
Tract 0016.00 / Block 2098
Tract 0016.00 / Block 2099

VTD EL056 (Part)
Tract 8519.02 / Block 2083
Tract 8519.02 / Block 2084
Tract 8519.02 / Block 2085

New matter indicated by italics - deletions by strikeout.
Tract 8519.02 / Block 2089
Tract 8519.02 / Block 2090
Tract 8519.02 / Block 2091
Tract 8519.02 / Block 2092
Tract 8519.02 / Block 2093
Tract 8519.02 / Block 2094
Tract 8519.02 / Block 2095
Tract 8519.02 / Block 2096
Tract 8519.02 / Block 2097
Tract 8519.02 / Block 2098
Tract 8519.02 / Block 2118
Tract 8519.02 / Block 2119
Tract 8519.02 / Block 2120
Tract 8519.02 / Block 2121
Tract 8519.02 / Block 2122
Tract 8519.02 / Block 2123
Tract 8519.02 / Block 2124
Tract 8519.02 / Block 2134
Tract 8519.03 / Block 4032
Tract 8519.03 / Block 4033
Tract 8519.03 / Block 4034
Tract 8519.03 / Block 4035
Tract 8519.03 / Block 4036
Tract 8519.04 / Block 4000
Tract 8519.04 / Block 4001
Tract 8519.04 / Block 4002
Tract 8519.04 / Block 4003
Tract 8522.02 / Block 4000
Tract 8522.02 / Block 4001
Tract 8522.02 / Block 4002
Tract 8522.02 / Block 4003
Tract 8522.02 / Block 4004
Tract 8522.02 / Block 4005
Tract 8522.02 / Block 4006
Tract 8522.02 / Block 4007
Tract 8522.02 / Block 4008
Tract 8522.02 / Block 4009
Tract 8522.02 / Block 4010
Tract 8522.02 / Block 4011

New matter indicated by italics - deletions by strikeout.
Tract 8522.02 / Block 4012
Tract 8522.02 / Block 4013
Tract 8522.02 / Block 4014
Tract 8522.02 / Block 4015
Tract 8522.02 / Block 4016
Tract 8522.02 / Block 4017
Tract 8522.02 / Block 4018
Tract 8522.02 / Block 4019
Tract 8522.02 / Block 4020
Tract 8522.02 / Block 4021
Tract 8522.02 / Block 4022
Tract 8522.02 / Block 4023
Tract 8522.02 / Block 4024
Tract 8522.02 / Block 4025
Tract 8522.02 / Block 4026
Tract 8522.02 / Block 4027
Tract 8522.02 / Block 4028
Tract 8522.02 / Block 4029
Tract 8522.02 / Block 4030
Tract 8522.02 / Block 4031
Tract 8522.02 / Block 4032
Tract 8522.02 / Block 4033
Tract 8522.02 / Block 4034
Tract 8522.02 / Block 4035
Tract 8522.02 / Block 4036
Tract 8522.02 / Block 4037
Tract 8522.02 / Block 4038
Tract 8522.02 / Block 4039
Tract 8522.02 / Block 4040
Tract 8522.02 / Block 4041
Tract 8522.02 / Block 4042
Tract 8522.02 / Block 4043
Tract 8522.02 / Block 4044
Tract 8522.02 / Block 5017
Tract 8522.02 / Block 5022
Tract 8522.02 / Block 5023
Tract 8522.02 / Block 5024
Tract 8522.02 / Block 5025
Tract 8522.02 / Block 5026

New matter indicated by italics - deletions by strikeout.
Tract 8522.02 / Block 5027
Tract 8522.02 / Block 5028
Tract 8522.02 / Block 5029
Tract 8522.02 / Block 5030
Tract 8523.00 / Block 1001
Tract 8523.00 / Block 1002
Tract 8523.00 / Block 1003
Tract 8523.00 / Block 1004
Tract 8523.00 / Block 1005
Tract 8523.00 / Block 1006
Tract 8523.00 / Block 1007
Tract 8523.00 / Block 1008
Tract 8523.00 / Block 1009
Tract 8523.00 / Block 1010
Tract 8523.00 / Block 1011
Tract 8523.00 / Block 1012
Tract 8523.00 / Block 1013
Tract 8523.00 / Block 1014
Tract 8523.00 / Block 1015
Tract 8523.00 / Block 1016
Tract 8523.00 / Block 1017
Tract 8523.00 / Block 1018
Tract 8523.00 / Block 1019
Tract 8523.00 / Block 1020
Tract 8523.00 / Block 1028
Tract 8523.00 / Block 1029
Tract 8523.00 / Block 1030
Tract 8523.00 / Block 1031
Tract 8523.00 / Block 1032
Tract 8523.00 / Block 1033
Tract 8523.00 / Block 1999
Tract 8523.00 / Block 3000
Tract 8523.00 / Block 3001
Tract 8523.00 / Block 3002
Tract 8523.00 / Block 3003
Tract 8523.00 / Block 3004
Tract 8523.00 / Block 3005
Tract 8523.00 / Block 3006
Tract 8523.00 / Block 3007

New matter indicated by italics - deletions by strikeout.
Section 15. The 17th Judicial Circuit is divided into 4 subcircuits, with the numerical order 1, 2, 3, and 4, as follows:

**JUDICIAL SUBCIRCUIT 1**

- Tract 0001.01
- Tract 0001.03
- Tract 0001.04
- Tract 0001.05
- Tract 0002.00
- Tract 0023.01
- Tract 0023.02
- Tract 0024.00
- Tract 0025.00

New matter indicated by italics - deletions by strikeout.
Tract 0027.00
Tract 0032.00
Tract 0033.00
Tract 0034.00
Tract 0036.01
Tract 0036.02
Tract 0036.04
Tract 0036.05
Tract 0036.06
Winnebago (Part)
  VTD HR13
  VTD HR19
  VTD HR22
  VTD OW01
  VTD OW02
  VTD OW03
  VTD OW04
  VTD R0501
  VTD R0502
  VTD R0506
  VTD R0508
Winnebago (Part)
  BG 1
  BG 5
  BG 3
  BG 4
VTD RT57 (Part)
  Tract 0003.00 / Block 2000
  Tract 0003.00 / Block 4002
  Tract 0003.00 / Block 4003
  Tract 0003.00 / Block 4999
  Tract 0001.00 / Block 1997
  Tract 0001.00 / Block 2000
  Tract 0001.00 / Block 2001
  Tract 0001.00 / Block 2002
  Tract 0001.00 / Block 2004
  Tract 0001.00 / Block 2005
  Tract 0001.00 / Block 2008
  Tract 0001.00 / Block 2999

New matter indicated by italics - deletions by strikeout.
Tract 0001.00 / Block 3022
Tract 0001.00 / Block 3023
Tract 0001.00 / Block 3024
Tract 0001.00 / Block 3025
Tract 0001.00 / Block 3026
Tract 0001.00 / Block 3027
Tract 0001.00 / Block 3028
Tract 0021.00 / Block 1003
Tract 0021.00 / Block 1004
Tract 0021.00 / Block 1005
Tract 0021.00 / Block 1006
Tract 0021.00 / Block 1007
Tract 0021.00 / Block 1008
Tract 0021.00 / Block 1009
Tract 0021.00 / Block 1010
Tract 0021.00 / Block 1011
Tract 0021.00 / Block 1012
Tract 0021.00 / Block 1013
Tract 0021.00 / Block 1014
Tract 0021.00 / Block 1015
Tract 0021.00 / Block 1016
Tract 0021.00 / Block 1017
Tract 0021.00 / Block 1018
Tract 0021.00 / Block 1019
Tract 0021.00 / Block 1020
Tract 0021.00 / Block 1021
Tract 0021.00 / Block 1022
Tract 0021.00 / Block 1998
Tract 0021.00 / Block 1999
Tract 0022.00 / Block 1000
Tract 0022.00 / Block 1001
Tract 0022.00 / Block 1002
Tract 0022.00 / Block 1003
Tract 0022.00 / Block 1006
Tract 0022.00 / Block 1009
Tract 0022.00 / Block 1010
Tract 0022.00 / Block 1011
Tract 0022.00 / Block 1012
Tract 0022.00 / Block 1013

New matter indicated by italics - deletions by strikeout.
Tract 0022.00 / Block 1014
Tract 0022.00 / Block 1015
Tract 0022.00 / Block 1022
Tract 0022.00 / Block 1023
Tract 0022.00 / Block 1027
Tract 0022.00 / Block 1029
Tract 0022.00 / Block 1030
Tract 0022.00 / Block 1033
Tract 0022.00 / Block 1036
Tract 0022.00 / Block 1038
Tract 0022.00 / Block 1039
Tract 0022.00 / Block 2000
Tract 0022.00 / Block 2001
Tract 0022.00 / Block 2002
Tract 0022.00 / Block 2003
Tract 0022.00 / Block 2004
Tract 0022.00 / Block 2005
Tract 0022.00 / Block 2006
Tract 0022.00 / Block 2007
Tract 0022.00 / Block 2008
Tract 0022.00 / Block 2009
Tract 0022.00 / Block 2010
Tract 0022.00 / Block 2011
Tract 0022.00 / Block 2012
Tract 0022.00 / Block 2013
Tract 0022.00 / Block 2014
Tract 0022.00 / Block 2015
Tract 0022.00 / Block 2016
Tract 0022.00 / Block 2017
Tract 0022.00 / Block 2018
Tract 0022.00 / Block 2019
Tract 0022.00 / Block 2020
Tract 0022.00 / Block 2021
Tract 0022.00 / Block 2022
Tract 0022.00 / Block 2023
Tract 0022.00 / Block 2028
Tract 0022.00 / Block 2029
Tract 0022.00 / Block 2030
Tract 0022.00 / Block 2033

New matter indicated by italics - deletions by strikeout.
Tract 0022.00 / Block 2034
Tract 0022.00 / Block 2035
Tract 0022.00 / Block 2036
Tract 0022.00 / Block 2037
Tract 0022.00 / Block 2038
Tract 0022.00 / Block 2039
Tract 0022.00 / Block 2040
Tract 0022.00 / Block 2041
Tract 0022.00 / Block 2042
Tract 0022.00 / Block 2043
Tract 0022.00 / Block 2044
Tract 0022.00 / Block 2045
Tract 0022.00 / Block 2046
Tract 0022.00 / Block 3008
Tract 0022.00 / Block 3009
Tract 0022.00 / Block 3010
Tract 0022.00 / Block 3011
Tract 0022.00 / Block 3998
Tract 0022.00 / Block 4001
Tract 0022.00 / Block 4002
Tract 0022.00 / Block 4003
Tract 0022.00 / Block 4004
Tract 0022.00 / Block 4005
Tract 0022.00 / Block 4006
Tract 0022.00 / Block 4007
Tract 0022.00 / Block 4008
Tract 0022.00 / Block 4009
Tract 0022.00 / Block 4010
Tract 0022.00 / Block 4011
Tract 0022.00 / Block 4012
Tract 0022.00 / Block 4013
Tract 0022.00 / Block 4014
Tract 0026.00 / Block 1003
Tract 0026.00 / Block 1004
Tract 0026.00 / Block 1005
Tract 0026.00 / Block 1006
Tract 0026.00 / Block 1013
Tract 0026.00 / Block 1014
Tract 0026.00 / Block 1015

New matter indicated by italics - deletions by strikeout.
Tract 0026.00 / Block 2001
Tract 0026.00 / Block 2002
Tract 0026.00 / Block 2003
Tract 0026.00 / Block 2004
Tract 0026.00 / Block 2005
Tract 0026.00 / Block 2006
Tract 0026.00 / Block 2007
Tract 0026.00 / Block 2008
Tract 0026.00 / Block 2009
Tract 0026.00 / Block 2010
Tract 0026.00 / Block 2011
Tract 0026.00 / Block 2012
Tract 0026.00 / Block 2013
Tract 0026.00 / Block 2014
Tract 0026.00 / Block 2015
Tract 0026.00 / Block 2016
Tract 0026.00 / Block 2017
Tract 0026.00 / Block 2018
Tract 0026.00 / Block 2023
Tract 0026.00 / Block 2024
Tract 0026.00 / Block 2025
Tract 0026.00 / Block 2026
Tract 0026.00 / Block 2027
Tract 0026.00 / Block 2028
Tract 0026.00 / Block 2029
Tract 0026.00 / Block 2030
Tract 0026.00 / Block 2031
Tract 0026.00 / Block 2032
Tract 0026.00 / Block 2033
Tract 0026.00 / Block 2034
Tract 0026.00 / Block 2035
Tract 0026.00 / Block 2036
Tract 0026.00 / Block 2037
Tract 0026.00 / Block 2038
Tract 0026.00 / Block 2039
Tract 0026.00 / Block 2040
Tract 0026.00 / Block 2041
Tract 0026.00 / Block 2042
Tract 0026.00 / Block 2046

New matter indicated by italics - deletions by strikeout.
Tract 0026.00 / Block 2047
Tract 0026.00 / Block 2048
Tract 0026.00 / Block 2049
Tract 0026.00 / Block 2050
Tract 0026.00 / Block 2051
Tract 0028.00 / Block 1003
Tract 0028.00 / Block 1004
Tract 0028.00 / Block 1005
Tract 0028.00 / Block 1006
Tract 0028.00 / Block 1007
Tract 0028.00 / Block 1008
Tract 0028.00 / Block 1009
Tract 0028.00 / Block 1010
Tract 0028.00 / Block 1011
Tract 0028.00 / Block 1012
Tract 0028.00 / Block 1013
Tract 0028.00 / Block 1014
Tract 0028.00 / Block 1015
Tract 0028.00 / Block 1016
Tract 0028.00 / Block 1017
Tract 0028.00 / Block 1018
Tract 0028.00 / Block 1019
Tract 0028.00 / Block 1020
Tract 0028.00 / Block 1021
Tract 0028.00 / Block 1022
Tract 0028.00 / Block 1023
Tract 0028.00 / Block 1024
Tract 0028.00 / Block 1025
Tract 0028.00 / Block 1026
Tract 0028.00 / Block 1027
Tract 0028.00 / Block 1028
Tract 0028.00 / Block 1029
Tract 0028.00 / Block 1030
Tract 0028.00 / Block 1031
Tract 0028.00 / Block 1032
Tract 0028.00 / Block 1033
Tract 0028.00 / Block 1034
Tract 0028.00 / Block 1035
Tract 0028.00 / Block 1998

New matter indicated by italics - deletions by strikeout.
Tract 0028.00 / Block 1999
Tract 0031.00 / Block 1002
Tract 0031.00 / Block 1003
Tract 0031.00 / Block 1004
Tract 0031.00 / Block 1005
Tract 0031.00 / Block 1006
Tract 0031.00 / Block 1007
Tract 0031.00 / Block 1008
Tract 0031.00 / Block 1009
Tract 0031.00 / Block 1010
Tract 0031.00 / Block 1011
Tract 0031.00 / Block 5004
Tract 0031.00 / Block 5005
Tract 0031.00 / Block 5006
Tract 0031.00 / Block 5007
Tract 0031.00 / Block 5008
Tract 0031.00 / Block 5009
Tract 0035.00 / Block 1999
Tract 0035.00 / Block 1999
Tract 0038.01 / Block 2037
Tract 0038.01 / Block 2045
Tract 0038.01 / Block 2046
Tract 0038.01 / Block 2051
Tract 0038.01 / Block 2053
Tract 0038.01 / Block 2054
Tract 0038.01 / Block 2055
Tract 0038.01 / Block 2057
Tract 0038.01 / Block 3079
Tract 0038.01 / Block 3080
Tract 0038.01 / Block 3081
Tract 0038.01 / Block 3082
Tract 0038.01 / Block 3083
Tract 0038.01 / Block 3084
Tract 0038.01 / Block 3989
Tract 0038.05 / Block 2072
Tract 0038.05 / Block 2073
Tract 0038.05 / Block 2074
Tract 0038.05 / Block 2075
Tract 0038.05 / Block 2076

New matter indicated by italics - deletions by strikeout.
Tract 0042.00 / Block 1102
Tract 0042.00 / Block 1103
Tract 0042.00 / Block 1120
Tract 0042.00 / Block 1121
Tract 0042.00 / Block 1122
Tract 0042.00 / Block 1125

JUDICIAL SUBCIRCUIT 2
Tract 0007.00
Tract 0008.00
Tract 0011.00
Tract 0012.00
Tract 0013.00
Tract 0014.00
Tract 0017.00
Tract 0018.00
Tract 0019.00
Tract 0020.00
Tract 0029.00
Tract 0030.00
Tract 0037.08
Tract 0037.09
Winnebago (Part)
   VTD CV06
   VTD CV10
   VTD RT08
   VTD RT20
   VTD RT27
   VTD RT29
   VTD RT37
   VTD RT38
   VTD RT54
   VTD RT58
   VTD R0306
   VTD R0311
   VTD R0405
   VTD R0603
   VTD R0708
   VTD R0802
   VTD R0803

New matter indicated by italics - deletions by strikeout.
VTD R0805
VTD R0806
VTD R1004
VTD R1201
VTD R1203
VTD R1204
VTD R1403
Winnebago (Part)
  BG 5
  BG 4
  BG 1
VTD R1210 (Part)
  Tract 0003.00 / Block 2028
  Tract 0003.00 / Block 2029
  Tract 0003.00 / Block 3000
  Tract 0003.00 / Block 4000
  Tract 0003.00 / Block 4001
  Tract 0003.00 / Block 4004
  Tract 0003.00 / Block 4010
  Tract 0003.00 / Block 4011
  Tract 0003.00 / Block 4014
  Tract 0003.00 / Block 4015
  Tract 0003.00 / Block 4016
  Tract 0003.00 / Block 4998
  Tract 0004.01 / Block 2002
  Tract 0004.01 / Block 2003
  Tract 0004.01 / Block 2004
  Tract 0004.01 / Block 2007
  Tract 0004.01 / Block 2012
  Tract 0004.01 / Block 2013
  Tract 0004.01 / Block 2014
  Tract 0004.01 / Block 2015
  Tract 0004.01 / Block 3000
  Tract 0004.02 / Block 4002
  Tract 0004.02 / Block 4003
  Tract 0004.02 / Block 4005
  Tract 0004.02 / Block 4006
  Tract 0004.02 / Block 4007
  Tract 0004.02 / Block 4008

New matter indicated by italics - deletions by strikeout.
Tract 0004.03 / Block 3027
Tract 0004.03 / Block 3028
Tract 0004.03 / Block 3035
Tract 0004.03 / Block 3036
Tract 0004.03 / Block 3037
Tract 0004.03 / Block 3038
Tract 0004.03 / Block 4010
Tract 0004.03 / Block 4015
Tract 0004.03 / Block 4016
Tract 0004.03 / Block 4017
Tract 0004.03 / Block 4018
Tract 0004.03 / Block 4019
Tract 0004.03 / Block 4020
Tract 0004.03 / Block 4021
Tract 0004.03 / Block 4023
Tract 0005.01 / Block 3000
Tract 0005.01 / Block 3001
Tract 0005.01 / Block 3002
Tract 0005.01 / Block 3003
Tract 0005.01 / Block 3004
Tract 0005.01 / Block 3005
Tract 0005.01 / Block 3006
Tract 0005.01 / Block 3007
Tract 0005.01 / Block 3008
Tract 0005.01 / Block 3009
Tract 0005.01 / Block 3010
Tract 0005.01 / Block 3011
Tract 0005.01 / Block 3014
Tract 0005.01 / Block 3015
Tract 0005.01 / Block 3017
Tract 0005.01 / Block 3018
Tract 0005.01 / Block 3020
Tract 0005.01 / Block 3023
Tract 0005.01 / Block 3025
Tract 0005.01 / Block 3026
Tract 0005.01 / Block 3027
Tract 0005.01 / Block 3031
Tract 0005.01 / Block 4000
Tract 0005.01 / Block 4001

New matter indicated by italics - deletions by strikeout.
Tract 0005.01 / Block 4002
Tract 0005.01 / Block 4012
Tract 0005.01 / Block 4013
Tract 0006.00 / Block 1008
Tract 0006.00 / Block 1009
Tract 0006.00 / Block 1010
Tract 0006.00 / Block 1011
Tract 0006.00 / Block 1012
Tract 0006.00 / Block 1013
Tract 0006.00 / Block 4003
Tract 0006.00 / Block 4004
Tract 0006.00 / Block 4005
Tract 0006.00 / Block 4006
Tract 0006.00 / Block 4007
Tract 0006.00 / Block 4008
Tract 0006.00 / Block 4015
Tract 0006.00 / Block 4016
Tract 0006.00 / Block 4017
Tract 0006.00 / Block 4018
Tract 0006.00 / Block 4019
Tract 0006.00 / Block 4020
Tract 0010.00 / Block 1000
Tract 0010.00 / Block 1001
Tract 0010.00 / Block 1002
Tract 0010.00 / Block 1003
Tract 0010.00 / Block 1004
Tract 0010.00 / Block 1005
Tract 0010.00 / Block 1006
Tract 0010.00 / Block 1007
Tract 0010.00 / Block 1008
Tract 0010.00 / Block 1009
Tract 0010.00 / Block 1010
Tract 0010.00 / Block 1011
Tract 0010.00 / Block 1012
Tract 0010.00 / Block 1013
Tract 0010.00 / Block 1014
Tract 0010.00 / Block 1015
Tract 0010.00 / Block 1016
Tract 0010.00 / Block 1017

New matter indicated by italics - deletions by strikeout.
Tract 0010.00 / Block 1018
Tract 0010.00 / Block 1019
Tract 0010.00 / Block 1020
Tract 0010.00 / Block 1021
Tract 0010.00 / Block 1022
Tract 0010.00 / Block 1023
Tract 0010.00 / Block 1024
Tract 0010.00 / Block 1998
Tract 0010.00 / Block 1999
Tract 0015.00 / Block 3009
Tract 0015.00 / Block 3010
Tract 0015.00 / Block 3011
Tract 0015.00 / Block 3012
Tract 0015.00 / Block 5005
Tract 0015.00 / Block 5006
Tract 0015.00 / Block 5007
Tract 0015.00 / Block 5008
Tract 0015.00 / Block 5018
Tract 0015.00 / Block 5019
Tract 0015.00 / Block 6022
Tract 0015.00 / Block 6023
Tract 0016.00 / Block 1001
Tract 0016.00 / Block 1002
Tract 0016.00 / Block 1003
Tract 0016.00 / Block 1004
Tract 0016.00 / Block 1006
Tract 0016.00 / Block 1009
Tract 0016.00 / Block 2005
Tract 0016.00 / Block 3003
Tract 0016.00 / Block 3004
Tract 0016.00 / Block 6007
Tract 0016.00 / Block 6008
Tract 0016.00 / Block 6009
Tract 0016.00 / Block 6010
Tract 0016.00 / Block 6011
Tract 0016.00 / Block 6012
Tract 0016.00 / Block 6013
Tract 0016.00 / Block 6015
Tract 0021.00 / Block 2000

New matter indicated by italics - deletions by strikeout.
Tract 0021.00 / Block 2001
Tract 0021.00 / Block 2002
Tract 0021.00 / Block 2003
Tract 0021.00 / Block 2004
Tract 0021.00 / Block 2005
Tract 0021.00 / Block 2006
Tract 0021.00 / Block 2007
Tract 0021.00 / Block 2008
Tract 0021.00 / Block 2009
Tract 0021.00 / Block 2010
Tract 0021.00 / Block 2998
Tract 0021.00 / Block 3000
Tract 0021.00 / Block 3001
Tract 0021.00 / Block 3002
Tract 0021.00 / Block 3003
Tract 0021.00 / Block 3004
Tract 0021.00 / Block 3005
Tract 0021.00 / Block 3006
Tract 0021.00 / Block 3007
Tract 0021.00 / Block 3008
Tract 0021.00 / Block 3009
Tract 0021.00 / Block 3010
Tract 0021.00 / Block 3011
Tract 0021.00 / Block 3012
Tract 0021.00 / Block 3013
Tract 0021.00 / Block 3014
Tract 0021.00 / Block 3015
Tract 0021.00 / Block 3016
Tract 0021.00 / Block 3017
Tract 0021.00 / Block 3018
Tract 0021.00 / Block 3019
Tract 0021.00 / Block 3020
Tract 0021.00 / Block 3021
Tract 0021.00 / Block 3022
Tract 0021.00 / Block 3023
Tract 0021.00 / Block 3024
Tract 0021.00 / Block 3025
Tract 0021.00 / Block 3026
Tract 0021.00 / Block 3998

New matter indicated by italics - deletions by strikeout.
Tract 0022.00 / Block 4000
Tract 0022.00 / Block 4016
Tract 0022.00 / Block 4017
Tract 0022.00 / Block 4027
Tract 0022.00 / Block 4034
Tract 0022.00 / Block 4035
Tract 0022.00 / Block 4036
Tract 0022.00 / Block 4037
Tract 0022.00 / Block 4039
Tract 0022.00 / Block 4040
Tract 0022.00 / Block 4045
Tract 0022.00 / Block 4048
Tract 0022.00 / Block 4050
Tract 0022.00 / Block 4051
Tract 0022.00 / Block 4052
Tract 0022.00 / Block 4997
Tract 0022.00 / Block 4998
Tract 0026.00 / Block 1010
Tract 0026.00 / Block 1011
Tract 0026.00 / Block 1012
Tract 0026.00 / Block 1016
Tract 0026.00 / Block 1017
Tract 0026.00 / Block 1018
Tract 0026.00 / Block 1019
Tract 0026.00 / Block 1020
Tract 0026.00 / Block 2000
Tract 0026.00 / Block 2019
Tract 0026.00 / Block 2020
Tract 0026.00 / Block 2021
Tract 0026.00 / Block 2022
Tract 0026.00 / Block 2043
Tract 0026.00 / Block 2044
Tract 0026.00 / Block 2045
Tract 0028.00 / Block 1000
Tract 0028.00 / Block 1001
Tract 0028.00 / Block 1002
Tract 0031.00 / Block 1000
Tract 0031.00 / Block 1001
Tract 0031.00 / Block 1012

New matter indicated by italics - deletions by strikeout.
Tract 0031.00 / Block 1013
Tract 0031.00 / Block 1014
Tract 0031.00 / Block 1018
Tract 0031.00 / Block 2000
Tract 0031.00 / Block 2001
Tract 0031.00 / Block 2002
Tract 0031.00 / Block 2003
Tract 0031.00 / Block 2007
Tract 0031.00 / Block 2012
Tract 0031.00 / Block 2013
Tract 0031.00 / Block 2014
Tract 0031.00 / Block 3000
Tract 0031.00 / Block 3001
Tract 0031.00 / Block 3002
Tract 0031.00 / Block 3003
Tract 0031.00 / Block 5003
Tract 0035.00 / Block 1001
Tract 0035.00 / Block 1025
Tract 0035.00 / Block 1997
Tract 0035.00 / Block 1998
Tract 0037.01 / Block 1000
Tract 0037.01 / Block 1001
Tract 0037.01 / Block 1002
Tract 0037.01 / Block 1003
Tract 0037.01 / Block 1004
Tract 0037.01 / Block 1005
Tract 0037.01 / Block 1006
Tract 0037.01 / Block 1007
Tract 0037.01 / Block 1008
Tract 0037.01 / Block 1009
Tract 0037.01 / Block 1010
Tract 0037.01 / Block 1011
Tract 0037.01 / Block 1012
Tract 0037.01 / Block 1013
Tract 0037.01 / Block 1014
Tract 0037.01 / Block 1015
Tract 0037.01 / Block 1016
Tract 0037.01 / Block 1017
Tract 0037.01 / Block 1018

New matter indicated by italics - deletions by strikeout.
Tract 0037.01 / Block 1019
Tract 0037.01 / Block 1020
Tract 0037.01 / Block 1021
Tract 0037.01 / Block 4036
Tract 0037.01 / Block 5023
Tract 0037.01 / Block 6000
Tract 0037.01 / Block 6002
Tract 0037.01 / Block 6004
Tract 0037.01 / Block 6005
Tract 0037.01 / Block 6006
Tract 0037.01 / Block 6007
Tract 0037.01 / Block 6008
Tract 0037.01 / Block 6009
Tract 0037.01 / Block 6010
Tract 0037.01 / Block 6011
Tract 0037.01 / Block 6012
Tract 0037.01 / Block 6013
Tract 0037.01 / Block 6014
Tract 0037.01 / Block 6015
Tract 0037.01 / Block 6016
Tract 0037.01 / Block 6017
Tract 0037.01 / Block 6018
Tract 0037.01 / Block 6019
Tract 0037.01 / Block 6020
Tract 0037.01 / Block 6023
Tract 0037.01 / Block 6025
Tract 0037.01 / Block 6027
Tract 0037.01 / Block 6028
Tract 0037.01 / Block 6029
Tract 0037.01 / Block 6997
Tract 0037.01 / Block 6998
Tract 0037.06 / Block 1001
Tract 0037.06 / Block 1002
Tract 0037.06 / Block 2000
Tract 0037.06 / Block 2001
Tract 0037.06 / Block 2002
Tract 0037.06 / Block 2003
Tract 0037.06 / Block 2004
Tract 0037.06 / Block 2005

New matter indicated by italics - deletions by strikeout.
Tract 0037.06 / Block 2006
Tract 0037.06 / Block 2007
Tract 0037.06 / Block 2008
Tract 0037.06 / Block 2016
Tract 0037.06 / Block 2017
Tract 0037.06 / Block 3001
Tract 0037.07 / Block 1002
Tract 0037.07 / Block 1003
Tract 0037.07 / Block 1004
Tract 0037.07 / Block 1005
Tract 0037.07 / Block 1023
Tract 0037.07 / Block 1024
Tract 0037.07 / Block 1025
Tract 0037.07 / Block 1026
Tract 0037.07 / Block 1027
Tract 0037.07 / Block 1028
Tract 0037.07 / Block 1029
Tract 0037.07 / Block 2012
Tract 0037.07 / Block 2013

JUDICIAL SUBCIRCUIT 3
Boone County
Tract 0005.02
Tract 0005.13
Tract 0005.14
Tract 0037.05
Winnebago (Part)
  VTD CV02
  VTD CV03
  VTD CV04
  VTD RT12
  VTD RT14
  VTD RT16
  VTD RT33
  VTD R0103
  VTD R1002
  VTD R1005
  VTD R1006
  VTD R1007
  VTD R1010

New matter indicated by italics - deletions by strikeout.
VTD R1011
VTD R1012
Winnebago (Part)
  BG 1
  BG 2
  BG 2
  BG 3
VTD R0302 (Part)
  Tract 0004.01 / Block 2000
  Tract 0004.01 / Block 2001
  Tract 0004.01 / Block 2005
  Tract 0004.01 / Block 2006
  Tract 0004.01 / Block 2008
  Tract 0004.01 / Block 2009
  Tract 0004.01 / Block 2010
  Tract 0004.01 / Block 2011
  Tract 0004.01 / Block 2016
  Tract 0004.01 / Block 2017
  Tract 0004.02 / Block 1006
  Tract 0004.02 / Block 1007
  Tract 0004.02 / Block 1008
  Tract 0004.02 / Block 1012
  Tract 0004.02 / Block 1013
  Tract 0004.02 / Block 1027
  Tract 0004.02 / Block 1028
  Tract 0004.02 / Block 2003
  Tract 0004.02 / Block 2006
  Tract 0004.02 / Block 3000
  Tract 0004.02 / Block 3002
  Tract 0004.02 / Block 3003
  Tract 0004.02 / Block 3004
  Tract 0004.02 / Block 3005
  Tract 0004.02 / Block 3006
  Tract 0004.02 / Block 3015
  Tract 0004.02 / Block 4000
  Tract 0004.02 / Block 4001
  Tract 0004.02 / Block 4004
  Tract 0004.02 / Block 4009
  Tract 0004.02 / Block 4010

New matter indicated by italics - deletions by strikeout.
Tract 0004.02 / Block 4011
Tract 0004.02 / Block 4013
Tract 0004.02 / Block 4014
Tract 0004.02 / Block 4015
Tract 0004.02 / Block 4016
Tract 0004.03 / Block 3029
Tract 0004.03 / Block 3030
Tract 0004.03 / Block 3031
Tract 0004.03 / Block 3032
Tract 0004.03 / Block 4000
Tract 0004.03 / Block 4004
Tract 0004.03 / Block 4005
Tract 0004.03 / Block 4006
Tract 0005.01 / Block 1000
Tract 0005.01 / Block 1003
Tract 0005.01 / Block 1004
Tract 0005.01 / Block 1005
Tract 0005.01 / Block 1007
Tract 0005.01 / Block 1008
Tract 0005.01 / Block 1009
Tract 0005.01 / Block 1010
Tract 0005.01 / Block 1011
Tract 0005.01 / Block 1012
Tract 0005.01 / Block 1013
Tract 0005.01 / Block 1014
Tract 0005.01 / Block 1017
Tract 0005.01 / Block 1019
Tract 0005.01 / Block 1021
Tract 0005.01 / Block 1022
Tract 0005.01 / Block 1023
Tract 0005.01 / Block 1026
Tract 0005.01 / Block 1027
Tract 0005.01 / Block 1028
Tract 0005.01 / Block 1029
Tract 0005.01 / Block 1030
Tract 0005.01 / Block 1031
Tract 0005.01 / Block 1038
Tract 0005.01 / Block 1039
Tract 0005.01 / Block 2000

New matter indicated by italics - deletions by strikeout.
Tract 0005.01 / Block 2002
Tract 0005.01 / Block 2003
Tract 0005.01 / Block 2004
Tract 0005.01 / Block 2005
Tract 0005.01 / Block 2006
Tract 0005.01 / Block 2007
Tract 0005.01 / Block 2008
Tract 0005.01 / Block 2009
Tract 0005.01 / Block 2010
Tract 0005.01 / Block 2011
Tract 0005.07 / Block 1000
Tract 0005.07 / Block 1003
Tract 0005.07 / Block 3000
Tract 0005.07 / Block 3001
Tract 0005.07 / Block 3002
Tract 0005.07 / Block 3004
Tract 0005.07 / Block 3006
Tract 0005.07 / Block 3007
Tract 0005.12 / Block 2014
Tract 0005.12 / Block 2015
Tract 0005.12 / Block 2016
Tract 0005.12 / Block 2017
Tract 0005.12 / Block 2018
Tract 0005.12 / Block 4013
Tract 0005.12 / Block 4014
Tract 0005.12 / Block 4015
Tract 0005.12 / Block 4016
Tract 0005.12 / Block 4020
Tract 0005.12 / Block 4021
Tract 0005.12 / Block 4022
Tract 0005.12 / Block 4023
Tract 0005.12 / Block 4024
Tract 0005.12 / Block 4025
Tract 0005.12 / Block 4026
Tract 0005.12 / Block 4027
Tract 0006.00 / Block 1000
Tract 0006.00 / Block 1001
Tract 0006.00 / Block 1002

New matter indicated by italics - deletions by strikeout.
Tract 0006.00 / Block 1003
Tract 0006.00 / Block 1004
Tract 0006.00 / Block 1005
Tract 0006.00 / Block 1006
Tract 0006.00 / Block 1007
Tract 0006.00 / Block 1014
Tract 0006.00 / Block 1015
Tract 0015.00 / Block 1017
Tract 0015.00 / Block 1018
Tract 0015.00 / Block 1019
Tract 0015.00 / Block 2006
Tract 0015.00 / Block 2007
Tract 0015.00 / Block 2008
Tract 0015.00 / Block 2009
Tract 0015.00 / Block 2010
Tract 0015.00 / Block 2011
Tract 0015.00 / Block 2012
Tract 0015.00 / Block 2013
Tract 0015.00 / Block 2014
Tract 0015.00 / Block 6015
Tract 0015.00 / Block 6017
Tract 0015.00 / Block 6018
Tract 0015.00 / Block 6019
Tract 0015.00 / Block 6020
Tract 0015.00 / Block 6021
Tract 0016.00 / Block 1000
Tract 0037.01 / Block 6001
Tract 0037.01 / Block 6003
Tract 0037.06 / Block 4000
Tract 0037.07 / Block 2014
Tract 0037.07 / Block 2015
Tract 0037.07 / Block 2016
Tract 0037.07 / Block 2017
Tract 0037.07 / Block 2018
Tract 0037.07 / Block 2019
Tract 0037.10 / Block 2000
Tract 0037.10 / Block 2001
Tract 0037.10 / Block 2002
Tract 0037.10 / Block 2003

New matter indicated by italics - deletions by strikeout.
Tract 0037.10 / Block 2004
Tract 0037.10 / Block 2005
Tract 0037.10 / Block 2007
Tract 0037.10 / Block 2011
Tract 0037.10 / Block 2012
Tract 0037.10 / Block 2013
Tract 0037.10 / Block 2014
Tract 0037.10 / Block 2022
Tract 0037.10 / Block 2023
Tract 0037.10 / Block 2024
Tract 0037.10 / Block 2025
Tract 0037.10 / Block 2026
Tract 0037.10 / Block 2027
Tract 0037.10 / Block 2028

JUDICIAL SUBCIRCUIT 4
Tract 0005.04
Tract 0005.10
Tract 0038.06
Tract 0038.09
Tract 0039.01
Tract 0039.03
Tract 0039.04
Tract 0040.01
Tract 0040.02
Tract 0040.03
Tract 0041.00
Tract 0043.00

Winnebago (Part)
   Township Winnebago

Winnebago (Part)
   VTD BU01
   VTD HR01
   VTD HR04
   VTD HR21
   VTD HR23
   VTD HR26
   VTD HR30
   VTD HR31
   VTD RT21

New matter indicated by italics - deletions by strikeout.
NEW MATTTER INDICATED BY ITALICS - DELETIONS BY STRIKETHROUGH.

VTD R0101
VTD R0403
VTD R0409

Winnebago (Part)
BG 1
BG 1

VTD R0106 (Part)
Tract 0005.06 / Block 1000
Tract 0005.06 / Block 1001
Tract 0005.06 / Block 1002
Tract 0005.06 / Block 1003
Tract 0005.06 / Block 1004
Tract 0005.06 / Block 1005
Tract 0005.06 / Block 1006
Tract 0005.06 / Block 1012
Tract 0005.06 / Block 2000
Tract 0005.06 / Block 2001
Tract 0005.06 / Block 2002
Tract 0005.06 / Block 2003
Tract 0005.06 / Block 2004
Tract 0005.06 / Block 2005
Tract 0005.06 / Block 2006
Tract 0005.06 / Block 2007
Tract 0005.06 / Block 2008
Tract 0005.06 / Block 3000
Tract 0005.06 / Block 3001
Tract 0005.06 / Block 3002
Tract 0005.06 / Block 3003
Tract 0005.06 / Block 3004
Tract 0005.06 / Block 3005
Tract 0005.06 / Block 3011
Tract 0005.06 / Block 4000
Tract 0005.06 / Block 4001
Tract 0005.06 / Block 4002
Tract 0005.06 / Block 4003
Tract 0005.06 / Block 4004
Tract 0005.06 / Block 4005
Tract 0005.06 / Block 4006
Tract 0005.06 / Block 4007

New matter indicated by italics - deletions by strikeout.
Tract 0005.06 / Block 4008
Tract 0005.06 / Block 4009
Tract 0005.06 / Block 4010
Tract 0005.06 / Block 4011
Tract 0005.06 / Block 4012
Tract 0005.06 / Block 4013
Tract 0005.06 / Block 4014
Tract 0005.06 / Block 4015
Tract 0005.06 / Block 4016
Tract 0005.06 / Block 4017
Tract 0005.06 / Block 4018
Tract 0005.06 / Block 4019
Tract 0005.06 / Block 4025
Tract 0005.06 / Block 4026
Tract 0005.06 / Block 4027
Tract 0005.06 / Block 5003
Tract 0005.06 / Block 5005
Tract 0005.06 / Block 5006
Tract 0005.06 / Block 5007
Tract 0005.06 / Block 5008
Tract 0005.06 / Block 5009
Tract 0005.06 / Block 5010
Tract 0005.06 / Block 5012
Tract 0005.06 / Block 5013
Tract 0005.06 / Block 5014
Tract 0005.07 / Block 1001
Tract 0005.12 / Block 2000
Tract 0005.12 / Block 2001
Tract 0005.12 / Block 2002
Tract 0005.12 / Block 2003
Tract 0005.12 / Block 2004
Tract 0005.12 / Block 2005
Tract 0005.12 / Block 2006
Tract 0005.12 / Block 2007
Tract 0005.12 / Block 2008
Tract 0005.12 / Block 2009
Tract 0005.12 / Block 2010
Tract 0005.12 / Block 2011
Tract 0005.12 / Block 2012

New matter indicated by italics - deletions by strikeout.
New matter indicated by italics - deletions by strikeout.
Tract 0038.05 / Block 2025
Tract 0038.05 / Block 2026
Tract 0038.05 / Block 2028
Tract 0038.05 / Block 2029
Tract 0038.05 / Block 2030
Tract 0038.05 / Block 2031
Tract 0038.05 / Block 2032
Tract 0038.05 / Block 2033
Tract 0038.05 / Block 2034
Tract 0038.05 / Block 2035
Tract 0038.05 / Block 2036
Tract 0038.05 / Block 2037
Tract 0038.05 / Block 2038
Tract 0038.05 / Block 2039
Tract 0038.05 / Block 2040
Tract 0038.05 / Block 2041
Tract 0038.05 / Block 2042
Tract 0038.05 / Block 2043
Tract 0038.05 / Block 2045
Tract 0038.05 / Block 2046
Tract 0038.05 / Block 2047
Tract 0038.05 / Block 2048
Tract 0038.05 / Block 2049
Tract 0038.05 / Block 2050
Tract 0038.05 / Block 2051
Tract 0038.05 / Block 2052
Tract 0038.05 / Block 2053
Tract 0038.05 / Block 2054
Tract 0038.05 / Block 2055
Tract 0038.05 / Block 2056
Tract 0038.05 / Block 2057
Tract 0038.05 / Block 2058
Tract 0038.05 / Block 2059
Tract 0038.05 / Block 2060
Tract 0038.05 / Block 2068
Tract 0038.05 / Block 2069
Tract 0038.05 / Block 2070
Tract 0038.07 / Block 2027
Tract 0038.07 / Block 2028

New matter indicated by italics - deletions by strikeout.
Tract 0038.07 / Block 2029
Tract 0038.07 / Block 2030
Tract 0038.07 / Block 2055
Tract 0038.07 / Block 2056
Tract 0038.07 / Block 2057
Tract 0038.07 / Block 2058
Tract 0038.07 / Block 2059
Tract 0038.07 / Block 2060
Tract 0038.07 / Block 2061
Tract 0038.07 / Block 2062
Tract 0038.07 / Block 2063
Tract 0038.07 / Block 2064
Tract 0038.07 / Block 2065
Tract 0038.07 / Block 2066
Tract 0038.07 / Block 3008
Tract 0038.07 / Block 3009
Tract 0038.07 / Block 3010
Tract 0038.07 / Block 3011
Tract 0038.07 / Block 3012
Tract 0038.07 / Block 3013
Tract 0038.07 / Block 3014
Tract 0038.07 / Block 3015
Tract 0038.07 / Block 3016
Tract 0038.07 / Block 3017
Tract 0038.07 / Block 3018
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Tract 0038.07 / Block 3020
Tract 0038.07 / Block 3021
Tract 0038.07 / Block 3022
Tract 0038.07 / Block 3023
Tract 0038.07 / Block 3024
Tract 0038.07 / Block 3025
Tract 0038.07 / Block 3026
Tract 0038.07 / Block 3027
Tract 0038.07 / Block 3028

Section 20. The 19th Judicial Circuit is divided into 6 subcircuits, with the numerical order 1, 2, 3, 4, 5, and 6 as follows:

JUDICIAL SUBCIRCUIT 1
Tract 8601.03

New matter indicated by italics - deletions by strikeout.
<table>
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<th>Tract</th>
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Lake (Part)

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<td>WK328</td>
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VTD WK318 (Part)

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<td>WK326</td>
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<td>WR281</td>
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New matter indicated by italics - deletions by strikeout.
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Tract 8601.01 / Block 1010
Tract 8601.01 / Block 1011
Tract 8601.01 / Block 1013
Tract 8601.01 / Block 1016
Tract 8601.01 / Block 1019
Tract 8601.01 / Block 1020
Tract 8601.01 / Block 1021
Tract 8601.01 / Block 1022
Tract 8601.01 / Block 1023
Tract 8601.01 / Block 1024
Tract 8601.01 / Block 1025
Tract 8601.01 / Block 1026
Tract 8601.01 / Block 1027
Tract 8601.01 / Block 1028
Tract 8601.01 / Block 1032
Tract 8601.01 / Block 1041
Tract 8601.01 / Block 2000
Tract 8601.01 / Block 2001
Tract 8601.01 / Block 2002
Tract 8601.01 / Block 2007
Tract 8601.01 / Block 2008
Tract 8601.01 / Block 2009
Tract 8601.01 / Block 2010
Tract 8601.01 / Block 2011
Tract 8601.01 / Block 2012
Tract 8601.01 / Block 2013
Tract 8601.01 / Block 2014
Tract 8601.01 / Block 2015
Tract 8601.01 / Block 2016
Tract 8601.01 / Block 2017
Tract 8601.01 / Block 2018
Tract 8601.01 / Block 2019
Tract 8601.01 / Block 2043
Tract 8601.01 / Block 2044
Tract 8601.01 / Block 2045
Tract 8601.01 / Block 2046
Tract 8601.01 / Block 2047
Tract 8601.01 / Block 2048

New matter indicated by italics - deletions by strikeout.
Tract 8601.01 / Block 2049
Tract 8601.01 / Block 2050
Tract 8601.01 / Block 2051
Tract 8601.01 / Block 2052
Tract 8601.01 / Block 2053
Tract 8601.01 / Block 2054
Tract 8601.01 / Block 2055
Tract 8601.01 / Block 2056
Tract 8601.01 / Block 2057
Tract 8601.01 / Block 2058
Tract 8601.01 / Block 2059
Tract 8601.01 / Block 2060
Tract 8601.01 / Block 2073
Tract 8607.02 / Block 2000
Tract 8607.02 / Block 2001
Tract 8607.02 / Block 2002
Tract 8607.02 / Block 2003
Tract 8607.02 / Block 2004
Tract 8607.02 / Block 2005
Tract 8607.02 / Block 2006
Tract 8607.02 / Block 2007
Tract 8607.02 / Block 2008
Tract 8607.02 / Block 2009
Tract 8607.02 / Block 2010
Tract 8607.02 / Block 2011
Tract 8607.02 / Block 2012
Tract 8607.02 / Block 2013
Tract 8607.02 / Block 2014
Tract 8607.02 / Block 2015
Tract 8607.02 / Block 2016
Tract 8607.02 / Block 2017
Tract 8607.02 / Block 2018
Tract 8607.02 / Block 2019
Tract 8607.02 / Block 2020
Tract 8607.02 / Block 2021
Tract 8607.02 / Block 2022
Tract 8607.02 / Block 2023
Tract 8607.02 / Block 2035
Tract 8607.02 / Block 2036

New matter indicated by italics - deletions by strikeout.
Tract 8607.02 / Block 2037
Tract 8607.02 / Block 2038
Tract 8607.02 / Block 2039
Tract 8607.02 / Block 2040
Tract 8607.02 / Block 2041
Tract 8607.02 / Block 2042
Tract 8607.02 / Block 2043
Tract 8607.02 / Block 2044
Tract 8607.02 / Block 2045
Tract 8607.02 / Block 2046
Tract 8607.02 / Block 2047
Tract 8607.02 / Block 2048
Tract 8607.02 / Block 2049
Tract 8607.02 / Block 2050
Tract 8607.02 / Block 2051
Tract 8607.02 / Block 2052
Tract 8607.02 / Block 2053
Tract 8607.02 / Block 2054
Tract 8607.02 / Block 2055
Tract 8607.02 / Block 2056
Tract 8607.02 / Block 2057
Tract 8607.02 / Block 2058
Tract 8607.02 / Block 2059
Tract 8615.06 / Block 1000
Tract 8615.06 / Block 1001
Tract 8615.06 / Block 1002
Tract 8615.06 / Block 1003
Tract 8615.06 / Block 1004
Tract 8615.06 / Block 1005
Tract 8615.06 / Block 1006
Tract 8615.06 / Block 1007
Tract 8615.06 / Block 1008
Tract 8615.06 / Block 1009
Tract 8615.06 / Block 1010
Tract 8615.06 / Block 1011
Tract 8615.06 / Block 1012
Tract 8615.06 / Block 1015
Tract 8615.06 / Block 1025
Tract 8615.06 / Block 1026

New matter indicated by italics - deletions by strikeout.
Tract 8615.06 / Block 1027
Tract 8615.06 / Block 1028
Tract 8615.06 / Block 1029
Tract 8615.06 / Block 1030
Tract 8615.06 / Block 1031
Tract 8615.06 / Block 1032
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Tract 8615.06 / Block 1035
Tract 8615.06 / Block 1036
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Tract 8615.06 / Block 1038
Tract 8615.06 / Block 1039
Tract 8615.06 / Block 1040
Tract 8615.06 / Block 1041
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Tract 8615.06 / Block 1058
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Tract 8615.06 / Block 1091
Tract 8615.07 / Block 2000
Tract 8615.07 / Block 2001
Tract 8615.07 / Block 2002
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Tract 8615.07 / Block 2004
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Tract 8615.07 / Block 2008
Tract 8615.07 / Block 2009
Tract 8615.07 / Block 2010
Tract 8615.07 / Block 2011

New matter indicated by italics - deletions by strikeout.
Tract 8615.07 / Block 2012
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Tract 8615.07 / Block 2014
Tract 8615.07 / Block 2015
Tract 8615.07 / Block 2016
Tract 8615.07 / Block 2017
Tract 8615.07 / Block 2018
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Tract 8615.07 / Block 2020
Tract 8615.07 / Block 2021
Tract 8615.07 / Block 2022
Tract 8615.07 / Block 2023
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Tract 8615.07 / Block 2025
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Tract 8615.07 / Block 2028
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Tract 8615.07 / Block 2032
Tract 8615.07 / Block 2033
Tract 8615.07 / Block 2034
Tract 8615.07 / Block 2035
Tract 8615.07 / Block 2036
Tract 8615.07 / Block 2037
Tract 8615.07 / Block 2038
Tract 8615.07 / Block 2039
Tract 8615.07 / Block 2040
Tract 8615.07 / Block 2041
Tract 8615.07 / Block 2042
Tract 8615.07 / Block 2043
Tract 8615.07 / Block 2044
Tract 8615.07 / Block 2045
Tract 8615.07 / Block 2046
Tract 8615.07 / Block 2047
Tract 8615.07 / Block 2048
Tract 8615.07 / Block 2049
Tract 8615.07 / Block 2050

New matter indicated by italics - deletions by strikeout.
Tract 8615.07 / Block 2051
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Tract 8615.07 / Block 2053
Tract 8615.07 / Block 2054
Tract 8615.07 / Block 2055
Tract 8615.07 / Block 2056
Tract 8615.07 / Block 2057
Tract 8615.07 / Block 2058
Tract 8615.07 / Block 2059
Tract 8615.07 / Block 2060
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Tract 8615.07 / Block 2062
Tract 8615.07 / Block 2063
Tract 8615.07 / Block 2064
Tract 8615.07 / Block 2065
Tract 8615.07 / Block 2066
Tract 8615.07 / Block 2067
Tract 8615.07 / Block 2068
Tract 8615.07 / Block 2069
Tract 8615.08 / Block 1000
Tract 8615.08 / Block 1001
Tract 8615.08 / Block 1002
Tract 8615.08 / Block 1003
Tract 8615.08 / Block 1004
Tract 8615.08 / Block 1005
Tract 8615.08 / Block 1006
Tract 8615.08 / Block 1007
Tract 8615.08 / Block 1008
Tract 8615.08 / Block 1009
Tract 8615.08 / Block 1034
Tract 8615.08 / Block 1035
Tract 8615.08 / Block 1042
Tract 8615.08 / Block 1043
Tract 8615.08 / Block 1999
Tract 8623.00 / Block 1000
Tract 8623.00 / Block 1001
Tract 8623.00 / Block 1002
Tract 8623.00 / Block 1003
Tract 8623.00 / Block 1004

New matter indicated by italics - deletions by strikeout.
Tract 8623.00 / Block 4000
Tract 8623.00 / Block 4001
Tract 8623.00 / Block 4002
Tract 8623.00 / Block 4003
Tract 8623.00 / Block 4004
Tract 8623.00 / Block 4005
Tract 8623.00 / Block 4006
Tract 8623.00 / Block 4007
Tract 8623.00 / Block 4008
Tract 8623.00 / Block 4009
Tract 8625.01 / Block 1000
Tract 8625.01 / Block 1009
Tract 8625.01 / Block 1010
Tract 8625.01 / Block 1014
Tract 8626.03 / Block 5011
Tract 8626.03 / Block 5012
Tract 8626.03 / Block 5013
Tract 8626.04 / Block 1004
Tract 8626.04 / Block 1005
Tract 8626.04 / Block 1014

JUDICIAL SUBCIRCUIT 2
Tract 8615.04
Tract 8615.09
Tract 8615.10
Tract 8616.03
Tract 8616.07
Tract 8616.08
Tract 8625.02
Tract 8626.05
Tract 8627.00
Tract 8628.00
Tract 8629.01
Tract 8629.02
Tract 8630.02
Tract 8631.00
Tract 8632.01
Tract 8636.01
Tract 8636.04
Tract 8637.01

New matter indicated by italics - deletions by strikeout.
Tract 8637.02
Lake (Part)
  VTD LB169
  VTD SH206
  VTD WK319
  VTD WK320
  VTD WK335
  VTD WK336
  VTD WR262
  VTD WR397
Lake (Part)
  BG 2
  BG 3
VTD WR263 (Part)
  Tract 8611.06 / Block 2003
  Tract 8611.06 / Block 2004
  Tract 8611.06 / Block 2009
  Tract 8615.07 / Block 2084
  Tract 8615.07 / Block 2085
  Tract 8615.07 / Block 2086
  Tract 8615.07 / Block 2088
  Tract 8615.07 / Block 2089
  Tract 8615.07 / Block 2090
  Tract 8615.07 / Block 2091
  Tract 8615.07 / Block 2092
  Tract 8615.07 / Block 2093
  Tract 8615.07 / Block 2094
  Tract 8615.07 / Block 2095
  Tract 8615.07 / Block 2096
  Tract 8615.07 / Block 2097
  Tract 8615.08 / Block 1012
  Tract 8615.08 / Block 1030
  Tract 8615.08 / Block 1031
  Tract 8615.08 / Block 1032
  Tract 8615.08 / Block 1033
  Tract 8615.08 / Block 1036
  Tract 8615.08 / Block 1037
  Tract 8615.08 / Block 1038
  Tract 8615.08 / Block 1039

New matter indicated by italics - deletions by strikeout.
Tract 8615.08 / Block 1044
Tract 8615.08 / Block 1045
Tract 8625.01 / Block 1018
Tract 8625.01 / Block 1019
Tract 8625.01 / Block 1020
Tract 8625.01 / Block 1021
Tract 8625.01 / Block 1022
Tract 8625.01 / Block 1023
Tract 8625.01 / Block 1024
Tract 8626.03 / Block 2022
Tract 8630.01 / Block 1000
Tract 8630.01 / Block 1001
Tract 8630.01 / Block 1002
Tract 8630.01 / Block 1003
Tract 8630.01 / Block 1004
Tract 8630.01 / Block 1005
Tract 8630.01 / Block 1006
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Tract 8630.01 / Block 1011
Tract 8630.01 / Block 1012
Tract 8630.01 / Block 1013
Tract 8630.01 / Block 1019
Tract 8630.01 / Block 1020
Tract 8630.01 / Block 1021
Tract 8632.02 / Block 1022
Tract 8632.02 / Block 1005
Tract 8632.02 / Block 1007
Tract 8632.02 / Block 1008
Tract 8632.02 / Block 1009
Tract 8632.02 / Block 1036
Tract 8632.02 / Block 3009
Tract 8636.03 / Block 1013
Tract 8636.03 / Block 1014
Tract 8636.03 / Block 1015
Tract 8636.03 / Block 1016
Tract 8636.03 / Block 1017

New matter indicated by italics - deletions by strikeout.
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Tract 8636.03 / Block 1020
Tract 8636.03 / Block 1021
Tract 8636.03 / Block 1022
Tract 8636.03 / Block 1023
Tract 8636.03 / Block 1024
Tract 8636.03 / Block 1025
Tract 8636.03 / Block 1026
Tract 8636.03 / Block 1027
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Tract 8636.03 / Block 1029
Tract 8636.03 / Block 1030
Tract 8636.03 / Block 1031
Tract 8636.03 / Block 1032
Tract 8636.03 / Block 1033
Tract 8636.03 / Block 1051

JUDICIAL SUBCIRCUIT 3
Tract 8639.02
Tract 8639.03
Tract 8639.04
Tract 8640.01
Tract 8640.02
Tract 8641.05
Tract 8641.06
Tract 8641.07
Tract 8641.08
Tract 8644.02
Tract 8644.03
Tract 8645.10
Tract 8645.11
Tract 8645.12
Tract 8645.13
Tract 8645.15
Tract 8645.16
Tract 8645.17
Tract 8645.18
Tract 8645.19
Tract 8645.20

New matter indicated by italics - deletions by strikeout.
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VTD LB173 (Part)
   Tract 8636.03 / Block 1049
   Tract 8636.03 / Block 1050
   Tract 8636.03 / Block 1052
   Tract 8641.01 / Block 2011
   Tract 8641.01 / Block 2018
   Tract 8641.01 / Block 2019
   Tract 8644.07 / Block 1000
   Tract 8644.07 / Block 1003
   Tract 8644.07 / Block 1004
   Tract 8644.07 / Block 1005
   Tract 8644.07 / Block 1006
   Tract 8644.07 / Block 1060
   Tract 8644.07 / Block 1065
   Tract 8644.07 / Block 1066
   Tract 8644.12 / Block 2000
   Tract 8644.12 / Block 2001
   Tract 8644.12 / Block 2002
   Tract 8644.12 / Block 2003
   Tract 8644.12 / Block 2004
   Tract 8644.12 / Block 2022
   Tract 8644.12 / Block 2023
   Tract 8644.12 / Block 2024
   Tract 8644.12 / Block 2025
   Tract 8644.12 / Block 2026
   Tract 8644.12 / Block 2027
   Tract 8644.12 / Block 2028
   Tract 8644.12 / Block 2029
   Tract 8644.12 / Block 2030
   Tract 8644.12 / Block 2031
   Tract 8644.12 / Block 2032
   Tract 8644.12 / Block 2033
   Tract 8644.12 / Block 2034
   Tract 8644.12 / Block 2035
   Tract 8644.12 / Block 2036
   Tract 8644.12 / Block 2037
   Tract 8644.12 / Block 2038

New matter indicated by italics - deletions by strikeout.
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Tract 8645.02 / Block 2084
Tract 8645.14 / Block 1000
Tract 8645.14 / Block 1001
Tract 8645.14 / Block 1002
Tract 8645.14 / Block 1003
Tract 8645.14 / Block 1004
Tract 8645.14 / Block 1005
Tract 8645.14 / Block 1006
Tract 8645.14 / Block 1009
Tract 8645.14 / Block 1010
Tract 8645.14 / Block 1011
Tract 8645.14 / Block 1012
Tract 8645.14 / Block 1013
Tract 8645.14 / Block 1014
Tract 8645.14 / Block 1015
Tract 8645.14 / Block 1016
Tract 8645.14 / Block 1017
Tract 8645.14 / Block 1018
Tract 8645.14 / Block 1019
Tract 8645.14 / Block 1020
Tract 8645.14 / Block 1021
Tract 8645.14 / Block 1022
Tract 8645.14 / Block 1023
Tract 8645.14 / Block 1024
Tract 8645.14 / Block 1025
Tract 8645.14 / Block 1026
Tract 8645.14 / Block 1027
Tract 8645.14 / Block 1028
Tract 8645.14 / Block 1029
Tract 8645.14 / Block 1030
Tract 8645.14 / Block 1031
Tract 8645.14 / Block 1032
Tract 8645.14 / Block 1033
Tract 8645.14 / Block 1034
Tract 8645.14 / Block 1035
Tract 8645.14 / Block 1041
Tract 8645.14 / Block 1046
Tract 8645.14 / Block 1047

New matter indicated by italics - deletions by strikeout.
Tract 8645.14 / Block 1048
Tract 8645.14 / Block 1049
Tract 8645.14 / Block 1050
Tract 8645.14 / Block 1051

JUDICIAL SUBCIRCUIT 4
Tract 8633.00
Tract 8634.00
Tract 8635.00
Tract 8638.01
Tract 8638.02
Tract 8645.05
Tract 8645.21
Tract 8645.22
Tract 8646.01
Tract 8646.02
Tract 8647.00
Tract 8648.01
Tract 8648.02
Tract 8649.01
Tract 8649.03
Tract 8649.04
Tract 8650.00
Tract 8652.00
Tract 8653.00
Tract 8654.00
Tract 8655.01
Tract 8655.02
Tract 8656.00
Tract 8657.00
Tract 8658.01
Tract 8658.02
Lake (Part)
   VTD SH209
   VTD SH213
   VTD SH214
   VTD VE234
   VTD VE235
   VTD VE392
Lake (Part)

New matter indicated by italics - deletions by strikeout.
BG 2  
VTD  SH207 (Part)  
Tract 8630.01 / Block 1014 
Tract 8630.01 / Block 1015 
Tract 8630.01 / Block 1016 
Tract 8630.01 / Block 1017 
Tract 8630.01 / Block 1018 
Tract 8632.02 / Block 1010 
Tract 8632.02 / Block 1011 
Tract 8632.02 / Block 1012 
Tract 8632.02 / Block 1013 
Tract 8632.02 / Block 1014 
Tract 8632.02 / Block 1015 
Tract 8632.02 / Block 1016 
Tract 8632.02 / Block 1017 
Tract 8632.02 / Block 1018 
Tract 8632.02 / Block 1019 
Tract 8632.02 / Block 1020 
Tract 8632.02 / Block 1021 
Tract 8632.02 / Block 1022 
Tract 8632.02 / Block 1025 
Tract 8632.02 / Block 1027 
Tract 8632.02 / Block 1028 
Tract 8632.02 / Block 1029 
Tract 8632.02 / Block 1030 
Tract 8632.02 / Block 1031 
Tract 8632.02 / Block 1032 
Tract 8632.02 / Block 1033 
Tract 8632.02 / Block 1034 
Tract 8632.02 / Block 1035 
Tract 8632.02 / Block 3049 
Tract 8632.02 / Block 3050 
Tract 8632.02 / Block 3051 
Tract 8632.02 / Block 3052 
Tract 8632.02 / Block 3053 
Tract 8632.02 / Block 3054 
Tract 8632.02 / Block 3061 
Tract 8632.02 / Block 3062 
Tract 8632.02 / Block 3063

New matter indicated by italics - deletions by strikeout.
Tract 8632.02 / Block 3064
Tract 8632.02 / Block 3065
Tract 8632.02 / Block 3066
Tract 8632.02 / Block 3067
Tract 8632.02 / Block 3068
Tract 8645.02 / Block 2067
Tract 8645.02 / Block 2068
Tract 8645.02 / Block 2069
Tract 8645.02 / Block 2070
Tract 8645.02 / Block 2071
Tract 8645.02 / Block 2072
Tract 8645.02 / Block 2073
Tract 8645.02 / Block 2074
Tract 8645.02 / Block 2075
Tract 8645.02 / Block 2076
Tract 8645.02 / Block 2078
Tract 8645.02 / Block 2079
Tract 8645.02 / Block 2080
Tract 8645.02 / Block 2081
Tract 8645.02 / Block 2085
Tract 8645.02 / Block 2086
Tract 8645.02 / Block 2087
Tract 8645.02 / Block 2088
Tract 8645.02 / Block 2089
Tract 8645.02 / Block 2090
Tract 8645.02 / Block 2091
Tract 8645.02 / Block 2092
Tract 8645.02 / Block 2093
Tract 8645.02 / Block 2094
Tract 8645.02 / Block 2095
Tract 8645.14 / Block 1007
Tract 8645.14 / Block 1008
Tract 8645.14 / Block 1036
Tract 8645.14 / Block 1037
Tract 8645.14 / Block 1038
Tract 8645.14 / Block 1039
Tract 8645.14 / Block 1040
Tract 8645.14 / Block 1042
Tract 8645.14 / Block 1043

New matter indicated by italics - deletions by strikeout.
Tract 8645.14 / Block 1044
Tract 8645.14 / Block 1045
Tract 8645.14 / Block 1052
Tract 8645.14 / Block 1053
Tract 8645.14 / Block 1054
Tract 8645.14 / Block 1055
Tract 8645.14 / Block 1056
Tract 8645.14 / Block 1057
Tract 8645.14 / Block 1058
Tract 8645.14 / Block 1059
Tract 8645.14 / Block 1060
Tract 8645.14 / Block 1061
Tract 8645.14 / Block 1062
Tract 8645.14 / Block 1063
Tract 8645.14 / Block 1064
Tract 8645.14 / Block 1065
Tract 8645.14 / Block 1066
Tract 8645.14 / Block 1067
Tract 8645.14 / Block 1068
Tract 8645.14 / Block 1069
Tract 8645.14 / Block 1070
Tract 8645.14 / Block 1071
Tract 8645.14 / Block 1072
Tract 8645.14 / Block 1073
Tract 8645.14 / Block 1074
Tract 8645.14 / Block 1075

JUDICIAL SUBCIRCUIT 5
Tract 8609.06
Tract 8612.01
Tract 8613.01
Tract 8613.03
Tract 8613.04
Tract 8614.03
Tract 8642.03
Tract 8642.04
Tract 8642.05
Tract 8642.06
Tract 8643.03
Tract 8643.05

New matter indicated by italics - deletions by strikeout.
Tract 8643.06
Tract 8643.07
Tract 8643.08
Tract 8644.08
Tract 8644.09
Tract 8644.10
Tract 8644.11
Lake (Part)
  VTD AV024
  VTD EL099
  VTD FR126
  VTD GR140
  VTD GR141
  VTD GR143
  VTD GR144
  VTD GR145
  VTD GR146
Lake (Part)
  BG 2
  BG 1
  BG 2
  BG 1
VTD GR142 (Part)
  Tract 8609.03 / Block 1020
  Tract 8609.03 / Block 1030
  Tract 8609.03 / Block 1031
  Tract 8609.03 / Block 2000
  Tract 8609.03 / Block 2001
  Tract 8609.03 / Block 2002
  Tract 8609.03 / Block 2003
  Tract 8609.03 / Block 2004
  Tract 8609.03 / Block 2005
  Tract 8609.03 / Block 2006
  Tract 8609.03 / Block 2014
  Tract 8609.03 / Block 2015
  Tract 8609.03 / Block 2016
  Tract 8609.03 / Block 2017
  Tract 8609.03 / Block 2018
  Tract 8609.03 / Block 2019

New matter indicated by italics - deletions by strikeout.
Tract 8609.03 / Block 2020
Tract 8609.03 / Block 2021
Tract 8609.03 / Block 2022
Tract 8609.03 / Block 2999
Tract 8609.04 / Block 2017
Tract 8609.04 / Block 2038
Tract 8609.04 / Block 2039
Tract 8609.04 / Block 2040
Tract 8609.04 / Block 2041
Tract 8609.04 / Block 2042
Tract 8609.04 / Block 2043
Tract 8609.04 / Block 2044
Tract 8609.04 / Block 2045
Tract 8609.04 / Block 2046
Tract 8609.04 / Block 2047
Tract 8609.04 / Block 2048
Tract 8609.04 / Block 2049
Tract 8609.04 / Block 2050
Tract 8609.04 / Block 2051
Tract 8609.04 / Block 2052
Tract 8609.04 / Block 2053
Tract 8609.04 / Block 2054
Tract 8609.04 / Block 2055
Tract 8609.04 / Block 2056
Tract 8609.04 / Block 2057
Tract 8609.04 / Block 2058
Tract 8609.04 / Block 2059
Tract 8609.04 / Block 2060
Tract 8609.04 / Block 2061
Tract 8609.04 / Block 2062
Tract 8609.04 / Block 2063
Tract 8609.04 / Block 2064
Tract 8609.04 / Block 2065
Tract 8609.04 / Block 2066
Tract 8609.04 / Block 2067
Tract 8609.04 / Block 2068
Tract 8609.04 / Block 2069
Tract 8609.04 / Block 2070
Tract 8609.04 / Block 2071

New matter indicated by italics - deletions by strikeout.
Tract 8609.04 / Block 2072
Tract 8609.04 / Block 2073
Tract 8609.04 / Block 2074
Tract 8609.04 / Block 2075
Tract 8609.04 / Block 2076
Tract 8609.04 / Block 2077
Tract 8609.04 / Block 2078
Tract 8609.04 / Block 2079
Tract 8609.04 / Block 2080
Tract 8609.04 / Block 2081
Tract 8609.04 / Block 2082
Tract 8609.04 / Block 2083
Tract 8609.04 / Block 2084
Tract 8609.04 / Block 2085
Tract 8609.04 / Block 2086
Tract 8609.04 / Block 2087
Tract 8609.04 / Block 2088
Tract 8609.04 / Block 2089
Tract 8609.04 / Block 2090
Tract 8609.04 / Block 2091
Tract 8609.04 / Block 2092
Tract 8609.04 / Block 2093
Tract 8609.04 / Block 2094
Tract 8609.04 / Block 2095
Tract 8609.04 / Block 2096
Tract 8609.04 / Block 2097
Tract 8609.04 / Block 2098
Tract 8609.04 / Block 2099
Tract 8609.04 / Block 2102
Tract 8609.04 / Block 2103
Tract 8609.04 / Block 2104
Tract 8609.04 / Block 2987
Tract 8609.04 / Block 2988
Tract 8609.04 / Block 2989
Tract 8609.04 / Block 2990
Tract 8609.04 / Block 2992
Tract 8609.05 / Block 3000
Tract 8609.05 / Block 3001
Tract 8609.05 / Block 3002

New matter indicated by italics - deletions by strikeout.
Tract 8609.05 / Block 3003
Tract 8609.05 / Block 3004
Tract 8609.05 / Block 3005
Tract 8609.05 / Block 3006
Tract 8609.05 / Block 3007
Tract 8609.05 / Block 3008
Tract 8609.05 / Block 3009
Tract 8609.05 / Block 3010
Tract 8609.05 / Block 3011
Tract 8609.05 / Block 3012
Tract 8609.05 / Block 3013
Tract 8609.05 / Block 3014
Tract 8609.05 / Block 3035
Tract 8609.05 / Block 3036
Tract 8609.05 / Block 3037
Tract 8609.05 / Block 3040
Tract 8609.05 / Block 3041
Tract 8609.05 / Block 3042
Tract 8609.05 / Block 3043
Tract 8609.05 / Block 3044
Tract 8609.05 / Block 3045
Tract 8609.05 / Block 3051
Tract 8609.05 / Block 3986
Tract 8609.05 / Block 3987
Tract 8609.05 / Block 3988
Tract 8609.05 / Block 3989
Tract 8609.05 / Block 3990
Tract 8609.05 / Block 3991
Tract 8609.05 / Block 3995
Tract 8609.05 / Block 3997
Tract 8609.05 / Block 3998
Tract 8609.05 / Block 3999
Tract 8609.05 / Block 4001
Tract 8609.05 / Block 4002
Tract 8609.05 / Block 4003
Tract 8609.05 / Block 4004
Tract 8609.05 / Block 4005
Tract 8609.05 / Block 4006
Tract 8609.05 / Block 4007

New matter indicated by italics - deletions by strikeout.
Tract 8609.05 / Block 4008
Tract 8609.05 / Block 4009
Tract 8609.05 / Block 4010
Tract 8609.05 / Block 4011
Tract 8609.05 / Block 4012
Tract 8609.05 / Block 4013
Tract 8609.05 / Block 4014
Tract 8609.05 / Block 4015
Tract 8609.05 / Block 4017
Tract 8609.05 / Block 4018
Tract 8609.05 / Block 4019
Tract 8609.05 / Block 4020
Tract 8609.05 / Block 4021
Tract 8609.05 / Block 4022
Tract 8609.05 / Block 4023
Tract 8609.05 / Block 4024
Tract 8609.05 / Block 4025
Tract 8609.05 / Block 4026
Tract 8609.05 / Block 4027
Tract 8609.05 / Block 4028
Tract 8609.05 / Block 4029
Tract 8609.05 / Block 4030
Tract 8609.05 / Block 4031
Tract 8609.05 / Block 4032
Tract 8609.05 / Block 4033
Tract 8609.05 / Block 4034
Tract 8609.05 / Block 4035
Tract 8609.05 / Block 4036
Tract 8612.02 / Block 1012
Tract 8612.02 / Block 1013
Tract 8612.02 / Block 1014
Tract 8612.02 / Block 1015
Tract 8612.02 / Block 1016
Tract 8612.02 / Block 1017
Tract 8612.02 / Block 1018
Tract 8612.02 / Block 1045
Tract 8612.02 / Block 1046
Tract 8612.02 / Block 1047
Tract 8612.02 / Block 1048

New matter indicated by italics - deletions by strikeout.
Tract 8612.02 / Block 1049
Tract 8612.02 / Block 1050
Tract 8612.02 / Block 1051
Tract 8612.02 / Block 1052
Tract 8612.02 / Block 1053
Tract 8612.02 / Block 1054
Tract 8612.02 / Block 1055
Tract 8612.02 / Block 1056
Tract 8612.02 / Block 1998
Tract 8612.02 / Block 1999
Tract 8614.02 / Block 1000
Tract 8614.02 / Block 1001
Tract 8614.02 / Block 1002
Tract 8614.02 / Block 1003
Tract 8614.02 / Block 1004
Tract 8614.02 / Block 1005
Tract 8614.02 / Block 1006
Tract 8614.02 / Block 1007
Tract 8614.02 / Block 1008
Tract 8614.02 / Block 1009
Tract 8614.02 / Block 1010
Tract 8614.02 / Block 1011
Tract 8614.02 / Block 1012
Tract 8614.02 / Block 1013
Tract 8614.02 / Block 1014
Tract 8614.02 / Block 1015
Tract 8614.02 / Block 1016
Tract 8614.02 / Block 1017
Tract 8614.02 / Block 1018
Tract 8614.02 / Block 1019
Tract 8614.02 / Block 1020
Tract 8614.02 / Block 1021
Tract 8614.02 / Block 1022
Tract 8614.02 / Block 1027
Tract 8614.02 / Block 1030
Tract 8614.02 / Block 1031
Tract 8614.02 / Block 2006
Tract 8614.02 / Block 2007
Tract 8614.02 / Block 2008

New matter indicated by italics - deletions by strikeout.
Tract 8614.02 / Block 2009
Tract 8614.02 / Block 2013
Tract 8614.02 / Block 2021
Tract 8614.02 / Block 2022
Tract 8614.02 / Block 2023
Tract 8614.02 / Block 2024
Tract 8614.02 / Block 2025
Tract 8614.02 / Block 2026
Tract 8614.02 / Block 2027
Tract 8614.02 / Block 2028
Tract 8614.02 / Block 2029
Tract 8614.02 / Block 2030
Tract 8614.02 / Block 2031
Tract 8614.02 / Block 2032
Tract 8614.02 / Block 2044
Tract 8614.02 / Block 2045
Tract 8614.02 / Block 2046
Tract 8614.02 / Block 2047
Tract 8614.02 / Block 2067
Tract 8614.02 / Block 2068
Tract 8614.04 / Block 2000
Tract 8614.04 / Block 2001
Tract 8614.04 / Block 2002
Tract 8614.04 / Block 2003
Tract 8614.04 / Block 2004
Tract 8614.04 / Block 2005
Tract 8614.04 / Block 2006
Tract 8614.04 / Block 2007
Tract 8614.04 / Block 2008
Tract 8614.04 / Block 2009
Tract 8614.04 / Block 2010
Tract 8614.04 / Block 2011
Tract 8614.04 / Block 2012
Tract 8614.04 / Block 2013
Tract 8614.04 / Block 2014
Tract 8614.04 / Block 2015
Tract 8614.04 / Block 2016
Tract 8614.04 / Block 2017
Tract 8614.04 / Block 3003

New matter indicated by italics - deletions by strikeout.
Tract 8614.04 / Block 3004
Tract 8614.04 / Block 3005
Tract 8614.04 / Block 3006
Tract 8614.04 / Block 3007
Tract 8614.04 / Block 3008
Tract 8614.04 / Block 3009
Tract 8614.04 / Block 3010
Tract 8614.04 / Block 3011
Tract 8614.04 / Block 3012
Tract 8614.04 / Block 3013
Tract 8614.04 / Block 3014
Tract 8614.04 / Block 3016
Tract 8614.04 / Block 3017
Tract 8614.04 / Block 3018
Tract 8614.04 / Block 3019
Tract 8614.04 / Block 3020
Tract 8614.04 / Block 3021
Tract 8614.04 / Block 3022
Tract 8614.04 / Block 3023
Tract 8614.04 / Block 3024
Tract 8641.01 / Block 2000
Tract 8641.01 / Block 2001
Tract 8641.01 / Block 2002
Tract 8641.01 / Block 2003
Tract 8641.01 / Block 2004
Tract 8641.01 / Block 2005
Tract 8641.01 / Block 2008
Tract 8641.01 / Block 2009
Tract 8641.01 / Block 2010
Tract 8641.01 / Block 2012
Tract 8641.01 / Block 2013
Tract 8644.07 / Block 1024
Tract 8644.07 / Block 1025
Tract 8644.07 / Block 1026
Tract 8644.07 / Block 1027
Tract 8644.07 / Block 1028
Tract 8644.07 / Block 1029
Tract 8644.07 / Block 1030
Tract 8644.07 / Block 1031

New matter indicated by italics - deletions by strikeout.
Tract 8644.07 / Block 1032
Tract 8644.07 / Block 1033
Tract 8644.07 / Block 1034
Tract 8644.07 / Block 1035
Tract 8644.07 / Block 1036
Tract 8644.07 / Block 1037
Tract 8644.07 / Block 1038
Tract 8644.07 / Block 1039
Tract 8644.07 / Block 1040
Tract 8644.07 / Block 1041
Tract 8644.07 / Block 1042
Tract 8644.07 / Block 1043
Tract 8644.07 / Block 1044
Tract 8644.07 / Block 1045
Tract 8644.07 / Block 1046
Tract 8644.07 / Block 1049
Tract 8644.07 / Block 1050
Tract 8644.07 / Block 1051
Tract 8644.07 / Block 1074
Tract 8644.07 / Block 1075
Tract 8644.07 / Block 1076
Tract 8644.07 / Block 1077
Tract 8644.07 / Block 1078
Tract 8644.07 / Block 1079
Tract 8644.07 / Block 1080
Tract 8644.07 / Block 1081
Tract 8644.07 / Block 1082
Tract 8644.07 / Block 1083
Tract 8644.07 / Block 1084
Tract 8644.07 / Block 1085
Tract 8644.12 / Block 2005
Tract 8644.12 / Block 2006
Tract 8644.12 / Block 2007
Tract 8644.12 / Block 2008
Tract 8644.12 / Block 2009
Tract 8644.12 / Block 2010
Tract 8644.12 / Block 2011
Tract 8644.12 / Block 2012
Tract 8644.12 / Block 2013

New matter indicated by italics - deletions by strikeout.
Tract 8644.12 / Block 2014
Tract 8644.12 / Block 2015
Tract 8644.12 / Block 2016
Tract 8644.12 / Block 2017
Tract 8644.12 / Block 2018
Tract 8644.12 / Block 2019
Tract 8644.12 / Block 2020
Tract 8644.12 / Block 2021

JUDICIAL SUBCIRCUIT 6
Tract 8607.01
Tract 8608.05
Tract 8608.06
Tract 8608.07
Tract 8608.08
Tract 8608.09
Tract 8608.10
Tract 8608.11
Tract 8610.07
Tract 8610.08
Tract 8610.09
Tract 8610.10
Tract 8610.11
Tract 8610.12
Tract 8610.13
Tract 8610.14
Tract 8611.04
Tract 8611.05
Tract 8615.05
Tract 8616.04
Lake (Part)
  VTD AV034
  VTD AV040
  VTD AV041
  VTD GR137
  VTD GR138
  VTD GR139
  VTD GR384
  VTD WR261
  VTD WR386

New matter indicated by italics - deletions by strikeout.
VTD WR396
VTD WR402
Lake (Part)
   BG 1
VTD BE042 (Part)
   Tract 8601.01 / Block 2003
   Tract 8601.01 / Block 2004
   Tract 8601.01 / Block 2005
   Tract 8601.01 / Block 2006
   Tract 8601.01 / Block 2020
   Tract 8601.01 / Block 2021
   Tract 8601.01 / Block 2022
   Tract 8601.01 / Block 2023
   Tract 8601.01 / Block 2024
   Tract 8601.01 / Block 2025
   Tract 8601.01 / Block 2026
   Tract 8601.01 / Block 2027
   Tract 8601.01 / Block 2028
   Tract 8601.01 / Block 2029
   Tract 8601.01 / Block 2030
   Tract 8601.01 / Block 2031
   Tract 8601.01 / Block 2032
   Tract 8601.01 / Block 2033
   Tract 8601.01 / Block 2034
   Tract 8601.01 / Block 2035
   Tract 8601.01 / Block 2036
   Tract 8601.01 / Block 2037
   Tract 8601.01 / Block 2038
   Tract 8601.01 / Block 2039
   Tract 8601.01 / Block 2040
   Tract 8601.01 / Block 2064
   Tract 8601.01 / Block 2065
   Tract 8601.01 / Block 2066
   Tract 8601.01 / Block 2067
   Tract 8601.01 / Block 2068
   Tract 8601.01 / Block 2069
   Tract 8601.01 / Block 2070
   Tract 8601.01 / Block 2071
   Tract 8601.01 / Block 2072

New matter indicated by italics - deletions by strikeout.
Tract 8601.01 / Block 2074
Tract 8607.02 / Block 2024
Tract 8607.02 / Block 2025
Tract 8607.02 / Block 2026
Tract 8607.02 / Block 2027
Tract 8607.02 / Block 2028
Tract 8607.02 / Block 2029
Tract 8607.02 / Block 2030
Tract 8607.02 / Block 2031
Tract 8607.02 / Block 2032
Tract 8607.02 / Block 2033
Tract 8607.02 / Block 2034
Tract 8609.03 / Block 3020
Tract 8609.03 / Block 3023
Tract 8609.03 / Block 3024
Tract 8609.03 / Block 3025
Tract 8609.03 / Block 3026
Tract 8609.03 / Block 3027
Tract 8609.03 / Block 3028
Tract 8609.03 / Block 3029
Tract 8609.03 / Block 3030
Tract 8609.03 / Block 3031
Tract 8609.03 / Block 3032
Tract 8609.03 / Block 3033
Tract 8609.03 / Block 3035
Tract 8609.03 / Block 3036
Tract 8609.03 / Block 3988
Tract 8609.03 / Block 3989
Tract 8609.03 / Block 3990
Tract 8611.06 / Block 1016
Tract 8611.06 / Block 1017
Tract 8611.06 / Block 1018
Tract 8611.06 / Block 1019
Tract 8611.06 / Block 1020
Tract 8611.06 / Block 1021
Tract 8611.06 / Block 1022
Tract 8611.06 / Block 1023
Tract 8611.06 / Block 1024
Tract 8611.06 / Block 1025

New matter indicated by italics - deletions by strikeout.
Tract 8611.06 / Block 2051
Tract 8611.06 / Block 2052
Tract 8611.06 / Block 2061
Tract 8611.06 / Block 2062
Tract 8611.06 / Block 2063
Tract 8611.06 / Block 2064
Tract 8611.06 / Block 2065
Tract 8611.06 / Block 2067
Tract 8611.06 / Block 2068
Tract 8611.06 / Block 2069
Tract 8611.06 / Block 2070
Tract 8611.06 / Block 2071
Tract 8611.06 / Block 2072
Tract 8611.06 / Block 2073
Tract 8611.06 / Block 2074
Tract 8611.06 / Block 2075
Tract 8611.06 / Block 2076
Tract 8611.06 / Block 2077
Tract 8611.06 / Block 2078
Tract 8611.06 / Block 2079
Tract 8611.06 / Block 2080
Tract 8611.06 / Block 2081
Tract 8611.06 / Block 2082
Tract 8611.06 / Block 2083
Tract 8611.06 / Block 2084
Tract 8611.06 / Block 2085
Tract 8611.06 / Block 2086
Tract 8611.06 / Block 2087
Tract 8611.06 / Block 2088
Tract 8611.06 / Block 2089
Tract 8611.06 / Block 2090
Tract 8611.06 / Block 2091
Tract 8611.06 / Block 2092
Tract 8611.06 / Block 2093
Tract 8611.06 / Block 2094
Tract 8611.06 / Block 2095
Tract 8611.06 / Block 2096
Tract 8611.06 / Block 2097
Tract 8611.06 / Block 2098

New matter indicated by italics - deletions by strikeout.
Tract 8612.02 / Block 1002
Tract 8612.02 / Block 1003
Tract 8612.02 / Block 1004
Tract 8612.02 / Block 1005
Tract 8612.02 / Block 1006
Tract 8612.02 / Block 1007
Tract 8612.02 / Block 1008
Tract 8612.02 / Block 1009
Tract 8612.02 / Block 1010
Tract 8612.02 / Block 1011
Tract 8612.02 / Block 1019
Tract 8612.02 / Block 1020
Tract 8612.02 / Block 1021
Tract 8612.02 / Block 1022
Tract 8612.02 / Block 1023
Tract 8612.02 / Block 1024
Tract 8612.02 / Block 1025
Tract 8612.02 / Block 1026
Tract 8612.02 / Block 1027
Tract 8612.02 / Block 1028
Tract 8612.02 / Block 1029
Tract 8612.02 / Block 1030
Tract 8612.02 / Block 1031
Tract 8612.02 / Block 1032
Tract 8612.02 / Block 1033
Tract 8612.02 / Block 1034
Tract 8612.02 / Block 1035
Tract 8612.02 / Block 1036
Tract 8612.02 / Block 1037
Tract 8612.02 / Block 1038
Tract 8612.02 / Block 1039
Tract 8612.02 / Block 1040
Tract 8612.02 / Block 1041
Tract 8612.02 / Block 1042
Tract 8612.02 / Block 1043
Tract 8612.02 / Block 1044
Tract 8614.02 / Block 2000
Tract 8614.02 / Block 2001
Tract 8614.02 / Block 2002

New matter indicated by italics - deletions by strikeout.
Tract 8614.02 / Block 2003
Tract 8614.02 / Block 2004
Tract 8614.02 / Block 2005
Tract 8614.02 / Block 2048
Tract 8614.02 / Block 2049
Tract 8614.02 / Block 2050
Tract 8614.02 / Block 2051
Tract 8614.02 / Block 2052
Tract 8614.02 / Block 2053
Tract 8614.02 / Block 2054
Tract 8614.02 / Block 2055
Tract 8614.02 / Block 2056
Tract 8614.02 / Block 2057
Tract 8614.02 / Block 2058
Tract 8614.02 / Block 2059
Tract 8614.02 / Block 2060
Tract 8614.02 / Block 2061
Tract 8614.02 / Block 2062
Tract 8614.02 / Block 2063
Tract 8614.02 / Block 2064
Tract 8614.02 / Block 2065
Tract 8614.02 / Block 2066
Tract 8614.02 / Block 2069
Tract 8614.02 / Block 2066
Tract 8614.04 / Block 3000
Tract 8614.04 / Block 3001
Tract 8614.04 / Block 3002
Tract 8614.04 / Block 3015
Tract 8614.04 / Block 3025
Tract 8614.04 / Block 3026
Tract 8614.04 / Block 3998
Tract 8614.04 / Block 3999
Tract 8615.06 / Block 1013
Tract 8615.06 / Block 1014
Tract 8615.06 / Block 1016
Tract 8615.06 / Block 1017
Tract 8615.06 / Block 1018
Tract 8615.06 / Block 1019
Tract 8615.06 / Block 1020

New matter indicated by italics - deletions by strikeout.
Tract 8615.06 / Block 1021
Tract 8615.06 / Block 1022
Tract 8615.06 / Block 1023
Tract 8615.06 / Block 1024
Tract 8615.06 / Block 1044
Tract 8615.06 / Block 1045
Tract 8615.06 / Block 1046
Tract 8615.06 / Block 1047
Tract 8615.06 / Block 1048
Tract 8615.06 / Block 1050
Tract 8615.06 / Block 1051
Tract 8615.06 / Block 1992
Tract 8615.06 / Block 1993
Tract 8615.06 / Block 1994
Tract 8615.06 / Block 1995
Tract 8615.06 / Block 1996
Tract 8615.06 / Block 1997
Tract 8615.06 / Block 1998
Tract 8615.06 / Block 1999
Tract 8615.08 / Block 1010
Tract 8615.08 / Block 1011
Tract 8615.08 / Block 1013
Tract 8615.08 / Block 1014
Tract 8615.08 / Block 1015
Tract 8615.08 / Block 1016
Tract 8615.08 / Block 1017
Tract 8615.08 / Block 1018
Tract 8615.08 / Block 1019
Tract 8615.08 / Block 1020
Tract 8615.08 / Block 1021
Tract 8615.08 / Block 1022
Tract 8615.08 / Block 1023
Tract 8615.08 / Block 1024
Tract 8615.08 / Block 1025
Tract 8615.08 / Block 1026
Tract 8615.08 / Block 1027
Tract 8615.08 / Block 1028
Tract 8615.08 / Block 1029
Tract 8615.08 / Block 1040

New matter indicated by italics - deletions by strikeout.
Section 25. The 22nd Judicial Circuit is divided into 4 subcircuits, with the numerical order 1, 2, 3, and 4, as follows:

**JUDICIAL SUBCIRCUIT 1**
Tract 8702.00
Tract 8703.00
Tract 8704.01
Tract 8704.02
Tract 8709.03
Tract 8709.04
Tract 8709.05
Tract 8710.02
Tract 8710.03
Tract 8710.04
Tract 8711.01
McHenry (Part)
  Township Hebron
McHenry (Part)
  VTD 00002
  VTD 00021
  VTD 00032
  VTD 00033
VTD 00031 (Part)
  Tract 8709.02 / Block 1055
  Tract 8709.02 / Block 2049
  Tract 8709.02 / Block 2050
  Tract 8709.02 / Block 2051
  Tract 8709.02 / Block 2059
  Tract 8709.02 / Block 2060
  Tract 8709.02 / Block 2061
  Tract 8709.02 / Block 2062
  Tract 8709.02 / Block 2063
  Tract 8709.02 / Block 2064
  Tract 8709.02 / Block 2065
  Tract 8709.02 / Block 2066

New matter indicated by italics - deletions by strikeout.
Tract 8709.02 / Block 2067
Tract 8709.02 / Block 2068
Tract 8709.02 / Block 2069
Tract 8709.02 / Block 2070
Tract 8709.02 / Block 2071
Tract 8709.02 / Block 2072
Tract 8709.02 / Block 2073
Tract 8709.02 / Block 2074
Tract 8709.02 / Block 2075
Tract 8709.02 / Block 2076
Tract 8709.02 / Block 2077
Tract 8709.02 / Block 2079
Tract 8709.02 / Block 3001
Tract 8709.02 / Block 3002
Tract 8709.02 / Block 3003
Tract 8709.02 / Block 3004
Tract 8709.02 / Block 3005
Tract 8709.02 / Block 3006
Tract 8709.02 / Block 3007
Tract 8709.02 / Block 3008
Tract 8709.02 / Block 3009
Tract 8709.02 / Block 3010
Tract 8709.02 / Block 3011
Tract 8709.02 / Block 3012
Tract 8709.02 / Block 3013
Tract 8709.02 / Block 3014
Tract 8709.02 / Block 3015
Tract 8709.02 / Block 3016
Tract 8709.02 / Block 3017
Tract 8709.02 / Block 3018
Tract 8709.02 / Block 3019
Tract 8709.02 / Block 3020
Tract 8709.02 / Block 3021
Tract 8709.02 / Block 3022
Tract 8709.02 / Block 3026
Tract 8709.02 / Block 3031
Tract 8709.02 / Block 3032
Tract 8709.02 / Block 3033
Tract 8709.02 / Block 3034

New matter indicated by italics - deletions by strikeout.
Tract 8709.02 / Block 3035
Tract 8709.02 / Block 3036
Tract 8709.02 / Block 3037
Tract 8709.02 / Block 3038
Tract 8709.02 / Block 3039
Tract 8709.02 / Block 3040
Tract 8709.02 / Block 3041
Tract 8709.02 / Block 3042
Tract 8709.02 / Block 3043
Tract 8709.02 / Block 3044

JUDICIAL SUBCIRCUIT 2
Tract 8701.02
Tract 8705.00
Tract 8706.03
Tract 8706.04
Tract 8706.05
Tract 8706.06
Tract 8707.02
Tract 8707.03
Tract 8707.04
Tract 8708.07
McHenry (Part)
  VTD 00120
  VTD 00129
  VTD 00130
  VTD 00131
  VTD 00132
  VTD 00136
  VTD 00158
  VTD 00160
  VTD 00179
VTD 00176 (Part)
  Tract 8701.01 / Block 1000
  Tract 8701.01 / Block 1012
  Tract 8701.01 / Block 1013
  Tract 8701.01 / Block 1014
  Tract 8701.01 / Block 1015
  Tract 8701.01 / Block 1016
  Tract 8701.01 / Block 1017

New matter indicated by italics - deletions by strikeout.
Tract 8701.01 / Block 1018
Tract 8701.01 / Block 1019
Tract 8701.01 / Block 1020
Tract 8701.01 / Block 1021
Tract 8701.01 / Block 1022
Tract 8701.01 / Block 1023
Tract 8701.01 / Block 1024
Tract 8701.01 / Block 1025
Tract 8701.01 / Block 1026
Tract 8701.01 / Block 1027
Tract 8701.01 / Block 1028
Tract 8701.01 / Block 1029
Tract 8701.01 / Block 1030
Tract 8701.01 / Block 1031
Tract 8701.01 / Block 1032
Tract 8701.01 / Block 1033
Tract 8701.01 / Block 1037
Tract 8701.01 / Block 1038
Tract 8701.01 / Block 1039
Tract 8701.01 / Block 1042
Tract 8701.01 / Block 1044
Tract 8701.01 / Block 1045
Tract 8701.01 / Block 1051
Tract 8701.01 / Block 1052
Tract 8701.01 / Block 1054
Tract 8701.01 / Block 1055
Tract 8701.01 / Block 1056
Tract 8701.01 / Block 1057
Tract 8701.01 / Block 1058
Tract 8701.01 / Block 1059
Tract 8701.01 / Block 1060
Tract 8701.01 / Block 1061
Tract 8701.01 / Block 1062
Tract 8701.01 / Block 1063
Tract 8701.01 / Block 1064
Tract 8701.01 / Block 1065
Tract 8701.01 / Block 1066
Tract 8701.01 / Block 1067
Tract 8701.01 / Block 1077

New matter indicated by italics - deletions by strikeout.
Tract 8701.01 / Block 1078
Tract 8701.01 / Block 1079
Tract 8701.01 / Block 1080
Tract 8701.01 / Block 1081
Tract 8701.01 / Block 1082
Tract 8704.01 / Block 1036
Tract 8708.03 / Block 2008
Tract 8708.03 / Block 2009
Tract 8708.03 / Block 2010
Tract 8708.03 / Block 2011
Tract 8708.03 / Block 2012
Tract 8708.03 / Block 2024
Tract 8708.03 / Block 2025
Tract 8708.08 / Block 2042
Tract 8708.08 / Block 2043
Tract 8708.08 / Block 2044
Tract 8708.08 / Block 2057
Tract 8708.11 / Block 1019
Tract 8708.11 / Block 1020
Tract 8708.11 / Block 1021
Tract 8708.11 / Block 1054
Tract 8708.11 / Block 1055
Tract 8708.11 / Block 1056
Tract 8708.11 / Block 1057
Tract 8708.11 / Block 1058
Tract 8708.11 / Block 1059
Tract 8708.11 / Block 1060
Tract 8708.11 / Block 1061
Tract 8708.11 / Block 1062
Tract 8708.11 / Block 1063
Tract 8708.11 / Block 1064
Tract 8708.11 / Block 1065
Tract 8708.11 / Block 1066
Tract 8708.11 / Block 1067
Tract 8708.11 / Block 1068
Tract 8708.11 / Block 1069
Tract 8708.11 / Block 1070
Tract 8708.11 / Block 1071
Tract 8708.11 / Block 1072

New matter indicated by italics - deletions by strikeout.
Tract 8708.11 / Block 1073
Tract 8708.11 / Block 1074
Tract 8708.11 / Block 1075
Tract 8708.11 / Block 1076
Tract 8708.11 / Block 1077
Tract 8708.11 / Block 1078
Tract 8708.11 / Block 1991
Tract 8708.11 / Block 1992
Tract 8708.11 / Block 1993
Tract 8708.11 / Block 1994
Tract 8709.02 / Block 1010

JUDICIAL SUBCIRCUIT 3
Tract 8708.12
Tract 8713.04
Tract 8713.05
Tract 8713.07
Tract 8713.08
Tract 8714.02
Tract 8714.03
Tract 8714.04
McHenry (Part)
  VTD 00066
  VTD 00072
  VTD 00095
  VTD 00098
  VTD 00104
  VTD 00105
  VTD 00121
  VTD 00122
  VTD 00124
  VTD 00126
  VTD 00128
  VTD 00133
  VTD 00134
  VTD 00137
  VTD 00163
  VTD 00164
  VTD 00182
McHenry (Part)

New matter indicated by italics - deletions by strikeout.
BG 1
VTD 00169 (Part)
Tract 8708.10 / Block 3999
Tract 8708.11 / Block 1000
Tract 8708.11 / Block 1001
Tract 8708.11 / Block 1002
Tract 8708.11 / Block 1003
Tract 8708.11 / Block 1004
Tract 8708.11 / Block 1005
Tract 8708.11 / Block 1006
Tract 8708.11 / Block 1007
Tract 8708.11 / Block 1008
Tract 8708.11 / Block 1009
Tract 8708.11 / Block 1010
Tract 8708.11 / Block 1011
Tract 8708.11 / Block 1012
Tract 8708.11 / Block 1013
Tract 8708.11 / Block 1014
Tract 8708.11 / Block 1015
Tract 8708.11 / Block 1016
Tract 8708.11 / Block 1017
Tract 8708.11 / Block 1018
Tract 8708.11 / Block 1022
Tract 8708.11 / Block 1023
Tract 8708.11 / Block 1024
Tract 8708.11 / Block 1025
Tract 8708.11 / Block 1026
Tract 8708.11 / Block 1027
Tract 8708.11 / Block 1028
Tract 8708.11 / Block 1029
Tract 8708.11 / Block 1030
Tract 8708.11 / Block 1031
Tract 8708.11 / Block 1032
Tract 8708.11 / Block 1033
Tract 8708.11 / Block 1034
Tract 8708.11 / Block 1035
Tract 8708.11 / Block 1036
Tract 8708.11 / Block 1037
Tract 8708.11 / Block 1038

New matter indicated by italics - deletions by strikeout.
Tract 8708.11 / Block 1039
Tract 8708.11 / Block 1040
Tract 8708.11 / Block 1041
Tract 8708.11 / Block 1042
Tract 8708.11 / Block 1043
Tract 8708.11 / Block 1044
Tract 8708.11 / Block 1045
Tract 8708.11 / Block 1046
Tract 8708.11 / Block 1047
Tract 8708.11 / Block 1048
Tract 8708.11 / Block 1049
Tract 8708.11 / Block 1050
Tract 8708.11 / Block 1995
Tract 8708.11 / Block 1996
Tract 8708.11 / Block 1997
Tract 8708.11 / Block 1998
Tract 8708.11 / Block 1999
Tract 8708.11 / Block 2040
Tract 8708.11 / Block 2041
Tract 8708.11 / Block 2042
Tract 8708.11 / Block 2043
Tract 8708.11 / Block 2044
Tract 8708.11 / Block 2045
Tract 8708.11 / Block 2046
Tract 8708.11 / Block 2047
Tract 8708.11 / Block 2048
Tract 8708.11 / Block 2049
Tract 8708.11 / Block 2050
Tract 8708.11 / Block 2051
Tract 8708.11 / Block 2996
Tract 8708.11 / Block 2997
Tract 8708.11 / Block 3011
Tract 8708.11 / Block 3012
Tract 8708.11 / Block 3013
Tract 8708.11 / Block 3014
Tract 8708.11 / Block 3015
Tract 8708.11 / Block 3016
Tract 8708.11 / Block 3017
Tract 8708.11 / Block 3018

New matter indicated by italics - deletions by strikeout.
Tract 8708.11 / Block 3019
Tract 8708.11 / Block 3020
Tract 8708.11 / Block 3021
Tract 8708.11 / Block 3022
Tract 8708.11 / Block 3023
Tract 8708.11 / Block 3024
Tract 8708.11 / Block 3025
Tract 8708.11 / Block 3026
Tract 8708.11 / Block 3027
Tract 8708.11 / Block 3028
Tract 8708.11 / Block 3029
Tract 8708.11 / Block 3030
Tract 8708.11 / Block 3031
Tract 8708.11 / Block 3032
Tract 8708.11 / Block 3033
Tract 8708.11 / Block 3034
Tract 8708.11 / Block 3035
Tract 8708.11 / Block 3036
Tract 8708.11 / Block 3037
Tract 8708.11 / Block 3038
Tract 8708.11 / Block 3039
Tract 8708.11 / Block 3040
Tract 8708.11 / Block 3041
Tract 8708.11 / Block 3042
Tract 8708.11 / Block 3043
Tract 8708.11 / Block 3044
Tract 8708.11 / Block 3045
Tract 8708.11 / Block 3046
Tract 8708.11 / Block 3047
Tract 8708.11 / Block 3994
Tract 8708.11 / Block 3995
Tract 8708.11 / Block 3996
Tract 8708.11 / Block 3997
Tract 8708.11 / Block 3998
Tract 8708.11 / Block 3999
Tract 8713.06 / Block 1000
Tract 8713.06 / Block 1042
Tract 8713.06 / Block 1110
Tract 8713.06 / Block 1111

New matter indicated by italics - deletions by strikeout.
Tract 8713.06 / Block 1112
Tract 8713.06 / Block 1114
Tract 8713.06 / Block 1115
Tract 8713.06 / Block 1116
Tract 8713.06 / Block 1118
Tract 8713.06 / Block 1119
Tract 8713.06 / Block 1120
Tract 8713.06 / Block 1121
Tract 8713.06 / Block 1122
Tract 8713.06 / Block 1123
Tract 8713.06 / Block 1124
Tract 8713.06 / Block 1125
Tract 8713.06 / Block 1126
Tract 8713.06 / Block 1127
Tract 8713.06 / Block 1128
Tract 8713.06 / Block 1131
Tract 8713.06 / Block 1132
Tract 8713.06 / Block 1133
Tract 8713.06 / Block 1134
Tract 8713.06 / Block 1135
Tract 8713.06 / Block 1136
Tract 8713.06 / Block 1140
Tract 8713.06 / Block 1141
Tract 8713.09 / Block 4000
Tract 8713.09 / Block 4001
Tract 8713.09 / Block 4002
Tract 8713.09 / Block 4003
Tract 8713.09 / Block 4004
Tract 8713.09 / Block 4005
Tract 8713.09 / Block 4006
Tract 8713.09 / Block 4007
Tract 8713.09 / Block 4008
Tract 8713.09 / Block 4009
Tract 8713.09 / Block 4010
Tract 8713.09 / Block 4011
Tract 8713.09 / Block 4012
Tract 8713.09 / Block 4013
Tract 8713.09 / Block 4014
Tract 8713.09 / Block 4015

New matter indicated by italics - deletions by strikeout.
Tract 8713.09 / Block 4016
Tract 8713.09 / Block 4017
Tract 8713.09 / Block 4018
Tract 8713.09 / Block 4019
Tract 8713.09 / Block 4020
Tract 8713.09 / Block 4034
Tract 8713.09 / Block 4035
Tract 8713.09 / Block 4036
Tract 8713.09 / Block 4037
Tract 8713.09 / Block 4038
Tract 8713.09 / Block 4039
Tract 8713.09 / Block 4040
Tract 8713.09 / Block 4041
Tract 8713.09 / Block 4042
Tract 8713.09 / Block 4043
Tract 8713.09 / Block 4999

JUDICIAL SUBCIRCUIT 4
Tract 8712.01
Tract 8712.06
McHenry (Part)
  VTD 00003
  VTD 00004
  VTD 00005
  VTD 00006
  VTD 00007
  VTD 00008
  VTD 00009
  VTD 00010
  VTD 00012
  VTD 00014
  VTD 00015
  VTD 00017
  VTD 00018
  VTD 00067
  VTD 00080
  VTD 00081
  VTD 00084
  VTD 00085
  VTD 00087

New matter indicated by italics - deletions by strikeout.
VTD 00089
VTD 00096
VTD 00097
VTD 00106
VTD 00108
VTD 00171
VTD 00172
VTD 00173
VTD 00180
VTD 00181
VTD 00184
VTD 00189
VTD 00011 (Part)
  Tract 8712.02 / Block 1015
  Tract 8712.02 / Block 1016
  Tract 8712.02 / Block 1018
  Tract 8712.04 / Block 1005
  Tract 8712.04 / Block 1008
  Tract 8712.04 / Block 1009
  Tract 8712.04 / Block 1010
  Tract 8712.04 / Block 1012
  Tract 8712.04 / Block 1013
  Tract 8712.04 / Block 1014
  Tract 8712.04 / Block 1015
  Tract 8712.04 / Block 1016
  Tract 8712.04 / Block 1017
  Tract 8712.04 / Block 1018
  Tract 8712.04 / Block 1019
  Tract 8712.04 / Block 1022
  Tract 8712.04 / Block 1036
  Tract 8712.04 / Block 1037
  Tract 8712.04 / Block 1038
  Tract 8712.04 / Block 1039
  Tract 8712.04 / Block 1040
  Tract 8712.04 / Block 1041
  Tract 8713.01 / Block 1003
  Tract 8713.01 / Block 1004
  Tract 8713.01 / Block 1005
  Tract 8713.01 / Block 1006

New matter indicated by italics - deletions by strikeout.
Tract 8713.01 / Block 1007
Tract 8713.01 / Block 1012
Tract 8713.01 / Block 1013
Tract 8713.09 / Block 2000
Tract 8713.09 / Block 2001
Tract 8713.09 / Block 2002
Tract 8713.09 / Block 2003
Tract 8713.09 / Block 2004
Tract 8713.09 / Block 2005
Tract 8713.09 / Block 2006
Tract 8713.09 / Block 2008
Tract 8713.09 / Block 2009

Section 90. Miscellaneous provisions.

(a) All counties, townships, census tracts, voting tabulation districts, block groups, and blocks are those that appear on maps published by the United States Bureau of the Census for the 2000 census. The term "tract" means census tract. The term "BG" means block group. The term "VTD" means Voting Tabulation District. All judicial subcircuits created by this Act for the purpose of electing judges shall not be altered by operation of any other statute, ordinance, or resolution.

(b)(1) Any part of a circuit that has not been described as included in one of the judicial subcircuits described in this Act is included within the judicial subcircuit of that circuit that:

(i) is contiguous to the part; and
(ii) contains the least population of all subcircuits in that circuit contiguous to the part according to the 2000 decennial census.

(2) If any part of a circuit is described in this Act as being in more than one judicial subcircuit, the part is included within the subcircuit in that circuit that:

(i) is one of the subcircuits in which that part is listed in this Act;
(ii) is contiguous to that part; and
(iii) contains the least population according to the 2000 decennial census.

(3) If any part of a circuit:

(i) is described in this Act as being in one judicial subcircuit; and
(ii) is entirely surrounded by another judicial subcircuit;

New matter indicated by italics - deletions by strikeout.
the part shall be incorporated into the subcircuit that surrounds the part.

(4) If any part of a circuit:
   (i) is described in this Act as being in one judicial subcircuit; and
   (ii) is not contiguous to another part of the subcircuit;
the part is included with the contiguous subcircuit in that circuit that contains the least population according to the 2000 decennial census of that county.

(c) The Speaker of the House, the Minority Leader of the House, the President of the Senate, and the Minority Leader of the Senate shall by joint letter of transmittal present to the Secretary of State for deposit in the State Archives an official set of United States Bureau of the Census maps and descriptions used for conducting the 2000 census, and those maps shall serve as the official record of all counties, townships, census tracts, block groups, and blocks referred to in this Act.

(d) The State Board of Elections shall prepare and make available to the public a metes and bounds description of the subcircuits created under this Act.

Section 905. The Circuit Courts Act is amended by changing Sections 2f-2, 2f-4, and 2f-5 and adding Sections 2f-6, 2f-7, and 2f-9 as follows:

(705 ILCS 35/2f-2)
Sec. 2f-2. 19th judicial circuit; subcircuits.
(a) The 19th circuit shall be divided into 6 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 6 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(b) The 19th circuit shall have a total of 6 resident judgeships.

(c) The Supreme Court shall allot (i) all vacancies in resident judgeships of the 19th circuit existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election and (ii) the resident judgeships of the 19th circuit filled at the 2004 general election as those judgeships thereafter become vacant, for election from the various subcircuits until

New matter indicated by italics - deletions by strikeout.
there is one resident judge to be elected from each subcircuit. No resident judge of the 19th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge elected from a subcircuit shall must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(e) Vacancies in resident judgeships of the 19th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04.)

(705 ILCS 35/2f-4)

Sec. 2f-4. 12th circuit; subcircuits; additional judges.

(a) The 12th circuit shall be divided into 5 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 5 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(a-10) Of the 12th circuit's 10 existing circuit judgeships (8 at large and 2 resident), 2 shall be allotted as 12th circuit resident judgeships under subsection (c) as the first 2 of any of those at large and resident judgeships become vacant on or after August 18, 2003. As used in this subsection, a vacancy does not include the expiration of a term of an at large or resident judge who seeks retention in that office at the next term.

(b) The 12th circuit shall have 3 additional resident judgeships, as well as its 2 existing resident judgeships, and 8 at large judgeships, for a total of 13 judgeships available to be allotted to the 5 subcircuit resident judgeships. The additional resident judgeship created by Public Act 93-541 shall be filled by election beginning at the general election in 2006. The 2 additional resident judgeships created by this amendatory Act of 2004 shall be filled by election beginning at the general election in 2008. After the subcircuits are created by law, the Supreme Court may fill by appointment the additional resident judgeships created by Public Act 93-541 and this amendatory Act of 2004 until the 2006 or 2008 general election, as the case may be.
(c) The Supreme Court shall allot (i) the additional resident judgeships of the 12th circuit created by Public Act 93-541 and this amendatory Act of 2004, and (ii) the first 2 vacancies in the at large and resident judgeships of the 12th circuit as provided in subsection (a-10), for election from the various subcircuits until there is one resident judge to be elected from each subcircuit. No at large or resident judge of the 12th circuit serving on August 18, 2003 shall be required to change his or her residency in order to continue serving in office or to seek retention in office as at large or resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge elected from of a subcircuit shall must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(e) Vacancies in resident judgeships of the 12th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution. (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04.)

(705 ILCS 35/2f-5)
Sec. 2f-5. 22nd circuit; subcircuits; additional resident judgeship. (a) The 22nd circuit shall be divided into 4 3 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 4 3 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(b) The 22nd circuit shall have one additional resident judgeship, as well as its 3 existing resident judgeships, for a total of 4 3 resident judgeships to be allotted to the 4 subcircuit resident judgeships. The additional resident judgeship created by this amendatory Act of the 93rd General Assembly shall be filled by election beginning at the general election in 2006 and shall not be filled by appointment before the general election in 2006.

(c) The Supreme Court shall allot (i) all vacancies in resident judgeships of the 22nd circuit existing on or occurring on or after August 18, 2003 the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election, and (ii) the resident judgeships of the 22nd circuit filled at the 2004 general election as those judgeships thereafter become vacant, and (iii) the additional resident judgeship

New matter indicated by italics - deletions by strikeout.
judgeship of the 22nd circuit created by this amendatory Act of the 93rd General Assembly, for election from the various subcircuits until there is one resident judge to be elected from each subcircuit. No resident judge of the 22nd circuit serving on August 18, 2003 the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge elected from a subcircuit shall must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(e) Vacancies in resident judgeships of the 22nd circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04.)

(705 ILCS 35/2f-6 new)
Sec. 2f-6. 17th judicial circuit; subcircuits.
(a) The 17th circuit shall be divided into 4 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 4 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(a-10) Of the 17th circuit’s 9 existing circuit judgeships (6 at large and 3 resident), the 3 resident judgeships shall be allotted as 17th circuit resident judgeships under subsection (c) as those resident judgeships are or become vacant on or after the effective date of this amendatory Act of the 93rd General Assembly. Of the 17th circuit’s associate judgeships, the first associate judgeship that is or becomes vacant on or after the effective date of this amendatory Act of the 93rd General Assembly shall become a resident judgeship of the 17th circuit to be allotted by the Supreme Court under subsection (c) as a resident subcircuit judgeship. These resident judgeships shall constitute all of the resident judgeships of the 17th circuit. As used in this subsection, a vacancy does not include the expiration of a term of a resident judge who seeks retention in that office at the next term. A vacancy does not exist or occur at the expiration of an associate judge's term if the associate judge is reappointed.

New matter indicated by italics - deletions by strikeout.
(b) The 17th circuit shall have a total of 4 judgeships (3 resident and one associate) available to be allotted to the 4 subcircuit resident judgeships.

(c) The Supreme Court shall allot (i) the 3 resident judgeships of the 17th circuit as they are or become vacant as provided in subsection (a-10) and (ii) the one associate judgeship converted into a resident judgeship of the 17th circuit as it is or becomes vacant as provided in subsection (a-10), for election from the various subcircuits until there is one resident judge to be elected from each subcircuit. No resident or associate judge of the 17th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention or reappointment in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge elected from a subcircuit shall continue to reside in that subcircuit as long as he or she holds that office.

(e) Vacancies in resident judgeships of the 17th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(705 ILCS 35/2f-7 new)
Sec. 2f-7. Additional circuit judge; 9th circuit. In addition to the number of circuit judges otherwise authorized by this Act, there shall be one additional circuit judge elected in the 9th circuit, who shall be a resident of and elected from Fulton County. The additional circuit judgeship provided by this subsection shall be filled by appointment until that judgeship is filled by election at the 2006 general election.

(705 ILCS 35/2f-9 new)
Sec. 2f-9. 16th judicial circuit; subcircuits.
(a) The 16th circuit shall be divided into 4 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 4 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(b) Of the 16th circuit's 16 existing circuit judgeships (7 at large and 9 resident), 4 of the 9 resident judgeships shall be allotted as 16th circuit resident judgeships under subsection (c) as the first resident judgeship of DeKalb County, the first resident judgeship of Kendall

New matter indicated by italics - deletions by strikeout.
County, and the first 2 resident judgeships of Kane County are or become vacant on or after the effective date of this amendatory Act of the 93rd General Assembly. These 4 resident subcircuit judgeships and the remaining 5 resident judgeships shall constitute all of the resident judgeships of the 16th circuit. As used in this subsection, a vacancy does not include the expiration of a term of a resident judge who seeks retention in that office at the next term.

(c) The Supreme Court shall allot the first DeKalb County vacancy, the first Kendall County vacancy, and the first 2 Kane County vacancies in resident judgeships of the 16th circuit as provided in subsection (b), for election from the various subcircuits. The judgeships shall be assigned to the subcircuits based upon the numerical order of the 4 subcircuits. No resident judge of the 16th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge elected from a subcircuit shall continue to reside in that subcircuit as long as he or she holds that office.

(e) Vacancies in resident judgeships of the 16th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

Section 910. The Judicial Vacancies Act is amended by changing Section 2 as follows:

(705 ILCS 40/2) (from Ch. 37, par. 72.42)

Sec. 2. (a) Except as provided in paragraphs (1), (2), (3), (4), and (5) of this subsection (a), vacancies in the office of a resident circuit judge in any county or in any unit or subcircuit of any circuit shall not be filled.

(1) If in any county of less than 45,000 inhabitants there remains in office no other resident judge following the occurrence of a vacancy, such vacancy shall be filled.

(2) If in any county of 45,000 or more but less than 60,000 inhabitants there remains in office only one resident judge following the occurrence of a vacancy, such vacancy shall be filled.

(3) If in any county of 60,000 or more inhabitants, other than the County of Cook or as provided in paragraph (5), there remain in office no more than 2 resident judges following the occurrence of a vacancy, such vacancy shall be filled.

(4) The County of Cook shall have 165 resident judges on and after the effective date of this amendatory Act of 1990. Of

New matter indicated by italics - deletions by strikeout.
those resident judgeships, (i) 56 shall be those authorized before the effective date of this amendatory Act of 1990 from the unit of the Circuit of Cook County within Chicago, (ii) 27 shall be those authorized before the effective date of this amendatory Act of 1990 from the unit of the Circuit of Cook County outside Chicago, (iii) 12 shall be additional resident judgeships first elected at the general election in November of 1992, (iv) 10 shall be additional resident judgeships first elected at the general election in November of 1994, and (v) 60 shall be additional resident judgeships first elected at the general election in November of 1990 from the unit of the Circuit of Cook County as those vacancies exist or occur on and after the effective date of this amendatory Act of 1990 and as those vacancies are determined under subsection (b) of Section 2 of the Associate Judges Act until the total resident judgeships authorized under this item (v) is 60. Seven of the 12 additional resident judgeships provided in item (iii) may be filled by appointment by the Supreme Court during the period beginning on the effective date of this amendatory Act of 1990 and ending 60 days before the primary election in March of 1992; those judicial appointees shall serve until the first Monday in December of 1992. Five of the 12 additional resident judgeships provided in item (iii) may be filled by appointment by the Supreme Court during the period beginning July 1, 1991 and ending 60 days before the primary election in March of 1992; those judicial appointees shall serve until the first Monday in December of 1992. Five of the 10 additional resident judgeships provided in item (iv) may be filled by appointment by the Supreme Court during the period beginning July 1, 1992 and ending 60 days before the primary election in March of 1994; those judicial appointees shall serve until the first Monday in December of 1994. The remaining 5 of the 10 additional resident judgeships provided in item (iv) may be filled by appointment by the Supreme Court during the period beginning July 1, 1993 and ending 60 days before the primary election in March of 1994; those judicial appointees shall serve until the first Monday in December 1994. The additional resident judgeships created upon vacancy in the office of associate judge provided in item (v) may be filled by appointment by the Supreme Court beginning on the effective date of this amendatory Act of 1990; but no additional resident judgeships.

New matter indicated by italics - deletions by strikeout.
judgeships created upon vacancy in the office of associate judge provided in item (v) shall be filled during the 59 day period before the next primary election to nominate judges. The Circuit of Cook County shall be divided into units to be known as subcircuits as provided in Section 2f of the Circuit Courts Act. A vacancy in the office of resident judge of the Circuit of Cook County existing on or occurring on or after the effective date of this amendatory Act of 1990, but before the date the subcircuits are created by law, shall be filled by appointment by the Supreme Court from the unit within Chicago or the unit outside Chicago, as the case may be, in which the vacancy occurs and filled by election from the subcircuit to which it is allotted under Section 2f of the Circuit Courts Act. A vacancy in the office of resident judge of the Circuit of Cook County existing on or occurring on or after the date the subcircuits are created by law shall be filled by appointment by the Supreme Court and by election from the subcircuit to which it is allotted under Section 2f of the Circuit Courts Act.

(5) Notwithstanding paragraphs (1), (2), and (3) of this subsection (a), resident judges in the 12th, 16th, 17th, 19th, and 22nd judicial circuits are as provided in Sections 2f-1, 2f-2, 2f-4, and 2f-5, 2f-6, and 2f-9 of the Circuit Courts Act.

(b) Nothing in paragraphs (2) or (3) of subsection (a) of this Section shall be construed to require or permit in any county a greater number of resident judges than there were resident associate judges on January 1, 1967.

(c) Vacancies authorized to be filled by this Section 2 shall be filled in the manner provided in Article VI of the Constitution.

(d) A person appointed to fill a vacancy in the office of circuit judge shall be, at the time of appointment, a resident of the subcircuit from which the person whose vacancy is being filled was elected if the vacancy occurred in a circuit divided into subcircuits. If a vacancy in the office of circuit judge occurred in a circuit not divided into subcircuits, a person appointed to fill the vacancy shall be, at the time of appointment, a resident of the circuit from which the person whose vacancy is being filled was elected. Except as provided in Sections 2f-1, 2f-2, 2f-4, and 2f-5, 2f-6, and 2f-9 of the Circuit Courts Act, if a vacancy occurred in the office of a resident circuit judge, a person appointed to fill the vacancy shall be, at the time of appointment, a resident of the county from which the person whose vacancy is being filled was elected.

New matter indicated by italics - deletions by strikeout.
Section 915. The Associate Judges Act is amended by changing Section 2 as follows:

Sec. 2. (a) The maximum number of associate judges authorized for each circuit is the greater of the applicable minimum number specified in this Section or one for each 35,000 or fraction thereof in population as determined by the last preceding Federal census, except for circuits with a population of more than 3,000,000 where the maximum number of associate judges is one for each 29,000 or fraction thereof in population as determined by the last preceding federal census, reduced in circuits of less than 200,000 inhabitants by the number of resident circuit judges elected in the circuit in excess of one per county. In addition, in circuits of 1,000,000 or more inhabitants, there shall be one additional associate judge authorized for each municipal district of the circuit court. The number of associate judges to be appointed in each circuit, not to exceed the maximum authorized, shall be determined from time to time by the Circuit Court. The minimum number of associate judges authorized for any circuit consisting of a single county shall be 14, except that the minimum in the 22nd circuit shall be 8 and except that the minimum in the 19th circuit on and after December 4, 2006 shall be 20. The minimum number of associate judges authorized for any circuit consisting of 2 counties with a combined population of at least 275,000 but less than 300,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 303,000 but not more than 309,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 329,000, but not more than 335,000 shall be 11. The minimum number of associate judges authorized for any circuit with a population of at least 173,000 shall be 5. As used in this Section, the term "resident circuit judge" has the meaning given it in the Judicial Vacancies Act.

(b) The maximum number of associate judges authorized under subsection (a) for a circuit with a population of more than 3,000,000 shall be reduced as provided in this subsection (b). For each vacancy that exists on or occurs on or after the effective date of this amendatory Act of 1990, that maximum number shall be reduced by one until the total number of associate judges authorized under subsection (a) is reduced by 60. A vacancy exists or occurs when an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term; a

New matter indicated by italics - deletions by strikeout.
vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed.

(c) The maximum number of associate judges authorized under subsection (a) for the 17th judicial circuit shall be reduced as provided in this subsection (c). Due to the vacancy that exists on or after the effective date of this amendatory Act of the 93rd General Assembly in the associate judgeship that is converted into a resident judgeship under subsection (a-10) of Section 2f-6 of the Circuit Courts Act, the maximum number of judges authorized under subsection (a) of this Section shall be reduced by one. A vacancy exists or occurs when an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term; a vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed.

(Source: P.A. 92-17, eff. 6-28-01; 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04.)

Section 999. Effective date. This Act takes effect upon becoming law.

Approved April 7, 2005.
Effective April 7, 2005.
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## 2005 JOINT RESOLUTIONS

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WHEREAS, Today, the mission of the American Red Cross is more relevant than ever as it confronts a changing America full of unique challenges; the heroic efforts of the first responders to the September 11, 2001 terrorist attacks became a source of strength for millions of people around the world struggling to comprehend this terrible tragedy; from their example came a new resolve, to be better prepared in the event of another wide-scale attack anywhere in America; and

WHEREAS, In a collaborative effort with the State of Illinois, the federal government, and other members of the emergency planning community, the Red Cross and its partners are better able to serve the nation; through its bold, new Together We Prepare initiative, the Red Cross is leading the way in empowering individuals and families to protect themselves; with five simple steps, make a plan, build a kit, get trained, volunteer, and give blood, the Red Cross and Americans from coast to coast will help make their communities safer; and

WHEREAS, For more than 121 years, the American Red Cross has honored its mission to provide relief to victims of disasters while helping people prevent, prepare for, and respond to emergencies; last year alone, more than 27,000 silent heroes in Illinois helped their neighbors by volunteering at their local Red Cross chapter, and 500,000 more took the time to learn lifesaving skills such as first aid, CPR, and defibrillator use; thousands of Illinoisans rolled up their sleeves to donate over 100,000 gifts of blood and blood products, the gift of life, through the American Red Cross, and over 31,000 people across Illinois turned to the American Red Cross for disaster education training; and

WHEREAS, All of these services, and many others, are provided through 36 locally governed and supported Red Cross chapters and 5 Blood Services regions; community involvement is critical for programs that prepare individuals, families, and neighborhoods for emergencies; through its presence across the country, the Red Cross is the leader in empowering people in every neighborhood to be ready and prepared for the unexpected; and

WHEREAS, The victims of more than 2,500 disasters, from fires that affected a single structure to large-scale events such as floods that devastated central Illinois, tornadoes that ravaged southern Illinois, and other emergency events across the State, received help from the Red Cross last year; the Red Cross also responded to international emergencies by aiding other countries devastated by natural disasters and helping people in other nations get access
to safe drinking water and battle malnutrition and life-threatening diseases such as measles; more than 13,000 Illinois military families received direct assistance from the Red Cross, keeping them connected in times of great personal sorrow and joy; and

WHEREAS, Those who need blood, those who are victims of disaster, or those who are the recipients from the broad spectrum of community services rely on the American Red Cross every day; compassionate and caring people who wanted to make a difference in their community and across the nation, at home and abroad, channeled their support through the American Red Cross; and

WHEREAS, The State of Illinois and the American Red Cross have worked strongly together to make our communities safer; the American Red Cross was an original member of the Illinois Terrorism Task Force and makes important contributions to our State efforts for homeland security; the State of Illinois is proud of its relationship with the American Red Cross; therefore, be it

RESOLVED, BY THE STATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we proclaim March 2003 as American Red Cross Month in Illinois and urge all our citizens to become partners in preparedness with their local Red Cross chapters and to become active participants in advancing the noble mission of the Red Cross; and be it further

RESOLVED, That we applaud and recognize the selfless dedication of generations of Red Cross volunteers and staff; and be it further

RESOLVED, That a suitable copy of this resolution be presented to David T. McLaughlin, Chairman of the American Red Cross.

Adopted by the Senate, March 27, 2003.
Concurred in by the House of Representatives, June 1, 2004.

APPOINT MR. THOMAS J. HOMER AS LEGISLATIVE INSPECTOR GENERAL
(House Joint Resolution No. 90)

WHEREAS, Subsection (b) of Section 25-10 of the State Officials and Employees Ethics Act (5 ILCS 430/25-10) requires that the Legislative Ethics Commission shall diligently search out qualified candidates for the Legislative Inspector General and make recommendations to the General Assembly, which shall appoint a Legislative Inspector General by joint resolution; and

WHEREAS, Subsection (b) of Section 25-10 further states that the
Legislative Inspector General Shall be selected solely on the basis of integrity and demonstrated ability and sets forth the necessary educational and employment criteria; and

WHEREAS, The Legislative Ethics Commission has nominated Mr. Thomas J. Homer for appointment as Legislative Inspector General by its Legislative Ethics Commission Resolution 2004-1 submitted to the General Assembly on May 26, 2004; and

WHEREAS, As the personification of integrity and ability, Mr. Thomas J. Homer has had an exemplary career of public service that more than qualifies him to serve as the Legislative Inspector General; and

WHEREAS, A native of Illinois, Mr. Homer was admitted to the Illinois bar in 1974 and has devoted his professional life to the law in various capacities that provide him with a thorough and well-rounded understanding of the ethical demands of governmental endeavors; and

WHEREAS, After serving as an Assistant State’s Attorney in Lake County and as the Fulton County State’s Attorney, Mr. Homer was a member of the Illinois House of Representatives from 1982 to 1994, during which time he also engaged in the private practice of law; and

WHEREAS, Mr. Homer was elected to the Illinois Third District Appellate Court in 1996, thus adding to his skills in interpreting legislative intent and human behavior; and

WHEREAS, Mr. Homer’s lengthy resume of experience and accomplishments uniquely qualifies him for the position of Legislative Inspector General, an office that necessitates both keen intellect and insight into the personal and professional motivations of persons acting in the public realm; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we accept the nomination by the Legislative Ethics Commission and appoint Mr. Thomas J. Homer as Legislative Inspector General in accordance with subsection (b) of Section 25-10 of the State Officials and Employees Ethics Act, endorsing him wholeheartedly as surpassing all statutory requirements and ensuring that his sterling character and dedication to government service will enhance the office of Legislative Inspector General and benefit the administration of the ethical foundation on which Illinois legislators and legislative employees operate; and be it further

RESOLVED, That, in accordance with subsection (b) of Section 25-10 of the State Officials and Employees Ethics Act, the appointment of Mr. Thomas J. Homer takes effect upon the adoption of this joint resolution by the affirmative vote of three-fifths of the members elected to each house of
JOINT RESOLUTIONS

the General Assembly, the certification of this joint resolution by the Speaker of the House of Representatives and the President of the Senate, and the filing of this joint resolution with the Secretary of State; and be it further

RESOLVED, That, in accordance with subsection (b) of Section 25-10 of the State Officials and Employees Ethics Act, the term of Legislative Inspector General Homer shall commence upon his qualifications and run through June 30, 2008; and be it further

RESOLVED, That copies of this resolution be delivered to Mr. Thomas J. Homer and the Legislative Ethics Commission.

Concurred in by the Senate on July 24, 2004.

COMPENSATION REVIEW BOARD REPORT
Senate Joint Resolution No. 85

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the report of the Compensation Review Board filed in the year 2004 as provided in the Compensation Review Act is hereby approved insofar as the report does not recommend any increase in salary level; and be it further

RESOLVED, That the recommended restoration of the cost of living adjustments set forth in that report is reduced in whole proportionately in accordance with Section 5 of that Act by rejecting the adjustments otherwise applicable beginning July 1, 2002 and July 1, 2003 under Senate Joint Resolution 192 of the 86th General Assembly; and be it further

RESOLVED, That we reject the recommendation that the General Assembly amend the Compensation Review Act to change the year that reports are to be filed from the even-numbered years to the odd-numbered years; and be it further

RESOLVED, That a copy of this resolution be directed to the Compensation Review Board.

Adopted by the Senate, June 9, 2004.
Concurred in by the House of Representatives, June 9, 2004.

ILLINOIS FIRST PERSON CONSENT TASK FORCE
(House Joint Resolution No. 34)

WHEREAS, Organs and tissues from a single donor can help more than 50 individuals; and

WHEREAS, Nationally, 17 people die every day waiting for a
lifesaving organ transplant, and every 13 minutes another individual is added to the national transplant waiting list; and

WHEREAS, More than 13,000 Illinois citizens have received organ transplants since 1987; and

WHEREAS, In the year 2002, more than 900 organ transplants were performed in Illinois and there were 4,584 men, women, and children on the waiting list at the end of the year; and

WHEREAS, More than 300 people in the State died last year while waiting for an organ transplant; and

WHEREAS, The Illinois Organ/Tissue Donor Registry, operated by the Secretary of State, is one of the most successful registries in the United States, and it makes use of the Illinois driver’s license and identification card database to identify individuals who are willing to be an organ or tissue donor; and

WHEREAS, First Person Consent provides an additional method to document the wishes of individuals to donate organs or tissues, or both; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREBIN, that there is created an Illinois First Person Consent Task Force for the purpose of examining current Illinois statutes and programs regarding organ/tissue donation and making recommendations to the General Assembly concerning First Person Consent; and be it further

RESOLVED, That the Illinois First Person Consent Task Force shall consist of the following members: 2 members of the Illinois House of Representatives, one of whom is appointed by the Speaker of the House and one of whom is appointed by the Minority Leader of the House; 2 members of the Illinois Senate, one of whom is appointed by the President of the Senate and one of whom is appointed by the Minority Leader of the Senate; and one representative from each of the following agencies and organizations as designated by their leadership:

(1) The Secretary of State or his designee,
(2) The Director of the Department of Public Health or his designee,
(3) The Gift of Hope Organ and Tissue Donor Network,
(4) The Mid-America Transplant Services,
(5) The Illinois Eye Bank,
(6) The Illinois State Medical Society,
(7) The American Red Cross,
(8) The Illinois Nurses Association,
(9) The Illinois Hospital Association, and
(10) The University of Chicago; and be it further
RESOLVED, That the private sector members shall serve on a
voluntary basis and shall be responsible for any costs associated with their
participation in the Illinois First Person Consent Task Force; and be it further
RESOLVED, That the Secretary of State or his designee shall serve
as the chairperson of the First Person Task Force, that all members of the
Illinois First Person Consent Task Force shall be considered to be members
with voting rights, that a quorum of the Task Force shall consist of a majority
of the members of the Task Force, and that all actions and recommendations
of the Task Force be approved by a simple majority of the members of the
Task Force; and be it further
RESOLVED, That the Illinois First Person Consent Task Force shall
meet at the call of the chairperson and shall receive the assistance of
legislative staff; and be it further
RESOLVED, That the Illinois First Person Consent Task Force shall
summarize its findings within a proposal that may be incorporated into
legislation and shall recommend how to efficiently and cost-effectively
implement such legislation in a report to the General Assembly no later than
Adopted by the House of Representatives on April 22, 2004.
Concurred in by the Senate May 27, 2004.

IN MEMORY OF THE DECEASED MARIA “TONNE” ULMER-
GLOVER
(House Joint Resolution No. 94)

WHEREAS, The members of this body were deeply saddened to learn
of the death of Maria “Tonne” Ulmer-Glover of Chicago; and
WHEREAS, Maria “Tonne” Ulmer-Glover was born on April 1,
1949, in Chicago, to the union of David and Mary Atkins; she accepted
Christ at an early age and remained steadfast in her faith throughout her life;
and
WHEREAS, She graduated from Harlan High School and attended
the University of Illinois at Champaign; she matriculated from Roosevelt
University receiving a degree in accounting; and
WHEREAS, In 1981, she began her service to the citizens of the State
of Illinois by joining the staff of the then newly created Illinois Department
of Human Rights (IDHR); she served in the capacity of Chief Accountant;
and
WHEREAS, Maria performed in an outstanding manner throughout
her tenure with the Illinois Department of Human Rights, working tirelessly
and unselfishly to develop and maintain the fiscal integrity of the IDHR; through the years, she distinguished herself in many facets of her work, one which was becoming the first African-American female in the State to be promoted to the lofty position of Chief Fiscal Officer for a Cabinet-level agency; and

WHEREAS, She worked closely and effectively with the members of the Illinois General Assembly in many areas, but particularly in its effort to ensure the fiscal integrity of the State’s budget; she developed and piloted the budget of the Illinois Department of Human Rights through the legislative process with efficiency, professionalism, and competence; she earned the respect and admiration of many members of the legislature with whom she worked; and

WHEREAS, Maria owned and operated a thriving accounting firm for over 25 years; and

WHEREAS, Maria took time from her busy schedule to join and actively participate in many community and civic organizations such as Lake Shore Chapter of Links, Incorporated; she was a founding member of the Chicago Chapter of Carats, Inc., and Alpha Kappa Alpha Sorority, Inc., just to name a few; and

WHEREAS, The passing of Maria “Tonne” Ulmer-Glover will be deeply felt by many, especially her husband, David Anthony Glover; her daughter, Roshaun Deniece Ulmer-Windham (John); her granddaughter, Ayari Antonne Windham; her parents, David and Mary Atkins; her brother, David B. Atkins, Jr. (Jacqueline); her mother-in-law, Shirley Cole; and a number of other relatives and friends; therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we mourn the death of Maria “Tonne” Ulmer-Glover along with all who knew and loved her and extend our sincere condolences to her family and friends; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Maria “Tonne” Ulmer-Glover as an expression of our deepest sympathy.

Adopted by the House of Representatives on July 9, 2004.
Concurred in by the Senate on July 16, 2004.

IN MEMORY OF THE DECEASED RONALD REAGAN (Senate Joint Resolution No. 87)

WHEREAS, The Members of the Illinois General Assembly were deeply saddened to learn of the death of President Ronald Reagan on June 5,
JOINT RESOLUTIONS

2004; and

WHEREAS, Ronald Reagan was born on February 6, 1911, in Tampico, Illinois, the first American President born in Illinois; as a youth, he worked as a lifeguard at Lowell Park in Dixon, Illinois, and he graduated from Eureka College, located in Eureka, Illinois; and

WHEREAS, Ronald Reagan was a man of humble beginnings, working as a radio announcer, entertainer, union leader, and corporate spokesman; and

WHEREAS, His marriage to actress Jane Wyman gave him three children: Maureen, an adopted son Michael, and Christine, who was born four months premature and died the day after her birth; and

WHEREAS, Ronald Reagan later married Nancy Davis on March 4, 1952, his steadfast partner for the next 52 years, who served her country with distinction as First Lady, who would later make public appearances on behalf of her ailing husband, and who became the primary caregiver for the aging President; together, Ronald and Nancy had two children, Patti and Ronald; and

WHEREAS, Ronald Reagan was elected to two terms as Governor of California, bringing conservative politics to the forefront in California, taking office with a sizeable state budget deficit, reducing taxes, and leaving the Governor's Office eight years later with a modest financial surplus for California; and

WHEREAS, After two previous unsuccessful bids for the Republican nomination, on November 4, 1980, Ronald Reagan was elected President of the United States of America; on January 20, 1981, at the age of 69, Ronald Reagan was sworn in as the country's 40th president, to quickly become known to the world as the "Great Communicator"; and

WHEREAS, President Reagan worked to restore the founding principles of this country by upholding individual responsibility and personal liberty; his actions and words sent a strong message, both domestically and globally, that the United States remained vigilant and that he, as President, would use the country's strengths to the advantage of the American people; and

WHEREAS, By rebuilding the U.S. military, the country regained a formidable position from which America could better fight the Cold War, standing against the Soviet Union, and ultimately, bringing down the Iron Curtain once and for all; his foreign policies further helped to bring about the collapse of the Berlin Wall without bloodshed or loss of life, offering the German people the support and fortitude of the American principle of freedom; and

WHEREAS, Many at the time were critical of "Reaganomics" and its
overall effect on the country's economy; today many historians and economists believe that the principles and doctrines worked to restart the California economy and worked to revive a Nation and its financial structure; and

WHEREAS, The social reforms proposed by President Reagan were similarly criticized; when he first proposed that welfare recipients should be required to work, he was rebuked as being cruel and unjust, but today to do otherwise would jeopardize the welfare recipients' dignity; and

WHEREAS, After eight years in the Oval Office, in January 1989, President Reagan returned to his California ranch, and on November 4, 1991, the Ronald Reagan Presidential Library in Simi Valley, California, was dedicated; and

WHEREAS, On November 5, 1994, President Reagan disclosed that he had been diagnosed with Alzheimer's disease, continuing to show courage and fortitude by publicly facing the debilitating disease of age; and

WHEREAS, On October 11, 2001, President Reagan became the longest-living president ever, besting the nation's second President, John Adams, who had lived 91 years; and

WHEREAS, On July 12, 2003, the United States Navy commissioned its newest aircraft carrier, the "USS Ronald Reagan", the first carrier to be named for a living president; and

WHEREAS, On June 5, 2004, the world was told its faithful servant, President Ronald Reagan, had passed away at his home in California; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we mourn the loss of President Ronald Reagan while we honor and celebrate his dedication and service to the People of the United States of America and the world at large; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Ronald Reagan Presidential Library, to the Ronald Reagan Museum at Eureka College, and to the family of President Reagan.

Adopted by the Senate, June 9, 2004.
Concurred in by the House of Representatives, June 9, 2004.

IN MEMORY OF THE DECEASED SENATOR VINCE DEMUZIO  
(Senate Joint Resolution No. 78)

WHEREAS, The Members of the Ninety-Third General Assembly of the State of Illinois learned with great sadness of the death of their colleague,
Senator Vince Demuzio, on Tuesday, April 27, 2004; and

WHEREAS, Senator Demuzio was born on May 7, 1941, in Gillespie; he attended Ss. Simon and Jude Catholic School and Gillespie High School; he received a Bachelor of Arts degree in education and human services from the University of Illinois at Springfield in 1981; he earned a Master of Arts degree in education and public policy from the same school in 1996; he received an Honorary Doctorate from Lewis & Clark Community College, and a Doctor of Laws, Honorist Causa, from Blackburn College; and

WHEREAS, Senator Demuzio was currently the Senate Majority Leader, Chairman of the Senate Rules Committee, and Dean of the Illinois Senate, having served in the upper chamber since 1975; he was also a sitting member of the Education, Executive, and Executive Appointments Committees; and

WHEREAS, Prior to his election to the Illinois Senate from the 49th legislative district, he served as Executive Director of the Illinois Valley Economic Development Corporation, a community action agency providing programs in job training, senior citizen nutrition, day care, sheltered workshops for the physically and mentally handicapped, and other social services; and

WHEREAS, Senator Demuzio was appointed Assistant Senate Majority Leader in the 83rd General Assembly (1983-1984) and was reappointed in the 84th, 85th, 86th, and 87th General Assemblies; in January of 1993, he was appointed Assistant Democratic Leader of the 88th General Assembly and again reappointed in the 89th, 90th, 91st, and 92nd; in January of 2003, he was appointed Senate Majority Leader, only the second person in the last thirty years to hold that position; Senator Demuzio was one of the General Assembly's leading spokesmen for the interests of downstate Illinois; he was also a member of the Legislative Audit Commission and served on the Steering Committee to re-examine the Illinois Constitution; he served on both the 1991 and 2001 Legislative Redistricting Commissions; and

WHEREAS, Senator Demuzio was elected to the Illinois Democratic State Central Committee from the 20th Congressional District in 1982, and re-elected in 1986, 1990, 1994, and 1998; he was elected Chairman of the Illinois Democratic Party in April of 1986 and served through April of 1990; he was the first Chairman elected from downstate Illinois in more than 40 years and is credited with rebuilding the infrastructure of the Illinois Democratic Party; he also served as Chairman of the Illinois delegation to the Democratic National Convention in Atlanta in 1988 and as a member of the Democratic National Committee's Executive Committee; he often served as the emcee at the Illinois State Fair's annual Democrat Day; and

WHEREAS, As a freshman Senator in the post-Watergate era, Vince
Demuzio is credited with bringing legislative and Democratic Party reforms with a like-minded group of lawmakers affectionately known as the "Crazy Eight"; he was an advocate for consumers; and

WHEREAS, The hallmark of Senator Demuzio's legislative career was education; Senator Demuzio believed that educating children well was an investment in the future; his outspoken advocacy for Illinois schools throughout the years made him one of the foremost leaders on education issues in the Senate, earning him a spot on the education committee in each of his thirty years serving in the Senate; and

WHEREAS, He fought valiantly to secure funds for the Illinois School for the Visually Impaired and the School for the Deaf, which were both in his district and held a special place in his heart; and

WHEREAS, Senator Demuzio received numerous distinguished legislative service awards during his tenure; he served as Secretary of the Blackburn College Board of Trustees in Carlinville, Vice Chair of the Carlinville Hospital Board, and he was on the Board of Directors for Kemmerer Village, a child care agency, in Assumption; he was a member of numerous fraternal and social organizations; and

WHEREAS, Among the highlights of his legislative career, Senator Demuzio played a major role in securing funding for the creation of the Orr Research Center in Pike County and the completion of the Central Illinois Expressway, Route 36 (currently, I-72), from Jacksonville to Quincy; he received national attention as part of a fight to clean up hazardous waste in Wilsonville and has helped obtain funding for major road improvements along the Route 67 corridor from Alton to Jacksonville; in 1999, he led a coalition from Christian County that convinced the Governor to appropriate funds in the Illinois FIRST program to turn Route 29 from Rochester to Taylorville into a four-lane road; he helped numerous rural communities obtain funding for sewer and water improvements and was especially proud to sponsor legislation renaming the State's income tax check-off for breast and cervical cancer on the State income tax return in honor of the late State Senator Penny Severns; and

WHEREAS, The passing of Senator Vince Demuzio has been deeply felt by many across Illinois, especially his wife, Deanna (Clemonds); his son, Brad and his wife, Lori (Hackman); his daughter, Stephanie Blair and her husband, Patrick; his mother, Catherine (Murphy) Demuzio; his mother-in-law, Virginia Clemonds; his sisters, Marlene Demuzio, Donna Burke, Catherine Visintin, and Bernadette Hasquin; and his 4 grandchildren, Blake, Brooke, Tristan, and Gillian; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF
REPRESENTATIVES CONCURRING HEREIN, that we mourn the passing of Senator Vince Demuzio, our friend and colleague, who served the people with honor and distinction and exemplified the highest standards, which won him unequivocal admiration; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to the family of Senator Vince Demuzio as an expression of our sincerest condolences for the loss of their loved one and our friend.

Adopted by the Senate, May 6, 2004.
Concurred in by the House of Representatives, May 6, 2004.

IN MEMORY OF THE DECEASED THOMAS J. TARPEY, SR.
(Senate Joint Resolution No. 82)

WHEREAS, The Members of the Senate of the State of Illinois were saddened to learn of the passing of Thomas J. Tarpey, Sr., Mayor and retired Chief of Police for the Village of River Grove, on May 7, 2004; and

WHEREAS, Tom Tarpey was the son of the late William and Nora (Sharkey) Tarpey and the loving husband of the late Barbara (Butler) and brother of the late Margaret; and

WHEREAS, Tom Tarpey began his service to River Grove in his early twenties, serving as a part-time policeman, and eventually moving to full-time in the department where he reached the rank of Chief of Police; and

WHEREAS, Tom Tarpey, who had gained insight to the needs and concerns of the Village's residents through his years on the street, was elected Mayor in 1985; and

WHEREAS, Tom Tarpey was a people's Mayor, waving as he passed, stopping to talk to people on the street, willing to listen to both praise and complaints, and always trying to find a workable solution; and

WHEREAS, Tom Tarpey was the Village's longest-serving Mayor, during which time the Village prospered, improvements were made, and the people came together because they once again felt part of the community; and

WHEREAS, Tom Tarpey's passing was deeply felt by many, especially his children, Shawn and son-in-law Brian Campbell, Thomas Jr. and daughter-in-law Alyssa, John and daughter-in-law Gina, and Chrissy and son-in-law Michael Stamm; his mother-in-law, Valeria Butler; his cherished grandchildren, Thomas III, Brian Jr., Cassidy, Molly, Connor, Johnny, Andrew, William, Michael, and Kyle; his brothers, William Jr., Robert and sister-in-law Beverly, Gerald and sister-in-law Donna, and James; his sisters, Eleanor and brother-in-law Don Kraft, Noreen and brother-in-law Larry Waco; and his many nieces and nephews, and the residents of the Village of River Grove; and
WHEREAS, In addition to his wife and sister, he was preceded in death by his sisters-in-law, Mary and Theresa; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we mourn the death of Thomas J. Tarpey, Sr., along with all who knew and loved him, and extend our sincere condolences to his family and friends; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to the family of Thomas J. Tarpey, Sr., as an expression of our sorrow for their loss.

Concurred in by the House of Representatives, June 1, 2004.

JOINT TASK FORCE ON ILLINOIS IMMIGRANTS AND REFUGEES
(House Joint Resolution No. 43)

WHEREAS, House Joint Resolution 21 of the 93rd General Assembly created a Joint Task Force on Illinois Immigrants and Refugees; and
WHEREAS, The Task Force was scheduled to submit a report of its findings and recommendations to the General Assembly no later than December 31, 2003; and
WHEREAS, The Task Force will be unable to complete its report by that date; therefore, be it


Adopted by the House of Representatives on November 21, 2003.
Concurred in by the Senate on February 5, 2004.

REPORT ON WAIVER OF SCHOOL CODE MANDATES
Senate Joint Resolution No. 75

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates, dated April 30, 2004, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the waiver request made by Ridgeview CUSD 19 - McLean with respect to driver education, identified in the report filed by the State Board of Education as request WM100-3215, is approved for only one year and disapproved for the remaining 4 years; and be it further

RESOLVED, That each of the school district waiver requests identified below by school district name and by the identifying number and subject area of the waiver request as summarized in the report filed by the State Board of Education is disapproved:

(1) Summit SD 104 - Cook, WM100-3058, limitation of administrative cost;
(2) Rutland CCSD 230 - LaSalle, WM100-3142, limitation of administrative cost;
(3) Wallace CCSD 195 - LaSalle, WM100-3144, limitation of administrative cost;
(4) Waukegan CUSD 60 - Lake, WM100-3173-1, substitute teachers; and
(5) Steeleville CUSD 138 - Randolph, WM100-3232 (Appeal), certification.


REPORT ON WAIVER OF SCHOOL CODE MANDATES
(Senate Joint Resolution No. 89)

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates, dated September 30, 2004, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that each of the school district waiver requests identified below by school district name and by the identifying number and subject area of the waiver request as summarized in the report filed by the State Board of Education is disapproved:

(1) Arlington Heights SD 25 - Cook, WM100-3361-1, substitute teachers; and
(2) Mount Prospect SD 57 - Cook, WM100-3362-1, substitute teachers.
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Adopted by the Senate, November 17, 2004.
Concurred in by the House of Representatives, November 18, 2004.

SIBLING POST-ADOPTION CONTINUING CONTACT
GOVERNORS JOINT TASK FORCE
(Senate Joint Resolution No. 58)

WHEREAS, Termination of parental rights and subsequent adoption of minor children fails to recognize the importance to children of maintaining ties to siblings and is a severing of all sibling contact; and
WHEREAS, There are over 500,000 children in foster care in the United States, 55% to 69% have siblings, 30% have 4 or more siblings; and
WHEREAS, Only 26 states address the sibling relationship in legislation; 61% of children with siblings are placed with at least one sibling; this is good news; and
WHEREAS, Only 38% of children with siblings are placed with all of their siblings; current estimates indicate that 75% of sibling groups end up living apart after they enter foster care; and
WHEREAS, The policy of the State of Illinois mandates that contact be maintained between siblings pre-termination while they are in foster care or youth in care and provides for possible contact post majority via the Illinois Adoption Registry and Medical Information Exchange; and
WHEREAS, The General Assembly recognizes that generally it is in the best interests of children to maintain continuing contact after termination of parental rights; and
WHEREAS, The General Assembly recognizes efforts to maintain sibling bonds will diminish the negative impact termination of parental rights has on sibling relationships; and
WHEREAS, The General Assembly recognizes the challenges in providing continuing contact among siblings once parental rights have been terminated; and
WHEREAS, The General Assembly recognizes that the importance of maintaining continuing contact among siblings warrants further study and consideration to develop policies and programs which best address the needs of children affected by the severing of sibling ties; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREBIN, that within 90 days after the adoption of this joint resolution, there shall be created a Sibling Post-Adoption Continuing Contact Governor's Joint Task Force to study and make recommendations regarding post-termination sibling contact; and be it
RESOLVED, That the Governor's Joint Task Force shall consist of 20 members appointed as follows: four legislative members, one each appointed by the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives; 15 members appointed by the Governor as follows: one member from each of the Department of Children and Family Services' six Regional Youth Advisory Boards; one Statewide Youth Advisory Board alumnus; three members from the Adoption Advisory Council; three members from the Statewide Foster Care Council; and two Youth Advisory Board Coordinators; and the Director of Children and Family Services or his or her designee; all of whom shall serve without compensation; and be it further

RESOLVED, That the President of the Senate and the Speaker of the House of Representatives shall each designate one member to serve as co-chairs of the Joint Task Force; and that the Task Force shall meet as often as necessary to accomplish its objectives, but at least four times; and be it further

RESOLVED, That the Joint Task Force shall examine issues including, but not limited to: (1) establishing policies and programs regarding post-adoption contact that serve the best interests of children and respect the rights of adoptive parents, (2) determining the appropriate forum for hearing disputes in individual cases, and (3) to study and make recommendations to the General Assembly regarding continuing sibling contact post-adoption including, but not limited to, visitation, contact via telephone, and contact via mail including e-mail; and be it further

RESOLVED, That the Joint Task Force shall hold public hearings on the subject of post-adoption contact; and be it further

RESOLVED, That the Task Force shall make recommendations regarding rights of children to maintain continuing contact with siblings post-termination of parental rights and post-adoption and shall deliver to the General Assembly and the Governor a final report with its recommendations within one year of the effective date of the creation of the Joint Task Force.

Adopted by the Senate, April 22, 2004.
Concurred in by the House of Representatives, June 1, 2004.

STANLEY B. WEAVER MEMORIAL HIGHWAY
(Senate Joint Resolution No. 59)

WHEREAS, State Senator Stanley B. Weaver devoted nearly 45 years
of his life to public service; he served as Mayor of Urbana from May 1957 to January 1969, and in the Illinois Senate from 1970 to 2002, after one term in the House of Representatives; and

WHEREAS, He was named to the newly created position of Senate Majority Leader in 1997, after serving as Assistant Senate Leader for 22 years; as a lawmaker, Stan's priorities were always those of the people he represented - quality education, agriculture, economic development, and conservation; and

WHEREAS, When Senator Weaver rose to speak in the Senate, people recognized his command of the issues - and listened; he was held in the highest esteem by his colleagues and constituents from both political parties; he was the unquestioned dean of the Illinois Senate; and

WHEREAS, US 45 provides an essential transportation corridor in Champaign and Urbana and other parts of Illinois; and

WHEREAS, We wish to permanently commemorate Stan Weaver's lasting role in the Illinois General Assembly and his abiding impact on the lives of the people of Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the portion of US 45 through the cities of Champaign and Urbana be designated the Stanley B. Weaver Memorial Highway; and be it further

RESOLVED, That the Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, an appropriate plaque or signs giving notice of the name; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Secretary of the Department of Transportation and the family of Stanley B. Weaver.

Adopted by the Senate, March 31, 2004.
Concurred in by the House of Representatives, June 1, 2004.

**TASK FORCE ON DISPLACED HOMEMAKERS**

*(House Joint Resolution No. 15)*

WHEREAS, A displaced homemaker is an individual who has been providing unpaid services to family members in the home, has been dependent on the income of another family member but is no longer supported by that income, and is currently unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment; and

WHEREAS, Displaced homemakers are often disproportionately poor when compared to the rest of the population; and
WHEREAS, Displaced homemakers must enter the workforce to support themselves and their families, but may face significant barriers to economic self-sufficiency due to a limited education, a lack of work experience, and age discrimination in the hiring process and the workplace; and

WHEREAS, Displaced homemakers may face severe housing problems because they are suddenly left with little or no income and have difficulty finding adequate employment, and because those who are awarded their homes in divorce settlements often cannot afford to maintain the mortgage payments and property taxes; and

WHEREAS, In fiscal year 2002, 1,758 displaced homemakers were enrolled in the Illinois Displaced Homemaker Program, administered by the Illinois Department of Labor, and 75% of these individuals were considered the sole financial support for children under the age of 18; and

WHEREAS, As states respond to federal welfare reform and workforce development legislation, it is likely that Illinois will experience changes in the types of services they currently provide; and

WHEREAS, It is important to continue responding to the needs of displaced homemakers and to expand services to reach more displaced homemakers by moving them out of poverty and beyond reliance on State welfare support and into gainful employment so they may become more active participants in the Illinois economy; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that a Task Force on Displaced Homemakers, comprised of members of the General Assembly, representatives of the Governor, and concerned members of the public, be created to investigate the services currently offered to displaced homemakers in Illinois and to make recommendations for improvements to those services; and be it further

RESOLVED, That 2 members who are elected members of the House of Representatives or the Senate be appointed by each of the following elected officials; the Speaker of the House, the Minority Leader of the House, the President of the Senate, and the Minority Leader of the Senate; and be it further

RESOLVED, That 2 members be appointed by the Governor to represent State agencies currently offering services and assistance to the displaced homemaker population in Illinois; and be it further

RESOLVED, That the members of the General Assembly appointed to the Task Force appoint 2 chairpersons, who shall be members of the Task Force who are members of the General Assembly; and be it further
RESOLVED, That meetings of the Task Force be held at the call of the chairpersons and that the chairpersons appoint 4 members of the public who have adequate expertise on the issue of displaced homemakers and the services and assistance provided to them; and be it further

RESOLVED, That all appointed members of the Task Force shall be considered to be members with voting rights, that a quorum of the Task Force shall consist of a simple majority of the members of the Task Force, and that all actions and recommendations of the Task Force be approved by a simple majority of the members of the Task Force; and be it further

RESOLVED, That members appointed to the Task Force shall be compensated only for costs that arise out of their official duties with the Task Force and that compensation shall come from an appropriate fund; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Governor.

Concurred in by the Senate on April 22, 2004.

TASK FORCE ON TRIAL OF JUVENILES IN ADULT COURT
(Senate Joint Resolution No. 53)

WHEREAS, The adoption of balanced and restorative justice in the Juvenile Court Act of 1987 also imposes on the juvenile court system an obligation to provide competency-building services to youths while under the jurisdiction of the court; and

WHEREAS, The adoption of Redploy Illinois has the potential to provide funding for competency-building services in counties throughout the State, thereby reducing the State's costly practice of relying on incarceration; and

WHEREAS, Recent national studies question whether juveniles are developmentally competent to make the legal decisions necessary in adult criminal court proceedings; and

WHEREAS, One recent study of nearly 1,000 juveniles concluded that approximately one-third of 11 through 13 year olds and approximately one-fifth of 14 through 15 year olds were as impaired in capacities that affect their competence to stand trial as are seriously mentally ill adults who would likely be considered incompetent; and

WHEREAS, In addition, studies indicate that immaturity may affect the performance of youths as defendants in ways that extend beyond the elements of understanding and reasoning that are explicitly relevant under the law, since, compared to young adults, adolescents are more likely to comply
with authority figures, less likely to recognize the risks inherent in the various choices they face, and less likely to consider the long-term consequences of their legal decisions; and

WHEREAS, Numerous national, legal, and medical organizations (including the American Bar Association, the National Council of Juvenile and Family Court Judges, the American Academy of Pediatricians, and the Association of Adolescent Psychiatrists) oppose the trial of youths in adult criminal court unless the decision has been made on an individual basis following a court hearing with adequate consideration of all relevant issues and with full due process protections; and

WHEREAS, Courts have consistently warned that fundamental due process protections are necessary to ensure that the critical decision to try a minor as an adult is made on an individual basis, taking into account all relevant factors including the circumstances of the offense, the age of the minor, the competency of the minor, the educational and emotional capacity of the minor, the background of the minor including physical, developmental, and mental capacity, and the resources of the juvenile court; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREFIN, that there is created a Task Force on Trial of Juveniles in Adult Court, comprised of Members of the General Assembly, representatives of the Governor, the Director of Corrections or his or her designee, and concerned members of the public, to study and make recommendations for improvements in transfer laws stating when juveniles shall be tried as adults; and be it further

RESOLVED, That two members who are elected Members of the House of Representatives and two members who are elected Members of the Senate be appointed, one each by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate; and be it further

RESOLVED, That the Speaker of the House of Representatives and the President of the Senate or their designees shall serve as co-chairs; and be it further

RESOLVED, That at least one member be appointed by the Governor; and be it further

RESOLVED, That the Task Force shall meet at least 4 times while the General Assembly is in recess and report any findings and recommendations to the General Assembly by December 31, 2004.

Adopted by the Senate, May 18, 2004.
Concurred in by the House of Representatives, June 1, 2004.
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WHEREAS, while women have made extraordinary strides in Illinois and throughout the United States toward economic and social equity over the years, barriers to equity continue to exist; and

WHEREAS, it is necessary and desirable to examine the economic, societal and legal barriers that do continue to exist, and to study the best means by which to eliminate them; and

WHEREAS, the work of the Governor’s Commission on the Status of Women over the past five years has been invaluable for its thorough statewide outreach to identify the challenges that need to be met in order for women to become economically independent while meeting their families’ needs; and

WHEREAS, the Office of Governor not only accomplished, but exceeded many of the Commission’s recommendations; and

WHEREAS, the Governor’s Commission on the Status of Women has provided the foundation on which to build an office to meet the ever-evolving challenges of health, education, family care, and economic independence on behalf of the women of Illinois;

THEREFORE, I hereby order the following:

I. CREATION OF THE GOVERNOR’S OFFICE OF WOMEN’S AFFAIRS

A. The Governor’s Commission on the Status of Women created by Executive Order Number 1 (1997) and Executive Order Number 1 (1999) are hereby abolished.

B. There is hereby created within the Governor’s Office an Office of Women’s Affairs. This office shall be headed by a Director of Women’s Affairs appointed by the Governor and who will report to the Office of the Governor. The Director may appoint necessary staff with the approval of the Office of the Governor.

II. PURPOSE

Building on the accomplishments of the Commission, the purpose of the Governor’s Office of Women’s Affairs shall include, but is not limited to, the following:

A. To provide an inter-governmental and public/private “clearinghouse” of initiatives, programs, and legislation to promote health, education, family care, and economic independence on behalf of women,
B. To maintain a resource pool of agency heads, legislators, and private sector professionals (including former commissioners), serving as volunteers, who can be accessed, based on their expertise, for long and short-term projects, and

C. To direct and maintain ongoing collaboration between state government and private sector professionals acting as advocates for policies, programs, and initiatives to benefit women’s health, education, families, and economic security.

III. POWERS AND DUTIES

The Governor’s Office of Women’s Affairs shall have the following powers and duties:

A. Collect and maintain information on programs and initiatives of state agencies and on legislation beneficial to women,

B. Encourage state agencies to apply a proactive focus on women’s issues within respective domains,

C. Advocate for the passage of crucial pieces of legislation affecting women and their families,

D. Act as liaison between state agencies to keep them informed of each other’s work and to encourage and maintain the sharing of information and resources,

E. Serve as an information center on government services, private services and resources available to women,

F. Maintain a resource pool of committed professional to access for long and short-term advisories on women’s issues,

G. Maintain up-to-date website information and links, and

H. Develop strategies and opportunities for disseminating information to the public about the purpose and work of the office.

IV. SAVINGS CLAUSE

Nothing in this Executive Order shall be construed to contravene any state or federal law.

V. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid in a court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.
VI. EFFECTIVE DATE
This Executive Order shall be in full force and effect upon its filing with the Secretary of State.
Issued by the Governor March 31, 2004.
Filed with the Secretary of State March 31, 2004.

2004-2
EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN MEDIA RELATIONS FUNCTIONS TO THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that “Reorganization” includes (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, there are multiple executive agencies directly responsible to the Governor which have rights, powers, duties and responsibilities that involve, in significant part, media relations; and

WHEREAS, streamlining and consolidating the functions of certain of these agencies into a single agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, reduce administrative support, promote more effective sharing of best practices and state of the art technology and realize significant cost savings, among other things; and

WHEREAS, the foregoing benefits can be achieved by transferring media relations functions of certain agencies directly responsible to the Governor to the Department of Central Management Services.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:
I. TRANSFER
A. Media relations functions for each agency, office, division, department, bureau, board and commission directly
responsible to the Governor shall be consolidated under the jurisdiction of the Department of Central Management Services.

B. For purposes of this Executive Order, “media relations functions” shall include, but not be limited to, all outreach to and communications with the print, radio and television media, as well as all functions performed by Public Information Officers, in agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor.

C. The functions that are similar to the functions provided by Illinois Information Services in each agency, office, division, department, bureau, board and commission directly responsible to the Governor shall be consolidated under the jurisdiction of the Department of Central Management Services.

D. For the purpose of this Executive Order, “functions that are similar to the functions provided by Illinois Information Services” include, but are not limited to, any video recording services provided in all agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor.

II. EFFECT OF TRANSFER

A. Personnel who are employed by agencies, offices, divisions, departments, bureaus, boards and commissions and who are assigned media relations functions, including any related administrative staffing assisting in the performance of the functions, shall be transferred to the Department of Central Management Services. The Director of Central Management Services, in consultation with agency directors, shall determine where media relations work specific to each agency should be performed. The status and rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension retirement or annuity plan shall not be affected by the Executive Order.

B. Personnel who are employed by agencies, offices, divisions, departments, bureaus, boards and commissions and who are assigned to functions that are similar to the functions provided by Illinois Information Services shall be transferred to the Department of Central Management Services.
Services. The Director of Central Management Services, in consultation with agency directors, shall determine where work that is similar to the work provided by Illinois Information Services and specific to each agency should be performed and which related staff shall be transferred to the Department of Central Management Services. The status and rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension retirement or annuity plan shall not be affected by the Executive Order.

C. All books, records, papers, documents, property (real and personal), contracts, unexpended appropriations and pending business pertaining to the functions transferred by this Executive Order to the Department of Central Management Services, including but not limited to material in electronic or magnetic format and necessary electronic equipment and computer hardware and software, shall be delivered to the Department of Central Management Services pursuant to the direction of the Director of the Department of Central Management Services.

D. All unexpended appropriations and balance and other funds available for use in connection with any of the functions transferred in this Executive Order shall be transferred for use by the Department of Central Management Services and the unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

A. The powers, duties, rights and responsibilities related to the functions transferred to the Department of Central Management Services by this Executive Order shall be vested in and shall be exercised by the Department of Central Management Services. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.

B. Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and
responsibilities as had been exercised by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.

C. Every officer of the Department of Central Management Services shall, for every offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person in regards to the functions transferred to or upon the agencies, offices, divisions, departments, bureaus, boards and commissions from which the functions were transferred, the same shall be made, given, furnished or served in the same manner to or upon the Department of Central Management Services.

E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the functions transferred, but such proceedings may be continued by the Department of Central Management Services.

F. Any rules of the agencies, offices, divisions, departments, bureaus, boards and commissions that relate to the functions that were transferred, are in full force on the effective date of this Executive Order and have been duly adopted by the agencies, offices, divisions, departments, bureaus, boards and commissions shall become the rules of the Department of Central Management Services for those functions. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the agencies, offices, divisions, departments, bureaus, boards and commissions that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the functions transferred, shall be deemed to have been filed by the Department of Central Management Services. As soon as practicable hereafter, the Department of Central Management Services shall revise and clarify the rules transferred to it under this Executive Order to reflect
the reorganization of rights, power and duties effected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Department of Central Management Services may propose and adopt under the Illinois Administrative Procedures Act such other rules of the agencies, offices, divisions, departments, bureaus, boards and commissions that will now be administered by the Department of Central Management Services.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE

This Executive Order shall become effective upon its filing with the Secretary of State.

Issued by the Governor March 31, 2004.
Filed with the Secretary of State April 1, 2004.

2004-3
EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN PROGRAMS OF THE DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY AND THE DEPARTMENT OF REVENUE TO THE DEPARTMENT OF PUBLIC AID AND THE DEPARTMENT ON AGING

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that “Reorganization” includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole
or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Department of Commerce and Economic Opportunity, the Department of Revenue, the Department of Public Aid and the Department on Aging are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 605 et seq., 20 ILCS 2505 et seq., 20 ILCS 2205 et seq. and 20 ILCS 105 et seq., respectively; and

WHEREAS, streamlining and consolidating certain programs of some of these agencies into other agencies offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, the Department of Commerce and Economic Opportunity administers a comprehensive low income energy assistance program (“LIHEAP”) and the Illinois Home Weatherization Assistance program (collectively, with LIHEAP, “LIHEAP/Weatherization”) which incorporate income assistance, home weatherization, and other measures to ensure that Illinois residents have access to affordable energy services; and

WHEREAS, the Illinois Department of Revenue administers the Circuit Breaker and Pharmaceutical Assistance Programs (the “Circuit Breaker/Pharmaceutical Programs”) that provide grants and prescription medicines to senior citizens and disabled adults; and

WHEREAS, the aforementioned benefits of consolidation can be achieved by transferring (i) LIHEAP/Weatherization from the Department of Commerce and Economic Opportunity to the Department of Public Aid, and (ii) the Circuit Breaker/Pharmaceutical Programs from the Department of Revenue to the Department of Public Aid and the Department on Aging; and

WHEREAS, for purposes of this Executive Order, LIHEAP/Weatherization and the Circuit Breaker/Pharmaceutical Programs are sometimes referred to collectively as the “Programs,” the Department of Commerce and Economic Opportunity and the Department of Revenue are sometimes referred to collectively as the “Transferring Agencies,” and the Department of Public Aid and the Department on Aging are sometimes referred to collectively as the “Receiving Agencies”; and

WHEREAS, the specific functions, as well as the staff performing
those functions, of the LIHEAP/Weatherization Programs shall be transferred to the Department of Public Aid by way of an interagency agreement between the Department of Commerce and Economic Opportunity and the Department of Public Aid (the “LIHEAP/Weatherization Interagency Agreement”) in accordance with the objectives of 20 ILCS 605/1 et seq. and this Executive Order; and

WHEREAS, the specific functions, as well as the staff performing those functions, of the Circuit Breaker/Pharmaceutical Programs shall be transferred to the Receiving Agencies by way of an interagency agreement between the Department of Revenue and the Receiving Agencies (the “Circuit Breaker/Pharmaceutical Programs Interagency Agreement”) in accordance with the objectives of 320 ILCS 25/1 et seq. and this Executive Order.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

A. Effective July 1, 2004 or as soon thereafter as practicable, the powers, duties, rights and responsibilities related to (i) LIHEAP/Weatherization shall be transferred from the Department of Commerce and Economic Opportunity to the Department of Public Aid pursuant to the LIHEAP/Weatherization Interagency Agreement, and (ii) the Circuit Breaker/Pharmaceutical Programs shall be transferred from the Department of Revenue to the Department of Public Aid and the Department on Aging pursuant to the Circuit Breaker/Pharmaceutical Programs Interagency Agreement. The statutory powers, duties, rights and responsibilities of the Transferring Agencies associated with these Programs derive from 20 ILCS 605 et seq., 20 ILCS 605/605 et seq., 20 ILCS 625 et seq., 220 ILCS 5/8-206, 305 ILCS 20 et seq. and 305 ILCS 22/1 et seq. for LIHEAP/Weatherization and 35 ILCS 515/7, 35 ILCS 200/20-15, 220 ILCS 10/9, 305 ILCS 5/3-1, 320 ILCS 25/1 et seq., 320 ILCS 50/1 et seq., 320 ILCS 50/20, 320 ILCS 55/1 et seq. and 320 ILCS 55/5 for the Circuit Breaker/Pharmaceutical Programs.

B. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director of either of the Transferring Agencies on any council, commission, board or other entity relating to the Programs, the Director of the appropriate Receiving Agency or their designee(s) shall
serve in that place. If more than one such person is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the Receiving Agency shall so serve.

II. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities vested in the Programs shall not be affected by this Executive Order, except that all management and staff support or other resources necessary to the operations of the Programs shall be provided by the Receiving Agencies.

A. The status and rights of employees in the Transferring Agencies engaged in the performance of the functions of the Programs shall not be affected by the transfer. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agencies affected by this Executive Order shall continue their service within the Receiving Agencies.

B. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities related to the Programs and transferred by this Executive Order from the Transferring Agencies to the Receiving Agencies, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Receiving Agencies; provided, however, that the delivery of such information shall not violate any applicable confidentiality constraints.

C. All unexpended appropriations and balances and other funds available for use in connection with any of the Programs shall be transferred for use by the Receiving Agencies for the Programs pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

A. The powers, duties, rights and responsibilities related to the Programs and transferred from the Transferring Agencies by this Executive Order shall be vested in and shall be exercised by the Receiving Agencies. Each act done in exercise of such powers, duties, rights and responsibilities
shall have the same legal effect as if done by the Transferring Agencies or their divisions, officers or employees.

B. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Transferring Agencies or their divisions, officers or employees.

C. Every officer of the Receiving Agencies shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agencies in connection with any of the functions of the Programs transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Receiving Agencies.

E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Programs before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agencies.

F. Any rules of the Transferring Agencies that relate to the Programs, are in full force on the effective date of this Executive Order and have been duly adopted by the Transferring Agencies shall become the rules of the Receiving Agencies for the Programs. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Transferring Agencies that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the functions transferred, shall be deemed to have been filed by the Receiving Agencies. As soon as practicable hereafter, the Receiving Agencies shall revise and clarify the rules transferred to them under this Executive Order to reflect
the reorganization of rights, powers and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Receiving Agencies may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Receiving Agencies.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor March 31, 2004.
Filed with the Secretary of State April 1, 2004.

2004-4
EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN FUNCTIONS OF THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES TO THE DEPARTMENT OF STATE POLICE

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that “Reorganization” includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Department of Central Management Services and the Department of State Police are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 405 et seq. and 20 ILCS 2605 et seq., respectively; and

WHEREAS, streamlining and consolidating the functions of
certain of these agencies into a single agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, the foregoing benefits can be achieved by transferring the law enforcement and security functions (the “Functions”) of the Department of Central Management Services (the “Transferring Agency”) to the Department of State Police (the “Receiving Agency”).

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

Effective July 1, 2004, the powers, duties, rights and responsibilities related to the Functions shall be transferred from the Transferring Agency to the Receiving Agency. The statutory powers, duties, rights and responsibilities of the Transferring Agency associated with these Functions derive from 20 ILCS 405/405-315.

II. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities related to the Functions shall not be affected by this Executive Order, except that all management and staff support or other necessary resources related to the Functions shall be provided by the Receiving Agency.

A. The staff of the Transferring Agency engaged in the performance of the Functions shall be transferred to the Receiving Agency. The status and rights of employees in the Transferring Agency engaged in the performance of the Functions shall not be affected by the transfer. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agency affected by this Executive Order shall continue their service within the Receiving Agency.

B. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities related to the Functions and transferred by this Executive Order from the Transferring Agency to the Receiving Agency, including but not limited to material in electronic or magnetic format
and necessary computer hardware and software, shall be
delivered to the Receiving Agency.

C. All unexpended appropriations and balances and other
funds available for use in connection with any of the
Functions shall be transferred for use by the Receiving
Agency for the Functions pursuant to the direction of the
Governor. Unexpended balances so transferred shall be
expended only for the purpose for which the appropriation
was originally made.

III. SAVINGS CLAUSE

A. The powers, duties, rights and responsibilities related to the
Functions and transferred from the Transferring Agency by
this Executive Order shall be vested in and shall be
exercised by the Receiving Agency. Each act done in
exercise of such powers, duties, rights and responsibilities
shall have the same legal effect as if done by the
Transferring Agency or their divisions, officers or
employees.

B. Every person or entity shall be subject to the same
obligations and duties and any penalties, civil or criminal,
arising therefrom, and shall have the same rights arising
from the exercise of such powers, duties, rights and
responsibilities as had been exercised by the Transferring
Agency or its divisions, officers or employees.

C. Every officer of the Receiving Agency shall, for any
offense, be subject to the same penalty or penalties, civil or
criminal, as are prescribed by existing law for the same
offense by any officer whose powers or duties were
transferred under this Executive Order.

D. Whenever reports or notices are now required to be made
or given or papers or documents furnished or served by any
person to or upon the Transferring Agency in connection
with the Functions transferred by this Executive Order, the
same shall be made, given, furnished or served in the same
manner to or upon the Receiving Agency.

E. This Executive Order shall not affect any act done, ratified
or canceled or any right occurring or established or any
action or proceeding had or commenced in an
administrative, civil or criminal cause regarding the
Transferring Agency before this Executive Order takes
effect; such actions or proceedings may be prosecuted and
continued by the Receiving Agency.
IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor March 31, 2004.
Filed with the Secretary of State April 1, 2004.

2004-5
EXECUTIVE ORDER TO TRANSFER CERTAIN ADMINISTRATIVE AND SUPPORT FUNCTIONS OF THE ILLINOIS BUILDING COMMISSION TO THE CAPITAL DEVELOPMENT BOARD

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that “Reorganization” includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Capital Development Board and the Illinois Building Commission are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 3105 et seq. and 20 ILCS 3918 et seq., respectively; and

WHEREAS, streamlining and consolidating some of the administrative and support functions of these agencies into a single agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, the Illinois Building Commission (i) serves as a forum to suggest resolution of conflicts between State agencies, or
between a State agency and another entity that consents to the resolution forum, concerning State building requirements, and (ii) reviews proposed State building requirement amendments and proposed legislation for conflicts with current State law or building requirements and makes recommendations concerning those amendments or laws to the proper authorities; and

WHEREAS, the aforementioned benefits can be achieved by transferring some of the administrative and support functions, including information technology, clerical, accounting, human resources and office space (the “Functions”) of the Illinois Building Commission (the “Transferring Agency”) to the Capital Development Board (the “Receiving Agency”); and

WHEREAS, the consolidation and streamlining of the Functions of the Transferring Agency to the Receiving Agency shall not impede, disrupt or impair in any fashion the independent and conflict resolution responsibilities and duties of the Transferring Agency as contemplated in 20 ILCS 3918 et seq.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

Effective July 1, 2004, the powers, duties, rights and responsibilities related to the Functions of the Transferring Agency shall be transferred to the Receiving Agency. The statutory powers, duties, rights and responsibilities of the Transferring Agency associated with these Functions derive from 20 ILCS 3918 et seq.

II. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities other than the Functions vested in the Transferring Agency shall not be affected by this Executive Order, including the Transferring Agency’s ability to serve as an independent forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution forum, concerning State building requirements, except that the Functions necessary to the operation of the Transferring Agency shall be provided by the Receiving Agency.

A. The staff of the Transferring Agency engaged in the performance of the Functions shall be transferred to the Receiving Agency. The status and rights of such employees under the Personnel Code shall not be affected by the transfer. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this
Executive Order. Personnel under the Transferring Agency affected by this Executive Order shall continue their service within the Receiving Agency.

B. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities transferred by this Executive Order from the Transferring Agency to the Receiving Agency, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Receiving Agency.

C. All unexpended appropriations and balances and other funds available for use in connection with any of the Functions shall be transferred for use by the Receiving Agency for the Functions pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

A. The powers, duties, rights and responsibilities related to the Functions and transferred from the Transferring Agency by this Executive Order shall be vested in and shall be exercised by the Receiving Agency. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Transferring Agency or its divisions, officers or employees.

B. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Transferring Agency or its divisions, officers or employees.

C. Every officer of the Receiving Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agency in connection with any of the Functions transferred by this Executive Order, the same shall be made, given, furnished or served
in the same manner to or upon the Receiving Agency.

E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Functions of the Transferring Agency before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agency.

F. Any rules of the Transferring Agency that relate to the Functions, are in full force on the effective date of this Executive Order and have been duly adopted by the Transferring Agency shall become the rules of the Receiving Agency for the Functions. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Transferring Agency that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the Functions transferred, shall be deemed to have been filed by the Receiving Agency. As soon as practicable hereafter, the Receiving Agency shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Receiving Agency may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Receiving Agency.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor March 31, 2004.

Filed with the Secretary of State April 1, 2004.
2004-6

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that “Reorganization” includes, in pertinent part, (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, (b) the abolition of the whole or any part of any agency which does not have, or upon the taking effect of such reorganization will not have, any functions, and (c) the establishment of a new agency to perform all or any part of the functions of an existing agency or agencies; and

WHEREAS, the Department of Financial Institutions, the Department of Insurance, the Department of Professional Regulation and the Office of Banks and Real Estate are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 1205 et seq., 20 ILCS 1405 et seq., 20 ILCS 2105 et seq. and 20 ILCS 3205 et seq., respectively; and

WHEREAS, substantial benefits can be achieved by the transfer of all functions (the “Functions”), respectively, of the Department of Financial Institutions, the Department of Insurance, the Department of Professional Regulation and the Office of Banks and Real Estate (the “Consolidating Agencies”) into a newly created Department of Financial and Professional Regulation (the “New Agency”) and the subsequent corresponding abolition of the Consolidating Agencies; and

WHEREAS, consolidating the powers, duties, rights, responsibilities and Functions of the Consolidating Agencies into the New Agency provides for opportunities to increase operational efficiency and effectiveness, eliminate redundancies in functions and costs, increase accessibility by consumers and industry, increase accountability, simplify the organizational structure of the Executive Branch, increase leverage of specialized expertise, facilities and technology, promote a more effective
sharing of best practices and realize significant economies of scale, among other things; and

WHEREAS, the transfer of the Functions of the Consolidating Agencies into the New Agency shall not impede, disrupt or impair in any fashion any council, commission, board or other entity previously established and operating under any of the Consolidating Agencies.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. CREATION OF NEW DEPARTMENT
   A. Effective July 1, 2004, the New Agency shall be created and known as the “Department of Financial and Professional Regulation.”
   B. The New Agency shall have an officer as its lead known as the Secretary who shall be responsible for all agency Functions. Appointment to this office shall be made by the Governor, by and with the advice and confirmation of the Senate. Vacancies in the office of the Secretary shall be filled pursuant to 20 ILCS 5/5-605. The Secretary of the New Agency shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, as the case may be.
   C. The New Agency shall also have four Directors who will oversee the respective Functions of the Consolidating Agencies within the New Agency and report to the Secretary, as well as such other assistants and deputies as may be appropriate for the efficient operation of the New Agency. None of the four Directors, nor any such assistants or deputies, shall be state officers subject to Senate confirmation.

II. TRANSFER OF FUNCTIONS
   A. Effective July 1, 2004, the Functions and all associated powers, duties, rights and responsibilities of the Consolidating Agencies shall be transferred to the New Agency. The statutory powers, duties, rights and responsibilities of the Consolidating Agencies associated with these Functions derive from the statutes listed in the attached Appendix.
   B. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director or Commissioner of any of the Consolidating Agencies on any council, commission, board or other entity, the Secretary or, at the
Governor’s discretion, the appropriate Director of the New Agency, or their designee(s), shall serve in that place. If more than one such person is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the New Agency shall so serve.

III. ABOLITION OF CONSOLIDATING AGENCIES

The Consolidating Agencies listed in this Part III shall be abolished effective July 1, 2004. The rights, powers and duties associated with the Functions vested by law in these Consolidating Agencies, or any office, division, council, committee, bureau, board, commission, officer, employee, or associated individual, person or entity, and all rights, powers and duties of the Consolidating Agencies related to the Functions, including funding mechanisms, shall be transferred to the New Agency in accordance with Part II of this Executive Order:

A. Department of Financial Institutions (20 ILCS 1205 et seq.)
B. Department of Insurance (20 ILCS 1405 et seq.)
C. Department of Professional Regulation (20 ILCS 2105 et seq.)
D. Office of Banks and Real Estate (20 ILCS 3205 et seq.)

IV. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities related to the Functions and transferred by the Consolidating Agencies to the New Agency shall not be affected by this Executive Order, except that they shall all be carried out by the New Agency from the effective date of the transfers.

A. The staffs of the Consolidating Agencies engaged in the performance of the Functions shall be transferred to the New Agency. The status and rights of such employees under the Personnel Code shall not be affected by the transfers. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order.

B. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities transferred by this Executive Order from the Consolidating Agencies to the New Agency, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the New
C. All unexpended appropriations and balances and other funds available for use in connection with any of the Functions shall be transferred for use by the New Agency for the Functions pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

V. SAVINGS CLAUSE
A. The powers, duties, rights and responsibilities related to the Functions and transferred from the Consolidating Agencies by this Executive Order shall be vested in and shall be exercised by the New Agency. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by any of the Consolidating Agencies or their divisions, officers or employees.

B. Every officer of the New Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

C. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon any of the Consolidating Agencies in connection with any of the Functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the New Agency.

D. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Functions of any of the Consolidating Agencies before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the New Agency.

E. Any rules of the Consolidating Agencies that relate to the Functions, are in full force on the effective date of this Executive Order and that have been duly adopted by the Consolidating Agencies shall become the rules of the New Agency. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the
Consolidating Agencies that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the Functions transferred, shall be deemed to have been filed by the New Agency. As soon as practicable hereafter, the New Agency shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The New Agency, consistent with the Consolidating Agencies’ authority to do so, may propose and adopt under the Illinois Administrative Procedures Act such other rules of the Consolidating Agencies that will now be administered by the New Agency. To the extent that, prior to the effective date of the transfers, the Director or Commissioner of a Consolidating Agency had been empowered to prescribe regulations or had other rulemaking authority with respect to transferred Functions, such duties shall be exercised from and after the effective date of the transfers jointly by the Secretary and the Director responsible for the oversight of those respective Functions.

VI. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor March 31, 2004.
Filed with the Secretary of State April 1, 2004.

Appendix

Department of Financial Institution statutes affected by the Reorganization:
Financial Institutions Code, 20 ILCS 1205/1 et seq.
Illinois Credit Union Act, 205 ILCS 305/1 et seq.
Currency Exchange Act, 205 ILCS 405/0.1 et seq.
Transmitters of Money Act, 205 ILCS 657/1 et seq.
Sales Finance Agency Act, 205 ILCS 660/1 et seq.
Debt Management Service Act, 205 ILCS 665 et seq.
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Consumer Installment Loan Act, 205 ILCS 670/1 et seq.
Title Insurance Act, 215 ILCS 155/1 et seq.
Development Credit Corporations Act, 815 ILCS 35/1 et seq.
Safety Deposit Box Act, 240 ILCS 5/0.01 et seq.
Motor Vehicle Retail Installment Sales Act, 815 ILCS 375/1 et seq.
Retail Installment Sales Act, 815 ILCS 405/1 et seq.
Interest Act, 815 ILCS 205/1
High Risk Home Loan Act, 815 ILCS 137/1 et seq.
Department of Insurance statutes affected by the Reorganization:
Department of Insurance Law, 20 ILCS 1405 et seq.
Illinois Insurance Code, 215 ILCS 5/1 et seq.
Small Employer Health Insurance Rating Act, 215 ILCS 93/1 to 215 ILCS 93/40
Small Employer Rating, Renewability and Portability Health Insurance Act, 215 ILCS 95/1 to 215 ILCS 95/55 [Repealed]
Illinois Health Insurance Portability and Accountability Act, 215 ILCS 97/1 to 215 ILCS 97/99
Reinsurance Intermediary Act, 215 ILCS 100/1 to 215 ILCS 100/60
Comprehensive Health Insurance Plan Act, 215 ILCS 105/1 to 215 ILCS 105/15
Children’s Health Insurance Program, 215 ILCS 106/1 to 215 ILCS 106/99 [Repealed effective July 1, 2004]
Producer Controlled Insurer Act, 215 ILCS 107/1 to 215 ILCS 107/99
Dental Care Patient Protection Act, 215 ILCS 109/1 to 215 ILCS 1090/85
Dental Service Plan Act, 215 ILCS 110/1 to 215 ILCS 110/47
Employee Leasing Company Act, 215 ILCS 113/1 to 215 ILCS 113/99
Employees Dental Freedom of Choice Act, 215 ILCS 115/1 to 215 ILCS 115/4
Farm Mutual Insurance Company Act of 1986, 215 ILCS 120/1to 215 ILCS 120/17
Health Care Purchasing Group Act, 215 ILCS 123/1 to 215 ILCS 123/75
Health Maintenance Organization Act, 215 ILCS 125/1-1 to 215 ILCS 125/6-19
Limited Health Service Organization Act, 215 ILCS 130/1001 to 215 ILCS 130/4009
Managed Care Reform and Patient Rights Act, 215 ILCS 134/1 to 215 ILCS 134/299
Pharmaceutical Service Plan Act, 215 ILCS 135/1 to 215 ILCS 135/46.1 [Repealed]
Uniform Prescription Drug Information Card Act, 215 ILCS 138/1 to 215 ILCS 139/99
Product Liability Insurance Act, 215 ILCS 140/0.01, 215 ILCS 140/1 [Repealed]
Property Fire Loss Act, 215 ILCS 145/0.1, 215 ILCS 145/1
Religious and Charitable Risk Pooling Trust Act, 215 ILCS 150/1 to 215 ILCS 150/28
Service Contract Act, 215 ILCS 152/1 to 215 ILCS 152/99
Title Insurance Act, 215 ILCS 155/1 to 215 ILCS 155/25
Viatical Settlements Act, 215 ILCS 158/1 to 215 ILCS 158/99
Vision Service Plan Act, 215 ILCS 165/1 to 215 ILCS 165/30
Intergovernmental Cooperation Act, 5 ILCS 220/1 to 5 ILCS 220/16
State Employees Group Insurance Act of 1971, 5 ILCS 375/1 to 5 ILCS 375/17
Civil Administrative Code of Illinois (Part 11.5), 20 ILCS 1405/56.3, 20 ILCS 1405/1405-1 to 20 ILCS 1405/1405-30
Military Code of Illinois, 20 ILCS 1805/30.20
State Fire Marshall Act, 20 ILCS 2905/0.01 to 20 ILCS 2905/3
Experimental Organ Transplantation Procedures Act, 20 ILCS 3935/1 to 20 ILCS 3935/5
Asbestos Abatement Act, 105 ILCS 105/1 to 105 ILCS 105/16
Illinois Banking Act, 205 ILCS 5/5, 205 ILCS 5/48.2
Illinois Savings and Loan Act of 1985
   Art. 1 General Provisions, 205 ILCS 105/1-6, 205 ILCS 105/1-11
   Art. 4 Capital 205 ILCS 105/4-2
   Art. 5 Investments 205 ILCS 105/5-3
Savings Bank Act
   Art. 1 General Provisions 205 ILCS 205/1008
Illinois Credit Union Act, 205 ILCS 305/13, 205 ILCS 305/55
Corporate Fiduciary Act
   Art. 1 General Provisions 205 ILCS 620/1-6
   Art. IX Miscellaneous Provisions, Fiduciary Advisory Committee, 205 ILCS 620/9-1 to 205 ILCS 620/-9-6
Structural Pest Control Act, 225 ILCS 235/9
Elevator Safety and Regulation Act, 225 ILCS 312/100
Fire Sprinkler Contractor Licensing Act, 225 ILCS 317/1 to 225 ILCS 317/99
Petroleum Equipment Contractors Licensing Act, 225 ILCS 729/35
Senior Pharmaceutical Assistance Act, 320 ILCS 50/1 to 320 ILCS 50/99
Medical Patient Rights Act, 410 ILCS 50/0.01 to 410 ILCS 50/99
Hearing Screening for Newborns Act, 410 ILCS 213/1 to 410 ILCS 213/99
Fire Investigation Act, 425 ILCS 25/0.01 to 425 ILCS 25/13.1
Carnival and Amusement Rides Safety Act, 430 ILCS 85/2-14
Illinois Vehicle Code
   Ch. 3 Certificates of Title and Registration of Vehicles, 625 ILCS 5/3-100 to 625 ILCS 5/3-2006
   Ch. 7 Illinois Safety and Family Financial Responsibility Law, 625 ILCS 5/7-100 to 625 ILCS 5/7-708
   Ch. 8 Motor Vehicles Used for Transportation of Passengers, 625 ILCS 5/8-101 to 625 ILCS 5/8-116
   Ch. 9 Owners of For-Rent Vehicles for Hire, 625 ILCS 5/9-101 to 625 ILCS 5/9-110
   Ch. 18a Illinois Commercial Relocation of Trespassing Vehicles Law, 625 ILCS 5/18a-301
Boat Registration and Safety Act
   Art. V Operation of Motor Boats, 625 ILCS 45/5-1 to 625 ILCS 45/5-21
Criminal Code of 1961
   Art. 46 Insurance Fraud, Fraud on the Government, and Related Offenses, 720 ILCS 5/46-1 to 720 ILCS 5/46-5
   Criminal Juris Prudence Act (insurance law violation), 720 ILCS 275/119 [Repealed]
   Insurance Claims for Excessive Charges Act, 720 ILCS 325/1 to 720 ILCS 325/15
   Bail Bond False Statement Act, 720 ILCS 540/0.01, 720 ILCS 540/1
   Quasi-criminal and Misdemeanor Bail Act, 725 ILCS 195/0.01 to 725 ILCS 195/5
   Insurance Claims Fraud Prevention Act, 740 ILCS 92/1 to 740 ILCS 92/45
   Securities in Fiduciary Accounts Act, 760 ILCS 75/0.01 to 760 ILCS 75/4
   Condominium Property Act, 765 ILCS 605/12, 765 ILCS 605/12.1
   Mortgage Certificate of Release Act, 765 ILCS 935/5 to 765 ILCS 935/99
   Bailment Insurance Act, 765 ILCS 1015/0.01 to 765 ILCS 1015/4
   General Not-for-Profit Corporation Act of 1986, 805 ILCS 105/101.01 to 805 ILCS 105/117.05
   Motor Vehicle Retail Installment Sales Act, 815 ILCS 375/8 to 815 ILCS 375/10
   Restricted Call Registry Act, 815 ILCS 402/5
   Retail Installment Sales Act, 815 ILCS 405/8 to 815 ILCS 405/11.1
   Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1 to 815 ILCS 505/12
Uniform Deceptive Trade Practices Act, 815 ILCS 510/1 to 815 ILCS 510/7
Health Insurance Claim Filing Act, 820 ILCS 45/0.01 to 820 ILCS 45/2
Medical Care Savings Account Act of 2000, 820 ILCS 153/1 to 820 ILCS 153/99
Workers Compensation Act, 820 ILCS 305/1 to 820 ILCS 305/6
Workers Occupational Diseases Act, 820 ILCS 310/4 to 820 ILCS 310/6
Department of Professional Regulation statutes affected by the Reorganization:
Department of Professional Regulation Law, 20 ILCS 2105 et seq.
Acupuncture Practice Act of 1989, 225 ILCS 2/
Illinois Architecture Practice Act of 1989, 225 ILCS 305/
Illinois Athletic Trainers Practice Act, 225 ILCS 5/
Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985, 225 ILCS 410/
Professional Boxing and Wrestling Act, 225 ILCS 105/
Collection Agency Act, 225 ILCS 425/
Mail Order Contact Lens Act, 225 ILCS 83/
Illinois Controlled Substances Act, 720 ILCS 570/
Illinois Dental Practice Act, 225 ILCS 25/
Detection of Deception Examiners Act, 225 ILCS 430/
The Private Detective, Private Alarm, Private Security and Locksmith Act of 2004, 225 ILCS 447/
Dietetic and Nutrition Services Practice Act, 225 ILCS 30/
Electrologist Licensing Act, 225 ILCS 412/
Environmental Health Practitioner Licensing Act, 225 ILCS 37/
Funeral Directors and Embalmers Licensing Code, 225 ILCS 41/
Home Medical Equipment and Services Provider License Act, 225 ILCS 51/
Humane Euthanasia in Animal Shelters Act, 510 ILCS 72/
Interior Design Title Act, 225 ILCS 310/
Illinois Landscape Architecture Act of 1989, 225 ILCS 315/
Marriage and Family Therapy Licensing Act, 225 ILCS 55/
Massage Licensing Act, 225 ILCS 57/
Medical Practice Act of 1987, 225 ILCS 60/
Medical Corporation Act, 225 ILCS 15/
Naprapathic Practice Act of 1993, 225 ILCS 63/
Nursing and Advance Practice Nursing Act, 225 ILCS 65/
Nursing Home Administrators Licensing and Disciplinary Act
Illinois Occupational Therapy Practice Act, 225 ILCS 75/
Illinois Optometric Practice Act of 1987, 225 ILCS 80/
Orthotics, Prosthetics and Pedorthics Practice Act, 225 ILCS 84/
Perfusionist Practice Act, 225 ILCS 125/
Pharmacy Practice Act of 1987, 225 ILCS 85/
Illinois Physical Therapy Act, 225 ILCS 90/
Physician Assistant Practice Act of 1987, 225 ILCS 30
Podiatric Medical Practice Act of 1987, 225 ILCS 100/
Professional Counselor and Clinical Professional Counselor Licensing
Act, 225 ILCS 107/
Professional Engineering Practice Act of 1989, 225 ILCS 325
Professional Geologist Licensing Act, 225 ILCS 745
Professional Service Corporation Act, 805 ILCS 10/
Clinical Psychologist Licensing Act, 225 ILCS 15/
Illinois Public Accounting Act, 225 ILCS 450/
Respiratory Care Practice Act, 225 ILCS 106/
The Illinois Roofing Industry Licensing Act, 225 ILCS 335
Illinois Certified Shorthand Reporters Act of 1984, 225 ILCS 415/
The Clinical Social Work and Social Work Practice Act, 225 ILCS 20/
Illinois Speech-Language Pathology and Audiology Practice Act, 225 ILCS 110/
Structural Engineering Licensing Act of 1989, 225 ILCS 340
Veterinary Medicine and Surgery Practice Act of 1983, 225 ILCS 115/
Wholesale Drug Distributors Act, 225 ILCS 120/
Registered Surgical Assistant and Registered Surgical Technologist Title
Protection Act, 225 ILCS 130/
The Department of Professional Regulation:
Illinois Police Training Act, 50 ILCS 705/6.1
Office of Banks and Real Estate statutes affected by the Reorganization:
Office of Banks and Real Estate Act, 20 ILCS 3205/0.1 et seq.
State Treasurer Act, 15 ILCS 505/0.01 et seq.
Illinois Bank Examiners’ Education Foundation Act, 20 ILCS 3210/1 et seq.
State Finance Act, 30 ILCS 105/1 et seq.
Illinois Banking Act, 205 ILCS 5/1 et seq.
Illinois Bank Holding Company Act of 1957, 205 ILCS 10/1 et seq.
Illinois Savings and Loan Act of 1985, 205 ILCS 105/1-1 et seq.
Savings Bank Act, 205 ILCS 205/1001 et seq.
Pawnbroker Regulation Act, 205 ILCS 510/0.01 et seq.
Banking Emergencies Act, 205 ILCS 610/0.01 et seq.
Electronic Fund Transfer Act, 205 ILCS 616/1 et seq.
Corporate Fiduciary Act, 205 ILCS 620/1-1 et seq.
Promissory Note and Bank Holiday Act (Part 3), 205 ILCS 630/17 et seq.
Residential Mortgage License Act of 1987, 205 ILCS 635/1-1 et seq.
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Foreign Banking Office Act, 205 ILCS 645/1 et seq.
Foreign Bank Representative Office Act, 205 ILCS 650/1 et seq.
Financial Institution Activity Reporting Act, 205 ILCS 680/1 et seq.
Check Printer and Check Number Act, 205 ILCS 690/1 et seq.
Auction License Act, 225 ILCS 407/5-1 et seq.
Home Inspector License Act, 225 ILCS 441/1-1 et seq.
Real Estate License Act of 2000, 225 ILCS 454/1-1 et seq.
Real Estate Appraiser Licensing Act of 2002, 225 ILCS 458/1-1 et seq.
Land Sales Registration Act of 1999, 765 ILCS 86/1-1 et seq.
Real Estate Timeshare Act of 1999, 765 ILCS 101/101 et seq.
Uniform Disposition of Unclaimed Property Act, 765 ILCS 1025/0.05 et seq.
High Risk Home Loan Act, 815 ILCS 137/1 et seq.
Deposit of State Moneys Act, 15 ILCS 520/0.01 et seq.
Interest Act, 815 ILCS 205/0.01 et seq.

2004-7
EXECUTIVE ORDER INSTITUTING USE OF E-85 AND BIODIESEL BLEND FUELS IN FLEXIBLE FUEL VEHICLES AND DIESEL POWERED VEHICLES IN THE STATE OF ILLINOIS FLEET

WHEREAS, Illinois is the leading producer of soybeans and the second leading producer of corn in the United States, agricultural commodities used in the production of renewable fuels such as E-85 and biodiesel;

WHEREAS, numerous economic developmental and environmental benefits result from the use of renewable fuels, including but not limited to strengthening our agricultural sector by increasing demand for soybeans and corn, improving net farm income, improving our rural economies, creating new renewable fuels industry related jobs, reducing our dependence on foreign oil, improving our energy security, and reducing greenhouse gas emissions;

WHEREAS, there are currently at least 25 public, government and private E-85 refueling facilities in Illinois;

WHEREAS, the State of Illinois was one of the first states in the country to purchase and operate E-85 Flexible Fuel Vehicles, and the State of Illinois has one of the largest fleets of E-85 vehicles in the country;

WHEREAS, Public Act No. 093-0015, which I signed on June 11, 2003, will increase the cost competitiveness of E-85 and biodiesel blends for the people of Illinois;

WHEREAS, executive agencies of the State of Illinois should be at
the forefront in utilizing E-85 and biodiesel blended fuels in flexible fuel and diesel powered vehicles in the State’s fleet in order to actively demonstrate the economic development and environmental benefits to be realized from utilization of renewable fuels;

THEREFORE, I Rod R. Blagojevich, hereby order the following:

I. The Illinois Department of Central Management Services (CMS) is directed to immediately take all actions necessary to allow for the procurement of 2% blends of biodiesel (B2) fuel for the State’s diesel-powered vehicle fleet and to investigate ways in which to strengthen the infrastructure for increasing the availability of B2 and E-85 for the State’s flexible fuel fleet, including, but no limited to upgrading current E-95 fuel storage tanks at State facilities and establishing new State operated B2 refueling stations.

II. The Illinois Department of Commerce and Economic Opportunity (DCEO) is directed to develop a plan designed to facilitate usage of E-85 and B2 in the State’s flexible fuels vehicle fleet and actively pursue the establishment of additional E-85 and biodiesel refueling facilities at public retail outlets. The plan shall address reporting requirements on usage, necessary to provide a basis for documenting utilization of E-95 and B2 by State employees and to provide a basis to evaluate performance and costs of using E-85 and B2; employee incentive programs that could be offered by the State alone; or in conjunction with private sector partners; and marketing the benefits of E-95 and biodiesel blends. CMS shall act in an advisory capacity to DCEO in the development of the plan.

III. The Directors of all executive agencies utilizing the State’s fleet of flexible fuel vehicles shall implement policies, rules, and/or procedures requiring that employees under their jurisdiction use E-85 and B2 when operating flexible fuels and diesel powered vehicles in the State fleet, whenever practical, in the course of their state employment. For purposes of this Executive Order, the term “whenever practical” refers to the reasonableness of obtaining E-85 or B2 given the proximity of the employee operating a flexible fuels vehicle to an E-85 or biodiesel fueling facility when the need to obtain fuel arises.

IV. In all future State of Illinois purchases or rentals of vehicles for state use, the purchasing agency may establish reasonable priorities for the purchase or rental of flexible
fuel E-85 vehicles especially flexible fuel hybrid electric vehicles capable of using E-85 fuel. For diesel powered vehicles, the purchasing agency may establish reasonable priorities for those vehicles that can use blends of biodiesel or ethanol.

V. Savings Clause: Nothing in this Executive Order shall be construed to contravene any applicable state or federal law.

VI. Severability. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application.

VII. Effective Date: This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

Issued by the Governor April 12, 2004.
Filed with the Secretary of State April 12, 2004.

2004-8
EXECUTIVE ORDER TO MONITOR MOTOR FUEL RETAIL AND WHOLESALE PRICES THROUGH THE DEPARTMENT OF REVENUE

WHEREAS, motor fuel prices are on the rise throughout the United States; and

WHEREAS, high motor fuel prices negatively impact Illinois consumers, the state’s tourism industry, transportation, and the overall health of Illinois’ economy; and

WHEREAS, consumers of motor fuel in Illinois are entitled to a fair and competitive market for motor fuel and to information that will allow them to pay the lowest possible price for motor fuel; and

WHEREAS, healthy, vigorous competition among motor fuel refiners, marketers, and retailers may be encouraged by increased awareness among Illinois consumers about motor fuel prices; and

WHEREAS, lawmakers and decision makers can use information about the motor fuel market to create appropriate policy responses to increased motor fuel prices.

THEREFORE, I hereby order the following:

I. In order to regularly inform the Governor and Illinois consumers of current retail and wholesale motor fuel prices in Illinois, the Department of Revenue, in cooperation with the Department of Agriculture and the Illinois
Environmental Protection Agency, shall conduct regular surveys of motor fuel retail outlets as well as collect industry data on wholesale prices of motor fuel.

II. The Department of Revenue, in cooperation with the Department of Agriculture and the Illinois Environmental Protection Agency, shall establish a system to disseminate information to the public as to motor fuel prices based upon their survey results and industry data.

III. The Department of Revenue, in cooperation with the Department of Agriculture and the Illinois Environmental Protection Agency, shall research the issue of zone pricing of motor fuel and the possible implications for the state.

IV. The Department of Revenue, in cooperation with the Department of Agriculture and the Illinois Environmental Protection Agency, shall research the issue of single source distribution of motor fuel and the possible implications for the state.

V. SAVINGS CLAUSE
Nothing in this Executive Order shall be construed to contravene any state or federal law.

IV. SEVERABILITY
If any provision of this Executive Order or its application to any person or circumstance is held invalid in a court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE
This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

Issued by the Governor April 12, 2004.
Filed with the Secretary of State April 12, 2004.

2004-9
EXECUTIVE ORDER ESTABLISHING INTERSTATE 55 BETWEEN CARLINVILLE AND SPRINGFIELD AS THE VINCE DEMUZIO EXPRESSWAY

WHEREAS, Senator Vince Demuzio has devoted over 29 years of his life to public service from his first election to the Illinois State Senate in 1974 to his current service as Senate Majority Leader; and

WHEREAS, Senator Vince Demuzio is the longest serving current
member of the Senate and has served the people of this State with honorable distinction; and

WHEREAS, Senator Vince Demuzio has always been a passionate leader and an inspiring orator on the issues that are close to his heart; and

WHEREAS, Senator Vince Demuzio has been a champion for the building of an effective transportation infrastructure for the citizens of Illinois, through his advocacy for the completion of Route 36 from Jacksonville to Quincy, for major road improvements along the Route 67 corridor from Alton to Jacksonville, and for the conversion of Route 29 from Rochester to Taylorville into a four-lane road; and

WHEREAS, Interstate 55 between Carlinville and Springfield is one of the major transportation routes in the State and is a road frequently traversed by the Senator himself; and

WHEREAS, as the Governor of Illinois, I wish to permanently commemorate the distinguished leadership of Senator Vince Demuzio and his abiding impact on the people of Illinois.

THEREFORE, I hereby order the following:

I. The portion of Interstate Highway 55 commencing in Carlinville and ending in Springfield shall be designated the Vince Demuzio Expressway.

II. The Illinois Department of Transportation shall erect appropriate plaques or signs giving notice of the Vince Demuzio Expressway.

III. This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

Issued by the Governor April 23, 2004.
Filed with the Secretary of State April 23, 2004.

2004-10
EXECUTIVE ORDER ESTABLISHING INTERSTATE 88 BETWEEN STERLING, ILLINOIS AND THE QUAD CITIES AS THE RONALD REAGAN MEMORIAL HIGHWAY

WHEREAS, President Ronald Reagan was a native son of Illinois, born in Tampico, Illinois, on February 6, 1911 in a five-room flat over a bakery, the second son of store clerk John Reagan and seamstress Nelle Reagan; and

WHEREAS, the Reagan family moved to Chicago’s South Side, to Monmouth, and back to Tampico before settling in Dixon, Illinois; and

WHEREAS, Ronald Reagan was baptized at the Christian Church of Dixon on July 21, 1922; and

WHEREAS, Ronald Reagan spent seven summers working as a
lifeguard at Dixon’s Lowell Park, and is credited with saving 77 swimmers from drowning in the Rock River during that time; and

WHEREAS, Ronald Reagan graduated from Dixon High School, where he participated in drama, basketball, football and track, and was elected student body president; and

WHEREAS, Ronald Reagan attended Eureka College in Eureka, Illinois, where he appeared in 14 plays, won letters in football, swimming and track, coached the swim team, and served as study body president during his senior year; and

WHEREAS Ronald Reagan graduated from Eureka College in 1932 with a Bachelor of Arts degree in social science and economics; and

WHEREAS, Ronald Reagan cast his first vote in a national presidential election in Dixon in 1932; and

WHEREAS, the future fortieth president of the United States spent his entire youth in Illinois; and

WHEREAS, President Ronald Reagan had a long and varied career, ranging from the movie screens of Hollywood, to the Governor’s mansion in California, and finally to the White House as President of the United States; and

WHEREAS, with his death on June 6, 2004, the United States of America and the State of Illinois have lost a charismatic and inspiring leader. President Ronald Reagan leaves behind a legacy that will clearly resonate in this country and throughout the world for centuries to come; and

WHEREAS, as the Governor of Illinois, I wish to permanently commemorate the distinguished leadership of President Ronald Reagan and his personal connection to the State of Illinois.

THEREFORE, I hereby order the following:

I. The portion of Interstate 88 commencing in Sterling, Illinois and ending in the Quad Cities shall be designated the Ronald Reagan Memorial Highway.

II. The Illinois Department of Transportation shall erect appropriate plaques or signs giving notice of the Ronald Reagan Memorial Highway.

III. This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

Issued by the Governor June 8, 2004.
Filed with the Secretary of State June 8, 2004.
EXECUTIVE ORDER AUTHORIZING THE UTILIZATION OF METAL DETECTORS FOR THE PURPOSE OF ENHANCING SECURITY AT THE STATE CAPITOL BUILDING AND CAPITOL COMPLEX

WHEREAS, the security of the visitors to our State Capitol Building and surrounding Capitol complex and our state workers is of utmost importance; and
WHEREAS, metal detectors are useful law enforcement tools in preventing violent attacks upon our citizens; and
WHEREAS, one of our brave security officers, William Wozniak, gave his life to protect the State Capitol Building and its occupants; and
WHEREAS, the use of a metal detector may help deter and or prevent any future deaths or injuries to visitors and employees of the State Capitol Building and Capitol complex;
THEREFORE, I hereby authorize the following:
I. The installation and use of metal detectors for the state capitol building and other state buildings in the capitol complex.
II. SAVINGS CLAUSE
Nothing in this Executive Order shall be construed to contravene any state or federal law.
III. SEVERABILITY
If any provision of this Executive Order or its application to any person or circumstance is held invalid in a court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.
IV. EFFECTIVE DATE
This Executive Order shall be in full force and effect upon its filing with the Secretary
Issued by the Governor September 21, 2004.
Filed with the Secretary of State September 21, 2004.

EXECUTIVE ORDER AUTHORIZING THE IMPLEMENTATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM

WHEREAS, emergency response to critical incidents, whether
natural hazards like tornadoes and floods, or manmade disasters like accidents or acts of terrorism, requires a coordinated response and professional management, and;

WHEREAS, Unified Command is the optimal emergency management model to provide the best possible response to a disaster, utilizing the expertise of all of the appropriate public safety disciplines, and;

WHEREAS, the National Incident Management System (“NIMS”), has been identified by Homeland Security Presidential Directive-5 (“HSPD-5”) as being the requisite emergency management system for all levels of government and all political subdivisions in the United States, and;

WHEREAS, all political subdivisions must be in compliance with NIMS as prescribed in HSPD-5 on or before October 1, 2005, and;

WHEREAS, failure to adopt NIMS may preclude federal reimbursement for costs incurred during and after a declared emergency or disaster or for training for such emergencies or disasters, and for Homeland Security funding.

THEREFORE, I hereby direct the following:

I. All state agencies shall adopt NIMS as their model for emergency planning, Unified Command and response to emergencies and disasters.

II. The Illinois Emergency Management Agency will direct state responses to emergencies and disasters under NIMS through 1) institutionalization of NIMS in state and local emergency operations plans; 2) utilizing NIMS in training and exercises, as well as actual emergency and disaster responses; and 3) delivering a report to the Office of the Governor demonstrating the status of NIMS compliance by all Illinois state agencies directly under the control of the Governor and all 102 county emergency management agencies on or before October 1, 2005.

III. SAVINGS CLAUSE
Nothing in this Executive Order shall be construed to contravene any state or federal law.

IV. SEVERABILITY
If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this
Executive Order are declared to be severable.

V. EFFECTIVE DATE
This Executive Order shall be in full force and effect upon its filing with the Secretary of State.
Issued by the Governor November 17, 2004.
Filed with the Secretary of State November 17, 2004.

2004-13
EXECUTIVE ORDER REFORMING THE EXECUTIVE PROTECTION UNIT

WHEREAS, the Executive Protection Unit, as operated by the Illinois State Police, should receive the most sophisticated training available and exhibit the highest levels of professionalism; and
WHEREAS, the Executive Protection Unit should operate under a Code of Conduct governing professionalism, training, and on-the-job behavior.

THEREFORE, I hereby order:
I. SECRET SERVICE TRAINING
A. All current and future members of the Executive Protection Unit must undergo training as provided by the United States Secret Service.
B. Such training should be accomplished within a reasonable time after the effective date of this Executive Order but should not compromise the security functions and duties of the Executive Protection Unit.

II. NEW CODE OF CONDUCT
A. The Director of the Illinois State Police shall issue a new Code of Conduct for the Executive Protection Unit. The Code shall address training requirements, on-the-job behavior, and other relevant elements of security detail professionalism.
B. The Code should be specific in nature and give clear guidance to Unit members regarding prohibited activities. Members of the Executive Protection Unit shall strictly adhere to the Code.
C. The Code shall provide a mechanism for reporting instances of Unit members’ misconduct to the Illinois State Police, Office of Internal Affairs.
D. The Code should be drafted and issued within 90 days of the effective date of this Executive Order.
III. OTHER RIGHTS
   A. The rights of the employees and the State under the Personnel Code and applicable collective bargaining agreements or under any pension retirement or annuity plan shall not be affected by the Executive Order.

IV. SEVERABILITY
   If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE
   This Executive Order shall become effective immediately.

Issued by the Governor December 2, 2004.
Filed with the Secretary of State December 2, 2004.

2004-14
EXECUTIVE ORDER CREATING THE SAFE GAMES ILLINOIS TASK FORCE ON VIOLENT AND SEXUALLY EXPLICIT VIDEO GAMES

WHEREAS, the popularity of video games among all Americans including youth in Illinois has exponentially increased and in 2003, the video game industry collected $5.8 billion in revenues; and

WHEREAS, ninety two percent of all children ages two to seventeen play video games; and children between the ages of eight and eighteen years old play an average of 20 to 30 minutes of video games each day; boys spend an average of thirteen hours per week playing video games; and many children play video games as their primary, if not exclusive leisure activity; and

WHEREAS, with each new day, new technology creates video games that more realistically depict human behavior and these games have become increasingly violent and sexually explicit; and

WHEREAS, the video game industry created the Entertainment Software Rating Board (ESRB) to rate video games as EC – Early Childhood; E – Everyone; T – Teen; M – Mature; and AO – Adult Only; and

WHEREAS, the ESRB rating system is intended to notify parents which games are appropriate for their children to play, but it neither prohibits children from playing sexually explicit or violent video games,
nor prohibits retailers from selling such games to children; and
WHEREAS, only ten percent of games released in 2003 were M-rated, but 87% of boys play M-rated video games; and
WHEREAS, a Federal Trade Commission Study found that teens were able to purchase M-rated games 69% of the time they tried to do so and it is evident that the industry does not effectively enforce its own standards; and
WHEREAS M-rated games often contain, among other things, profanity, consumption of illegal drugs, alcohol, and tobacco; partial nudity, graphic depictions of rape and other sexual acts; blood, the mutilation of body parts, dismemberment, and the infliction of serious human injury, including death; and
WHEREAS, studies indicate that playing violent video games increases aggressive behavior in the player and may increase societal violence; and
WHEREAS, researchers have found that playing violent video games causes a thirteen percent to twenty-two percent increase in adolescents’ violent behavior; and
WHEREAS, A Stanford University study found that reducing the amount of time third and fourth graders spend watching television and playing video games to under seven hours per week decreases verbal aggression by fifty percent and physical aggression by forty percent; and
WHEREAS, the ultimate responsibility of monitoring what video games a child plays lies with that child’s parents; however, children are often more technologically savvy than their parents, who may have difficulty even playing the games to discover their contents; and
WHEREAS, a working family may not have the time and technological sophistication to monitor each and every game its children play; and one third of all children ages two to eighteen have a video game playing system in their bedrooms, making it especially difficult for parents to know what games their children are playing at all times;
THEREFORE, I hereby order the following:
1. Within the Department of Public Health, there shall be created the Safe Games Illinois Task Force to study the aforementioned issues related to violent and sexually explicit video games and serve as an advisory board to the Governor.
2. The Task Force shall consist of twenty-four members, all to be appointed by the Governor. Of the twenty-four members, one shall serve as Chairperson. The Governor shall determine who serves as Chairperson. Additional members may be appointed in the future at the Governor’s discretion.
3. The Task Force’s duties shall be the following, including but not
limited to:

! Compiling research data on the effects of violent and sexually explicit video games on the psychological well being of children under 18 and the incidence of violence in society at large;
! Reviewing the content of video games to determine which games are violent or sexually explicit and may be inappropriate for Illinois children;
! Compiling a list of and informing parents about potentially inappropriate games for children and displaying the list on the safegamesillinois.org website;
! Informing the Governor of parents’ concerns and providing recommendations on how to educate parents and the public about violent and sexually explicit video games:
! Creating a parents working group to actively solicit input from parents around the state.

Issued by the Governor December 30, 2004.
Filed with the Secretary of State December 30, 2004.
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2004-1
NIGHT OF 100 STARS

WHEREAS, the DuSable Museum of African American History, the oldest independent institution of its kind in the country, is dedicated to the collection, preservation, interpretation and dissemination of the history and culture of Americans of African descent; and

WHEREAS, in 1992, the DuSable Museum culminated the celebration of its 30th Anniversary by instituting the African American HistoryMakers Awards©; and

WHEREAS, the HistoryMaker Awards© salute African American Chicagoans who have made outstanding contributions to society through their professions and civic responsibilities. Honorees are inducted into the DuSable Museum’s “Chicago African American HistoryMakers© Gallery of Greats”; and

WHEREAS, this year’s HistoryMakers© include Paul Freeman, the founding music director of the Chicago Stinfonietta; R. Eugene Pinchman, Esq., a retired Justice of the Appellate Court of Illinois; Herb Kent, an on-air personality from WVAZ radio; Barbara Sizemore, Ph.D., the Dean of the DePaul University’s School of Education; Jim Tilmon, a retired American Airlines pilot and Meteorologist from CBS 2-Chicago; and Margaret Smith, a retired Illinois State Senator; and

WHEREAS, the 2004 Chicago African American HistoryMakers© will be honored on February 21, 2004, during the “Night of 100 Stars – Chicago African American HistoryMakers Awards©” gala:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 21, 2004 as the NIGHT OF 100 STARS in Illinois.

Issued by the Governor January 06, 2004.
Filed by the Secretary of State January 07, 2004.

2004-2
NATIONAL FOREIGN LANGUAGE WEEK

WHEREAS, foreign language study is an important component to any education, as it allows students to broaden their horizons by learning to more effectively communicate on an international stage. In addition, it teaches students to respect and understand other cultures, while providing a solid foundation with which to continuously further their own educational aspirations; and

WHEREAS, Alpha Mu Gamma, the national collegiate foreign language honor society, was founded in 1931 in order to honor achievement
in all languages at an early stage in a student’s career. Today, there are over 300 chapters at public and private universities and colleges across the country; and

WHEREAS, since the spring of 1957, Alpha Mu Gamma has taken the lead in organizing National Foreign Language Week to make students and educators across the country aware of the importance of foreign language study; and

WHEREAS, in Illinois, the Illinois Council on the Teaching of Foreign Languages (ICTFL) has been instrumental in ensuring the success of National Foreign Language Week. Since being established as a not-for-profit association in 1987, the ICTFL has become the largest statewide foreign language teachers’ organization in Illinois. Currently, the ICTFL serves over 1800 members, who instruct students from the elementary to the collegiate levels; and

WHEREAS, the theme of National Foreign Language Week 2004 is “Spring Brings Hope, So Does Understanding . . . Through Foreign Languages”:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 1-7, 2004 as NATIONAL FOREIGN LANGUAGE WEEK in Illinois, and encourage all citizens to recognize and appreciate the value that foreign language study brings to our schools and our society.

Issued by the Governor January 06, 2004.
Filed by the Secretary of State January 07, 2004.

2004-3

WEEK OF THE CLASSROOM TEACHER

WHEREAS, the Association for Childhood Education International (ACEI) works in conjunction with teachers throughout our nation to actively promote the inherent rights, education and well-being of all children; and

WHEREAS, as a crucial part of children’s educational experiences, teachers are committed to working with parents and administrators every day to provide the best learning environment for their students; and

WHEREAS, teachers use their skills to help ensure that our children have the resources necessary to become productive citizens and future leaders; and

WHEREAS, ACEI’s “Week of the Classroom Teacher” is celebrated throughout the world. In Illinois, it will provide a unique opportunity for citizens to honor our teachers for their dedication to upholding the highest standards of educational excellence and for their commitment to ensuring that our young people achieve their maximum potential:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2 – 8, 2004 as WEEK OF THE CLASSROOM TEACHER in Illinois, and encourage all citizens to recognize and appreciate the tremendous job our teachers do in preparing our students for their future.

Issued by the Governor January 06, 2004.
Filed by the Secretary of State January 07, 2004.

2004-4
VOLUNTEER BLOOD DONOR MONTH

WHEREAS, approximately four million patients across the country receive blood transfusions each year. In order to meet that demand, roughly eight million people donate blood every year; and
WHEREAS, there is still a great need for blood donors throughout this country. Accident victims, people undergoing surgery, and patients receiving treatment for leukemia, cancer or other diseases all utilize blood; and
WHEREAS, donating blood is a selfless and fulfilling act that saves countless lives every year. The process of donating blood is completely safe; and
WHEREAS, since January is traditionally a time when it is difficult to recruit blood donors, it is recognized as Volunteer Blood Donor Month in hopes that more people will be willing to donate blood; and
WHEREAS, the theme for the month is “Give Blood . . . The Gift of Life”;

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2004 as VOLUNTEER BLOOD DONOR MONTH in Illinois, and encourage all citizens to consider donating their blood.

Issued by the Governor January 06, 2004.
Filed by the Secretary of State January 07, 2004.

2004-5
PEACE CORPS WEEK

WHEREAS, the Peace Corps has become an enduring symbol of our nation’s commitment to encouraging progress, creating opportunity and expanding development at the grass-roots level in the developing world; and
WHEREAS, since 1961, more than 170,000 Americans have volunteered in 137 different countries with the Peace Corps. Over 6,500 of the volunteers have come from Illinois; and
WHEREAS, Peace Corps volunteers have made significant and
lasting contributions around the world in agriculture, business development, information technology, education, health and HIV/AIDS outreach and the environment, and have improved the lives of individuals and communities around the world; and

WHEREAS, Peace Corps volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries; and

WHEREAS, Peace Corps volunteers, enriched by their experiences overseas, have brought their communities throughout the United States a deeper understanding of other cultures and traditions, thereby bringing a domestic dividend to our nation; and

WHEREAS, it is indeed fitting to recognize the achievements of the Peace Corps and honor its volunteers, past and present, and reaffirm our country’s commitment to empowering people to help themselves throughout the world:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 1 – 7, 2004 as PEACE CORPS WEEK in Illinois, and encourage all citizens to recognize and appreciate the impact that these volunteers have made across the world.

Issued by the Governor January 06, 2004.
Filed by the Secretary of State January 07, 2004.

2004-6
WARREN V. HILEMAN DAY

WHEREAS, Warren V. Hileman, born in Union County on September 29, 1901, served his country during World War I as a member of the United States Army from July 1919 to August 1922 with Company B, 27th Infantry; and

WHEREAS, Mr. Hileman has one daughter, Alice Hardin, who resides in Anna, Illinois. His lifetime hobby is carpentry, and he regularly reads the newspaper to stay abreast on current events. He also enjoys taking car rides, playing bingo and eating at restaurants. Mr. Hileman can often be heard saying “I’m not old, I’ve just been here a long time”; and

WHEREAS, since 1995, Mr. Hileman has been living at the Illinois Veterans’ Home in Anna, Illinois; and

WHEREAS, on Wednesday, January 14, 2004, the State of Illinois will present Mr. Hileman with a World War I Victory Medal for honorable services from September 6, 1919 to March 10, 1920, while serving with the American Expeditionary Forces in Siberia:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 14, 2004 as WARREN V. HILEMAN DAY in
Illinois, in recognition of Mr. Hileman’s courageous and selfless dedication to his country.

Issued by the Governor January 12, 2004.
Filed by the Secretary of State January 14, 2004.

2004-7
FOUR CHAPLAINS SUNDAY

WHEREAS, on February 3, 1943, four United States Army Chaplains, Reverend George L. Fox, Rabbi Alexander D. Goode, Reverend Clark V. Poling and Reverend John P. Washington, sacrificed their lives in one of the most inspiring acts of heroism during World War II; and
WHEREAS, on what is now remembered as “Four Chaplains Sunday,” the four Chaplains remained onboard the sinking U.S.A.T. Dorchester, handing out life jackets to the soldiers; and
WHEREAS, when no life jackets remained, they removed their own and gave them away, so that four more soldiers would have a chance at survival; and
WHEREAS, they then sank with the ship in the North Atlantic, their arms linked together while they prayed; and
WHEREAS, this year’s memorial program is being hosted by the Navy Club of the USA, Department of Illinois, and is annually sponsored by the Combined Veterans Association of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 1, 2004 as FOUR CHAPLAINS SUNDAY in Illinois to commemorate the brave Chaplains who served selflessness, bravery and dedication.

Issued by the Governor January 13, 2004.
Filed by the Secretary of State January 14, 2004.

2004-8
FFA WEEK

WHEREAS, agriculture is Illinois’ largest and most productive industry and is vital to the future progress and prosperity of our state; and
WHEREAS, agriculture education prepares over 25,000 students each year to meet the growing demands in the science, business and technology of agriculture; and
WHEREAS, the Future Farmers of America (FFA) provides over 16,000 members with positive learning experiences that develop their potential for premier leadership, personal growth and career success; and
WHEREAS, the Illinois Association FFA, which encompasses both
Agribusiness and Production Agricultural settings, is the largest youth organization in the state, benefiting over one million members throughout their existence; and

WHEREAS, the 2003-2004 year marks the Illinois Association FFA’s 75th Anniversary. The year has been appropriately themed, “Shaping America’s Future”; and

WHEREAS, each year, throughout the United States, Puerto Rico, Guam and the Virgin Islands, a week in February is set aside to recognize the FFA:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 22-28, 2004 as FFA WEEK in Illinois, and strongly urge all citizens to recognize and encourage agriculture education and support the ideals and dedication of the Illinois Association FFA.

Issued by the Governor January 13, 2004.

Filed by the Secretary of State January 14, 2004.

2004-9

JOHN DEERE DAY

WHEREAS, John Deere, who developed the world’s first commercially successful, self-scouring steel plow, was born 200 years ago on February 7, 1804; and

WHEREAS, in 1837, John Deere emigrated to the western Illinois pioneer settlement of Grand Detour and set up a blacksmith shop near the Rock River; and

WHEREAS, after fashioning the first self-scouring steel plow, John Deere moved to a water-powered factory along the Mississippi River in Moline; and

WHEREAS, in 1868, John Deere incorporated his business under the name Deere & Company; and

WHEREAS, John Deere established enduring values that have sustained his company for 167 years of quality, integrity, innovation and commitment; and

WHEREAS, Deere & Company today employs 4,725 men and women in nine Illinois cities, including its worldwide headquarters in Moline, and spends more than $880 million annually through over 2,100 state-based suppliers; and

WHEREAS, worldwide, Deere & Company employs more than 43,000 people and does business in more than 160 countries; and

WHEREAS, Deere & Company today is the world’s leading manufacturer of agricultural and forestry equipment, a major manufacturer of construction equipment, and a leading supplier of equipment used in lawn,
grounds and turf care; and 
WHEREAS, continuing a tradition of giving begun by John Deere more than 165 years ago, Deere & Company today supports hundreds of charitable organizations throughout the state, contributing to the quality of life for Illinois citizens: 
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 7, 2004 as JOHN DEERE DAY in Illinois.

Issued by the Governor January 13, 2004.
Filed by the Secretary of State January 14, 2004.

2004-10
GO RED FOR WOMEN DAY

WHEREAS, cardiovascular diseases (CVD) claim the lives of more than half a million women annually; and 
WHEREAS, across the country, one in five women has some form of heart disease; and 
WHEREAS, it is critical to empower women and increase their awareness of steps they can take to reduce their risk of heart disease; and 
WHEREAS, February is American Heart Month, and, throughout the month, it is important for women to learn the warning signs of a heart attack, as well as the steps they can take to prevent heart disease; and 
WHEREAS, the American Heart Association works hard to advance groundbreaking medical research, spread lifesaving knowledge and reach out to people of all ages; and 
WHEREAS, along with its many partners, the American Heart Association is creating healthier communities that are safe from the devastation of heart disease and stroke, and ensuring stronger, longer lives for citizens of this country; and 
WHEREAS, Illinois is pleased to join the American Heart Association in asking our citizens to “Go Red for Women” on February 6, 2004, to show their support for women fighting heart disease and, to raise awareness about the number one cause of death for women in our state: 
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 6, 2004 as GO RED FOR WOMEN DAY in Illinois, and urge all citizens, especially women, to familiarize themselves with the signs, symptoms and treatments for CVD, so that we might begin to reduce the devastating impact it has upon our population.

Issued by the Governor January 16, 2004.
Filed by the Secretary of State January 23, 2004.
2004-11
WOMEN OF VISION DAY

WHEREAS, in Illinois alone, there are more than 150,000 people, age forty and over, who have some form of vision impairment, including blindness; and

WHEREAS, Prevent Blindness America was founded in 1908 and is the nation’s leading volunteer eye health and safety organization dedicated to fighting blindness and saving sight; and

WHEREAS, Prevent Blindness America touches the lives of millions of people each year through public and professional education, certified vision screening training, community and patient service programs and research; and

WHEREAS, in a special celebration of the many outstanding, visionary women in Illinois who support their mission, Prevent Blindness America bestows the “Women of Vision” honor on worthy recipients at an annual awards event; and

WHEREAS, this year, the “Women of Vision” ceremony will honor Ms. Evelyn Echols and The Honorable Sara Feigenholtz, two Illinois women renowned in their respective fields; and

WHEREAS, Ms. Evelyn Echols is a published author, entrepreneur and Chicago socialite, with age-related macular degeneration, who, at the age of 88, has just launched a pilot program for inner-city Chicago high school students, training them for careers in the travel and hospitality industry; and

WHEREAS, The Honorable Sara Feigenholtz, a fifth term member of the Illinois House of Representatives from the 12th District, has been a champion of health care causes, most recently sponsoring a bill for a vehicle registration and drivers license $1.00 check-off to benefit a Blindness Prevention Fund:

THEREFORE, I, Rod Blagojevich do hereby proclaim February 4, 2004 as WOMEN OF VISION DAY in Illinois, and encourage all citizens to recognize and appreciate the work of Prevent Blindness America, as well as the extraordinary efforts of Ms. Evelyn Echols and The Honorable Sara Feigenholtz.

Issued by the Governor January 21, 2004.
Filed by the Secretary of State January 23, 2004.

2004-12
AMBUCS VISIBILITY MONTH

WHEREAS, AMBUCS is a national service organization composed of a diverse group of men and women dedicated to creating opportunities for
people with disabilities to be become more independent. Their services include performing community service, providing AmTryke® therapeutic tricycles to children with disabilities, and providing scholarships for therapists; and

WHEREAS, there are more than 6,000 members of AMBUCS spanning fifteen states, who work diligently to provide programs such as AMBUCS Scholars – Scholarships for Therapists and AmBility; and

WHEREAS, the AMBUCS Scholars program has provided over $6 million to educate physical and occupational therapists; and

WHEREAS, AmBility is a program that focuses on providing AmTryke® therapeutic bicycles to children with disabilities and building ramps to create handicap-accessible homes and businesses; and

WHEREAS, there are fifteen AMBUCS organizations in the state of Illinois who partner with such organizations as the Special Olympics and Easter Seals; and

WHEREAS, National AMBUCS, Inc. has set aside February as National Visibility Month to recognize the hard work accomplished by AMBUCS organizations across the country:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2004 as AMBUCS VISIBILITY MONTH in Illinois.

Issued by the Governor January 21, 2004.
Filed by the Secretary of State January 23, 2004.

2004-13
RONALD REagan DAY

WHEREAS, The Honorable Ronald Reagan, 40th President of the United States of America, served the office with dignity from 1981-1989, and, during his presidency, championed four “Pillars of Freedom,” individual liberty, economic opportunity, global democracy and national pride; and

WHEREAS, President Reagan began his professional career as a Hollywood actor, appearing in several memorable movies between the 1930’s and 1950’s, including Dark Victory; Knute Rockne, All American; King’s Row; Storm Warning, The Winning Team and Bedtime For Bonzo; and

WHEREAS, during his acting career, President Reagan worked with such movie legends as Doris Day and Humphrey Bogart, and had the honor of serving as president of the Screen Actors’ Guild. After acting, President Reagan entered politics, and was soon elected Governor of California, a position he held from 1966-1974; and

WHEREAS, born and raised in Illinois, President Reagan’s legacy is
commemorated in Illinois on the Ronald Reagan Trail, officially designated by the Illinois General Assembly on May 21, 1999; and

WHEREAS, President Reagan was born in Tampico, Illinois on February 6, 1911, in an apartment above a bakery on Main Street, and lived there until he was nine years old; and

WHEREAS, though born in Tampico, President Reagan was raised in Dixon, Illinois, where he attended South Side School and First Christian Church, and worked as a life guard at Lowell Park; and

WHEREAS, President Reagan attended Eureka College in Eureka, Illinois and graduated in 1932 with a degree in Economics and Sociology. At Eureka, President Reagan lettered in football, track and swimming, was involved in theatre and student government, and was a member of the Tau Kappa Epsilon fraternity:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 6, 2004 as RONALD REAGAN DAY in Illinois, in recognition of the birthday of this accomplished Illinois native.

Issued by the Governor January 29, 2004.
Filed by the Secretary of State January 30, 2004.

2004-14
MUNICIPAL CLERKS WEEK

WHEREAS, the Office of Municipal Clerk is a time-honored and vital part of local government in countries throughout the world that exists to provide a professional link between citizens, local governing bodies, and agencies of government at other levels, while serving as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, the Illinois Municipal Clerks, an organization dedicated to pursuing state legislation that upgrades the professional and educational opportunities of the Municipal Clerk and representing the interests of Illinois’ Municipal Clerks, is celebrating their 35th Anniversary this year:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2 – May 8, 2004 as MUNICIPAL CLERKS WEEK in Illinois, and extend my gratitude to all Municipal Clerks for the vital services they perform, and their exemplary dedication to the communities they represent.

Issued by the Governor January 29, 2004.
Filed by the Secretary of State January 30, 2004.
2004-15
CELEBRATION SHERWOOD! WEEK

WHEREAS, William Hall Sherwood, founder of the Sherwood Conservatory of Music, was a highly regarded concert pianist, eminent pedagogue and composer, and dedicated musician who performed all over the world; and

WHEREAS, at the age of seventeen, William Sherwood went to Europe to study with some of the greatest musicians of the day, soon becoming widely lauded as a soloist and teacher; and

WHEREAS, William Sherwood sought to make music accessible to all people. As an internationally acclaimed concert pianist, he gave concerts throughout the prairie and western frontier, transporting his grand piano on the back of a horse-drawn carriage; and

WHEREAS, in 1895, William Sherwood founded the Sherwood Music School, which eventually became known as the Sherwood Conservatory of Music. His legacy was the Sherwood Piano Method, which is a mainstay at the more than 1,000 national and international branches of his school; and

WHEREAS, for over 100 years now, the Sherwood Conservatory of Music has been serving the needs of the musical community in Chicago’s South Loop, as a community-focused institution committed to meeting the diverse music education needs of Chicago’s urban population; and

WHEREAS, 2004 marks the 150th Anniversary year celebrating the birth of William Hall Sherwood.

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 7 – 14, 2004 as CELEBRATION SHERWOOD! WEEK in Illinois, and encourage all citizens to appreciate the legacy of William Hall Sherwood and the wonderful contributions that his conservatory has made to our communities.

Issued by the Governor January 29, 2004.
Filed by the Secretary of State January 30, 2004.

2004-16
PERIANESTHESIA NURSE AWARENESS WEEK

WHEREAS, there are more than 49,000 perianesthesia nurses in the United States whose interests are represented by the American Society of PeriAnesthesia Nurses, one of our nation’s premier specialty nursing organizations; and

WHEREAS, the American Society of PeriAnesthesia Nurses strives to advance the field of nursing by providing education, conducting research
WHEREAS, perianesthesia nurses practice in all phases of preanesthesia and postanesthesia care, ambulatory surgery and pain management; and

WHEREAS, the depth and breadth of the perianesthesia nursing profession meets the varied and emerging health care needs of the American population in a diversified range of environments; and

WHEREAS, while the demand for perianesthesia nurses will only increase due to an aging American population and advances in medicine that are prolonging life, the role played by these nurses has been established as essential in the quality of health care and safety of patients in the hospital and ambulatory surgery settings; and

WHEREAS, the Illinois Society of PeriAnesthesia Nurses, founded in 1976 as a component society to the American Society, exists to unite perianesthesia nurses to promote quality and cost-effective care for their patients, their families and the community, through public and professional education, research and standards of practice; and

WHEREAS, in celebration of the ways perianesthesia nurses strive to advance nursing practices, the Illinois Society of PeriAnesthesia Nurses, in conjunction with the American Society of PeriAnesthesia Nurses will celebrate PeriAnesthesia Nurse Awareness Week, with the theme, PeriAnesthesia Nurses Influencing the Circle of Care:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2 – 8, 2004 as PERIANESTHESIA NURSE AWARENESS WEEK in Illinois, in celebration of the accomplishments and efforts to improve the quality of patient care and nursing practices of Illinois’ perianesthesia nurses.

Issued by the Governor January 29, 2004.
Filed by the Secretary of State January 30, 2004.

2004-17

COALITION FOR THE REMEMBRANCE OF ELIJAH MUHAMMAD (C.R.O.E.) DAY

WHEREAS, the Coalition for the Remembrance of Elijah Muhammad (C.R.O.E.) is celebrating their 17th Anniversary Founders’ Day on February 8, 2004; and

WHEREAS, founded in 1987 by Halif Muhammad, Shahid Muslim and Munir Muhammad, all of whom still serve the organization, C.R.O.E. exists to pay tribute to The Honorable Elijah Muhammad, and ensure that his accomplishments and ideas are not forgotten; and

WHEREAS, C.R.O.E. continues to be an invaluable institution and
an important voice in both the African-American community and the general public:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 8, 2004 as COALITION FOR THE REMEMBRANCE OF ELIJAH MUHAMMAD (C.R.O.E.) DAY in Illinois, in recognition of the organization’s seventeen years of service to Illinois citizens and their ongoing commitment to ensuring the legacy of this influential African-American.

Issued by the Governor January 29, 2004.
Filed by the Secretary of State January 30, 2004.

2004-18
ENGINEER’S WEEK

WHEREAS, according to the Illinois Department of Professional Regulation, there are approximately 20,700 registered professional engineers and 2,300 registered structural engineers in Illinois; and

WHEREAS, Illinois’ engineering community provides the people of this state with a wealth of innovations in all fields, including agriculture, transportation, construction and education; and

WHEREAS, engineers from Illinois have received awards for projects throughout the world, including work on the Guggenheim Museum in Bilbao, Spain and the Petronas Twin Towers in Kuala Lumpur, Malaysia; and

WHEREAS, we must depend upon the professional men and women in the field of engineering to find technological solutions to the problems we currently face, and those we might face in the future; and

WHEREAS, due to the countless advances made by engineering professionals in Illinois, the overall quality of our lives is improving daily:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 22 – 28, 2004 as ENGINEERS’ WEEK in Illinois, and encourage all citizens to recognize and appreciate the countless benefits that engineers bring to this state, and to this country as a whole.

Issued by the Governor February 06, 2004.
Filed by the Secretary of State February 09, 2004.

2004-19
NUTRITION MONTH

WHEREAS, it is imperative that we as a state do our part to promote good health and nutrition by encouraging all citizens to practice sound eating habits; and
WHEREAS, according to the Illinois Behavioral Risk Factor Surveillance System, more than 36 percent of Illinoians are overweight, and nearly 20 percent are at risk because of obesity; and
WHEREAS, it is estimated that only 23 percent of Illinois residents eat the recommended five or more servings of fruits and vegetables per day; and
WHEREAS, poor nutrition is a major risk factor for diabetes, which has reached epidemic proportions here in Illinois. Nearly 514,000 Illinoians are currently living with diabetes, and an additional three million people in this state are at risk because of obesity, sedentary lifestyle and age; and
WHEREAS, the Illinois Department of Human Services, along with the Illinois Interagency Nutrition Council are joining nutrition professionals in Illinois and throughout the United States to promote good nutrition during the month of March. The theme of this year’s awareness campaign is Celebrating Good Nutrition for Families and Youth in Illinois – Grow Your Way to 5 A Day:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2004 as NUTRITION MONTH in Illinois, and encourage all citizens to maintain healthy eating habits, thereby reducing their risk for obesity and diabetes.
Issued by the Governor February 06, 2004.
Filed by the Secretary of State February 09, 2004.

2004-20
SISTER CITIES DAY

WHEREAS, in 1956, shortly after World War II and at the height of the Cold War, President Dwight D. Eisenhower proposed a “People-to-People” program, aimed at involving individuals and organized groups at all levels of society in citizen diplomacy, with the hope that these personal relationships would lessen the chance of future world conflicts; and
WHEREAS, by 1967, due to the program’s tremendous growth and popularity, the “People-to-People” program became a separate, nonprofit corporation known as Sister Cities International (SCI); and
WHEREAS, according to their mission statement, SCI exists to “Promote peace through mutual respect, understanding and cooperation – one individual, one community at a time;” and
WHEREAS, the work of SCI strengthens partnerships between the United States and international communities, which in turn increases global cooperation at the municipal level, promotes cultural understanding and stimulates economic development; and
WHEREAS, SCI represents more than 250,000 volunteers in over
1,400 United States cities, who work in collaboration with 140 countries around the globe. The Illinois chapter of SCI represents 60 communities from the state and works in partnership with 98 cities around the world; and

WHEREAS, by working to promote peaceful relations between the United States and the global community, SCI is working towards a better and brighter future for American citizens, as well as people throughout the world:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 11, 2004 as SISTER CITIES DAY in Illinois, in recognition of their tireless efforts at promoting international peace and cooperation.

Issued by the Governor February 10, 2004.
Filed by the Secretary of State February 11, 2004.

2004-21
SCHOOL HEALTH CENTER AWARENESS MONTH

WHEREAS, optimal physical and mental health of our students leads to optimal academic achievement and is very important to the overall health and well-being of the youth in Illinois; and

WHEREAS, all youth in Illinois deserve access to comprehensive health care; and

WHEREAS, school health centers provide accessible, affordable and quality health care and health education that improves the lives of young people and their families; and

WHEREAS, school health centers are supported in communities by parents, teachers, school administrators and other concerned citizens; and

WHEREAS, the first school health center emerged in Illinois in 1982, and, today, there are more than forty school-based and school-linked health centers providing vital and necessary bridges among health care networks within many communities across Illinois; and

WHEREAS, fewer school absences, higher compliance with required immunizations and physical exams, decreased smoking of tobacco and marijuana, fewer hospitalizations and emergency room visits, and a decline in teen pregnancy are a few of the benefits to students of school health centers:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2004 as SCHOOL HEALTH CENTER AWARENESS MONTH in Illinois, and urge all citizens to recognize the role of local school based and school linked health centers in improving the health and well-being of the young people in our state.

Issued by the Governor February 10, 2004.
Filed by the Secretary of State February 11, 2004.
WHEREAS, the Republic of Estonia gained independence in 1918 after withstanding centuries of Danish, Swedish, German and Russian rule, approving the country’s first constitution in 1920; and

WHEREAS, joining the League of Nations in 1921, Estonia strived to maintain good relations with all nations, while dealing with numerous domestic issues, including an attempted coup d’etat by the Russian Bolsheviks and the gradual introduction of authoritarian rule; and

WHEREAS, despite declaring themselves neutral at the outbreak of World War II, Estonia was forced to sign a mutual assistance pact with Moscow in 1939. At the end of the war, 282,000 Estonians had either died in combat, fled the country or been deported, reducing their population by a full quarter; and

WHEREAS, in 1940, Estonia was forcibly integrated into the Soviet Union, only to be occupied briefly by Germany during World War II, before the Soviets resumed control in 1944; and

WHEREAS, this forced occupation led to decades of repression, in which Estonians struggled to maintain their national identity, before finally coming to an end in 1991 with the collapse of the Soviet Union; and

WHEREAS, on September 2, 1991, the United States of America officially recognized Estonia’s independence, and, by the end of 1991, approximately one hundred nations had also done so. However, it was not until 1994 that the last of the Russian troops evacuated the country, leaving Estonia free to re-establish their diplomatic relations with the world; and

WHEREAS, Americans of Estonian descent are exemplary citizens, who continue to uphold their rich cultural traditions, take pride in their history, promote human rights and seek self-determination for their homeland:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 24, 2004 as ESTONIAN INDEPENDENCE DAY in Illinois in recognition of the country’s 86th Anniversary of Independence.

Issued by the Governor February 10, 2004.
Filed by the Secretary of State February 11, 2004.

2004-23
AFFORDABLE HOUSING WEEK

WHEREAS, there are over one million households in Illinois, and more than a quarter of all those households cost the owners more than 30
percent of their income, causing a housing affordability problem; and
WHEREAS, more than eight percent of Illinois citizens have experienced homelessness; and
WHEREAS, communities across the nation are threatened by a lack of affordable housing for many reasons, including that it makes attracting workers more difficult for business owners, causes employees to live farther away from their employers, and forces senior citizens out of their neighborhoods; and
WHEREAS, advocates for affordable housing are focusing their efforts on four major priorities to address what they see as the state’s largest housing problems: creating housing for people with the lowest incomes, removing barriers to developing affordable housing, ending discrimination and promoting open access to housing, and increasing state government capacity to address housing issues; and
WHEREAS, the talents and efforts of grassroots organizations, non-profit housing professionals, financial institutions, elected officials, state agencies and others must be combined to address the immense challenge of increasing the amount of affordable housing; and
WHEREAS, last year, in recognition of the critical role affordable housing plays on the economy and the quality of life in every Illinois community, an Executive Order was signed, which established a task force that was charged with creating a comprehensive affordable housing initiative in Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 14 – March 20, 2004 as AFFORDABLE HOUSING WEEK in Illinois.

Issued by the Governor February 10, 2004.
Filed by the Secretary of State February 11, 2004.

2004-24
VETERANS UPWARD BOUND DAY

WHEREAS, the Veterans’ Upward Bound (VUB) project is one of the federal TriO programs sponsored by the United States Department of Education; and
WHEREAS, VUB exists to serve low-income and disadvantaged military veterans by assisting them with their academic skills and helping them to enroll in a post-secondary education school or program of their choice; and
WHEREAS, there are more than 45 VUB programs across the country, including programs in Washington, D.C. and the Commonwealth of Puerto Rico; and
WHEREAS, the Roosevelt University in Chicago is the host of the only VUB program in Illinois; and
WHEREAS, in April 2004, the National Association of Veterans Upward Bound Project Personnel, the national VUB organization, will celebrate its Silver Anniversary, commemorating 25 years of diligent service on behalf of our nation’s armed forces:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 28, 2004 as VETERANS UPWARD BOUND DAY in Illinois, in recognition of the work provided to the brave men and women of our armed forces by this program.
Issued by the Governor February 10, 2004.
Filed by the Secretary of State February 11, 2004.

2004-25
AFRICAN-AMERICAN VETERANS RECOGNITION DAY

WHEREAS, despite the great challenges they have encountered, African-American men and women have made lasting contributions to the United States Armed Forces by serving in every war, and have made the ultimate sacrifice for this nation; and
WHEREAS, certain African-American groups such as the Company E, 4th United States Colored Infantry, Tuskegee Airmen, Montford Point Marines, 24th Regiment, 555th Airborne Battalion, 761st Tank Battalion, and the Golden Thirteen have become historical icons in military history; and
WHEREAS, African-American men and women continue to serve their country with pride and make great achievements in the Armed Forces and in civilian capacity everyday; and
WHEREAS, the State of Illinois is proud to participate in the “Salute to African-American Veterans” on February 21, 2004, to acknowledge the numerous accomplishments made by these brave men and women who have served their country through military service:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 21, 2004 as AFRICAN-AMERICAN VETERANS RECOGNITION DAY in Illinois, and encourage all citizens to honor those veterans who have courageously served their country.
Issued by the Governor February 19, 2004.
Filed by the Secretary of State February 20, 2004.

2004-26
ILLINOIS ARTS WEEK

WHEREAS, arts are the embodiment of all things beautiful and
entertaining in the world, and helping to preserve our cultural heritage; and
WHEREAS, arts summon the talents and creativity of all citizens, while inspiring lifelong learning; and
WHEREAS, the Illinois Arts Council encourages the development of the arts throughout the state; and
WHEREAS, the Illinois Arts Council receives funds, provided annually by the Illinois State Legislature and the National Endowment for the Arts, which help to develop the state’s public arts policy, promoting culturally diverse programs, and approving grant expenditures; and
WHEREAS, Illinois Arts Week showcases art exhibits and classes throughout the state of Illinois for all of its citizens to participate and enjoy the festivities; and
WHEREAS, the Illinois Arts Council is committed to the cultural, educational, and economical growth of the diverse people and communities of our state through support and encouragement of arts:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3-9, 2004 as ILLINOIS ARTS WEEK in Illinois, and encourage all citizens to take part in recognizing all of the artists that make our state a more beautiful and entertaining place to live.

Issued by the Governor February 19, 2004.
Filed by the Secretary of State February 20, 2004.

2004-27

ILLINOIS TRIO DAY

WHEREAS, the federal TRIO Programs were established and funded by the federal government in 1965 to inspire and aid students to higher educational goals; and
WHEREAS, TRIO programs in Illinois received over 30 million dollars in federal funding for educational opportunity services in 2002; and
WHEREAS, TRIO programs have provided various support services that enhance the prospects of educational excellence for the participants of the programs; and
WHEREAS, a large majority of United States citizens need developmental course work, tutoring and counseling to succeed in secondary school and in postsecondary freshman-level courses because of their various backgrounds and aspirations; and
WHEREAS, Illinois has 108 TRIO Projects including Upward Bound programs, an Educational Opportunity Center, a Student Support Service, and numerous others serving 30,106 residents located throughout the state on college campuses and in community agencies:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim February 28, 2004 as ILLINOIS TRIO DAY in Illinois, and encourage all citizens to recognize the positive impact these programs have on our educational system.

Issued by the Governor February 19, 2004.
Filed by the Secretary of State February 20, 2004.

2004-28

JOHN WILLIS MENARD DAY

WHEREAS, the distinguished African American poet, journalist, and public servant, John Willis Menard, was born in Kaskaskia, Illinois, on April 3, 1838 and spent his childhood on a nearby farm; and
WHEREAS, in his 1879 volume of poetry, Lays in Summer Lands, Menard included the poem, “A Visit to My Native Home,” which referred to his Illinois home with nostalgic sentiment; and
WHEREAS, the Illinois State Library holds Menard’s earliest existing publication, his fiery 1860 manifesto “An Address to the Free Colored People of Illinois”; and
WHEREAS, during the Civil War, Menard resided in Washington, D.C., and worked with the Interior Department on matters relating to emigration and resettlement of African Americans abroad; and
WHEREAS, during the Reconstruction, Menard moved to Louisiana and was active in educational and public service activities. This period of his life culminated in 1868, when he was victorious in a special election to become the U.S. Representative for the 2nd Congressional District of Louisiana; and
WHEREAS, due to the prejudice of the House of Representatives, Menard was denied the congressional seat that he fairly won; and
WHEREAS, on February 27, 1869, Menard took advantage of an offer to challenge that denial in person. This event marked the first time in the history of Congress that an African American spoke in the House of Representatives during legislative proceedings; and
WHEREAS, Menard then re-located to Florida, where he lived for nearly twenty years and gained fame in Jacksonville and in Key West as a newspaper editor, poet, and community leader; and
WHEREAS, Menard spent his final years in Washington, DC, where he died on October 8, 1893; and
WHEREAS, during the month of February 2004, the Illinois Historic Preservation Agency will sponsor appropriate Menard commemorative events in Randolph and Sangamon counties, and on February 25, 2004, the Illinois State Society of Washington D.C. will sponsor a reception honoring John Willis Menard:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 25, 2004, as JOHN WILLIS MENARD DAY in Illinois, in honor of his outstanding contributions to our nation.

Issued by the Governor February 23, 2004.
Filed by the Secretary of State February 24, 2004.

2004-29
WOMEN IN CONSTRUCTION WEEK

WHEREAS, the National Association of Women in Construction (NAWIC) has distinguished itself as the voice of women in construction in Illinois for over 42 years; and

WHEREAS, since their inception, the NAWIC has formed seven different chapters throughout the state, whose work with community development and educational programs has greatly benefited Illinois; and

WHEREAS, based on their core values, which are “Believe in ourselves as women, persevere with the strength of our convictions, dare to move into new horizons,” the NAWIC has unceasingly promoted the employment and advancement of women in the construction industry; and

WHEREAS, the construction community, represented by the NAWIC, has been a driving force in fostering community development through renovation and beautification projects, promotion of skilled trades careers, and a positive vision for the future of Illinois and the entire United States:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 7-13, 2004, as WOMEN IN CONSTRUCTION WEEK in Illinois and encourage all citizens to join me in congratulating the organization on its many accomplishments.

Issued by the Governor February 26, 2004.
Filed by the Secretary of State February 27, 2004.

2004-30
CERTIFIED ATHLETIC TRAINERS WEEK

WHEREAS, physical activities and athletics are some of the best ways to promote optimal physical and mental health in one’s lifestyle, but those activities also carry with them the possibility of injury; an

WHEREAS, Illinois certified athletic trainers are educated and responsible individuals whose duties include the prevention, evaluation, treatment, and rehabilitation of injuries caused during such activities; and

WHEREAS, due to the proven success rates of certified athletic trainers in Illinois, more people are partaking in physical activities with the
knowledge that if they do become injured, there are quality trainers who can assist with rehabilitation; and

WHEREAS, for their continued commitment to providing quality care and injury prevention to the physically active, the State of Illinois recognizes certified athletic trainers as an integral part of our health care system:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 4-11, 2004 as CERTIFIED ATHLETIC TRAINERS WEEK in Illinois and encourage all citizens to recognize the great services they provide.

Issued by the Governor March 04, 2004.
Filed by the Secretary of State March 05, 2004.

2004-31
ILLINOIS FOOD PRODUCTS MONTH

WHEREAS, located in the heartland of America, Illinois has the distinction of consistently being one of the top producers of raw commodities in this country; and

WHEREAS, Illinois’ 76,000 farms cover more than 28 million acres, which account for nearly 80 percent of the state’s total land area; and

WHEREAS, Illinois’ agricultural commodities generate more than $9 billion in revenue each year. Billions of additional dollars flow into the state’s economy annually from ag-related industries such as farm machinery manufacturing, agricultural real estate, and the production and sale of value-added food products; and

WHEREAS, of those agricultural commodities, corn accounts for nearly 40 percent of the revenue, while soybeans contribute about 33 percent, and the combined marketing of livestock, dairy, and poultry produces about 23 percent; and

WHEREAS, rural Illinois agricultural production, processing, and manufacturing strengthens our state’s urban economies; and

WHEREAS, Illinois ranks fourth in the nation for total number of food processing businesses with over 1,900 operations statewide. These companies are comprised of more than 136,000 employees, ranking Illinois only second to California in the total number of people employed in food manufacturing:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2004 as ILLINOIS FOOD PRODUCTS MONTH in Illinois, and encourage all citizens to recognize and celebrate the hard working citizens who keep our state in the forefront of agricultural production and manufacturing.
2004-32
AMERICAN RED CROSS MONTH

WHEREAS, American Red Cross chapters and blood regions in Illinois have selflessly devoted their time and energy to serving those most in need of donor blood; and
WHEREAS, thousands of American Red Cross volunteers in Illinois work to prepare for and respond to natural and man-made disasters; and
WHEREAS, each year, hundreds of thousands of Illinois residents are taught how to save a life through the use of first aid, CPR, Automated External Defibrillators, and water safety by the American Red Cross; and
WHEREAS, each year, the American Red Cross collects hundreds of thousands of units of lifesaving blood in Illinois that are received by sick and injured children, adults, and seniors every day; and
WHEREAS, the American Red Cross relays thousands of emergency messages to and from members of our military and their families each year; and

WHEREAS, since the tragic events of September 11, 2001, the American Red Cross has devoted itself to educating the public on how to prepare their families for acts of terrorism:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2004 as AMERICAN RED CROSS MONTH in Illinois, and encourage all citizens to support the efforts of the American Red Cross by making donations of time, blood and money.

Issued by the Governor March 04, 2004.
Filed by the Secretary of State March 05, 2004.

2004-33
CHILD ABUSE PREVENTION MONTH

WHEREAS, society as a whole has been plagued by the terrible tragedy of cases of child abuse and neglect; and
WHEREAS, discovering solutions to child abuse and neglect requires involvement from the citizens of Illinois; and
WHEREAS, effective child abuse prevention programs have contributed to the state’s dramatic decline in reports of child abuse and neglect, from 139,720 child reports in Fiscal Year 1995 to 97,452 child reports in Fiscal Year 2003; and

WHEREAS, effective child abuse prevention programs succeed
because of partnerships created by the Illinois Department of Children and Family Services, Prevent Child Abuse-Illinois and other government entities, social service agencies, schools, religious organizations, law enforcement agencies, businesses and individual citizens; and

WHEREAS, the Illinois Department of Children and Family Services is a nationally recognized leader in developing innovations aimed at protecting children from abuse, and is the nation’s largest welfare agency whose quality services have earned accreditation from the Council on Accreditation for Children and Family Services; and

WHEREAS, all citizens throughout Illinois should learn the warning signs of child abuse and neglect and report suspected cases to the Illinois Child Abuse Hotline at (800) 25-ABUSE:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2004 as CHILD ABUSE PREVENTION MONTH in Illinois, and encourage all citizens to support child abuse prevention programs.

Issued by the Governor March 04, 2004.
Filed by the Secretary of State March 05, 2004.

2004-34
ILLINOIS ARTS EDUCATION WEEK

WHEREAS, the State of Illinois declares that arts education, which includes dance, drama, music and visual arts, is an essential part of basic education for all students, providing them with a balanced education that will aid in developing their full potential; and

WHEREAS, the arts serve to enrich the lives of children in Illinois and throughout the country, by helping them develop creative ability, self-expression, self-reflection and cognitive skills, discipline, a heightened appreciation of beauty and cross-cultural understanding; and

WHEREAS, experience in the arts develops insights and abilities central to the experience of life, and the arts are collectively an important repository of our culture; and

WHEREAS, many national and state professional education associations hold celebrations in the month March focused on students’ participation in the arts; and

WHEREAS, these celebrations give Illinois schools a unique opportunity to focus on the value of the arts for all students, to foster cross-cultural understanding, to give recognition to the state’s outstanding young artists, to focus on careers in the arts available to Illinois students, and to enhance public support for this important part of their curriculum; and

WHEREAS, the fine arts are a significant component to a student’s
education and development, teaching them the language and production process of art, and helps them understand the role of the arts in civilizations, past and present:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 8-15, 2004 as ILLINOIS ARTS EDUCATION WEEK and encourage all citizens to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts.

Issued by the Governor March 04, 2004.
Filed by the Secretary of State March 05, 2004.

2004-35
SCHOOL SOCIAL WORK WEEK

WHEREAS, more than 2,200 school social workers in Illinois provide service to thousands of school-age children by enhancing their educational and psychosocial development, and maximizing their learning potential in an effort to help them achieve greater success in school; and

WHEREAS, school social workers assist those students who may have social or emotional problems that are negatively impacting their school experience; and

WHEREAS, school social workers help students with their family lives by assisting parents and school personnel in developing a gateway between a home and school community; and

WHEREAS, working closely with school administrators, workers, and other education professionals, school social workers help to develop programs that are flexible and responsive to individual student needs; and

WHEREAS, school social workers advocate for schools, families, children and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 7-13, 2004 as SCHOOL SOCIAL WORK WEEK in Illinois, and encourage all citizens to recognize and support the educational enhancements made possible by school social workers throughout the state.

Issued by the Governor March 04, 2004.
Filed by the Secretary of State March 05, 2004.
2004-36

SALVATION ARMY GOLDEN DINERS MARCH FOR MEALS 30TH ANNIVERSARY WEEK

WHEREAS, the Salvation Army Golden Diners program provides nutritious meals to seniors who, due to either disabilities or financial constraints, cannot properly shop and/or cook for themselves; and

WHEREAS, seniors who become Golden Diners can eat at any of the 18 sites located throughout Kane, Kendall, and McHenry counties in Illinois; and

WHEREAS, the Salvation Army Golden Diners program serves a large number of participants each weekday; and

WHEREAS, a large network of volunteers help to prepare, serve, and deliver the meals that the Salvation Army Golden Diners program serve to seniors; and

WHEREAS, the Meals on Wheels Association of America has designated March of each year as a time to celebrate senior nutrition; and

WHEREAS, the Salvation Army Golden Diners are participating in the Meals on Wheels Association of America’s “March For Meals” during the week of March 15th through the 19th:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 15-19, 2004 as SALVATION ARMY GOLDEN DINERS MARCH FOR MEALS 30TH ANNIVERSARY WEEK in Illinois, and encourage all citizens to recognize this organization for their work at helping seniors obtain a healthy lifestyle.

Issued by the Governor March 04, 2004.
Filed by the Secretary of State March 05, 2004.

2004-37

THE 17TH ANNUAL RITA HAYWORTH GALA BENEFITING THE ALZHEIMER’S ASSOCIATION DAY

WHEREAS, Alzheimer’s disease is a complex, progressive disease that causes a gradual loss of cells from the brain, distorting memory, judgment, and the overall thinking ability of many individuals; and

WHEREAS, approximately 4.5 million Americans suffer from Alzheimer’s disease; and

WHEREAS, the Alzheimer’s Association is the leading national health organization dedicated to advancing Alzheimer’s research and aid; and

WHEREAS, the Alzheimer’s Association is the largest private sponsor of Alzheimer research, providing more than $150 million in funding for hundreds of research studies since their founding in 1980; and
WHEREAS, the Alzheimer’s Association is a proven authority on the issues that affect citizens with Alzheimer’s disease and their families, serving as a voice for them in the capitals of every state, hundreds of U.S. congressional offices, and even the White House; and
WHEREAS, the Rita Hayworth Galas, held annually in New York and Chicago, are crucial fund-raising events that the Alzheimer’s Association relies heavily on for financial support; and
WHEREAS, since 1985, the Rita Hayworth Galas have raised more than $35 million in funds, with one hundred percent going directly to the Alzheimer’s Association; and
WHEREAS, Princess Yasmin Aga Khan, the general chair of the Rita Hayworth Gala and the daughter of the late Rita Hayworth, has worked tirelessly over the years in supporting the advancement of critical Alzheimer’s research. Her efforts have touched the lives of countless people throughout the country; and
WHEREAS, the Chicago Rita Hayworth Gala celebrates and honors medical research into the causes, treatment, prevention, and eventual cure of Alzheimer’s disease:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 8, 2004 as THE 17th ANNUAL RITA HAYWORTH GALA BENEFITING THE ALZHEIMER’S ASSOCIATION DAY in Illinois.
Issued by the Governor March 04, 2004.
Filed by the Secretary of State March 05, 2004.

2004-38
CENTER ON HALSTED DAY

WHEREAS, this is the 15th year of the Human First gala celebration; and
WHEREAS, Center on Halsted will be a multi-purpose, multi-functional facility for the lesbian, gay, bisexual, and transgender (LGBT) community of Chicago and the Midwest; and
WHEREAS, all the historical perspective of a successful 31-year-old social services agency (Horizons Community Services) is being brought to bear as the Center celebrates a new board of directors, expanded staffing, and an increased program focus in three major areas – youth, mental health, and community programming; and
WHEREAS, in a safe and nurturing environment, Center on Halsted will serve as a catalyst that links and provides community resources and enriches life experiences; and
WHEREAS, the Center will empower individuals to live full, healthy,
and integrated lives; and
WHEREAS, Center on Halsted will strengthen the community by respecting all differences, celebrating diversity and fostering collaborative responses to community needs; and
WHEREAS, the life-saving dream of the Center on Halsted is being realized through the generosity of the city, the community, and the neighborhood:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 20, 2004 as CENTER ON HALSTED DAY in Illinois.

Issued by the Governor March 05, 2004.
Filed by the Secretary of State March 08, 2004.

2004-39
ABSOLUTELY INCREDIBLE KID DAY

WHEREAS, Camp Fire USA is a national organization that helps youth cope with their changing world through the use of contemporary programs and by speaking out on issues affecting youth and their families; and
WHEREAS, Camp Fire USA Metropolitan Chicago Council teaches boys and girls to become caring and confident youth and future leaders;
WHEREAS, in Camp Fire, the choices and opportunities are inclusive to boys and girls, regardless of race, religion, socioeconomic status, disability, sexual orientation, or other aspect of diversity; and
WHEREAS, Camp Fire USA is commended for the valuable programs they offer to young people in the state of Illinois and throughout the nation, and for the many services these young people perform for their communities through Camp Fire; and
WHEREAS, on March 18, 2004 Camp Fire USA is sponsoring Absolutely Incredible Kid Day. They are asking every adult in America to write a letter of support and encouragement to the children in their lives, giving those children a strong feeling of self-worth; and
WHEREAS, Camp Fire USA has established the goal that every child receive a letter on March 18, 2004:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 18, 2004 as ABSOLUTELY INCREDIBLE KID DAY in Illinois, and encourage all citizens to aid Camp Fire USA in achieving their goal of helping children everywhere.

Issued by the Governor March 12, 2004.
Filed by the Secretary of State March 15, 2004.
2004-40
SEED MONTH

WHEREAS, the abundance of Illinois’ crops rely on fertile soil, diligent farmers, and high quality seeds; and
WHEREAS, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and
WHEREAS, agriculture and the seed industry significantly contribute to our state’s economy with value-added products marketed throughout the world; and
WHEREAS, the Bureau of Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels, and cooperates with the Illinois Crop Improvement Association, which is the state’s official seed-certifying agency, and an independent, nonprofit organization; and
WHEREAS, in cooperation with educational and regulatory agencies, the Illinois Seed (Trade) Association has sustained an informed membership, the latest research developments, the production of high-quality seed, and has developed an effective seed program advocating pertinent legislation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2004 as SEED MONTH in Illinois in appreciation of the seed industry’s contribution to supplying food and fiber to the world through the production of Illinois crops.

Issued by the Governor March 12, 2004.
Filed by the Secretary of State March 15, 2004.

2004-41
WORLD TB DAY

WHEREAS, one-third of the world’s population is infected with tuberculosis (TB); and
WHEREAS, 10 percent of those infected with tuberculosis will develop TB disease in their lifetime; and
WHEREAS, each year, more than 8 million people around the world will develop TB disease and more than 2 million will die from it; and
WHEREAS, in Illinois, TB disease afflicts more than 5 of every 100,000 people in the state, which is slightly higher than the national average; and
WHEREAS, those at higher risk for progressing from TB infection to disease are individuals with: HIV and other medical conditions that comprise the immune system, persons recently infected with the TB bacillus,
those with a history of inadequately treated TB, and persons who inject illicit drugs; and

WHEREAS, World TB day commemorates the discovery of the TB bacillus by Dr. Robert Koch in 1882; and

WHEREAS, due to aggressive TB control programs at the federal, state, and local health department levels, the number of cases in Illinois have declined for the seventh straight year, reaching record lows for the number of people affected by this disease; and

WHEREAS, World TB day focuses attention on the fact that TB is a highly curable disease that still affects millions of people worldwide:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 24, 2004, as WORLD TB DAY in Illinois, and urge all citizens to increase their awareness and understanding of TB infection and disease and to join the global effort to stop the spread of this disease.

Issued by the Governor March 12, 2004.
Filed by the Secretary of State March 15, 2004.

2004-42
MEDICAL ASSISTANTS WEEK

WHEREAS, professional medical assistants who support and assist physicians in rendering lifesaving services directly affect the health of our citizens; and

WHEREAS, medical assistants are dedicated and driven individuals who have proven their commitment to our citizens’ well-being with their tireless efforts and pursuit of career development; and

WHEREAS, today, there are nearly 400,000 medical assistants in the United States’ workforce, and a professional medical assistant is one of the fastest growing occupations in our present economy; and

WHEREAS, many medical assistants seek to maintain the highest standards of professional excellence by taking advantage of educational programs offered by professional organizations such as the American Association of Medical Assistants. This involvement ensures that our citizens receive the best medical care possible; and

WHEREAS, we should commend and support the dedication of individuals in medical fields that seek to upgrade their profession and improve their careers as valuable members of medical teams:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 18-22, 2004, as MEDICAL ASSISTANTS WEEK in Illinois, and encourage all citizens to recognize the dedicated and committed men and women who aim to improve and the save the lives of
WHEREAS, medical doctors are an integral part of our society, as they are dedicated to providing aid to citizens in moments of dire need; and
WHEREAS, medical doctors have displayed great patience and discipline in undertaking the great task of obtaining the knowledge and training it takes to become successful in the medical field; and
WHEREAS, medical doctors strive to make breakthroughs in their field everyday, hoping to find cures for the many illnesses and diseases plaguing our society; and
WHEREAS, there are over 39,000 licensed medical doctors in Illinois who are working to better the lives of citizens in the state; and
WHEREAS, medical doctors are the key to our nation’s health care system, and should be commended by all citizens for their exemplary work, and gracious dedication. Doctors bring life into the world, and give their best efforts to make those lives as healthy and happy as can be:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 30, 2004 as NATIONAL DOCTORS’ DAY in Illinois, and encourage all citizens to recognize the fine work and achievements that medical doctors provide to our world.

Issued by the Governor March 12, 2004.
Filed by the Secretary of State March 15, 2004.
WHEREAS, Temple Judea Mizpah’s original Rabbi Karl Weiner, provided inspiration, leadership, education, a strong sense of social justice, and compassion that radiated throughout the congregation, the community, and the state of Illinois; and

WHEREAS, Temple Judea Mizpah congregants have marched in Selma, Alabama for voting rights, provided settlement services to new Russian immigrants, adopted Vietnamese boat families, fed the poor and hungry at the Good News Soup Kitchen, and planted trees in Israel:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1-8, 2004 as CELEBRATION OF TEMPLE JUDEA MIZPAH’S GOLDEN JUBILEE 50TH ANNIVERSARY in Illinois.

Issued by the Governor March 17, 2004.
Filed by the Secretary of State March 18, 2004.

2004-45
LICENSED PRACTICAL NURSE WEEK

WHEREAS, citizens in Illinois, and across the country, deserve to have a comfortable and low-stress experience when they visit a doctors’ office or hospital; and

WHEREAS, licensed practical nurses (LPN), ensure quality care for patients by attending to their needs, and by aiding doctors in routine procedures; and

WHEREAS, over the years, the LPN’s role in caring for people’s health needs has advanced in responsibility and complexity due to multiple advances in medical science; and

WHEREAS, the Licensed Practical Nurse Association of Illinois is the voice for LPNs in the health care field, working to maintain their welfare; and

WHEREAS, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members; and

WHEREAS, the Licensed Practical Nurse Association of Illinois is a member of the National Federation of Licensed Practical Nurses:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 11-18, 2004 as LICENSED PRACTICAL NURSE WEEK in Illinois, and encourage all citizens to recognize the integral part that these men and women play in our nation’s health care system.

Issued by the Governor March 17, 2004.
Filed by the Secretary of State March 18, 2004.
2004-46

CHICAGO BUSINESS OPPORTUNITY DAYS

WHEREAS, the 37th Annual Chicago Business Opportunity Fair assists in advancing the year-round efforts of its sponsor, the Chicago Minority Business Development Council, Incorporated; and

WHEREAS, the Chicago Minority Business Development Council is devoted to stimulating minority purchasing in Chicago; and

WHEREAS, this year’s fair will provide minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and

WHEREAS, in 2003, the Illinois General Assembly passed legislation that will provide all workers with equal pay, and raise the minimum wage in the state in an attempt to build, and stabilize the Illinois economy. Similarly, by promoting opportunities in business, the Chicago Business Opportunity Fair is playing a major role in revitalizing Illinois’ economy; and

WHEREAS, the 37th Annual Chicago Business Opportunity Fair will be held April 6-8, 2004; and

WHEREAS, the Minority Business Committee of the Chicago Minority Business Development Council will hold its 26th Annual Awards Program on April 8, 2004 to honor public and private sector representatives, for their contributions to minority suppliers’ growth and development:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 6-8, 2004 as CHICAGO BUSINESS OPPORTUNITY DAYS in Illinois.

Issued by the Governor March 17, 2004.
Filed by the Secretary of State March 18, 2004.

2004-47

MDA DISABILITY AWARENESS MONTH

WHEREAS, it is estimated that one million Americans are affected by a form of physically disabling neuromuscular disease; and

WHEREAS, these diseases severely impede citizens’ abilities to accomplish simple everyday tasks such as walking; and

WHEREAS, the Muscular Dystrophy Association (MDA) assists thousands of individuals in Illinois with neuromuscular disease through eight MDA chapters; and

WHEREAS, it is the responsibility of all citizens in Illinois to assist in meeting the physical and emotional needs of individuals with disabilities; and
WHEREAS, as citizens of Illinois, we must value both the victims of these debilitating diseases, and the hard working individuals that work to improve their lives:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2004 as MDA DISABILITY AWARENESS MONTH in Illinois.

Issued by the Governor March 19, 2004.
Filed by the Secretary of State March 22, 2004.

2004-48
NATIONAL FRAUD AWARENESS WEEK

WHEREAS, identity theft is the Number One consumer complaint of American consumers and the fastest growing crime in the United States; and
WHEREAS, the residents of Illinois lodged 10,681 fraud complaints and 9,792 identity theft complaints with the Federal Trade Commission in the Year 2003; and
WHEREAS, Illinois bankers feel strongly about their responsibility to the consumers of this state, by adhering to numerous state and federal laws and regulations, and striving toward knowing their customers to help protect them from becoming victims of identity theft; and
WHEREAS, the bankers of Illinois and the Illinois Bankers Association embrace efforts to curb identity theft; and are marking the 5th Annual observance of National Fraud Awareness Week in Illinois, July 11-17, 2004; and
WHEREAS, Illinois bankers and the Illinois Bankers Association are partnering with the Association of Certified Fraud Examiners and other leading public and private sector organizations to spearhead efforts to educate businesses and consumers about how to detect, report and deter fraud; and
WHEREAS, July 11th marks the one-year anniversary of the introduction of FRAUD-NET in the state of Illinois and a collaborative effort to share information on fraudulent bank activity between banks and law enforcement agencies on a real-time online network; and
WHEREAS, the Illinois Bankers Association, along with Illinois banks have developed an Identity Theft campaign to aid consumers throughout the state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of July 11-17, 2004 as NATIONAL FRAUD AWARENESS WEEK in Illinois, and encourage all citizens to take due note of the observance.

Issued by the Governor March 19, 2004.
Filed by the Secretary of State March 22, 2004.

2004-49
NATIONAL VOLUNTEER WEEK

WHEREAS, “Volunteers Inspire By Example” is the theme for the 31st Annual Volunteer Week; and
WHEREAS, a volunteer is someone that performs charitable or helpful tasks without pay; and
WHEREAS, from the earliest days of our nation’s history, the spirit of volunteerism has been reflected in neighbors helping neighbors to overcome obstacles; and
WHEREAS, the basis for a safe and productive America is the people’s willingness to work together, without prejudice, to find solutions to our human and social problems; and
WHEREAS, the talents and energies of American volunteers continue to be one of the our greatest resources; and
WHEREAS, volunteering renews our connections to our community, and builds self worth, character, and social responsibility in our children; and
WHEREAS, it is fitting that Illinois’ citizens honor those that donate their time, energy, and strength to make our communities, and our nation, a safer and more productive place to live and work:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 24, 2004 as NATIONAL VOLUNTEER WEEK in Illinois, and encourage all citizens to recognize those that serve as volunteers in our communities, and to find time in their own lives for volunteer work.

Issued by the Governor March 19, 2004.
Filed by the Secretary of State March 22, 2004.

2004-50
DELTA DAY

WHEREAS, the Illinois Chapters of Delta Sigma Theta Sorority, Incorporated are sponsoring their annual legislative visit to the State Capitol; and
WHEREAS, Delta Sigma Theta Sorority, Incorporated was founded on January 13, 1913 by twenty-two collegiate women at Howard University; and
WHEREAS, Delta Sigma Theta Sorority, Incorporated is an organization with a commitment to promoting education, scholarship, physical and mental health, economic development, and political and
international awareness; and
WHEREAS, Delta Sigma Theta Sorority, Incorporated has twenty-five chapters located in the state of Illinois; and
WHEREAS, Delta Sigma Theta Sorority, Incorporated is comprised of over 200,000 college-educated women around the world, of which nearly 4,000 are active in the state of Illinois; and
WHEREAS, these successful sorors are a valuable asset to Illinois as they hold key leadership positions, and display great dedication to public service in their communities:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 31, 2004 as DELTA DAY at the Illinois State Capitol.
Issued by the Governor March 19, 2004.
Filed by the Secretary of State March 22, 2004.

2004-51
LOYALTY DAY

WHEREAS, it is imperative that the American people take time to recognize the display of tremendous loyalty to their country exemplified by those that serve and have previously served in the United States Armed Forces; and
WHEREAS, Loyalty Day is a time to pay tribute to these men and women for their commitment to service, immense acts of bravery, and for the sacrifices they have made for our country, all so that we may remain free; and
WHEREAS, loyal citizens should make it their duty to inspire patriotism throughout their community, state and country by proudly flying the American flag; and
WHEREAS, we urgently need a vigorous display of true red, white and blue Americanism, which is one patriotic way of displaying the beliefs, ideals and convictions that unite Americans:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2004 as LOYALTY DAY in Illinois, and encourage all citizens to observe this occasion by expressing your gratitude to the brave men and women of our Armed Forces for their dedication to protecting the freedoms that all Americans enjoy.
Issued by the Governor March 26, 2004.
Filed by the Secretary of State March 29, 2004.
2004-52
NATIONAL ASSOCIATION OF WOMEN
BUSINESS OWNERS DAY

WHEREAS, the National Association of Women Business Owners (NAWBO) maintain more than 90 chapters in the United States; and
WHEREAS, the Chicago Area Chapter is among the largest with more than 600 members representing businesses in all major industrial, service, and retail sectors; and
WHEREAS, since 1978, Chicago NAWBO has provided women business owners with leadership, education, procurement, and networking opportunities. It also serves as a voice for its members on economic, social, and public policy issues; and
WHEREAS, currently, there are 278,000 women business owners in Illinois, with 70 percent of these businesses in the Chicagoland area; and
WHEREAS, NAWBO is an organization with a customer first philosophy that: strengthens the wealth creating capacity of its members and promotes economic development, creates innovative and effective changes in the business culture, builds strategic alliances, coalitions and affiliations, and transforms public policy and influences opinion makers; and
WHEREAS, NAWBO represents and gives women opportunities to expand and excel in the business world:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 29, 2004 as the NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY in Illinois, and encourage all citizens to commemorate its 26 years of service to all women entrepreneurs.

Issued by the Governor March 26, 2004.
Filed by the Secretary of State March 29, 2004.

2004-53
ARTS IN EDUCATION SPRING CELEBRATION MONTHS

WHEREAS, arts are the personification of beauty in the world, and help to preserve our cultural heritage; and
WHEREAS, the State of Illinois declares that arts education, which includes dance, drama, music and visual arts, is an essential part of basic instruction for all students, providing them with a balanced education that will aid in developing their full potential; and
WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and furthermore, they are committed to supporting the development and
promotion of fine and applied arts programs; and

WHEREAS, winner of several awards, the Arts in Education Spring Celebration is held at the Peoria County Courthouse and the Peoria Civic Center, and provides a venue for students in grades pre-Kindergarten through 12 to showcase their works and talents; and

WHEREAS, the 2003 Arts in Education Spring Celebration will be held April 19 through May 28, 2004; and

WHEREAS, the State of Illinois resolutely supports events such as the Arts in Education Spring Celebration, and commends the students and teachers who work to bring the beauty of art to this great state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April and May 2004 as ARTS IN EDUCATION SPRING CELEBRATION MONTHS in Illinois.

Issued by the Governor March 26, 2004.

Filed by the Secretary of State March 29, 2004.

2004-54

CAIRO PROGRAMME OF ACTION
TENTH ANNIVERSARY DAY

WHEREAS, an estimated 515,000 women die every year – 98 percent of them in developing countries – as a result of pregnancy or childbirth; and

WHEREAS, every year, nearly 80 million unintended pregnancies occur worldwide, with more than half of them ending in abortion. An estimated 150 million women in developing countries say they would prefer to plan their families but are not using contraception, and another 350 million women lack access to effective family planning methods; and

WHEREAS, at least 30 to 40 percent of infant deaths are the result of poor care during pregnancy and delivery. These deaths could be avoided with improved maternal health, adequate nutrition and health care during pregnancy, and appropriate care during childbirth; and

WHEREAS, formed in 1994 in Cairo, Egypt, the Cairo Programme of Action is a promise to women and their children; and

WHEREAS, the Cairo Programme of Action reflected an historic global consensus of 179 countries and presented a concrete plan to save women’s lives, and promote human dignity through family planning and reproductive health care services; and

WHEREAS, realizing these severe tragedies were due to a lack of education and reproductive freedom for women, the promise embodied in the Cairo Programme of Action is dedicated to providing love, shelter, education, and a healthy and clean environment for women throughout the
world; and

WHEREAS, voluntary family planning and other reproductive health services can help couples avert high-risk pregnancies, prevent unwanted childbearing and abortion, and avoid diseases such as HIV/AIDS and other sexually transmitted infections, that can lead to death, disability, and infertility; and

WHEREAS the United States is a leader in human rights throughout the world and is committed to promoting the health, education and welfare of women and their families:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 31, 2004 as CAIRO PROGRAMME OF ACTION TENTH ANNIVERSARY DAY in Illinois, and encourage all citizens to recognize the global consensus embodied in the Cairo Programme of Action, and commemorate its tenth anniversary.

Issued by the Governor March 26, 2004.
Filed by the Secretary of State March 29, 2004.

2004-55
NATIONAL DAY OF PRAYER

WHEREAS, in times of peril both at home and abroad, some American citizens turn to prayer for help and guidance; and

WHEREAS, these citizens ask for divine protection and blessing upon our land; and

WHEREAS, established in 1952 by an act of Congress, the National Day of Prayer is now observed nationally every year on the first Thursday in May; and

WHEREAS, the National Day of Prayer is a celebration of American citizens freedom of religion, set forth in the First Amendment; and

WHEREAS, the theme for the National Day of Prayer 2004 is Let Freedom Ring, inspired by the passage found in Leviticus 25:10: “…proclaim liberty throughout the land to all its inhabitants.”:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6, 2004 as NATIONAL DAY OF PRAYER in Illinois.

Issued by the Governor March 26, 2004.
Filed by the Secretary of State March 29, 2004.

2004-56
BUILDING SAFETY WEEK

WHEREAS, building safety affects many aspects of American life.
Because of building safety code enforcement, citizens enjoy the comfort of structures that are safe and sound; and

WHEREAS, building safety and fire prevention officials work with citizens to address building safety and fire prevention concerns everyday; and

WHEREAS, the dedicated members of the International Code Council, including building safety and fire prevention officials, architects, engineers, and others in the construction industry, develop and enforce the codes that safeguard Americans in the buildings where people live, work, play and learn; and

WHEREAS, the International Codes, the most widely adopted building safety and fire prevention codes in the nation, are used by most U. S. cities, counties and states; and

WHEREAS, building safety codes provide safeguards to protect the public from natural disasters that can occur all across the country, such as snowstorms, hurricanes, tornadoes, wild land fires, and earthquakes. Building safety codes also work to minimize other potential building catastrophes; and

WHEREAS, Building Safety Week, sponsored by the International Code Council Foundation, is an opportunity to educate and increase public awareness of the hard work put forth by building safety and fire prevention officials, local and state building departments, and federal agencies; and

WHEREAS, this year’s theme, “You Can Be a Part of Building Safety Week,” encourages all Americans to raise their awareness of building safety, and to take appropriate steps to ensure that the places where they live, work, play and learn are safe. Countless lives have been saved because of the building safety codes adopted and enforced by local and state agencies; and

WHEREAS, this year, while observing Building Safety Week, I ask all Illinoisans to recognize the local building safety and fire prevention officials and the important role that they play in public safety:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 4 – 10, 2004 as BUILDING SAFETY WEEK in Illinois.

Issued by the Governor April 01, 2004.
Filed by the Secretary of State April 02, 2004.

2004-57
AMERICAN EX-POW RECOGNITION DAY

WHEREAS, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as missing in action while performing their duties; and

WHEREAS, despite strict rules and regulations set forth by international codes, American Prisoners of War have often suffered
unconscionable treatment and many have died as a result of cruel and inhumane acts by their enemy captors; and
WHEREAS, it is exceedingly fitting that we recognize the sacrifices of American Prisoners of War and those missing in action; and
WHEREAS, these heroic soldiers have demonstrated their love and convictions in the people and freedoms of this country by enduring these tragedies, and in some unfortunate cases by giving the ultimate sacrifice:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2004, as AMERICAN EX-POW RECOGNITION DAY in Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered while fighting to make America a better place for all to live.
Issued by the Governor April 01, 2004.
Filed by the Secretary of State April 02, 2004.

2004-58
WORLD HEALTH DAY

WHEREAS, the theme for World Health Day 2004 is Road Safety; and
WHEREAS, according to 2002 statistics gathered and reported by the National Highway Traffic Safety Administration, over 42,000 Americans die in motor vehicle accidents every year; and
WHEREAS, motor vehicle accidents are the number one cause of death for United States citizens under the age of 35; and
WHEREAS, death and injury from motor vehicle crashes may be significantly reduced by greater public awareness, enforcement and strengthening of existing laws; and
WHEREAS, the State of Illinois is committed ensuring the safety of each motorist that utilizes our roadways. Recently, the general assembly passed legislation allowing police officers to pull over a vehicle for no other reason than the driver's failure to wear their safety belt; and
WHEREAS, research indicates that between 1979 and 1999 safety belts have been effective in saving approximately 123,000 lives in the U.S.; and
WHEREAS, the American Automobile Association (AAA) and other safety groups across the country will be emphasizing the importance of safety belt use in 2004; and
WHEREAS, minor steps like wearing safety belts, obeying traffic laws, avoiding distracted driving and knowing your personal driving limits will reduce traffic crashes and injuries:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois,
do hereby proclaim April 7, 2004 as WORLD HEALTH DAY in Illinois, and encourage all citizens to join in observing the importance of road safety.

Issued by the Governor April 01, 2004.
Filed by the Secretary of State April 02, 2004.

2004-59
STUDENT ATHLETE DAY

WHEREAS, student-athletes display a consummate level of discipline, dedication and pride in balancing the valuable time that both their schoolwork and athletics training require; and
WHEREAS, perseverance, teamwork, and belief in racial, gender and ethnic equality are fostered and promoted by both the academic and athletic pursuits of student-athletes; and
WHEREAS, student-athletes who have achieved excellence in academics and athletics, while having made significant contributions to their communities, should be viewed as role models for the youth of America; and
WHEREAS, former student-athletes have proven to be successful beyond the game, having become many of this country’s business, governmental, community and educational leaders; and
WHEREAS, thousands of America’s youth use their athletic ability to afford them the chance to obtain an education, and develop skills to help them later in life:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 6, 2004 as STUDENT-ATHLETE DAY in Illinois, and encourage all citizens to support any and all education and athletic programs, and recognize the hard work put forth by students that choose to undertake both endeavors.

Issued by the Governor April 01, 2004.
Filed by the Secretary of State April 02, 2004.

2004-60
PUBLIC HEALTH WEEK

WHEREAS, improvement in the quality of life and health of our community depends on programs and services that emphasize the prevention of disease, disability, and dependence; and
WHEREAS, April 5 – 11, 2004 has been designated as National Public Health Week by the American Public Health Association and other distinguished state and national organizations; and
WHEREAS, in response to the widespread existence of health disparities, this year’s theme for Public Health Week is Eliminating Health
Disparities: Communities Moving from Statistics to Solutions; and
WHEREAS, all observances during National Public Health Week will be used as a means to improve understanding and appreciation of the essential role that public health and prevention-based programs have in the health care system; and
WHEREAS, in order to better its citizens’ health care system, the State of Illinois has created and expanded some of its programs, such as the state’s first prescription drug card that will provide significant savings for senior citizens and people with disabilities; and
WHEREAS, other public health initiatives in Illinois include the FamilyCare and KidCare programs which provide health care coverage and insurance for working families and children. These programs are helping to eliminate health disparities in Illinois; and
WHEREAS, the Illinois Public Health Association is a voluntary professional society whose members strive to protect and promote personal, community, and environmental health through organized activities in the areas of education, research, and health policy development:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 5 – 11, 2004 as PUBLIC HEALTH WEEK in Illinois, and encourage all citizens to recognize the men and women that dedicate themselves to improving our country’s health care system.
Issued by the Governor April 01, 2004.
Filed by the Secretary of State April 02, 2004.

2004-61
DAYS OF REMEMBRANCE

WHEREAS, the Holocaust was the state sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; and
WHEREAS, Jews were the primary victims – six million were murdered – while many others were forced into grievous oppression and death under Nazi tyranny for racial, ethnic or national reasons; and
WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and
WHEREAS, the people of the state of Illinois also should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and
WHEREAS, the people of the state of Illinois should actively rededicate ourselves to the principles of individual freedom in a just society; and
WHEREAS, the Days of Remembrance have been set aside for the people of the state of Illinois to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of victims of the Holocaust to be Sunday, April 18 through Sunday, April 25, 2004, including the International Day of Remembrance known as Yom Hashoah, April 18:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – April 25, 2004 as DAYS OF REMEMBRANCE in Illinois, in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and urge all citizens to collectively and individually strive to overcome bigotry, hatred and indifference through learning, tolerance and remembrance.

Issued by the Governor April 02, 2004.
Filed by the Secretary of State April 06, 2004.

2004-62
WORLD PARKINSON’S DISEASE AWARENESS DAY

WHEREAS, discovered by Dr. James Parkinson in 1817, Parkinson’s Disease is a progressive disorder of the central nervous system that causes its victims to suffer a loss of muscle control by killing off vital brain cells; and

WHEREAS, as many as one million Americans currently suffer from Parkinson's disease; and

WHEREAS, normally developing in citizens over the age of 60, Parkinson’s Disease is one of the most common neurological disorders of the elderly. However, younger people are also at risk, as approximately 15% of Parkinson's cases are diagnosed before the age of 40; and

WHEREAS, for over 40 years, the American Parkinson Disease Association, Incorporated, has sought to “Ease the Burden and Find the Cure” for this disease through research, patient and family services, and education and sponsorship in 63 chapters and 800 support groups throughout the United States; and

WHEREAS, the American Parkinson Disease Association’s Midwest Chapter works in Illinois to raise funds and promote awareness to fight Parkinson’s Disease, thus improving the quality of human life for those living with the disorder:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 11, 2004 as WORLD PARKINSON’S DISEASE AWARENESS DAY in Illinois, and encourage all citizens to raise their understanding of Parkinson’s Disease and commend those that work to find
a cure.
Issued by the Governor April 08, 2004.
Filed by the Secretary of State April 09, 2004.

2004-63
TELECOMMUNICATIONS WEEK

WHEREAS, using state-of-the-art radio and computer systems, telecommunications professionals help to save countless lives by responding to emergency 9-1-1 calls, dispatching emergency professionals and equipment, and providing moral support to citizens in distress; and
WHEREAS, telecommunications professionals display poise under pressure, use critical decision making skills and offer aid and compassion in times of crisis; and
WHEREAS, according to the National Emergency Number Association, there are 190 million 9-1-1 emergency calls each year; and
WHEREAS, in many cases the knowledge and quick initiative of the telecommunications professionals taking emergency calls can make the difference between life and death; and
WHEREAS, one of the most important duties of telecommunications professionals is operating the new Illinois Amber Alert System, which allows storm warnings, abduction cases, and any other emergency messages to be immediately distributed to broadcasters, and in turn, to all citizens of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 11-17, 2004 as TELECOMMUNICATIONS WEEK in Illinois, in recognition of the vital contributions telecommunication professionals make to the safety and well-being of our citizens.
Issued by the Governor April 08, 2004.
Filed by the Secretary of State April 09, 2004.

2004-64
MACON COUNTY AND DECATUR DAY

WHEREAS, in 1829, Benjamin R. Austin, Andrew W. Smith and John Ward made a successful journey to Vandalia, the former state capital of Illinois, to petition the state legislature to create Macon County, with the seat of justice to be called Decatur; and
WHEREAS, 175 years later, Macon County and the city of Decatur have persevered throughout the many ups and downs of American history, including the Civil War, the Great Depression and the Industrial Revolution; and
WHEREAS, since their founding, Macon County and the city of Decatur have shown a proven record of progress in industry and diversity. Even “The Great Emancipator,” Abraham Lincoln, once made his home in Macon County; and

WHEREAS, the citizens of this celebrated region have no doubt helped to usher the state of Illinois through times of war, geographical transformation, and breakthroughs in nearly every aspect of human existence; and

WHEREAS, Macon County and the city of Decatur have always remained vibrant, welcoming communities for both citizens and visitors, offering a rich history and a fine portrayal of life in Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17, 2004 as MACON COUNTY AND DECATUR DAY in Illinois, and encourage all citizens to join in celebrating this noble area’s 175th Anniversary.

Issued by the Governor April 14, 2004.
Filed by the Secretary of State April 15, 2004.

2004-65
ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY

WHEREAS, for the past 45 years, the Electric and Telephone Cooperatives of Illinois has sponsored a paid tour of Washington, D. C., for approximately 60 outstanding Illinois high school students; and

WHEREAS, the selection criteria for students to participate includes essay and youth leadership contests that are sponsored by member cooperatives; and

WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states, will have an opportunity to witness their federal government in action during the “Youth to Washington” tour taking place on June 11 – 18, 2004; and

WHEREAS, in an effort to provide a broader educational experience for students here in Illinois, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our state capitol April 21, 2004 for 300 contest finalists; and

WHEREAS, these hard-working young men and women are the future of our state and country, and deserve to be commended for their achievements and their desire to learn more about their nation’s governing bodies:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 21, 2004 as ILLINOIS ELECTRIC AND
TELEPHONE COOPERATIVES YOUTH DAY in Illinois, and encourage all citizens to support youth programs that assist those interested in learning about the United States government.

Issued by the Governor April 14, 2004.
Filed by the Secretary of State April 15, 2004.

2004-66
MEDICAL LABORATORY WEEK

WHEREAS, the field of medical laboratory science includes pathologists, medical technologists, cytotechnologists, histotechnologists, medical laboratory technicians, histologic technicians, phlebotomists, and other related professionals; and

WHEREAS, these qualified technicians are invaluable members of every patient’s health care team; and

WHEREAS, medical laboratory professionals are well-educated and highly trained health professionals who perform and evaluate medical laboratory tests to detect, diagnose, monitor treatment, and help prevent diseases. Their tireless efforts help to save countless lives each day; and

WHEREAS, medical laboratory professionals’ assistance reaches beyond hospitals and medical facilities, as they help to keep businesses, agencies and schools functioning properly by administering drug tests to employees and students; and

WHEREAS, medical laboratory professionals’ dedication to quality medical testing and exceptional patient care is demonstrated in thousands of laboratories everyday:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 24, 2004 as MEDICAL LABORATORY WEEK in Illinois, and encourage all citizens to recognize the vital contributions medical laboratory professionals make to our health care system, and to our society.

Issued by the Governor April 14, 2004.
Filed by the Secretary of State April 15, 2004.

2004-67
NATIONAL YOUTH SERVICE DAY

WHEREAS, Youth Service America (YSA) is a resource center dedicated to providing local, national and global volunteer opportunities for youth ages 5 – 25; and

WHEREAS, YSA believes that “a strong youth service movement will create healthy communities, foster citizenship, knowledge and the
personal development of young people;” and

WHEREAS, this year commemorates the 16th Anniversary of the National Service Youth Day, the largest service event in the world; and

WHEREAS, this event has garnered national support from many corporate, fraternal and not-for-profit organizations, including this year’s presenting sponsor, State Farm Insurance, headquartered in Bloomington, Illinois; and

WHEREAS, my administration is working diligently to do what we can in the state to foster youth accountability. By proposing new legislation requiring all high school students to complete forty community service hours in order to graduate, we will be helping children learn the values and responsibilities of becoming a good citizen:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 16 – 18, 2004 as NATIONAL YOUTH SERVICE DAY in Illinois and challenge our youth to make a lifelong commitment to improving the state of their communities through service.

Issued by the Governor April 14, 2004.
Filed by the Secretary of State April 15, 2004.

2004-68
SAVE ABANDONED BABIES DAY

WHEREAS, signed into law in August 2001, the Illinois Abandoned Newborn Protection Act allows parents to relinquish a newborn infant to a local hospital, fire station, or emergency medical facility anonymously and free from prosecution; and

WHEREAS, relinquished babies then become custody of the state and are placed in a responsible, and nurturing safe haven; and

WHEREAS, it is the hope of the state of Illinois that this Act will stop the abandonment of newborn infants, a practice that has led to healthy babies being found harmed, deceased or in unsafe places; and

WHEREAS, the Illinois Abandoned Newborn Protection Act is a critical statute in the state of Illinois, as it affords the chance of a better life for abandoned newborn babies; and

WHEREAS, it is imperative that we raise public awareness of the Illinois Abandoned Newborn Protection Act, in order to fulfill the Act’s goals of protecting newborn infants:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17, 2004 as SAVE ABANDONED BABIES DAY in Illinois, and encourage all citizens to recognize the gracious work Illinoisans are doing to protect abandoned infants.

Issued by the Governor April 14, 2004.
2004-69
NATIONAL COLUMNIST DAY

WHEREAS, the National Society of Newspaper Columnists (NSNC) began in 1977 as an informal meeting of the minds. It has since evolved into an organization of newspaper professionals who have made significant contributions to their communities and to the journalism profession as a whole; and

WHEREAS, it was the NSNC who passed a resolution proclaiming April 18th as National Columnist Day and first celebrated this day in 1995; and

WHEREAS, April 18 commemorates the anniversary of the death of Pulitzer Prize winning columnist, Ernie Pyle, perceived to be one of the greatest columnists of all time; and

WHEREAS, not only is National Columnist Day used to reflect upon the memory of Ernie Pyle, it is also “a time to reflect on the way newspaper columnists connect, educate, comfort, encourage, celebrate, outrage and occasionally even amuse readers and a time to express appreciation for them for their hard work;” and

WHEREAS, NSNC is the only professional association in journalism devoted solely to columnists:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18, 2004 as NATIONAL COLUMNIST DAY in Illinois and encourage all citizens to increase their awareness of the column-writing profession.

Issued by the Governor April 14, 2004.
Filed by the Secretary of State April 15, 2004.

2004-70
FORESTERS PREVENTION OF CHILD ABUSE WEEK

WHEREAS, Foresters are a financial services organization, offering life insurance and annuities, that provide a personal and rewarding relationship to their customers; and

WHEREAS, Foresters are successful throughout the country as a result of their financial strength, but also due to the positive impact they have on their members’ communities, and the children who represent their future; and

WHEREAS, Foresters are committed to volunteering their time, talent and money to helping others in their communities through involvement
in local activities, such as fundraising, youth activities, educational support, disaster relief and much more; and

WHEREAS, since 1974, Foresters Prevention of Child Abuse Funds have provided financial support to non-profit organizations that offer prevention of child abuse and positive parenting programs and services; and

WHEREAS, Foresters are the largest non-sectarian fraternal benefit society in the world, with a membership of more than a million people; and

WHEREAS, over the years, Foresters Prevention of Child Abuse Fund has contributed thousands of dollars to help educate the public about child abuse and how they can help protect our young people from this terrible societal evil; and

WHEREAS, the Foresters’ efforts have initiated international public awareness programs such as Prevention of Child Abuse Month:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 25, 2004 as FORESTERS PREVENTION OF CHILD ABUSE WEEK in Illinois, and encourage all citizens to recognize and support this organization’s efforts.

Issued by the Governor April 15, 2004.

Filed by the Secretary of State April 16, 2004.

2004-71
NATIONAL VICTIM RIGHTS WEEK

WHEREAS, The National Organization for Victim Assistance (NOVA) is a private, non-profit organization of victim and witness assistance programs and practitioners, criminal justice agencies and professionals, mental health professionals, researchers, former victims and survivors, and others committed to the recognition and implementation of victim rights and services; and

WHEREAS, NOVA’s mission is to promote rights and services for victims of crime and crisis everywhere; and

WHEREAS, NOVA stands up for victims’ rights in the political arena, and in 1984, they worked with Congress to help draft and ensure passage of the Victims of Crime Act, which provides funds and support for victims of crime and abuse; and

WHEREAS, NOVA is a vital system of support for victims everywhere, their toll-free hotline, 1-800-TRY-NOVA – known as the National Crime Victim Information and Referral Hotline – is the only national toll-free number that serves all victims and survivors of violent crime, providing information and referral, crisis counseling, and case advocacy; and

WHEREAS, NOVA assists law enforcement officers, prosecutors,
judges, nurses, social workers, and mental health professionals in order to fully support victims in nearly every facet of the criminal justice system, and beyond; and

WHEREAS, in a time when the uncertainty of terrorist acts against our country looms, and the essence of fear consumes many American’s thoughts, it is imperative and uplifting to have organizations that support victims and their rights:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 24, 2004 as NATIONAL VICTIM RIGHTS WEEK in Illinois, and encourage all citizens to recognize and support the rights of victims, and those that work to aid them, in order to make our society a safer and more peaceful place to live.

Issued by the Governor April 15, 2004.
Filed by the Secretary of State April 16, 2004.

2004-72
NATIONAL CREDIT EDUCATION WEEK

WHEREAS, the use of credit has become increasingly important to the American consumer and to the nation’s economy, evidenced by the fact that consumer installment purchases have more than doubled in the past decade; and

WHEREAS, along with this new trend also comes the need for the American consumer to be more financially responsible. While most consumers are aware of mistakes that should be avoided when dealing with personal finances, they are less likely to actually follow these rules; and

WHEREAS, the Association of Credit and Collection Professionals International, in conjunction with the Illinois Student Assistance Commission, will sponsor National Credit Education Week; and

WHEREAS, National Credit Education Week is a public service campaign intended to help consumers develop good money management habits, including using credit with caution and paying bills promptly:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 19 – 24, 2004 as NATIONAL CREDIT EDUCATION WEEK in Illinois and urge all Illinoisans to educate themselves on becoming wise consumers.

Issued by the Governor April 15, 2004.
Filed by the Secretary of State April 16, 2004.
2004-73

ADMINISTRATIVE PROFESSIONALS WEEK

WHEREAS, administrative professionals play a fundamental part in any office or organization, whether it be a business, school, or governmental agency; and

WHEREAS, administrative professionals display remarkable versatility in their careers, often exhibiting skills in: project management, integrated computer software applications, Internet/Intranet communications and research, document preparation, record keeping, customer service and public relations; and

WHEREAS, the hard work and integral role administrative professionals play in the workplace should be recognized and much-admired, for it is their commitment to quality that helps keep America an industrial world leader; and

WHEREAS, in Illinois, the Alton Chapter of International Association of Administrative Professionals celebrates Administrative Professionals Week, in honor of all of the hard working individuals whose contributions to society sometimes get overlooked:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 24, 2004 as ADMINISTRATIVE PROFESSIONALS WEEK in Illinois, and encourage all citizens to take a moment to recognize the many diligent and honorable administrative professionals in their community.

Issued by the Governor April 15, 2004.
Filed by the Secretary of State April 16, 2004.

2004-74

AUTISM AWARENESS MONTH

WHEREAS, autism is a severely incapacitating, lifelong developmental disability, resulting in significant impairment of an individual’s ability to learn, develop healthy interactive behaviors, and understand verbal, nonverbal, and reciprocal communication; and

WHEREAS, autism is the result of a neurological disorder affecting the functioning of the brain, and generally manifests during the first 3 years of life; and

WHEREAS, the disorder makes it hard for victims to communicate and relate to the outside world. In some cases, victims may display repeated body movements such as hand flapping or rocking, and commonly exhibit unusual responses to people or attachments to objects. In some unfortunate cases, aggressive and/or self-injurious behavior may be present; and
WHEREAS, autism is the third most common developmental disability in the United States today, and over half a million people nationwide have some form of autism; and

WHEREAS, many citizens are unaware of the affects of autism, and how they can assist people who are living with the disability; and

WHEREAS, there are many autism support groups that are committed to educating families, professionals, and the general public to better understand this lifelong disability; and

WHEREAS, although a cure for autism has not yet been found, persons with autism can be helped to reach their greatest potential. Accurate, early diagnosis and the appropriate education and intervention are vital to the future growth and development of individuals with autism; and

WHEREAS, autism is a complex disability that requires increased research to one day find a cure and prevention, and to ensure that individuals with autism living in Illinois, and all other Americans with autism are accurately diagnosed and appropriately treated throughout their lives:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2004 as AUTISM AWARENESS MONTH in Illinois, and encourage all citizens to become cognizant of the tragedy of autism, and make an effort to aid in the search for a cure.

Issued by the Governor April 15, 2004.
Filed by the Secretary of State April 16, 2004.

2004-75
NATIONAL DONATE LIFE MONTH

WHEREAS, current data by the Organ Procurement and Transplantation Network shows that more than 84,000 men, women and children in our country, 4,600 of which are in Illinois, are waiting for lifesaving organ transplants; and

WHEREAS, an average of 18 Americans die each day due to the growing and critical shortage of donated organs for transplant; and

WHEREAS, noble citizens that participate in organ donation programs are graciously offering the gift of hope to those in need; and

WHEREAS, these donors should be commended for their compassion and generosity towards their fellow citizens; and

WHEREAS, in 2003, Illinois transplanted 1,000 lifesaving organs, a goal that only two other organ procurement regions in the United States have ever reached in a single year; and

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2004 as NATIONAL DONATE LIFE MONTH in Illinois, and encourage all citizens to support organ donation programs, and
recognize the lifesaving results of organ donation.
Issued by the Governor April 15, 2004.
Filed by the Secretary of State April 16, 2004.

2004-76
FEDERATION OF WOMEN CONTRACTORS DAY

WHEREAS, there has been a continuous struggle in our society for women to receive the same rights as their male counterparts. Equally as pervasive is their struggle for equality in the workplace; and
WHEREAS, males continue to have a seat at the decision-making table, especially in fields historically dominated by men, such as the construction industry; and
WHEREAS, the Federation of Women Contractors (FWC), created in 1989, is “committed to the advancement of entrepreneurial women in the construction industry;” and
WHEREAS, through educational, social and professional efforts, FWC has provided an arena for its more than 100 members to have a voice; and
WHEREAS, the breadth of their message reaches far beyond the FWC membership, joining in alliance with other associations in the industry and other professional women’s organizations to make a difference:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 23, 2004 FEDERATION OF WOMEN CONTRACTORS DAY in Illinois and join FWC in celebration of their 14th Anniversary and 12th Annual Awards Reception.
Issued by the Governor April 15, 2004.
Filed by the Secretary of State April 16, 2004.

2004-77
MDA FIREFIGHTER APPRECIATION MONTH

WHEREAS, firefighters are our unsung heroes- each day risking their lives to save the lives of others; and
WHEREAS, when these heroes are not battling life-threatening situations, they are unselfishly contributing to their communities in other ways, including raising money for local charities and volunteering with agencies such as the Muscular Dystrophy Association (MDA); and
WHEREAS, the International Association of Firefighters is the MDA’s largest national sponsor, this year celebrating fifty years of national sponsorship; and
WHEREAS, in 2003, firefighters in 212 Illinois communities raised
and donated more than $625,000 for the MDA:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2004 as MDA FIREFIGHTER APPRECIATION MONTH in Illinois, and encourage all citizens to acknowledge the contributions of these brave men and women.

Issued by the Governor April 15, 2004.
Filed by the Secretary of State April 16, 2004.

2004-78
FEDERAL EMPLOYEE OF THE YEAR DAY

WHEREAS, the U. S. Department of Housing and Urban Development is hosting the 47th Annual Federal Employee of the Year Awards Ceremony on April 29, 2004; and
WHEREAS, this prestigious ceremony recognizes the continuous efforts and impact of all federal government employees in the Chicagoland area; and
WHEREAS, at the ceremony, federal employees who have dedicated themselves to giving superior service to the American public will be honored; and
WHEREAS, the ceremony honors achievement in different areas of federal employment. Examples of award categories include: “Outstanding Supervisory Employee of the Year,” and “Outstanding Secretarial/Clerical Employee of the Year;” and
WHEREAS, the theme for this year’s ceremony is “Federal Employees – The Gold Standard of the American Workforce;” and
WHEREAS, in conjunction with the ceremony, college scholarships will be awarded to two graduate students attending the University of Illinois at Chicago’s College of Urban Planning and Public Affairs:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 29, 2004 as FEDERAL EMPLOYEE OF THE YEAR DAY in Illinois, and encourage all citizens to join in honoring these hard working individuals, and to recognize the exceptional services they provide for our society.

Issued by the Governor April 15, 2004.
Filed by the Secretary of State April 16, 2004.

2004-79
AMBLYOPIA AWARENESS MONTH

WHEREAS, amblyopia, also known as “lazy eye,” is a serious pediatric eye disorder that, if not treated properly, can lead to permanent
vision damage and even blindness in one eye; and

WHEREAS, amblyopia is commonly caused by one or more of the following factors: both eyes not lining up correctly, one eye letting in less light than the other eye, and one eye being out of focus; and

WHEREAS, if detected early, amblyopia is a reversible disorder. To promote early detection, every child’s vision should be checked on a regular basis, beginning as early as six months of age, and formally tested at least once between three and five years of age; and

WHEREAS, there is a greater chance of successfully treating amblyopia if it is found within the first six years of a child’s life; and

WHEREAS, treatment methods for amblyopia include glasses, eye drops, or an eye patch, with regular doctor visits to monitor the weaker eye’s progress; and

WHEREAS, to find an eye doctor for your child, you may consult the child’s regular primary care doctor or family practice doctor for a referral, which will help to ensure that your child receives the best possible quality of care available; and

WHEREAS, during the month of April 2004, Illinois is launching an awareness campaign urging pediatricians, parents and other caregivers to learn more about vision screenings for their very young children in an effort to prevent amblyopia.

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2004 as AMBLYOPIA AWARENESS MONTH in Illinois, and encourage all citizens to join in working toward eradicating pediatric eye disorders in this state and across the country.

Issued by the Governor April 21, 2004.

Filed by the Secretary of State April 19, 2004.

2004-80

DISASTER AREA - STATE OF ILLINOIS

Tornadoes and severe storms moved through Northern Illinois on Tuesday, April 20, 2004. These storms resulted in the deaths of four people, injuries to more than a dozen others and major damage and destruction to scores of homes and businesses.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois and specifically, declare Kankakee, LaSalle, Putnam and Will counties as disaster areas, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will facilitate the Illinois
Emergency Management Agency in coordinating the State’s effort in responding to local government requests for assistance in the counties most severely impacted by the disaster. It will also authorize a full assessment of disaster damage and, if determined necessary, a request for federal disaster assistance.

Issued by the Governor April 21, 2004.
Filed by the Secretary of State April 21, 2004.

2004-81
OUR WORLD UNDERWATER SCHOLARSHIP SOCIETY WEEKEND

WHEREAS, the mission of the Our World Underwater Scholarship Society is to promote educational activities associated with the underwater world and to provide an opportunity for meaningful involvement and hands-on learning; and

WHEREAS, the Our World Underwater dive and travel exposition established the first scholarship in 1974 and continues to provide funding to the Society; and

WHEREAS, the scholarships provide a hands-on introduction to underwater and other aquatic-related endeavors for young people with an interest in underwater-related disciplines, allowing these students to base their eventual career decisions on real work experiences; and

WHEREAS, to be eligible for the scholarship, the applicant: must be a certified scuba diver with a minimum of 25 open water dives, must be at least 21 year of age, but must not have reached his or her 25th birthday by March 1st of the scholarship year, must have high academic standing, must not have earned a graduate degree, and must pass an approved physical upon selection; and

WHEREAS, the Our World Underwater Society Scholarships provide knowledge that will influence the scholar’s life and career choices toward working in a profession that addresses the protection, enhancement and survival of our marine and freshwater environments:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 23-25, 2004 as OUR WORLD UNDERWATER SCHOLARSHIP SOCIETY WEEKEND in Illinois, and encourage all citizens to recognize and celebrate this year’s scholarship recipients for the hard-work they have done, and will continue to do to achieve their dreams.

Issued by the Governor April 20, 2004.
Filed by the Secretary of State April 21, 2004.
2004-82
MARCH OF DIMES WALKAMERICA DAYS

WHEREAS, the March of Dimes is a national volunteer health agency whose mission is to “improve the health of babies by preventing birth defects and infant mortality;” and

WHEREAS, in 1938, President Franklin D. Roosevelt founded the March of Dimes in an effort to combat polio, a disease crippling the nation’s youth. Since its founding, the March of Dimes has had a strong history which includes: providing funding for the development of the polio vaccine, and also funding the first successful bone marrow transplant correcting a birth defect; and

WHEREAS, in 2001, over 470,000 babies were born prematurely in the United States, and over 22,000 babies in Illinois, representing 12% of the total births in the state, were born preterm; and

WHEREAS, in 2003, in response to the alarming increase in premature births over the last decade, the March of Dimes launched a five year campaign to raise public awareness of the problem of premature births, and ultimately, to find ways to reduce these occurrences; and

WHEREAS, in its 34th year, WalkAmerica has become the March of Dimes’ biggest fundraiser, raising $2.7 million in 2003 towards programs and research to treat and prevent premature births, birth defects, and other threats to babies’ health; and

WHEREAS, in an effort to ensure “…a healthy future for our nation by improving the health of our children,” the March of Dimes continues to serve our communities by providing education, research, and financial assistance:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24 – 25, 2004 as MARCH OF DIMES WALKAMERICA DAYS in Illinois, and encourage all citizens to work together with the March of Dimes to give babies a fighting chance.

Issued by the Governor April 20, 2004.
Filed by the Secretary of State April 21, 2004.

2004-83
CHICAGO MEMORIAL DAY COMMEMORATIVE DAY

WHEREAS, since the Revolutionary War, more than 1.2 million people have died while serving the United States during times of war, and countless others have perished as a result of terrorism; and

WHEREAS, Memorial Day was first observed 136 years ago on May 30, 1868; and
WHEREAS, during Memorial Day weekend, many Americans will take the time to reflect on all those who have made the ultimate sacrifice for our nation; and

WHEREAS, the city of Chicago will observe the Memorial Day holiday on Saturday, May 29, 2004, with a wreath laying ceremony and parade; and

WHEREAS, this parade is heralded as the largest Memorial Day Parade in the nation; and

WHEREAS, each year, the Chicago Memorial Day committee devotes an extensive amount of time to making this ceremony reflective of the patriotic spirit Memorial Day has come to represent:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 29, 2004 as CHICAGO MEMORIAL DAY COMMEMORATIVE DAY in Illinois and encourage all citizens to remember that our state and our nation are a better place because of the heroic actions of the men and women we commemorate today.

Issued by the Governor April 20, 2004.
Filed by the Secretary of State April 21, 2004.

2004-84
HADASSAH DAYS

WHEREAS, Hadassah, the Women’s Zionist Organization of America, is a volunteer women’s organization, whose members are motivated and inspired to strengthen their partnership with Israel, ensure Jewish continuity, and realize their potential as a dynamic force in American society; and

WHEREAS, founded in 1912, Hadassah retains the passion and timeless values of its founder, Henrietta Szold, Jewish scholar and activist, who was dedicated to Judaism, Zionism, and the American ideal; and

WHEREAS, Hadassah is dedicated to aiding American citizens by administering Jewish and Zionist education programs, Zionist Youth programs, and health awareness programs. They also advocate for issues of importance to women and the American Jewish community such as voter registration, literacy advocacy, and prevention of violence in the home; and

WHEREAS, the Great Plains Region of Hadassah promotes and supports the works of the National organization in the state of Illinois, and its surrounding areas; and

WHEREAS, this April, the Great Plains Region of Hadassah will celebrate Israeli Remembrance Day, and Israeli Independence Day, at their Spring Conference held in Rockford, Illinois; and

WHEREAS, the State of Illinois has developed a strong relationship
with Israel throughout the years, a bond built on mutual economic benefits through improved trade, technological development, science, and agriculture; and

WHEREAS, the State of Illinois joins with the Great Plains Region of Hadassah to recognize and honor the great state of Israel:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24 – 26, 2004 as HADASSAH DAYS in Illinois, and encourage all citizens to become aware of the great work this organization does for our country.

Issued by the Governor April 20, 2004.
Filed by the Secretary of State April 21, 2004.

2004-85
ARMENIAN MARTYRS DAY

WHEREAS, the Armenian community, as well as the global community, remembers the Armenian genocide, which occurred 89 years ago; and

WHEREAS, during this tragic historical period between the years of 1915 and 1923, Armenians were forced to witness the genocide of their loved ones, and the loss of their ancestral homelands; and

WHEREAS, this extermination and forced relocation of over 1.5 million Armenians by the Ottoman Turks is recognized every year; and

WHEREAS, Armenians continue to be a people full of hope, courage, faith and pride in their heritage, working together to rebuild a firm foundation for Armenia; and

WHEREAS, many of the eight thousand Armenian-Americans in Illinois are descendents or survivors of the Armenian genocide, and have been forthright in their efforts to preserve their culture, heritage and language, while contributing much to our state and our nation’s diverse society and economy; and

WHEREAS, both recognition and education concerning past atrocities such as the Armenian Genocide is crucial in the prevention of future crimes against humanity:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24, 2004 as ARMENIAN MARTYRS DAY in Illinois, in honor of the 89th Anniversary of the Armenian Genocide.

Issued by the Governor April 20, 2004.
Filed by the Secretary of State April 21, 2004.
2004-86
NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK

WHEREAS, professional insurance women make a significant contribution to the risk and insurance industry; and
WHEREAS, they are increasingly effective locally and statewide in promoting public awareness of important issues such as automobile safety and drunk driving; and
WHEREAS, they are committed to maintaining the highest professional standards and ethics in the insurance industry; and
WHEREAS, professional insurance women are effectively working on a national level, forming organizations such as the National Association of Insurance Women, International, which has reached a membership of more than 15,000; and
WHEREAS, the United States Chamber of Commerce recognizes National Association of Insurance Women Week every year in May; and
WHEREAS, these insurance professionals have earned this recognition for their outstanding accomplishments in the economically vital insurance industry:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16 – 22, 2004 as NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK in Illinois, and encourage all citizens to recognize the important and helpful role professional insurance women play in our society.

Issued by the Governor April 20, 2004.
Filed by the Secretary of State April 21, 2004.

2004-87
CHILDREN’S MEMORIAL FLAG DAY

WHEREAS, the Child Welfare League of America has promoted the Children’s Memorial Flag as a way of memorializing the thousands of children and teenagers in the United States who die violently every year from child abuse; and
WHEREAS, approximately 3 million children are reported abused and neglected in this country each year; and
WHEREAS, the Children’s Memorial Flag has become a recognizable symbol of the need to do a better job of protecting children; and
WHEREAS, the negative effects of child abuse are felt by every individual, and need to be addressed by the entire country; and
WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools,
religious and civic organizations, law enforcement agencies, and the business community; and

WHEREAS, it is essential that as a country we become more aware of the negative effects of child abuse and its prevention within our communities, and become involved in supporting parents to raise their children in a safe and nurturing environment:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 23, 2004 as CHILDREN’S MEMORIAL FLAG DAY in Illinois, and encourage all citizens to memorialize the thousands of children across the country who die from child abuse each year, and furthermore, ask all citizens to increase their participation in efforts to prevent child abuse.

Issued by the Governor April 20, 2004.
Filed by the Secretary of State April 21, 2004.

2004-88
INFANT IMMUNIZATION AWARENESS WEEK

WHEREAS, vaccines were named among the 20th Century’s most successful and cost-effective public health tools available for preventing disease and death; and

WHEREAS, immunizations are one of the most important ways parents can protect their children against serious diseases; and

WHEREAS, children need a series of vaccinations, starting at birth, to be fully protected against 12 potentially serious diseases; and

WHEREAS, Illinois immunization levels among children under 2 years of age in 2003, as measured by the National Immunization Survey, reached a level of 82 percent statewide; and

WHEREAS, National Infant Immunization Week (NIIW) began 10 years ago to focus each state’s attention on the importance of timely and proper immunization for infants and toddlers 24 months and under; and

WHEREAS, NIIW serves to create partnerships among parents, caregivers, and healthcare providers to participate in activities and recognition events to increase the awareness of immunizing children before their 2nd birthday; and

WHEREAS, the Illinois Department of Public Health has partnered with local health departments, the Illinois Chapter of American Academy of Pediatrics, local child health coalitions, the Chicago Area Immunization Campaign and the Illinois Health Education Consortium to promote and support immunization activities throughout the state; and

WHEREAS, the week of April 25 – May 1, 2004 has been declared National Infant Immunization Week to help ensure that children receive all
recommended vaccinations by the age of 2:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of April 25 – May 1, 2004 as INFANT IMMUNIZATION AWARENESS WEEK in Illinois, and encourage all citizens to spread the immunization message throughout their communities, and I also encourage public and private health care providers, parents, and children’s caregivers in Illinois to advance the health of children by ensuring early and on-time immunization against preventable childhood diseases.

Issued by the Governor April 20, 2004.
Filed by the Secretary of State April 21, 2004.

2004-89

PLAYGROUND SAFETY WEEK

WHEREAS, the safety and well being of children is a priority of this state; and

WHEREAS, more than 200,000 children are injured on playgrounds in the United States each year equaling an average of one playground-related emergency room visit every two-and-one-half minutes; and

WHEREAS, the National Program for Playground Safety was created at the University of Northern Iowa to help inform the nation about playground injuries, and possible ways to reduce them; and

WHEREAS, The National Program for Playground Safety has identified key areas that could help substantially reduce the number of playground injuries and keep our children SAFE – providing: proper Supervision, Age appropriate equipment, materials to soften Falls to the surface, and Equipment maintenance; and

WHEREAS, spring is often a time that children head to the playground, as a result, a large percentage of playground injuries occur in the months of April through June; and

WHEREAS, it is essential that we take the time to inspect, repair, and sustain the many playgrounds that provide our children with much needed exercise and enjoyment; and

WHEREAS, the State of Illinois is committed to the notion that no child should play on an unsafe playground:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 26 – 30, 2004 as PLAYGROUND SAFETY WEEK in Illinois, and encourage all citizens to help to keep our children safe on community playgrounds.

Issued by the Governor April 20, 2004.
Filed by the Secretary of State April 21, 2004.
2004-90
MONEY SMART WEEK

WHEREAS, the United States’ economic progress is directly dependent on the financial well-being of its citizens; and

WHEREAS, citizens have many choices on how they manage their financial affairs, thus it is imperative that they educate themselves on the best options available; and

WHEREAS, becoming financially literate can be a long-term process that demands much discipline and intuition, many people find it helpful to seek assistance outside of their own home; and

WHEREAS, educational and financial institutions, government entities and community-based organizations can work together to help consumers make informed choices about their personal finances; and

WHEREAS, improved financial literacy results in a higher standard of living for individuals, and more stable communities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10 – 15, 2004 as MONEY SMART WEEK in Illinois, and encourage all citizens to make an effort to become more financially literate, consequently helping their community, state and country.

Issued by the Governor April 20, 2004.
Filed by the Secretary of State April 21, 2004.

2004-91
LINCOLN TRAIL HIKE DAY

WHEREAS, in 1926, R. Allan Stephens, a former Boy Scout Commissioner of Springfield, Illinois, developed the idea that Boy Scouts would acquire a greater appreciation of the obstacles that Abraham Lincoln overcame in his rise to the presidency if they walked the same 20-mile route that he followed from New Salem to Springfield; and

WHEREAS, this walk is known as the Lincoln Trail Hike, and boy scouts that successfully complete the trail are given a special award honoring their perseverance, and mark of respect to President Lincoln; and

WHEREAS, the 20-mile route is located closely to the roadways of Lincoln’s New Salem days, keeping hikers on secondary roads, byways and trails; and

WHEREAS, beginning in 1995, in commemoration of the 25th Anniversary of the first Earth Day, the Illinois Environmental Protection Agency teamed up with the Abraham Lincoln Council of the Boy Scouts of America to support litter collection along the Lincoln Trail, in order to further Earth stewardship and promote environmental consciousness among
the scouts. WHEREAS, Illinois Environmental Protection Agency employees support the goals of the Lincoln Trail Hike by volunteering their services to assist the scouts during the hike; and WHEREAS, in 2004, approximately 1,300 scouts will walk the Lincoln Trail Hike, and maintain the 78 year tradition: THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24, 2004 as LINCOLN TRAIL HIKE DAY in Illinois, and encourage all citizens to recognize the committed scouts paying tribute to one of Illinois’ greatest heroes.

Issued by the Governor April 20, 2004.
Filed by the Secretary of State April 21, 2004.

2004-92
APPRENTICESHIP WEEK

WHEREAS, apprenticeship training is a key component in developing skilled workers in various trades and crafts. As part of a continuing program initiated by the government in 1937, this specialty training is supported by most industry and labor related fields; and WHEREAS, industry professionals make cooperative efforts to encourage and improve apprenticeship training in Illinois in order to provide skilled journeymen in all trades; and WHEREAS, the Illinois State Apprenticeship Conference will be held on May 11, 2004. This event is intended to promote the exchange of information and ideas between all crafts and trades:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 11 – 14, 2004 as APPRENTICESHIP WEEK in Illinois and, encourage all citizens to recognize the benefits that apprenticeship opportunities provide for the state.

Issued by the Governor April 22, 2004.
Filed by the Secretary of State April 23, 2004.

2004-93
CHILDHOOD STROKE AWARENESS DAY

WHEREAS, many people are unaware that children can have strokes, a condition that usually affects an older population; and WHEREAS, childhood strokes occur more frequently in children less than two years old. For reasons that are unknown, twenty-five percent of all childhood strokes happen in infancy, often during or before childbirth; and WHEREAS, a stroke occurs when the blood supply to any part of the
brain is interrupted, resulting in tissue death and loss of brain function; and

WHEREAS, some symptoms of childhood stroke may include seizures, apnea, poor feeding, infantile spasms, or very specific hand preference; and

WHEREAS, over half of the children who have a stroke will have serious, long-term neurological disabilities, including hemiplegia, seizures, speech and vision problems, and learning difficulties; and

WHEREAS, little is known about the cause, treatment, and prevention of childhood stroke. It is known, however, that the sooner a child is diagnosed and treated for a stroke, the better his/her chances are for recovery; and

WHEREAS, organizations like the Children’s Hemiplegia and Stroke Association look to create a greater public awareness of the presence of these disorders in children:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2004 as CHILDHOOD STROKE AWARENESS DAY in Illinois and urge all citizens to support the efforts, programs, services, and advocacy that the Children’s Hemiplegia and Stroke Association provides, as they strive to enhance awareness of childhood stroke.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-94
DRINKING WATER WEEK

WHEREAS, safe drinking water is essential to life; and

WHEREAS, Illinois residents have traditionally relied on the state’s abundant surface, and groundwater resources for drinking water; and

WHEREAS, protection of drinking water sources was among the first community projects undertaken by settlers moving into the Illinois territory two centuries ago; and

WHEREAS, dedicated water treatment operators in ensuing generations have worked to protect existing drinking water. Their efforts help to improve the quantity and quality of drinking water sources not only for Illinois residents, but also its millions of visitors; and

WHEREAS, there are 4,740 dedicated men and women currently certified as drinking water operators in Illinois; and

WHEREAS, Illinois citizens can confidently look forward to safe, clean drinking water delivered in amounts satisfactory to meet everyday human needs as well as the demands of thriving industries; and

WHEREAS, the State of Illinois is making steady progress toward
their goal of providing more than 95 percent of its community water supply to consumers with drinking water that meets all health protective requirements by the year 2005:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 3 - 9, 2004 as DRINKING WATER WEEK in Illinois and encourage all citizens to recognize that they live in a state that provides safe and clean drinking water, helping to keep their lives healthy and refreshed.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-95

PROVIDER APPRECIATION DAY

WHEREAS, early childhood is the most critical developmental period for all children; and
WHEREAS, 2.8 million people earn a living by teaching and caring for young children or by working in jobs directly related to this field; and
WHEREAS, of the 21 million children under age six in America, 13 million are in child care at least part time. An additional 24 million school-age children are in some form of child care outside of school time; and
WHEREAS, seeing the need for a day to appreciate and recognize child care providers, a group of volunteers in New Jersey started Provider Appreciation Day in 1996; and
WHEREAS, by calling attention to the importance of high quality child care services for all children and families in our state, these provider groups hope to improve the quality and availability of such services:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 7, 2004 as PROVIDER APPRECIATION DAY in Illinois and urge all citizens to join me in recognizing Illinois’ child care providers for their commitment and dedication to our children.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-96

4-H DAY

WHEREAS, 4-H is the largest out-of-school program in the United States, and the largest youth organization in the State of Illinois; and
WHEREAS, the 4-H program makes an effort to complement the formal education, experiences, and skills that young people have already acquired through their homes, schools, and religious organizations, with
action-oriented and practical educational experiences; and

WHEREAS, more than 30,000 caring, nurturing adults work together with 4-H youth in family and community environments to create real life learning laboratories that help youth practice skills they need today and will continue to use in their future lives; and

WHEREAS, approximately 2,000 youth and their parents will attend the Legislative Connections event, an all-day event geared towards educating 4-H youth on the legislative process; and

WHEREAS, this event will also give the members an opportunity to network with other outstanding youth from across the state and showcase their 4-H projects:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, hereby proclaim April 27, 2004 as 4-H DAY in Illinois, and commend the outstanding accomplishments of the Illinois 4-H members and leaders.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-97
ELKS NATIONAL YOUTH WEEK

WHEREAS, the Benevolent and Protective Order of Elks is one of the largest and most active fraternal organizations in the world, boasting more than 1.1 million members nationwide; and

WHEREAS, the Elks are dedicated to providing youth with a future full of hope and promise each year providing college scholarships to graduating high school seniors. This continued dedication has made the Elks the largest private source of college scholarships in the nation; and

WHEREAS, in 1997, the Elks made seven promises to America’s youth, among which were: sponsoring drug-free prom or graduation parties in 2,000 communities by the year 2000, developing mentoring relationships with 20,000 youth and involving 275,000 youth in community service initiatives, and donating $34.9 million a year in support of scouting, athletic programs, and other youth organizations and programs; and

WHEREAS, by making this commitment to future generations, members of the organization are taking the meaning of their motto, “Elks Care, Elks Share,” to a whole new level:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, hereby proclaim May 2 – 8, 2004 as ELKS NATIONAL YOUTH WEEK in Illinois, and encourage all citizens to pay tribute to these youth for their achievements and contributions to their communities.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.
2004-98
BRING YOUR MOM TO WORK DAY

WHEREAS, there are a multitude of health concerns facing women today including the threat of cancer, which continues to claim the lives of our mothers, daughters, sisters, and other loved ones; and
WHEREAS, one of the most insidious types of cancer affecting women is ovarian cancer, a disease that often strikes without warning and without cause; and
WHEREAS, this disease is the fifth leading cause of cancer deaths in women and the deadliest of all gynecologic cancers; and
WHEREAS, if the cancer is detected early and has not spread beyond the ovary, the five year survival rate is 93 percent; and
WHEREAS, founded in December 1994, The Ovarian Cancer Research Fund (OCRF) is a non-profit organization dedicated to advancing research, raising awareness, and finding a cure for ovarian cancer; and
WHEREAS, today, OCRF is one of the leading independent agencies of its kind in the United States devoted to eradicating this disease; and
WHEREAS, in 2001, 1-800-FLOWERS.COM initiated the first Bring Your MOM to Work Day, a fundraising event benefiting OCRF; and
WHEREAS, Bring Your MOM to Work Day is also a way for people, throughout the country, to tell the special women in their lives, “I couldn’t have done it without you:”

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6, 2004 as BRING YOUR MOM TO WORK DAY in Illinois, and encourage all citizens to support the efforts of 1-800-FLOWERS.COM and the OCRF as they educate, raise awareness, and dedicate themselves to finding a cure for this deadly disease.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-99
FOSTER PARENT APPRECIATION MONTH

WHEREAS, to foster means to nourish, cherish and encourage, which is what foster parents do for children whose natural parents can no longer provide them with care; and
WHEREAS, foster parents meet a very special need in our society by ensuring that these children receive attention, respect, love, understanding, compassion, and health and educational services; and
WHEREAS, thousands of caring adults in Illinois have opened their hearts as well as their homes to provide loving and stable environments for
more than 17,000 children; and

WHEREAS, the contributions of Illinois foster parents to the welfare of these children are incalculable and irreplaceable; and

WHEREAS, for four consecutive years, Illinois has remained a national leader in adoptions, primarily due to the commitment shown by the state’s licensed foster parents and relative foster parents, who are responsible for the vast majority of adoptions of the Illinois Department of Children and Family Services’ (DCFS) wards; and

WHEREAS, foster parents throughout the state helped DCFS become the nation’s largest child welfare agency accredited by the Council on Accreditation for Children and Family Services; and

WHEREAS, there remains a great demand for additional caring adults in Illinois to consider opening their homes to older children in need of foster care; and

WHEREAS, Illinois foster parents deserve our gratitude and respect for the work they do everyday to ensure that our children receive the support they need throughout their maturing process:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as FOSTER PARENT APPRECIATION MONTH in Illinois, and encourage all citizens to recognize and support the gracious and loving foster parents in their communities.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-100
ALPHA-1 AWARENESS MONTH

WHEREAS, one of the most common serious hereditary disorders in the world, Alpha-1 Antitrypsin Deficiency, also referred to as alpha-1, affects 100,000 children and adults in the United States; and

WHEREAS, alpha-1 is characterized by low levels of alpha 1-antitrypsin, a protein found in the blood; and

WHEREAS, this deficiency is usually manifested in three forms: lung disease, liver disease, or a skin condition called panniculitis; however, lung disease is the most common way the disease appears; and

WHEREAS, less than 10 percent of those predicted to have alpha-1 have been diagnosed. It often takes an average of three doctors and seven years, from the time symptoms first appear, before proper diagnosis is made; and

WHEREAS, lung disease is the most frequent cause of disability and early death among affected persons, and also a major reason for lung transplants; and
WHEREAS, it is extremely important for someone who has been diagnosed with alpha-1 to stop smoking and drinking. Smoking and excessive alcohol consumption can speed up the progression of lung and liver damage:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as ALPHA-1 AWARENESS MONTH in Illinois and encourage all citizens to become educated on the seriousness of this disease.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-101
NORTH AMERICAN OCCUPATIONAL
SAFETY AND HEALTH WEEK

WHEREAS, safety and health hazards in the workplace include: contact with harmful chemicals, unsafe electrical outlets, fires, bacteria-related diseases, cuts, prolonged exposure to excessive heat or cold, and many more. They are extremely dangerous and often result in serious injuries, and in some cases, death; and

WHEREAS, millions of people go to work and return home safely everyday, due in part to the efforts of occupational safety, health and environmental practitioners who work hard to identify hazards, implement safe practices, and prevent fatalities and illnesses in all industries and workplaces; and

WHEREAS, members of the 93-year-old-non-profit organization, American Society of Safety Engineers, work to protect people, property, and the environment, everyday; and

WHEREAS, it is imperative that employers, employees, and the general public are aware of the importance of preventing illness and injury in the workplace, and understand the many procedures that make prevention possible; and

WHEREAS, strictly following safety guidelines, minimizing possible workplace risk factors, and providing accessible, and thorough first aid kits for employees, are all ways citizens can cut down workplace injuries and hazards; and

WHEREAS, during the week of May 2 through May 8, 2004, members of the American Society of Safety Engineers will work to raise public awareness on prevention and safety measures, and hope that their involvement will save lives:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2 – 8, 2004 as NORTH AMERICAN
OCCUPATIONAL SAFETY AND HEALTH WEEK in Illinois, and encourage all citizens to become cognizant of safety procedures in the workplace.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-102
STUDENT COUNCIL WEEK

WHEREAS, the Illinois Association of Student Councils has been shaping future leaders since 1934; and
WHEREAS, the heart of education lies within students, and their eagerness to lead and work together to improve the educational landscape of Illinois; and
WHEREAS, the Illinois Association of Student Councils gives every student, throughout the state, the opportunity to participate in sponsored leadership seminars that can help them become better rounded students and citizens; and
WHEREAS, by providing guest speakers and promoting involvement in various learning activities, student councils give students a look into the democratic process, offering them a platform to make changes in the daily activities and operations of their school, and presenting them with chances to obtain valuable leadership positions; and
WHEREAS, this May, the Illinois Association of Student Councils is holding their 70th Annual State Convention, bringing together student leaders from across the state. This convention affords them the opportunity to aid each other in learning and voting for future leaders, which in turn helps to improve not only their own student organization, but also the Illinois educational system as a whole:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2 – 8, 2004 as STUDENT COUNCIL WEEK in Illinois, and encourage all citizens to recognize and support youth activities throughout the state.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-103
EXCEPTIONAL CHILDREN’S WEEK

WHEREAS, the National Council for Exceptional Children (CEC) began with 12 members and has grown into the largest international professional organization “dedicated to improving educational outcomes for
individuals with exceptionalities, students with disabilities, and/or the
gifted;” and
WHEREAS, CEC advocates for and provides resources to all parties
that have a vested interest in the rights of persons with exceptionalities; and
WHEREAS, in addition to a number of other core beliefs, CEC
believes that all individuals have the right to an education and have the
ability to learn and attain self-fulfillment; and
WHEREAS, the Illinois Federation of CEC will be hosting
Exceptional Children’s Week, to highlight the achievements of children and
youth with disabilities through a variety of activities; and
WHEREAS, the goal of Exceptional Children’s Week is to “provide
opportunities for the general public to recognize, understand, accept and
appreciate the many talents and achievements of children and youth who
have been identified, and are receiving special education services in the
schools of Illinois:”
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois,
do hereby proclaim May 2 – 8, 2004 as EXCEPTIONAL CHILDREN’S
WEEK in Illinois. I encourage all citizens to join CEC in recognizing the
achievements of these special youth and their educators.
Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-104
WINGS OF HOPE DAY

WHEREAS, Wings of Hope is the largest international volunteer
charity in the Midwest, working closely with other charitable organizations
to assist people worldwide who are incapable of receiving the help they need
due to rugged terrains, impassable roads, or other geographical constraints;
and
WHEREAS, the mission of the Wings of Hope organization is to
“save lives, improve the quality of life and bring hope to people around the
world where the utilization of aviation is vital to the accomplishment of these
human endeavors;” and
WHEREAS, Wings of Hope has provided 145 aircraft to places
around the world, including countries in Asia, Africa, South America and
Central America; and
WHEREAS, by providing an aircraft to the people in isolated
locations, Wings of Hope ensures that those in need will have access to:
food, education, medical treatment, and other necessities; and
WHEREAS, Wings of Hope began a free Medical Air Transport
system in 2003 that has transported children in need and their families to
medical facilities throughout Illinois and Missouri:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2004 as WINGS OF HOPE DAY in Illinois, and commend the efforts of the volunteers that devote their time to the continued success of this organization.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-105
LIONESS AND LIONS CARAMEL DAY

WHEREAS, Lioness and Lions Caramel Day is being held under the auspices of the Lions of Illinois Foundation, which raises money for worthwhile projects through caramel pop sales; and
WHEREAS, the proceeds from Caramel Day will help to provide detection, treatment and rehabilitation programs for the blind, visually impaired, deaf and hearing impaired residents of Illinois; and
WHEREAS, Caramel Day is simply one of the many projects the Lioness and Lions Clubs undertake in their mission to aid society; and
WHEREAS, the Lioness and Lions Clubs of Illinois have dedicated their time to help people in need in their communities, and throughout Illinois; and
WHEREAS, through their gracious work, Lioness and Lions Clubs of Illinois have created a better, and more independent life for these citizens:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 7, 2004 as LIONESS AND LIONS CARAMEL DAY in Illinois, and encourage all citizens to recognize and support this group’s worthwhile efforts.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-106
MOTORCYCLE AWARENESS MONTH

WHEREAS, A.B.A.T.E. of Illinois (A Brotherhood Aimed Toward Education) is a group of motorcyclists dedicated to providing a “safe, unrestricted motorcycling environment in the state of Illinois;” and
WHEREAS, first incorporated in Illinois in 1975 and then again in 1986, the organization currently has over 12,000 members and 60 chapters in Illinois; and
WHEREAS, the A.B.A.T.E. group believes that education is the key to achieving their goals, presenting motorcycle awareness programs to over
100,000 participants in Illinois in the last three years; and

WHEREAS, in addition to presenting awareness programs, these motorcyclists have contributed extensive time, money and community service to national and community charitable organizations such as: Easter Seals, Make-A-Wish Foundation, Muscular Dystrophy Association, Salvation Army, and various 9/11 relief efforts:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as MOTORCYCLE AWARENESS MONTH in Illinois, and commend the outstanding accomplishments of the men and women of A.B.A.T.E. in attempting to promote a positive attitude among all road users, regardless of their chosen mode of transportation.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-107

NATIONAL CHARTER SCHOOLS WEEK

WHEREAS, in 1996, the Illinois Legislature enacted a statute that would “create new, innovative and more flexible ways of educating children within the public school system,” allowing for the creation of charter schools; and

WHEREAS, these schools would allow students and their parents to choose a school based on the schools individual options; and

WHEREAS, during 2002-2003, there were 22 charter schools in operation in Illinois serving approximately 8,500 students and 761 students with disabilities; and

WHEREAS, the State of Illinois is committed to providing a solid education to all students. In 2003, the Governor and the General Assembly provided $365 million new dollars for elementary and secondary education:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 3 – May 7, 2004 as NATIONAL CHARTER SCHOOLS WEEK in Illinois and encourage all citizens to support the faculty, staff, and administrators of all schools across the state as they educate our future world leaders.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 27, 2004.

2004-108

DAYS TO COMMEMORATE THE HONORABLE VINCE DEMUZIO

WHEREAS, Senator Vince Demuzio, a loyal and dedicated public
servant to the State of Illinois, passed away on April 27, 2004. He was 63; and

WHEREAS, born on May 7, 1941, Senator Demuzio received his B.A. in Education and Human Services from the University of Illinois at Springfield in 1981, and then in 2002, received his M.A. in Education and Public Policy from the same university. He has also received Honorary Degrees from Lewis and Clark Community College and Blackburn College; and

WHEREAS, Senator Demuzio’s service to the State of Illinois began in 1975 when he was elected to the General Assembly. Throughout his tenure in the Senate, his Legislative assignments were: Committees on Rules, Education, Executive, Executive Appointments, and the Legislative Audit Commission; and

WHEREAS, up until his untimely death, Senator Demuzio served as Senate Majority Leader and the Dean of the Senate; and

WHEREAS, Senator Demuzio was deeply committed and dedicated to serving his constituency and all citizens of Illinois; and

WHEREAS, Senator Demuzio’s tireless efforts to make Illinois a better place will leave behind the legacy that will resonate in this state for many years to come; and

WHEREAS, Senator Demuzio is survived by his wife, his two children and his four grandchildren. He will be deeply missed by all who had the opportunity to know him; and

WHEREAS, on Tuesday, April 27 and Wednesday, April 28, 2004, the State of Illinois will fly flags at half-mast to honor the life and achievements of Senator Vince Demuzio:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 27 and April 28, 2004 as DAYS TO COMMEMORATE THE HONORABLE VINCE DEMUZIO in Illinois, and order all state facilities to fly flags at half-mast for the course of the next two days.

Issued by the Governor April 27, 2004.
Filed by the Secretary of State April 28, 2004.

2004-109
THE DAY OF REMEMBRANCE FOR UTICA

WHEREAS, on April 20, 2004, a tornado ravaged through Utica, Illinois, killing eight people who sought shelter at the Milestone, a local tavern; and

WHEREAS, it is important that we, as a state, take time to remember the innocent people who lost their lives on that fateful day; and
WHEREAS, Wayne Ball, a retired railroad worker was best known for his love of outdoor activities. He was an avid hunter and fisherman in his spare time and loved to spend time with friends; and

WHEREAS, Beverly Wood, longtime companion of Wayne Ball, grew up in LaSalle, Illinois, and earned her living working in the personnel department of St. Margaret’s Hospital in Spring Valley. Beverly was described by her daughter as “a great person;” and

WHEREAS, Carol Schultheis, daughter of Wayne Ball, was a cook and a bartender at Joy & Ed’s Supper Club in Utica. A friend of Carol’s reflected: “She cared about everybody and this was her town;” and

WHEREAS, Michael Miller, only 18 years of age, graduated from LaSalle-Peru High School in 2003. A former classmate described Michael as “a good kid” who “everybody liked;” and

WHEREAS, Helen Mahnke, a retired nurse, enjoyed travel, cruises and gardening. Helen was a mother of 5, and was known to be very active and vibrant in her post-employment years; and

WHEREAS, Lawrence and Marian Ventrice owned the Milestone Tavern. The Ventrices were from the state of Wisconsin, but moved to Utica two years prior to the tragedy to take over ownership of the Milestone from a relative; and

WHEREAS, Jay Vezian, a regular customer of the Milestone, worked at the Utica Grain Elevator. Prior to Jay seeking shelter as the fatal tornado approached, he called his two sisters to make sure they were safe; and

WHEREAS, in the wake of this horrible tragedy, the citizens of Utica are taking comfort in each other and rebuilding their community together; and

WHEREAS, on Saturday, May 1, 2004, the State of Illinois will fly flags at half-mast to honor these eight Illinoisans who were killed in the Utica tornado:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2004 as THE DAY OF REMEMBERANCE FOR UTICA in Illinois, and encourage all citizens to join in commemorating the lives that were lost as a result of this terrible disaster.

Issued by the Governor April 28, 2004.
Filed by the Secretary of State April 28, 2004.

2004-110
ELECTRICAL SAFETY MONTH

WHEREAS, hundreds of people die, and thousands are injured each year in electrical accidents; and

WHEREAS, based on reports by the U. S. Consumer Product Safety
Commission, an estimated 910 lives are lost annually due to residential electrical-related fires; and

WHEREAS, property damage, due to electrical-related, fires amounts to nearly $1.7 billion each year; and

WHEREAS, following basic electrical safety precautions can help prevent injury or death to thousands of people each year; and

WHEREAS, citizens are encouraged to check their homes and workplaces for possible electrical hazards to help protect lives and their property; and

WHEREAS, Underwriters Laboratories Incorporated (UL) is an independent, not-for-profit product safety testing and certification organization, testing products for public safety for more than a century; and

WHEREAS, the efforts of the Electrical Safety Foundation International and the UL serve to educate the public about the importance of respecting electricity, and practicing electrical safety in the home, school and workplace; and

WHEREAS, UL is actively helping to move this effort forward in order to reduce the number of electrical injuries and deaths from electrical hazards:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as ELECTRICAL SAFETY MONTH in Illinois, and encourage all citizens to recognize the importance of practicing electrical safety habits in the home, school and workplace to decrease electrical hazards.

Issued by the Governor April 26, 2004.
Filed by the Secretary of State April 29, 2004.

2004-111
ALS AWARENESS MONTH

WHEREAS, amyotrophic lateral sclerosis (ALS), most commonly known as Lou Gehrig’s Disease, is a “progressive fatal neurodegenerative disease that attacks the motor neurons making even the simplest movements – walking, speaking, gesturing- nearly impossible;” and

WHEREAS, named after former New York Yankees first baseman Lou Gehrig, an ALS sufferer who was forced to prematurely retire from the game of baseball in 1939; ALS is a debilitating disease, generally resulting in paralysis; and

WHEREAS, approximately 15 new cases of ALS are diagnosed every day, with a person losing their battle with the disease every 90 minutes; and

WHEREAS, the ALS Association (ALSA) estimates that at any given time, 994 people in Illinois are afflicted with ALS; and
WHEREAS, ALSA is the only national not-for-profit voluntary health organization dedicated solely to the fight against ALS; and
WHEREAS, in May 2000, ALSA launched a new research initiative, The Lou Gehrig Challenge: Cure ALS Research Program, designed to identify and fund new research initiatives; and
WHEREAS, last year through their national signature event, Walk to D’feet ALS, ALSA raised $7.1 million to support new research and programs:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as ALS AWARENESS MONTH in Illinois, and urge all citizens to support the efforts of ALSA and other organizations dedicated to ending this ravishing disease.
Issued by the Governor April 29, 2004.
Filed by the Secretary of State May 03, 2004.

2004-112
BETTER SPEECH AND HEARING MONTH

WHEREAS, the Illinois Speech-Language-Hearing Association (ISHA) is a non-profit organization representing licensed speech-language pathologists and audiologists; and
WHEREAS, speech-language pathologists identify communication or swallowing problems that pre-exist, and determine the best treatment solutions; and
WHEREAS, audiologists specialize in the prevention, identification, and evaluation of hearing disorders; and
WHEREAS, founded in 1960, ISHA has three goals: to make the public aware of services available to persons with speech, language and hearing disorders, to advocate for quality hearing services throughout the state, and to support the scientific study of human communication and its disorders; and
WHEREAS, forty-two million Americans are affected by communicative disorders, including 28 million individuals with hearing loss and 14 million individuals with speech, voice or language disorder; and
WHEREAS, forty-five percent of individuals reported to have a chronic speech-language disorder are under the age of 18:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as BETTER SPEECH AND HEARING MONTH in Illinois and encourage all citizens to be aware of the help that is available to those individuals with a language or hearing problem.
Issued by the Governor April 29, 2004.
Filed by the Secretary of State May 03, 2004.
2004-113
NATIONAL NURSES WEEK

WHEREAS, there are over 148,000 registered nurses in the state of Illinois; and
WHEREAS, the nearly 2.7 million nurses in the United States comprise our nation’s largest health care profession; and
WHEREAS, the depth and extensiveness of the registered nursing profession meet the diverse, and emerging health care needs of the American population in a wide range of settings; and
WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality care of hospitalized patients; and
WHEREAS, the future will bring a great demand for registered nursing services due to a large, aging American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and
WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will no doubt become an even more important component to the U.S. health care system:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6-12, 2004 as NATIONAL NURSES WEEK in Illinois, and encourage all citizens to recognize and honor nurses in their communities, for the hard work, and invaluable services they provide for our country.

Issued by the Governor April 29, 2004.
Filed by the Secretary of State May 03, 2004.

2004-114
HEALTHIER FAMILIES THROUGH COMMUNITY BASED PARTNERSHIPS WEEK

WHEREAS, the mission of the Office of Family Health (OFH) is to promote and improve the health status, economic self-sufficiency and integrity of families by working to ensure the availability and accessibility of comprehensive health and social services; and
WHEREAS, this mission is accomplished through a statewide network of comprehensive, community-based health and social services for families and individuals with children to assure family-centered, culturally competent, and coordinated services; and
WHEREAS, the health of women, children and teens in Illinois has greatly improved, due to programs such as the Special Supplemental
Nutrition Program for Women, Infants and Children (WIC), the Family Care Management (FCM) Program and the Teen Parent Service Program sponsored by the Illinois Department of Human Services; and

WHEREAS, the primary mission of these programs is to improve the health status of women and children, to reduce the incidence of infant mortality, premature births and low birth weight, and to aid in the development of children; and

WHEREAS, through integration and outreach of these programs, Illinois families are receiving a greater quality of service that is tailored to fit their individual needs; and

WHEREAS, as a result of the improved outcomes of newborn births, Illinois is saving lives, reducing Medicaid expenditures while at the same time, serving more eligible participants:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 24 – 26, 2004 as HEALTHIER FAMILIES THROUGH COMMUNITY-BASED PARTNERSHIPS WEEK in Illinois and encourage all citizens to be cognizant of the services these programs provide for the women and children of our great state.

Issued by the Governor April 29, 2004.
Filed by the Secretary of State May 03, 2004.

2004-115

COVER THE UNINSURED WEEK

WHEREAS, rising health care costs continue to undermine the ability of individuals, businesses and state governments to purchase health care coverage; and

WHEREAS, uninsured children and adults usually experience poorer health and have shorter life-expectancies than insured individuals; and

WHEREAS, there are an estimated 44 million Americans that lack health coverage, including 8.5 million children; and

WHEREAS, in Illinois alone, there are 1.8 million people who are uninsured; and

WHEREAS, in 2003, Illinois expanded its FamilyCare Program—providing health insurance for up to 300,000 working parents during a three-year period, while 65,000 more parents became eligible during the first year; and

WHEREAS, a national movement to get Americans insured will take center stage during Cover the Uninsured Week 2004. This event is promised to be the largest mobilization effort in history, around this issue, according to event organizers; and

WHEREAS, the goals of Cover the Uninsured Week are to reverse
the disturbing trend of uninsured Americans, elevate this issue on national and local agendas, educate Americans about the problem, and provide immediate assistance to the uninsured and small business owners:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10 – 16, 2004 as COVER THE UNINSURED WEEK in Illinois, and encourage all citizens to support my administration’s efforts to help all Illinoisans gain access to quality, affordable health care.

Issued by the Governor April 29, 2004.
Filed by the Secretary of State May 03, 2004.

2004-116
DIABETES AWARENESS WEEK

WHEREAS, diabetes has reached epidemic proportions in the United States, and in Illinois alone, more than 883,000 residents (age 18 and older) have been diagnosed with diabetes. An estimated 3 million Illinois residents are at increased risk for developing diabetes due to age, obesity and sedentary lifestyle; and

WHEREAS, most diabetes patients are inflicted by either Type 1 or Type 2 diabetes. Type 1 results from the body’s failure to produce insulin, a hormone that allows glucose to fuel body cells. Type 2 results from insulin resistance, a condition in which the body fails to properly use insulin; and

WHEREAS, in Illinois, diabetes – both Type 1 and Type 2 – account for nearly $7.6 billion in total direct healthcare and indirect costs every year. It is estimated that the direct medical care costs per person per year with diabetes is 4.3 times higher than the person without diabetes; and

WHEREAS, numerous studies support that people with diabetes can prevent or delay the progression of complications by practicing goal-oriented management of blood glucose, lipids and blood pressure, receiving diabetes self-management education, ensuring proper food intake and regular physical activity to help achieve target values, maintaining a healthy body weight, and receiving recommended eye and foot examinations; and

WHEREAS, the State Of Illinois is committed to achieving a lifetime of health for all Illinoisans by preventing illness and improving access to health care services; and

WHEREAS, during the week of May 10 - 14, the Illinois Department of Human Services – Diabetes Prevention and Control Program will host the Centers for Disease Control and Prevention’s 2004 CDC Diabetes Translation Conference “Diabetes Prevention and Control: Together We Can Improve Lives;”

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10 – 14, 2004, as DIABETES AWARENESS
WEEK in Illinois, and encourage all citizens to educate themselves on the effects of diabetes, and be aware of the many ways to prevent this disease.

Issued by the Governor April 29, 2004.
Filed by the Secretary of State May 03, 2004.

2004-117
FIBROMYALGIA AWARENESS DAY

WHEREAS, Fibromyalgia (FM) is a chronic condition characterized by fatigue and widespread pain in your muscles, ligaments and tendons; and
WHEREAS, FM has no known cause or cure. It can affect both men and women of all ages, however, approximately 80 to 90 percent of all FM cases occur in women; and
WHEREAS, the Mayo Clinic reports that an estimated 3 to 8 million people in the United States are affected by FM; and
WHEREAS, the constant pain and fatigue brought on by FM negatively affects nearly every aspect of an inflicted person’s life. Those living with FM have trouble performing their duties at work, and due to their disability cannot enjoy physical activities with their family and friends; and
WHEREAS, the Fibromyalgia Association Created for Education and Self-help (FACES, Incorporated) is dedicated to the citizens in the state of Illinois. They promote awareness of this tragic condition, offer support for those living with FM, and provide research and education on ways to treat and live day-to-day with FM:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 12, 2004 as FIBROMYALGIA AWARENESS DAY in Illinois, and encourage all citizens to raise their awareness of fibromyalgia, offer support to those living with the disease, and join in the efforts to one day find a cure.

Issued by the Governor April 29, 2004.
Filed by the Secretary of State May 03, 2004.

2004-118
PROM AND GRADUATION SAFETY MONTH

WHEREAS, recent statistics provided by the National Highway Traffic Safety Administration, and the Illinois Department of Transportation show that in the year 2002, there were 2,902 alcohol-related traffic fatalities in the United States, 70 of which occurred in Illinois; and
WHEREAS, among those 2,902 fatalities, 705 of them occurred in April, May and June of 2002. This number is indicative of the many social and school events occurring during these months, including proms and
WHEREAS, funded by America’s leading distillers, who are committed to fighting drunk driving and underage drinking, The Century Council, a not-for-profit organization, has planned a series of initiatives throughout the month aimed at educating students, parents, teachers, and lawmakers; and

WHEREAS, Illinois is working to enlist support to reduce the potential for alcohol-related fatalities by increasing public awareness on the dangers of drinking and driving:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as PROM AND GRADUATION SAFETY MONTH in Illinois, and encourage all citizens to support the work of organizations trying to put an end to drunk driving.

Issued by the Governor April 29, 2004.
 Filed by the Secretary of State May 03, 2004.

2004-119
CHILD LABOR AWARENESS MONTH

WHEREAS, as one of our state’s most valuable resources, young Illinoisans should have access to job opportunities that are safe and that are in a healthy environment; and

WHEREAS, having a job can be a significant component to a teenager’s learning and development, and should certainly help them to build character and responsibility; and

WHEREAS, every year in the United States, teenagers are injured on the job; and

WHEREAS, this year, many Illinois teens that take summer jobs will be unaware of labor laws designed to protect youth in the workplace, and potential on-the-job hazards; and

WHEREAS, the Illinois Department of Labor’s Fair Labor Standards Division enforces the laws concerning youth employment, and provides information for schools, parents and employers to better educate, and protect youth from being injured at work:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as CHILD LABOR AWARENESS MONTH in Illinois, and encourage all citizens to become cognizant of the rules and regulations regarding youth employment and safety, in order to benefit the many young people looking to better themselves.

Issued by the Governor April 30, 2004.
 Filed by the Secretary of State May 03, 2004.
2004-120
KIDS DAY AMERICA/INTERNATIONAL

WHEREAS, Kids Day America/International is a special day that Chiropractors’ offices around the world host every year to teach kids about health, safety and the environment; and
WHEREAS, Kids Day America/International offers children a fun atmosphere where they can not only learn, but also win prizes and enjoy recreational activities; and
WHEREAS, the day’s educational safety activities includes local police and fire officials teaching children proper bicycle helmet safety and fire and smoke safety; and
WHEREAS, during Kids Day America/International, kids also learn about healthy eating and exercise habits, as well as the negative effects that drugs and alcohol can have on a person’s health. Additionally, children can get a free spinal health examination from local Chiropractors; and
WHEREAS, additionally, this event teaches children about pollution control, and how they can help the environment by recycling and performing other environmentally conscious activities; and
WHEREAS, with the aid of local police and sheriff’s departments, every child that attends Kids Day America/International has the opportunity to complete their very own Child Safety ID Card, which is an important measure in keeping our children safe; and
WHEREAS, this year’s Kids Day America/International in Illinois is being held on May 15, 2004 in Peoria. It will provide children with information on vital issues in our society, and help to make them safer, healthier and more environmentally conscious citizens of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 15, 2004 as KIDS DAY AMERICA/INTERNATIONAL in Illinois, and encourage all citizens to support events that help the children of Illinois to become better educated, and more well-rounded individuals.

Issued by the Governor April 30, 2004.
Filed by the Secretary of State May 03, 2004.

2004-121
ORDER SONS OF ITALY/ALZHEIMER’S ASSOCIATION
“PARTNERS IN PROGRESS” DAY

WHEREAS, the Order Sons of Italy in America (OSIA) was established in the Little Italy neighborhood of New York City on June 22, 1905, by Vincenzo Sellaro, M.D., and five other Italian immigrants who
came to the United States during the great Italian migration (1880-1923); and
WHEREAS, their aim was to create a support system for all Italian immigrants that would assist them with becoming U.S. citizens, provide health/death benefits, and educational opportunities; and
WHEREAS, over the years, the OSIA has achieved much progress in their goals of providing public service. They established free schools and centers to teach immigrants English and to help them become citizens, they instituted orphanages and homes for the elderly, and they help to raise money for those in need; and
WHEREAS, to date, OSIA members have given more than $83 million to educational programs, disaster relief, cultural advancement and medical research; and
WHEREAS, the National Council of the Order Sons of Italy in America has adopted Alzheimer’s disease as one of its primary charities, and plans to support this cause by implementing a fund raising campaign throughout the nation; and
WHEREAS, joining their cause will be the Alzheimer’s Association, a group that provides services to Alzheimer’s patients and their families; and
WHEREAS, together, they will be holding the Illinois portion of this benevolent fundraiser on May 22, 2004. Members of the Order, along with other volunteers, will be collecting donations to help the 4.5 million people affected by this debilitating disease:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 22, 2004 as ORDER SONS OF ITALY/ALZHEIMER'S ASSOCIATION “PARTNERS IN PROGRESS” DAY in Illinois, and encourage all citizens to recognize and aid in the charitable work these organizations carry out for the benefit of others.
Issued by the Governor April 30, 2004.
Filed by the Secretary of State May 03, 2004.

2004-122
NATIONAL WOMEN’S HEALTH WEEK

WHEREAS, it is important that women take responsibility for their own health based on their individual backgrounds and risk factors; and
WHEREAS, it may be believed that all women’s health can be viewed one dimensionally, but this is far from true. For instance, heart disease is the number one killer among women, but cancer ranks first among Asian/Pacific Islander women; and
WHEREAS, when it comes to lung cancer, Caucasian women have the highest mortality rate, while African American women have the highest mortality rate from heart disease; and
WHEREAS, the Office of Women’s Health (OWH) was created in 1991 and looks “to redress inequities in research, health care services, and education that have historically placed the health of women at risk;” and

WHEREAS, being led by OWH, National Women’s Health Week is in its 5th year. A key focus of this week is raising women’s awareness on ways in which they can improve their health; and

WHEREAS, there are five health habits that can contribute to the betterment of women’s health, including maintaining regular check ups, exercising, maintaining a healthy diet, not smoking, and following general safety rules; and

WHEREAS, as part of the kickoff for National Women’s Health Week, National Women’s Checkup Day has been instituted to encourage women to visit their health care professionals for regular checkups:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 9 – 15, 2004 as NATIONAL WOMEN’S HEALTH WEEK in Illinois, and encourage all women, during this week, to renew their commitment to their health and well-being.

Issued by the Governor April 30, 2004.

Filed by the Secretary of State May 03, 2004.

2004-123

EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY

WHEREAS, emergency medical services for children (EMSC) focuses on the specific attention that children need in medical and traumatic emergencies; and

WHEREAS, EMSC supports a specialized approach to pediatric care; and

WHEREAS, EMSC endorses the high-level emergency care given by emergency medical services providers, with pediatric emergency skills, who are prepared to respond, and restore, sick or injured children to an optimum level of health; and

WHEREAS, EMSC espouses the tenets and practices of family-centered and culturally competent care for children and their families; and

WHEREAS, EMSC assists in training with advanced technical equipment and services in preparation to save the life of a child; and

WHEREAS, EMSC assists in the development of training programs and guidelines for emergency care providers, so that children with special
health care needs get timely, appropriate care; and

WHEREAS, the dedicated men and women of EMSC deserve our admiration and praise, for they have been aiding and saving the lives of Illinois’ children for 10 years:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 19, 2004 as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois, and encourage all citizens to commend those that use their advanced training and talents to help children in times of crisis.

Issued by the Governor May 04, 2004.
Filed by the Secretary of State May 05, 2004.

2004-124
EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, the members of emergency medical services teams devote their time and energy to providing lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16 – 22, 2004 as EMERGENCY MEDICAL SERVICES WEEK in Illinois, and encourage all citizens to recognize the dedication and lifesaving work that the men and women of emergency medical services teams provide to the communities of this state.

Issued by the Governor May 04, 2004.
Filed by the Secretary of State May 05, 2004.

2004-125
SAVE A LIFE WEEK

WHEREAS, when disaster strikes, volunteers become a vital component to the job of aiding those in need; and
WHEREAS, the Save A Life Foundation’s (SALF) mission is to train and develop volunteers, equipped with life supporting first aid skills, to aid in emergency situations; and

WHEREAS, the SALF heightens public awareness of possible environmental dangers, and trains people, especially children, in life supporting skills. These skills are essential in maintaining the life of an injured or ill person, in a man-made or natural emergency, until emergency medical service (EMS) arrives; and

WHEREAS, the SALF, in conjunction with emergency medical services professionals, increases awareness of emergency response by instituting the training of Basic Life Saving First Aid techniques to school age children and adults, teaching skills such as Cardiopulmonary-Resuscitation (CPR), the Heimlich maneuver, and the use of an Automatic External Defibrillation (AED), all of which are essential in maintaining life prior to EMS arrival; and

WHEREAS, the SALF will assist organizations and councils with providing citizen training, especially for children, in emergency preparedness and life supporting first aid, including Community Emergency Response Team (CERT) training; and

WHEREAS, the SALF is an affiliate of the U. S. Homeland Security’s Citizen Corps; and

WHEREAS, in today’s society, the teachings of the SALF, and other emergency training organizations, are crucial to the well being of our communities. If a catastrophic event should ever occur, it will be the first-aid skills of highly trained volunteers that help to minimize serious injury and death to the American people:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16 – 22, 2004 as SAVE A LIFE WEEK in Illinois, and encourage all citizens to become cognizant of life saving techniques, in order to better prepare themselves for emergency situations.

Issued by the Governor May 04, 2004.

Filed by the Secretary of State May 05, 2004.

2004-126
THE GREEK STAR DAY

WHEREAS, The Greek Star newspaper is the oldest published Greek-American newspaper in the United States; and

WHEREAS, for 100 years, The Greek Star has been a valuable resource to the Greek-American communities in Illinois; and

WHEREAS, The Greek Star has shown a strong commitment to its readers, through its accurate reporting, and its life-affecting news stories; and
WHEREAS, the state of Illinois recognizes the Greek-American population, and celebrates their ever-present contributions to the state’s rich cultural diversity, and
WHEREAS, The Greek Star newspaper is certainly deserving of a commendation for its great achievements in community service and longevity:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16, 2004 as THE GREEK STAR DAY in Illinois, and encourage all citizens to join in celebrating The Greek Star newspaper’s 100th Anniversary.

Issued by the Governor May 04, 2004.
Filed by the Secretary of State May 05, 2004.

2004-127
TINNITUS AWARENESS WEEK

WHEREAS, tinnitus is the perception of sound in one or both ears, or in the head, when no external sound is present; and
WHEREAS, often referred to as “ringing in the ears,” tinnitus can vary in frequency, tone, and volume from person to person; and
WHEREAS, the cause of tinnitus is not known, however, there are several likely sources, all of which are known to trigger or worsen the disorder; and
WHEREAS, one possible source of tinnitus is noise-induced hearing loss. Millions of Americans have hearing loss due to noise exposure, and up to 90 percent of all tinnitus patients have some level of noise-induced hearing loss; and
WHEREAS, other possible sources include: wax build-up in the ear canal, medications which are ototoxic (toxic to the ear) or medications that may cause tinnitus as a side effect, ear or sinus infections, jaw misalignment, cardiovascular disease, certain types of tumors, or head and neck trauma; and
WHEREAS, the American Tinnitus Association (ATA) estimates that over 50 million Americans experience tinnitus to some degree. Of these, about 12 million have tinnitus severe enough that they seek medical attention and about two million patients are so seriously debilitated that they can’t function on a normal, day-to-day basis; and
WHEREAS, in many cases, limited exposure to high levels of noise would do a great deal to protect people from any type of damage to their hearing:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 15 – 22, 2004 as TINNITUS AWARENESS WEEK in Illinois, and encourage all citizens to support the efforts of ATA as they
strive to educate, enhance public awareness, and support research of tinnitus.

Issued by the Governor May 04, 2004.
Filed by the Secretary of State May 05, 2004.

2004-128
MULTIPLE CHEMICAL SENSITIVITY/TOXIC INJURY AWARENESS AND EDUCATION MONTH

WHEREAS, toxic injury, also known as multiple chemical sensitivity or MCS, is a chronic debilitating condition for which there is no known cure; and

WHEREAS, this condition is characterized by heightened sensitivity to very small amounts of air pollution, petrochemicals and other toxins found in the environments of our homes, schools, and work places; and

WHEREAS, symptoms of toxic injury vary, but may include: flu like symptoms, severe headaches, chronic fatigue, a metallic taste in the mouth, or difficulty breathing and concentrating. Once sensitized, our bodies react more easily to a greater number of substances; and

WHEREAS, getting rid of all aerosol products, disposing of all scented products, eliminating permanent press sheets and clothing, and drinking, eating and storing food items in glass, ceramic, or stainless steel, are steps that can be taken to better protect toxic injury sufferers; and

WHEREAS, the “MCS” Beacon of Hope Foundation was established in July 2000 to raise awareness and educate the public on this growing health issue:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as MULTIPLE CHEMICAL SENSITIVITY/TOXIC INJURY AWARENESS AND EDUCATION MONTH in Illinois, and encourage all citizens to become conscientious of the toxic hazards that plague our environment.

Issued by the Governor May 04, 2004.
Filed by the Secretary of State May 05, 2004.

2004-129
FOOD ALLERGY AWARENESS WEEK

WHEREAS, there are eight types of foods that account for ninety percent of allergic reactions, such as: peanuts, tree nuts (walnuts, pecans, brazil nuts, etc.) fish, shellfish, eggs, milk, soy, and wheat. The leading cause of severe allergic reactions, however, is peanuts; and

WHEREAS, approximately 11 million Americans suffer from food allergies, and it is estimated that as many as 150-200 people die from food
allergy reactions each year; and
WHEREAS, the Food Allergy and Anaphylaxis Network (FAAN) has a membership of more than 26,000 people worldwide. Established in 1991, the mission of FAAN is to raise public awareness, educate, and advance research on the issue of food allergies and anaphylaxis; and
WHEREAS, a food allergy occurs when the immune system mistakenly believes that a food is harmful, therefore, may cause a person to have a severe allergic reaction or an anaphylaxis; and
WHEREAS, food intolerance is different than a food allergy in that a food intolerance is a metabolic disorder, not involving the immune system. Lactose intolerance is a common example; and
WHEREAS, swelling of the tongue and throat, vomiting, difficulty breathing, or the presence of a rash, are some symptoms of food allergy and anaphylaxis, and typically appear within minutes to two hours after a person has eaten the food he or she is allergic to; and
WHEREAS, currently, there is no cure for food allergies and the only way to avoid a reaction is for an individual to avoid the food that is causing the reaction:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10 – 16, 2004 as FOOD ALLERGY AWARENESS WEEK in Illinois, and encourage citizens with known food allergies to make others aware of their history to reduce the chance of a severe reaction.

Issued by the Governor May 04, 2004.
Filed by the Secretary of State May 05, 2004.

2004-130
NORWEGIAN CONSTITUTION DAY

WHEREAS, this year commemorates the 189th Anniversary of the signing of the Norwegian Constitution on May 17, 1814; and
WHEREAS, on this day, Norway established its own constitution under a joint monarchy with Sweden, ending centuries of discontentment as a dependent country; and
WHEREAS, known as Norway’s national day or day of liberation, May 17th has been celebrated since the 1820’s; and
WHEREAS, the Norwegian National League (NNL) will sponsor this year’s Norwegian Constitution Day celebration and parade; and
WHEREAS, former prime minister and parliamentary leader of the committee of foreign affairs, Torbjorn Jagland, will be the Honorary Grand Marshal at the parade in Park Ridge, just one of the many activities being held to celebrate this event; and
WHEREAS, founded in 1899, NNL is the umbrella organization for
all Norwegian groups in the Chicagoland area:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 17, 2004 as NORWEGIAN CONSTITUTION DAY in Illinois, and join the Norwegian-American community in honoring this day of community pride and unity.

Issued by the Governor May 04, 2004.
Filed by the Secretary of State May 05, 2004.

2004-131
BOAT SMART. BOAT SAFE. WEAR IT WEEK

WHEREAS, the North American Safe Boating Campaign, sponsored by the National Safe Boating Council, the United States Coast Guard, and several other American and Canadian organizations, educates recreational boaters on the rules and procedures of safe boating; and

WHEREAS, National Safe Boating Week traditionally marks the start of the campaign and “highlights the need for boaters to take command of their safety by wearing a life jacket at all times while on the water;” and

WHEREAS, drowning remains the number one cause of death among victims of fatal boating accidents. In 2002, there were 5,705 boating accidents in the United States and its territories, of these, 750 were fatal, according to the most recent statistics issued by the United States Coast Guard; and

WHEREAS, in Illinois alone, there were 134 accidents and 24 fatalities, ranking the state among the top ten for boating fatalities in 2002; and

WHEREAS, the vast majority of boating accidents are caused by operator controllable factors like capsizing or falling overboard. In fact, of the 750 fatality cases reported, 591 people were not wearing a life jacket; and

WHEREAS, there are five tips for boating safely: wear your life jacket, stay sober, take a safe boating course, get your boat checked (the Coast Guard Auxiliary offers a free vessel safety check), and be aware of carbon monoxide, a poisonous gas that is odorless, colorless, and can be lethal:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 22 – 28, 2004 as BOAT SMART. BOAT SAFE. WEAR IT WEEK in Illinois and encourage all citizens to help reduce fatalities on our waterways by practicing safe boating habits.

Issued by the Governor May 06, 2004.
Filed by the Secretary of State May 07, 2004.
2004-132
LEWIS AND CLARK COMMEMORATIVE DAYS

WHEREAS, in 1803, President Thomas Jefferson commissioned Meriwether Lewis to lead an expedition, called the Corps of Discovery, on an epic journey to explore the headwaters of the Missouri River, and find an overland route to the Pacific Ocean by way of the Columbia River; and
WHEREAS, Lewis, along with his personal friend William Clark, who enthusiastically agreed to join the expedition, led the Corps of Discovery to a territory near present-day Cairo, Illinois where they began preparation for their journey. They would spend more than six months in what is now known as Illinois, recruiting military and civilian volunteers to become part of the Corps; and
WHEREAS, on May 14, 1804, the Corps of Discovery embarked from Illinois, on their historic mission to explore the uncharted West. Throughout their journey, Lewis and Clark collected plant and animal specimens, studied Native American cultures, conducted diplomatic councils, established trading relationships with tribes, and recorded weather data. Because of their efforts, our nation was forever changed; and
WHEREAS, the State of Illinois proudly recognizes its significant involvement in the Lewis and Clark expedition; and
WHEREAS, to mark the 200th anniversary of the Corps of Discovery’s departure, Illinois is holding special commemorative events on May 13 – 16, 2004, to educate citizens, locally and nationally, on the significance of the expedition, and the important role that Illinois played in its beginnings; and
WHEREAS, the efforts of the Illinois Lewis and Clark Expedition Commission have been instrumental in planning and promoting this historical commemoration:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13 – 16, 2004 as LEWIS AND CLARK COMMEMORATIVE DAYS in Illinois, and encourage all citizens to join in celebrating the tremendous achievements of these two brave Americans.
Issued by the Governor May 10, 2004.
Filed by the Secretary of State May 11, 2004.

2004-133
LITTLE CITY - CENTER FOR EMPLOYMENT AND BUSINESS DEVELOPMENT DAY

WHEREAS, a small group of parents, whose children had mental retardation or other developmental challenges, planted the seed for Little City
in 1959, thereby, forming an alternative to institutional living and creating an environment that fosters acceptance and individuality; and

WHEREAS, the mission of the Little City Foundation is to “provide state-of-the-art services to help children and adults with mental retardation or other developmental, emotional, and behavioral challenges to lead meaningful, productive, and dignified lives;” and

WHEREAS, Little City encompasses programs in foster care, special needs adoption, family support services, occupation, therapeutic, speech, and hearing therapy, supported and community integrated living arrangements, fine and performing arts, job coaching, sharing, and training in over 140 locations throughout the Chicago metropolitan area; and

WHEREAS, recently, Little City has adopted a new venture, exposing their students to “real work for real pay.” There are two objectives of this venture: to find more work opportunities for the members of the community and to create more opportunities on campus; and

WHEREAS, the mission of the Center for Employment and Business Development is to develop “self-supporting, self-sustaining industries on the campus of Little City that will provide employment, financial support, and training that Little City participants will be able to carry into the larger community;” and

WHEREAS, Robert J. Washlow, Chairman and CEO of Lawson Products, has been an active, committed supporter of Little City’s mission and programs for over 20 years, serving as treasurer and a member of the executive committee and Board of Directors; and

WHEREAS, Lawson Products, providing opportunities for Little City workers for nearly 14 years, is just one of the companies in the Chicagoland area that has partnered with Little City Foundation’s Employment Services, to provide off-campus job opportunities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 3, 2004 as LITTLE CITY – CENTER FOR EMPLOYMENT AND BUSINESS DEVELOPMENT DAY in Illinois, and encourage all citizens to embrace the spirit of Little City and their commitment to helping disadvantaged children live happy and productive lives.

Issued by the Governor May 10, 2004.
Filed by the Secretary of State May 11, 2004.

2004-134
HOME EDUCATION WEEK IN ILLINOIS

WHEREAS, the growth and development of young people is of paramount importance here in Illinois, and across the United States; and
WHEREAS, a quality education is at the center of a child’s development, and it is critical that all children are afforded strong educational opportunities so that they may lead successful lives; and
WHEREAS, homeschooling presents children and families with an alternative option to public and private schools; and
WHEREAS, adults that have been homeschooled as children have gone on to achieve success in a variety of different careers and endeavors:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10 – May 14, 2004 as HOME EDUCATION WEEK IN ILLINOIS, and encourage all citizens to recognize the efforts of families who choose homeschooling as a way to educate their children.
Issued by the Governor May 10, 2004.
Filed by the Secretary of State May 11, 2004.

2004-135

SHARED HOUSING WEEK

WHEREAS, shared housing offers older adults, people with disabilities and other special populations a housing alternative that enables them to remain in the community; and
WHEREAS, this type of living arrangement matches unrelated persons together to share living quarters in homes, apartments or a group shared residence, which provides affordable community-based living for hundreds of Illinois residents; and
WHEREAS, shared housing also provides an economical housing option to people of all ages in transitional periods such as divorce, loss of a spouse, company downsizing, and educational pursuits; and
WHEREAS, applicants for shared housing programs are carefully screened and monitored by recognized not-for-profit community organizations to ensure a compatible match or a comfortable group living arrangement; and
WHEREAS, group shared residences offer meals, housekeeping, laundry and other types of assistance, which promote independence and self-determination for older persons; and whereas, shared housing can actually delay entry into an institutional medical environment such as a nursing home; and
WHEREAS, the Illinois Shared Housing Network recognizes that shared housing helps the state of Illinois increase the number of housing units that are affordable and available to its residents:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16 – 22, 2004 as SHARED HOUSING WEEK in Illinois, and encourage all citizens to support shared housing facilities as they
work to renew a sense of self-sufficiency back to these special populations.

Issued by the Governor May 10, 2004.
Filed by the Secretary of State May 11, 2004.

**2004-136**

**POPPY DAYS**

WHEREAS, America is the land of freedom. That freedom has been preserved and protected by the brave men and women of the United States Armed Forces, who in times of distress have fought valiantly for their country; and

WHEREAS, in their efforts to keep their country free, millions who have answered the call to arms, have died on the battlefield; and

WHEREAS, intrigued by the small red flowers that grew in a field in France after a battle in the first World War, Canadian Colonel John McCrae wrote his famous poem, In Flander’s Fields; and

WHEREAS, the poem paralleled the battlefield tombs of the honorable soldiers that died there with the red poppy flowers that grew on top of them, thus immortalizing an image in our history that we must never forget; and

WHEREAS, throughout the years, the red poppy flower has become an international symbol of the lives that have been lost in war; and

WHEREAS, displaying a small poppy flower is considered a proper tribute to those who have made the ultimate sacrifice in the name of freedom; and

WHEREAS, both the American Legion and American Legion Auxiliary have pledged to remind America annually of this sacrifice through the distribution of the memorial flower during their Memorial Day fundraising campaign to help disabled veterans:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 27 – 29, 2004 as POPPY DAYS in Illinois, and encourage all citizens to join the American Legion and American Legion Auxiliary in honoring our fallen heroes by wearing the Memorial Poppy on these days.

Issued by the Governor May 13, 2004.
Filed by the Secretary of State May 14, 2004.

**2004-137**

**MASONIC COMMUNITY DAYS**

WHEREAS, historically, the term mason has been used to describe highly skilled craftsmen that work or build with stone, brick, concrete blocks,
etc. However, as terminology has evolved, mason has come to also mean strength, character, and spiritual upbringing; and

WHEREAS, the Masonry was built on these principles, and today teaches men the principles of personal responsibility and righteousness, character building, and how to apply these lessons in daily life; and

WHEREAS, the Masons have a very strong presence in Illinois, supporting a membership of 80,000, with lodges based in 100 of the 102 counties in the state; and

WHEREAS, the entire Masonic organization is dedicated to strengthening their communities, and their country, through charitable events that address public needs and concerns; and

WHEREAS, each year, Masonic lodges throughout the state help thousands of people in need with their youth programs, blood and food drives, school assistance, community programs, and assistance to individuals with special needs; and

WHEREAS, Masonic Community Days is a four-week program in which the members of the Masonry in the state of Illinois can demonstrate, and reaffirm their active support of civic and charitable projects in their communities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 25 – July 25, 2004 as MASONIC COMMUNITY DAYS in Illinois, and encourage all citizens to support organizations and events that help to renew community spirit, and improve the quality of life in our state.

Issued by the Governor May 13, 2004.
Filed by the Secretary of State May 14, 2004.

2004-138

DRIVE YOUR MUSTANG DAY

WHEREAS, the Ford Mustang is a symbol of American craftsmanship, and has stood as a cultural icon since the 1960’s; and

WHEREAS, the Central Illinois Mustangers have been asked to host the Mustang Club of America’s Grand National Mustang Show this year in Springfield; and

WHEREAS, the show will bring Mustang drivers and fans from throughout the country to Illinois to see over 500 Mustangs, ranging from the first model, made in 1964, to the most current models on the market; and

WHEREAS, all profits from the show will be donated to the Shriners Hospital in St. Louis, Missouri; and

WHEREAS, Shriners Hospital in St. Louis provides unique orthopaedic care to children at no charge. Their benevolent services are
utilized daily by many families in central Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 4, 2004 as DRIVE YOUR MUSTANG DAY in Illinois, and encourage all citizens to recognize and support events that are held in the interest of charity.

Issued by the Governor May 13, 2004.
Filed by the Secretary of State May 14, 2004.

2004-139
ACCESS LIVING DAY

WHEREAS, founded in 1980, Access Living is a non-residential center in Chicago that serves the city’s more than 500,000 disabled citizens by recognizing their rights, abilities, needs, and differences, while working toward their integration into community life; and

WHEREAS, Access Living fosters the dignity, pride and self-esteem of people with disabilities by offering peer-oriented independent living services, public education programs and individual and systemic advocacy; and

WHEREAS, on June 1, 2004, elected officials, corporate leaders, representatives from the disabled community and citizens from throughout Chicago will celebrate Access Living’s 2004 Annual Gala; and

WHEREAS, the 2004 Annual Gala aims to involve Chicago’s corporate community in disability issues, promote public understanding and awareness of people with disabilities and reinforce positive and accurate images of the disabled community; and

WHEREAS, this year’s program will include a special tribute to the late Senator Paul Simon for his commitment to the same noble goal as Access Living:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 1, 2004 as ACCESS LIVING DAY in Illinois, and encourage all citizens to recognize the many services that Access Living provides to those living with disabilities in our state.

Issued by the Governor May 13, 2004.
Filed by the Secretary of State May 14, 2004.

2004-140
WIRELESS SAFETY WEEK

WHEREAS, in 2003, AAA released the results of a study which researched distracted driving. It was found that using wireless phones is one of the most common activities people engage in while driving; and
WHEREAS, wireless phone usage is far less prevalent of a distraction than other distracted driving activities such as eating, talking, or changing the dial on a radio; and

WHEREAS, in an effort to publicly educate consumers on the safe use of wireless phones while driving, and to promote the use of wireless phones as a safety device, the Cellular Telecommunications & Internet Association (CTIA) and its member organizations will sponsor National Wireless Safety Week; and

WHEREAS, wireless phones have helped reduce response times in emergency situations and have assisted in the apprehension of drunk, impaired, and aggressive drivers. Nearly 118,000 wireless calls are made each day to 911 and other emergency numbers; and

WHEREAS, the CTIA believes using your wireless phone responsibly and safely while driving begins with ten steps that include: the use of a hands free device when available, not engaging in stressful or emotional conversations that may divert your attention from the road, and using your wireless phone to help others in emergencies:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 24 – 28, 2004 as WIRELESS SAFETY WEEK in Illinois, and urge all citizens to use caution while driving and using your wireless devices.

Issued by the Governor May 13, 2004.
Filed by the Secretary of State May 14, 2004.

2004-141
SCHOOL COUNSELOR WEEK

WHEREAS, school counselors offer support and guidance for many middle and high school aged children in regular and special education settings, working tirelessly to help adolescents realize their potential, both academically and socially; and

WHEREAS, by providing opportunities for students to develop leadership skills, to apply for scholarships, to develop special interests, and to understand their strengths and weaknesses, school counselors are helping students develop skills that are necessary for a successful future; and

WHEREAS, in addition to their work with the students, school counselors help teachers and administrators provide curricula which stresses developmental and career goals providing the youth with a smooth transition from their life as a student to having a career; and

WHEREAS, school counselors work closely with parents and outside agencies to ensure that the best interest of the child is being met:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois,
do hereby proclaim May 24 – 28, 2004 as SCHOOL COUNSELOR WEEK in Illinois, and encourage all citizens to recognize the efforts of the school counselors in this state who are shaping and molding the minds of our future leaders.

Issued by the Governor May 13, 2004.
Filed by the Secretary of State May 14, 2004.

2004-142
MISSING CHILDREN’S DAY

WHEREAS, there are 2,320 missing children in the state of Illinois, this number represents only a small percentage of the 797,500 children that are estimated missing, as reported through a national study conducted by the United States Department of Justice; and

WHEREAS, there are four different categories that classify missing children. The largest number of missing children are runaways, followed by those that have been abducted by family members, next are those that are lost, injured, or otherwise missing, and finally, the smallest category, but the one in which the child is at the greatest risk of injury or death, are those that have been abducted by nonfamily members; and

WHEREAS, locating and safely returning missing children to their homes is a statewide, national, and international objective; and

WHEREAS, on August 29, 1985 in Chicago, Illinois, Governors from the state of Illinois, Indiana, Iowa, Kentucky, Missouri and Wisconsin signed the “Interstate Agreement on Missing and Exploited Children.” This agreement was the beginning of the development of an interstate network established to improve the process of identifying and recovering missing children; and

WHEREAS, in addition, the Illinois State Police has implemented the America’s Missing: Broadcast Emergency Response (AMBER) Alert Notification Plan. AMBER Alert was developed as a quick and efficient way to notify the public and any city, town, village, county, or state law enforcement agency in Illinois, of specific information regarding the abduction of a child whose life may be in danger; and

WHEREAS, teaching your children to run away from danger, never letting your children go places alone, knowing where and with whom your children are at all times, talking openly to your children about safety and having a list of family members who can be contacted in case of an emergency, are among the list of preventative tips that will help keep your children safe from kidnapping and abductions:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 25, 2004 as MISSING CHILDREN’S DAY in
Illinois, and strongly encourage all citizens to be supportive of the efforts this state is making to reduce the number of missing children reported each year.

Issued by the Governor May 13, 2004.
Filed by the Secretary of State May 14, 2004.

2004-143
SMALL BUSINESS WEEK

WHEREAS, small businesses make tremendous contributions to the economic makeup of our nation, accounting for 75 percent of the new jobs added to the economy; and
WHEREAS, Illinois agencies play a significant role in the development of small businesses within the state. The Illinois Secretary of State’s office is responsible for incorporating such businesses, while the Illinois Department of Commerce and Economic Opportunity assists new and existing small businesses with various matters including: providing business counseling, assisting with the development of business plans, and providing business education and training opportunities; and
WHEREAS, the Office of Advocacy, a division of the United States Small Business Administration (SBA), reports that “small businesses continue to be a source of economic strength nationally and in Illinois,” employing 48.4 percent of the state’s 5.5 million non-farm sector employees in 2000; and
WHEREAS, SBA has created Small Business Week as a time to celebrate and recognize the achievements of the estimated 23 million small businesses in the United States; and
WHEREAS, SBA was created in 1953 to protect the interests of small businesses. Their current loan portfolio of more than 200,000 loans worth an estimated $45 billion, makes SBA the largest single financial backer of U.S. businesses in the nation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16 – 22, 2004 as SMALL BUSINESS WEEK in Illinois and encourage all citizens to recognize the contributions these businesses make to our society.

Issued by the Governor May 13, 2004.
Filed by the Secretary of State May 14, 2004.

2004-144
HIRTH PLUMBING AND HEATING COMPANY

WHEREAS, Hirth Plumbing and Heating Company in Belleville, Illinois was founded on January 15, 1904 by George Hirth. Mr. Hirth owned
Hirth Plumbing and Heating Company is committed to providing prompt, professional and courteous service to its customers, family, friends and neighbors; and

WHEREAS, the mission of Hirth technicians is to locate, diagnose and complete people’s plumbing, heating or cooling service needs; and

WHEREAS, today, Hirth Plumbing and Heating is in its fourth generation of ownership. The company employs 40 people, and serves the entire metro east area with a customer base of over 9,000; and

WHEREAS, in addition to their home office of operations, which is still in Belleville, Hirth also has offices in Alton, Collinsville, Columbia, Edwardsville, Freeburg, Granite City, Mascoutah, Jerseyville and New Athens, Illinois; and

WHEREAS, being a continuously operated business, Hirth Plumbing and Heating Company has contributed significantly to Illinois’ economy over the past century; and

WHEREAS, on January 15, 2004, Hirth Plumbing and Heating Company, along with their employees and the entire city of Belleville, celebrated their 100th Anniversary:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby recognize HIRTH PLUMBING AND HEATING COMPANY for its great longevity, and encourage all citizens to join in commemorating their presence in the community of Belleville on the occasion of it’s 100th year of operation.

Issued by the Governor May 19, 2004.
Filed by the Secretary of State May 20, 2004.

2004-145
GAUDIO AND SONS DAY

WHEREAS, brothers Joe and Jack Gaudio went into the beer wholesaling business together on August 8, 1904 in Benld, Illinois. In 1915, when Jack returned to Italy and Joe moved to Utah, Charles Gaudio, Jack and Joe’s brother, took over the business; and

WHEREAS, Earl Gaudio, Charles’ son, and his wife Bruna, opened their own business in 1956, Earl Gaudio and Sons, and moved the company to Danville, Illinois; and

WHEREAS, celebrating its 100th anniversary in 2004, Gaudio and Sons of Danville is the only wholesaler in the Anheuser-Busch company that has been owned by the same family for 100 consecutive years; and

WHEREAS, the Anheuser-Busch company is the largest brewer in the world, currently having a 50 percent market share in the United States;
and

WHEREAS, even during Prohibition, a period of time from 1920 – 1933 when the manufacturing and sale of alcoholic products was banned by the United States government, the Gaudio family remained a member of the Anheuser-Busch team, selling non-alcoholic beverages, diesel engines for submarines, and other products produced by the company; and

WHEREAS, when the business came to Danville, Earl Gaudio and Sons was one of seven beer wholesalers in the town, it now stands as the only wholesaler left in Vermilion County. More importantly, Gaudio and Sons now dominates approximately 70 percent of the market in their area.

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 8, 2004 as GAUDIO AND SONS DAY in Illinois, and encourage all citizens to recognize the impact Gaudio and Sons and other local businesses play in our state’s economy.

Issued by the Governor May 19, 2004.
Filed by the Secretary of State May 20, 2004.

2004-146
YEAR OF POLIO AWARENESS

WHEREAS, polio is a potentially crippling disease caused by a virus that struck fear into an entire generation of Americans during the first half of the 20th Century; and

WHEREAS, in 1955, an effective polio vaccination became available, and by 1979 polio had been officially declared eradicated from the United States; and

WHEREAS, post-polio syndrome (PPS) is a complication that occurs in a large number of polio survivors, generally arising anywhere from 20 to 40 years after the original disease; and

WHEREAS, PPS affects nerve pathways and causes overwhelming fatigue, muscle weakness and pain, sleep disorders, and potential new paralysis; and

WHEREAS, in order to treat the effects of PPS, polio survivors need to plan rest periods everyday, and should avoid strenuous activity in order to conserve their energy. Polio survivors also need to take advantage of assistive devices such as braces, canes, crutches, and wheelchairs; and

WHEREAS, it is important that we, as a society, remain cognizant of the fact that although polio is no longer a threat to Americans, numerous citizens are still living with the often debilitating effects of PPS:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim 2004 as the YEAR OF POLIO AWARENESS in Illinois, and encourage all citizens to do what they can to improve the lives of polio
survivors in their communities.

Issued by the Governor May 19, 2004.
Filed by the Secretary of State May 20, 2004.

2004-147
BREASTFEEDING PROMOTION MONTH

WHEREAS, breastfeeding “provides physical contact, warmth, and closeness, which helps to create a special bond between a mother and her baby;” and
WHEREAS, in addition to the emotional bond that is created, human milk offers special benefits that formulas cannot offer, and provides all of the proteins, sugars, fats, and vitamins a baby needs to be healthy. It also helps to protect a baby from certain diseases and infections; and
WHEREAS, babies who are breastfed are less likely to have certain infections and illnesses. Research also suggests that breastfeeding may help to protect against Sudden Infant Death Syndrome, also known as SIDS; and
WHEREAS, it has been found that breastfeeding enhances a child’s cognitive development, which leads to improved academic performance in later years; and
WHEREAS, there are a number of health benefits that breastfeeding also provides for the mother. Breastfeeding burns more calories, reduces the risk of ovarian cancer, and in premenopausal women, reduces the risk of breast cancer, and lastly, helps the woman’s uterus return to its regular size more quickly; and
WHEREAS, during the month of August, the Illinois Department of Human Services, in conjunction with regional breastfeeding task forces, public and private organizations, and physicians and hospitals throughout Illinois, will be promoting the importance of breastfeeding:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2004 as BREASTFEEDING PROMOTION MONTH in Illinois and encourage all women who are pregnant or may become pregnant to choose the feeding option that will provide lifelong benefits for yourself and your baby.

Issued by the Governor May 19, 2004.
Filed by the Secretary of State May 20, 2004.

2004-148
MENTAL HEALTH MONTH

WHEREAS, in a given year, an estimated 54 million Americans suffer from some form of a mental disorder, and each year, as many as eight
million Americans who have serious mental illnesses do not receive adequate treatment; and

WHEREAS, a mental illness is a disease that “causes mild to severe disturbances in thought and/or behavior, resulting in an inability to cope with life’s ordinary demands and routines;” and

WHEREAS, as with cancer, diabetes and heart disease, mental illnesses are often physical as well as emotional and psychological, but with proper care and treatment, many individuals learn to cope or recover from a mental illness or emotional disorder; and

WHEREAS, there are five steps that can help a family to cope with their loved ones’ mental illness, including: accept that your feelings are normal, find ways to handle unusual behaviors and emotional outbursts that may accompany the illness, establish a support network, seek counseling, and take time out for yourself; and

WHEREAS, the following are a list of possible warning signs and symptoms of mental illness in adults: prolonged depression, strong feelings of anger, delusions or hallucinations, and substance abuse; and

WHEREAS, warning signs that may appear in older children and pre-adolescents are: an inability to cope with problems and daily activities, defiance of authority, truancy, theft, and/or vandalism, and frequent outbursts of anger; and

WHEREAS, in younger children, warning signals may include, persistent nightmares, changes in school performance, and excessive worry or anxiety (i.e. refusing to go to bed or school); and

WHEREAS, the Illinois Department of Human Services funds and coordinates mental health treatment and support services for people with serious mental illness and limited resources:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as MENTAL HEALTH MONTH in Illinois and encourage all citizens to increase their awareness and understanding of mental health issues in our state and reduce the stigma associated with mental illness.

Issued by the Governor May 19, 2004.

Filed by the Secretary of State May 20, 2004.

2004-149

NATIONAL TRANSPORTATION WEEK

WHEREAS, our transportation system not only gives us freedom and mobility, allowing us to move from place to place, but it also boosts the nation’s economy, and strengthens our nation’s security; and

WHEREAS, advancing knowledge of the transportation industry and
increasing public awareness on the significant nature transportation plays in the nation’s economy, are two goals the National Defense Transportation Association (NDTA) has set forth for National Transportation Week; and

WHEREAS, the first National Transportation Week was observed in 1953 with the help of the Women’s Transportation Club of Houston. This group originally set up a scholarship program benefiting transportation degree students at the University of Houston, but with no interested applicants; and

WHEREAS, seeing that the students and the public were virtually unaware and uninterested in the transportation industry, attempts were then made to sway past Presidents of the United States to proclaim National Transportation Week as a way of promoting the transportation industry, though their efforts weren’t officially honored until 1962; and

WHEREAS, the 2nd annual National Transportation Week Conference and Expo will culminate the week’s events:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16 – 22, 2004 as NATIONAL TRANSPORTATION WEEK in Illinois, and commend the outstanding accomplishments of the men and women who keep our transportation systems going, whether they be the distributors that transport goods, or the laborers of our highways.

Issued by the Governor May 19, 2004.
Filed by the Secretary of State May 20, 2004.

2004-150
INTERNATIONAL CHILDREN’S DAY

WHEREAS, there is a strong need for us to take action and ensure that the children of this state are being provided a healthy start. It is with this need in mind that we dedicate this day as International Children’s Day and celebrate children in Illinois and around the world; and

WHEREAS, International Children’s Day was first celebrated in 1925 in Geneva, Switzerland, during the “World Conference for the Well-Being of Children.” This conference focused on issues relating to the child welfare, including poverty, prevention of child labor, and education; and

WHEREAS, this year, the focus will be Children’s Obesity in the USA. There are many health and social problems associated with childhood and adolescent obesity that can continue to haunt children into adulthood; and

WHEREAS, with about 15 percent of adolescents (ages 12 to 19), and 15 percent of children (ages 6 to 11) suffering from obesity, it is important that families and educational systems work together to curb this epidemic;
and

WHEREAS, teaching children about nutrition and involving them in regular physical activity are key to solving this problem; and

WHEREAS, because of the increasing number of health problems children are stricken with due to poor eating habits, my administration has proposed legislation that would ban junk food and soft drinks from all school vending machines. Additionally, we have proposed modifications to the physical education curriculums and school lunch programs to promote healthier lifestyles for our children:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 1, 2004 as INTERNATIONAL CHILDREN’S DAY in Illinois, and encourage all citizens to use this day as a catalyst to strengthen the relationship between you and a special child in your life.

Issued by the Governor May 20, 2004.

Filed by the Secretary of State May 21, 2004.

2004-151
NATIONAL MEN’S HEALTH WEEK

WHEREAS, it is fundamental that men view their health as an issue of utmost importance, as it effects not only themselves, but also the well being of their family; and

WHEREAS, in 1994, the Men’s Health Network worked with Congress to develop National Men’s Health Week, as a special campaign to help educate men and their families about preventable health problems, and encourage early detection and treatment of disease among men and boys; and

WHEREAS, men who are educated about the value of preventative health will be more likely to participate in health screenings, and take on healthy eating habits, with a regular exercise regimen; and

WHEREAS, during Men’s Health Week, men should focus on implementing healthier life choices, and ask their doctor about a range of common men’s health issues, including heart disease, diabetes, prostate, testicular and colon cancer; and

WHEREAS, early detection of male health problems will result in reducing rates of mortality from disease, and offer men a chance at a more fulfilling and energetic life:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 14 – 20, 2004 as NATIONAL MEN’S HEALTH WEEK in Illinois, and encourage all men to make a conscious effort to undergo a health screening, and to make a commitment to a healthy lifestyle for themselves, and for their family.

Issued by the Governor May 20, 2004.
Filed by the Secretary of State May 21, 2004.

2004-152
ASSOCIATION WEEK

WHEREAS, the Association Forum of Chicagoland represents CEOs and executives from associations located in Chicago, and its surrounding communities; and
WHEREAS, the associations that the Association Forum serves generate more than three billion dollars annually for Chicago’s economy and employ 33,000 professionals in various capacities; and
WHEREAS, the Association Forum represents institutions such as the American Bar Association, the American Medical Association, the American Hospital Association and many others; and
WHEREAS, Chicago is home to the second most association headquarters in America, and ranks first for healthcare-related organizations; and
WHEREAS, the Association Forum will celebrate the first Association Week from June 21 – 27, 2004, with the theme Education, Recognition and Celebration; and
WHEREAS the contributions of associations and their employees will be recognized this week through such events as the Association All-Star Day, and the first ever Forum Honors Gala:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 21 – 27, 2004 as ASSOCIATION WEEK in Illinois, and encourage all citizens to recognize and celebrate the innumerable contributions that Illinois headquartered associations make to the health, education and overall well-being of the people of this great state.

Issued by the Governor May 20, 2004.
Filed by the Secretary of State May 21, 2004.

2004-153
KIDS IN DANGER DAY

WHEREAS, there are millions of children’s products on the market today, and it is extremely important that parents and other caregivers take steps to ensure the safety of those products before they purchase them for use with their children; and
WHEREAS, each year, an estimated 67,000 children under the age of five are treated in hospital emergency rooms for injuries from children’s products, and more than 50 children die annually in incidents associated with nursery products; and
WHEREAS, a popular misconception in our society is that popular brand name products, expensive products, and hand-me-downs that have already been “kid tested” are automatically safe; and

WHEREAS, Kids in Danger (KID) is a non-profit organization that was founded in Chicago, Illinois in 1998. Their mission is to protect children by improving children’s product safety; and

WHEREAS, KID’s programs serve to advocate, promote, and educate people about children’s product safety. They include: The Health Care Providers Outreach Program (HCPOP), Teach Early Safety Testing (TEST), and Test It Now (TIN); and

WHEREAS, the State of Illinois recognizes the great work performed by KID each day, and it is fitting that we take the time to recognize their dedicated efforts to keep children safe:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 26, 2004 as KIDS IN DANGER DAY in Illinois, and encourage all citizens to become cognizant of the safety of children’s products to ensure that our youth are not unnecessarily harmed.

Issued by the Governor May 21, 2004.
Filed by the Secretary of State May 24, 2004.

2004-154
NATIONAL MARITIME DAY

WHEREAS, first observed in 1933, National Maritime Day commemorates the first voyage of a steamship across the Atlantic Ocean; and

WHEREAS, the S. S. Savannah departed, on what eventually became a 29-day journey, on May 22, 1819, sailing from Savannah, Georgia to Liverpool, England; and

WHEREAS, this historic voyage marked the beginning of the steamship age in maritime history; and

WHEREAS, according to information provided by the U.S. Department of Transportation’s Maritime Administration, in March 2004, more than 80 percent of the military cargo shipped to the Middle East in support of the United States Armed Forces during the Iraqi conflict arrived via U.S. flag commercial or government vessels; and

WHEREAS, we pay homage to the men and women of the United States Merchant Marines, serving the country with valor and strength, who have contributed significantly to the strength and economic growth of our nation; and

WHEREAS, we salute the countless number of seamen who have lost their lives in World Wars I and II and other conflicts that have taken place throughout the history of our country:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 22, 2004 as NATIONAL MARITIME DAY in Illinois, and encourage all citizens to recognize the important roles the Merchant Marines play in ensuring the safety and economic prosperity of our great nation.

Issued by the Governor May 04, 2004.
Filed by the Secretary of State May 25, 2004.

2004-155
WORLD WAR II VETERANS RECOGNITION DAY

WHEREAS, more than 16 million people served in the United States armed forces during World War II. Known as one of the deadliest wars in the history of our world, more than 400,000 Americans died while fighting for our country; and

WHEREAS, on all accounts, World War II was a multifaceted event with supplemental events like Adolf Hitler’s rise as dictator of Germany and the Japanese attack on Pearl Harbor, only helping to complicate the issue and raise the stakes of the war; and

WHEREAS, it has been nearly 59 years since World War II ended in September 1945. In honor of the men and women who perished during their fight, the families at home who were praying for the safe return of the soldiers and for the restoration of peace, and to the nation as a whole, a memorial has been erected in Washington, DC and will be dedicated during Memorial Day Weekend; and

WHEREAS, those of you who were around during this time will never be able to forget the spirit, sacrifice, and commitment of the American people during these years. Those of us who did not witness these events offer our gratitude, as we are recipients of the freedom that was won because of our ancestors’ fight:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 29, 2004 as WORLD WAR II VETERANS RECOGNITION DAY in Illinois and encourage all citizens to take a few moments to reflect upon the sacrifices that have been made over the years to ensure that our country remain a free land.

Issued by the Governor May 24, 2004.
Filed by the Secretary of State May 25, 2004.

2004-156
AMERICAN RED CROSS HEROES DAY

WHEREAS, the American Red Cross is the largest humanitarian
organization in the United States, and depends on volunteers to accomplish its mission: to provide relief to victims of disasters while helping people prevent, prepare for, and respond to emergencies. For more than 122 years, the people of the Red Cross have honored this mission; and

WHEREAS, during fiscal year 2002, over 1.2 million people volunteered at the Red Cross – serving on local and national advisory committees, performing direct services such as disaster response, CPR training, or HIV/AIDS education, and providing support services to our armed forces; and

WHEREAS, in the state of Illinois, American Red Cross chapters collected and distributed over 200,000 units of blood, provided health and safety training, including First Aid and CPR, to over 438,000 residents, communicated 22,946 emergency messages to and from members of our armed forces and their families, provided disaster education training to over 78,000 citizens, and provided financial assistance to more than 2,500 Illinois families who were victims of disaster, which ranged from residential fires to larger scale events including floods and tornadoes; and

WHEREAS, all of these services and many others are provided through 38 locally governed and supported Red Cross chapters and five Blood Services regions. Community involvement is critical for programs that prepare individuals, families, and neighborhoods for emergencies and through its presence across the country, the Red Cross is the leader in empowering people in every neighborhood to be ready and prepare for the unexpected. With five simple steps – make a plan, build a kit, get trained, volunteer, and give blood – the Red Cross and Americans from coast to coast will help make their communities safer; and

WHEREAS, those who need blood, those who are victims of disaster, or those who are the recipients from the broad spectrum of community services rely on the American Red Cross every day. Compassionate and caring people who wanted to make a difference in their community and across the nation, at home and abroad, channeled their support through the American Red Cross; and

WHEREAS, the State of Illinois and the American Red Cross continue to work together to make our communities safer. The American Red Cross was an original member of the Illinois Terrorism Task Force and makes important contributions to our state efforts for homeland security. The State of Illinois is proud of its relationship with the American Red Cross; and

WHEREAS, on this day, we recognize the caring, selfless acts of the volunteer servants who man the Red Cross. It is people like these men and women who renew our faith in the human spirit:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, applaud the selfless dedication of countless Red Cross volunteers and staff,
and do hereby proclaim May 27, 2004 as AMERICAN RED CROSS HEROES DAY in Illinois. As we commemorate this day, I call upon all of our citizens to get involved with their local Red Cross chapters and to become active participants in advancing the noble mission of the Red Cross.

Issued by the Governor May 25, 2004.

Filed by the Secretary of State May 26, 2004.

2004-157

GROUNDWATER PROTECTION MONTH

WHEREAS, half of all Illinois citizens, three-fourths of the community water supply systems, more than nine-tenths of rural residents, and a significant number of industries in Illinois rely on groundwater; and

WHEREAS, in the United States, more than 50 percent of the population uses groundwater as a source of drinking water, however, the largest use of groundwater is for irrigating crops; and

WHEREAS, since the use of groundwater is in such high demand, conserving our groundwater resources is extremely important and can be accomplished by simply reducing the amount of water we use. The top 10 ways to conserve groundwater are by:

- disposing of chemicals properly
- running full loads of dishes and laundry
- recycling used motor oil
- fixing leaky faucets
- limiting the amount of fertilizer used on plants
- watering plants only when necessary
- taking short showers
- keeping a pitcher of drinking water in the refrigerator
- shutting off water while brushing teeth
- getting involved in water education; and

WHEREAS, in Illinois, more than 400,000 wells are vulnerable to contamination from many potential threats, but barriers can be developed to reduce these contamination risks. Thousands of the wells in Illinois have fallen into disrepair and represent safety hazards, especially to children, but are also a water-quality threat by potentially routing contaminants directly to groundwater; and

WHEREAS, since a number of these abandoned wells are large in size and are constructed with brick or stone, they can pose an extreme health and safety risk when improperly sealed or not sealed at all; and

WHEREAS, the Illinois Water Well Sealing Coalition is working to reduce the risks of abandoned wells and has assisted the Illinois Departments of Agriculture and Public Health in developing and implementing a well
sealing cost share program through local soil and water conservation districts and health departments; and

WHEREAS, the Illinois Groundwater Protection Act, enacted on September 24, 1987, established Illinois groundwater policy and developed a comprehensive, coordinated program of groundwater research, monitoring, education, technical assistance and regulatory authorities, designed to prevent the contamination of this public resource:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as GROUNDWATER PROTECTION MONTH in Illinois, and encourage all well owners to work with the Illinois Water Well Sealing Coalition to care for our invisible and invaluable resource, groundwater.

Issued by the Governor May 26, 2004.
Filed by the Secretary of State May 27, 2004.

2004-158
WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY

WHEREAS, the world of an indigent person is accompanied by many mental, emotional, psychological and physical stresses that can affect these people for the rest of their lives. Depression runs rampant, living conditions are meager at best, and social isolation is common; and

WHEREAS, the plight of the needy, homeless, and less fortunate has become everyone’s problem, not just their own. For many years, this devastating existence has been overlooked; and

WHEREAS, the State of Illinois, along with private organizations, are making attempts to remedy these situations, creating programs that deal with the immediate and long term problems associated with the indigent population. These social service programs have been created as a way to help them help themselves by providing multidimensional assistance; and

WHEREAS, the Departments of Public Aid and Human Services lead the way in providing valuable assistance to qualified persons in the state of Illinois. My administration continues to support the social service organizations that improve the quality of life of this special population:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 28, 2004 as WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY in Illinois, and encourage all citizens to be mindful of the silent struggles many members of our state have to endure, including poverty, disability, and abandonment.

Issued by the Governor May 26, 2004.
Filed by the Secretary of State May 27, 2004.
2004-159
CLINICAL/BIOMEDICAL ENGINEERING WEEK

WHEREAS, the term “clinical equipment” refers to medical devices such as monitors, life-support systems, ventilators, lasers, defibrillators, and infusion pumps; and
WHEREAS, clinical equipment plays a vital role in today’s healthcare system, helping to keep patients healthy and safe while being treated for their individual afflictions; and
WHEREAS, it takes a great deal of knowledge and hard work to maintain clinical equipment, and ensure that it is always in proper working order. That critical task is the responsibility of clinical and biomedical engineers; and
WHEREAS, clinical and biomedical engineers advance patient care by applying electrical, mechanical, chemical, optical, and other engineering principles to perform service, repair, and overhaul of all medical equipment and medical systems; and
WHEREAS, these dedicated health care professionals also work closely with hospitals to ensure that their equipment is constantly safe and up to date, and help to educate them on new equipment and procedures; and
WHEREAS, clinical and biomedical engineers are an invaluable component to our state-of-the-art healthcare system in this country. They truly provide a vital service to people in Illinois, and throughout the United States.

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 6 – 12, 2004 as CLINICAL/BIOMEDICAL ENGINEERING WEEK in Illinois, and encourage all citizens to recognize clinical and biomedical engineers for the noble work that they perform each day.

Issued by the Governor May 26, 2004.
Filed by the Secretary of State May 27, 2004.

2004-160
DIFFERENT RELIGIONS WEEK

WHEREAS, the World Christian Encyclopedia estimates that there are approximately 10,000 active religions in the world; and
WHEREAS, here in the United States, one of our basic rights, as Americans, is the freedom to practice any religion that we may choose. With that in mind, it is important that people in this country, and across the globe, respect and tolerate others for their religious beliefs; and
WHEREAS, throughout history, religious violence has been the cause
of innumerable suffering for countless people; and
WHEREAS, religious violence continues to pervade our society today. In all continents, including North America, people are senselessly harmed or killed every day because of their preferences of religion; and
WHEREAS, Different Religions Week was first observed on July 11-18, 2003. The purpose of the week is to encourage individuals to attend a religious service of a faith other than their own, so that they may be exposed to a broader spectrum of spiritual belief; and
WHEREAS, Different Religions Week serves as a multi-purpose commemoration. Not only does it give us the opportunity to celebrate the great religious diversity in this country and throughout the world, but it also helps to create a level of understanding and tolerance that will hopefully lead to reduced incidents of religious violence:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 9-16, 2004 as DIFFERENT RELIGIONS WEEK in Illinois, and encourage all citizens to embrace the thousands of faiths that make up our world’s population, and join in the efforts to eradicate religious violence from this planet.
Issued by the Governor May 26, 2004.
Filed by the Secretary of State May 27, 2004.

2004-161
ETHNIC HERITAGE MUSEUM DAY

WHEREAS, the State of Illinois prides itself on its vast cultural diversity. In communities all throughout the state, many different races, religions and nationalities are represented; and
WHEREAS, the City of Rockford is one of the largest municipalities in Illinois, and boasts residents from all different walks of life; and
WHEREAS, as Rockford continues to expand and develop, new individuals and families are moving into the area, adding to the city’s diverse citizenry; and
WHEREAS, the Ethnic Heritage Museum in Rockford is dedicated to promoting the city’s diversity by celebrating the contributions of different ethnic groups to its growth and development; and
WHEREAS, on Sunday, June 6, 2004, the Ethnic Heritage Museum will hold their 14th Annual International Festival. This event will bring together people from across Rockford and throughout Illinois to commemorate the diversity that we enjoy as Illinoisans:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 6, 2004 as ETHNIC HERITAGE MUSEUM DAY in Illinois, and encourage all citizens to join in celebrating the museum’s
efforts to enrich people’s lives through an understanding of Rockford’s historical and cultural roots.

Issued by the Governor May 26, 2004.
Filed by the Secretary of State May 27, 2004.

2004-162
DISASTER AREA - STATE OF ILLINOIS

As a result of continual heavy rains in northeastern Illinois and southern Wisconsin, river levels on the Des Plaines and Fox rivers are expected to be near or surpass record levels in several cities along these rivers in Lake County and parts of Cook County. The floodwaters have already displaced many people from their homes and forced businesses and schools to close.

In the interest of aiding citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Lake County and the townships of Leyden, Lyons, Maine, Northfield, Proviso and Wheeling in Cook County as State Disaster Areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State’s efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Issued by the Governor May 26, 2004.
Filed by the Secretary of State May 27, 2004.

2004-163
DISASTER AREA - STATE OF ILLINOIS

Severe storms and tornadoes struck communities in central and southern Illinois between May 24 and May 26, 2004, leaving behind a large path of destruction. These storms did considerable damage to many homes and businesses, toppled trees and power lines and resulted in one fatality.

In the interest of aiding citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Hardin, Morgan, Pike and Scott counties as state Disaster Areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency
Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State’s efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Issued by the Governor May 27, 2004.
Filed by the Secretary of State May 27, 2004.

2004-164
MYASTHENIA GRAVIS AWARENESS MONTH

WHEREAS, Myasthenia Gravis (MG) is a chronic disorder characterized by weakness and rapid muscle fatigue; and

WHEREAS, MG is the result of nerve impairments in which antibodies block or destroy the nerve-muscle junctions in certain parts of the body, causing weakness in muscles that aren’t receiving the proper nerve signals; and

WHEREAS, those afflicted by MG may experience difficulties with speech, chewing, swallowing and breathing, as well as drooping eyelids and double vision; and

WHEREAS, although there is currently no known cause or cure for MG, it may be controlled with early diagnosis and proper medical treatment; and

WHEREAS, the Myasthenia Gravis Foundation of Illinois, Incorporated, is a voluntary health agency that has been aiding patients and their families for 32 years through counseling and education about MG; and

WHEREAS, in their quest to help those with MG achieve productive and rewarding lives, the Myasthenia Gravis Foundation of Illinois, Incorporated, stresses the importance of public awareness on this disorder, in order to increase the likelihood of early detection:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2004 as MYASTHENIA GRAVIS AWARENESS MONTH in Illinois, and encourage all citizens to become cognizant of this debilitating ailment, and support groups such as the Myasthenia Gravis Foundation of Illinois, Incorporated, who work hard to improve the lives of people living with the disorder.

Issued by the Governor May 27, 2004.
Filed by the Secretary of State May 28, 2004.
WHEREAS, Vernon Jarrett was born in 1921, and came to Chicago in 1946 during the heyday of the Great Migration. He once reflected: “I was one of the thousands of dreamers who had left the South and journeyed to the big cities of the North;” and

WHEREAS, upon his arrival in Chicago, Mr. Jarrett began his career as a journalist with the Chicago Defender newspaper; and

WHEREAS, Mr. Jarrett broke into broadcasting in 1948 with Negro Newsfront, radio’s first daily newscast produced by African-Americans. He would go on to host a Sunday morning talk show on WLS-TV for many years; and

WHEREAS, in 1970, Mr. Jarrett was hired by the Chicago Tribune and became the newspaper’s first African-American syndicated columnist. He would soon become renowned in the Chicago area for his commentary on the social and economic trends affecting African-Americans, and the global concerns of pan-African politics; and

WHEREAS, Mr. Jarrett left the Tribune in 1983 and began writing for the Chicago Sun Times, where he continued his tradition of political and social commentary relating to the African-American experience; and

WHEREAS, Mr. Jarrett’s commitment to excellence in journalism throughout his career has earned him numerous honors and awards, including the first NAACP James Weldon Johnson Achievement Award, and his induction into the National Literary Hall of Fame at the University of Chicago’s Gwendolyn Brooks Center; and

WHEREAS, along with his numerous journalistic accomplishments, Mr. Jarrett was also active in the community. In 1977, he created an NAACP-sponsored program called the Afro-Academic, Cultural, Technological and Scientific Olympics (ACT-SO). This program, which has since become an annual event, was designed as an award ceremony for exceptional African-American students throughout the nation; and

WHEREAS, on May 23, 2004, Vernon Jarrett passed away, and is survived by his wife, Fernetta, his son, Thomas, and his three grandchildren; and

WHEREAS, here in Illinois, it is important that we take the time to honor this great man for his innumerable contributions to the profession of journalism, to the prosperity of African-Americans, and to the overall well-being of the city of Chicago and the state of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim Saturday, May 29, 2004 as VERNON JARRETT MEMORIAL DAY in Illinois, and encourage all citizens to recognize this
tragic loss of one of Illinois’ most treasured figures.
Issued by the Governor May 28, 2004.
Filed by the Secretary of State May 28, 2004.

2004-166
EXTENDED CARE AND LONG-TERM RECOVERY DAY

WHEREAS, substance abuse is a major public health problem that affects millions of Americans of all ages, races, and ethnic backgrounds and in all communities; and
WHEREAS, left untreated, substance abuse and addiction results in high medical, economic, and societal costs, approximately $240 billion a year to the citizens of the United States and $36.7 billion to the citizens of Illinois; and
WHEREAS, substance abuse is a treatable disease and research has shown that recovery programs are an effective way of treating alcohol and drug abuse and in improving the health of individuals both during and after care; and
WHEREAS, alcohol and other drug treatment programs provide financial benefits to citizens through reduced crime, emergency health care and social services; and
WHEREAS, state-sponsored prevention, treatment, counseling, and recovery services have helped hundreds of thousands of Illinoisans live productive and sober lives; and
WHEREAS, in the last fiscal year, over 1.5 Illinois citizens sought help for substance abuse treatment; and
WHEREAS, recovery from addiction is possible thanks to the efforts of local and statewide organizations such as the National Association of Halfway House Alcoholism Programs of North America, Inc:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 4, 2004 as EXTENDED CARE AND LONG-TERM RECOVERY DAY in Illinois, and encourage all citizens to be supportive of those individuals who have undergone successful alcohol and drug treatment, and to honor those individuals who have dedicated their lives to helping people recover from addiction.
Issued by the Governor May 28, 2004.
Filed by the Secretary of State June 01, 2004.

2004-167
WEEK OF THE HIGH RISK CHILD

WHEREAS, there are a multitude of problems affecting the youth in
our state and in our country, posing risks to their health and well-being; and

WHEREAS, the Week of the High Risk Child began in 1976, and was developed to annually address and respond to some of the salient issues impacting the successful development and maturation of our children that facilitate their movement and transition to adulthood; and

WHEREAS, the objectives for this week are to:
- continually identify youth populations at risk
- motivate teens, develop their leadership potential and enhance their knowledge of preventive health maintenance
- inform and educate parents and assist them in moving toward self-sufficiency
- improve networking, coordination and communication among human service professionals and agencies serving children
- advocate for quality prevention and follow-up services for youth
- broaden children’s exposure and appreciation of cultural and ethnic diversity through the performing arts; and

WHEREAS, the term “at risk” describes any child who presents overt or covert symptoms of behavioral, emotional, psychological, educational, familial or environmental dysfunctioning:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 7 – 10, 2004 as WEEK OF THE HIGH RISK CHILD in Illinois, and encourage all citizens to support the efforts of the Children and Adolescents Forum, Inc. as they look to help the at-risk population gain applicable skills leading them to become productive citizens.

Issued by the Governor May 28, 2004.
Filed by the Secretary of State June 01, 2004.

2004-168
AMERICAN CANCER SOCIETY RELAY FOR LIFE DAY

WHEREAS, in 2004, over 60,000 new cases of cancer are expected to occur in the state of Illinois, with approximately 24,840 cases having a tragic ending. Losing even one person to this devastating disease is lamentable, but the search to find a cure is progressing through the efforts of the American Cancer Society (ACS); and

WHEREAS, eliminating a disease that afflicts over one million people each year, that is the second leading cause of death in the United States, and that affects approximately one out of every two American men and one out of every three American women in their lifetime is a monumental task, but the ACS has put forth initiatives that have become instrumental in the battle against cancer; and

WHEREAS, the ACS strengthens their fight against cancer with a
research program that supports efforts to prevent and cure the disease, education programs that teach the public preventative and early detection measures, by providing support and service programs to those persons that have been diagnosed with cancer, as well as their families, and advocating for public policy; and

WHEREAS, the American Cancer Society consists of more than 3,400 local units, with more than two million volunteers dedicated to achieving the organization’s mission: eliminating cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer through research, education, advocacy, and service; and

WHEREAS, celebrating survivorship and raising money for research and programs of the American Cancer Society are the goals of Relay For Life, the cancer society’s overnight signature event. Held in communities across the country, Relay For Life represents the hope that those lost to cancer will never be forgotten, that those who face cancer will be supported, and that one day cancer will be eliminated:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 11, 2004 as AMERICAN CANCER SOCIETY RELAY FOR LIFE DAY in Illinois, and encourage all citizens to garner together in support of life and the preservation of good health as we work with the ACS to eradicate this deadly disease.

Issued by the Governor June 02, 2004.
Filed by the Secretary of State June 03, 2004.

2004-169
NATIONAL NURSING ASSISTANTS WEEK

WHEREAS, nursing assistants provide personal, hands-on care to the citizens of our communities who are temporarily or permanently incapacitated and who reside in a variety of settings including our hospitals, long-term care agencies, or their private residences; and

WHEREAS, these Career Nursing Assistants are instrumental in promoting and safeguarding the physical, mental, emotional, and spiritual well-being of the residents, clients, and their families; and

WHEREAS, Career Nursing Assistants are trained professionals who collaborate closely with other health care providers to render quality care and also to elevate the status of their chosen profession; and

WHEREAS, National Nursing Assistants Week focuses on the vital role nursing assistants play in delivering quality, consistent care to the individuals in their care; and

WHEREAS, on the 27th observance of this week, we honor the more than 337,000 nursing assistants in the state of Illinois who exemplify this
year’s theme, “Specialists in the Art of Caring:”

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 10 – 17, 2004 as NATIONAL NURSING ASSISTANTS WEEK in Illinois, and encourage all citizens to join together in honoring these special citizens who serve those who are unable to provide for themselves.

Issued by the Governor June 04, 2004.
Filed by the Secretary of State June 07, 2004.

2004-170
NATIONAL FLAG DAY

WHEREAS, it was August 3, 1949 before an act of Congress was signed designating June 14th of each year as National Flag Day. This day is significant because it commemorates June 14, 1777 when the Continental Congress adopted the stars and stripes flag as the official flag of the republic; and

WHEREAS, the stars and stripes design is symbolic of qualities the world has come to expect of this great nation – the white stripes signifying purity and innocence, the red stripes signifying valor and bravery and the blue background signifying perseverance and justice; and

WHEREAS, the Living American Flag event in which 3,000 school children will create a 130 foot by 230 foot living American flag, is just one of the major events to take place recognizing National Flag Day. A recreation of the first human flag that was formed to commemorate the successful Battle of North Point and the bombardment of Fort McHenry, on Defenders Day in 1914, and one which inspired the writing of the Star-Spangled Banner, the Living American Flag event has been designed as a way of fostering understanding within children of the meaning of the flag as our symbol of national unity; and

WHEREAS, a second event, the annual Pause for the Pledge of Allegiance, asks Americans across the nation to pause and recite the Pledge as a way of commemorating Flag Day. The idea originated in 1980 and in 1985 Public Law 99-54 was passed recognizing the Pause for the Pledge as part of National Flag Day activities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 14, 2004 as NATIONAL FLAG DAY in Illinois, and encourage all citizens to take time to reflect upon the liberty and freedom we receive and that our flag has come to represent.

Issued by the Governor June 04, 2004.
Filed by the Secretary of State June 07, 2004.
2004-171

HEALTH CARE RISK MANAGEMENT WEEK

WHEREAS, health care risk managers are responsible for the development and implementation of safe and effective patient care practices at hospitals and health systems throughout the state of Illinois; and

WHEREAS, health care risk managers play important roles on behalf of patients, their communities and the hospitals and health systems they work for, ensuring that safety standards are being met, legislative policies protecting the rights of the healthcare industry are enacted, and that patients are receiving a high standard of care; and

WHEREAS, hospitals and health systems across the state continue to face significant environmental pressures that may have a grave impact on their ability to provide timely and appropriate health care to their patients and communities; and

WHEREAS, these environmental pressures include: increasing liability insurance rates, pharmaceutical and new technology costs, and a decreasing number of nurses and other skilled caregivers in the profession; and

WHEREAS, health care risk managers often use their collective expertise in care-giving, finance, law and advocacy to provide a unique perspective that allows their organizations to develop innovative solutions to meet these environmental pressures and continue providing quality health care to their patients and communities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 21 – 25, 2004 as HEALTH CARE RISK MANAGEMENT WEEK in Illinois, and encourage all citizens to recognize the contributions and efforts of risk managers to improving the safety of our health care systems.

Issued by the Governor June 07, 2004.
Filed by the Secretary of State June 08, 2004.

2004-172

DAYS TO COMMEMORATE THE HONORABLE RONALD WILSON REAGAN

WHEREAS, Ronald Wilson Reagan was born on February 6, 1911 in Tampico, Illinois. He attended high school in Dixon, Illinois and went on to earn a degree in economics and sociology from Eureka College, where he also played on the football team and acted in theatre productions; and

WHEREAS, Reagan began his career as a radio sports announcer. In 1937, a screen test won him a contract in Hollywood, and over the next two
decades, he would act in 53 feature films; and
WHEREAS, Reagan’s success as an actor, coupled with his strong leadership abilities, earned him the opportunity to serve as President of the Screen Actors Guild. It was in that role that Reagan crafted his political platform; and
WHEREAS, Reagan was elected Governor of California in 1966 by a one million vote margin. He was re-elected to serve a second term in 1970; and
WHEREAS, in 1980, Reagan won the Republican Presidential nomination, and in November of that year, he would go on to defeat President Jimmy Carter in the General Election to earn the presidency; and
WHEREAS, on January 20, 1981, Reagan was sworn in as the 40th President of the United States, and was re-elected to a second term in 1984. Among his many accomplishments in office, President Reagan obtained legislation to stimulate economic growth, curb inflation, increase employment, and strengthen national defense. He also made foreign policy a top priority, and sought to achieve “peace through strength,” improving relations with the Soviet Union by conducting several meetings with Soviet leader Mikhail Gorbachev, and eventually negotiating a treaty that would eliminate intermediate range nuclear missiles; and
WHEREAS, President Reagan’s great charisma and people skills earned him the title of “The Great Communicator;” and
WHEREAS, in November of 1994, Reagan publicly announced that he had Alzheimer’s disease. Almost ten years later, on June 5, 2004, he passed away at the age of 93; and
WHEREAS, President Reagan is remembered as a strong and confident leader, and a president who revitalized this country’s stagnant economy. He leaves behind a legacy that will clearly resonate in this country and throughout the world for centuries to come; and
WHEREAS, for a period of 30 days, from June 5, 2004 until July 3, 2004, the State of Illinois will fly flags at half-mast to honor a great man and a “native son” of Illinois:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 5, 2004 – July 3, 2004 as DAYS TO COMMEMORATE THE HONORABLE RONALD WILSON REAGAN in Illinois, and order all state facilities to fly flags at half-mast throughout the duration of these 30 days, and re-raise the flags to full-mast on the morning of July 4, 2004.
Issued by the Governor June 07, 2004.
Filed by the Secretary of State June 08, 2004.
WHEREAS, Ronald Wilson Reagan was born on February 6, 1911 in Tampico, Illinois. He attended high school in Dixon, Illinois and went on to earn a degree in economics and sociology from Eureka College, where he also played on the football team and acted in theatre productions; and

WHEREAS, Reagan began his career as a radio sports announcer. In 1937, a screen test won him a contract in Hollywood, and over the next two decades, he would act in 53 feature films; and

WHEREAS, Reagan’s success as an actor, coupled with his strong leadership abilities, earned him the opportunity to serve as President of the Screen Actors Guild. It was in that role that Reagan crafted his political platform; and

WHEREAS, Reagan was elected Governor of California in 1966 by a one million vote margin. He was re-elected to serve a second term in 1970; and

WHEREAS, in 1980, Reagan won the Republican Presidential nomination, and in November of that year, he would go on to defeat President Jimmy Carter in the General Election to earn the presidency; and

WHEREAS, on January 20, 1981, Reagan was sworn in as the 40th President of the United States, and was re-elected to a second term in 1984. Among his many accomplishments in office, President Reagan obtained legislation to stimulate economic growth, curb inflation, increase employment, and strengthen national defense. He also made foreign policy a top priority, and sought to achieve “peace through strength,” improving relations with the Soviet Union by conducting several meetings with Soviet leader Mikhail Gorbachev, and eventually negotiating a treaty that would eliminate intermediate range nuclear missiles; and

WHEREAS, President Reagan’s great charisma and people skills earned him the title of “The Great Communicator;” and

WHEREAS, in November of 1994, Reagan publicly announced that he had Alzheimer’s disease. Almost ten years later, on June 5, 2004, he passed away at the age of 93; and

WHEREAS, President Reagan is remembered as a strong and confident leader, and a president who revitalized this country’s stagnant economy. He leaves behind a legacy that will clearly resonate in this country and throughout the world for centuries to come; and

WHEREAS, for a period of 30 days, from June 5, 2004 until July 4, 2004, the State of Illinois will fly flags at half-mast to honor a great man and
a “native son” of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 5, 2004 – July 4, 2004 as DAYS TO COMMEMORATE THE HONORABLE RONALD WILSON REAGAN in Illinois, and order all state facilities to fly flags at half-mast throughout the duration of these 30 days, and re-raise the flags to full-mast at sunset on July 4, 2004.

Issued by the Governor June 07, 2004.
Filed by the Secretary of State June 11, 2004.

2004-173
NATIONAL MARINA DAY

WHEREAS, the citizens of Illinois place a high value on our recreation time and our ability to access one of America’s greatest natural resources, its waterways; and

WHEREAS, in 1928, the word “marina” was used for the very first time by the National Association of Engine and Boat Manufacturers to define a recreational boating facility; and

WHEREAS, the state of Illinois is home to over 170 recreational boating facilities that contribute substantially to their communities by providing a safe, reliable gateway to boating for members of the community and welcomed guests; and

WHEREAS, Illinois marinas serve as stewards of the environment, actively seeking to protect the surrounding waterways not only for the enjoyment of this generation, but for generations to come; and

WHEREAS, in 2003, an estimated 72 million people participated in recreational boating activities, similarly to previous years. Sensing a need to burnish the marina industry’s already positive image, the Marine Operators Association of America created National Marina Day in 2001 and will be hosting National Marina Day 2004 in conjunction with the National Marine Manufacturers Association; and

WHEREAS, the goal of National Marina Day is to educate governmental leaders and the public on the value of the marina industry to cities and towns across America:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 14, 2004 as NATIONAL MARINA DAY in Illinois, and encourage all citizens to recognize the important role marinas play in providing fun, exciting recreation to our communities.

Issued by the Governor June 10, 2004.
Filed by the Secretary of State June 11, 2004.
2004-174
LA SAINT-JEAN-BAPTISTE DAY

WHEREAS, Canada and the United States have forged a strong alliance over the years as Québec continues to grow and define itself as a major contributor to the business world and to the trade production; and

WHEREAS, Québec ranks seventh among the United States’ trading partners, while the United States is Québec’s largest trading partner, buying 85 percent of Québec’s international exports; and

WHEREAS, the alliance between the two territories has been powerful in strengthening the relationship that had already existed between Illinois and Québec, which originated four centuries ago when voyagers and missionaries left Québec City and Montreal to explore and eventually settle in Illinois; and

WHEREAS, today, this relationship still exists, as Québec and a second Canadian territory, Ontario, have formed a partnership with Illinois and seven other Great Lakes states to develop initiatives that will improve the environment and economy of the Great Lakes region; and

WHEREAS, in light of the numerous connections that link this state and Québec, it is with pleasure that we join the Quebecois in celebration of la Saint-Jean-Baptiste or Saint Jean Baptiste Day, in honor of the patron saint of French Canada, St. John the Baptist; and

WHEREAS, this day, commonly referred to as the national holiday of Québec, has evolved from that of its earlier origins as pagan celebration to a celebration of Québec culture. For over 175 years, la Saint-Jean-Baptiste has remained a celebration of Québec identity, pride, and solidarity:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 24, 2004 as LA SAINT-JEAN-BAPTISTE DAY in Illinois, and encourage all citizens to recognize the significant contributions Canada has made to positively impact the economy and international relations in the state.

Issued by the Governor June 10, 2004.
Filed by the Secretary of State June 11, 2004.

2004-175
NATIONAL GYMNASTICS DAY

WHEREAS, gymnastics is a sport that encourages positive physical and mental development in participants. It also helps to develop flexibility, strength, grace, coordination, confidence, discipline, creativity, and a positive self-esteem; and

WHEREAS, USA Gymnastics, the sole governing body for the sport
of gymnastics in the United States, in conjunction with the National Association for Health and Fitness, is committed to getting our youth off the street and into the gym, where they can learn about the many benefits of gymnastics in a fun and safe environment; and

WHEREAS, National Gymnastics Day was first organized by USA Gymnastics in 1999, with the mission of increasing nationwide awareness of physical fitness and healthy lifestyles, while also promoting all aspects of the sport of gymnastics; and

WHEREAS, National Gymnastics Day serves a dual purpose, as it also helps to raise funds and increase public awareness of the Children’s Miracle Network; and

WHEREAS, the Children’s Miracle Network is a non-profit organization dedicated to raising funds for 170 children’s hospitals across North America, including four located in Illinois. These hospitals provide excellent care, and perform research and community outreach to help millions of children with diseases and injuries of every kind:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 7, 2004 as NATIONAL GYMNASTICS DAY in Illinois, and encourage all citizens to support the efforts of the numerous organizations that are striving to encourage greatness and achievement in our young people.

Issued by the Governor June 18, 2004.

Filed by the Secretary of State June 22, 2004.

2004-176
AMATEUR RADIO FIELD DAYS

WHEREAS, the Federal Communications Commission (FCC) defines the Amateur Radio Service as a voluntary, noncommercial communication service, used by persons interested in radio technique as a hobby, and not for reasons of financial gain or broadcast; and

WHEREAS, there are approximately 675,000 amateur radio operators in the United States, and more than 22,000 in the state of Illinois; and

WHEREAS, amateur radio operators, also known as ham radio operators, use radio technology mostly as a form of personal enjoyment, however, amateur radio is also a vital asset in the field of emergency communications, and has been formally recognized by a number of national relief organizations; and

WHEREAS, during natural disasters, normal telephone and cell phone systems are disrupted creating a need for amateur radio operators to step in and coordinate their communication efforts with disaster relief teams; and
WHEREAS, amateur radio operators have played a significant role in aiding relief workers in national emergencies, including the Oklahoma City Bombing in April 1995, the terrorist attacks on September 11, 2001, and the tornadoes that ravaged Illinois communities in April 2004:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 26 – 27, 2004 as AMATEUR RADIO FIELD DAYS in Illinois, and encourage all citizens to recognize the services this state’s amateur radio operators provide in keeping our communities safe.

Issued by the Governor June 18, 2004.
Filed by the Secretary of State June 22, 2004.

2004-177
WESTERVELT DAY

WHEREAS, the town of Westervelt was founded in 1904, and this year marks its 100th anniversary; and
WHEREAS, the town was named after Dr. J.C. Westervelt who practiced medicine for 75 years; and
WHEREAS, the citizens of Westervelt will commemorate the town’s centennial year with a myriad of events including a town celebration on Saturday, June 26 at Middlesworth Park in the village; and
WHEREAS, a book detailing the community’s first 100 years has been published and is available at the Shelby County Historical and Genealogical Society. Citizens of the town will be dedicating a memorial plaque and collecting historical items to be placed in one of two vaults that will be buried and then uncovered at the community’s 150-year anniversary:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 26, 2004 as WESTERVELT DAY in Illinois, and encourage all citizens to join in recognizing this historic milestone for the community of Westervelt.

Issued by the Governor June 18, 2004.
Filed by the Secretary of State June 22, 2004.

2004-178
LAKES APPRECIATION MONTH

WHEREAS, lakes and ponds are among our nation’s most valuable resources. Not only are they an attractive part of the physical landscape, but these natural resources also contribute significantly to the nation’s economy; and
WHEREAS, on average, the value of real estate along desirable water areas is nearly 30 percent greater than similar properties located inland; and
WHEREAS, it is estimated that the annual sales for just three activities, fishing, boating, and bird watching and hunting, provide nearly $45 billion to the nation’s economy, nearly $2 billion of which is spent in Illinois; and

WHEREAS, waterfront destinations such as: beaches, rivers, and lakes are the number one vacation choice for Americans. Each year, the citizens of this country take over 1.8 billion trips to go fishing, swimming, boating, or to relax around their favorite water destination. Here in Illinois, an average of 1.4 million people visit annually to hunt and fish, and an average of 2.6 million visitors come to view wildlife; and

WHEREAS, Illinois lakes are valuable economic resources for our great state’s businesses, tourism, and municipal governments; and

WHEREAS, the state of Illinois is fortunate to have more than 91,000 lakes, ponds and reservoirs within its boundaries, which cover over 1.6 million acres of land; and

WHEREAS, over the last 22 years, thousands of citizens have volunteered their time to monitor lake quality in Illinois through the Volunteer Lake Monitoring Program (VLMP), sponsored by the Illinois Environmental Protection Agency. VLMP focuses on lake ecosystems and serves as an educational program for citizens. It also offers a cost effective method of gathering fundamental information on Illinois’ inland lakes:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 2004 as LAKES APPRECIATION MONTH in Illinois, and encourage all citizens to recognize the importance of lakes and reservoirs to our state, and the need to protect this state’s resources, not only for our enjoyment, but also for the enjoyment of future generations.

Issued by the Governor June 21, 2004.
Filed by the Secretary of State June 22, 2004.

2004-179
GREEN RIBBON AWARENESS DAY

WHEREAS, cancer of the kidney is a disease that begins as a tumor in the kidneys that often causes blood in the urine, lower back pain, and fatigue. If untreated, it will spread to the rest of the body (metastasize) and lead to death; and

WHEREAS, the cause of kidney cancer is unknown, although smoking, obesity, high blood pressure, environmental toxins, prolonged dialysis, radiation, and inherited conditions have all been shown to increase the risk of developing the disease; and

WHEREAS, if detected and treated early, the chances of recovery from kidney cancer are good; and
WHEREAS, more than 35,000 Americans are diagnosed with kidney cancer each year, and more than 12,000 die of the disease. In the state of Illinois, the rate of incidence is slightly higher than the national average; and
WHEREAS, increased awareness of the risk factors, symptoms, and scope of kidney cancer can save lives by improving the prevention, early detection, and treatment of kidney cancer; and
WHEREAS, in April 2004, the Kidney Cancer Association in the United States and Kidney Cancer United Kingdom adopted a green ribbon campaign to raise awareness of kidney cancer; and
WHEREAS, the green ribbon symbolizes support for kidney cancer survivors, patients, and researchers:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 24, 2004 as GREEN RIBBON AWARENESS DAY in Illinois, and encourage all citizens to recognize the risk factors and symptoms of kidney cancer so that we may begin to reduce its devastating impact.

Issued by the Governor June 21, 2004.
Filed by the Secretary of State June 22, 2004.

2004-180
NATIONAL AQUATIC WEEK

WHEREAS, people of almost all ages and conditions can enjoy swimming; and
WHEREAS, the physical exercise of swimming provides lasting health benefits, including improved cardiovascular fitness, stronger muscles, and more flexibility; and
WHEREAS, swimming is an especially beneficial means of exercise for pregnant women, the overweight, and those rehabilitating from physical injuries; and
WHEREAS, swimming and aquatic-related facilities provide a valuable source of recreation for the whole family and are ideal places for relieving stress; and
WHEREAS, the state of Illinois’ many lakes and rivers, along with countless local swimming facilities, provide the opportunity for all of our residents to receive the great benefits of swimming:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 18-24, 2004 as NATIONAL AQUATIC WEEK in Illinois, and encourage all citizens to recognize the role that swimming plays in improving the physical and mental health of people in this state and throughout the country.

Issued by the Governor June 21, 2004.
2004-181
NATIONAL BATON TWIRLING WEEK

WHEREAS, the art of baton twirling positively affects the lives of nearly one-half million young Americans; and
WHEREAS, baton twirling can build the confidence of these young girls and boys, and the dedication learned in training for and practicing the sport is beneficial to all situations in life; and
WHEREAS, baton twirling is one of the largest nationwide beneficial movements for today’s young girls; and
WHEREAS, baton twirling is used in children’s hospitals as a unique and effective method of physical therapy; and
WHEREAS, baton twirlers provide inspiration and wholesome entertainment in our communities; and
WHEREAS, baton twirlers from all over the United States will gather at the University of Notre Dame July 20-24, 2004, to conduct a colorful pageant entitled “America’s Youth On Parade;”

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 18-24, 2004 as NATIONAL BATON TWIRLING WEEK in Illinois, and encourage our citizens to appreciate and support the colorful and beneficial youth movement of baton twirling.

Issued by the Governor June 21, 2004.
Filed by the Secretary of State June 22, 2004.

2004-182
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Department of Military Affairs, Illinois Emergency Management Agency, Department of Corrections, Department of State Police, Department of Children and Family Services, Department of Public Aid, Department of Public Health, and the Department of Human Services; and

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on June 24, 2004, at 2:00 p.m., to consider Senate Bills 3232, 3233, 3241, 3242, 3243, 3256, 3257, and 3278 and any
other legislation (new or pending) which will address directly the budgets of
the Department of Military Affairs, Illinois Emergency Management Agency,
Department of Corrections, Department of State Police, Department of
Children and Family Services, Department of Public Aid, Department of
Issued by the Governor June 23, 2004.
Filed by the Secretary of State June 23, 2004.

2004-183
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly
to make appropriations for the expenditure of public funds for the fiscal year
for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for
fiscal year 2005 for the expenditure of public funds for the Department of
Transportation; and
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois
Constitution of 1970, I hereby call and convene the 93rd General Assembly
in a special session to commence on June 25, 2004, at 12:00 p.m., to consider
any legislation (new or pending), which will address directly the budget of
the Department of Transportation for fiscal year 2005.
Issued by the Governor June 24, 2004.
Filed by the Secretary of State June 24, 2004.

2004-184
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly
to make appropriations for the expenditure of public funds for the fiscal year
for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for
fiscal year 2005 for the expenditure of public funds for the Illinois
Environmental Protection Agency; and
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois
Constitution of 1970, I hereby call and convene the 93rd General Assembly
in a special session to commence on June 26, 2004, at 10:00 a.m., to consider
any legislation (new or pending), which will address directly the budget of
the Illinois Environmental Protection Agency for fiscal year 2005.
Issued by the Governor June 25, 2004.
Filed by the Secretary of State June 25, 2004.
2004-185
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Department of Natural Resources; and
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on June 27, 2004, at 4:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Natural Resources for fiscal year 2005.

Issued by the Governor June 25, 2004.
Filed by the Secretary of State June 25, 2004.

2004-186
SPECIAL SESSSION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Department of Aging; and
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on June 28, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Aging for fiscal year 2005.

Issued by the Governor June 25, 2004.
Filed by the Secretary of State June 25, 2004.

2004-187
CHICAGO DEFENDER CHARITIES BUD BILLIKEN DAY

WHEREAS, this year marks the 75th anniversary of the Bud Billiken Parade, one of the largest parades in the nation; and
WHEREAS, since its beginnings in 1929, the Bud Billiken Parade has attracted more than 50 million people to share in free, wholesome entertainment celebrating fun and unity within the African-American
community; and

WHEREAS, parade activities consist of a drill team and drum corps competition, local entertainment, activities for children, and a picnic and vendor area; and

WHEREAS, this year’s parade will be held on August 14, 2004 at 10 a.m., and will begin on Dr. Martin Luther King, Jr. Drive on the city’s southside. The theme for the parade is “A Time to Encourage and Educate Our Youth;” and

WHEREAS, Chicago Defender Charities, Incorporated, the sponsoring organization for this event, provides services to those in need. Some of the services included are scholarships and financial assistance to deserving high school and college youths, gift baskets provided to over 3,000 public housing residents during the holiday season, and numerous other acts performed throughout the community:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 14, 2004 as CHICAGO DEFENDER CHARITIES BUD BILLIKEN® DAY in Illinois, and encourage all citizens to join in celebrating the anniversary of this noteworthy event.

Issued by the Governor June 24, 2004.
Filed by the Secretary of State June 25, 2004.

2004-188
AMERICANS WITH DISABILITIES ACT DAY

WHEREAS, the Americans with Disabilities Act (ADA), passed by Congress in 1990, established a “clear and comprehensive prohibition of discrimination on the basis of disability,” with a disability being defined as “a physical or mental impairment that substantially limits one or more of the major life activities” of an individual; and

WHEREAS, the passage of the ADA represented a major step toward protecting civil rights and improving the quality of life for disabled persons, who had previously not only lacked federal protection, but were also often subjected to discrimination and even ridicule of the most flagrant kind; and

WHEREAS, the year 2004 marks the 14th anniversary of the ADA’s civil rights guarantee for individuals with disabilities; and

WHEREAS, Illinois has a long history of commitment to protecting the rights of disabled persons, going back 25 years to the passage of the Illinois Human Rights Act, which made discrimination against any person with a “physical or mental handicap” illegal; and

WHEREAS, in 2002, an estimated 1.5 million citizens of Illinois, or 14.3 percent of the state’s population, were classified as having a disability; and
WHEREAS, the State of Illinois and its agencies are committed to continuing efforts to ensure that citizens with disabilities are able to fully participate in employment, transportation, education, communication, and community opportunities; and

WHEREAS, during the week of July 18-24, 2004, the Illinois Department of Human Services, in cooperation with numerous other state agencies, councils, and consumers will celebrate the anniversary of the ADA with special events in Springfield and Chicago:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 22, 2004 as AMERICANS WITH DISABILITIES ACT DAY in Illinois, and encourage all citizens to recognize the historical significance of the ADA, and in turn, do their part to ensure that people with disabilities live happy and productive lives.

Issued by the Governor June 24, 2004.
Filed by the Secretary of State June 25, 2004.

2004-189
SLOVENIAN DAY

WHEREAS, the Slovenian culture has existed for over 1500 years, persisting through the rule of numerous European empires and conquerors; and

WHEREAS, Slovenians fought bravely for their independence against both the Axis powers during World War II and Slobodan Milosevic’s Yugoslavia in 1991; and

WHEREAS, the Republic of Slovenia gained its independence from Yugoslavia on July 17, 1991; and,

WHEREAS, thousands of Slovenian Americans live in Illinois and have contributed much to the progress and development of the state; and

WHEREAS, on July 17th of this year, Slovenians in Illinois and around the world will commemorate the 13th anniversary of independence by celebrating Slovenian Day, which highlights Slovenian literature, artists, folklore, singing, dancing, music, and crafts:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 17, 2004 as SLOVENIAN DAY in Illinois and all citizens to join in celebration of the rich Slovenian culture and heritage.

Issued by the Governor June 24, 2004.
Filed by the Secretary of State June 25, 2004.
WHEREAS, purchasing a home is the largest financial investment most American families will ever make, allowing families to build financial security as the equity in their home increases; and

WHEREAS, most homeowners work to retain or increase the value of their investment, which translates into a greater concern for neighborhoods and surrounding communities. A family that owns its home is more likely to upgrade their property, to take pride in their neighborhood, and become more interested in the well-being of their community; and

WHEREAS, currently, a record 68.6 percent of Americans own their home, which means they are benefitting from the increasing value of their property investment. In fact, more families own homes now, and have more equity than ever before. Since the year 2000, equity in residential property has risen by $3.8 trillion, a 33 percent increase; and

WHEREAS, while minority homeownership rates have increased, Hispanics and African-Americans are still significantly behind the overall national homeownership rate. This year, 3 out of 5 first-time homebuyers in Illinois are expected to be minorities; and

WHEREAS, the State of Illinois is committed to assisting first-time homeowners, individuals with low incomes, and minorities in securing homeownership. Through the Illinois’ Affordable Housing Trust Fund, four homeownership programs in Illinois have received $3.2 million to assist approximately 300 first-time homeowners, with low to moderate incomes, in achieving this goal; and

WHEREAS, this year, the United States’ Department of Housing and Urban Development (HUD) has helped over 6,500 Illinois families purchase their first home, and through HUD’s American Dream Downpayment Initiative, over $7 million in down payment assistance for first time homebuyers is now available to Illinois citizens:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2004 as HOMEOWNERSHIP MONTH in Illinois, and encourage all citizens to take advantage of the financial and educational resources that are available to help them achieve their dream of owning a home.

Issued by the Governor June 24, 2004.
Filed by the Secretary of State June 25, 2004.
WHEREAS, small businesses serve as drivers of the American entrepreneurial spirit, and are necessary for maintaining the vitality of this country’s economy; and

WHEREAS, small businesses provide an important means of advancement for minority populations, allowing for more expedient hands-on business experience and greater independence; and

WHEREAS, Illinois was recently named the second most business-friendly state in the Midwest, and 13th in the country, by the Small Business Survival Committee; and

WHEREAS, as of 2003, small businesses in Illinois accounted for 48.4 percent of the state’s non-farm sector employees, with 2.5 million workers. There are currently 110,300 minority-owned businesses in the state; and

WHEREAS, since January 2003, my administration has been active in giving small businesses the boost they need to grow and expand in Illinois. Through programs such as Opportunity Returns, we are working to make a positive economic impact on some of Illinois’ most underserved areas; and

WHEREAS, the Minority Business Expo 2004, which is open to all businesses, will be held Saturday, July 10, at the Holiday Inn in Matteson. It will provide a chance for businesses to network, share creative talents, and form beneficial cooperative ventures:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 4-10, 2004 as MINORITY BUSINESS EXPO WEEK in Illinois, and encourage all citizens to support the goal of improving opportunities for all who own or seek to start a small business.

Issued by the Governor June 24, 2004.
Filed by the Secretary of State June 28, 2004.

2004-192
NATIONAL CHILD SUPPORT AWARENESS MONTH

WHEREAS, the full and timely payment of child support is essential to providing for our children’s needs and ensuring that they have the best possible opportunities to lead fulfilling lives; and

WHEREAS, child support is not only a financial issue but is also a means of including both parents in the lives of their children; and

WHEREAS, in 2002, the Federal Office of Child Support Enforcement reported that almost 20 million children in the United States were involved in a child support arrangement, almost one million of which
were in Illinois. In addition, the same report showed that Illinois’ child support collection rate in 2002 was 52%, a large improvement from the 2001 level, but still below the national average; and

WHEREAS, the Illinois Department of Public Aid works closely with the Departments of Human Services, Public Health, Children and Family Services, Corrections, Aging, Revenue, other state and county agencies, and various community groups, to help identify children’s natural fathers, and thereby ensure that child support services are sufficiently provided to those children; and

WHEREAS, my administration has actively worked to improve child support enforcement mechanisms by establishing successful partnerships with the federal government, and by creating the “Deadbeat Parents” web site (http://www.ilchildsupport.com/deadbeats/), which aims to extract outstanding child care payments from delinquent parents:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2004 as NATIONAL CHILD SUPPORT AWARENESS MONTH in Illinois, and encourage all citizens to recognize the importance of child support in helping our children have better futures.

Issued by the Governor June 30, 2004.
Filed by the Secretary of State July 01, 2004.

2004-193

GYNECOLOGIC CANCER AWARENESS MONTH

WHEREAS, gynecologic cancers, like other forms of cancer, are caused by the uncontrolled growth and spread of abnormal cells; and

WHEREAS, each year, approximately 82,000 women across the nation are diagnosed with one of these types of cancer: ovarian, uterine, cervical, vulvar, vaginal, or tubal; and

WHEREAS, gynecologic cancers account for 14 percent of cancer diagnoses and 11 percent of all cancer deaths in the United States. A similar pattern is seen among Illinois women, in which case, 12 percent of all cancer cases (approximately 3,500 cases per year), are diagnosed as a gynecologic cancer, and 10 percent of all cancer deaths, or approximately 1,200 cases, are the result of gynecologic cancers; and

WHEREAS, signs of gynecologic cancer vary and may not always appear in a physical form. Women who are experiencing abnormal symptoms should seek medical attention as soon as possible to obtain proper diagnosis; and

WHEREAS, diet, exercise, and lifestyle choices play a significant role in the prevention of cancer. Additionally, knowing your family history can increase your chance of early diagnosis and can help you take action
towards prevention; and

WHEREAS, early detection is the key to successfully treating gynecologic cancer, so it is imperative that that women receive regular screenings and conduct self-examinations; and

WHEREAS, the Gynecologic Cancer Foundation (GCF) is a not-for-profit organization that was established to raise funds in support of philanthropic programs benefiting women who are currently living with gynecologic cancer, or are at risk of developing the disease; and

WHEREAS, GCF was founded in 1991 by the members of the Society of Gynecologic Oncologists. Their mission is to raise public awareness of preventative measures, warning signs, and treatment options associated with gynecologic cancers; and

WHEREAS, through the Illinois Breast and Cervical Cancer Program, sponsored by the Illinois Department of Public Health’s (DPH) Office of Women’s Health, women between the ages of 35 and 64 who are low income and lack health insurance, can receive free breast and cervical cancer screenings:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as GYNECOLOGIC CANCER AWARENESS MONTH in Illinois, and encourage all women to educate themselves on the issues related to gynecologic cancers and other diseases that pose a threat to their health and vitality.

Issued by the Governor June 30, 2004.
Filed by the Secretary of State July 01, 2004.

2004-194
MDA TELETHON CELEBRATION MONTH

WHEREAS, the Muscular Dystrophy Association (MDA) is a voluntary health agency working to defeat neuromuscular diseases through research, professional and public health education, and by offering comprehensive medical services to patients suffering from the disorder; and

WHEREAS, children and adults nationwide directly benefit from the support provided by MDA. Each year, the organization sends over 4,000 children to summer camps, at no cost to their families, provides free flu vaccinations to help prevent potentially deadly respiratory complications, and offers financial assistance to families toward the purchase of wheelchairs, leg braces, and communication devices; and

WHEREAS, over one-million Americans are currently affected by a neuromuscular disease. In Illinois, 5000 families are suffering from some form of this disease and are registered with MDA; however, there are other families that are not registered and have not benefited from their services;
and

WHEREAS, since its founding in 1950, MDA has provided medical services to tens of thousands of people with neuromuscular diseases at more than 200 hospital-affiliated clinics across the country; and

WHEREAS, being the largest nongovernmental sponsor of neuromuscular disease research, the MDA relies almost entirely on private contributions for its operation, and receives no government funds; and

WHEREAS, the Jerry Lewis Labor Day Telethon is MDA’s single largest fund-raising event. Last year’s production raised more than $60 million nationally, including approximately $2 million from the state of Illinois; and

WHEREAS, the first-ever Jerry Lewis MDA Labor Day Telethon was broadcast in 1966, and raised more than $1 million in pledges, the first televised fund-raising event of its kind to achieve this feat. This year represents the 39th annual telethon to be held on Labor Day weekend:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as MDA TELETHON CELEBRATION MONTH in Illinois and encourage all citizens to join MDA in their fight to cure this debilitating disease.

Issued by the Governor June 30, 2004.
Filed by the Secretary of State July 01, 2004.

2004-195
YOUTH SOCCER MONTH

WHEREAS, the popularity of youth soccer is steadily increasing in the United States, with more than 19 million children ranging from ages 6-19 playing the game. In Illinois alone, over 80,000 youth participate in soccer; and

WHEREAS, the Illinois Youth Soccer Association, the governing body for youth soccer in Illinois, has become the largest youth sport organization in the state; and

WHEREAS, soccer provides a healthy environment that reinforces values crucial to the maturation of youth of all ages and backgrounds, including: having a positive self-esteem, the importance of physical fitness, the value of hard work, and the ideals of teamwork, commitment, and sportsmanship; and

WHEREAS, in an attempt to capitalize on the benefits soccer provides to youth and their families in their everyday lives, US Youth Soccer is spearheading Youth Soccer Month – Celebrating Soccer in America; and

WHEREAS, in its second year, the goals of Youth Soccer Month are to: raise awareness of youth soccer and its benefits, emphasize soccer as the
number one youth participation sport in America, bring youths of all ages and abilities and their families together for fun, friendship, and fitness, and highlight the various programs available to all children regardless of their economic situation, physical disabilities, or skill level; and

WHEREAS, the messages of Youth Soccer Month mirror those of the President’s Council in Physical Fitness and Sports, and communicate the importance of physical activity, and how exercise plays a role in good health:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as YOUTH SOCCER MONTH in Illinois, and encourage all citizens to realize the benefits soccer and other positive youth activities play in raising healthy, productive citizens.

Issued by the Governor June 30, 2004.
Filed by the Secretary of State July 01, 2004.

2004-196
SPECIAL SESSION

WHEREAS, the Department of Human Services has proposed the transition of payment methodology for certain health care and social service providers from a grant methodology to a fee-for-service methodology; and

WHEREAS, the General Assembly has proposed legislative action addressing this issue;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 2, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly any fee-for-service initiatives proposed to be implemented by the Department of Human Services.

Issued by the Governor July 01, 2004.
Filed by the Secretary of State July 01, 2004.

2004-197
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and

WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Domestic Violence Shelters and Services Program within the Department of Human Services; and

WHEREAS, thousands of Illinois citizens throughout the State are
victims of domestic violence every year; and
WHEREAS, the Domestic Violence Shelters and Services Program provides a safe haven and the most basic needs of food, clothing, and shelter for domestic violence victims throughout the State;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 6, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Human Services for the Domestic Violence Shelters and Services Program for fiscal year 2005.
Issued by the Governor July 02, 2004.
Filed by the Secretary of State July 02, 2004.

2004-198
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Homeless Youth Services Program within the Department of Human Services; and
WHEREAS, there are currently approximately 25,000 homeless children in need throughout the State of Illinois; and
WHEREAS, the Homeless Youth Services Program provides the most basic needs of food, clothing, and shelter for homeless youth throughout the State;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 7, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Human Services for the Homeless Youth Services Program for fiscal year 2005.
Issued by the Governor July 06, 2004.
Filed by the Secretary of State July 06, 2004.

2004-199
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Comprehensive Community Based Service to Youth Program within the Department of Human Services; and
WHEREAS, many Illinois youth throughout the State have been identified as at risk; and
WHEREAS, the Comprehensive Community Based Service to Youth Program provides affirmative guidance to assist at risk youth throughout the State in working toward more meaningful and productive lives;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 8, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Human Services for the Comprehensive Community Based Service to Youth Program for fiscal year 2005.
Issued by the Governor July 07, 2004.
Filed by the Secretary of State July 07, 2004.

2004-200
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Intensive Prenatal Performance Program within the Department of Human Services; and
WHEREAS, many Illinois mothers throughout the State have been identified as high risk for having low weight births; and
WHEREAS, the Intensive Prenatal Performance Program provides prenatal health care services to high-risk mothers throughout the State in order to avoid the adverse consequences of low birth weight for children;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 9, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Human Services for the Intensive Prenatal Performance Program for fiscal year 2005.
Issued by the Governor July 08, 2004.
Filed by the Secretary of State July 08, 2004.
WHEREAS, there are an estimated 6.2 million women-owned firms in the United States, employing 9.2 million people and contributing $1.15 trillion in sales and revenue to the nation’s economy, according to the U.S. Small Business Administration (SBA). More than 239,000 of these businesses are owned by women in Illinois; and

WHEREAS, the number of women business owners has increased significantly in recent years, as women are starting businesses at twice the rate of other businesses and are having greater longevity; and

WHEREAS, agencies such as the Illinois Department of Commerce and Economic Opportunity and SBA provide educational and financial resources to women and other underrepresented groups to help them to succeed in their business ventures; and

WHEREAS, the Women’s Business Development Center (WBDC), a Chicago based firm, is a nationally-recognized nonprofit organization that is also devoted to providing services and programs that support and accelerate women’s business ownership and strengthen the impact of women on the economy; and

WHEREAS, WBDC was established in 1986 and has steadily evolved to offer larger, more comprehensive services to its members, including one-on-one counseling, workshops, entrepreneurial training, and the Child Care Business Initiative Program, Illinois’ first child care business initiative to assist women in low-income communities establish and expand home-based child care businesses; and

WHEREAS, WBDC has assisted over 50,000 women in the greater Chicago area, helped to establish 14 other women’s business assistance centers across the nation, and is a recognized leader in the development of programs and policies affecting women’s economic development and women’s business ownership; and

WHEREAS, WBDC will hold its 18th Annual Entrepreneurial Woman’s Conference providing opportunities for women to develop new marketing opportunities, as well as learn and share critical business information through workshops and networking:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 8 – 9, 2004 as WOMEN’S BUSINESS DEVELOPMENT DAYS in Illinois, and encourage all citizens to support the movement for social, educational, and economic empowerment of women.

Issued by the Governor July 07, 2004.
Filed by the Secretary of State July 09, 2004.
2004-202
AMERICORPS DAY

WHEREAS, AmeriCorps is a network of national service programs which partners volunteers with nonprofits, public agencies, or faith-based organizations, to improve education, protect public safety, improve health care, provide disaster relief, and perform other essential services in the community; and
WHEREAS, AmeriCorps began in 1993 as a partnership between the federal government and Governor-appointed state commissions; and
WHEREAS, since 1994, more than 250,000 men and women have served in AmeriCorps, providing needed assistance to millions of Americans; and
WHEREAS, the citizens of Illinois are currently receiving valuable assistance from over 600 AmeriCorps members who have made a promise to better their communities; and
WHEREAS, this year marks AmeriCorps 10th anniversary in the state of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 26, 2004 as AMERICORPS DAY in Illinois, and commend the work of AmeriCorps for their 10 years of service to Illinois’ communities.

Issued by the Governor July 07, 2004.
Filed by the Secretary of State July 09, 2004.

2004-203
FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN

WHEREAS, regularly eating dinner as a family is an effective way for parents to remain involved in the lives of their children; and
WHEREAS, research by The National Center on Addiction and Substance Abuse (CASA) at Columbia University has found that teens from families that almost never eat together are 72% more likely to smoke, drink, or use illegal drugs than the average teen; and
WHEREAS, CASA also found that people who avoid smoking, using illegal drugs, and abusing alcohol through age 21 are much less likely to pick up those habits as adults; and
WHEREAS, parents’ ability to preemptively fight substance abuse in young people is not only important for the children’s health and well-being, but it also reduces the need for state and/or professional intervention. In 1998, CASA estimated that the State of Illinois spent over 12% of its
budget, or almost $3 billion, on substance abuse education, prevention, prosecution, and treatment:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 27, 2004 as FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN in Illinois, and encourage all families to take this easy step toward ensuring that their children lead safe, substance-free lives.

Issued by the Governor July 08, 2004.
Filed by the Secretary of State July 09, 2004.

2004-204
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and

WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Children’s Place Program within the Department of Human Services; and

WHEREAS, there are currently many children and families throughout the State of Illinois who are affected by HIV/AIDS; and

WHEREAS, the Children’s Place Program provides day care and other services for children and families throughout the State who are affected by HIV/AIDS;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 12, 2004, at 4:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Human Services for the Children’s Place Program for fiscal year 2005.

Issued by the Governor July 09, 2004.
Filed by the Secretary of State July 09, 2004.

2004-205
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and

WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Family Care Fund within the Department of Public Aid; and
WHEREAS, there are currently many indigent families without health care coverage throughout the State of Illinois; and
WHEREAS, the Family Care Fund provides basic medical coverage to indigent families throughout the State;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 13, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Public Aid for the Family Care Fund for fiscal year 2005.
Issued by the Governor July 12, 2004.
Filed by the Secretary of State July 12, 2004.

2004-206
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Team Illinois Program within the Department of Human Services; and
WHEREAS, there are currently many economically depressed communities throughout the State of Illinois; and
WHEREAS, the Team Illinois Program provides infrastructure, technical assistance, and resources to the most economically depressed communities in the State;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 14, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Human Services for the Team Illinois Program for fiscal year 2005.
Issued by the Governor July 13, 2004.
Filed by the Secretary of State July 13, 2004.

2004-207
HELPING CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS

WHEREAS, a “developmental disability” is defined as a disorder caused by mental retardation, cerebral palsy, epilepsy, autism, or any other condition which results in impairment similar to that of mental retardation.
A developmental disability originates before the age of 18 and is expected to continue indefinitely; and,

WHEREAS, approximately 1.5 percent of the U.S. population is afflicted with a developmental disability or mental retardation. Due to the early onset and debilitating nature of these disorders, many more children are affected than adults; and

WHEREAS, one of the main purposes of the Knights of Columbus, a fraternal order with 1.6 million members around the world, is to support various charitable causes that seek to make our families and communities stronger. It has donated $1 billion and volunteered 400 million hours of service in the past decade; and

WHEREAS, the Illinois State Council of the Knights of Columbus will hold their 35th Annual Fund Drive for the Mental Retardation / Learning Disabilities Program from September 17-19, 2004, distributing the funds they raise to more than 300 organizations throughout Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 17-19, 2004 as HELPING CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS in Illinois, and encourage all citizens to contribute what they can to assist the people that are afflicted with these terrible disorders.

Issued by the Governor July 13, 2004.
Filed by the Secretary of State July 14, 2004.

2004-208
YELLOW RIBBON SUICIDE AWARENESS AND PREVENTION WEEK

WHEREAS, suicide is a tragic but preventable action that is typically a cry for help from people suffering from depression; and

WHEREAS, each year, over 30,000 people in the United States die from suicide, 50 percent more deaths than are caused by homicide. Overall, it is the 11th leading cause of death in the country; and

WHEREAS, nationally, suicide is the third leading cause of death among young people ages 15-24; and

WHEREAS, a person who talks about suicide, makes statements about hopelessness or helplessness, has a preoccupation with death, feels a sudden happiness or calmness in the midst of depression, experiences a loss of interest in things they care about, begins setting their affairs in order, visits or calls loved ones, and gives away possessions can all be warning signs that they are contemplating suicide; and

WHEREAS, it is imperative that those who know someone that may be suicidal makes certain that the person immediately seeks help from a
doctor or psychiatrist; and
WHEREAS, research shows that suicide education does indeed save lives. In fact, 80 percent of people that seek treatment for depression are treated successfully; and
WHEREAS, the yellow ribbon is rapidly becoming the international symbol for the awareness and prevention of suicide. It is recognized and used by suicide prevention groups, crisis centers, schools, churches, youth centers/hospitals, counselors, teachers, parents, and youth:

THEREFORE I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 19-25, 2004 as YELLOW RIBBON SUICIDE AWARENESS AND PREVENTION WEEK in Illinois, and encourage all citizens to recognize the prevalence of suicide and to take immediate action if they suspect someone is suicidal.

Issued by the Governor July 13, 2004.
Filed by the Secretary of State July 14, 2004.

2004-209
NATIONAL OSTEOPATHIC MEDICINE MONTH

WHEREAS, osteopathic medicine has been a recognized part of the medical profession for 130 years. Developed by physician A.T. Still, osteopathic medicine is emerging as one of the fastest growing healthcare professions in the United States; and
WHEREAS, osteopathic medicine combines the basic principles of medicine with the philosophy of total body care, emphasizing disease prevention and treatment of the total person, rather than treatment of the disease alone; and
WHEREAS, there are only two types of complete physicians licensed to perform surgery and prescribe medication in the United States, osteopathic physicians, or D.O.s as they are also known, and allopathic physicians, or M.D.s. The philosophy of total body care is just one unique difference that exists between D.O.s and M.D.s; and
WHEREAS, in addition to four years of medical school, D.O.s receive extra training in the musculoskeletal system – your body’s interconnected system of nerves, muscles and bones that make up two-thirds of its body mass. This training provides osteopathic physicians with a better understanding of the ways that an injury or illness in one part of the body can affect another; and
WHEREAS, in the U. S., there are more than 52,000 practicing osteopathic physicians of which, more than 2,000 are in the state of Illinois. In addition, Downers Grove, Illinois is home to one of only 20 colleges of osteopathic medicine nationwide:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as NATIONAL OSTEOPATHIC MEDICINE MONTH in Illinois, and encourage all citizens to become aware of osteopathic medicine as a viable option in their quest for healthy living.
Issued by the Governor July 13, 2004.
Filed by the Secretary of State July 14, 2004.

2004-210
NATIONAL PAYROLL WEEK

WHEREAS, it is important that American workers are well educated about their own payroll systems, and that they maintain an open line of communication with the payroll professionals that manage them. This includes being aware of their companies’ wage policies, and how critical government programs such as social security, Medicare, fair labor standards, and child support can come into play; and
WHEREAS, education about the payroll withholding system, direct deposit options, and other electives allows workers to maximize their paycheck’s bottom-line; and
WHEREAS, the American Payroll Association (APA) and its Diamond Sponsor, Automatic Data Processing, have launched a nationwide public awareness campaign that pays tribute to the more than 142 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings, and withholding federal employment taxes; and
WHEREAS, payroll professionals play a key role in our government. Through payroll withholding, they collect and transfer as much as 66% of U.S. Treasury revenue from the working public; and
WHEREAS, the Chicago Chapter of the APA is planning various activities during the week of September 6-10, 2004 to increase awareness and educate others on payroll issues. As a part of this week, local school and community groups will attend forums and presentations to help them learn about paychecks and saving strategies; and
WHEREAS, September 6, 2004 is Labor Day, a national holiday dedicated to the contributions American workers have made to the strength, prosperity, and well-being of our country:
THEREFORE I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 6-10, 2004 as NATIONAL PAYROLL WEEK in Illinois, and encourage all citizens to recognize the important role that payroll professionals play in educating the working public about their paychecks.
Issued by the Governor July 13, 2004.
WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for Adjustment Payments to Trauma Centers within the Department of Public Aid; and
WHEREAS, there are currently many trauma centers that provide care to Medicaid patients throughout the State of Illinois; and
WHEREAS, Adjustment Payments to Trauma Centers provide financial support to trauma centers throughout the State that provide care to Medicaid patients;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 15, 2004, at 4:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Public Aid for Adjustment Payments to Trauma Centers for fiscal year 2005.

Issued by the Governor July 14, 2004.
Filed by the Secretary of State July 14, 2004.

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the New Americans Initiative within the Department of Human Services; and
WHEREAS, many foreign nationals immigrate to the State of Illinois and need assistance integrating into American society and the economy; and
WHEREAS, the New Americans Initiative provides assistance to immigrants throughout the State in order to facilitate their integration into American society and the economy;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 16, 2004, at 2:00 p.m., to consider
any legislation (new or pending), which will address directly the budget of the Department of Human Services for the New Americans Initiative for fiscal year 2005.

Issued by the Governor July 15, 2004.
Filed by the Secretary of State July 15, 2004.

2004-213
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Teen Parent Services Program within the Department of Human Services; and
WHEREAS, many Illinois teens throughout the State prematurely become parents without the necessary education and experience; and
WHEREAS, the Teen Parent Services Program provides affirmative guidance and education to teen parents throughout the State;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 19, 2004, at 4:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Human Services for the Teen Parent Services Program for fiscal year 2005.

Issued by the Governor July 16, 2004.
Filed by the Secretary of State July 16, 2004.

2004-214
SPECIAL SESSION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Abstinence Education Program within the Department of Human Services; and
WHEREAS, abstinence is a proven safe method of family planning and to avoid transmission of sexually transmitted disease; and
WHEREAS, the Abstinence Education Program informs citizens throughout the State of Illinois of the health and safety benefits of abstinence;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 20, 2004, at 11:00 a.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Human Services for the Abstinence Education Program for fiscal year 2005.

Issued by the Governor July 19, 2004.
Filed by the Secretary of State July 19, 2004.

2004-192
NATIONAL CHILD SUPPORT AWARENESS MONTH (REVISED)

WHEREAS, the full and timely payment of child support is essential to providing for our children’s needs and ensuring that they have the best possible opportunities to lead fulfilling lives; and

WHEREAS, child support is not only a financial issue but is also a means of including both parents in the lives of their children; and

WHEREAS, in Fiscal Year 2004, Illinois increased total child support collections by 10 percent to $950 million, and the state’s improvement in this area can be tied in part to the fact that in December 2003, the Federal Office of Child Support Enforcement formally certified that Illinois’ KIDS child support database meets all federal standards for reliability, accuracy and automation; and

WHEREAS, the Illinois Department of Public Aid works closely with the Departments of Human Services, Public Health, Children and Family Services, Corrections, Aging, Revenue, other state and county agencies, and various community groups, to help identify children’s natural fathers, and thereby ensure that child support services are sufficiently provided to those children; and

WHEREAS, my administration has actively worked to improve child support enforcement mechanisms by establishing successful partnerships with the federal government, and by creating the “Deadbeat Parents” web site (http://www.ilchildsupport.com/deadbeats/), which aims to extract outstanding child care payments from delinquent parents:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2004 as NATIONAL CHILD SUPPORT AWARENESS MONTH in Illinois, and encourage all citizens to recognize the importance of child support in helping our children have better futures.

Issued by the Governor July 19, 2004.
Filed by the Secretary of State July 20, 2004.
WHEREAS, the Illinois Alcoholism and Drug Dependence Association’s (IADDA) members work to increase public understanding of substance abuse and addiction. For 37 years, IADDA has advocated for public policy that will create healthier families and safer communities; and

WHEREAS, the vision of IADDA is to have a healthy society predominantly free of alcohol and drug abuse. To help achieve this vision, the organization has instituted two programs – Operation Snowball and Illinois Teen Institute (ITI); and

WHEREAS, Operation Snowball is a community-based substance abuse prevention program that focuses on youth leadership development as a means for leading drug free lives; and

WHEREAS, ITI is a week long prevention program that empowers and provides youth the resources to make healthy decisions, to be advocates for their peers and to make a difference in their homes, schools, and communities; and

WHEREAS, ITI promotes positive attitudes and offers teenagers as well as adults the opportunity to learn leadership and communication skills, build self-esteem, learn about social concerns (such as AIDS and violence), learn how to make healthy choices, and analyze current alcohol and other drug prevention programs in their communities; and

WHEREAS, those involved with ITI are encouraged to share the knowledge and information they have received with their communities, so that other teens will learn how to make healthy choices, and also show how communities can build and rebuild prevention programs:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 26, 2004 as ILLINOIS TEEN INSTITUTE DAY in Illinois, and on this 30th Anniversary of ITI, encourage all citizens to recognize the contributions IADDA has made towards helping our youth live drug free.

Issued by the Governor July 19, 2004.
Filed by the Secretary of State July 20, 2004.

2004-216
PERU DAY

WHEREAS, on July 28, 1821, Jose de San Martin, an Argentine soldier, liberated the country of Peru from Spanish rule; and

WHEREAS, this day is internationally recognized as Peruvian Independence Day, and 2004 marks the 183rd Anniversary of Peruvian Independence Day.
Independence; and

WHEREAS, there are approximately 35,000 Peruvians living in the state of Illinois, more than 15,000 of which live in the Chicagoland area, according to information provided by Peru’s Consulate General; and

WHEREAS, Peruvian-Americans have greatly added to the rich cultural diversity of Chicago through their vibrant presence in the Little Village neighborhood, and their many art exhibitions throughout city museums and galleries; and

WHEREAS, Peruvians have a strong and organized presence in the city of Chicago with 11 ethnic organizations including the Peruvian American Medical Society and the Peruvian Chamber of Commerce among others:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 28, 2004 as PERU DAY in Illinois, and encourage all citizens to recognize the importance of cultural diversity and inclusiveness to the betterment of our great state.

Issued by the Governor July 19, 2004.

Filed by the Secretary of State July 20, 2004.

2004-217
PARENTS’ DAY

WHEREAS, no other job is more rewarding, challenging, or important as that of raising a child. The maternal and paternal, foster, adoptive, and relative parents that provide for the needs of these children are truly a special gift to our society; and

WHEREAS, as a parent myself, I understand the critical role parents play in their child’s upbringing, instilling core values such as respect and integrity, that the child will eternalize for the rest of their lives; and

WHEREAS, research has found that a strong parent-child relationship increases the likelihood that a child will be able to resist peer pressure, become more academically and economically successful, and decrease the chances that they will become involved with youth violence; and

WHEREAS, in 1994, the United States Congress unanimously passed Public Law 103-362, creating a national observance for parents. On October 14 of that year, former President Bill Clinton signed the bill into law, thereby establishing National Parents’ Day:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 25, 2004 as PARENTS’ DAY in Illinois, and on this 10th Anniversary, encourage all citizens to honor the individuals who have provided them with positive guidance, and who have been the parental figures in their lives.
2004-218
CAREER AND TECHNICAL ORGANIZATIONS WEEK

WHEREAS, career and technical education, also known as vocational education, complement formal education programs, and provide students with an opportunity to gain hands-on experience in their future profession or trade; and

WHEREAS, in Illinois, there are at least 10 organizations recognized as career and technical student organizations (CTSOs), which contribute to the development of character and leadership ability in students; and

WHEREAS, these organizations promote occupational excellence, leadership, and citizenship among its members, build confidence and knowledge in students, and encourage them to become productive citizens; and

WHEREAS, for more than 26 years, organizations such as the Illinois Coordinating Council for Career and Technical Student Organizations (ICCCTSO) have emphasized the importance of career and technical student organizations as an integral part of the educational curriculum; and

WHEREAS, the ICCCTSO works with other career and technical education initiatives like the State Board of Education’s – Education to Careers Program (ETC) and the Illinois Association for Career and Technical Educators programs; and

WHEREAS, the ICCCTSO is dedicated to ensuring that skills such as leadership and employability are included in the state wide curriculum:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3 – 9, 2004 as CAREER AND TECHNICAL ORGANIZATIONS WEEK in Illinois, and encourage all citizens to recognize the importance of these organizations to the educational experience.

Issued by the Governor July 20, 2004.
Filed by the Secretary of State July 21, 2004.

2004-219
CARCINOID CANCER AWARENESS MONTH

WHEREAS, carcinoid tumors result from neuroendocrine cells, cells that produce the hormone serotonin. When these cells become cancerous, they begin releasing normal hormones at abnormally high levels, resulting in slow growing tumors called carcinoids; and
WHEREAS, carcinoid tumors tend to have slow maturation, therefore, individuals that are afflicted with these tumors usually live for many years. Unfortunately, if not detected, the end result is usually fatal; and
WHEREAS, the occurrence of small, medically insignificant carcinoids is fairly common, occurring in 1 out of every 100 individuals. However, other types of carcinoids can suggest the onset of cancer; and
WHEREAS, the size of a carcinoid tumor once first diagnosed is critical, because the likelihood of a tumor spreading is directly proportionate to its size. For instance, there is more than a 50 percent chance of a tumor spreading if it is larger than 2 cm in diameter; and
WHEREAS, the danger of cancer usually lies in the way cancer cells damage organs as they spread through the body, but in the case of carcinoid syndrome, it’s not the cancer cells, but rather the hormones and proteins they produce, that cause problems for the patient; and
WHEREAS, the large amounts of hormones carcinoid cancers produce cause a cluster of symptoms, including: red flushing of the face, diarrhea, and wheezing attacks, similar to that of asthma, but if you are experiencing any of these symptoms, please consult a physician for proper diagnosis; and
WHEREAS, early diagnosis is key for successfully recovering from carcinoid and other forms of cancer. In most cases, with surgery and proper medical treatments, carcinoid cancer patients can maintain a good quality of life:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2004 as CARCINOIDS CANCER AWARENESS MONTH in Illinois, and encourage all citizens to become aware of the harmful effects of carcinoid cancer, and to support organizations like the Carcinoid Cancer Foundation as they work to cure this rare disease.

Issued by the Governor July 20, 2004.
Filed by the Secretary of State July 21, 2004.

**2004-220**

**HONOR JAMES R. THOMPSON FOR SERVICE ON THE 9 - 11 COMMISSION**

WHEREAS, on September 11, 2001, the worst terrorist attacks in our nation’s history resulted in the deaths of thousands of Americans, including police officers, firefighters, military personnel and citizen heroes who gallantly laid down their lives to save others; and
WHEREAS, in the wake of those terrorist attacks it became clear that a fair, impartial and thorough investigation was necessary to help the United States understand how these attacks were planned and executed, what
precautionary steps might have been taken to avert them, and what must be
done to prevent future terrorist attacks on American soil; and

WHEREAS, the National Commission on Terrorist Attacks Upon the
United States (also known as the 9-11 Commission), an independent,
bipartisan ten-member commission, was created by Congressional legislation
and the signature of President George W. Bush, and chartered to prepare a
full and complete account of both the circumstances that led up to the
September 11, 2001 terrorist attacks and the immediate response to those
attacks; and

WHEREAS, the 9-11 Commission was also empowered to present its
best recommendation on the most effective means to secure our nation’s
borders, bring our attackers to justice, and protect the people of the United
States against any future terrorist action; and

WHEREAS, the former Governor of the State of Illinois, James R.
Thompson, has had a long and illustrious career in public service and the
law, and established himself as an intrepid prosecutor, first in the Cook
County State’s Attorney’s Office and then as the U.S. Attorney for the
Northern District; and

WHEREAS, James R. Thompson was appointed to the 9-11
Commission and has played a key leadership role in its inquiry; and

WHEREAS, over the last 20 months, James R. Thompson has worked
tirelessly with the Commission as it reviewed more than 2 million pages of
documents and heard testimony from more than 1,000 individuals in ten
countries in an effort to render an objective and authoritative report; and

WHEREAS, the 9-11 Commission issued its final report on Thursday,
July 22, 2004:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois,
hereby honor James R. Thompson for his public service on the 9-11
Commission.

Issued by the Governor July 23, 2004.
Filed by the Secretary of State July 23, 2004.

2004-221
PARTNERSHIP WALK DAY

WHEREAS, there are several basic rights that all Americans are
entitled to, including a quality education, adequate living conditions, and a
safe, healthy environment. Unfortunately, in other parts of the world, citizens
are not always provided these same opportunities; and

WHEREAS, the Aga Khan Development Network (AKDN) is a
private, international, and non-denominational organization comprised of
eight agencies who dedicate themselves to the fostering of long-term socio-
economic development in impoverished nations, geographically focusing on the regions of South and Central Asia and East Africa; and

WHEREAS, the Aga Khan Foundation (AKF-USA) is one of the organizations under the auspices of AKDN and is committed to reducing rural poverty, particularly in resource-poor, degraded or remote environments; and

WHEREAS, AKF-USA sponsors Partnership Walk, a day-long fundraising event held in major cities across the United States. The goal of this event is twofold – to raise awareness about international development and to celebrate global diversity; and

WHEREAS, each year, Partnership Walk explores international development issues around a specific theme based on one of AKF’s four focus areas – health, education, rural development, and civil society enhancement. This year’s theme “Quality Education for All,” will highlight the essentialness of education to a country’s long term development and stability; and

WHEREAS, this year’s Partnership Walk – Chicago will be held on Sunday, September 26, 2004 at Soldier Field:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 26, 2004 as PARTNERSHIP WALK DAY in Illinois, and encourage citizens to open their minds to the social issues affecting our neighbors from all areas of the world.

Issued by the Governor July 28, 2004.
Filed by the Secretary of State July 29, 2004.

2004-222
UKRAINIAN INDEPENDENCE DAY

WHEREAS, the state of Ukraine declared its independence on August 24, 1991 after the collapse of the USSR, and with overwhelming support from the Ukrainian people; and

WHEREAS, in its 13th year of independence, Ukraine has continuously exemplified international diplomacy through achievements in ethnic and religious tolerance, voluntary denuclearization, international peacekeeping and economic and political reform; and

WHEREAS, the people of Ukraine have established a democratic system of government, instituted a free market economy and enacted policies to ensure that the rights of the Ukrainian people are not compromised; and

WHEREAS, Ukraine’s adoption of a progressive constitution provided the foundation for a decentralized economic system, and helped to fully integrate Ukraine into the community of economically self-sufficient and democratic European nations:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 24, 2004 as UKRAINIAN INDEPENDENCE DAY in Illinois, and encourage all citizens to join in celebrating the cultural richness and diversity that have become a substantive part of our state.

Issued by the Governor July 28, 2004.
Filed by the Secretary of State July 29, 2004.

2004-223
VETERANS OF FOREIGN WAR DAY

WHEREAS, the Veterans of Foreign Wars (VFW) has facilitated aid for veterans and their families in need of medical, rehabilitative, educational, and employment services for over a century; and

WHEREAS, today, an estimated 2.6 million people are members of the VFW and its auxiliaries, representing over 9,000 posts worldwide, with more than 84,000 members in Illinois; and

WHEREAS, the VFW has funded a variety of programs to assist and honor servicemen and veterans of all wars: providing free phone cards to active military personnel, raising money for the recently dedicated World War II Memorial, and assisting veterans and their dependents in seeking disability compensation. Last year, the Veterans Service Office in Chicago collected over $83 million in claims for Illinois veterans; and

WHEREAS, last year, members of the VFW and its Ladies Auxiliary contributed more than 13 million hours of volunteering services and $63 million to our communities. Here in Illinois, more than 671,000 hours and $6 million in community service efforts were donated, and 18,959 units of blood were collected; and

WHEREAS, supporting the community has been a long standing tradition of both the VFW and its Ladies Auxiliary with volunteer efforts centering on programs that benefit education and health services, enhance military morale, develop civic pride, and improve the community; and

WHEREAS, the VFW boasts a long list of accomplishments in their effort to protect veterans’ rights, including: delegating members to lead the development of the national cemetery system, advocating for compensation of Vietnam Vets exposed to Agent Orange, and providing 300,000 care packages to troops in Desert Storm:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 29, 2004 as VETERANS OF FOREIGN WAR DAY in Illinois, and on this 105th Anniversary, encourage all citizens to support the efforts of VFW members who each day dedicate themselves to “honoring the dead by helping the living.”

Issued by the Governor July 28, 2004.
2004-224
KIDCARE/FAMILYCARE MONTH

WHEREAS, according to the most recent United States Census Survey, almost 230,000 low-income children in Illinois were not covered by health insurance in 2002; and

WHEREAS, uninsured children are four times more likely than insured children to have necessary medical care delayed, and are subsequently more likely to miss school and other activities; and

WHEREAS, the children of working families in Illinois deserve access to quality health care; and

WHEREAS, KidCare and FamilyCare are state programs that offer health insurance to low-income children, their parents and other relatives who care for them; and

WHEREAS, KidCare and FamilyCare have partnered with over 1,000 health care and community providers to help insure families throughout the state; and

WHEREAS, in 2003, the expansion of KidCare and FamilyCare made an additional 20,000 children and 65,000 parents eligible for state health insurance; and

WHEREAS, due to those expansions, children in a family of four earning nearly $38,000 annually may qualify for KidCare. In addition, a family of four earning $17,000 annually may qualify for FamilyCare; and

WHEREAS, the State of Illinois now provides healthcare to over one million children through the KidCare program, and nearly 360,000 parents through the FamilyCare program; and

WHEREAS, the percentage of uninsured children in Illinois has decreased by over 30 percent in the last several years, due largely to the efforts to enroll children in KidCare; and

WHEREAS, families in need of health insurance are often unaware that they may be eligible for these programs and may be unable to complete the application process without assistance. Therefore, in order to further decrease the number of uninsured children, we need to continue working to increase awareness of KidCare and FamilyCare; and

WHEREAS, from August through mid-October, 2004, Covering Kids and Families in Illinois is running its 6th Annual Back-to-School Outreach and Enrollment Campaign. It will feature community events, health fairs, and other activities to increase parental awareness of KidCare and FamilyCare; and

WHEREAS, my administration proposes a further expansion of
FamilyCare for this year, which will make up to 56,000 more parents eligible for the program, and hopefully encourage the enrollment of more children in the program:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2004 as KIDCARE/FAMILYCARE MONTH in Illinois, and urge all citizens to be cognizant of the importance of health insurance for young people, and become aware of how these programs can be beneficial to Illinois children and families.

Issued by the Governor July 30, 2004
Filed by the Secretary of State August 02, 2004.

2004-225
NATIONAL KIDS DAY

WHEREAS, research shows that the meaningful time adults spend with children is crucial to their development and well being, helping them to develop a positive self-image, as well as a sense of belonging, usefulness, and purpose; and

WHEREAS, in 2001, the Boys and Girls Clubs of America, in collaboration with KidsPeace, and other leading youth and community organizations, spearheaded the first National KidsDay Event held annually on the first Sunday in August; and

WHEREAS, National KidsDay is a day to celebrate and honor children, therein encouraging parents and other caregivers to provide children with activities that both parties will consider as engaging, important, and enjoyable; and

WHEREAS, last year, over 3 million people were participants of 3,700 National KidsDay celebrations across the country as part of the 3rd Annual Event; and

WHEREAS, according to the Boys & Girls Clubs of America’s recent “Meaningful Time Survey,” parents and children agree that they want to spend meaningful time together, but parents and children tend to disagree about what factors make family interaction meaningful; and

WHEREAS, according to the Boys & Girls Clubs, planning activities that allow the parent to interact with their child not only requires listening to what the child has to say, but provides quality, meaningful time for both:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 1, 2004 as NATIONAL KIDSDAY in Illinois, and encourage all citizens to invest time into one of our most precious resources, the successful growth of our children.

Issued by the Governor August 01, 2004.
Filed by the Secretary of State August 03, 2004.
2004-226
100-YEAR ANNIVERSARY OF THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH LABORATORIES

WHEREAS, the first state diagnostic laboratory was established in August 1904 to respond to the testing and health care needs of Illinois citizens; and

WHEREAS, since that time, the Illinois Department of Public Health (IDPH) laboratories, and their dedicated professional staff, have continued to provide quality laboratory testing in support of the health and well-being of the citizens of this state, fulfilling the Department's mission to prevent and control disease and injury; and

WHEREAS, in response to the threat of terrorism, IDPH and its laboratories have been devoted to expanding their capabilities to respond to such emergencies and thereby further protecting Illinois citizens; and

WHEREAS, the IDPH laboratories will continue to strive to meet both the traditional and emerging testing and health care needs of the residents of this state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2, 2004 as the beginning of a yearlong celebration of the 100-YEAR ANNIVERSARY OF THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH LABORATORIES, and encourage all citizens to recognize the vital role that these facilities play in the health and well-being of Illinoisans.

Issued by the Governor August 02, 2004.
Filed by the Secretary of State August 03, 2004.

2004-224
KIDCARE/FAMILYCARE MONTH (REVISED)

WHEREAS, according to the most recent United States Census Survey, almost 230,000 low-income children in Illinois were not covered by health insurance in 2002; and

WHEREAS, uninsured children are four times more likely than insured children to have necessary medical care delayed, and are subsequently more likely to miss school and other activities; and

WHEREAS, the children of working families in Illinois deserve access to quality health care; and

WHEREAS, KidCare and FamilyCare are state programs that offer health insurance to low-income children, their parents and other relatives who care for them; and
WHEREAS, KidCare and FamilyCare have partnered with over 1,000 health care and community providers to help insure families throughout the state; and

WHEREAS, in 2003, the expansion of KidCare and FamilyCare made an additional 20,000 children and 65,000 parents eligible for state health insurance. FamilyCare was further expanded in 2004 to eventually cover an additional 56,000 parents; and

WHEREAS, due to those expansions, children in a family of four earning nearly $38,000 annually may qualify for KidCare. In addition, a family of four earning $25,000 annually may soon qualify for FamilyCare; and

WHEREAS, the State of Illinois now provides healthcare to over one million children through the KidCare program, and nearly 360,000 parents through the FamilyCare program; and

WHEREAS, the percentage of uninsured children in Illinois has decreased by over 30 percent in the last several years, due largely to the efforts to enroll children in KidCare; and

WHEREAS, families in need of health insurance are often unaware that they may be eligible for these programs and may be unable to complete the application process without assistance. Therefore, in order to further decrease the number of uninsured children, we need to continue working to increase awareness of KidCare and FamilyCare; and

WHEREAS, from August through mid-October, 2004, Covering Kids and Families in Illinois is running its 6th Annual Back-to-School Outreach and Enrollment Campaign. It will feature community events, health fairs, and other activities to increase parental awareness of KidCare and FamilyCare:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2004 as KIDCARE/FAMILYCARE MONTH in Illinois, and urge all citizens to be cognizant of the importance of health insurance for young people, and become aware of how these programs can be beneficial to Illinois children and families.

Issued by the Governor August 03, 2004.
Filed by the Secretary of State August 04, 2004.

2004-227
CHAMBER OF COMMERCE WEEK

WHEREAS, chambers of commerce encourage the growth of existing industries, services, and commercial firms, encourage new businesses and individuals to invest locally, and act as liaisons with government and the larger business community; and

WHEREAS, Illinois is home to international chambers of commerce,
the Great Lakes Region of the U.S. Chamber of Commerce, the Illinois Chamber of Commerce, and more than 450 local chambers of commerce; and

WHEREAS, this year marks the 85th anniversary of the Illinois Chamber of Commerce, which represents businesses throughout the state; and

WHEREAS, during the week of September 13-17, various local chambers of commerce in Illinois will be hosting open houses, business expos, business of the year awards, and other promotional events in order to promote their involvement in the local economy:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 13-17, 2004 as CHAMBER OF COMMERCE WEEK in Illinois, and encourage all citizens to recognize the important role that chambers of commerce play in the economic well being of their communities.

Issued by the Governor August 05, 2004.
Filed by the Secretary of State August 06, 2004.

2004-228
350TH ANNIVERSARY OF JEWS IN AMERICA MONTH

WHEREAS, in 1654, twenty-three Jewish refugees fleeing persecution in Recife, Brazil, arrived in New Amsterdam, and became the first Jewish community in North America; and

WHEREAS, generations of Jews of diverse backgrounds and persuasions, who fled oppression and embraced opportunity, escaped persecution and found freedom, shunned indignity and pursued equality for themselves and their descendents, have found their home in this great nation; and

WHEREAS, the national campaign, “Celebrate 350: Jewish Life in America 1654 2004,” which is recognized by numerous Jewish organizations in this country, was established to celebrate the achievements of Jews and the Jewish community in America over the past 350 years; and

WHEREAS, the Jewish-American community has a strong presence in the state of Illinois, and on this 350th Anniversary, we embrace their rich and vibrant heritage:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as the 350th ANNIVERSARY OF JEWS IN AMERICA MONTH in Illinois, and encourage all citizens to recognize the myriad of contributions that the Jewish-American communities have made to our state.

Issued by the Governor August 05, 2004.
Filed by the Secretary of State August 06, 2004.
WHEREAS, ovarian cancer is a disease that begins as a tumor in the ovaries of a woman. The cancer can then “shed” and create new tumors in the peritoneum (membrane that lines the abdomen) and diaphragm, and if left untreated can spread to the rest of the body through the bloodstream (metastasize) and lead to death; and

WHEREAS, the cause of ovarian cancer is unknown, although age (women over 50 are more at risk), never getting pregnant, the use of talc, the use of hormone replacement therapy after menopause (HRT), and a family or personal history of ovarian, breast or colon cancer all may increase the chances of developing the disease; and

WHEREAS, the risk of developing ovarian cancer may be reduced by breast feeding, taking birth control pills (and other methods of reducing the number of a woman’s ovulations), reducing the amount of fat in the diet, or having had surgical operations including a tubal ligation, a hysterectomy, or having one’s ovaries removed; and

WHEREAS, if detected and treated early, the chances of recovery from ovarian cancer are good. However, there may be no symptoms or only mild ones in the early stage of the disease (researches are still trying to develop accurate early tests for tumors). Later symptoms include abdominal discomfort, nausea and other digestive problems, loss of appetite, feeling of fullness even after a light meal, weight loss or gain for no reason, and abnormal bleeding from the vagina; and

WHEREAS, about 1 in every 57 women will develop ovarian cancer; and

WHEREAS, the American Cancer Society estimates that 25,580 women will develop ovarian cancer in 2004, and 16,090 will die of the disease, with a projected 660 of the deaths in Illinois. This makes ovarian cancer the fourth deadliest cancer in women, and the deadliest gynecological cancer; and

WHEREAS, organizations like the National Ovarian Cancer Coalition and the Chicago Ovarian Cancer Alliance play instrumental roles in combating the disease through outreach methods including education, support, and advocacy; and

WHEREAS, increased awareness of the risk factors, symptoms, and scope of ovarian cancer can save lives by promoting early detection, and thereby improving the prevention and treatment of the disease:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as OVARIAN CANCER AWARENESS MONTH in Illinois, and encourage all citizens to recognize the risk factors
and symptoms of ovarian cancer so that we may begin to reduce its devastating impact.

Issued by the Governor August 05, 2004.
Filed by the Secretary of State August 06, 2004.

2004-230
WAPELLA SESQUICENTENNIAL DAYS

WHEREAS, small towns are at the heart of America, continuing to provide the family-oriented local atmosphere that defined this country upon its founding over 200 years ago; and
WHEREAS, Wapella, one such small town, is both figuratively and literally at the heart of Illinois, being located right in the geographic center of our great state; and
WHEREAS, founded as a stop on the Illinois Central Railroad in 1854, and incorporated in 1867, Wapella has persevered through history, and is now the home of 648 residents. Its community center, city park, entrepreneurial businesses, and two very active churches are all a testament to the love and hard work of its citizens; and
WHEREAS, the people of Wapella and volunteers from surrounding areas bravely rebuilt the town after a devastating tornado struck in May of 1968; and
WHEREAS, this year, the town of Wapella is celebrating its 150th anniversary; and
WHEREAS, from August 26-28, the Wapella Sesquicentennial Committee will hold a festival celebrating the town’s 150 years, which will include a Ham and Beans dinner, a 5k race, musical performances, carnival rides, and many other events. The same committee will soon put out a book detailing the history of Wapella:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 26-28, 2004 as WAPELLA SESQUICENTENNIAL DAYS in Illinois, and join in recognizing the dedicated people of Wapella upon its 150th anniversary.

Issued by the Governor August 05, 2004.
Filed by the Secretary of State August 06, 2004.

2004-231
FETAL ALCOHOL SYNDROME AWARENESS DAY

WHEREAS, Fetal Alcohol Syndrome (FAS) is one of the leading known preventable causes of mental retardation and birth defects in the world. Unfortunately, as many as 40,000 infants each year are still affected
by this disorder; and

WHEREAS, FAS is a lifelong physically and mentally disabling condition characterized by brain damage, facial deformities, and growth deficits. Heart, liver, and kidney defects are also common; and

WHEREAS, people with FAS typically have problems learning, retaining information, being attentive, and communicating, in addition to vision and hearing problems. These problems often lead to difficulties in school and difficulty getting along well with others; and

WHEREAS, it is important to note that FAS does not just occur in children whose mothers drink excessive amounts of alcohol. Research has found that even minimal drinking by women during their pregnancy can kill developing brain cells; and

WHEREAS, there is no cure for FAS, however, with early identification and diagnosis, children with FAS can receive necessary services that help increase their chances for a better life; and

WHEREAS, since 1999, people around the world have observed International FAS Day on September 9, so that on the ninth day of the ninth month of the year, the world will remember that during the nine months of pregnancy, women should abstain from alcohol:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 9, 2004 as FETAL ALCOHOL SYNDROME AWARENESS DAY in Illinois, and urge all women to take extra precautions while pregnant to ensure the safe and healthy delivery of their babies.

Issued by the Governor August 05, 2004.
Filed by the Secretary of State August 06, 2004.

2004-232
GREGORY ALAN MADDUX DAY

WHEREAS, Gregory Alan Maddux was born on April 14, 1966 in San Angelo, Texas. He would later move to Las Vegas, Nevada, where he attended Valley High School and was All-State in baseball during his junior and senior seasons; and

WHEREAS, on September 2, 1986, Greg made his major league debut with the Chicago Cubs as a relief pitcher. Five days later on September 7, he made his first major league start, and tallied his first major league win. He would go on to make 593 more starts and win 299 more games to date; and

WHEREAS, in 1992, Greg won the first of his four National League Cy Young Awards, honoring him as the best pitcher in the league for that season; and

WHEREAS, after the 1992 baseball season, Greg would leave the
Cubs and sign as a free agent with the Atlanta Braves. During his tenure with the Braves, he built on the tremendous talent that he displayed with the Cubs to become one of the most skillful, accomplished and consistent pitchers of his generation; and

WHEREAS, Greg again became a free agent after the 2003 season, and to the delight of Cub fans nationwide, decided to re-sign with the Chicago team that gave him his start in professional baseball; and

WHEREAS, Greg has achieved many milestones throughout his 19-year career, including: becoming the first pitcher in major league history to win 15 games or more in 16 consecutive seasons, winning four consecutive Cy Young Awards from 1992-1995, and winning 13 consecutive Gold Glove Awards from 1990-2002, establishing him as the best-fielding National League pitcher in each of those seasons; and

WHEREAS, Greg’s most recent milestone came on Saturday, August 7, 2004 when he became only the 22nd pitcher in major league history to win 300 games. This accomplishment was shared by his teammates, his fans, and his wife, Kathy and their two children; and

WHEREAS, Greg’s humble and team-oriented attitude cause him to understate the greatness of such a terrific feat, therefore it is all the more important that we, as a state, take the time to recognize this, and the many other accomplishments in the career of a great Chicago Cub, and a future Hall of Famer:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim Sunday, August 15, 2004 as GREGORY ALAN MADUX DAY in Illinois, and encourage all citizens to join in celebration of Greg Maddux’s 300th career major league win.

Issued by the Governor August 13, 2004.
Filed by the Secretary of State August 13, 2004.

2004-233
NATIONAL TEMPORARY HELP WEEK

WHEREAS, temporary workers keep businesses moving in a positive direction, helping to provide strength and flexibility in the workplace; and

WHEREAS, in 2003, the staffing industry generated $58.2 billion helping to strengthen the nation’s economy; and

WHEREAS, statistics show that 95 percent of businesses use temporary employment to increase their amount of daily output; and

WHEREAS, temporary help creates 2.3 million jobs on an average day, employing those who may not otherwise be gainfully employed. The industry has also helped to create over one million jobs since 1991; and

WHEREAS, the staffing industry allows businesses to acclimate
themselves to changing economic climates swiftly and without fail:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 27 – October 1, 2004 as NATIONAL TEMPORARY HELP WEEK in Illinois, and applaud temporary help workers for the instrumental role they play in helping to keep the economy strong.

Issued by the Governor August 09, 2004.
Filed by the Secretary of State August 13, 2004.

2004-234
GFWC ILLINOIS JUNIOR WOMEN’S CLUB WEEK

WHEREAS, the General Federation of Women’s Clubs (GFWC) is an organization that supports a variety of community issues such as the arts, education, and civic involvement, while at the same time making an effort to better the lives of those in their community; and

WHEREAS, the GFWC Illinois Junior Organization has served the state for over 59 years and over time has come to include 2100 members which make up 78 clubs in the state of Illinois. In 2003, members spent 276,040 hours volunteering on 5,034 projects throughout the state and donating over $1.9 million dollars; and

WHEREAS, the GFWC Junior Organization has a continuing effect on their communities by helping with programs such as the Children’s Research Foundation, Advocates for Children, and Literacy and Safety for Older Americans; and

WHEREAS, a special initiative is being started to help the families of deployed soldiers and continue upkeep within Veterans Affairs facilities through donations and volunteers:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of October 10-16, 2004 as GFWC ILLINOIS JUNIOR WOMEN’S CLUB WEEK in Illinois, and thank them for all of the good work they do through their programs for the women of Illinois.

Issued by the Governor August 10, 2004.
Filed by the Secretary of State August 13, 2004.

2004-235
PRINCIPALS’ WEEK AND PRINCIPALS DAY

WHEREAS, principals are the most influential individuals in the school and share a vision with the students, staff, and parents that encourages each and every child to reach their full potential; and

WHEREAS, the Illinois Principals Association (IPA), which
represents 4,000 principals statewide, promotes and supports the improvement of education through effective educational leadership; and

WHEREAS, the IPA serves as an advocate for children and their educational standards. They believe that learning is a lifelong process and that the education of our children is the highest priority in the state of Illinois and throughout the nation; and

WHEREAS, the IPA believes that Principals are extremely important to school-life and should be appreciated for the incredibly hard work they do everyday:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of October 17-23, 2004 as PRINCIPALS’ WEEK and October 22, 2004 as PRINCIPALS DAY in Illinois, and encourage all citizens to value the work that principals do to keep schools running and children learning everywhere.

Issued by the Governor August 10, 2004.
Filed by the Secretary of State August 13, 2004.

2004-236
YOUNG ADOLESCENTS MONTH

WHEREAS, the Month of the Adolescent is supported by the Association of Illinois Middle-Level Schools and is a part of a nationwide effort to show the many challenges, faced by youth between the ages of 10 and 15; and

WHEREAS, the period of early adolescence is when young people make major decisions about their values, standards, attitudes, and personal beliefs that will carry them through the rest of their life. Getting parents and the community to take part in helping to formulate healthy attitudes will aid in creating healthy, happy adolescents that will go on to be healthy, happy adults; and

WHEREAS, the focus of the Month of the Adolescent will be on the developmental needs and characteristics of young adolescents and how these impact parenting practices, health conditions, and educational programs for this age group.

WHEREAS, there will be several events for kids and adults to help them learn more about each other. On October 19, there will be a shadow program where students will be able to follow their teachers and principals, showing them how it is they operate and manage the school; and

WHEREAS, collaboration between parents and the community will produce programs that can impact a young adolescent and nurture them in a way that will produce outstanding young men and women:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois,
do hereby proclaim October 2004 YOUNG ADOLESCENTS MONTH, and encourage all citizens to take an active interest in shaping today’s youth.

Issued by the Governor August 10, 2004.
Filed by the Secretary of State August 13, 2004.

2004-237
OPERATION SNOWBALL MONTH

WHEREAS, Operation Snowball is a program that encourages kids to stay substance-free by providing them with interactive group sessions; and
WHEREAS, over 50,000 kids participate in Operation Snowball, which is partnered with the Illinois Alcoholism and Drug Dependence Association. Operation Snowball currently has 150 chapters and is continually expanding; and
WHEREAS, the program focuses on prevention messages that aim primarily at the high school age because many students understand the idea behind prevention. Group learning sessions present facts about drug and alcohol use and help them to develop their own ideas about these substances before they are faced with a situation in the world at large; and
WHEREAS, Operation Snowball is continually expanding to include people of all ages into their program by creating Snowflakes for junior high students and Snowflurries for elementary students. These programs teach kids the importance of living a substance-free lifestyle at an early age. There is also Segues for college students and Blizzards for families, helping to serve as role models for the younger children; and
WHEREAS, Operation Snowball gives young adults the opportunity to enhance their leadership skills as well as maintain their substance-free lifestyle by mentoring younger children and motivating them to live by the same standards:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2004 as OPERATION SNOWBALL MONTH and encourage all youth and young adults to maintain a healthy, substance-free lifestyle.

Issued by the Governor August 10, 2004.
Filed by the Secretary of State August 13, 2004.

2004-238
SCHOOL’S OPEN SAFETY WEEK

WHEREAS, students in Illinois will soon be returning for a new school year; and
WHEREAS, motorists should be aware of children walking to and
from school and be especially cautious around school zones. These same motorists should be careful to observe the posted speed limit, as well as take instruction from any Student Safety Patrol members guiding their fellow students across busy intersections; and

WHEREAS, the American Automobile Association produces a program of Student Safety Patrol Club with over 20,000 members in 997 schools in Illinois and Northwest Indiana; and

WHEREAS, it is important for motorists to be aware of posted rules and regulations near schools and in the surrounding areas. These rules are meant to protect children and are vital to their safety; and

WHEREAS, communities throughout the state will be promoting safe driving techniques and driver awareness in an effort to keep communities secure:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 30 – September 3, 2004 as SCHOOL’S OPEN SAFETY WEEK in Illinois and call on all citizens to drive safely, protecting the future of our children.

Issued by the Governor August 10, 2004.
Filed by the Secretary of State August 13, 2004.

2004-239
LIONS CANDY DAY

WHEREAS, the Lions Club was founded in 1917 by Melvin Jones. His goal was to create an organization of businesses who shared a common goal of bettering the community; and

WHEREAS, Lions Club International has grown to incorporate 1.4 million members who participate in 46,000 clubs in 193 countries across the globe; and

WHEREAS, the Lions Club of Illinois has raised an unprecedented amount of money for those who are visually and hearing impaired over the years through events such as Candy Day; and

WHEREAS, Candy Day allows the Illinois citizens to contribute to an organization that will in turn, give back to the public. The candy they receive is a token of appreciation from the Lions Club for their donation; and

WHEREAS, all proceeds made from Candy Day will go to the programs the Lions Club of Illinois promotes to continue to help the visually and hearing impaired:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 8, 2004 as LIONS CANDY DAY in Illinois, and applaud the Lions Club for so nobly serving the public for close to 90 years.

Issued by the Governor August 10, 2004.
2004-240
NATIONAL FIBRODYSPLASIA OSSIFICANS PROGRESSIVA AWARENESS WEEK

WHEREAS, Fibrodysplasia Ossificans Progressiva (F.O.P.) is a rare genetic disorder in which bone forms within muscles, sometimes forming a bridge of extra bone across a joint, restricting movement of the body. F.O.P. literally means, “soft connective tissues that progressively turn to bone;” and

WHEREAS, persons with F.O.P. generally develop the disease in the early stages of life. New bones form anywhere in the body, but tend to specifically develop in the neck through to the chest area, or from the knees to the ankles more than any other area; and

WHEREAS, during bone formation is when the most pain occurs. Although there is medication to subdue the pain, there is no cure for the disease; and

WHEREAS, while it is still unclear why the disease functions as it does, it has been determined that it is genetic. An unaffected parent can pass it along to their child without knowing. A person living with F.O.P. has a 50% chance of passing the gene along to their children; and

WHEREAS, since F.O.P. is such a rare disease, there is only one medical center that has a lab dedicated to understanding this disease and striving for a cure. Although scientists have been able to narrow the location of the gene, they still have not found its exact location. Until they find the gene, they cannot understand why or how it develops; and

WHEREAS, funding for F.O.P. has been limited because many people do not know about the disease. Letting the public know the disease exists and what it does to the human form is the main goal for advocates of this disease. Funding for finding a cure is limited because the disease is rare and still so unknown:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 12-20, 2004 as NATIONAL FIBRODYSPLASIA OSSIFICANS PROGRESSIVA AWARENESS WEEK and encourage all citizens to learn more about this rare and debilitating illness.

Issued by the Governor August 10, 2004.

Filed by the Secretary of State August 13, 2004.
WHEREAS, substance addiction is a chronic illness linked to brain chemistry that can often be treated medically; and

WHEREAS, substance abuse, and its co-existing mental and physical disorders, are major public health problems that affect millions of Americans of every age, race and ethnic background, in all communities; and

WHEREAS, alcohol and drug use disorders have enormous medical, societal and economic costs, with a significant negative impact on families, often resulting in increased conflict, emotional and physical abuse, stress, and financial strife; and

WHEREAS, in 2002, an estimated 22 million Americans met the criteria for substance dependence or abuse. That year, only 10.3 percent of Americans 12 and older who needed treatment for an alcohol or drug use disorder actually received treatment; and

WHEREAS, the primary reason that most of those afflicted did not receive treatment is that they incorrectly believed that treatment was not necessary; and

WHEREAS, those who do realize that they need treatment often face various barriers to recovery. These barriers include the cost of treatment, stigma associated with substance abuse problems, inadequate facilities, and simply a lack of information about treatment options; and

WHEREAS, since 1967, the Illinois Alcoholism and Drug Dependence Association (IADDA) has worked to educate the public about substance abuse and addiction, while also representing more than 100 treatment and prevention agencies across Illinois; and

WHEREAS, the theme of this year’s Recovery Month, “Join the Voices for Recovery… NOW!” aims to celebrate the lives of those who have successfully recovered from substance addictions, proving that proper treatment can lead to normal, healthy, and productive lives:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH in Illinois, and call on all citizens to celebrate the lives of those who have successfully recovered, while encouraging those struggling with substance abuse to seek treatment.

Issued by the Governor August 12, 2004.

Filed by the Secretary of State August 13, 2004.
2004-242
SHIP WEEK

WHEREAS, according to the U.S. Census Bureau, over 1.5 million Illinoisans are 65 years of age or older, and over 750,000 Illinoisans under 65 have a disability. These are the two primary groups eligible for Medicare, and they are growing in numbers every year; and

WHEREAS, elderly and disabled people who lack a social support network can be unaware of their Medicare benefits, and also may be unable to access and complete the proper application procedure; and

WHEREAS, the Senior Health Insurance Program (SHIP) was initiated in 1988 by the Illinois Division of Insurance in order to educate the eligible citizens of Illinois about the many benefits of Medicare, using various community organizations, senior citizen centers, and the media in order to reach them; and

WHEREAS, lowering seniors’ prescription drugs costs continues to be a major focus of my administration, and through efforts such as the creation of a Seniors Prescription Drug Discount Card, which can save seniors and disabled persons as much as 30% on their medical costs, we are working diligently in that pursuit. The SHIP program has been a valuable partner in this effort, producing a Prescription Drug Information Guide to help Medicare participants find the most affordable options for obtaining their prescription drugs; and

WHEREAS, since its inception, more than 800 SHIP volunteers have contributed nearly 192,000 hours to assist over 163,000 clients, saving Illinois’ citizens more than $13.3 million in customer service costs; and

WHEREAS, SHIP volunteers are truly admirable citizens, contributing their time and talents in order to improve the lives of Illinois’ Medicare beneficiaries:

THEREFORE I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 6-10, 2004 as SHIP WEEK in Illinois, and encourage all citizens to recognize the positive work that SHIP volunteers do for our elderly and disabled citizens.

Issued by the Governor August 12, 2004.
Filed by the Secretary of State August 13, 2004.

2004-243
NATIONAL HUNTING AND FISHING DAY

WHEREAS, hunters and anglers have been working on conservation efforts across the country since the early 1900s; and

WHEREAS, hunters and anglers have given over $23 billion dollars
to wildlife conservation programs over the years through licensing fees, contributions and taxes. They also volunteer for numerous conservation organizations in an effort to keep our nation’s wildlife protected; and

WHEREAS, National Hunting and Fishing Day is meant to honor those who have dedicated themselves to the conservation cause and educate those who are new to it; and

WHEREAS, this year marks the 33rd anniversary of National Hunting and Fishing Day. President Nixon first made this celebratory day official in 1971; and

WHEREAS, Carterville, Illinois has the largest celebration in the country. This two-day celebration draws over 30,000 attendees each year. They host events such as duck and turkey calling, hunting lessons, and demonstrations of hunting dog field trials:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 25, 2004 as NATIONAL HUNTING AND FISHING DAY and encourage all citizens to take an active interest in the state’s wildlife.

Issued by the Governor August 16, 2004.
Filed by the Secretary of State August 19, 2004.

2004-244
NATIONAL PUBLIC LANDS DAY

WHEREAS, National Public Lands Day was created in 1994, with the help of three public agencies and 700 volunteers. The day is geared to educate citizens about issues facing the environment and our natural resources, as well as improve public lands for outdoor recreation purposes; and

WHEREAS, National Public Lands Day keeps the promise of the Civilian Conservation Corps, which helped to preserve and protect America’s natural heritage between 1933-42; and

WHEREAS, volunteers work on different types of projects on public lands that range from national parks and forests to lakes and reservoirs. Volunteers clean up these areas so that they may be continued to be enjoyed by all citizens for years to come; and

WHEREAS, in 2003, nearly 80,000 volunteers participated on 550 projects in every state. This year in Illinois, volunteers all over the state will work on sixteen different projects; and

WHEREAS, many of the projects in Illinois will involve maintaining parks and forest preserves, cleaning up public areas, collecting prairie seeds, removing invasive plants, and maintaining walking trails:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois,
do hereby proclaim September 18, 2004 as NATIONAL PUBLIC LANDS DAY and challenge all citizens to lend a helping hand to the environment.

Issued by the Governor August 16, 2004.
Filed by the Secretary of State August 19, 2004.

2004-245
MAKE A DIFFERENCE DAY

WHEREAS, Make a Difference Day is a day dedicated to community volunteer work. The Points of Light Foundation and USA Weekend Magazine sponsor this event for citizens who wish to lend a helping hand within their communities on the fourth Saturday of October every year; and

WHEREAS, this national day of service is regarded as a challenge to citizens of Illinois, as well as the nation, to help those less fortunate in any way they can. Service projects range from building community centers to cleaning up parks; and

WHEREAS, while almost 50 nationally recognized organizations participate in the day’s activities, local organizations as well as individuals on their own also participate on a smaller level on any kind of project they wish; and

WHEREAS, Make a Difference Day has inspired many volunteers to become more engaged in their communities and bring people of all backgrounds together to work for the common good of the people; and

WHEREAS, in Illinois, service projects will be ranging from raising emergency funds for seniors, to providing teenage mothers with baby gifts they so desperately need:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 23, 2004 as MAKE A DIFFERENCE DAY and encourage all citizens to make a difference in their own communities in any way they can.

Issued by the Governor August 16, 2004.
Filed by the Secretary of State August 19, 2004.

2004-246
ENVIRONMENTAL MANAGEMENT SERVICE WEEK

WHEREAS, Environmental Management Service is celebrating 50 years of providing quality services in Veterans Affairs (VA) health care; and

WHEREAS, the vision of Environmental Management Service is to be the environmental conscience of the Department of Veterans Affairs, Veterans Health Administration, continuing to serve the original vision of the VA, “Putting Veterans First;” and
WHEREAS, Environmental Management Service provides many different kinds of services to those in the VA community. The department is there to insure the provision of a safe, sanitary and healing healthcare environment for those who have served, and for those who in turn, serve them; and

WHEREAS, Environmental Management Service continues to provide vital assistance to VA hospitals, and to the healthcare industry as a whole:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 12-18, 2004 as ENVIRONMENTAL MANAGEMENT SERVICE WEEK in Illinois, and encourage citizens to appreciate the value of serving others.

Issued by the Governor August 27, 2004
Filed by the Secretary of State August 31, 2004.

2004-247
COLLEGE SAVINGS MONTH

WHEREAS, parents who begin to prepare for the costs of college education early in their children’s lives, are able to manage their finances more efficiently when the time comes for their children to attend college; and

WHEREAS, the cost of higher education continues to rise, outpacing the rate of inflation. Parents who participate in college savings plans will ensure that their children are able to attend college and work toward achieving their goals; and

WHEREAS, government officials should encourage citizens to save for the future rather than borrow against the future. This will ease the financial burden on everyone in the state and help to reduce the number of young adults with student loan debt; and

WHEREAS, Section 529 plans have become the most popular way to save money for college. There are two kinds of plans – prepaid tuition plans and college savings plans; and

WHEREAS, the State of Illinois currently administers both types of plans. College Illinois! Prepaid Tuition Program allows parents to lock in current tuition rates at in-state public colleges while Bright Star Savings lets parents save money as well as accrue interest on their savings through certificates of deposit or money market ventures:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as COLLEGE SAVINGS MONTH in Illinois, and encourage parents to take an active interest in their child’s education and begin to save for the future.

Issued by the Governor August 27, 2004.
WHEREAS, Dr. James J. Stukel has dedicated his life and career to the students and faculty of the University of Illinois. He has served the University for over 40 years, culminating with his appointment to the role of President in 1995; and

WHEREAS, President Stukel began his career in education as a teaching assistant while working toward his master’s degree in engineering at the Urbana-Champaign campus. Upon receiving his Doctorate, he became an assistant professor in the engineering department, and in the coming years, President Stukel worked his way up the ranks of faculty and administrative positions; and

WHEREAS, throughout his presidency, President Stukel was successful in accomplishing many of the goals that he set forth through the various programs that he instituted. Among his achievements, he enriched undergraduate education, strengthened the university’s ties to the citizens of Illinois, and generally enhanced the overall quality of University life; and

WHEREAS, also during his tenure, President Stukel fought to keep all programs at the University functioning at their best, despite economic downturns and budget constraints; and

WHEREAS, President Stukel retains extensive institutional knowledge of the University. Having worked as the Executive Vice Chancellor and the Vice Chancellor for Academic Affairs at the Chicago campus, he was instrumental in creating a forum where the faculty and staff could voice their issues and concerns; and

WHEREAS, President Stukel has had 90 publications in varying academic journals over the span of his career. He has also been awarded numerous honorary degrees from several institutions; and

WHEREAS, President Stukel was the Chairman of the Board of Directors for the National Association of State Universities and Land-Grant Colleges (NASULGC), which is considered as a distinguished honor among University presidents and faculty; and

WHEREAS, President Stukel is retiring this year, and it is fitting that we, as a state, take the time to recognize his many years of commitment to the University of Illinois, and to the quality of education all throughout the state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 10, 2004 as PRESIDENT JAMES J. STUKEI DAY in Illinois, and encourage all citizens to join in celebrating the terrific
career of this devoted educator.

Issued by the Governor August 30, 2004.
Filed by the Secretary of State August 31, 2004.

2004-249
LIFE INSURANCE AWARENESS MONTH

WHEREAS, life insurance provides families and loved ones of deceased individuals with monetary compensation to help them emotionally and financially deal with their losses; and

WHEREAS, ownership of life insurance has been declining for decades because many people feel they cannot afford it. A recent study of widows and widowers whose spouses suffered untimely deaths found that one in four wished their spouse had better coverage; and

WHEREAS, life insurance professionals provide a valuable service to the community by counseling individuals in financial matters, preparing them for retirement, and helping them plan their estates; and

WHEREAS, insurance professionals are trusted financial advisors and important contributors to the economic and social stability of their communities; and

WHEREAS, the Illinois Association of Insurance and Financial Advisors (IAIFA) in partnership with the National Association of Insurance and Financial Advisors (NAIFA), are promoting Life Insurance Awareness Month to encourage citizens to purchase a life insurance package that will benefit them and their families the most; and

WHEREAS, the IAIFA is hosting several events through the month of September such as the South Cook Financial Services Expo, which will help the IAIFA make its presence known throughout the state and help to educate people about the importance of life insurance:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as LIFE INSURANCE AWARENESS MONTH in Illinois, and encourage citizens to learn about life insurance and its benefits.

Issued by the Governor August 30, 2004.
Filed by the Secretary of State August 31, 2004.

2004-250
SPINAL CORD INJURY AWARENESS MONTH

WHEREAS, currently, there are approximately 245,000 Americans living with acute spinal cord injury (SCI); and
WHEREAS, 11,000 new cases of spinal cord injury occur in the U.S. every year; and

WHEREAS, motor vehicle crashes are the leading cause of spinal cord injuries, followed by hard falls. The instances of motor vehicle crashes, as a cause of SCI, has declined in recent years, while those who get SCI as a result of hard falls has steadily risen since 1973; and

WHEREAS, over 50 percent of spinal cord injuries occur in people between the ages of 16 and 30. The average age at injury is 32 years and it has steadily increased over time; and

WHEREAS, the search for a cure for spinal cord injuries has become of great importance over the last 30 years. The support for finding a cure, as well as informing citizens about the disease, are the most important aspects of the campaign for a cure:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as SPINAL CORD INJURY AWARENESS MONTH in Illinois, and encourage all citizens to become cognizant of this debilitating condition.

Issued by the Governor August 30, 2004.
Filed by the Secretary of State August 31, 2004.

2004-251
NATIONAL PROSTATE CANCER MONTH

WHEREAS, prostate cancer is the most common cancer and the second leading cause of cancer death among American men. In 2003, there were 220,900 new cases and 28,900 deaths; and

WHEREAS, prostate cancer develops in the prostate gland of a man. Although the cancer usually grows slowly, if it goes undetected, it can quickly spread to other parts of the body; and

WHEREAS, currently, 70 percent of all prostate cancer diagnoses are in men over the age of 65. African-American men are twice as likely to die from the disease as Caucasian men; and

WHEREAS, although there are no regular symptoms to watch for, some signs indicating problems with the prostate gland include frequent or weak and painful urination; and

WHEREAS, when a man reaches the age of 50 (45 if they have increased risk factors) they should begin annual screenings to increase the chances of finding prostate cancer before it spreads. Early detection offers the greatest opportunity for recovery; and

WHEREAS, prostate cancer screening, combined with clinical examinations and self-exams are the best ways to detect prostate cancer in its early stages; and
WHEREAS, the survival rate for prostate cancer cases that were detected in the early stages is 100 percent after 5 years; and
WHEREAS, researchers are looking into the possibility of creating a vaccine for increasing the body’s immunity to prostate cancer cells. In addition, there are studies being conducted to evaluate the effectiveness of eating certain foods such as tomatoes and soybeans as preventative measures. In general, eating a low-fat diet and enjoying regular physical activity are ways that men can reduce their risk of developing prostate cancer; and
WHEREAS, September has been designated as a month to raise public awareness among all men about the importance of a healthy lifestyle and of preventative health practices that can result in the early detection and treatment of prostate cancer:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as NATIONAL PROSTATE CANCER MONTH in Illinois and urge all men to educate themselves about this deadly disease and what they can do to prevent it from negatively affecting their lives.

Issued by the Governor August 30, 2004.
Filed by the Secretary of State August 31, 2004.

2004-241
NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH
(REVISED)

WHEREAS, substance abuse is a treatable disease and treatment of addiction is as successful as the treatment of other chronic diseases such as diabetes, hypertension, and asthma; and
WHEREAS, substance abuse, and its co-existing mental and physical disorders, are major public health problems that affect millions of Americans of every age, race and ethnic background, in all communities; and
WHEREAS, alcohol and drug use disorders have enormous medical, societal and economic costs, with a significant negative impact on families, often resulting in increased conflict, emotional and physical abuse, stress, and financial strife; and
WHEREAS, in 2002, an estimated 22 million Americans met the criteria for substance dependence or abuse. In that same year, only 10.3 percent of Americans 12 and older who needed treatment for an alcohol or drug use disorder actually received treatment; and
WHEREAS, the primary reason that most of those afflicted did not receive treatment is that they incorrectly believed that treatment was not necessary; and
WHEREAS, those who do realize that they need treatment often face various barriers to recovery. These barriers include the cost of treatment, stigma associated with substance abuse problems, inadequate facilities, and simply a lack of information about treatment options; and

WHEREAS, the Department of Human Services/Division of Alcoholism and Substance Abuse celebrates September 2004 as National Alcohol and Drug Recovery Month; and

WHEREAS, the theme of this year’s Recovery Month, “Join the Voices for Recovery… NOW!” aims to celebrate the lives of those who have successfully recovered from substance addictions, proving that proper treatment can lead to normal, healthy, and productive lives:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH in Illinois, and call on all citizens to celebrate the lives of those who have successfully recovered, while encouraging those struggling with substance abuse to seek treatment.

Issued by the Governor August 31, 2004.

Filed by the Secretary of State September 01, 2004.

2004-252
5 A DAY MONTH

WHEREAS, the National Cancer Institute and the Produce for Better Health Foundation began the 5 A Day for Better Health Program in 1991 to educate the public on the value of eating 5 fruits and vegetables every day; and

WHEREAS, the theme of this year’s program is “Lead the Way: Choose Fruits, Vegetables, and Physical Activity;” and

WHEREAS, only 21 percent of Illinoisans eat five fruits and vegetables a day and only 45 percent of Illinoisans get the recommended 30 minutes of physical activity a day; and

WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health support the 5 A Day goal. They also recommend that citizens reduce their intake of fats and increase their consumption of high fiber foods such as fruits and vegetables, to help reduce the risk of obesity, cancer, and heart disease:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as 5 A DAY MONTH in Illinois and encourage all citizens to eat right and live a healthy lifestyle.

Issued by the Governor September 03, 2004.

Filed by the Secretary of State September 07, 2004.
2004-253
DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, every 15 seconds in the United States a woman is beaten. Of all female murder victims, 40% are killed by their husbands or partners for a total of over 300 domestic violence homicides every year in the U.S.; and
WHEREAS, in Illinois alone, over 300,000 women are victims of domestic violence each year; and
WHEREAS, in 2003, domestic violence programs in Illinois responded to over 201,249 hotline calls and provided 702,664 hours of service to victims. These same programs also conducted over 12,677 hours of prevention and outreach activities that reached a multitude of community members; and
WHEREAS, agencies within my administration have been working tirelessly to eliminate the threat of domestic violence and to educate citizens on why it is wrong and what can be done to prevent it from happening in the future; and
WHEREAS, many laws have been passed to help victims of domestic violence so that they remain safe and protected, as well as not discriminated against in any circumstance; and
WHEREAS, throughout the state, domestic violence service providers will be hosting several events in October to spread the message of awareness and prevention of this terrible crime:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2004 as DOMESTIC VIOLENCE AWARENESS MONTH in Illinois, and encourage all citizens to educate themselves about this crime and support those who work to eliminate it from our society.
Issued by the Governor September 03, 2004.
Filed by the Secretary of State September 07, 2004.

2004-254
LYMPHOMA RESEARCH FOUNDATION DAY
AND LYMPHOMATHON DAY

WHEREAS, lymphoma is a type of cancer that results when abnormal lymphocyte cells are created. These cells can grow in many parts of the body, including the lymph nodes, bone marrow, or spleen. There are two types of cancer of the lymphatic system: Hodgkin’s disease and non-Hodgkin’s lymphoma; and
WHEREAS, symptoms of lymphoma come in several forms, but are
hard to detect because they are generally the same as those of the common cold. A very persistent cold or respiratory infection may be a sign of lymphoma; and

WHEREAS, of the nearly 500,000 Americans that have lymphoma, 332,000 have Non-Hodgkin’s lymphoma. Approximately 54,370 new cases are diagnosed and 19,410 Americans die from the disease each year. Treatment for the disease comes in three different manners – chemotherapy, radiation therapy, and biologic therapy. These treatments, or combinations of thereof, can put the cancer in remission for years; and

WHEREAS, approximately 168,000 people with lymphoma have Hodgkin’s disease. This form of lymphoma has a much higher survival rate – 84 percent over five years. Each year 7,880 new cases are diagnosed and 1,320 Americans die from the disease. Those treated receive some form of chemotherapy or radiation therapy or a combination of the two; and

WHEREAS, the Lymphoma Research Foundation (LRF) was created to seek funding that will help researchers find a cure. The Foundation is the nation’s largest organization dedicated to funding lymphoma research. The research done with this funding helps to provide those touched by the disease, along with healthcare professionals, with critical information and may someday lead to a cure. To date, LRF has raised $18 million dollars; and

WHEREAS, the LRF will be hosting LYMPHOMathon, a 5K walk to help raise money for the cause. This walk will begin at Montrose Harbor on Lake Michigan:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 12, 2004 as LYMPHOMA RESEARCH FOUNDATION DAY and LYMPHOMATHON DAY in Illinois, and support the search for a cure to this life-threatening disease.

Issued by the Governor September 03, 2004.
Filed by the Secretary of State September 07, 2004.

2004-255
HOMELAND SECURITY BEGINS AT HOME MONTH

WHEREAS, our country is approaching the third anniversary of the tragic attacks of September 11, 2001; and

WHEREAS, as we remember this dark day in American history, it is important that we, as a Nation and as a State, rededicate ourselves to securing our homeland and our precious way of life; and

WHEREAS, in accordance with our continued commitment to protecting this country, the month of September 2004 has been designated National Preparedness Month, and September 9, 2004 has been designated National Preparedness Day; and
WHEREAS, the outstanding Homeland Security efforts here in Illinois have been the result of participation from all levels of government in all regions of the state. These efforts affect citizens from every walk of life and in every community of Illinois; and

WHEREAS, we have seen numerous examples in this state of how corporate and citizen preparedness have saved lives. Through security planning and disaster protection training, Illinois is well equipped to deal with any future threats to our homeland; and

WHEREAS, in accordance with this proclamation, the Illinois Terrorism Task Force will be releasing Public Service Announcements throughout the state titled “Homeland Security Begins at Home.” Additionally, the Illinois Emergency Management Agency, and local emergency management agencies, are always available to provide preparedness information and assistance to the people of this state.

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as HOMELAND SECURITY BEGINS AT HOME MONTH in Illinois, and urge all state agencies, counties, cities, companies and citizens to develop preparedness plans and programs to respond to natural and man-made disasters that can affect the well-being of this state.

Issued by the Governor September 07, 2004.
Filed by the Secretary of State September 08, 2004.

2004-256
ACTS OF KINDNESS DAY

WHEREAS, the terrorist attacks of September 11, 2001, though tragic, helped to bring the people of this country closer together. Friends, neighbors and strangers alike shared in the immense outpouring of emotion that was a nation in mourning; and

WHEREAS, from this dark time in our nation’s history emerged a compassion and understanding for one another that still remains to this day; and

WHEREAS, random acts of kindness are constantly being performed each day by citizens in every community and from all walks of life; and

WHEREAS, Acts of Kindness Day on September 11, encourages citizens to carry out 50 random acts of kindness throughout the day to remind themselves of the bond we share as members of this great nation; and

WHEREAS, the victims of September 11th will never be forgotten, and the acts of kindness performed on this commemorative day will be in their honor and memory:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois
do hereby proclaim September 11, 2004 as ACTS OF KINDNESS DAY in Illinois, and encourage all citizens to use this day as an opportunity to embrace the camaraderie that brings us together as Americans.

Issued by the Governor September 09, 2004.
 Filed by the Secretary of State September 10, 2004.

2004-257
Patriot Day

WHEREAS, on September 11, 2001, tragedy struck when terrorists launched massive attacks on our nation, taking more than 3,000 innocent lives; and

WHEREAS, following the attacks, heroes emerged from all corners of this great country, laying down their lives to save others and helping to pick up the pieces in the wake of this terrible disaster; and

WHEREAS, today, that heroism continues with the brave men and women of the United States Armed Forces who are currently fighting overseas to preserve our freedom, and prevent future terrorist attacks against our nation; and

WHEREAS, this year, as we commemorate the third anniversary of the September 11, 2001 attacks, it is important that we not only take the time to remember the victims, but that we also pay tribute to all those that continue to make sacrifices for their country; and

WHEREAS, by Executive Proclamation, President George W. Bush has declared September 11 of each year to be Patriot Day in the United States. This commemoration includes a moment of silence at 8:46 a.m., Eastern Standard Time, the same time that the first plane struck the north tower of the World Trade Center on that fateful day; and

WHEREAS, the State of Illinois faithfully joins President Bush in recognizing Patriot Day:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 11, 2004 as PATRIOT DAY in Illinois, and order all state facilities to fly their flags at half-staff throughout the duration of this day.

Issued by the Governor September 10, 2004.
 Filed by the Secretary of State September 13, 2004.

2004-258
Chiropractic Health Care Month

WHEREAS, chiropractic healthcare professionals promote the necessity of good posture and a balanced nutritional diet, as a critical means
to maintaining a healthy lifestyle, and thereby keeping our spines strong; and
WHEREAS, over 30 million people across the nation, and almost 2 million in Illinois, visit a doctor of chiropractic each year; and
WHEREAS, chiropractic organizations are dedicated to promoting patients rights, education, training, and a healthy lifestyle for all people; and
WHEREAS, throughout October, several chiropractic organizations will be holding conventions for doctors of chiropractic to exchange information and learn new techniques; and
WHEREAS, the science of chiropractic and the physicians who practice it have contributed greatly to the better health of the citizens of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2004 as CHIROPRACTIC HEALTH CARE MONTH in Illinois, and encourage all citizens to make healthy decisions in matters regarding their joints and spines.

Issued by the Governor September 09, 2004.
Filed by the Secretary of State September 13, 2004.

2004-259
CONSTITUTION WEEK

WHEREAS, the United States Constitution was written and signed in 1787 at the Constitutional Convention in Philadelphia, making it 217 years old this year; and
WHEREAS, the U.S. Constitution is the document that contains all the basic principals by which our government functions; and
WHEREAS, James Madison is generally known as the “Father of the Constitution,” but George Washington was chosen unanimously to be the chairman of the Constitutional Convention; and
WHEREAS, Article VI, Clause 2 in the U.S. Constitution says that the Constitution shall be “the supreme law of the land.” The only way the Constitution can be changed is through an amendment which must be either proposed and ratified by Congress or through a second Constitutional Convention convened by the states; and
WHEREAS, if an amendment is repealed it remains in the constitution, but a new amendment is created to nullify the first one. While over 10,000 amendments have been proposed over the years, only twenty-one amendments have been adopted since the final ratification of the Bill of Rights in 1791:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 17-23, 2004 as CONSTITUTION WEEK in Illinois, and encourage all citizens to take time to learn about this document
that governs our great nation.
Issued by the Governor September 09, 2004.
Filed by the Secretary of State September 13, 2004.

2004-260
EAT SMART. PLAY HARD. MONTH

WHEREAS, eating right and participating in plenty of physical activity are the best ways for children and young people to stay healthy; and
WHEREAS, the U.S. Department of Agriculture has begun a campaign of “Eat Smart. Play Hard.” encouraging children to have a balanced diet and be active on a daily basis. Encouraging these two practices into their daily routine will decrease the likelihood that they will become overweight and unmotivated in the future; and
WHEREAS, almost one in three children are now overweight or at risk for becoming overweight, which is three times the 1980 statistics; and
WHEREAS, in Illinois, children now exceed the national average of overweight children. Those in the African-American or Latino communities, as well as those who live in low socio-economic neighborhoods, are especially at risk; and
WHEREAS, The Illinois Nutrition Education and Training Program (NET) is a non-profit program commissioned by the Illinois State Board of Education to support children’s health and academic achievement. It provides free nutrition education training and resources to over 3,000 childcare and school staff in Illinois each year; and
WHEREAS, Illinois NET will be hosting the Food, Fun & Fitness Expo in Chicago at Navy Pier on October 23 and 24, 2004. This Expo will have several educational events for kids that include hands-on activities to help them learn about nutrition, sample nutritious foods, meet food and fitness role models, and be challenged to “get physical:”
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2004 as EAT SMART. PLAY HARD. MONTH in Illinois, and encourage all our young people to eat well and practice sound exercise habits.
Issued by the Governor September 09, 2004.
Filed by the Secretary of State September 13, 2004.

2004-261
NAVAL SEA CADET MONTH

WHEREAS, the mission of the U.S. Naval Sea Cadet Corps is to cultivate an interest in seamanship and aviation while building a sense of
patriotism, self-reliance, discipline, and confidence in these young Cadets. It is of utmost importance that they leave with the Corps Values of honor, courage, and commitment instilled deep within them; and

WHEREAS, there are many advancement opportunities for Cadets. Over the course of their summers in the program they have the ability to advance from “Seaman Recruit” to “Chief Petty Officer.” As the Cadets advance in rank, they receive more authority and responsibility within the Corps; and

WHEREAS, the U.S. Naval Sea Cadet Corps has two programs: Navy League Cadets for youth ages 11 to 13, and Naval Sea Cadets for ages 13 to 17. The programs help to uncover the skills and strengths of young people in Illinois; and

WHEREAS, the Illinois units of the Naval Sea Cadet Corps provide an opportunity for young men and women to receive hands-on training for a future in several career fields, while at the same time providing a healthy atmosphere for them to grow:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as NAVAL SEA CADET MONTH in Illinois, and encourage our youth to discover their potential while simultaneously serving their country through the Naval Sea Cadet Corps.

Issued by the Governor September 10, 2004.
Filed by the Secretary of State September 13, 2004.

2004-262
NATIONAL HISPANIC HERITAGE MONTH

WHEREAS, in 1968, the United States officially recognized a National Hispanic Heritage Week, and in 1988, that week was expanded to a month-long celebration to honor the traditions of those who trace their roots to Spain, Mexico, the countries of Central and South America, Puerto Rico, and the Caribbean; and

WHEREAS, roughly 13 percent of the nation’s population and 12 percent of Illinois’ population are Hispanic, while projections indicate that by the year 2010, roughly 20 percent of the country’s population will be Hispanic; and

WHEREAS, approximately one-third of the nation’s Hispanic population is under the age of 18. The future of these youths is bright with opportunities which past generations never had; and

WHEREAS, research conducted by the Illinois Board of Higher Education shows that in 2003, 6.4 percent of all Bachelor degrees awarded in Illinois were awarded to Hispanics. This number continues to rise with education becoming more of a priority in the Hispanic community:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 15, 2004 through October 15, 2004 as NATIONAL HISPANIC HERITAGE MONTH in Illinois, and encourage all citizens to educate themselves about this important and diverse component of our state.

Issued by the Governor September 10, 2004.
Filed by the Secretary of State September 13, 2004.

2004-263
FINANCIAL PLANNING WEEK

WHEREAS, financial planning is a key aspect of planning for a person’s future. The financial planning process allows individuals to achieve their dreams by empowering them to identify and manage realistic financial goals; and

WHEREAS, financial planners encourage people to plan wisely for their futures. Whether owning their own home or sending a child to college, financial planners help people to allot for goals by addressing financial weaknesses and building on financial strengths; and

WHEREAS, the Financial Planning Association (FPA) has 29,000 members with a nation-wide network of over 100 chapters. They are dedicated to educating the public on how to plan their finances for the future; and

WHEREAS, during Financial Planning Week, the Illinois chapter of the FPA will be hosting several events to promote the value of financial planning:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 4-10, 2004 as FINANCIAL PLANNING WEEK in Illinois, and encourage citizens to educate themselves in the best way to plan for their financial futures.

Issued by the Governor September 15, 2004.
Filed by the Secretary of State September 15, 2004.

2004-264
NATIONAL WOMEN’S FRIENDSHIP DAY

WHEREAS, friendships are a vital part of life. They keep people happy, healthy, and well-rounded as an individual; and

WHEREAS, friendships between women are a special bond that cannot be broken or duplicated. These friendships will unite throughout the state on National Women’s Friendship Day to make a difference in many communities; and
WHEREAS, the Northwestern University chapter of Kappa Delta sorority will be coordinating with a Cadet Girl Scout Troop to make National Women’s Friendship Day cards for elderly women in local nursing homes; and

WHEREAS, the Chicago Northwest Suburban Kappa Delta Alumni Association will be hosting a Mary Kay and Avon cosmetics party where part of the proceeds will be donating to the Battered Women’s Shelter of Evanston, Illinois; and

WHEREAS, Kappa Delta Sorority created the holiday so women everywhere would have the chance to stop and give thanks for their friends who play an important role in their lives:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 19, 2004 as NATIONAL WOMEN’S FRIENDSHIP DAY in Illinois, and encourage all citizens to appreciate the friendships they have with women.

Issued by the Governor September 15, 2004.
Filed by the Secretary of State September 15, 2004.

2004-265
NATIONAL POW/MIA RECOGNITION DAY

WHEREAS, throughout the various wars and conflicts, thousands of American soldiers have been captured or determined missing in action, and many are still being sought after to this day; and

WHEREAS, U.S. Intelligence has verified that open channels of communication with Vietnam, Laos, Cambodia, Russia, China, North Korea, and other countries would expedite the process of finding our missing soldiers; and

WHEREAS, many, throughout the nation, dedicate their lives to finding these missing soldiers. The U.S. Government continually performs field investigations in several countries where U.S. officers have disappeared, in hopes of finding them one day; and

WHEREAS, National POW/MIA day is set to honor those who have not yet returned as well as those who were held captive in the name of freedom. These young men and women will never be forgotten:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 14, 2004 as NATIONAL POW/MIA RECOGNITION DAY in Illinois, and encourage all citizens to remember those who have made the ultimate sacrifice for our country.

Issued by the Governor September 15, 2004.
Filed by the Secretary of State September 15, 2004.
WHEREAS, in 1981, the United Nations proposed a resolution declaring one day every year as an International Day of Peace. This Day is observed as one of global cease-fire and non-violence from every country across the globe; and

WHEREAS, the day is used as a means of spreading the message of world peace and its vital importance to the future of the human race; and

WHEREAS, each year there are several different public gatherings to celebrate the day. From the World Peace Festival in New York, to a small prayer vigil in Southern Illinois, citizens of the world come together in an effort to promote world peace; and

WHEREAS, in 2001, a resolution was passed by the United Nations declaring September 21 of every year as International Day of Peace as a way of rededicating the United Nations to its goals of strengthening the ideals of peace and alleviating the tensions and causes of conflict:

THEREFORE, I, Rod Blagojevich, do hereby proclaim September 21, 2004 as INTERNATIONAL DAY OF PEACE in Illinois, and encourage all citizens to promote unity and understanding among all people across the globe.

Issued by the Governor September 15, 2004.
Filed by the Secretary of State September 15, 2004.

2004-267
EMPLOY THE OLDER WORKER WEEK

WHEREAS, more older adult workers are seeking work as the nation ages and workers continue to seek employment beyond the traditional retirement age; and

WHEREAS, more than two million adults over the age of 55 currently reside in Illinois; and

WHEREAS, Illinoisans are living longer, healthier lives, and many are choosing to remain active participants in the workplace; and

WHEREAS, the State of Illinois recognizes the institutional knowledge older workers have gained from their careers, and our workforce continues to benefit from the wide-range of expertise offered by older workers who mentor younger colleagues; and

WHEREAS, the State of Illinois offers a number of programs that can be found through the Department on Aging to aid the older worker, including the Senior Community Service Employment Program and the Senior HelpLine (1-800-252-8966):
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 19 – September 25, 2004 as EMPLOY THE OLDER WORKER WEEK in Illinois, and encourage all employers to tap the invaluable resources of Illinois’ elders and provide them meaningful opportunities to share in the economic growth of our great state.

Issued by the Governor September 17, 2004.
Filed by the Secretary of State September 20, 2004.

2004-268
WILLIAM WOZNIAK MEMORIAL DAY

WHEREAS, William Wozniak, a Security Guard with the Office of the Illinois Secretary of State, was born on June 29, 1953; and
WHEREAS, William Wozniak moved from Detroit, Michigan to Springfield, Illinois because of his desire to live in a small and quiet community; and
WHEREAS, on Monday, September 20, 2004, William Wozniak was tragically shot and killed, at the age of 51, while on duty at the State Capitol. He is survived by his wife, Sheila, and his children Mark and Megan; and
WHEREAS, family, friends, and colleagues, will always remember William as a kind and friendly man, and they join state employees and all citizens of this state, in commemorating his life; and
WHEREAS, in recognition of his dedicated service to this State, Illinois will fly flags at half-mast on Tuesday, September 21, 2004 to honor the life and achievements, and mourn the tragic passing of William Wozniak:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 21, 2004 as WILLIAM WOZNIAK MEMORIAL DAY in Illinois, and order all state facilities to fly flags at half-mast for the entirety of this day.

Issued by the Governor September 21, 2004.
Filed by the Secretary of State September 21, 2004.

2004-268
WILLIAM WOZNIAK MEMORIAL DAY
(REVISED)

WHEREAS, William Wozniak, a Security Guard with the Office of the Illinois Secretary of State, was born on June 29, 1953; and
WHEREAS, William Wozniak moved from Detroit, Michigan to Petersburg, Illinois because of his desire to live in a small and quiet community; and
WHEREAS, on Monday, September 20, 2004, William Wozniak was
tragically shot and killed, at the age of 51, while on duty at the State Capitol in Springfield. He is survived by his wife, Sheila, and his children Mark and Megan; and

WHEREAS, family, friends, and colleagues, will always remember William as a kind and friendly man, and they join state employees and all citizens of this state, in commemorating his life; and

WHEREAS, in recognition of his dedicated service to this State, Illinois will fly flags at half-mast on Tuesday, September 21, 2004 to honor the life and achievements, and mourn the tragic passing of William Wozniak:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 21, 2004 as WILLIAM WOZNIAK MEMORIAL DAY in Illinois, and order all state facilities to fly flags at half-mast for the entirety of this day.

Issued by the Governor September 21, 2004.
Filed by the Secretary of State September 21, 2004.

2004-269
MENTAL ILLNESS AWARENESS WEEK

WHEREAS, good mental health is an essential part of a person’s well-being, and therefore, it is vital that citizens are educated about mental health awareness and prevention services that are available to them; and

WHEREAS, according to the United States Surgeon General, one in five citizens in this country are affected by a mental illness. The same numbers hold true here in Illinois, where we have made adequate care for the mentally ill a priority; and

WHEREAS, there have been great strides made over the last decade to find treatments for a variety of mental illnesses. With continued funding and research, hopefully, one day we may find a cure for all mental disorders and conditions; and

WHEREAS, Mental Health Awareness Week was created to bring the subject to the forefront of society’s conscious. Creating awareness and providing education for the public can only increase their understanding of mental illness, and help prepare them to deal with those issues in their own lives and in the lives of their loved ones:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3-9, 2004 as MENTAL ILLNESS AWARENESS WEEK in Illinois, and encourage all citizens to continue their efforts to spread the word about mental illnesses in this state, and across the country.

Issued by the Governor September 21, 2004.
Filed by the Secretary of State September 21, 2004.
2004-270
ITALIAN HERITAGE MONTH/CHRISTOPHER COLUMBUS DAY

WHEREAS, according to the 2000 U.S. Census, there are over 15 million Italian-Americans living in the United States today. In Illinois alone, there are 744,274 Italian-Americans, making it the seventh most Italian-American populated state in the country; and
WHEREAS, Italian culture has impacted America in tremendous ways. In multiple aspects of American culture, from science to the arts, Italian influences can clearly be seen across the country; and
WHEREAS, the most notable Italian contribution to America came in 1492, when Italian explorer, Christopher Columbus boldly ventured into uncharted territory to discover North America, establishing the beginnings of the “New World;” and
WHEREAS, Italian-American Heritage Month was originally proclaimed by President Jimmy Carter in 1976. Since then, October of each year has been designated the official month to recognize Italian-American heritage; and
WHEREAS, on the second Monday in October, the nation celebrates Columbus’ important discovery. Every year since 1952, the Joint Civic Committee of Italian Americans has hosted a Columbus Day Parade in the city of Chicago, and that tradition will continue here in 2004:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2004 as ITALIAN HERITAGE MONTH and October 11, 2004 as CHRISTOPHER COLUMBUS DAY in Illinois, and encourage all citizens to appreciate the diversity that the Italian community brings to our state.

Issued by the Governor September 21, 2004.
Filed by the Secretary of State September 21, 2004.

2004-271
HISPANIC/LATINO MENTAL HEALTH AWARENESS WEEK

WHEREAS, in 1992, Hispanic/Latino Mental Health Awareness Week was established in an effort to educate Hispanic communities about good mental health; and
WHEREAS, this awareness campaign focuses on increasing knowledge of mental health issues, and educating the Hispanic/Latino community about mental and emotional disorders; and
WHEREAS, promoting awareness of mental health wellness and prevention services to the Hispanic/Latino community may help to erase
some of the stigma that prevails regarding these issues. Currently, many Hispanics and Latinos that do not seek mental health care because they do not feel it is socially accepted to do so; and

WHEREAS, the Latino Family Institute will hold a conference in Oak Lawn from October 3-9, 2004 to discuss issues of domestic violence, substance abuse, child and adolescent issues, and adult psychiatric disorders with educators and health professionals. This conference will serve to educate all attendees about these various topics, and how they impact the Latino community.

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3-9, 2004 as HISPANIC/LATINO MENTAL HEALTH AWARENESS WEEK in Illinois, and encourage all citizens to educate themselves about mental health wellness.

Issued by the Governor September 21, 2004.
Filed by the Secretary of State September 21, 2004.

2004-272
BREAST CANCER AWARENESS MONTH
MAMMOGRAPHY DAY

WHEREAS, breast cancer is the second most common type of cancer and the second leading cause of cancer death in women; and

WHEREAS, in 2004, approximately 216,000 women will be diagnosed with breast cancer in the United States, and 40,000 of them will likely die from the disease; and

WHEREAS, the direct cause of breast cancer is unknown, however certain risk factors are linked to the disease. For instance, a woman with a family history of breast cancer is twice as likely to get the disease than someone with no family history; and

WHEREAS, the earlier breast cancer is detected, the chances for remission become greater. Mammograms are recognized as the single most effective method of detection because of their ability to identify cancerous cells long before symptoms surface. Therefore, women who have mammograms annually have a greater chance of discovering breast cancer in its early stages; and

WHEREAS, in order to provide more screenings and educational outreach services, my administration has pledged to increase funding for breast and cervical cancer in Illinois. In the 2005 budget, state funding for this research will increase by $2 million dollars, allowing 3,000 more women to receive the prevention and treatment services that they desperately need; and

WHEREAS, National Breast Cancer Awareness Month has been
observed by America for twenty years. Over the last two decades, a multitude of programs have been started in conjunction with this month to provide education and public awareness to all Americans; and

WHEREAS, since 1993, the United States has recognized the third Friday in October as Mammography Day:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2004 as BREAST CANCER AWARENESS MONTH and October 15, 2004 as MAMMOGRAPHY DAY in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.

Issued by the Governor September 21, 2004.
Filed by the Secretary of State September 21, 2004.

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2004-273
DEAF AWARENESS DAY

WHEREAS, according to the U.S. Census Bureau, there are approximately 500,000 persons in Illinois that are of working age, who currently suffer from hearing loss; and

WHEREAS, of those who have hearing loss, many who wish to work are not afforded that opportunity. Approximately 200,000 people with hearing loss are unemployed and an estimated 300,000 are considered underemployed; and

WHEREAS, the Department of Human Services’ Division of Rehabilitation Services (DRS) works to provide individuals with hearing problems with the tools necessary to find quality employment. Last year alone, they were able to help more than 8,000 citizens in that goal; and

WHEREAS, DRS will work in conjunction with other agencies to host the Employment Opportunities Expo. Here, forty-eight exhibitors will showcase services that are offered to hearing impaired individuals, as well as host workshops in interviewing and resume writing:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 29, 2004 as DEAF AWARENESS DAY in Illinois, and encourage citizens to continue to work toward their goals with dedication and enthusiasm.

Issued by the Governor September 21, 2004.
Filed by the Secretary of State September 21, 2004.

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2004-274
JOHN HUSTON FINLEY COMMEMORATIVE DAY

WHEREAS, John Huston Finley was born on a farm east of Grand Ridge, Illinois and attended Grand Ridge Elementary School. He later
graduated from Ottawa High School in 1882 as the valedictorian of his class; and

WHEREAS, in 1887, Mr. Finley earned his undergraduate degree at Knox College in Galesburg, Illinois, attended graduate school at Johns Hopkins University, and then returned to Knox College where he served as its President until 1899; and

WHEREAS, in 1900, Mr. Finley accepted the newly established position of Chair of Politics at Princeton University. He later became President of the City College of New York, and in 1913, he was appointed Commissioner of Education for New York State; and

WHEREAS, Mr. Finley was named associate editor for the New York Times in 1921, and in 1937, he became editor-in-chief of the esteemed publication; and

WHEREAS, along with the various positions that he held throughout this life and career, he also had many outside accomplishments, including heading a Red Cross delegation to Palestine in 1918-1919, speaking and presenting at various colleges in America and abroad, writing pieces that were published in various journals of the day, and penning eight books, including “Pilgrimage in Palestine” and “The French in the Heart of America.” Mr. Finley was also the recipient of 32 honorary degrees; and

WHEREAS, John Huston Finley died in 1940 and is buried at Princeton Cemetery in New Jersey. On October 15, 2004, Grand Ridge Elementary School, where Mr. Finley once attended, will unveil a historical marker in the school’s courtyard to honor the life and achievements of this native Illinoisan:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 15, 2004 as JOHN HUSTON FINLEY COMMEMORATIVE DAY in Illinois, and encourage citizens to learn more about this widely accomplished individual from Illinois’ past.

Issued by the Governor September 21, 2004.

Filed by the Secretary of State September 21, 2004.

2004-275

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

WHEREAS, National Disability Employment Awareness Month began in 1945 by President Harry S. Truman as “National Employ the Physically Handicapped Week.” In 1988, Congress expanded the week to a month and renamed it National Disability Employment Awareness Month; and

WHEREAS, Illinoisans with disabilities have an unemployment rate of nearly 70 percent, even though 7 out of 10 unemployed working-age
citizens with disabilities indicate that they would prefer to work. Even so, there are numerous tax incentives for Illinois employers to hire and provide accommodations to qualified workers with disabilities; and

WHEREAS, most citizens with disabilities live in poverty at a rate roughly three times the state average; and

WHEREAS, people with disabilities are dedicated, skilled employees who are a positive influence in the workforce; and

WHEREAS, the Illinois Department of Human Services’ Division of Rehabilitation Services (DRS) helped more than 8,000 individuals find quality employment last year alone. They also helped increase the average earnings of successfully employed customers, reduce the time it takes to achieve employment, and expand vocational services to customers with the most significant disabilities; and

WHEREAS, the Department has a goal of increasing the earnings and insurance benefits available to employed persons with disabilities, as well as promoting full time employment and reduced reliance on government benefits; and

WHEREAS, DRS will be holding numerous statewide events to promote the employment of citizens with disabilities and to thank employers who have excelled in employing workers with disabilities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2004 as NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH in Illinois, and encourage everyone to challenge themselves in an effort to reach their goals.

Issued by the Governor September 15, 2004.

Filed by the Secretary of State September 27, 2004.

2004-276
SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH

WHEREAS, Sudden Infant Death Syndrome (SIDS) is the sudden and unexpected death of an infant under the age of one. A death is determined to be SIDS after a complete examination is performed, including an autopsy, a review of clinical history, and a death scene examination; and

WHEREAS, SIDS is most likely to strike while an infant is asleep. While there is still no scientific explanation for SIDS, many scientists concur that it is triggered when infants sleep on their stomachs; and

WHEREAS, the occurrence of SIDS is greatest in infants younger than 6 months. Native-American children run the greatest risk of dying from SIDS, while African-American children are the second highest at-risk group. Unfortunately, approximately 2,500 infants die from SIDS each year; and

WHEREAS, there is currently no known cure or exact preventative
measures available for SIDS, but there are many steps parents can take to reduce the risk of SIDS happening to their child; and

WHEREAS, the Back to Sleep campaign was launched in 1994 to encourage parents to begin laying their children on their backs when they put them down to sleep. According to the National Institutes of Health, the death rate of SIDS dropped over 40% percent in the last ten years. However, it still remains the leading cause of death in young infants; and

WHEREAS, there are several organizations in Illinois who work to promote these risk-reducing precautions, as well as provide assistance to those families who have experienced this terrible tragedy:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2004 as SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH in Illinois, and encourage all citizens to educate themselves on precautions against this very unfortunate occurrence.

Issued by the Governor September 28, 2004.
Filed by the Secretary of State September 28, 2004.

2004-277

40TH ANNIVERSARY OF THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES DAYS

WHEREAS, the welfare of our children is of the utmost importance. In order to produce well-adjusted, functioning adults who will make great contributions to society, children need to be nurtured through all stages of life; and

WHEREAS, created in 1974 as an expansion of the Division of Child Welfare, the Illinois Department of Children and Family Services (DCFS) is committed to overseeing all child welfare functions in this state; and

WHEREAS, DCFS acts in the best interest of every child it serves and helps families by increasing their ability to offer a safe environment for their children; and

WHEREAS, among their many excellent services, DCFS provides child protection, placement permanency and guardianship and advocacy programs. In addition, they work hard each day to ensure that working families are able to place their children in safe and nurturing day care facilities; and

WHEREAS, 2004 marks DCFS’ 40th Anniversary. Over these last 40 years, they have been successful in keeping millions of Illinois children safe, and placing a multitude of orphaned children in permanent homes across the state. So it is important that we, as a state, take the time to recognize their terrific accomplishments over the past 40 years:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 9-10, 2004 as 40th ANNIVERSARY OF THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES DAYS in Illinois, and encourage all citizens to join in celebrating the long and productive life of this essential state agency.

Issued by the Governor September 29, 2004.
Filed by the Secretary of State September 29, 2004.

2004-278
2004 NATIONAL PRIMARY CARE WEEK

WHEREAS, primary care is first-contact, comprehensive care provided by health professionals, encompassing a variety of medical specialties including family medicine, internal medicine, pediatrics, obstetrics, gynecology, psychiatry, and others; and

WHEREAS, primary care practitioners provide a source of preventive health-care services and reliable care for patients who may have acute and/or chronic diseases; and

WHEREAS, a staggering number of people in this country do not receive the medical attention that they need and deserve. The Bureau of Health Professions at the United States Department of Health reports 187 separate areas in the State of Illinois alone that have a shortage of health professionals; and

WHEREAS, there are many career opportunities for health professionals throughout the State of Illinois to help those less fortunate. Since primary care practitioners often present the most cost-effective health care choices to patients, they are viable resource to underprivileged individuals and families who are in need of health care services:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 17 – October 23, 2004 as 2004 NATIONAL PRIMARY CARE WEEK in Illinois, and encourage all citizens to recognize the important work that general practitioners and primary care providers do every day to serve healthcare needs within this great state, and across the country.

Issued by the Governor September 29, 2004.
Filed by the Secretary of State September 29, 2004.

2004-279
ILLINOIS’ SAFE SCHOOLS WEEK

WHEREAS, schools contribute to the future prosperity of our state, nation, and global community by helping to develop our nation’s young
people as intelligent, responsible, and productive individuals; and
WHEREAS, educational excellence and efficiency are dependent upon stable, peaceful, and secure settings. Each day, the safety and well-being of schools and the students and teachers therein areneedlessly threatened by wrongdoing such as substance abuse, gang violence, weapons possession, bullying, poor discipline, racism, parental apathy, vandalism, and non-attendance. With this in mind, it is important that we work to make our schools safer and healthier learning environments; and
WHEREAS, it is the duty of all citizens to maximize the educational careers of young people by promoting effective school administration, equality in academic opportunity, and the general safety and security of our schools; and
WHEREAS, all leaders, from elected officials to parents, and educators to business people, should work toward solving the problems of our nation’s schools; and
WHEREAS the observance of America’s Safe Schools Week will help to promote efforts to provide all our nation’s schools with positive and safe learning climates:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 17-23, 2004 as ILLINOIS’ SAFE SCHOOLS WEEK, and encourage all citizens to join in these important efforts on behalf of our young people.
Issued by the Governor September 29, 2004.
Filed by the Secretary of State September 29, 2004.

2004-280
SONOGRAPHER AWARENESS WEEK

WHEREAS, sonographers are a critical part of the medical community, performing vital work each day to benefit patients and medical professionals; and
WHEREAS, the first use of ultrasound as a diagnostic tool was in 1942 during a study of brain tissue. Today, sonographers use ultrasound technology to collect images of internal organs and fetuses for the purpose of diagnosing a variety of diseases and conditions; and
WHEREAS, sonography was officially declared a healthcare profession in 1973, and in 1975, it became mandatory for all sonographers to be certified in their profession; and
WHEREAS, there are over 45,000 certified sonographers in the United States, 1,800 of which work in the state of Illinois; and
WHEREAS, Illinois continues to be a purveyor of advances in ultrasound technology. With these advances, the healthcare industry will
continue to make great strides in the diagnosing and treating of patients:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3-9, 2004 as SONOGRAPHER AWARENESS WEEK in Illinois, and encourage all citizens to recognize the important place that these healthcare professionals have in the world of patient care.

Issued by the Governor September 29, 2004.

Filed by the Secretary of State September 29, 2004.

2004-281
Y-ME NATIONAL BREAST CANCER ORGANIZATION DAY

WHEREAS, in 2004, approximately 216,000 women will be diagnosed with breast cancer, the second most common type of cancer in women; and

WHEREAS, the Y-ME National Breast Cancer Organization was founded in 1978 by two breast cancer patients, Mimi Kaplan and Ann Marcou. Through their hard work and perseverance, Y-ME has become one of the most recognized help-centered breast cancer organizations in the country; and

WHEREAS, Y-ME has a multitude of programs and services available to family and friends of breast cancer patients. The ShareRing Network is a monthly, one-hour teleconference featuring a breast cancer related presentation by a medical professional followed by a question and answer session. Y-ME also provides the Lifeline quarterly newsletter which presents the latest information on breast cancer issues; and

WHEREAS, Y-ME provides many free services to the community, such as their 24 hour hotline, which matches callers with a survivor, patient, or supporter who have had similar experiences with breast cancer; and

WHEREAS, Y-ME works diligently to ensure that individuals from underserved communities, minorities, and persons with limited English proficiency have access to their programs and services; and

WHEREAS, October has been widely recognized as BREAST CANCER AWARENESS MONTH, so it is fitting that we take a day during this month to honor the terrific efforts of the Y-ME organization:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 24, 2004 as Y-ME NATIONAL BREAST CANCER ORGANIZATION DAY in Illinois, and encourage all citizens to recognize the noble and caring work of this great organization.

Issued by the Governor October 01, 2004.

Filed by the Secretary of State October 01, 2004.
2004-282

DRIVE SAFELY WORK WEEK

WHEREAS, home to 6.3 million workers, Illinois has many fast paced roads on which an accident occurs every 5 seconds. In 2003, there were approximately 1,198 traffic crashes per day; and

WHEREAS, according to the National Highway Traffic and Safety Administration, human error is a factor in 90 percent of crashes. Drive Safely Work Week is a campaign that places special emphasis on the importance of practicing sound automobile safety while driving to and from work; and

WHEREAS, this year’s campaign spotlights five positive driving practices that all drivers can follow to guarantee their safety as well as the safety of others as they commute to and from work. They include:

! Add another second—Keep a safe following distance
! Steer clear of trouble—Expect bad decisions by other drivers
! Use good judgment—Just because you can, doesn’t mean you should
! Look Ahead—Be alert to changing traffic conditions
! Stay alert and focused—No one is crash proof; and

WHEREAS, if every working commuter in the US participates in this campaign, it is projected that 800 lives and $3 billion can be saved over time; and

WHEREAS, to promote the week, employees of the Illinois Department of Transportation will be passing out palm cards with tips for safe driving at various locations throughout the state; and

THEREFORE, I, Governor Rod Blagojevich, do hereby proclaim the week of October 4-8, 2004 as DRIVE SAFELY WORK WEEK in Illinois, and invite all citizens to unite with us in acknowledging this lifesaving observance.

Issued by the Governor October 01, 2004.
Filed by the Secretary of State October 01, 2004.

2004-283

NATIONAL PHYSICAL THERAPY MONTH

WHEREAS, physical therapists treat a multitude of conditions including injuries of the knee, ankle and shoulder, sprains, muscle strains, low back and neck pain. They also provide rehabilitation services for those recovering from various types of surgery; and

WHEREAS, there are many different techniques utilized by physical therapists. They include therapeutic exercise, joint and soft tissue mobilization, gait training, and general patient education. All treatments are
used to promote proper movement, maximize function and reduce pain; and
WHEREAS, the ultimate goal of physical therapy is to teach the
patient how to manage their own pathology and how to become responsible
for their own health care status; and
WHEREAS, participating in physical activity is a large part of
staying mobile and reducing the risk of injury. Physical therapists stand
behind the recommendations of the U.S. Surgeon General and the Centers for
Disease Control stating that children need 60 minutes of physical exercise
most days, and that children from pre-kindergarten through the twelfth grade
should participate in physical education classes every day in school; and
WHEREAS, during the month of October, physical therapists across
the state take time to celebrate their accomplishments and to educate the
public about their profession:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois,
do hereby proclaim October 2004 as NATIONAL PHYSICAL THERAPY
MONTH in Illinois, and encourage all citizens to recognize the import role
that these rehabilitation practitioners play in many people’s lives.
Issued by the Governor October 01, 2004.
Filed by the Secretary of State October 01, 2004.

2004-284
DANIEL PEARL MUSIC DAY

WHEREAS, Daniel Pearl was a foreign correspondent for the Wall
Street Journal who’s life was taken from him by terrorists in Pakistan in early
2002; and
WHEREAS, Daniel was not only a journalist, but excelled as a
musician as well. As a classically trained violinist, fiddler, and mandolin
player, music was his passion and he shared it with everyone he came across.
Through music, Daniel Pearl was able to bring cultures together; and
WHEREAS, Daniel Pearl Music Day was created to unite people
around the world through music. Any concert held on October 10, dedicated
to Daniel becomes part of “Harmony for Humanity,” a global network of
concerts performed in his honor. Through this connectivity, everyone in the
world community will be encouraged to stand up to the hatred and
intolerance that took Daniel’s life; and
WHEREAS, these concerts are dedicated to promoting tolerance,
understanding and global harmony; and
WHEREAS, in Illinois, the Chicago Philharmonic orchestra and the
Chicago Symphony orchestra are dedicating their performances on this day
to the life of Daniel and the legacy of tolerance he left behind:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois
do hereby proclaim October 10, 2004 as DANIEL PEARL MUSIC DAY and encourage all citizens to use this day as an opportunity to remember Daniel, and all the innocent victims of terrorism throughout the world.

Issued by the Governor October 01, 2004.
Filed by the Secretary of State October 01, 2004.

2004-285
NATIONAL MARTIAL ARTS DAY

WHEREAS, martial arts seek to instill the values of respect, discipline, courage, and integrity in its participants, regardless of their age, gender, race, ability level, or social situation; and
WHEREAS, participation in martial arts provides a basis for emotional development and the building of self-confidence and success skills that last a lifetime; and
WHEREAS, martial arts teach participants goal-setting, anger management, and self-defense, while always emphasizing non-violent conflict resolution; and
WHEREAS, participation in martial arts has been shown to help many students greatly improve their academic grades, attendance, and behavior, helping them to maximize their scholarly careers and facilitating their development as honorable members of society; and
WHEREAS, the National Association of Professional Martial Artists and the Project Action Foundation seek to continue and promote interest in martial arts and the cultural and historical traditions they represent; and
WHEREAS, on National Martial Arts Day, each year martial arts schools across the United States partner with The National Association of Professional Martial Artists and the Project Action Foundation to heighten the visibility of the arts and encourage participation and the grassroots level:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 16, 2004 as NATIONAL MARTIAL ARTS DAY in Illinois, and encourage all citizens to take a moment to recognize the benefits of the martial arts to both the individual and community as a whole.

Issued by the Governor October 01, 2004.
Filed by the Secretary of State October 01, 2004.

2004-286
RESIDENT’S RIGHTS WEEK

WHEREAS, according to the 2000 U.S. Census Bureau, there are over 1.5 million Illinois citizens over the age of 65; and
WHEREAS, there are approximately 100,000 senior citizens living
in long-term-care facilities throughout the state; and
WHEREAS, in 1973, the Long Term Care Ombudsman Program was created as part of the Illinois Act on Aging, and the U.S. Older Americans Act. This Program seeks to protect and promote the rights of residents of long-term-care facilities, as well as improve their quality of life within those facilities; and
WHEREAS, this program ensures that long-term-care residents have the right to safety and privacy, participation in their own care, manage their own money, and the right to apply for Medicare and Medicaid; and
WHEREAS, the Illinois Department on Aging encourages seniors to know their rights as residents of long-term-care facilities to help ensure that they are not abused or neglected:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3-9, 2004 as RESIDENT’S RIGHTS WEEK in Illinois, and encourage all citizens to be aware of the many different issues facing the senior citizens of this state.
Issued by the Governor October 01, 2004.
Filed by the Secretary of State October 01, 2004.

2004-287
LIGHTS ON AFTERSCHOOL! DAY

WHEREAS, structured environments are necessary for youth to develop into mature, responsible members of society; and
WHEREAS, after school programs provide youth with safe, unique, and engaging activities and situations, which can help develop their physical, social, emotional, and academic skills; and,
WHEREAS, after school programs help to build greater communities by involving students, parents, volunteers, and businesses in the lives of young people, thus promoting greater relationships among members of society; and,
WHEREAS, fourteen and a half million children in the United States have no place to go after school; and in Illinois, sixty-four percent of school age children come from homes where both, or the only parent, are in the workforce; and,
WHEREAS, after school programs help reduce the instability in the lives of children by reducing crime and the risk of unhealthy and unsafe behavior among young people; and,
WHEREAS, Lights On Afterschool! seeks to bring nationwide attention to the needs of after school programs, and promotes their development in our society:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois,
do hereby proclaim October 14, 2004 as LIGHTS ON AFTERSCHOOL! DAY in Illinois, and encourage all citizens to take time to support after school programs and recognize the benefits they offer to the youth and communities of Illinois.

Issued by the Governor October 04, 2004.
Filed by the Secretary of State October 04, 2004.

2004-288
GERMAN-AMERICAN DAY

WHEREAS, the United States of America is a land of opportunity where people are recognized for their diverse heritage; and
WHEREAS, Germans have been immigrating to the US throughout the course of 300 years. Among the first group to immigrate were 13 Mennonite families from Krefeld on October 6, 1683, who founded Germantown, Pennsylvania; and
WHEREAS, across the country, more than 45 million citizens are of German descent, accounting for more than 25 percent of our nation’s population. In the state of Illinois, more than 2.4 million people are of German ancestry, composing almost 20 percent of our citizenry; and
WHEREAS, over 700 students across the US, including several from Illinois, strengthen their understanding of both German and American history through their participation in the German-American Fulbright Program. This program was established after Senator Fulbright of Arkansas created an act that provided for the exchange of teachers and students between countries; and
WHEREAS, German-Americans contribute significantly to this country working in a variety of different professions. It is important that we recognize their valuable contributions to making the United States a world leader in business and politics, and the bravery they have displayed in serving our country during times of war, dating as far back as the American Revolution; and
WHEREAS, German-American Day is an opportunity to celebrate and recognize the positive impact German-Americans have had on our nation over the years:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 6, 2004 as GERMAN-AMERICAN DAY in Illinois, and encourage all citizens to be appreciative of the impact that German-Americans have had on our country, while taking the opportunity to learn about their rich heritage.

Issued by the Governor October 04, 2004.
Filed by the Secretary of State October 04, 2004.
2004-289
MOTHERS OF MULTIPLES WEEK

WHEREAS, according to the U.S. Census Bureau, pregnant women have a 1 in 32 chance of delivering twins, and a 1 in 540 chance of delivering triplets or other multiple births; and
WHEREAS, here are two kinds of twins: identical twins develop from one fertilized egg that splits into two separate eggs, and fraternal twins come from two separate eggs that are fertilized at the same time; and
WHEREAS, twins/multiples and their families share a special bond that can never be broken, however multiple births can sometimes bring about unforeseen challenges and lifestyle adjustments. With that in mind, the Illinois Organization of Mothers of Twins Clubs, Incorporated (IOMOTC) was formed in 1962 to provide support, information, and networking services to parents of multiple birth children; and
WHEREAS, Mothers of Multiples Week was established to celebrate the joy that multiple birth children bring to families. Each year in October, the IOMOTC holds a convention that brings mothers of multiples from across the state together to share new information, and engage in various networking opportunities.

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 11-17, 2004 as MOTHERS OF MULTIPLES WEEK in Illinois, and encourage all citizens to recognize the efforts of these caring and nurturing women who have proudly accepted the task of raising twins or other multiples.

Issued by the Governor October 05, 2004.
Filed by the Secretary of State October 05, 2004.

2004-290
SARCIOIDOSIS AWARENESS MONTH

WHEREAS, sarcoidosis is a disease that causes inflammation of the body’s tissues. It can occur in any organ of the body and upsets cells until they eventually form granulomas, which are small lumps that stay within the organ; and
WHEREAS, sarcoidosis can affect people all across the globe. Although it was once viewed as a rare disease, over the last 35 years the affected population has increased. Sarcoidosis is now the most common fibrotic lung disorder and one of the most common chronic diseases in the world; and
WHEREAS, symptoms of sarcoidosis are far ranging. Since the disease can affect any organ in the body, the symptoms are different for each
organ. The most common symptoms include: fatigue, loss of appetite, fever, night sweats, enlarged lymph nodes, a skin rash, and shortness of breath and/or chest pain; and

WHEREAS, sarcoidosis is not easily diagnosed and can often go undetected or misdiagnosed for a long period of time. Because of this, it is difficult to estimate the number of people living with the disease today; and

WHEREAS, many patients with sarcoidosis do not require treatment and are able to function normally, particularly those without disabling symptoms. Although corticosteroids remain the primary treatment for sarcoidosis, a critical aspect of treatment is to keep the affected organs working and relieve the symptoms. Many times, symptoms will disappear spontaneously or without treatment; and

WHEREAS, there are many dedicated organizations in this country working to raise awareness about this disease. Throughout the month of October 2004, the National Sarcoidosis Society, Incorporated, will be hosting four conferences in Illinois to provide health care providers and health departments with important sarcoidosis information:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2004 as SARCOIDOSIS AWARENESS MONTH in Illinois, and encourage all citizens to educate themselves on this unfortunate chronic illness, and do what they can to support those who are affected by it.

Issued by the Governor October 05, 2004.

Filed by the Secretary of State October 05, 2004.

2004-291
PUT THE BRAKES ON FATALITIES DAY

WHEREAS, according to the National Highway and Traffic Safety Administration, over 42,000 lives are claimed each year as the result of deadly motor vehicle crashes in the United States; and

WHEREAS, in 2003, speeding was a contributing factor in 31 percent of all fatal crashes. The economic cost of speeding-related crashes in the U.S. is estimated to be more than $40 billion dollars every year; and

WHEREAS, driver behavior plays a large role in automobile accidents. It is important for the driver to focus on the road and drive the speed limit. Following these two safety precautions can help to prevent a fatal crash; and

WHEREAS, some additional tips for safe driving include: always wearing your seatbelt, being cognizant of blind spots, and avoiding aggressive driving. In addition, it is imperative that drivers never operate a motor vehicle under the influence of alcohol or other controlled substances;
and

WHEREAS, on October 10, 2004, there will be several events held throughout Illinois to help raise awareness of how critically important it is to always drive safely and alertly:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 10, 2004 as PUT THE BRAKES ON FATALITIES DAY in Illinois, and encourage all citizens to practice safe driving habits in an effort to reduce automobile-related fatalities in Illinois, and throughout the country.

Issued by the Governor October 05, 2004.
Filed by the Secretary of State October 05, 2004.

2004-292
KINDERGARTEN DAY

WHEREAS, enrollment in pre-primary education in the United States has increased significantly since 1991. According to the National Center for Education Statistics, from 1991 – 2001, pre-primary enrollment of children between the ages of three and five increased by twenty percent; and

WHEREAS, during the kindergarten years, children often make considerable gains in reading and math. In addition, they begin to develop advanced social skills from the constant interaction that they have with one another; and

WHEREAS, those different skills and abilities that kindergarteners acquire lay the foundation for success at future grade levels. History has shown that in many cases, these children go on to become more competent learners, and are less likely to be held back in school; and

WHEREAS, my administration is committed to improving education in Illinois at all levels. In each of my first two years in office, significant increases have been made in K-12 spending and per-student state aid funding. With these efforts, we are aiming to not only enhance the educational experiences of current students, but also to continue increasing enrollment in pre-school and kindergarten programs in this state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 14, 2004 as KINDERGARTEN DAY in Illinois, and encourage all parents to enroll their children in kindergarten to enhance their abilities, and provide them with better chances to succeed later in life.

Issued by the Governor October 06, 2004.
Filed by the Secretary of State October 06, 2004.
2004-293
CHICAGO COMMONS APPRECIATION DAY

WHEREAS, in 1894, Chicago Commons was founded by Graham Taylor, who was strongly committed to providing human services in response to social challenges that faced many individuals, families and neighborhoods of the time; and

WHEREAS, now, over one-hundred years later, Chicago Commons continues to fulfill its mission of partnering with individuals, families and communities to help overcome poverty, discrimination and isolation; and

WHEREAS, reported declines of child abuse and neglect cases over the last century are a tribute to the many efforts provided by Chicago Commons, along with state agencies such as the Department of Children and Family Services and the Department of Human Services, and the various programs that those entities provide; and

WHEREAS, the 110th anniversary of Chicago Commons is a testament to the terrific efforts they put forth each day, and Illinois is proud to join in recognizing their tremendous presence in this state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 9, 2004 as CHICAGO COMMONS APPRECIATION DAY in Illinois, and encourage all citizens to join with me in commending the positive impact that this organization has had on the communities of Chicagoland.

Issued by the Governor October 06, 2004.
Filed by the Secretary of State October 06, 2004.

2004-294
WORLD SIGHT DAY

WHEREAS, the epidemic of global blindness is of great concern to the world. According to the World Health Organization, every 5 seconds a new person becomes blind; and

WHEREAS, there are approximately 45 million people worldwide that suffer from a form of visual impairment, and 90 percent of those individuals reside in developing countries; and

WHEREAS, the World Health Organization has determined that roughly 80 percent of blindness in the world is avoidable. In many cases, blindness occurs because necessary preventable measures were not taken to avoid it; and

WHEREAS, VISION 2020: The Right to Sight is a joint global initiative run by the World Health Organization and the International Agency for the Prevention of Blindness. The goal of the initiative is to educate the
public about blindness prevention and to generate support for programs that
work to eliminate blindness around the world; and

WHEREAS, in Illinois, we also have a strong commitment to
eradicating blindness. Through efforts such as the Pediatric Vision Initiative,
which seeks to prevent childhood vision impairments such as amblyopia by
promoting screening and early detection, the First Lady and I are working
diligently to bring these issues to the forefront of Illinoisans’ minds:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois,
do hereby proclaim October 14, 2004 as WORLD SIGHT DAY in Illinois,
and encourage all citizens to support the continued efforts being put forth in
this state and throughout the world, to halt the spread of blindness.

Issued by the Governor October 07, 2004.
Filed by the Secretary of State October 08, 2004.

2004-295
LOUIS GLUNZ BEER, INCORPORATED DAY

WHEREAS, Louis Glunz Beer, Incorporated is not only the oldest
beer wholesaler in Illinois, but it is the oldest in the entire United States; and

WHEREAS, the Glunz Beer tradition began in 1879, when Louis
Glunz immigrated to this country from Germany. Nine years after moving to
Chicago, he formed the Louis Glunz Beer, Incorporated Wholesale
Company, and opened his headquarters in the heart of the city of Chicago at
the corner of Division and Wells streets; and

WHEREAS, Louis Glunz passed away in 1931, but his legacy was
faithfully carried on by his son, Louis Glunz II, and is now led by his
grandson, Jack Glunz. He and the company’s dedicated employees, which
include the fourth and fifth generations of the Glunz family, have worked
tirelessly to make the company the success story it has become today. Today,
their portfolio features over 500 beer brands from 59 breweries worldwide; and

WHEREAS, aside from their great success in the beer wholesaling
business, Louis Glunz Beer, Incorporated believes in giving back to the
community. They are avid supporters of “German-American Fest,”
“Christkindlmarket,” and the “Sheffield Garden Walk.” They also donate to
hundreds of fundraising events throughout the state each year; and

WHEREAS, Louis Glunz Beer, Incorporated has persevered through
over 100 years of history, surviving such hardships as prohibition, the Great
Depression, and World War I and II; and

WHEREAS, this year, Louis Glunz Beer, Incorporated will be
celebrating their 116th anniversary. The celebration, which has been dubbed
the “Sweet Sixteen Plus a Century” Anniversary, will afford the entire Louis
Glunz Beer family the opportunity to commemorate their rich history and look forward to many more successful years:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 6, 2004 as LOUIS GLUNZ BEER, INCORPORATED DAY in Illinois, and encourage all citizens to recognize the positive impact that this Illinois institution has had on the economy of this state over the past 116 amazing years.

Issued by the Governor October 07, 2004.
Filed by the Secretary of State October 08, 2004.

2004-296
HEALTHY SMILES WEEK

WHEREAS, many citizens of the State of Illinois still suffer from dental pain and disease because of improper oral hygiene habits; and
WHEREAS, the Illinois Department of Health reports 31 percent of adults had lost one to five teeth due to dental decay or gum disease; and
WHEREAS, 54 percent of children in grades one, two, and eight had evidence of dental decay on baby teeth or permanent teeth, and 38 percent of 6- to 8-year old children had untreated dental decay on their baby or permanent teeth; and
WHEREAS, a majority of counties go without pediatric dental care in the State of Illinois since only 17 of 102 counties have a pediatric dentist; and
WHEREAS, children will continue to have dental pain into adulthood without improved oral hygiene habits; and
WHEREAS, effective July 1, 2005 all children entering Kindergarten, second and sixth grade will receive an oral health exam before entering school; and
WHEREAS, school age children in the State of Illinois will be able to receive dental screening services from the University of Illinois at Chicago and Southern Illinois University School of Dentistry; and
WHEREAS, the Office of Lieutenant Governor Pat Quinn, the University of Illinois at Chicago, Southern Illinois University College of Dentistry, IFLOSS (Illinois-based organization focused on oral health), Covering Kids & Families, Chicago Department of Public Health, Illinois Department of Public Health, and others are all participating to improve oral health for citizens across the State of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 10 – October 16, 2004 as HEALTHY SMILES WEEK in Illinois, and encourage all community health centers and dental service centers to participate in free screening services for children. In
addition, all citizens are encouraged to become educated about the important role oral health plays in our society.

Issued by the Governor October 07, 2004.
Filed by the Secretary of State October 08, 2004.

2004-297
HIGH TECH WEEK

WHEREAS, in the last several years, the technology industry has been a major factor in reinvigorating our nation’s economy; and
WHEREAS, in 2006, Chicago will host the Biotechnology Industry Organization’s International Biotechnology Meeting and Exposition, which will provide attendees information on a variety of topics, from gene technology to pharmaceutical development; and
WHEREAS, KPMG LLP, a leading provider of assurance, tax and legal, and advisory services, works with companies to provide sound and valuable business advice, helping them to manage their business risks. Since 1984, KPMG has held the Illinois High Tech Awards in an effort to honor local role models whom others can turn to for inspiration; and
WHEREAS, the ultimate goal of the High Tech Awards is to create a broad-based network to foster growth of local high technology businesses:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 22-26, 2004 as HIGH TECH WEEK in Illinois, and encourage all citizens to recognize the brilliance and vision of these local heroes of the technology industry.

Issued by the Governor October 08, 2004.
Filed by the Secretary of State October 12, 2004.

2004-298
ACTION FOR CHILDREN DAY

WHEREAS, in 1969, the Day Care Crisis Council, most recently known as the Day Care Action Council of Illinois and now as Action for Children, started as a small volunteer-based organization to advocate for quality improvements in child care centers and support the growing number of women entering this country’s workforce; and
WHEREAS, now, 35 years since its inception, Action for Children assists over 200,000 Illinois families and children, and 63,000 child care professionals each year; and
WHEREAS, Action for Children works successfully to build capacity at the grassroots level by empowering those directly affected by public policy decisions to advocate for their rights, and to speak out on behalf of Illinois’
low-income working families and their children; and

WHEREAS, Action for Children creates a common voice and vision for advancing high quality and accessible programs that foster the development, health and well-being of all Illinois children; and

WHEREAS, by advocating for systems of early learning that are responsive to the needs of families and children, working to empower people to get involved in making meaningful changes in the public arena, and promoting quality improvement and best practices for child care providers, programs and policymakers, Action for Children works diligently each day to improve the state of child care in Illinois; and

WHEREAS, above all, Action for Children supports Illinois parents in making the best choices for the well-being of their children and families; and

WHEREAS, my administration proudly joins Action for Children in accomplishing their important goals. Since the beginning of my administration in 2003, we have worked hard to improve the quality of life and enhance opportunities for young people in the years to come. Fine organizations such as Action for Children are instrumental in that ongoing mission:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim Monday, October 18, 2004 as ACTION FOR CHILDREN DAY in Illinois, and encourage all citizens to recognize the hard work that this fine organization puts forth on behalf of children and families in this state.

Issued by the Governor October 14, 2004.
Filed by the Secretary of State October 15, 2004.

2004-299
VETERANS DAY

WHEREAS, as citizens of the United States of America, we are deeply indebted to our veterans, who have courageously defended this country throughout its history, in times of war and peace; and

WHEREAS, the work that our veterans have put forth in helping to keep our country safe and free, as well as spreading democracy to other nations throughout the world, should be recognized, remembered and appreciated by everyone; and

WHEREAS, there are over 975,000 veterans living in Illinois today. With that in mind, the Illinois Department of Veterans Affairs exists to serving the needs of our state’s loyal soldiers of the past, as well as the needs of their families and loved ones; and

WHEREAS, in 1954, President Dwight D. Eisenhower changed
November 11, from Armistice Day, a remembrance of those who fought in World War I, to Veterans Day, so that the day would serve to remember the veterans of all American wars; and

WHEREAS, both our state and our nation will forever be proud and grateful for the great sacrifices that our nation’s veterans have made for their country. Veterans Day is an excellent opportunity to celebrate all the past achievements of these brave men and women:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11, 2004 as VETERANS DAY in Illinois, and encourage all citizens to remember those who have fought to keep America safe and free.

Issued by the Governor October 14, 2004.
Filed by the Secretary of State October 15, 2004.

2004-300
NATIONAL FAMILY WEEK

WHEREAS, the importance of family cannot be overstated in our society. A community that is actively participating in bringing our families together through love, giving and appreciation gives a hope to our society that encourages citizens to understand that family is one of the central elements of human life; and

WHEREAS, each year, the Thanksgiving holiday is a special time to rejoice and reflect upon what family means to us. During this holiday, we acknowledge the value of connections between family members and our community as a whole; and

WHEREAS, all must strive to continue strengthening the connections that create the everlasting bonds between families; and

WHEREAS, with the aid of family focused organizations throughout the state, such as the Child Care Association of Illinois, and state agencies such as the Illinois Department of Children and Family Services (DCFS), citizens can learn how to enrich those bonds that ultimately define a family, helping to generate a better future for Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 21-27, 2004 as NATIONAL FAMILY WEEK in Illinois, and encourage all citizens to join in recognizing the importance of establishing and maintaining strong bonds among family members.

Issued by the Governor October 14, 2004.
Filed by the Secretary of State October 15, 2004.
2004-301
CHRONIC OBSTRUCTIVE PULMONARY DISEASE MONTH

WHEREAS, Chronic Obstructive Pulmonary Disease (COPD) encompasses a group of lung diseases that cause blockages to airflow and breathing-related problems in people. These diseases include chronic bronchitis, emphysema, and some extreme cases of asthma; and

WHEREAS, COPD has a variety of causes, but the primary source for developing the disease is cigarette smoking. Most COPD patients are smokers or former smokers, however, breathing other irritants on a regular basis such as pollution or chemicals can also contribute to developing the disease; and

WHEREAS, COPD causes the airways to lose their elasticity and become swollen, as well as erode the walls of air sacs. All of these symptoms combined lead to less air getting in and out of the lungs and therefore, getting less oxygen to the body; and

WHEREAS, COPD uses the airways to lose their elasticity and become swollen, as well as erode the walls of air sacs. All of these symptoms combined lead to less air getting in and out of the lungs and therefore, getting less oxygen to the body; and

WHEREAS, COPD causes the airways to lose their elasticity and become swollen, as well as erode the walls of air sacs. All of these symptoms combined lead to less air getting in and out of the lungs and therefore, getting less oxygen to the body; and

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WHEREAS, COPD causes the airways to lose their elasticity and become swollen, as well as erode the walls of air sacs. All of these symptoms combined lead to less air getting in and out of the lungs and therefore, getting less oxygen to the body; and

WHEREAS, COPD, according to the National Heart, Lung, and Blood Institute, COPD is the fourth leading cause of death in the United States. In 2001 alone, there were over 12.1 million diagnosed cases of COPD in adults over the age of 25; and

WHEREAS, there is no treatment for COPD. Damage done to the airways is irreversible, however early detection may alter the course of the disease. Avoiding tobacco smoke and air pollution is the most important thing a COPD patient can do to lessen their symptoms; and

WHEREAS, there are many organizations working to bring COPD into the forefront of people’s minds. In addition, each year, the month of November is used to promote awareness of the disease. Over the course of this month, efforts are put forth in this state, and throughout the country, to educate the public about COPD:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2004 as CHRONIC OBSTRUCTIVE PULMONARY DISEASE MONTH in Illinois, and encourage all citizens to make themselves aware of the dangers of this deadly, but often overlooked disease.

Issued by the Governor October 14, 2004.
Filed by the Secretary of State October 15, 2004.

2004-302
PARALEGAL ASSOCIATION DAY

WHEREAS, paralegals provide significant legal support for many organizations, including law firms, corporate legal departments, and
government offices; and

WHEREAS, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and contribution to the running of American organizations and the execution of American law. According to the United States Bureau of Labor Statistics, the paralegal profession will see greater than average growth through the year 2012; and

WHEREAS, the Illinois Paralegal Association—one of the oldest and largest organizations supporting paralegals in the state—will be celebrating its 32nd Anniversary this year; and

WHEREAS, the purpose of the Illinois Paralegal Association is to promote communication among members of the paralegal profession, the legal community, and civic and professional organizations; to encourage and provide for the continuing education of paralegals; and, to advance the paralegal profession in the United States:

THEREFORE, I, Rod Blagojevich, Governor of the States of Illinois, do hereby proclaim November 11, 2004 as PARALEGAL ASSOCIATION DAY in Illinois, and encourage citizens and organizations to recognize the efforts and contributions of paralegals to our state and our communities.

Issued by the Governor October 14, 2004.
Filed by the Secretary of State October 15, 2004.

2004-303
CHRISTIAN COUNTY COAL MINERS DAY

WHEREAS, the coal industry has been an important component of the Illinois economy over the years. Starting in the late 1800s, young men across the state would become miners as soon as they could begin working; and

WHEREAS, in Christian County, Illinois, the Herrin Coal Seam provided the most coal to be mined and was in many ways the lifeblood of the County’s industry; and

WHEREAS, there are approximately 17 mines in Christian County. The impact of this important industry over the years has been invaluable and its effects have been felt by all the communities of Christian County; and

WHEREAS, the Christian County Coal Mine Museum was established so that the traditions and dedication of coal miners in the community may never be forgotten:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 19, 2004 as CHRISTIAN COUNTY COAL MINERS DAY in Illinois, and encourage all citizens to learn more about this key historical industry in Illinois.
2004-303

CHRISTIAN COUNTY COAL MINERS DAY
(REVISED)

WHEREAS, the coal industry has been an important component of the Illinois economy over the years. Starting in the late 1800s, young men across the state would become miners as soon as they could begin working; and

WHEREAS, in Christian County, Illinois, the Herrin Coal Seam provided the most coal to be mined and was in many ways the lifeblood of the County’s industry; and

WHEREAS, over the years, Christian County coal miners have worked in approximately 17 different mines. The impact of this important industry over the years has been invaluable and its effects have been felt by all the communities of Christian County; and

WHEREAS, the Christian County Coal Mine Museum was established so that the traditions and dedication of coal miners in the community may never be forgotten:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 19, 2004 as CHRISTIAN COUNTY COAL MINERS DAY in Illinois, and encourage all citizens to learn more about this key historical industry in Illinois.

Issued by the Governor October 14, 2004.
Filed by the Secretary of State October 15, 2004.

2004-304

GOOD BEAR DAY

WHEREAS, Good Bears of the World (GBW) is a non-profit organization that provides teddy bears to children and seniors where love, solace, and comfort are needed. Annually, GBW donates more than 20,000 teddy bears to victims of natural disasters, domestic violence, illness, and tragedy. Recent recipients include victims of the Oklahoma City Bombing, the recent Florida hurricanes, and the attacks of September 11, 2001; and

WHEREAS, gestures of kindness and caring break down interpersonal barriers, foster friendship and communication, and enhance the well-being of the individual and society; and

WHEREAS, the teddy bear, named after the 26th President of the United States, Theodore Roosevelt, symbolizes these notions of goodness
and integrity that exist in the hearts and minds of Americans; and

WHEREAS, Good Bear Day seeks to continue GBW’s thirty-five year tradition of bringing love and joy to children and elders who are in need, and increase awareness of its presence and contributions to the community:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 27, 2004 as GOOD BEAR DAY in Illinois, and encourage citizens to join in celebrating President Theodore Roosevelt’s birthday, and honoring Good Bears of the World for the joy that they provide to numerous people each year.

Issued by the Governor October 14, 2004.
Filed by the Secretary of State October 15, 2004.

2004-305
PREMATURITY AWARENESS DAY

WHEREAS, in the United States of America, more than 470,000 babies are born prematurely each year. In Illinois, there are in excess of 22,000 pre-term births annually, constituting more that 12 percent of all annual births in the state. This number has increased nearly 27 percent over the past two decades; and

WHEREAS, pre-term births are currently the leading cause of death for American newborns, and premature babies that survive often develop serious lifelong health problems; and

WHEREAS, the March of Dimes, a national organization dedicated to funding cutting-edge research and innovative programs to save babies from birth defects, launched a $75 million, five-year campaign in January 2003 aimed at increasing awareness and reducing the number of pre-term births by 15 percent; and

WHEREAS, the national office of the March of Dimes, an organization dedicated to funding research and innovative programs to save babies from birth defects, premature birth and low birth weight, has declared Tuesday, November 16, 2004 as Prematurity Awareness Day in the United States; and

WHEREAS, as part of this awareness campaign, the Illinois Department of Human Services, the Chicago Department of Public Health, and the Cook County Bureau of Health Services are partnering with the Illinois Chapter of March of Dimes to promote awareness of prematurity as a serious health issue facing many families in our communities across the state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 16, 2004 as PREMATURITY AWARENESS DAY in Illinois, and encourage all citizens to help decrease the amount of
pre-term births in our state by developing awareness of this serious health issue.

Issued by the Governor October 14, 2004.
Filed by the Secretary of State October 15, 2004.

2004-306
CHILDREN’S BOOK WEEK

WHEREAS, reading is the cornerstone of education, allowing individuals to pursue an endless world of information and knowledge; and
WHEREAS, the love of books and reading, passed from generation to generation, peer to peer, teacher to student, is a lifelong treasure that unveils the many possibilities and opportunities that exist within our society; and
WHEREAS, children across the state of Illinois, and throughout the country, can continually develop their young minds by putting forth conscious efforts to develop and maintain regular reading habits; and
WHEREAS, my administration is committed to spreading the value of reading to children all throughout this state. In January of this year, we announced a plan to place reading specialists in Illinois schools to enhance reading comprehension among our youth. In addition, just this past summer, First Lady, Patti Blagojevich launched a summer reading initiative where thousands of books were distributed to low-income families in Illinois to help improve literacy and encourage interest in reading; and
WHEREAS, there are many resources throughout this state, including libraries, schools and bookstores, which help to introduce young people to authors, books, and reading. The 85th Annual Children’s Book Week is an opportunity to celebrate those many opportunities throughout Illinois:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 15 – November 21, 2004 as CHILDREN’S BOOK WEEK in Illinois, and encourage all citizens to recognize the importance of developing good reading skills at a young age.
Issued by the Governor October 14, 2004.
Filed by the Secretary of State October 15, 2004.

2004-307
NATIONAL CREUTZFELDT-JAKOB DISEASE AWARENESS WEEK

WHEREAS, Creutzfeldt-Jakob Disease (CJD) is a rare, fatal brain disease that causes rapid, progressive dementia and other neuromuscular disturbances; and
WHEREAS, according to the CJD Foundation, doctors do not know the cause of the disease in about 85 percent of the cases; and
WHEREAS, one out of a million people are affected by CJD, and more people whose deaths are misdiagnosed and/or unreported may have died as a result of CJD; and
WHEREAS, the Centers for Disease Control and Prevention reports that an estimated 13 percent of deaths attributed to Alzheimer’s are actually caused by CJD; and
WHEREAS, families and friends, as well as those who suffer from CJD, have formed CJD Aware! to provide resources for those affected by the disease; and
WHEREAS, the motto of CJD Aware! is “sharing information to find a cure.” By serving as a comprehensive resource on all issues regarding CJD, they are instrumental in creating awareness of this disease among citizens across the country:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 7 – November 13, 2004 as NATIONAL CREUTZFELDT-JAKOB DISEASE AWARENESS WEEK in Illinois, and encourage all citizens to become educated about this disease, as well as aid and support those who are affected by it.
Issued by the Governor October 14, 2004.
Filed by the Secretary of State October 15, 2004.

2004-308
HOSPICE MONTH HONORING VETERANS OF ILLINOIS

WHEREAS, throughout our history, millions of citizens have honorably served the United States in one or more of our four military branches. Currently, among those who have served, there are over 9 million veterans who are age 65 or older; and
WHEREAS, Illinois is one of only seven states in the union boasting more than one million residents that are military veterans. In addition, an estimated 63 percent of the total male 65 and older population in Illinois are veterans; and
WHEREAS, as these aging veterans begin contemplating their own mortalities, many of them develop a desire to spend their final days in a compassionate atmosphere where they can receive professional medical services, along with pain and symptom control and emotional and spiritual support; and
WHEREAS, developed as a means to create an environment where individuals could “die with dignity,” the hospice program was first introduced to this country in the 1960’s, and America’s first hospice was
established in Bradford, Connecticut in 1974. Hospice has since become widely utilized by families all throughout the country who want their loved ones to be comfortable and content in the days and weeks leading up to their deaths; and

WHEREAS, the Department of Veteran Affairs and the Illinois Hospice & Palliative Care Organization (IL–HPCO) have partnered together to provide education to veterans regarding end-of-life issues, and present hospice as a viable option for them and their families:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2004 as HOSPICE MONTH HONORING VETERANS OF ILLINOIS, and encourage all citizens to use this month as an opportunity to become aware of the hospice services that are available to our brave American veterans, and to all the people of this great country.

Issued by the Governor October 14, 2004.
Filed by the Secretary of State October 15, 2004.

2004-309
LUPUS AWARENESS MONTH

WHEREAS, Lupus is a chronic, inflammatory, autoimmune disease that mainly affects women of childbearing age. Its symptoms range from unexplained fever, swollen joints and skin rashes, to severe damage of the kidneys, lungs, or central nervous system; and

WHEREAS, an estimated 1.5 million Americans have a form of lupus, and millions more are indirectly affected by the physical, social, and economic impact of the disease; and

WHEREAS, the Lupus Foundation of America (LFA) is a non-profit group whose mission is to improve the diagnosis and treatment of lupus, support individuals and families affected by the disease, increase awareness of lupus among health professionals and the public, and find the cause and eventual cure for the disease. LFA has fifty chapters and two-hundred and twenty support groups in thirty-two states; and

WHEREAS, public funding for lupus research and patient services is critically important, and heavily depends upon general knowledge of the presence and effects of the disease:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby declare October 2004 as LUPUS AWARENESS MONTH in Illinois, and encourage all citizens to recognize the impact of lupus on our society and the need to work toward a cure.

Issued by the Governor October 15, 2004.
Filed by the Secretary of State October 15, 2004.
2004-310
CHILDHOOD LEAD POISONING PREVENTION WEEK

WHEREAS, approximately 434,000 children in this country between the ages of one and five have blood lead levels greater than the U.S. Centers for Disease Control and Prevention’s recommended level of 10 micrograms of lead per deciliter of blood; and

WHEREAS, even though lead-based paints were banned in 1978, the major source of lead exposure among American children remains lead-based paint and lead-contaminated dust found in the nearly 24 million deteriorating housing units in the country; and

WHEREAS, lead poisoning can affect nearly every system in the body, causing learning disabilities, behavioral problems and, in extreme instances, seizure, coma and even death; and

WHEREAS, lead poisoning can affect children from all socioeconomic levels, but those living at or below the poverty line—who frequently live in older homes—are at a greater risk; and

WHEREAS, Illinois has the highest number of children tested, and the highest childhood lead poisoning prevalence rate of any state in the nation; and

WHEREAS, Illinois is pleased to join with health care professionals, agencies and their delegates in observance of National Lead Poisoning Prevention Week, an effort to increase awareness and to promote the prevention of lead poisoning in children:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, proclaim October 24-30, 2004, as CHILDHOOD LEAD POISONING PREVENTION WEEK in Illinois, and encourage all citizens to recognize the prevalence of lead poisoning in our society and to join in working toward eradicating this unfortunate and unnecessary condition.

Issued by the Governor October 19, 2004.
Filed by the Secretary of State October 19, 2004.

2004-311
FAMILY CAREGIVERS MONTH

WHEREAS, family caregivers selflessly provide physical, emotional and spiritual support to loved ones who are chronically ill, elderly and/or disabled; and

WHEREAS, one in four households across the country take on the role of providing care to family members and friends who are fifty years of age and older; and

WHEREAS, over 1.1 million family caregivers in the State of Illinois
are able to utilize programs through the Illinois Department on Aging’s Caregiver Support Program. Among many other services available, they are able to grow with individual counseling, support groups or caregiver training; and

WHEREAS, it is estimated that it would cost the citizens of the United States a collective $200 billion per year if the services provided by family caregivers were replaced with those of professionals; and

WHEREAS, twenty-five percent of all working citizens in this county provide elder care. A large majority of those individuals are employed full-time, and are forced to rearrange their work schedules to care for their loved ones. For that, and many other reasons, family caregivers deserve our utmost respect and commendation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2004 as FAMILY CAREGIVERS MONTH in Illinois, and encourage all citizens to join in reaffirming our appreciation for family caregivers and the tremendous efforts they put forth each day.

Issued by the Governor October 19, 2004.
Filed by the Secretary of State October 19, 2004.

2004-312

HEALTHCARE QUALITY WEEK

WHEREAS, the quality of healthcare in our nation is important to all citizens. It is mandatory that all individuals receive the best healthcare available and that all citizens are treated equally within that system; and

WHEREAS, healthcare professionals strive to make a positive contribution to improving clinical outcomes as well as providing the best service available to its patients; and

WHEREAS, my administration is working diligently to solve the problem of citizens without healthcare. The expansion of KidCare and FamilyCare will help to insure over 20,000 more children and 100,000 more working parents; and

WHEREAS, there are several organizations in Illinois working toward helping people to receive the best healthcare possible. These organizations strive to achieve quality healthcare, a human right that is deserved by all peoples:

THEREFORE, I, Rod Blagojevich, Governor of Illinois, do hereby proclaim October 17 – 23, 2004 as HEALTHCARE QUALITY WEEK in Illinois, and encourage the populace to support the right of all citizens to receive quality healthcare.

Issued by the Governor October 19, 2004.
Filed by the Secretary of State October 19, 2004.
2004-302
PARALEGAL DAY
(REVISED)

WHEREAS, paralegals provide significant legal support for many organizations, including law firms, corporate legal departments, and government offices; and

WHEREAS, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and contribution to the running of American organizations and the execution of American law. According to the United States Bureau of Labor Statistics, the paralegal profession will see greater than average growth through the year 2012; and

WHEREAS, the Illinois Paralegal Association—one of the oldest and largest organizations supporting paralegals in the state—will be celebrating its 32nd Anniversary this year; and

WHEREAS, the purpose of the Illinois Paralegal Association is to promote communication among members of the paralegal profession, the legal community, and civic and professional organizations; to encourage and provide for the continuing education of paralegals; and, to advance the paralegal profession in the United States:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11, 2004 as PARALEGAL DAY in Illinois, and encourage citizens and organizations to recognize the efforts and contributions of paralegals to our state and our communities.

Issued by the Governor October 14, 2004.
Filed by the Secretary of State October 25, 2004.

2004-313
SERVICE WEEK 2004

WHEREAS, volunteerism and community service are essential elements of practicing good citizenship; and

WHEREAS, Alpha Phi Omega (APO) is a national service fraternity that puts forth nationwide efforts to promote volunteerism on college campuses, and in their greater communities; and

WHEREAS, each year, APO sponsors Service Week, which is an opportunity to create awareness across the country of the importance of community service; and

WHEREAS, 2004 marks the 15th Anniversary of Service Week, and the theme for this year, “Building a Sound Body,” encourages citizens to practice healthy lifestyle habits; and
WHEREAS, for Service Week 2004, the local APO Chapter at Southern Illinois University Edwardsville plans to hold a food drive, distribute information on wellness, provide meals for the homeless, promote exercise and nutrition among students, sponsor a blood drive, entertain residents at nursing homes, and participate in activities with the Muscular Dystrophy Association and Edwardsville Lions Club; and

WHEREAS, my administration is proud to join APO in promoting volunteerism and community service, especially among young people. Last year, we proposed new legislation that would require all high school students to complete 40 community service hours in order to graduate. We feel that this would greatly help young people learn the values and responsibilities of being a good citizen:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 1 – 7, 2004 as SERVICE WEEK 2004 in Illinois, and encourage all citizens to assist in improving the state of their communities through service and volunteerism.

Issued by the Governor October 26, 2004.

Filed by the Secretary of State October 27, 2004.

2004-314
SUNNY RIDGE DAY

WHEREAS, the Sunny Ridge Family Center began as a home for neglected and homeless children in 1926 by Reverend John Klingberg, a Swedish immigrant. Originally called the Klingberg Children’s Home of Chicago, the agency changed its name in 1953 after the purchase of their current headquarters in Wheaton, Illinois; and

WHEREAS, Sunny Ridge currently serves approximately 150 women each year who are faced with unplanned pregnancies, offering a foster home for them and their infants once they are born; and

WHEREAS, the Sunny Ridge Family Center also has an adoption program that has helped place over 2,900 children from 46 countries into loving homes; and

WHEREAS, through all of their programs, the Center helps approximately 250 adoptive applicants, 150 birth parent families and 25 foster families each year; and

WHEREAS, according to the 2000 U.S. Census Bureau, over 1.7 million households are home to adoptive children. With that in mind, this month of November has been proclaimed National Adoption Month to celebrate the efforts of the caring families that decide to adopt, and to encourage more families to consider adoption; and

WHEREAS, the Illinois Department of Children and Family Services
works diligently each day to place orphaned children into loving and nurturing families. Their efforts have resulted in the placement of over 48,000 Illinois children since 1976; and

WHEREAS, over the last 78 years, Sunny Ridge Family Center has been a rock in the Wheaton community and has displayed an outstanding commitment to ensuring the safety and well-being of children all across the world. The State of Illinois is proud to join them in that critical mission:

THEREFORE, I, Rod Blagojevich, Governor of Illinois, do hereby proclaim November 12, 2004 as SUNNY RIDGE DAY in Illinois, and encourage citizens to be cognizant of the dedication and care that this organization has shown over the years.

Issued by the Governor October 27, 2004.
Filed by the Secretary of State October 27, 2004.

2004-315
AMERICAN PHARMACISTS MONTH

WHEREAS, pharmacists serve as an immediate link between the community and the healthcare industry. Citizens rely on pharmacists to provide them with their prescribed medications, as well as offer important information regarding the usage and safety precautions of medications; and

WHEREAS, in addition to the pharmacists who work in community and chain pharmacies, the profession of pharmacy is also practiced in a wide-range of settings, including hospitals, long term care facilities, the pharmaceutical industry, mail service programs, academia and government; and

WHEREAS, in order for one to become a pharmacist, they must commit to extensive education and training. Individuals must now obtain a Doctorate of Pharmacy degree in order to legally practice as a licensed pharmacist in this country. This education and training ensures that pharmacists are the most knowledgeable in the healthcare industry when it comes to medicines and their uses; and

WHEREAS, there are currently over 10,000 pharmacists practicing in Illinois, and each of them works hard every day to provide services that seek to improve medication use and advance patient care; and

WHEREAS, this year, the American Pharmacists Association, along with local chapters such as the Illinois Pharmacists Association, is launching the first ever American Pharmacists Month, which will serve as an opportunity to celebrate the achievements of pharmacists and pharmacy staff in the United States, as well as educate consumers on the vital role that pharmacists play in ensuring their health and well-being:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois,
do hereby proclaim October 2004 as AMERICAN PHARMACISTS MONTH in Illinois, and encourage all citizens to respect the work of pharmacists and their contributions to the healthcare industry.

Issued by the Governor October 27, 2004.
Filed by the Secretary of State October 27, 2004.

2004-316
WORLD WAR II ILLINOIS VETERANS MEMORIAL DEDICATION DAY

WHEREAS, on December 7, 1941 the United States of America entered World War II, the greatest conflict in modern human history; and
WHEREAS, during this conflict, American citizens of all races, creeds, and nationalities responded to the call for service and joined up to fight for their county; and
WHEREAS, these noble officers, enlisted men, and civilian volunteers joined the Allied Forces throughout the world to defeat the Axis Powers and preserve liberty, freedom, and human dignity for all people; and
WHEREAS, the proud State of Illinois sent 987,000 citizens to fight and aid in the military efforts during World War II, and 22,000 of those were killed as a result of the conflict; and
WHEREAS, the World War II Illinois Veterans Memorial in Springfield serves to honor the memory of the Illinois veterans who served the United States of America during the world’s most desperate hour:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 4, 2004 as WORLD WAR II ILLINOIS VETERANS MEMORIAL DEDICATION DAY in Illinois, and encourage all citizens to take the time to recognize the immeasurable contributions made by those in service to their country.

Filed by the Secretary of State October 28, 2004.

2004-317
HIRE A VETERAN MONTH

WHEREAS, in times of peace and war, the men and women of the United States Army, Navy, Marines, Air Force, and Coast Guard have carried out their duty and provided immeasurable service to our nation, their fellow citizens, and the people of the world; and
WHEREAS, of the tens of millions of officers, soldiers, and civilians who have served in the United States Armed Forces, more than one million have lost their lives in defense of American freedom; and
WHEREAS, according to the 2000 U.S. Census, there are approximately twenty-six million veterans in the United States, one million of which live in Illinois. Many of these former service men and women are currently unemployed; and

WHEREAS, the United States of America seeks to provide educational, employment, medical, and other assistance to its veterans, who have so honorably sacrificed for others and placed the needs of others above their own; and

WHEREAS, employers—and all citizens—should be aware that our veterans have diverse capabilities, a broad range of skills, multifaceted training, and proven character:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the month of November 2004 as HIRE A VETERAN MONTH in Illinois, and encourage all businesses and places of employment to consider providing job opportunities for those who have served in our Armed Forces.

Filed by the Secretary of State October 28, 2004.

2004-318
WEATHERIZATION DAY

WHEREAS, the average American family spends more than $1,500 annually on utility bills; and

WHEREAS, weatherization is a set of measures intended to decrease heat gain and/or heat loss and energy consumption; and

WHEREAS, the average savings in energy costs of having a weatherized home is more than $300 annually, allowing families to spend income on other necessities such as health care and other living expenses; and

WHEREAS, carbon dioxide emissions are reduced by an average of one ton per weatherized household, reducing the pollution levels in Illinois by over 6,100 tons per year; and

WHEREAS, further benefits of weatherization include: increased property values, reduced water consumption and lower water and sewer bills, along with improved health and safety conditions; and

WHEREAS, the Illinois Weatherization Assistance Program, administered by the Illinois Department of Public Aid, works in conjunction with a statewide network of 35 community action agencies to reduce the burden of energy expenses on low income families through weatherizing homes; and

WHEREAS, more than 5 million homes have been weatherized since
the inception of the program in 1977:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 30, 2004 as WEATHERIZATION DAY in Illinois, and encourage all Illinoisans to consider weatherizing their homes in the effort to save money, keep their homes safe, conserve energy and reduce pollution.

Filed by the Secretary of State October 28, 2004.

2004-319
GEOGRAPHY AWARENESS WEEK AND GEOGRAPHIC INFORMATION SCIENCE DAY

WHEREAS, the study of geography is a significant component to a well-rounded education, allowing students to appreciate and understand the world around them; and

WHEREAS, technological innovations such as map making, socioeconomic analyses, and navigational aids, have increased the usage and applicability of geography in academics, business, and everyday life; and

WHEREAS, in 1987 the National Geographic Society, with the support of President Ronald Reagan, established Geography Awareness Week, which seeks to promote geographic literacy in schools, communities, and organizations; and

WHEREAS, Geographic Information Science Day is a grassroots event that unites geographic information systems users and vendors with schools, businesses, and the general public to showcase real-world applications of this important technology; and,

WHEREAS, Geography Awareness Week and Geographic Information Science Day have garnered support from the National Geographic Society, the Library of Congress, software corporations, numerous academic associations, and the governments of ninety-one nations around the world:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 14-20, 2004 as GEOGRAPHY AWARENESS WEEK and November 17, 2004 as GEOGRAPHIC INFORMATION SCIENCE DAY in Illinois, and encourage all citizens to recognize the importance of geography in our society.

Issued by the Governor November 01, 2004.
Filed by the Secretary of State November 01, 2004.
WHEREAS, in the United States, home health care has grown in scope over the past several decades, and now encompasses a wide-array of services including: skilled nursing, hospice care, physical therapy, speech therapy, occupational therapy, infusion services, private duty, as well as general care; and

WHEREAS, aside from its obvious advantages to patients, home health care also provides tremendous savings to states, keeping patients out of state-funded hospitals and institutions; and

WHEREAS, since its inception, the Illinois Home Care Council, founded in 1960, has played an integral role in the growth and change of home health care in this state, and across the country; and

WHEREAS, the Illinois Home Care Council is dedicated to shaping and supporting the entire spectrum of home health care providers and related services. Currently, they represent the needs of nearly 200 providers and vendors of home health in Illinois; and

WHEREAS, the diligent work of the Illinois Home Care Council, as well as several other related organizations across the United States, helps to ensure that patients have access to quality home health care services; and

WHEREAS, the month of November is universally recognized as National Home Care Month, National Hospice Month, and National Family Caregivers Month. These three awareness campaigns serve to recognize the important role that home health care plays in the American healthcare system, the tremendous contributions of those who care for the terminally ill, and the selflessness and compassion displayed by all those who care for sick family members:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the month of November 2004 as ILLINOIS HOMECARE AND HOSPICE MONTH in Illinois, and encourage all citizens to remain cognizant of home health care as a viable option for themselves and their family members, and to recognize the dedicated efforts of organizations such as the Illinois Home Care Council.

Issued by the Governor November 04, 2004.
Filed by the Secretary of State November 04, 2004.

2004-321
ASVAB CAREER EXPLORATION PROGRAM YEAR

WHEREAS, the educational growth and development of students is of the utmost importance here in Illinois, and across the nation; and
WHEREAS, as a concerned society, we must do everything in our power to provide young people with the tools necessary to accomplish their educational and vocational goals; and

WHEREAS, the Armed Services Vocational Aptitude Battery (ASVAB), sponsored by the United States Department of Defense, is the selection and classification test used by all branches of the United States military. The test evaluates students’ knowledge in a variety of subjects, and the results are often used by school counselors and career development coordinators to help students make informed decisions about their futures; and

WHEREAS while the main goal of ASVAB is to encourage students to consider careers in the armed forces, the test is offered to students at no cost, and with no obligation to join the military; and

WHEREAS, American schools are not currently required to administer the ASVAB test to students, but military professionals here in Illinois, and across the country, are actively promoting its use by informing educators of its great benefits:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the 2004-2005 school years as ASVAB CAREER EXPLORATION PROGRAM YEAR in Illinois, and encourage school districts in this state to consider using ASVAB as a method of measuring students’ vocational and academic capabilities.

Issued by the Governor November 04, 2004.

Filed by the Secretary of State November 04, 2004.

2004-322
AMERICAN LUNG ASSOCIATION DAY

WHEREAS, lung disease is a term that refers to a variety of disorders, including: asthma, tuberculosis, lung cancer, emphysema, chronic obstructive pulmonary disorder and chronic bronchitis. Sadly, lung disease remains a growing problem in our society, killing close to 335,000 Americans annually; and

WHEREAS, smoking, with the related lung and heart diseases that it can cause, kills in excess of 430,000 Americans each year, more than 18,400 of which are from Illinois. Additionally, among non-smokers in the United States, secondhand smoke causes an estimated 3,000 lung cancer deaths and up to 50,000 heart disease deaths; and

WHEREAS, since 1904, the American Lung Association (ALA) has displayed an outstanding commitment to the elimination of lung diseases. Through their efforts, we are breathing cleaner air and finding new and better ways to treat respiratory illnesses; and
WHEREAS, the ALA has helped reduce infant mortality through contributions in research which have led to discoveries of surfactant and subsequent treatment for respiratory distress syndrome; and

WHEREAS, clinical understanding and treatment of asthma has been enhanced by the ALA through programs such as the family asthma education program for children and adults, summer camps for children with asthma, and support groups and rehabilitation programs for adults suffering from chronic lung disease; and

WHEREAS, this year marks the America Lung Association’s 100th Anniversary, and it is important that we, as a state, join in expressing our appreciation for their century of terrific work on behalf of the all Americans:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 6, 2004 as AMERICAN LUNG ASSOCIATION DAY in Illinois, and join the citizens of this state in commending the work of the America Lung Association for their 100 years of dedicated service.

Issued by the Governor November 04, 2004.
Filed by the Secretary of State November 04, 2004.

2004-323
GIRLS ON THE RUN DAY

WHEREAS, ensuring the health and well-being of young people is of critical importance, and is a top priority of my administration. With that in mind, eating right and exercising regularly are the best ways for all people to stay healthy and physically fit; and

WHEREAS, almost one in three children in this country are now overweight or at risk of becoming overweight, which is three times the 1980 statistics. In Illinois, children now exceed that national average; and

WHEREAS, Girls on the Run (GOTR) is a national organization dedicated to promoting health and wellness through a program that combines training for a 3.1 mile run/walk event, with self-esteem enhancing lessons that encourage healthy habits and an active lifestyle among 8-12 year old girls; and

WHEREAS, Girls on the Run – Chicago, one of the largest GOTR chapters in the country, has programs in Cook, Lake and DuPage counties, encompassing the city of Chicago and many of its surrounding communities. Each program site allows up to twenty girls to participate in a running inspired curriculum twice a week, over an eight-week period; and

WHEREAS, in addition to training the girls to run and encouraging an active lifestyle, Girls on the Run – Chicago uses a lesson plan designed to positively affect self esteem, body image and healthy eating attitudes and
behaviors. The curriculum highlights three important areas: individual values, team building and community; and

WHEREAS, on Friday, November 19, 2004, Girls on the Run – Chicago will hold their 5th Annual Go Girl Gala. This event will serve to promote the expansion of their excellent programs, which in turn will help a greater number of young girls become more physically and mentally fit:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 19, 2004 as GIRLS ON THE RUN DAY in Illinois, and join in support of their contributions to the health and well being of this state.

Issued by the Governor November 05, 2004.
Filed by the Secretary of State November 05, 2004.

2004-324
SCHOOL PSYCHOLOGY AWARENESS MONTH

WHEREAS, throughout the country, school psychologists work diligently in our schools and school district offices to improve learning and behavior strategies among students, and to enhance classroom management and parenting skills; and

WHEREAS, school psychologists have specialized training in both psychology and education, and team with educators, parents and other mental health professionals to ensure that every child learns in a safe, healthy and supportive environment; and

WHEREAS, school psychologists demonstrate their ability to meet the varying needs of students through a wide-range of approaches such as consultation, assessment, intervention, prevention and education; and

WHEREAS, in addition to assisting students on a day-to-day basis, school psychologists also facilitate research to generate new knowledge about learning and behavior. Furthermore, they evaluate the effectiveness of current academic programs in order to contribute needed planning for school-wide reform and restructuring; and

WHEREAS, the Illinois School Psychologists Association, an affiliate of the National Association of School Psychologists, is a not-for-profit professional association representing school psychologists in the state of Illinois. This year, they are using the second week in November as an opportunity to honor school psychologists for their valuable service to this state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 8 – November 12, 2004 as SCHOOL PSYCHOLOGY AWARENESS WEEK in Illinois, and encourage all citizens to join in recognizing school psychologists for their outstanding
dedication to furthering the education and emotional well-being of our children.

Issued by the Governor November 05, 2004.
Filed by the Secretary of State November 05, 2004.

2004-325
SENIOR INDEPENDENCE DAY 2004

WHEREAS, our nation’s Baby Boomers are beginning to approach their senior years, a trend that is set to crest after 2030 when the oldest members of that generation will turn 85; and

WHEREAS, today, seniors across the country are living longer and functioning more independently into their older years; and

WHEREAS, there are currently over 1.4 million people in Illinois over the age of 65. In addition, citizens age 85 and older are one of the fastest growing segments of our population; and

WHEREAS, seniors in Illinois have identified the high cost of prescription drugs as their major roadblock to remaining financially independent; and

WHEREAS, the State of Illinois offers seniors a variety of prescription assistance programs, including the new I-Save prescription drug importation program, which was established by my administration and recently expanded to also include citizens from Missouri and Wisconsin; and

WHEREAS, this year, the Illinois General Assembly passed Senate Bill 2880, which will transform the state’s comprehensive system of older adult services from a facility-based service delivery system to a home-based and community-based system; and

WHEREAS, this restructuring includes changes in housing, health, financial, and supportive older adult services regardless of where the services are provided. It also reprioritizes funding of long-term care services, placing a high priority on home-based and community-based services. Ultimately, the signing of Senate Bill 2880 into law will give Illinois seniors the real option of remaining independent in their own homes by providing the funding and services they need and demand; and

WHEREAS, on Tuesday, November 16, 2004, the American Association of Retired Persons (AARP) is hosting a thousand seniors at their Celebrate Senior Independence Day 2004 event in recognition of the passage and enactment of this historic legislation; and

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, proclaim November 16, 2004 as SENIOR INDEPENDENCE DAY 2004 in Illinois, and encourage all citizens to join in recognizing the dedicated efforts that the AARP puts forth each day to ensure the health and well-being of
seniors in Illinois, and across the country.
Issued by the Governor November 08, 2004.
Filed by the Secretary of State November 08, 2004.

2004-326
ROTARY INTERNATIONAL DAY

WHEREAS, Rotary International was established in Chicago, Illinois on February 23, 1905 by Paul P. Harris. Mr. Harris founded Rotary International with the mission of promoting benevolence amongst club members and the community. As Rotary International began to expand, so did its mission of service to the community. With a motto of “Service Above Self,” they inspire members to provide humanitarian service, encourage high ethical standards, and promote good will and peace throughout the world; and

WHEREAS, the Rotary Foundation, a not-for profit organization, was formed in 1928 for the purpose of funding the many projects sponsored by Rotary International. Today, contributions to the foundation total more than $80 million dollars annually. This money supports a wide-range of programs that enable citizens of the world to function better within their communities; and

WHEREAS, in 1985, Rotary International began one of its most ambitious missions to date: to eradicate the world of polio. Through their program, Polio Plus, they coordinated with the World Health Organization, U.S. Centers for Disease Control and Preventions, and UNICEF to provide polio immunizations to children across the world; and

WHEREAS, Rotary International has grown exponentially over the last 100 years. From its humble beginnings in Chicago, Illinois to a worldwide organization, Rotary now boasts 1.2 million members, belonging to over 31,000 clubs in more than 165 countries. In Illinois alone, there are 14,500 Rotary members in 330 different clubs; and

WHEREAS, to celebrate Rotary’s Centennial Anniversary, the organization is taking time to reflect on all its accomplishments over the years. Throughout 2005, there will be several events and volunteer efforts that will carry on the spirit of service to the community that began so many years ago:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 23, 2005 as ROTARY INTERNATIONAL DAY in Illinois, and encourage all citizens to be cognizant of the many great services this organization provides to people throughout the world.
Issued by the Governor November 09, 2004.
Filed by the Secretary of State November 09, 2004.
WHEREAS, international education brings cultures together in our modern global environment to enhance a student’s ability to study, learn, and exchange experiences; and

WHEREAS, the State of Illinois is pleased to join the U.S. Department of State and the U.S. Department of Education in working to promote international education. Currently, almost 600,000 international students come from more than 200 countries to study in the United States each year; and

WHEREAS, international education can play an important role in a student’s educational experience and development, as well as foster a greater understanding of the ability both the State of Illinois and the United States possess to enhance international cooperation; and

WHEREAS, International Education Week (IEW) serves as an opportunity to develop and promote the participation of individuals and institutions in international education and worldwide exchange; and

WHEREAS, this celebration gives schools in Illinois, and throughout the world, a unique opportunity to: focus on the value of international education for all students; to recognize the many visitors we have in our state and our country from around the globe; to focus on the ability of students to share ideas with students from abroad; and to enhance public support for developing mutual understanding and respect; and

WHEREAS, this year, over 85 countries are celebrating IEW as part of the efforts to move ahead on the issue of implementing U.S. international education policy:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 15 – 19, 2004 as INTERNATIONAL EDUCATION WEEK in Illinois, and encourage all citizens to join in celebrating the benefits of international education by promoting programs that prepare citizens for a global environment.

Issued by the Governor November 12, 2004.

Filed by the Secretary of State November 12, 2004.

WHEREAS, school is an extremely important aspect of every young person’s life. Furthermore, those young people that take an active interest in their schools are instrumental in helping to create an optimal learning environment for all students; and
WHEREAS, student councils are a wonderful way to give students a voice within their schools. By acting as a liaison between a school’s administration and its student body, student councils respond to a multitude of student issues and concerns; and

WHEREAS, The Illinois Association of Student Councils (IASC) was established in 1934 with the mission of creating and maintaining effective student councils. Each year, the IASC holds several workshops where students are able to learn more about themselves and their ability to communicate as leaders. These workshops culminate in an Annual State Convention every spring; and

WHEREAS, this year marks the 71st Annual State Convention, once again bringing together student leaders from across the state to share important information and ideas that will help to improve not only their own student council organizations, but also the Illinois educational system as a whole:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1-7, 2005 as STUDENT COUNCIL WEEK in Illinois, and encourage young people to become more active in their schools by participating in student council.

Issued by the Governor November 15, 2004.
File by the Secretary of State November 15, 2004.

2004-329
GIVING ILLINOIS DAY

WHEREAS, providing charitable support to those in need has always been an important part of the American tradition. Especially during the holiday seasons, many United States citizens come together in solidarity to assist underserved and underprivileged people; and

WHEREAS, those who need help often need it most during economic downturns. Although there are many affected by hard times, it is important that those who can spare time or money offer their help to those who are less fortunate; and

WHEREAS, there are many different ways for citizens to become involved in philanthropy during the holiday season, and throughout the year, including: donating money or time to local or national causes, working with a foundation to raise money, or serving on a non-profit board. These forms of giving back to the community demonstrate the true compassion that exists within our culture; and

WHEREAS, my administration sponsors various programs during the holidays that are designed to help less fortunate citizens, and urge Illinoisans to join in the efforts. For the second consecutive year, we have launched the
Keep Our Kids Warm and Safe campaign, which seeks to provide winter clothing and car seats to children and families who need but cannot afford them; and

WHEREAS, helping those in need not only generates a wonderful sense of fulfillment, but it also brings communities closer together by uniting for a common cause. This year, as the holidays approach, it is important for the citizens of Illinois to remember the people who need our assistance, and make every attempt to lend a helping hand, in whatever manner they are able:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 26, 2004 as GIVING ILLINOIS DAY in Illinois, and urge citizens to join in making our communities better and stronger by engaging in philanthropy during this holiday season.

Issued by the Governor November 17, 2004.
Filed by the Secretary of State November 17, 2004.

2004-330
MARTIN LUTHER KING, JR. DAY

WHEREAS, Dr. Martin Luther King, Jr. devoted his life and career to the advancement of civil rights, equal treatment, and human decency for all people; and

WHEREAS, the efforts of Dr. King, and the many others involved in the Civil Rights Movement, have helped to break down the walls of injustice and allow African Americans and other minorities to succeed both as individuals and as members of society; and

WHEREAS, the goals and ideals of Dr. King have not yet been fully realized. With that in mind, it is our duty, as Americans, to continue his struggle and to work toward a more understanding and respectful society; and

WHEREAS, Martin Luther King, Jr. Day serves to bring people together in remembrance of this true American Hero, and encourages citizens to engage in community service, which in turn serves to honor Dr. King’s legacy, and advance the cause of justice and equality in America:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby join in commemorating January 17, 2005 as MARTIN LUTHER KING, JR. DAY in Illinois, and encourage all citizens to recognize the amazing impact that Dr. King has had on our society.

Issued by the Governor November 17, 2004.
Filed by the Secretary of State November 17, 2004.
2004-331

ANNE FRANK MONTH IN THE QUAD CITIES

WHEREAS, Anne Frank was a young Jewish girl living in Amsterdam during World War II, who along with her family was forced to hide from Nazi persecution. Although she was later captured, Anne kept a detailed account of her life while in hiding. This diary introduced the world to the harsh realities of prejudice and intolerance exhibited toward Jews and other minorities during the Nazi occupation of Europe; and

WHEREAS, Anne Frank and her family were not alone. During World War II, over six million Jewish people lost their lives, and over three million were displaced in its aftermath; and

WHEREAS, Illinois is home to over a quarter million Jewish people, with approximately 700 of those individuals residing in the Quad Cities. In an effort to promote the lessons learned from the atrocities of the Holocaust, the Jewish Federation of the Quad Cities, in conjunction with the Putnam Museum, will run the Anne Frank: A History for Today exhibit from April 29 – May 31, 2005. This exhibit consists of 56 panels that tell the story of the Frank family paralleling the rise of the Nazi party; and

WHEREAS, along with this exhibit, there will be several other events held to educate citizens about the Holocaust, and specifically, the Frank family. These events include a lecture series, a ceremony honoring local veterans who helped liberate concentration camps, and art and writing contests for young children; and

WHEREAS, the State of Illinois is constantly striving to achieve tolerance and understanding among its citizens, and the important lessons learned from the vivid accounts by Anne Frank can help in accomplishing those goals:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2005 as ANNE FRANK MONTH IN THE QUAD CITIES in Illinois, and encourage all citizens to be cognizant of the legacy that Anne Frank has left behind, and what that legacy means to us as Americans.

Issued by the Governor November 19, 2004.
Filed by the Secretary of State November 19, 2004.

2004-332

ELDER ABUSE AWARENESS MONTH

WHEREAS, according to the Illinois Department on Aging, between four and five percent of persons in the United States, aged sixty and older are subject to some form of mistreatment or abuse. This includes physical,
emotional, and sexual abuse, as well as financial exploitation, neglect, and abandonment; and

WHEREAS, Illinois has approximately two million citizens over the age of sixty. This means that there could be as many as 98,000 Illinois seniors currently suffering from some form of abuse; and

WHEREAS, it is important that we, as a state and as a country, work to create greater awareness of the prevalence and severity of elder abuse, in hopes of eradicating it from our society. Here in Illinois, there are several groups and organizations, such as the Illinois Department on Aging, the Illinois Elder Abuse Task Force, B*SAFE, and the Guardianship Reform Project, who work diligently each day toward that goal; and

WHEREAS, elder abuse is as problematic in society as abuse inflicted upon children and seniors. If we work together, it is also just as preventable:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim July 2005 as ELDER ABUSE AWARENESS MONTH in Illinois, and encourage all citizens to recognize this problem and join in working toward its solution.

Issued by the Governor November 19, 2004.
Filed by the Secretary of State November 19, 2004.

2004-333
WORLD AIDS DAY 2004

WHEREAS, the AIDS epidemic continues to pervade our world, affecting both men and women of all ages and ethnicities; and

WHEREAS, since the AIDS epidemic first surfaced in the United States, an estimated 886,575 AIDS cases have been reported, and approximately 501,669, or 57 percent, of those individuals have lost their lives as a result of the disease; and

WHEREAS, of those 886,575 reported cases, nearly 30,000 were from the state of Illinois. In 2002, there were 1,976 individuals diagnosed with AIDS in Illinois. While national trends indicate that there are fewer AIDS diagnoses and fewer deaths attributed to the disease each year, the Illinois numbers from 2002 reflect an increase from the previous year; and

WHEREAS, the city of Chicago accounts for approximately 70 percent of all reported AIDS cases in Illinois. Since 1981, at least 20,480 persons in Chicago have been diagnosed with AIDS, and at least 11,550 of those individuals have died; and

WHEREAS, since the beginning of my administration in 2003, we have introduced new programs that seek to raise greater awareness of AIDS, support cutting-edge research and treatment, and provide counseling and
testing services to the citizens of this state. These initiatives include: funding increases that specifically address HIV/AIDS in minority communities, and grants that provide housing and support services to low-income persons living with HIV/AIDS in the communities of Chicago, Belleville and Rock Island; and

WHEREAS, the State of Illinois proudly joins the City of Chicago in the continuing fight against AIDS. On December 1, 2004, the Chicago Department of Public Health, in conjunction with numerous AIDS coalitions and faith-based organizations throughout the city, is sponsoring World AIDS Day 2004, which is a globally recognized event each year; and

WHEREAS, World AIDS Day is an opportunity to educate citizens about AIDS, to pay tribute to the many lives it has taken, and to express support for the ongoing efforts to one day find a cure for this devastating epidemic:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 1, 2004 as WORLD AIDS DAY 2004 in Illinois, and urge all citizens to join in this very meaningful and poignant observance.

Issued by the Governor November 22, 2004.
Filed by the Secretary of State November 23, 2004.

2004-334
25TH ANNIVERSARY OF THE NATIONAL MENORAH DAY

WHEREAS, Chanukah is the largest and most celebrated of all the Jewish holidays. Also known as the Festival of Lights, Chanukah celebrates the victory of the Maccabees over their Assyrian oppressors many centuries ago, liberating Jews and allowing them to freely and peacefully practice their religion; and

WHEREAS, when the Maccabees returned to Jerusalem following their triumph, they constructed a menorah to praise God for delivering them from persecution. Although a small amount of oil was found to light the menorah, it was only enough to keep it lit for one day. Through a miracle, that oil lasted for eight full nights; and

WHEREAS, today, Chanukah is celebrated by Jewish people all throughout the world. As tradition states, the celebration lasts for eight nights, and each night, a new menorah candle is lit to represent the eight-night miracle that occurred so many years ago; and

WHEREAS, this year marks the 25th anniversary of the lighting of the National Menorah in Washington, D.C. Begun in 1979 by President Jimmy Carter, the tradition has become a longstanding and joyous American celebration; and
WHEREAS, the annual lighting of the National Menorah is the most visible celebration of Chanukah anywhere in the world, and is attended by numerous people, both Jewish and non-Jewish, from all across this great land:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2004 as 25th ANNIVERSARY OF THE NATIONAL MENORAH DAY in Illinois, and encourage all citizens to join in this rich and spirited celebration.

Issued by the Governor November 24, 2004.
Filed by the Secretary of State November 24, 2004.

2004-277

40TH ANNIVERSARY OF THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES DAYS (REVISED)

WHEREAS, the Illinois Department of Children and Family Services (DCFS) was established in 1964 as the nation’s first cabinet-level state child welfare agency, serving to unify child, general assistance rehabilitation and youth services that previously operated independently among a variety of state and local organizations; and

WHEREAS, throughout the years, DCFS has maintained a steadfast commitment to always consider the best interests of every child, with the intent of contributing to positive and productive outcomes concerning emotional and physical well-being for Illinois families; and

WHEREAS, DCFS has proudly emerged as the nation’s leader in developing and implementing child protection, adoption and foster care initiatives replicated by other states. This year, Illinois became the nation’s first state to earn re-accreditation from the Council on Accreditation for Children and Family Services; and

WHEREAS, since the beginning of my administration in 2003, DCFS has facilitated nearly 5,600 adoptions in Illinois. In addition, the agency continually offers progressive options to keep families in tact through initiatives such as intensive relative search programs; and

WHEREAS, DCFS also sponsors innovative, best practice adoption programs such as One Church, One Child, which received national recognition in 2003 for their efforts to recruit and mentor families; and

WHEREAS, DCFS is committed to keeping in touch with populations of children whose adoption potential remains elusive, such as children ages 13 to 17. Through wrap-around services, they work diligently to address the needs of this age group, and more effectively prepare them for independent living, post-secondary education and job readiness; and
WHEREAS, professional development remains a top priority of DCFS, demonstrated through the accomplishment of nearly 600 DCFS personnel having obtained their masters degrees in social work through the mid point of 2003, resulting in increased staff capacity; and

WHEREAS, DCFS is currently working to reduce public/private agency caseload ratios to 15 to 1, thereby allowing enhanced quality of case assessment and service delivery through this $8 million investment:

THEREFORE, I Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 9-10, 2004 as the 40th ANNIVERSARY OF THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES DAYS in Illinois, and encourage citizens statewide to join in celebrating the agency’s national reputation and unwavering commitment to serving and empowering children and families.

Issued by the Governor November 29, 2004.
Filed by the Secretary of State November 30, 2004.

2004-335
CARBON MONOXIDE AWARENESS MONTH

WHEREAS, carbon monoxide poisoning is known as the silent killer. This colorless, odorless gas can flow through homes undetected. If a large amount is inhaled, carbon monoxide can lead to sickness or death because of its ability to interfere with the transportation of oxygen throughout the body; and

WHEREAS, carbon monoxide is found in several heat generating appliances such as cars, trucks, stoves, small gas engines, and heating systems. Even the smallest crack in a system can allow poisonous carbon monoxide fumes into an enclosed setting, which can be fatal; and

WHEREAS, symptoms of carbon monoxide poisoning include headaches, dizziness, weakness, nausea, and vomiting. These symptoms are common among many illnesses and therefore may be hard to pinpoint to carbon monoxide poisoning; and

WHEREAS, being the leading cause of poisoning deaths in the country, more than 500 Americans die from unintentional carbon monoxide each year; and

WHEREAS, it is important for citizens to take precautions against the unseen dangers of carbon monoxide. Installing detectors in homes and businesses, as well as regularly checking and maintaining furnaces and other appliances are ways to help eliminate the threat of carbon monoxide. Also, citizens should always have proper ventilation when using any product that produces carbon monoxide; and

WHEREAS, the Illinois Department of Public Health (IDPH)
provides helpful tips on their website on how to avoid the dangers of carbon monoxide poisoning, and informs citizens of any new information about this deadly toxin. The IDPH website can be accessed at www.idph.state.il.us:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2004 as CARBON MONOXIDE AWARENESS MONTH in Illinois, and encourage citizens to take the proper safety measures against this silent killer.

Issued by the Governor November 29, 2004.
Filed by the Secretary of State November 30, 2004.

2004-336
NATIONAL DAY OF ROMANIA

WHEREAS, significant efforts have been made in Romania throughout the last century to develop a free and democratic society; and

WHEREAS, during World War I, Romania joined the Allied Powers and ensured their unification and independence with newly acquired territories after the conflict because of the sacrifices made by many men and women; and

WHEREAS, Romania is currently serving honorably alongside the United States in the fight against terrorism by offering their diplomatic, political, and military support; and

WHEREAS, achievements in their reformation of military, political, and economic sectors have enabled Romania to join NATO during March of 2004; and

WHEREAS, Romania became an independent and unified state on December 1, 1918; and

WHEREAS, within the State of Illinois, there is strong support from the Romanian-American community for the noble and determined endeavors to overcome the decades-long rule of a dictator to develop a free and independent society:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 1, 2004 as NATIONAL DAY OF ROMANIA in Illinois and encourage all citizens to recognize the honorable efforts of the nation of Romania.

Issued by the Governor November 30, 2004.
Filed by the Secretary of State November 30, 2004.

2004-337
CRITICAL CARE NURSES WEEK

WHEREAS, critically ill patients have specific needs that are met by
a particular group of registered professional nurses, distinctively known as critical care nurses, who have advanced knowledge in psychosocial, physiological and therapeutic components; and

WHEREAS, the cost-effective, safe and quality health care services provided by registered critical care nurses will be an ever more important element of the U.S. health care services; and

WHEREAS, the American Association of Critical Care Nurses (AACN) was established in 1969 to assist members of the profession in continual development and training with the technical advancements of the critical care environment; and

WHEREAS, AACN currently has nearly 65,000 members nationwide, and over 1,180 critical care nurses in Illinois; and

WHEREAS, the demand for registered critical care nursing services will be greater than ever because of the aging of the American population and the continuing expansion of life-sustaining technology; and

WHEREAS, professional critical care nursing has been demonstrated to be an indispensable component in the safety and quality care of critically ill patients:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 13-19, 2005 as CRITICAL CARE NURSES WEEK in Illinois, and encourage all citizens to recognize critical care nurses in their communities for their accomplishments, and dedication, to the health and well-being of all people.

Issued by the Governor December 02, 2004.
Filed by the Secretary of State December 02, 2004.

2004-338
PEARL HARBOR REMEMBRANCE DAY

WHEREAS, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii; and

WHEREAS, more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded during the attack at Pearl Harbor; and

WHEREAS, the attack on Pearl Harbor marked the entry of the United States into World War II; and

WHEREAS, the State of Illinois lost more than 50 of our citizens in this attack; and

WHEREAS, commemoration of the attack on Pearl Harbor instills a greater understanding and appreciation of the selfless sacrifices made by the individuals who served in the United States Armed Forces during World War
II:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2004 as PEARL HARBOR REMEMBRANCE DAY in Illinois, and call upon all citizens to remember and honor those who served their country on this solemn day.

Issued by the Governor December 02, 2004.
Filed by the Secretary of State December 02, 2004.

2004-339
2004 GENERAL ELECTION TRUSTEES OF THE PRAIRIE DUPONT LEVEE AND SANITARY DISTRICT

WHEREAS, On the 2nd day of November, 2004, an election was held in the State of Illinois for the election of the following officers, to-wit: Five (5) Trustees of the Prairie Dupont Levee and Sanitary District.

WHEREAS, in pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:

TRUSTEES OF THE PRAIRIE DUPONT LEVEE AND SANITARY DISTRICT

Steve R. Foutch
Jule G. Levin
Michael H. Lindhorst
Michael E. Sullivan
David E. Walster

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.

Issued by the Governor December 03, 2004.
Filed by the Secretary of State December 03, 2004.

2004-340
2004 GENERAL ELECTION JUDGES

WHEREAS, On the 2nd day of November, 2004, an election was held in the State of Illinois for the election of the following judges, to-wit:

Supreme Court Judge to fill the vacancy of the Honorable Moses W. Harrison II, Fifth Judicial District.

Appellate Court Judges to fill the vacancy of the Honorable
Thomas J. Homer, Third Judicial District; to fill the vacancy of the Honorable Philip J. Rarick, Fifth Judicial District.

Circuit Court Judges to fill the vacancy of the Honorable Lester D. Foreman, to fill the vacancy of the Honorable Denise M. O’Malley, to fill the vacancy of the Honorable Frank Orlando, to fill the vacancy of the Honorable Nancy Sidote Salyers, to fill the vacancy of the Honorable Frank M. Siracusa, Cook County Judicial Circuit.

Circuit Court Judges to fill the vacancy of the Honorable Janice R. McGaughey, to fill additional judgeship A, First Subcircuit; to fill additional judgeship A, Fourth Subcircuit; to fill the vacancy of the Honorable Jacqueline P. Cox, Fifth Subcircuit; to fill the vacancy of the Honorable Sheldon Gardner, to fill additional judgeship A, Eighth Subcircuit; to fill the vacancy of the Honorable Ronald A. Himel, Ninth Subcircuit; to fill the vacancy of the Honorable Susan G. Fleming, to fill additional judgeship A, Tenth Subcircuit; to fill the vacancy of the Honorable George J. W. Smith, Eleventh Subcircuit; to fill the vacancy of the Honorable James G. Fitzgerald Smith, Twelfth Subcircuit, to fill additional judgeship A, Thirteenth Subcircuit; to fill the vacancy of the Honorable Joanne L. Lanigan, Fifteenth Subcircuit, Cook County Judicial Circuit.

Circuit Court Judges to fill the vacancy of the Honorable David W. Watt, Jr., Jackson County, First Judicial Circuit; to fill the vacancy of the Honorable Larry O. Baker, Hardin County, Second Judicial Circuit; to fill the vacancy of the Honorable Paul J. O’Neill, Third Judicial Circuit; to fill the vacancy of the Honorable Patrick L. Duke, Clay County, to fill the vacancy of the Honorable Dennis M. Huber, Montgomery County, Fourth Judicial Circuit; to fill the vacancy of the Honorable Ashton C. Waller, Coles County, to fill the vacancy of the Honorable Robert B. Cochonour, Cumberland County, Fifth Judicial Circuit; to fill the vacancy of the Honorable John R. De La Mar, Champaign County, Sixth Judicial Circuit; to fill the vacancy of the Honorable Thomas P. Carmody, to fill the vacancy of the Honorable J. David Bone, Morgan County, Seventh Judicial Circuit; to fill the vacancy of the Honorable Robert L. Welch, Eighth Judicial Circuit; to fill the vacancy of the Honorable John P. Freese, Eleventh Judicial Circuit; to fill the vacancy of the Honorable Martin E. Conway, Jr., Mercer County, to fill the vacancy of the Honorable Danny A. Dunagan, Whiteside County, Fourteenth Judicial Circuit; to fill the vacancy of the Honorable Tomas M. Magdich, to fill the vacancy of the Honorable Barry Anderson, Stephenson County, Fifteenth Judicial Circuit; to fill the vacancy of the Honorable Pamela K. Jensen, to fill the vacancy of the Honorable Douglas R. Engel, DeKalb County, Sixteenth Judicial Circuit; to fill the vacancy of the Honorable Ronald B.
Mehling, Eighteenth Judicial Circuit; to fill the vacancy of the Honorable Barbara Gilleran Johnson, to fill the vacancy of the Honorable John Goshgarian, Lake County, Nineteenth Judicial Circuit; to fill the vacancy of the Honorable Clyde L. Kuehn, to fill the vacancy of the Honorable Lloyd A. Karmeier, Washington County, Twentieth Judicial Circuit.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

SUPREME COURT JUDGE
FIFTH JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Moses W. Harrison II)
   Lloyd A. Karmeier

APPELLATE COURT JUDGES
THIRD JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Thomas J. Homer)
   Mary K. O’Brien

FIFTH JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Philip J. Rarick)
   James K. Donovan

JUDGES OF THE CIRCUIT COURT
COOK COUNTY JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Lester D. Foreman)
   Patrick T. Murphy
   Kathleen Marie Burke
(To fill the vacancy of the Honorable Denise M. O’Malley)
(To fill the vacancy of the Honorable Frank Orlando)
   Laurence J. Dunford
(To fill the vacancy of the Honorable Nancy Sidote Salyers)
   Michelle Jordan
(To fill the vacancy of the Honorable Frank M. Siracusa)
   Timothy Patrick Murphy

FIRST SUBCIRCUIT
(To fill the vacancy of the Honorable Janice R. McGaughey)
   Leroy K. Martin, Jr.
(To fill additional judgeship A)
   Robert Balanoff

FOURTH SUBCIRCUIT
(To fill additional judgeship A)
Bill Kunkle
FIFTH SUBCIRCUIT
(To fill the vacancy of the Honorable Jacqueline P. Cox)
Edward (‘Ed’) Washington II
EIGHTH SUBCIRCUIT
(To fill the vacancy of the Honorable Sheldon Gardner)
Sheryl Ann Pethers
(To fill additional judgeship A)
Mary Lane Mikva
NINTH SUBCIRCUIT
(To fill the vacancy of the Honorable Ronald A. Himel)
Jeanne R. Cleveland Bernstein
TENTH SUBCIRCUIT
(To fill the vacancy of the Honorable Susan G. Fleming)
Aurelia Marie Pucinski
(To fill additional judgeship A)
Clare Elizabeth McWilliams
ELEVENTH SUBCIRCUIT
(To fill the vacancy of the Honorable George J. W. Smith)
Paula Marie Daleo
TWELFTH SUBCIRCUIT
(To fill the vacancy of the Honorable James G. Fitzgerald Smith)
Kay Marie Hanlon
THIRTEENTH SUBCIRCUIT
(To fill additional judgeship A)
Thomas J. Kelley
FIFTEENTH SUBCIRCUIT
(To fill the vacancy of the Honorable Joanne L. Lanigan)
Jim Ryan
FIRST JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable David W. Watt, Jr.)
JACKSON COUNTY
W. Charles Grace
SECOND JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Larry O. Baker)
HARDIN COUNTY
Paul W. Lamar
THIRD JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Paul J. O’Neill)
Daniel J. Stack
FOURTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Patrick L. Duke)
CLAY COUNTY
Wm. Robin Todd
(To fill the vacancy of the Honorable Dennis M. Huber)
MONTGOMERY COUNTY
Kelly D. Long
FIFTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Ashton C. Waller)
COLES COUNTY
Teresa K. Righter
(To fill the vacancy of the Honorable Robert B. Cochonour)
CUMBERLAND COUNTY
Millard S. Everhart
SIXTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable John R. De La Mar)
CHAMPAIGN COUNTY
Heidi Ladd
SEVENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Thomas P. Carmody)
Patrick J. Londrigan
(To fill the vacancy of the Honorable J. David Bone)
MORGAN COUNTY
Richard T. Mitchell
EIGHTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Robert L. Welch)
Mark A. Drummond
ELEVENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable John P. Freese)
Scott D. Drazewski
FOURTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Martin E. Conway, Jr.)
MERCER COUNTY
James G. Conway, Jr.
(To fill the vacancy of the Honorable Danny A. Dunagan)
WHITESIDE COUNTY
John L. Hauptman
FIFTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Tomas M. Magdich)
  John E. Payne
(To fill the vacancy of the Honorable Barry Anderson)
  STEPHENSON COUNTY
  Theresa L. Ursin

SIXTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Pamela K. Jensen)
  Robert B. Spence
(To fill the vacancy of the Honorable Douglas R. Engel)
  DeKALB COUNTY
  Robbin J. Stuckert

EIGHTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Ronald B. Mehling)
  Kenneth Popejoy

NINETEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Barbara Gilleran Johnson)
  Victoria A. Rossetti
(To fill the vacancy of the Honorable John Goshgarian)
  LAKE COUNTY
  Fred Foreman

TWENTIETH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Clyde L. Kuehn)
  John Baricevic
(To fill the vacancy of the Honorable Lloyd A. Karmeier)
  WASHINGTON COUNTY
  Dennis G. Hatch

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor December 3, 2004.
Filed by the Secretary of State December 3, 2004.

2004-341
2004 GENERAL ELECTION RETENTION JUDGES

WHEREAS, On the 2ND day of November, 2004, an election was
held in the State of Illinois for the retention of the following judges, to-wit:

Appellate Court Judges from the First, Second, Third, Fourth and Fifth Judicial Districts;

Circuit Court Judges from the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, and Cook County Judicial Circuits.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare retained the following named persons to the following named offices:

RETENTION
JUDGE OF THE APPELLATE COURT
FIRST JUDICIAL DISTRICT
   Thomas E. Hoffman
   Sheila O’Brien
   Mary Jane Wendt Theis
SECOND JUDICIAL DISTRICT
   Susan Fayette Hutchinson
THIRD JUDICIAL DISTRICT
   William E. Holdridge
FOURTH JUDICIAL DISTRICT
   John T. McCullough
   Robert W. Cook
   Robert J. Steigmann
FIFTH JUDICIAL DISTRICT
   Terrence J. Hopkins
JUDGES OF THE CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
   Donald Lowery
   William G. Schwartz
SECOND JUDICIAL CIRCUIT
   David M. Correll
   Terry Gamber
   Robert M. Hopkins
   Larry D. Dunn
   David K. Frankland
THIRD JUDICIAL CIRCUIT
A. Andreas “Andy” Matoesian

FOURTH JUDICIAL CIRCUIT
Patrick J. Hitpas
Michael P. Kiley

FIFTH JUDICIAL CIRCUIT
Gary Jacobs
Claudia Anderson
Michael D. Clary
James R. Glenn

SIXTH JUDICIAL CIRCUIT
John P. Shonkwiler

SEVENTH JUDICIAL CIRCUIT
Thomas R. Appleton
Leo J. Zappa, Jr.

EIGHTH JUDICIAL CIRCUIT
Thomas L. Brownfield
Carol Pope
Alesia A. McMillen

NINTH JUDICIAL CIRCUIT
Stephen C. Mathers
William D. Henderson
David R. Hultgren
David F. Stoverink

TENTH JUDICIAL CIRCUIT
Joe R. Vespa
Michael E. Brandt

ELEVENTH JUDICIAL CIRCUIT
Ronald C. Dozier
Steve Pacey
John B. Huschen
Harold J. Frobish
David L. Coogan

TWELFTH JUDICIAL CIRCUIT
Rodney B. Lechwar

THIRTEENTH JUDICIAL CIRCUIT
James A. Lanuti
Howard Chris Ryan, Jr.
Marc P. Bernabei
FOURTEENTH JUDICIAL CIRCUIT
  Timothy J. Slavin
  Lori Lefstein
FIFTEENTH JUDICIAL CIRCUIT
  Charles R. Hartman
SIXTEENTH JUDICIAL CIRCUIT
  James T. Doyle
  Donald J. Fabian
SEVENTEENTH JUDICIAL CIRCUIT
  Kathryn E. Zenoff
  Janet R. Holmgren
EIGHTEENTH JUDICIAL CIRCUIT
  Bonnie M. Wheaton
  Robert Emmett Byrne
  Robert K. Kilander
  Rodney Equi
NINETEENTH JUDICIAL CIRCUIT
  Raymond J. McKoski
  Henry C. Tonigan
  Margaret J. Mullen
TWENTIETH JUDICIAL CIRCUIT
  Robert P. LeChien
TWENTY-FIRST JUDICIAL CIRCUIT
  Kathy Bradshaw Elliott
COOK COUNTY JUDICIAL CIRCUIT
  Sophia H. Hall
  Richard B. Berland
  Paddy McNamara
  Thomas P. Quinn
  Irwin J. Solganick
  Dan Weber
  Alexander Patrick White
  Donald J. O’Brien, Jr.
  Vincent Michael Gaughan
  Dorothy Kirie Kinnaird
  William D. Maddux
  John J. Moran
  William Patrick O’Malley
  James W. Kennedy
Robert W. Bertucci
Richard J. Billik, Jr.
Jennifer Duncan Brice
Bernetta D. Bush
Thomas F. Carmody
Thomas Michael Davy
David Delgado
Deborah Mary Dooling
Timothy C. Evans
Allen S. Goldberg
Susan Ruscitti Grussel
Cheyrl D. Ingram
Raymond L. Jagielski
Dorothy F. Jones
Daniel E. Jordan
Carol A. Kelly
Bertina E. Lampkin
Jeffrey Lawrence
Daniel Michael Locallo
William Maki
Patrick E. McGann
Michael James Murphy
Julia Margaret Nowicki
William D. O’Neal
William Michael Phelan
Robert J. Quinn
Maureen Durkin Roy
Leida J. Gonzalez Santiago
Daniel J. Sullivan
Sharon Marie Sullivan
Edna M. Turkington
John A. Ward
Anthony L. Young
Susan Frances Zwick
Susan Jeanine McDunn
James Patrick McCarthy
Paul Philip Biebel
Nancy J. Arnold
Arnette R. Hubbard
NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly retained to the offices as set out above.

Issued by the Governor December 3, 2004.
Filed by the Secretary of State December, 3, 2004.

2004-342
2004 GENERAL ELECTION UNITED STATES SENATOR

WHEREAS, On the 2nd day of November, 2004, an election was held in the State of Illinois for the election of the following officer, to-wit: One (1) United States Senator for the full term of six years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare elected the following named person to the following named office:

UNITED STATES SENATOR
Barack Obama
NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing person duly elected to the office as set out above.

Issued by the Governor December 03, 2004.
Filed by the Secretary of State December 03, 2004.

2004-343
2004 GENERAL ELECTION REGIONAL SUPERINTENDENT OF SCHOOLS

WHEREAS, On the 2nd day of November, 2004, an election was held in the State of Illinois for the election of the following officers, to-wit:

Five (5) Regional Superintendents of Schools, to-wit: One (1) Regional Superintendent of Schools from the Bond, Effingham and Fayette Region; Brown, Cass, Morgan and Scott Region; Clay, Crawford, Jasper, Lawrence and Richland Region; Jackson and Perry Region; Lee and Ogle Region for an unexpired two year term.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

REGIONAL SUPERINTENDENT OF SCHOOLS
BOND, EFFINGHAM AND FAYETTE
(For an unexpired two year term)
Mark A. Drone
BROWN, CASS, MORGAN AND SCOTT
(For an unexpired two year term)
Stephen Breese
CLAY, CRAWFORD, JASPER, LAWRENCE AND RICHLAND
(For an unexpired two year term)
Carol S. Steinman
JACKSON AND PERRY
(For an unexpired two year term)
Robert L. (Bob) Koehn
LEE AND OGLE
(For an unexpired two year term)

Amy Jo Clemens

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor December 03, 2004.
Filed by the Secretary of State December 03, 2004.

2004-344
2004 GENERAL ELECTION U.S. CONGRESS AND SENATORS AND REPRESENTATIVES IN THE GENERAL ASSEMBLY

WHEREAS, On the 2nd day of November, 2004, an election was held in the State of Illinois for the election of the following officers, to-wit:

Nineteen (19) Representatives in Congress, to-wit: One (1) Representative in Congress from each of the nineteen (19) Congressional Districts of the State for the full term of two years.

Twenty (20) State Senators, to-wit: One (1) State Senator from the 2nd, 5th, 8th, 11th, 14th, 17th, 20th, 23rd, 26th, 29th, 32nd, 35th, 38th, 41st, 44th, 47th, 50th, 53rd, 56th and 59th Legislative District for the full term of four years; Three (3) State Senators, One (1) State Senator from the 3rd, 28th and 49th Legislative District of the State to fill an unexpired term of two years.

One Hundred Eighteen (118) Representatives in the General Assembly, to-wit: One (1) Representative from each of the one hundred eighteen (118) Representative Districts of the State for the full term of two years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices.

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 109th CONGRESS OF THE UNITED STATES
FIRST CONGRESSIONAL DISTRICT  
Bobby L. Rush  
SECOND CONGRESSIONAL DISTRICT  
Jesse L. Jackson Jr.  
THIRD CONGRESSIONAL DISTRICT  
Daniel William Lipinski  
FOURTH CONGRESSIONAL DISTRICT  
Luis V. Gutierrez  
FIFTH CONGRESSIONAL DISTRICT  
Rahm Emanuel  
SIXTH CONGRESSIONAL DISTRICT  
Henry J. Hyde  
SEVENTH CONGRESSIONAL DISTRICT  
Danny K. Davis  
EIGHTH CONGRESSIONAL DISTRICT  
Melissa Bean  
NINTH CONGRESSIONAL DISTRICT  
Janice D. Schakowsky  
TENTH CONGRESSIONAL DISTRICT  
Mark Steven Kirk  
ELEVENTH CONGRESSIONAL DISTRICT  
Gerald C. “Jerry” Weller  
TWELFTH CONGRESSIONAL DISTRICT  
Jerry F. Costello  
THIRTEENTH CONGRESSIONAL DISTRICT  
Judy Biggert  
FOURTEENTH CONGRESSIONAL DISTRICT  
J. Dennis Hastert  
FIFTEENTH CONGRESSIONAL DISTRICT  
Tim Johnson  
SIXTEENTH CONGRESSIONAL DISTRICT  
Donald A. Manzullo  
SEVENTEENTH CONGRESSIONAL DISTRICT  
Lane A. Evans  
EIGHTEENTH CONGRESSIONAL DISTRICT  
Ray LaHood  
NINETEENTH CONGRESSIONAL DISTRICT  
John M. Shimkus  
STATE SENATORS TO REPRESENT THE PEOPLE OF THE STATE
OF ILLINOIS
IN THE 94th GENERAL ASSEMBLY OF THE STATE
SECOND LEGISLATIVE DISTRICT
Miguel Del Valle
THIRD LEGISLATIVE DISTRICT
(For an unexpired two year term)
Mattie Hunter
FIFTH LEGISLATIVE DISTRICT
Rickey R. Hendon
EIGHTH LEGISLATIVE DISTRICT
Ira I. Silverstein
ELEVENTH LEGISLATIVE DISTRICT
Louis S. Viverito
FOURTEENTH LEGISLATIVE DISTRICT
Emil Jones, Jr.
SEVENTEENTH LEGISLATIVE DISTRICT
Donne E. Trotter
TWENTIETH LEGISLATIVE DISTRICT
Iris Y. Martinez
TWENTY-THIRD LEGISLATIVE DISTRICT
Carole Pankau
TWENTY-SIXTH LEGISLATIVE DISTRICT
William E. Peterson
TWENTY-EIGHTH LEGISLATIVE DISTRICT
(For an unexpired two year term)
Kathleen L. “Kay” Wojcik
TWENTY-NINTH LEGISLATIVE DISTRICT
Susan Garrett
THIRTY-SECOND LEGISLATIVE DISTRICT
Pamela J. Althoff
THIRTY-FIFTH LEGISLATIVE DISTRICT
J. Bradley Burzynski
THIRTY-EIGHTH LEGISLATIVE DISTRICT
Gary G. Dahl
FORTY-FIRST LEGISLATIVE DISTRICT
Christine Radogno
FORTY-FOURTH LEGISLATIVE DISTRICT
William E. Brady
FORTY-SEVENTH LEGISLATIVE DISTRICT
John M. Sullivan  
FORTY-NINTH LEGISLATIVE DISTRICT  
(For an unexpired two year term)  
Deanna Demuzio  
FIFTIETH LEGISLATIVE DISTRICT  
Larry K. Bomke  
FIFTY-THIRD LEGISLATIVE DISTRICT  
Dan Rutherford  
FIFTY-SIXTH LEGISLATIVE DISTRICT  
William R. “Bill” Haine  
FIFTY-NINTH LEGISLATIVE DISTRICT  
Gary Forby

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 94th GENERAL ASSEMBLY OF THE STATE
FIRST REPRESENTATIVE DISTRICT  
Susana Mendoza  
SECOND REPRESENTATIVE DISTRICT  
Edward J. Acevedo  
THIRD REPRESENTATIVE DISTRICT  
William “Willie” Delgado  
FOURTH REPRESENTATIVE DISTRICT  
Cynthia Soto  
FIFTH REPRESENTATIVE DISTRICT  
Kenneth “Ken” Dunkin  
SIXTH REPRESENTATIVE DISTRICT  
Patricia A. Bailey  
SEVENTH REPRESENTATIVE DISTRICT  
Karen A. Yarbrough  
EIGHTH REPRESENTATIVE DISTRICT  
Calvin Giles  
NINTH REPRESENTATIVE DISTRICT  
Arthur L. Turner  
TENTH REPRESENTATIVE DISTRICT  
Annazette R. Collins  
ELEVENTH REPRESENTATIVE DISTRICT  
John A. Fritchey  
TWELFTH REPRESENTATIVE DISTRICT  
Sara Feigenholtz  
THIRTEENTH REPRESENTATIVE DISTRICT
PROCLAMATIONS

Larry McKeon
FOURTEENTH REPRESENTATIVE DISTRICT
Harry Osterman
FIFTEENTH REPRESENTATIVE DISTRICT
John C. D’Amico
SIXTEENTH REPRESENTATIVE DISTRICT
Lou Lang
SEVENTEENTH REPRESENTATIVE DISTRICT
Elizabeth Coulson
EIGHTEENTH REPRESENTATIVE DISTRICT
Julie Hamos
NINETEENTH REPRESENTATIVE DISTRICT
Joseph M. Lyons
TWENTIETH REPRESENTATIVE DISTRICT
Michael P. McAuliffe
TWENTY-FIRST REPRESENTATIVE DISTRICT
Robert S. Molaro
TWENTY-SECOND REPRESENTATIVE DISTRICT
Michael J. Madigan
TWENTY-THIRD REPRESENTATIVE DISTRICT
Daniel J. Burke
TWENTY-FOURTH REPRESENTATIVE DISTRICT
Michelle Chavez
TWENTY-FIFTH REPRESENTATIVE DISTRICT
Barbara Flynn Currie
TWENTY-SIXTH REPRESENTATIVE DISTRICT
Lovana S. “Lou” Jones
TWENTY-SEVENTH REPRESENTATIVE DISTRICT
Monique D. Davis
TWENTY-EIGHTH REPRESENTATIVE DISTRICT
Robert “Bob” Rita
TWENTY-NINTH REPRESENTATIVE DISTRICT
David E. Miller
THIRTIETH REPRESENTATIVE DISTRICT
William “Will” Davis
THIRTY-FIRST REPRESENTATIVE DISTRICT
Mary E. Flowers
THIRTY-SECOND REPRESENTATIVE DISTRICT
Milton “Milt” Patterson
PROCLAMATIONS

THIRTY-THIRD REPRESENTATIVE DISTRICT
Marlow H. Colvin

THIRTY-FOURTH REPRESENTATIVE DISTRICT
Constance A. “Connie” Howard

THIRTY-FIFTH REPRESENTATIVE DISTRICT
Kevin Carey Joyce

THIRTY-SIXTH REPRESENTATIVE DISTRICT
James D. Brosnahan

THIRTY-SEVENTH REPRESENTATIVE DISTRICT
Kevin A. McCarthy

THIRTY-EIGHTH REPRESENTATIVE DISTRICT
Robin Kelly

THIRTY-NINTH REPRESENTATIVE DISTRICT
Maria Antonia “Toni” Berrios

FORTIETH REPRESENTATIVE DISTRICT
Richard T. Bradley

FORTY-FIRST REPRESENTATIVE DISTRICT
Robert A. “Bob” Biggins

FORTY-SECOND REPRESENTATIVE DISTRICT
Sandra M. Pihos

FORTY-THIRD REPRESENTATIVE DISTRICT
Ruth Munson

FORTY-FOURTH REPRESENTATIVE DISTRICT
Terry R. Parke

FORTY-FIFTH REPRESENTATIVE DISTRICT
Roger A. Jenisch

FORTY-SIXTH REPRESENTATIVE DISTRICT
Lee A. Daniels

FORTY-SEVENTH REPRESENTATIVE DISTRICT
Patricia R. “Patti” Bellock

FORTY-EIGHTH REPRESENTATIVE DISTRICT
James H. “Jim” Meyer

FORTY-NINTH REPRESENTATIVE DISTRICT
Timothy L. Schmitz

FIFTIETH REPRESENTATIVE DISTRICT
Patricia Reid Lindner

FIFTY-FIRST REPRESENTATIVE DISTRICT
Ed Sullivan, Jr.

FIFTY-SECOND REPRESENTATIVE DISTRICT
Mark H. Beaubien, Jr.  
FIFTY-THIRD REPRESENTATIVE DISTRICT  
Sidney H. Mathias  
FIFTY-FOURTH REPRESENTATIVE DISTRICT  
Suzanne “Suzie” Bassi  
FIFTY-FIFTH REPRESENTATIVE DISTRICT  
John J. Millner  
FIFTY-SIXTH REPRESENTATIVE DISTRICT  
Paul Froehlich  
FIFTY-SEVENTH REPRESENTATIVE DISTRICT  
Elaine Nekritz  
FIFTY-EIGHTH REPRESENTATIVE DISTRICT  
Karen May  
FIFTY-NINTH REPRESENTATIVE DISTRICT  
Kathleen A. Ryg  
SIXTIETH REPRESENTATIVE DISTRICT  
Eddie Washington  
SIXTY-FIRST REPRESENTATIVE DISTRICT  
JoAnn D. Osmond  
SIXTY-SECOND REPRESENTATIVE DISTRICT  
Robert W. Churchill  
SIXTY-THIRD REPRESENTATIVE DISTRICT  
Jack D. Franks  
SIXTY-FOURTH REPRESENTATIVE DISTRICT  
Michael W. Tryon  
SIXTY-FIFTH REPRESENTATIVE DISTRICT  
Rosemary Mulligan  
SIXTY-SIXTH REPRESENTATIVE DISTRICT  
Carolyn H. Krause  
SIXTY-SEVENTH REPRESENTATIVE DISTRICT  
Charles E. “Chuck” Jefferson  
SIXTY-EIGHTH REPRESENTATIVE DISTRICT  
Dave Winters  
SIXTY-NINTH REPRESENTATIVE DISTRICT  
Ronald A. Wait  
SEVENTIETH REPRESENTATIVE DISTRICT  
Robert W. Pritchard  
SEVENTY-FIRST REPRESENTATIVE DISTRICT  
Mike Boland
SEVENTY-SECOND REPRESENTATIVE DISTRICT  
Patrick Verschoore

SEVENTY-THIRD REPRESENTATIVE DISTRICT  
David R. Leitch

SEVENTY-FOURTH REPRESENTATIVE DISTRICT  
Donald L. Moffitt

SEVENTY-FIFTH REPRESENTATIVE DISTRICT  
Careen M. Gordon

SEVENTY-SIXTH REPRESENTATIVE DISTRICT  
Frank J. Mautino

SEVENTY-SEVENTH REPRESENTATIVE DISTRICT  
Angelo "Skip" Saviano

SEVENTY-EIGHTH REPRESENTATIVE DISTRICT  
Deborah L. Graham

SEVENTY-NINTH REPRESENTATIVE DISTRICT  
Lisa M. Dugan

EIGHTIETH REPRESENTATIVE DISTRICT  
George Scully

EIGHTY-FIRST REPRESENTATIVE DISTRICT  
Renée Kosel

EIGHTY-SECOND REPRESENTATIVE DISTRICT  
Eileen Lyons

EIGHTY-THIRD REPRESENTATIVE DISTRICT  
Linda Chapa LaVia

EIGHTY-FOURTH REPRESENTATIVE DISTRICT  
Tom Cross

EIGHTY-FIFTH REPRESENTATIVE DISTRICT  
Brent Hassert

EIGHTY-SIXTH REPRESENTATIVE DISTRICT  
Jack McGuire

EIGHTY-SEVENTH REPRESENTATIVE DISTRICT  
Bill Mitchell

EIGHTY-EIGHTH REPRESENTATIVE DISTRICT  
Dan Brady

EIGHTY-NINTH REPRESENTATIVE DISTRICT  
Jim Sacia

NINETIETH REPRESENTATIVE DISTRICT  
Jerry L. Mitchell

NINETY-FIRST REPRESENTATIVE DISTRICT
Michael K. Smith
NINETY-SECOND REPRESENTATIVE DISTRICT
Aaron Schock
NINETY-THIRD REPRESENTATIVE DISTRICT
Art Tenhouse
NINETY-FOURTH REPRESENTATIVE DISTRICT
Richard P. “Rich” Myers
NINETY-FIFTH REPRESENTATIVE DISTRICT
Randall M. “Randy” Hultgren
NINETY-SIXTH REPRESENTATIVE DISTRICT
Joe Dunn
NINETY-SEVENTH REPRESENTATIVE DISTRICT
Jim Watson
NINETY-EIGHTH REPRESENTATIVE DISTRICT
Gary Hannig
NINETY-NINTH REPRESENTATIVE DISTRICT
Raymond Poe
ONE HUNDREDTH REPRESENTATIVE DISTRICT
Rich Brauer
ONE HUNDRED AND FIRST REPRESENTATIVE DISTRICT
Robert “Bob” Flider
ONE HUNDRED AND SECOND REPRESENTATIVE DISTRICT
Ron Stephens
ONE HUNDRED AND THIRD REPRESENTATIVE DISTRICT
Naomi D. Jakobsson
ONE HUNDRED AND FOURTH REPRESENTATIVE DISTRICT
William B. “Bill” Black
ONE HUNDRED AND FIFTH REPRESENTATIVE DISTRICT
Shane Cultra
ONE HUNDRED AND SIXTH REPRESENTATIVE DISTRICT
Keith P. Sommer
ONE HUNDRED AND SEVENTH REPRESENTATIVE DISTRICT
Kurt M. Granberg
ONE HUNDRED AND EIGHTH REPRESENTATIVE DISTRICT
David B. Reis
ONE HUNDRED AND NINTH REPRESENTATIVE DISTRICT
Roger L. Eddy
ONE HUNDRED AND TENTH REPRESENTATIVE DISTRICT
Chapin Rose
ONE HUNDRED AND ELEVENTH REPRESENTATIVE DISTRICT
Steve Davis

ONE HUNDRED AND TWELFTH REPRESENTATIVE DISTRICT
Jay C. Hoffman

ONE HUNDRED AND THIRTEENTH REPRESENTATIVE DISTRICT
Thomas “Tom” Holbrook

ONE HUNDRED AND FOURTEENTH REPRESENTATIVE DISTRICT
Wyvetter H. Younge

ONE HUNDRED AND FIFTEENTH REPRESENTATIVE DISTRICT
Mike Bost

ONE HUNDRED AND SIXTEENTH REPRESENTATIVE DISTRICT
Dan Reitz

ONE HUNDRED AND SEVENTEENTH REPRESENTATIVE DISTRICT
John Bradley

ONE HUNDRED AND EIGHTEENTH REPRESENTATIVE DISTRICT
Brandon W. Phelps

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor December 3, 2004.
Filed by the Secretary of State December 3, 2004.

2004-345
2004 GENERAL ELECTION ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

WHEREAS, On the 2nd day of November, 2004, an election was held in the State of Illinois for the election of twenty-one (21) Electors of President and Vice President of the United States.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this 3rd day of December, 2004, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:

ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES:
Constance A. Howard  Debbie Halvorson
Carrie Austin        Molly McKenzie
Shirley R. Madigan  Beth Ann May
Tony Munoz          Mary Lou Kearns
James DeLeo         Lynn Foster
Joan Brennan        John Nelson
Vera Davis          Mary Boland
Linda Pasternak     Shirley McCombs
William Marovitz    Jerry Sinclair
Dan Pierce          Barbara Flynn Currie

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.

Issued by the Governor December 03, 2004.
Filed by the Secretary of State December 03, 2004.

2004-346

2004 GENERAL ELECTION ASCERTAINMENT OF ELECTORS OF PRESIDENT AND VICE PRESIDENT

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, That on the 2nd day of November, 2004, as ascertained by an official canvass made in accordance with the laws of the State of Illinois, a copy of the ascertainment of which canvass is hereto attached and made a part hereof Electors of President and Vice President of the United States were elected and appointed as follows, to-wit:

Constance A. Howard  Debbie Halvorson
Carrie Austin        Molly McKenzie
Shirley R. Madigan  Beth Ann May
Tony Munoz          Mary Lou Kearns
James DeLeo         Lynn Foster
Joan Brennan        John Nelson
Vera Davis          Mary Boland
Linda Pasternak     Shirley McCombs
William Marovitz    Jerry Sinclair
Dan Pierce          Barbara Flynn Currie
WHEREAS, On the 2nd day of November, 2004, pursuant to the Statute in such case made and provided, an election was held in the State of Illinois for the purpose of electing on a general ballot, twenty-one (21) Electors of President and Vice President of the United States; and

WHEREAS, In accordance with the Statute aforesaid for the final ascertainment of the result of said election, held as aforesaid, we, the following members of the State Board of Elections, the officers appointed by law to canvass the returns made by the County Clerks of the several counties in the State, of the votes given at said election, on the 3rd day of December, 2004, at the office of the State Board of Elections, in the City of Chicago, State of Illinois, proceeded to canvass the returns of the election as aforesaid, being the official abstracts transmitted to the State Board of Elections of this State, of all voters given in each and every county in the State of Illinois, at the election held November 2, 2004, for Electors for President and Vice President of the United States, and it appears as the results of such canvass that the following named persons were voted for, for the office of Electors of President and Vice President of the United States in this State, and the number of votes given for each person is set opposite to his respective name, this is to say:

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

DEMOCRATIC PARTY

Constance A. Howard received 2,891,989 votes
Carrie Austin received 2,891,989 votes
Shirley R. Madigan received 2,891,989 votes
Tony Munoz received 2,891,989 votes
James DeLeo received 2,891,989 votes
Joan Brennan received 2,891,989 votes
Vera Davis received 2,891,989 votes
Linda Pasternak received 2,891,989 votes
William Marovitz received 2,891,989 votes
Dan Pierce received 2,891,989 votes
Debbie Halvorson received 2,891,989 votes
Molly McKenzie received 2,891,989 votes
Beth Ann May received 2,891,989 votes
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<td>John R. Daley</td>
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<td>Aaron Cunningham</td>
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PROCLAMATIONS

Steve Dubovic received 32,452 votes
W. Guy Finley received 32,452 votes
Derek Hanson received 32,452 votes
June Harrison received 32,452 votes
Austin Hough received 32,452 votes
David Hughes received 32,452 votes
Crystal Jurczynski received 32,452 votes
Max McCann received 32,452 votes
Donald Parrish, Jr. received 32,452 votes
Richard Reeves received 32,452 votes
William J. Stephens received 32,452 votes
Jim Syler received 32,452 votes
Jeff Trigg received 32,452 votes
Valiant Vetter received 32,452 votes
James Waldron received 32,452 votes
Jake Witmer received 32,452 votes
Jim Young received 32,452 votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

WRITE-IN (Ralph Nader/Peter M. Camejo)*

Daniel J. Kairis received 3,674 votes
Joshua L. Kairis received 3,674 votes
Bradley A. Kairis received 3,674 votes
Stedd Revesz received 3,674 votes
Andrew Chrucky received 3,674 votes
Kathy Chrucky received 3,674 votes
Ron J. Keller received 3,674 votes
Charles Hamilton received 3,674 votes
John Arco received 3,674 votes
Betty J. Schueneman received 3,674 votes
Lance del Goebel received 3,674 votes
Jim Senyszyn received 3,674 votes
Monica Spigar received 3,674 votes
Lucille Hilger received 3,674 votes
Charles M. Piper received 3,674 votes
Mary E. Janzen received 3,674 votes
Ron Felten Jr. received 3,674 votes
Leslie Plewa received 3,674 votes
William R. Sprowl received 3,674 votes
WHEREAS, sufficient housing is vital for healthy families and communities, but due to rising property costs, housing has become difficult for many to attain; and

WHEREAS, according to a 2000 study by the Urban Institute, each year there are 3.5 million people in the United States who are homeless. Of those people, 1.4 million of them are children. In Illinois alone, there are approximately 120,000 individuals currently experiencing
WHEREAS, there are several contributing factors that can bring a person into homelessness, including rising housing costs, declining work opportunities, lack of affordable health care, domestic violence, and addiction disorders; and

WHEREAS, wages today can continue to leave workers impoverished. In 2000, a study by the U.S. Conference of Mayors showed that one in four people in homeless situations were employed full-time; and

WHEREAS, it is important to keep this issue at the forefront of society’s consciousness. Eliminating poverty and homelessness is an attainable goal if we all work hard to make it a reality. In 2004, my administration allocated over $200,000 to organizations that address the issues of homelessness and affordable housing in the Chicagoland area; and

WHEREAS, the fact remains that those who are homeless have a greater chance of becoming ill, and fewer resources to receive proper medical attention. With that in mind, far too many homeless persons die each year in the United States; and

WHEREAS, through performances, prayer vigils, and candle light marches, National Homeless Persons Memorial Day pays respect to those who have died as a direct effect of homelessness, and to those who are still struggling to overcome this tragic situation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 21, 2004 as NATIONAL HOMELESS PERSONS MEMORIAL DAY in Illinois, and encourage citizens to join in the efforts to eradicate homelessness from our society.

Issued by the Governor December 03, 2004.
Filed by the Secretary of State December 03, 2004.

2004-348
CROSSING GUARD APPRECIATION DAY

WHEREAS, approximately 20,000 children under the age of fourteen suffer from motor vehicle-related pedestrian injuries, and more than half of those injuries require hospitalization; and

WHEREAS, many of these injuries could be avoided if children had proper road-safety education and did not choose to cross streets or use intersections unsupervised; and
WHEREAS, crossing guards are a dependable means of helping children to avoid unnecessary accidents and injuries; and

WHEREAS, motorists should be aware of children walking to and from school and be especially cautious in and around school zones. They also should follow the directions of all crossing guards and recognize that by doing so, road safety can be improved; and

WHEREAS, crossing guards play an integral role in our communities, working hard to ensure the security of children as they walk to and from school and cross streets. In addition, they teach children to look both ways before crossing streets, as well as other essential safety rules:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois do hereby declare May 3, 2005 as CROSSING GUARD APPRECIATION DAY in Illinois, and encourage citizens to be appreciative of the service that these dedicated professionals provide to keep our citizens and their children safe.

Issued by the Governor December 06, 2004.

Filed by the Secretary of State December 06, 2004.

2004-349

FLAGS FLOWN AT HALF-STAFF FOR FALLEN ILLINOIS SOLDIERS

WHEREAS, due to our current military conflicts, the brave men and women of the Illinois National Guard are working diligently overseas to ensure our national security and make our world a safer place to live; and

WHEREAS, it is a great tragedy when a member of the Illinois National Guard is killed in the line of duty, and it is important that we, as a state, pay tribute to their ultimate sacrifice; and

WHEREAS, under Paragraph (a) of Section 2 of Article XII of the Illinois Constitution, the Governor is commander-in-chief of Illinois’ organized militia; and

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, 4 USC 7, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the Governor may proclaim that the flag of the United States of America be flown at half-staff:

THEREFORE, I, Rod Blagojevich, Governor of the State of
Illinois, do hereby order from this day forward that all state facilities fly the flag of the United States of America at half-staff on the day of the funeral of every fallen Illinois National Guard member, and that the flags be raised back to full-staff on the following day.

Issued by the Governor December 06, 2004.
Filed by the Secretary of State December 06, 2004.

2004-350
CITIBANK DAY

WHEREAS, in Illinois, Citibank plays an active role in improving our communities by helping to ensure that citizens across the state have access to the education they need in order to make informed decisions about their financial futures; and

WHEREAS, Citibank offers various services to nonprofit organizations, including technical assistance, leadership development opportunities, and the time and talent of their dedicated employees who volunteer within their communities; and

WHEREAS, many Illinois families with low and moderate incomes are able to obtain home ownership with the affordable mortgages provided by Citibank; and

WHEREAS, nearly twenty percent of Citibank’s financial centers in Illinois are located in low and moderate income neighborhoods so that the underserved market can have easy access to available financial services; and

WHEREAS, on Tuesday, December 9, 2004, Citibank, in conjunction with the Citigroup Foundation, will award in excess of $1.1 million in grants to more than 80 local nonprofit organizations to further their efforts in making a positive difference in the communities of Chicagoland:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 9, 2004 as CITIBANK DAY in Illinois, and recognize the great acts of volunteerism, community grants, and financial services provided by Citibank to the citizens of Illinois.

Issued by the Governor December 07, 2004.
Filed by the Secretary of State December 07, 2004.
BISHOP LARRY DARNELL TROTTER DAY

WHEREAS, Bishop Larry Darnell Trotter, who is known for his ability to blend the Baptist heritage and the Pentecostal experience, is affectionately called by many a “Baptoostal”; and

WHEREAS, Bishop Trotter, a native of Chicago, Illinois, accepted his call to the ministry in 1974 and went on to serve as a Youth Pastor for several years. In 1981, he was called to the pastorate of Sweet Holy Spirit Church, and under his leadership, the congregation has grown from 22 members to over 5,000 today; and

WHEREAS, Bishop Trotter’s unique ministry of encouragement, preaching and deliverance has afforded him the opportunity to conduct sermons throughout most of the United States, as well as internationally in countries such as Germany, Israel, Uganda, Ethiopia and the Virgin Islands; and

WHEREAS, in 1993, Bishop Trotter was consecrated to the office of Bishop in the Full Gospel Baptist Church Fellowship. He served as Midwest Regional Bishop for six years, and in 1999, he was elevated to the Third Presiding Bishop – International, assisting in the oversight of more than 1,500 churches and ministries. In 2001, Bishop Trotter assisted in the coordination of the first group of African-American Bishops to have an audience with the Pope in Rome, Italy; and

WHEREAS, Bishop Trotter has earned numerous awards and recognition throughout his life and career, including several Honorary Doctor of Divinity degrees. In 2001, Bishop Trotter received three commendations as Religious Leader of the Year from the South Central Community Center, the Black Expo Presidential Award Committee and the Monarch Awards Foundation of the Xi Nu Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated; and

WHEREAS, on December 11, 2004, the United Pentecostal Churches of Christ International will install and enthrone The Most Reverend Larry Darnell Trotter as its presiding Bishop:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 11, 2004 as BISHOP LARRY DARNELL TROTTER DAY in Illinois, and join in honoring life-long Illinoisan, Bishop Trotter on this distinguished occasion.

Issued by the Governor December 09, 2004.
File by the Secretary of State December 09, 2004.
2004-352
REVEREND WILLIE TAPLIN BARROW DAY

WHEREAS, Reverend Willie Taplin Barrow, affectionately nicknamed “The Little Warrior,” grew up Burton, Texas, and attended Warner-Pacific Theological Seminary in Portland, Oregon, where she would begin to lay the groundwork for a long and illustrious career; and

WHEREAS, during the Civil Rights movement of the 1950’s and 1960’s, Reverend Barrow served as an organizer for Dr. Martin Luther King, Jr. Among her duties, she managed transportation, shelter, meetings and rallies for demonstrations, including the historical March on Selma, Alabama in 1965. Among her other noteworthy peacekeeping initiatives, she led a three-person delegation to North Vietnam in 1968 to participate in the negotiation of the Vietnam Peace Treaty; and

WHEREAS, Reverend Barrow is one of the co-founders of Operation Breadbasket, a program that provides spiritual guidance and practical assistance to communities in need. She has also served as a co-chairperson of the Rainbow/PUSH Coalition and continues to work as an aide to Reverend Jesse L. Jackson, Sr.; and

WHEREAS, throughout her life and career, Reverend Barrow has earned numerous awards and recognition, including an honorary Doctor of Divinity Degree from Monrovia, Liberia and a Certificate in Leadership from Harvard University. In addition, a Chicago street has been re-named in her honor; and

WHEREAS, currently, Reverend Barrow is an Associate Minister at the Vernon Park Church of God in Chicago. She is also a mentor and Godmother to more than 100 accomplished individuals; and

WHEREAS, on December 7, 2004 Reverend Barrow celebrated her 80th Birthday, and to commemorate this milestone occasion, a special Gala Dinner will be held on December 11. This event serves as an opportunity for all those whose lives have been touched by Reverend Barrow to join in celebrating her lifetime of accomplishments:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 11, 2004 as REVEREND WILLIE TAPLIN BARROW DAY in Illinois, and encourage all citizens to recognize this amazing woman, and her outstanding contributions to the overall betterment of humanity.

Issued by the Governor December 09, 2004.

Filed by the Secretary of State December 09, 2004.
WHEREAS, perianesthesia nursing is a specialized nursing practice dealing in all phases of preanesthesia and postanesthesia care, ambulatory surgery and pain management; and

WHEREAS, the depth and breadth of the perianesthesia nursing profession meets the varied and emerging health care needs of the American population in a diversified range of environments; and

WHEREAS, while the demand for perianesthesia nurses will only increase due to an aging American population and advances in medicine that are prolonging life, the role played by these nurses has been established as essential in the quality of health care and safety of patients in the hospital and ambulatory surgery settings; and

WHEREAS, there are more than 49,000 perianesthesia nurses in the United States whose interests are represented by the American Society of PeriAnesthesia Nurses, one of our nation’s premier specialty nursing organizations; and

WHEREAS, the American Society of PeriAnesthesia Nurses strives to advance the field of nursing by providing education, conducting research and developing standards of practice for their field; and

WHEREAS, the Illinois Society of PeriAnesthesia Nurses, founded in 1976 as a branch of the American Society, exists to unite perianesthesia nurses to promote quality and cost-effective care for their patients, their families and the community, through public and professional education, research and standards of practice; and

WHEREAS, in celebration of the ways perianesthesia nurses strive to advance nursing practices, the Illinois Society of PeriAnesthesia Nurses, in conjunction with the American Society of PeriAnesthesia Nurses will celebrate PeriAnesthesia Nurse Awareness Week, with the theme, “The Vision of PeriAnesthesia Nurses in Action:”

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 7-13, 2005 as PERIANESTHESIA NURSE AWARENESS WEEK in Illinois, and encourage citizens to join in celebration of the accomplishments and efforts to improve the quality of patient care and nursing practices of Illinois’ perianesthesia nurses.

Issued by the Governor December 15, 2004.

Filed by the Secretary of State December 15, 2004.
2004-354
CAREER AND TECHNICAL EDUCATION WEEK

WHEREAS, a commitment to career and technical education helps to ensure that Illinois has a strong, well-trained workforce that enhances productivity in business and industry, and solidifies the state’s leadership in the national and international marketplaces; and

WHEREAS, providing citizens with career and technical education can stimulate the growth and vitality of businesses and industries by preparing workers for the occupations forecasted to experience the largest and fastest growth in the next decade; and

WHEREAS, individual citizens benefit from a career and technical education because it enables them to find satisfying careers suited to their own skills and interests, provides technical skills that allow them to excel in their chosen careers and teaches leadership skills that serve them on the job, at home and in the community; and

WHEREAS, for over 60 years, the Illinois Association for Career and Technical Education (IACTE), the only association in Illinois dedicated to the support and service of career and technical educators, has been committed to the betterment of the profession, and to providing visibility and assistance for vocational and technical education; and

WHEREAS, each year, the IACTE celebrates Career and Technical Education Week to promote the advancement of the career and technical education profession in this state. The theme for this year’s week is “Career Tech: Training Tomorrow’s Workforce:”

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 13-19, 2005 as CAREER AND TECHNICAL EDUCATION WEEK in Illinois, and encourage all citizens to become familiar with the services and benefits offered by career and technical education programs in our state, and to support and participate in these programs to enhance individual work skills and productivity.

Issued by the Governor December 15, 2004.
Filed by the Secretary of State December 15, 2004.

2004-355
ANGELMAN SYNDROME AWARENESS DAY

WHEREAS, Angelman Syndrome is a rare genetic condition that was first discovered in the 1960’s by Dr. Harry Angelman. The disorder is
characterized by an irregularity in Chromosome 15; and

WHEREAS, symptoms of Angelman Syndrome include: seizures; profound mental retardation; little or no speech; feeding and sleeping problems, and hyperactivity; and

WHEREAS, Angelman Syndrome occurs in about 1 in 25,000 individuals, and it is most prevalent in children between the ages of three and seven. Although those affected have a normal life expectancy, they are never able to live independently; and

WHEREAS, Angelman Syndrome is an extremely complex disorder, and not enough information is known to find an effective cure. Medical scientists continue working daily to increase research for Angelman Syndrome in the hopes of one day eradicating it from society:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 24, 2004 as ANGELMAN SYNDROME AWARENESS DAY in Illinois, and encourage all citizens to become cognizant of this disorder, and learn more about what they can do to assist in the efforts to develop a cure.

Issued by the Governor December 17, 2004.

Filed by the Secretary of State. December 17, 2004

2004-356

CRIME STOPPERS OF LAKE COUNTY MONTH

WHEREAS, Crime Stoppers of Lake County was formed in 1983 and is a community program comprised of concerned citizens who work closely with police authorities, the news media and the public in the fight against crime in Lake County and surrounding communities; and

WHEREAS, during the month of January, Crime Stoppers will be involved in fundraising ventures and will provide information to increase public awareness of crime prevention and community safety; and

WHEREAS, Crime Stoppers of Lake County is a non-profit organization, funded primarily by private donations of money, goods or services from the public, corporations, clubs, associations, retailers and organizations. The great success of Crime Stoppers is due to the support of all who contribute to the program. Cash rewards are paid to people who provide information leading to the arrest of felony crime offenders and to the capture of felony fugitives. Callers reporting a crime always remain anonymous; and

WHEREAS, Crime Stoppers of Lake County has been in existence
PROCLAMATIONS

for more than 20 years. With the cooperation of citizens and the police departments, Crime Stoppers has proven to be successful in combating crime and has more than 4,100 arrests for recovery of stolen property and illicit narcotics. It should be noted that, since the program’s inception on April 26, 1983, Lake County Crime Stoppers has led law enforcement officers to more than $13 million worth of contraband and recovered stolen property throughout Lake County, Northern Illinois and Wisconsin; and

WHEREAS, Lake County benefits when concerned citizens look out for each other and report a crime to the appropriate authorities. It is this type of support between concerned citizens and the law enforcement agencies that improves the quality of life and safety for all communities within Lake County:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2004 as CRIME STOPPERS OF LAKE COUNTY MONTH in Illinois.

Issued by the Governor December 17, 2004.
Filed by the Secretary of State. December 17, 2004.
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United States of America, )

Office of the Secretary of State.

I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that the foregoing Public Acts and Joint Resolutions of the Ninety-Third General Assembly of the State of Illinois and the Executive Orders and Proclamations of the Governor, are true and correct copies of the originals now on file in the office of the Secretary of State.

IN WITNESS WHEREOF, I hereto set my hand and affix the Great Seal of the State of Illinois, at the city of Springfield, this 31st day of January 2006.

(SEAL)

JESSE WHITE
Secretary of State